WOMEN AND LABOUR LAWS - THE GLOBAL TRENDS AND PATTERNS

I. Woman Labour - An Universal Phenomenon

In most countries statutes and other legal instruments regulating aspects of female employment have a long history. In the field of work of women, international action has been guided by two main considerations. The first has been the desire to protect women against excessively arduous conditions of work, in particular in the case of maternity. This concern for protection against abuse, which was manifested in the XIXth century, was at the origin of one of the two Bern Conventions of 1906. In 1919 it found expression in the Preamble of the Constitution of the ILO. 1 Protective legislations prohibited underground work in mines and quarries and banned night work for women. Today more addition is made to this protective legislation to implement the principle of 'equal pay for equal work.'

In many countries, however, legislation reflects persistent tension between equality and protection. Psychological disparities between men and women are universally recognised.

The position of women workers in labour laws in the globe is restricted hereunder only to twelve countries.

(i) The Role of Women in the Economy of the Country

In all countries, under discussion, the importance of women in the labour force has increased dramatically in recent years. According to 1976 statistics the United States seems to have the highest female working population. In that year women constituted 47% of the total labour force, a figure which undertakes the reality somewhat by excluding part-time employment in which women are dominant. In Hungary the proportion was 43.7%, in France 38.6%, in Norway about 38% and in Japan 37.4%. Italy was rather lower with 28.7%, here to, however are major omissions from the statistics, mainly because of the extensive under employment of women and their participation in illegal out-work, Canada's economically active female population was 36.7% in 1975. Poland seems very similar to the United States, for in 1974 women represented 46.2 of the total labour force. The Netherlands had a rather surprisingly low proportion of women - 25% in 1973. Northern Ireland saw 32.7% of the labour force composed of women in 1971, but again the previous trend was one of rising female employment. The significant exception to this trend of increasing female employment is India, where in 1971 women constituted only 17.2% of the labour force. In all the countries under discussion, women are generally found in service sector. Even in traditionally female spheres of employment, women tend to
occupy the lowest paid, lowest status jobs. There is at once a horizontal imbalance and vertical imbalance in the distribution of women in particular jobs and a concentration of women at the bottom of the economic pyramid.\(^2\)

(ii) Remuneration

The principle that men and women should receive equal remuneration for work of equal value was mentioned, as from 1919, in the General Principles contained in the initial text of the ILO Constitution. When the Constitution was amended, in 1946, the principle was introduced in the Preamble of the new text of the Constitution. It was in 1951 that a Convention and a Recommendation dealing specifically with this question were adopted by the conference.\(^3\)

In all the countries under discussion women have achieved the right to enter into employment contracts and to receive the remuneration provided by the employment. Only the socialist countries lack specific laws on equal pay, although the principle is acknowledged in the constitution of these countries. In Poland and GDR wages for female workers are determined by the same principle as for male workers. There is a form of positive discrimination with regard to wages in the GDR, for mothers with at least two

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3. Supra Note 1 at 440.
children under the age of sixteen receive the same pay for a working week which is shorter than that of others by three and three quarter hours. In Hungary, level of female incomes is generally lower than that of males, partly due to subjective causes in the determination of wage or salaries. In Japan Labour Standards Law of 1947 prohibits discrimination because of sex in regard to wages. Wages in Japan are generally based not on occupational rates of pay but on an enterprises evaluation of individual attributes such as education, age and length of service. In Canada, some provinces continue to retain the concept of equal pay, requiring equal remuneration for the same work in the same establishment. The most frequent formulation of the concept of equal pay is broader still. This requires equal pay for equal work of equal value, assessed by a composite of the skill, effort, and responsibility required and the conditions under which the work is carried out. This is the formula now used in Norway, France, Northern Ireland, the United States, as well as in the Italian draft legislation on sex discrimination and in the Canadian government's federal jurisdiction.4

(iii) Access to Employment

There are two aspects to this question of access to employment. The first concerns the general right of women to compete in the job market without fear of discrimination

4. Supra Note 2 at p.21.
on the basis of sex. Secondly, access to employment includes opportunities for promotion, including in-service training and/or provision for day release. The ability of women to compete in the job market on an equal basis with men is influenced by earlier choice of education. Most governments have introduced legislation to eliminate discrimination against women who do possess equal abilities and qualifications to those of men. At the same time legislation is slow in action by the admission of many different types of exceptions.

(iv) Job Restrictions

In general, governments seem to fall into four categories in regard to 'protective legislation' covering job exclusions. In the first category, only the United States has no legislation aiming to ensure the physical protection of women by banning them from jobs deemed too demanding or potentially injurious to their allegedly different physiological conditions.

In all other countries under study such legislation exists, although there is considerable variation in scope. The most frequently recurring prohibitions appear to be there against underground work (Northern Ireland, India, Norway, Poland, Hungary, Belgium, Italy, and parts of Canada); work involving the use of toxic substances or lead paint (Northern Ireland, India, France, Norway, Belgium, Hungary), and work involving the lifting of heavy weights (India, Belgium, the Netherlands, Poland, Hungary, the GDR, Italy, Japan and other
parts of Canada), other types of restrictions exist but they are not widespread, such as prohibitions in Poland in the field of metallurgy and those in GDR regarding work in condition of excessive noise. But in France, Norway, the Netherlands, Italy and Canada there is a specific programme in hand for the abolition of such legislation. The basic reasoning in all cases is similar to the view found in Norway that "the protection of women is basically unsound and against the interests of female workers because it may impair their ability to compete for job. The third category which may be identified includes Northern Ireland, India, Poland, Belgium, the GDR and Japan. In these countries, it appears that certain amount of protective legislation deemed adequate and sufficient in extent to protect female workers. Hungary, however, seems to warrant separate treatment because the areas of employment barred to women are extremely widely conceived and because the concept of protection seems to have wider implication than are apparent elsewhere.

(v) Employment Opportunities

Most of the countries have in recent years passed legislation to promote equality of access to employment for women with specific mechanism for complaints procedures and some sort of judicial or quasi-judicial redress. The exception here are the Netherlands, Belgium, India and Japan, where there is as yet no legislation concerning discrimination against
women in either hiring or promotions procedure. In Poland, GDR and Hungary the situation is somewhat different. Here too there are no specific anti discrimination laws with regard to the hiring, training or promotion of women, but this is because the provisions of the constitutions and labour codes of these countries are deemed adequate in this regard. In Northern Ireland the Sex Discrimination (Northern Ireland) Order of 1976 makes it unlawful for an employer to discriminate against a women job applicant or against a women employee in respect to promotion. Legislation in France, apparently, provides a blanket prohibition against discrimination in employment. Since 1975, an employer cannot refuse to hire a women applicant on grounds of sex or family situation.

(vi) Social Welfare Benefits

Almost all the countries under study provide social welfare benefits to industrial workers including women workers. In case of women workers the social security benefit is maternity benefits.

(a) Maternity Relief

The most obvious area in which Welfare benefits specially affect women is that of pregnancy, confinement, and early maternity. Maternity leave is now extremely widespread with only the United States lacking any statutory provisions. Norway is the only country which makes additional provisions
for a fortnight of paternity leave to enable the father to assist with household responsibilities. In regard to maternity leave itself, the GDR seems the most generous, with provision for twenty-six weeks leave on full pay and with some flexibility based on medical assessment. In Hungary the period of leave is generally twenty weeks. Italy makes similar provisions but a woman receives only 80% of her normal pay during such leave. Twenty weeks seems to be the most general term. In Japan, however, it is not clear whether the permitted twelve weeks maternity leave is paid or unpaid. The Northern Ireland lags behind in this regard, providing only six weeks leave on 90% pay, although the worker may be absent from her job with a right of reinstatement for up to twenty nine weeks following the week of confinement. This is still better than the situation in three Canadian provinces and in the United States, where no maternity leave is provided by government statutes. In addition to the provisions for maternity leave, i.e. leave for a period of time centred on actual confinement, many countries also make provision for a more extended period of child care leave for young children.\(^5\)

(b) **Social Security**

In most of the countries unemployment benefit, sickness benefit, and retirement benefit are extended to all working

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5. Supra Note 2 at p.30.
women equally with men. However, in the United States, for example, social security legislation has been drafted on the assumption that primary bread-winners are always male. Similarly in the Netherlands and in Poland provisions for unemployment benefits distinguish between bread-winners and non-bread-winners. In Northern Ireland, it is only since 1975 that reduced sickness and unemployment benefits for women have been eliminated.

(vii) Education

It is the Norwegian and the Northern Irish legislation which permit most scope for affirmative action programme. In United States, affirmative action has already been extended to training or apprenticeship schemes, although the potential is there. More desirable situation exists in Norway, where a quota-system is applied in certain educational and training programmes to redress the imbalance in male-dominated sectors of the economy. Regarding adult educational provision, only French, the Norwegian and the East Germans appear to have made any extensive arrangements for special needs of women. In the GDR special provision is made for the development of female skills and particular attention is paid to the needs of working mothers and children.

II Institutional Organisations

Role of Institutional Organisations and Women Labour

Institutional Organisations whether at national or international level play a dynamic role in improving and
furthering the cause of the groups for which they are established. Before World War II, League of Nations was working to maintain world peace and to improve and uplift the socio-economic conditions of masses particularly vulnerable class in developing and underdeveloped countries. The ILO as a specialised institution was also established with a sole moto of 'Husband justice shall germ peace' Equality of opportunity in employment and wages to male and women was one of its objectives. The UNO was established in 1945 with an aim to maintain and promote international harmony and peace. UNESCO one of the organs of the UNO is playing an important role for the improvements and uplifting of socio-economic conditions and cultural values of human being throughout the world. Let us examine the role of these international organisations to protect and promote the interests of women labourer in all types of societies - developed, developing and under developed.

(i) International Labour Organisation

The (ILO) has been the progenitor of almost all industrial reforms for nearly four decades. The aim of the I.L.O. is to place "peace on a solid basis of social justice", and its great motto, how almost a household saying in all parts of the world is; poverty anywhere is a danger to prosperity everywhere. The I.L.O. has stressed, ever since its inception in 1919, that "the interests of women as
workers are generally indistinguishable from those of men"; and it has gone further in emphasising that a women worker should be given special attention as she "has special difficulties which derive from her function in the family and from social attitudes and customs." These problems require particular solution. It has been the task of the I.L.O. to tackle these problems gradually, educating nations all over the world to recognise the needs of women worker as a human being, who must be given "full opportunities to develop her qualifications freely and to play a full and effective part in social and economic life." 6

At the end of the First World War India, though a dependent country, was given a place in the peace conference and in the League of Nations which was established as a forum for international understanding. The Peace Conference led to the creation in 1919, of the International Labour Organisation (ILO), which is of considerable significance to labour in all lands. The main aims of the organisation were: (i) to remove injustice, hardship and privation of large masses of toiling people all over the world; and (ii) to improve their working and living conditions and thus establish universal and lasting peace based upon social justice. As a signatory to the Treaty of Versailles and as

a member of the League of Nations, India was automatically admitted to the ILO, at the time of its inception in 1919. With the outbreak of the Second World War, the ILO and all that it stood for received a rude shock and there was a lull in its activities. Towards the end of the Second World War, when the ILO was returning to full operations the need was felt for the formation of a series of expert bodies for the purpose of considering the special problems of major industries. The ILO has three Regional Advisory Committees functioning at present, the Asian Advisory Committee (since 1950), the African Advisory Committee (since 1965) and the Inter-American Advisory Committee (since 1965). A number of other specialised bodies also function under the general authority of the governing body of the ILO. Some of them are standing expert bodies like the Committee of Experts on the application of Conventions and Recommendations, Committee of Social Security Experts, Permanent Agricultural Committee and Joint Maritime Commission. Others are adhoc bodies which meet as and when found necessary to consider specific problems. The ILO has in addition Panels of consultants on: (i) problems of women workers; (ii) problems of young workers; (iii) co-operation; (iv) indigenous and tribal population; (v) workers education and recreation. 7

The following Conventions and Recommendations have been adopted by the ILO concerning protection and welfare of women:

Conventions

1. Maternity Protection, 1919
2. Night Work (Women), 1919
3. Night Work (Women), Revised, 1934
4. Night Work (Women), Revised, 1948
5. Underground work (women), 1935
6. Equal Remuneration, 1951

Convention concerning Maternity Protection applies to women employed in industrial undertaking and non-industrial and agricultural occupations, including women wage earners working at home.° "Women" means any female person, irrespective of age, nationality, race, creed, whether married or unmarried.° A woman to whom this convention applies shall on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave. The period of maternity leave shall be at least twelve weeks, and shall include a period of compulsory leave after confinement. The period of compulsory leave after confinement shall be prescribed by national laws

or regulations. It shall in no case be less than six weeks. The reminder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement and the period of compulsory leave to be taken after confinement shall not be reduced on that account. In case of illness medically certified arising out of pregnancy, national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority. In such cases, women shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority. Women shall be entitled to receive cash and medical benefits during the period of maternity leave. Medical benefits shall include pre-natal confinement and post-natal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary. Freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected. The

10. Article 3.
cash and medical benefits shall be provided either by means of compulsory social insurance or by means of public funds; in either case they shall be provided as a matter of right to all women who comply with the prescribed conditions. Women who fail to qualify for benefits provided as a matter of right shall be entitled, subject to the means test required for social assistance, to adequate benefits arising out of social assistance funds. Where the cash benefits provided under compulsory social insurance are based on previous earnings they shall be at a rate of not less than two thirds of the woman's previous earnings taken into account for the purpose of computing benefits. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by undertakings concerned, without distinction of sex. In no case employer shall be individually liable for the cost of such benefits due to woman employed by him.11

If a woman is nursing her child she shall be entitled to interrupt her work for this purpose at a time or times to be prescribed by national laws or regulations. Interruptions of work for the purpose of nursing are to be counted

11. Article 4.
as working hours and remunerated accordingly in accordance with laws and regulations. In case where the matter is governed by collective agreement, the position shall be determined by the relevant agreement. While a woman is absent from work on maternity leave in accordance with the provisions of Article 3 of this convention it shall not be lawful for her employer to give her notice of dismissal during such absence or to give her a notice of dismissal at such a time that the notice would expire during such absence.

Conventions Concerning Equal Remuneration for Man and Woman Workers for Work of Equal Value

The United Nations Commission on the Status of Woman accepted "Equal pay for equal work" as a major objective at its first session, in 1947. At the following session, the commission adopted a resolution on this principle and asked the economic and social council to invite the International Labour Organisation to begin serious study of the problem of promoting equal pay for equal work. The Universal Declaration of Human Rights in Article 23, paragraph 2, provided an early formulation of this right, and Article 7, paragraph (i), of the international convention on Economic, Social and Cultural Rights codifies it. Although the

12. Article 5.
International Labour Organisation had included the principle in the preamble of its 1919 constitution and that of 1948 as well, the General Conference decided to draft a special Convention to codify it. The Equal Remuneration Convention was adopted by the General Conference on June 29, 1951, and it come into force on May 23, 1953, in accordance with Article 6, twelve months following its ratification by two members. The treaty obligates states parties to promote the principle of Equal Remuneration for work of equal value and to eliminate wage discrimination based on sex.

Equal remuneration for man and woman workers for work of equal value refers to rate of remuneration established without discrimination based on sex. The term "remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind by the employer to the workers and arising out of the worker's employment. This principle may be applied by means of national laws or regulation; legally established or recognised machinery for wage determination; collective agreements between employers and workers; or a combination of these various means.

Convention Concerning Discrimination in Respect of Employment and Occupation

The right to work is clearly stated in Article 23 of

14. Article 1 of convention concerning "Equal Remuneration for Men and Women Workers for work of Equal Value"

15. Ibid, Article 2.
the Universal Declaration of Human Rights. Since the Declaration also prohibits discrimination on the basis of sex, this formulation may be seen as an early foundation of this later treaty. This provision is codified in Article 6 of the International Convention on Economic, Social and Cultural Rights. The International Labour Organisation put discrimination in employment and occupation agenda of its 40th session (1957) in response to a request from the Commission on Human Rights and the Submission on Prevention of Discrimination and Protection of Minorities. By this treaty, States Parties obligate themselves to enact national measures to promote equality in employment and occupation; they agree towards elimination of discrimination on a number of grounds, including sex. For the purpose of this convention term "discrimination" includes 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 of employment or occupation. Any discrimination, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination. 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 authority.\textsuperscript{17}

\textbf{Convention Concerning Night Work of Women Employed in Industry}

The Original Nightwork Convention was adopted by the General Conference of the International Labour Organisation in 1919. It came into force on June 13, 1921. In 1934 the General Conference requested a conference committee to consider possible revision of the convention. The revised convention was adopted and treaty came into force on November, 2, 1936. The need for a second revision of the convention was raised during the regular process of ten year reporting on the Convention, established by the International Labour Organisation. The primary concern of these wanting revisions was the desire for an even more flexible definition of "night" than that established by the 1934 Convention. The 1948 revised convention was adopted by the General Conference in June, 1948, and it came into force on February 27, 1951.

This convention says that woman without distinction of age shall not be employed during the night in any public or private industrial undertaking, or any branch thereof, other than an undertaking in which only members of the same

\textsuperscript{17}. Ibid. Article 4.
family are employed. The terms "night" signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours following between ten o'clock in the evening and seven o'clock in the morning. The prohibition of night work for women may be suspended by the government, after consultation with the employer's and worker's organisations concerned when in the case of serious emergency the national interest demands it. This Convention does not apply to woman holding responsible position of a managerial or technical character, and woman employed in health and welfare services who are not ordinarily engaged in manual work.

Convention Concerning the Employment of Woman on Underground Work in Mines of all Kinds

A Committee of the General Conference of the International Labour Organisation in June, 1934, on the basis of a report from the Director General of the Organisation, recommended the drafting of a treaty prohibiting work by woman in underground mines. The conference approved the recommendations of the Committee and adopted the treaty and it came into force on May 30, 1937. The treaty prohibits all females, with the

20. Ibid, Article 5.
exception of those engaged in some special categories of work, from working in underground mines of all kinds.

No female, whatever her age, shall be employed on underground work in any mine. The national laws or regulations may exempt from the above prohibition:

(a) females holding positions of management who do not perform manual work;
(b) females employed in health and welfare services;
(c) females who, in the course of their studies, spend a period of training in the underground parts of a mine; and
(d) any other female who may occasionally have to enter the underground parts of a mine for the purpose of non-manual occupation.

Convention Concerning Condition of Employment of Plantation Workers

The International Labour Organisation established a special tripartite Committee to consider work on Plantations and in 1957 established a Conference Committee to draft international regulations addressing the conditions of Plantations Workers. The Convention was adopted in June 24, 1958. It came into force on January 22, 1960, in accordance with Article 93.

22. Ibid, Article 3.
For the purpose of this Convention the term "plantation" includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugar, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute, and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small scale holdings producing for local consumption and not regularly employing hired workers. Each member for which this convention is in force may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the convention applicable to other plantations by (a) adding to the list of crops referred to in paragraph 1 of this Article any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop; (b) adding to the plantations covered by paragraph 1 of this Article classes of undertakings not referred to therein which, by national law or practice, are classified as plantations. Each member which ratifies this convention undertakes to apply its provisions equally to all plantation workers without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership.
ILO’s Achievements

Since 1919, the International Labour Conference has adopted a number of Conventions and Recommendations to give effect to the ILO’s constitutional commitment to eliminate discrimination and promote equality of opportunity and treatment between men and women in employment. Earlier efforts were concentrated only on the protection of the "reproductive function" and the miserable conditions prevailing at the beginning of the Century. Later, the ILO adopted four additional standards concerning working conditions of women:

Convention No. 13: White lead (Painting), 1921;
Convention No. 41: Night Work (Women) Revised, 1934;
Convention No. 45: Underground Work (Women, 1935);

In 1947, beginning with the Labour Inspection Convention (No. 81), ILO standards began to reflect "non-discrimination" based on sex in specific areas, as shown by the following:

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948;
Convention No. 97: Migration for Employment (Revised), 1949;
Convention No. 129: Labour Inspection (Agriculture), 1969;
Convention No. 140: Paid Educational Leave, 1974;
Convention No. 141: Rural Workers' Organisation, 1975;
Convention No. 143: Migrant Workers (Supplementary Provision), 1975.

But the most important and significant standard adopted by the ILO to promote equality of remuneration between men and women was the Equal Remuneration Convention, 1951 (No. 100). Since then, non-discrimination has been directly included as a principle in several conventions and Recommendations, particularly the following:

Convention No. 111: Discrimination (Employment and Occupation), 1958;
Convention No. 117: Social Policy (Basic Aims and Standards), 1962;
Convention No. 122: Employment Policy, 1964;
Convention No. 142: Human Resources Development, 1975;
Convention No. 156: Workers with Family Responsibilities, 1981.

Nearly all the Conventions and Recommendations apply to both men and women workers and cover a wide range of subjects and all categories of workers. Among these instruments, a number are of special concern to women workers, although relatively few Conventions and Recommendations apply exclusively to them.23

ILO standards which became the catalyst of evolving new economic and legal norms, affecting working women are briefly summarised below:

(a) **Equality of Remuneration**

The Equal Remuneration Convention (No. 100) and Recommendation (No. 90) of 1951 related specifically to the elimination of discrimination between men and women workers in respect of remuneration. More than 34 years have elapsed since this ILO standards was adopted to reflect economic inequalities which had adversely affected a large majority of working women at that time, mainly in the industrial sector, of many economies.

(b) **Employment and Occupation**

The most comprehensive standards on this subject are the discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111) which were adopted in 1958. These deal with the overall problem of discrimination in both public and private sectors on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin.

(c) **Maternity Protection**

The ILO Maternity Protection, 1919 (No. 3) applies to all women employed in industry and commerce. The later Convention - the Maternity Protection Convention (Revised), 1952 (No. 103) - is wider in scope as it applies to women
employed in industrial and commercial undertakings and in
other non-industrial and agricultural occupations, and to
women wage-earners working at home and domestic workers.

(d) **Workers with family Responsibilities**

The aim of the Workers with Family Responsibilities
Convention (No. 156) and Recommendation (No. 165) of 1981
is to enable persons with family responsibilities who are
engaged in or wish to take up gainful employment to exercise
their right to do so without being subject to discrimination
and, to the extent possible, without conflict between their
employment and family responsibilities.

(e) **Special Measures**

**Night Work** - Three Conventions dealing with night work of
women have been adopted: Convention No. 4: Night Work
(Women), 1919; Convention No. 41: Night Work (Women) Revised,
1934; and Convention No. 89: Night Work (Women), Revised,
1948. Convention No. 41 was close to ratification as a result
of the entry into force of convention No. 89.

**Underground Work**: The arduous character of underground work
and the abuse in the employment of women in mines led to
the adoption in 1935 of the Underground Work (Women)
Convention (No. 45), prohibiting the employment of women on
underground work in any time.
(ii) UNO Contribution and Women Labour

The Charter of the United Nations was the first multilateral treaty which clearly enunciated a norm of non-discrimination on the basis of sex. The Convention of the League of Nations included articles which dealt with suppression of traffic in women and proper working conditions for all, regardless of sex. It also made provision for women to work at the League Secretariat, but unlike the charter it did not directly deal with the general issue of sex discrimination. The charter provisions also made possible the creation of the commission on the status of women, established by the Economic and Social Council in June, 1946. The Commission, composed of fifteen members, has as its purpose of the elimination of discrimination against women and the promotion of equality of women with men in all fields.

In December 1975 the UN General Assembly proclaimed a Decade for Women in order to place the women's issue on the international agenda. The World Conference of the International Women's year, held in Mexico City from 19 June - 2 July 1975, adopted a World Plan of Action for the implementation of the objectives of the International Women's Year. Another World Conference was held in Copenhagen in July 1980 - the mid point of the Decade - to review action

The Commission on the Status of Women was appointed by the UN General Assembly as the preparatory body for the Conference. Just before its 30th Session, it acted as the preparatory body for the World Conference to Review and Appraise the Achievements of the UN Decade for Women (Second Session, Vienna, 27 February - 7 March 1984). The Commission operates on consensus and has the widest possible participation of member states.24

Responses to the questionnaire on "Review and appraisal of the progress achieved and the obstacles encountered by the United Nations system at the regional and international levels in attaining the goals and objectives of the United Nations Decade for Women reveal some progress between December 1975 and December 1983." This was undertaken to

review personnel practices in order to ensure better recruitment, promotion and career opportunities for women. However, the mandated goals have only been partly reached: although the total number and proportion of women in the Professional category have somewhat increased, the overall target for the participation of women in the system has not yet been attained, nor has a substantial increase in their representation at all Professional levels been secured. Rather, women have been recruited and promoted, to a large extent, at the lower professional levels. Despite the General Assembly appeals that women be represented at the higher policy-making and managerial levels, they are still either totally absent from or scarcely represented at those levels in many United Nations organisations. During the period under review and largely in response to the requests made by intergovernmental bodies, the United Nations made some progress in relation to its personnel practices and in promoting the integration of issues of concern to women in its work programmes. In particular, the organisations of the United Nations system reported that there has been a growing recognition of the importance of promoting the role of women. Moreover, the awareness of issues of concern to women and of obstacles to their advancement, both inside and outside the United Nations system, has increased and met with greater understanding.26

(iii) UNESCO

Unesco's activities to provide women with equality of opportunity began in the early 1950 with a programme of studies on the access of women to education in its various forms. In 1965, a special unit was established in the Secretariat to carry out these activities and co-ordinate, as from 1967, the various parts of a ten year programme.

It was, however, during international Women's Year in 1975 that Unesco succeeded in substantially increasing its activities to improve the status of women in all its fields of competence. The report submitted to the General Conference at its 19th session (19 c/14) described what was done during that year with regard to educational and social science research. The three topics selected by the United Nations for International Women's Year, viz. equality, development and peace, illustrate the complexity and inter-related nature of the problems facing women and the societies to which they belong. In point of fact, the advancement of women depends just as much on the solution of persistent problems of like underdevelopment and the threat of conflict as on the elimination of these forms of discrimination from

which women still suffer, either under the law or in actual fact, particularly with regard to access to education, employment and social, economic and political responsibilities (objective 1.3 of the Medium-Term Plan).

Co-ordination of Unesco's work as laid down in this matter by the General Conference at its eighteenth session (18 C/Resolution 16-1) was entrusted to the Division of Human Rights and Peace. Activities are many and varied, including surveys conducted in Asia and Africa on participation of women in development, and in Latin America on the effects of the depopulation of the countryside on the role of women; surveys on the changing economic and social role of women in Islamic society; and studies on prostitution, on the image of womanhood in advertising and in school textbooks, or on the access of women to professions connected with the mass media. All these activities have contributed to a better understanding and knowledge of sex-based discrimination. In any event, they have compelled wider recognition of the importance of the socio-economic factors which generally determine the roles traditionally assigned to women, and which have hampered the improvement of their status. Unesco's activities have further enabled international co-operation to be extended, not only between the various agencies of the United Nations but also between women active in public life, women's movements and the non-
governmental organisations directly concerned. Exchange information and experience was facilitated by many conferences and meetings in 1975 and 1976 which highlighted the obstacles to be overcome if genuine equality between men and women is to be achieved.

Some differences of interpretation have emerged in regard to defining the concept of equality between the sexes. Although in certain cases special measures on behalf of women were necessary, care has had to be taken not to exceed certain limits beyond which the notion of discrimination might have re-emerged, bringing in its train new inequalities or prejudices. This problem of de jure and de facto equality is certainly not new one but it has been raised here new terms in so far as it involves more than half the human race. Through pragmatic action, Unesco has attempted to facilitate the access of women to, and their participation in, political, economic and social life and in decision-making bodies rather than promoting special measures on behalf of women, unless such measures were the only way of ensuring the progress of certain very disadvantaged or peripheral groups.

As these various activities continued, it became more and more evident that the discrimination from which women suffer is the result of the social structure itself. It is therefore desirable to analyse, and identify as such, the
social mechanism which impose certain fixed roles on women and thus tend to place them at a disadvantage in society. In this respect, a study such as the one to be carried out in Southern Africa, on women under apartheid, may be extremely revealing since it concerns women who are at a double disadvantage as victims of apartheid, and as women. Thus, using the same methods and techniques which enabled Unesco to carry out a research programme to elaborate a social science research programme on the structural foundations of discrimination against women.

With the same concerns in mind the Organisation took part in the activities of various United Nation agencies as a follow-up to the World Conference of the International Women's Year. For example, the Secretariat contributed to the preparation of the inter-agency programme to be implemented jointly in connection with the Decade for Women proclaimed by the United Nations General Assembly (1977-1986).

The objectives of this programme are in any case very closely bound up with those of Medium-Term Plan including among other things the education and training of women, their participation in science and technology, their access to decision-making posts in all fields, their contribution to culture and to the development of society, and study of the image of womanhood which the mass media tend to form and spread.
During the 1984/85 biennium, in one of its major programme areas, UNESCO is placing greater emphasis on schooling, training and technical and vocational education of girls and women. In a UNESCO study it is pointed out that co-ordinated action should be undertaken to help women enter employment and gain access to all types of jobs to make sure that their salary, promotion and social facilities are the same as for men.

In the report of the Adhoc Advisory Group on the Status of Women (Paris, 25-28 June, 1985), a number of recommendations concerned the participation of women in the work of UNESCO. One recommendation stated that the goal must be, logically, to have 50 per cent women at all levels in the professional category and above in the UNESCO Secretariat and called for a series of affirmative actions. The recommendations included the need for vocational guidance to encourage girls to enter non-traditional fields, in particular science and technology. Training in these areas should be compulsory for girls and boys to the highest possible level.

Women Employment

In most developing countries in recent years the share of the female labour force has been slowly but steadily

30. Id., 71.
growing. Women now contribute significantly to economic production and their incomes are an important factor in determining income distribution. Recent analysis reveals that from 1975 to 1982 male participation rates in the countries under study declined by 2.4 per cent, while female participation rates increased by 4.8 per cent. It is not clear, however, in which economic sector women are getting jobs. The trend is towards feminisation of jobs in the services sector.\textsuperscript{31}

\section*{III. Women Labour in Foreign Countries – Areas of Perception}

\subsection*{1) Women Employment}

\textbf{Belgium}

In Belgium\textsuperscript{32} the working population is declining in 1947, and 41.2\% of the Belgium population was economically active, in 1970 this was reduced to 37.7\%. The degree of economic activity for men declined from 63.9 per cent in 1947 to 54.2 per cent in 1970. This reduction is compensated by the rise in the proportion of women working; in 1947 only 19 per cent of the women were economically active; in 1970 this had risen to about 22 per cent. One third of women over the age of fourteen are employed. 60 per cent of them

\begin{itemize}
\item \textsuperscript{31} Women at Work: Geneva, ILO, No. 1, 1984, p.18.
\item \textsuperscript{32} Walgrave, Jo: The Status of Female Labour in Belgium, Bulletin of Comparative Labour Relations, Bulletin 9, 1978, p. 41-50.
\end{itemize}
are married. Two thirds of these are employed in the lowest paid jobs. Since 1964, the share of women in the total number of unemployed has increased continuously. This share was 27.5% in 1964, 38.3% in 1969, 47% in 1973, 51.9% in 1975 and 59.5% by the end of October, 1976. Hence, out of five unemployed, three are women, although they represent only 1/3rd of the working population. The State Employment Agency can exclude (for legal reasons) unemployed people from employment compensation. In 1976 34,588 unemployed people are excluded; 57% were men, 43% women. The unemployment rate of women in 1979 and 1981 was 11.6% and 12.8% respectively. In 1985 unemployment rate was 13.4% and it was 9.5% in case of males and 19.2% in case of females.

Canada

When Canada entered the Second World War in 1939 fairly 25% of its female population aged 14 years and above were at work, or seeking work outside the home. By 1975 the female participation rate had reached an all time high of 44.2%, compared with 31.3% in 1965. The increase in participation rate since 1965, however, has been greatest for women between the ages of 25 and 44, reflecting a growing propensity of married women to participate in the labour market before their children have left the home, even though

may withdraw temporarily during the child bearing and early child rearing period. The majority of woman workers in Canada are still in occupation that have become stereotyped as "female jobs". Of all women working outside their homes in 1975, 36% were in clerical occupations compared with 69% of the men. In fact, 74.9% of all clerical workers in Canada in 1975 were women. Even women with professional training tend to be concentrated in conventional 'female occupations'. The phenomenon of job segregation at the professional level flows largely from previous education choices which themselves are a reflection of social attitudes and values. Unemployment rate of women in the years 1979, 1981 and 1982 were 17%, 8.3% and 10.8% respectively.

France

In France women make up 38.6% of the total active population (76 INSEE Survey on Employment). The number of active women in relation to the total female population has evolved as follows: 1968: 46.4%; 1975: 52% (estimate). The activity rate of women between the age of 20-24 years is 67.3% and 63.9% for the 25-29 age bracket. For 30-34 years old it is 58.8% and for 50-54 years old 50.9%. The highest rate of increase however is found in the 30-34 age bracket (+14.2%).

36. Supra Note 33 at p. 19.  
83.6% of the women in labour force are salaried. The remainder is mostly composed of women working in the crafts and commerce. The number of women in search of employment was 560, 368 in 1977; five times higher than 1968 figures and double that of 1972. Women make-up 53.3% of those seeking work, while the unemployment rate is 3.2% for men, it is 5.8% for women. The average waiting period before finding a job is 6 weeks. The waiting period increases with higher qualifications. Unemployment rates of women in the years 1979, 1981 and 1982 were 8.9%, 10.9% and 11.7% respectively. And it was 12.5% in October, 1985.

**German Democratic Republic**

In GDR, the Labour Act for the first time secured for all working people the same pay for the same work. The implementation of the right of women to work implies ensuring that arrangements are made for each woman to enable them to use their working capacity as effectively as possible and to unfold and develop their abilities to the full while working creatively. The GDR Labour Code therefore, makes it a duty of each firm to make use of all possibilities to create working places which are especially suitable for

38. Supra Note 33 at p.19.
female workers. The GDR Labour Code provides that women who, due to special family obligations, are not able to work full-time, can realise their right to work by working part-time. 40

Hungary

The rate of women in employment was a relatively high one in Hungary even before 1945. The rate ranged between 36 and 39% of women of working age between 1920 and 1949. This figure is, however, by itself not characteristic, since more than half of the women in employment were employed in agriculture permanently or temporarily, as farm hands or hired workers. Of women in non-agricultural employment 40% were domestic servants. A radical change took place after the Second World War when the new political system repealed not only fascist legislation, but all other prejudicially discriminating provisions of Law. 41

Northern Ireland

Northern Ireland is a part of the United Kingdom and Statistics published by government departments tend to give figures either for the United Kingdom as a whole, without treating Northern Ireland separately, or for Great Britain only. There are, however, some sources which present

statistical data on Northern Ireland and of these, the most comprehensive is the N.I. Census of Population which was carried out in 1971. In Northern Ireland, the Census figures reveal a population of 1,536,065 in 1971, of which 754,676 were males and 781,389 were females. In 1971 there were 612,241 economically active persons of whom 411,746 were males and 200,495 were females. Female labour represented 25.64% of the female population and 32.74% of the economically active population. Largest number of economically active females fall into the age group 21-24 and 25-29.

In primary sector of the industry the bulk of employees are male. Of all the employees engaged in the secondary sector the highest numbers are found in industries such as food, drink and tobacco, engineering, textiles, clothing, footwear and construction. In these industries, females represent half of all employees in the food, drink and tobacco industries, about one third of the employees in the engineering industry and almost 2/3rds of the employees in the textile industry. The bulk of employees in the clothing and footwear industries are females whilst in the construction industry females are fairly represented at all. In the Tertiary sector there are roughly equal number of male and female employees. The average rate of unemployment in Northern Ireland in 1971 was 7.7%. The average number of males registered as unemployed in that year was 30,933 (9.6%)
and the average number of females was 9,087 (4.6%). In 1976 average rate of unemployment was 10.5%. The average number of males registered as unemployed was 54,869 (11.7%) and the average number of females was 17,388 (8.2%).

**Italy**

In Italy, there exists a large degree of non-institutional employment which generally escapes even statistically surveys and for which the term 'black labour' has been coined. This includes casual, temporary, and seasonal work, which are forms of underemployment, as well as work carried out in violation of the laws and or of collective contracts. The surveys carried out by the Central Statistics Institute give for 1976 (yearly average) the following results concerning the population, the labour force and employed women and their distribution.

Women constitute 51.2% of the population, 28.7% of the labour force, and 28.3% of employment. The specific rate of women's activity records a constantly decreasing pattern from 1961 to 1972, dropping from 24.9 to 18.6% whereas in the next four years, it rises progressively until reaching the above mentioned rate of 20.2%.

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As for the women not included in the labour force, the latest special enquiry carried out by ISTAT on the attitude of Italians regarding the labour market (April 1976) indicates that 356,000 women (and 140,000) men, while not declared as unemployed (housewives, students, those who have resigned from work) have declared themselves to be in search of employment. As for distribution according to sector, employment has undergone profound changes. In 1961, 34.7% of women were employed in agriculture, 30.2% in industry and 34.2% in the tertiary sector; in 1976 figures were 17.9% in agriculture, to 30.7% in industry and to 51.4% in the tertiary sector. Unemployment rates of women in the year 1979, 1981 and 1982 were 13.1%, 14.2% and 14.7% respectively and it was 18.1% in October, 1985.

Japan

In Japan the number of women in labour force was 20,100,000 in 1976, and in the non-labour force it was 23,660,000. 45.8% of women work and women constitute 37.4% of total labour force. The proportion of working women is gradually decreasing. It was 56.7% in 1955, 54.5% in 1960, 50.6% in 1965, 49.9% in 1970, 45.8% in 1975 and 1976. One reason for this decrease is the rise of the educational

44. Supra Note 33 at p.19.
45. Supra Note 34 at p. 31.
level among the younger generation. Another is the change of the structure of industry and employment which accompanied the rapid expansion of the Japanese economy. Previously, from the beginning of industrialization to the 1950s, the majority of the female labour force was occupied by unpaid family workers, the main part of whom worked in agriculture. With the rapid progress of industrial development and urbanization, many women left agriculture; part of them became paid employees and other part entered to the non-paid labour force. As a result with unpaid family workers greatly decreasing the number of women in employment is decreasing. On the other hand, the number of paid employees increased remarkably.

Japanese women work in almost all the fields except in dangerous jobs prohibited by law. The number of unemployed women was 340,000 in 1976, and the unemployment rate for women was 1.7% while the number and the rate for men were 740,000 and 2.2%. Unemployment rates of women in the year 1979, 1981, and 1982 were 2.0% and 2.3% respectively. 47

United States of America

A statistical profile of women workers in the United States highlights three characteristics: first, it is now common for women to work; second women are not rapidly

47. Supra Note 33 at p. 19.

being integrated into all levels of the work force; and third, women are not achieving economic parity with men.

The participation rates of women demonstrate the rapid increase in female workers. In 1920, 20% of American women were in the work force, in 1950 the figure had reached only 29% but by 1976, 47% of the female population was at work. Similarly, the participation rates for those in the prime working age of 25-54 have risen from 37% in 1950 to 55% in 1972. Women occupy the lowest-paying, lowest status jobs in all white and blue collar occupations. In 1971 over 60% of female white collar workers held clerical jobs, but almost 70% of male white collar workers were in the professional and technical or managerial categories. In addition to being relegated to the lowest rung within occupational categories, women are consigned to primarily female jobs which are undervalued. According to Bureau of Census in 1969, one quarter of all employed women worked in fine jobs; secretary-stenographer, household worker, book-keeper, elementary school teacher and waitress. Throughout the United States virtually every industry, occupation, or a firm in which women are represented at all, regardless of the specific ratio of male to female workers, employs disproportionately many women at the bottom and disproportionately few at the top. Unemployment rates of women in
the year 1979, 1981 and 1982 were 6.3%, 7.9% and 9.4% respectively. 49

Netherlands

In the Netherlands, 50 22% of women aged 15 and over in 1973 had a job. About one fourth of the working population consisted of women. The number of married women at work has recently risen. In 1960, 20% of the total number of women going out to work were married and in 1971, 41 per cent. The jobs of most women are at a less responsible level and therefore fall in the lowest pay group. Most of the women do work at a lower level than men, the average difference being one level. Unemployment figures for women seem to be lower than for men; namely 4.8% (men) and 4.1% (women) in 1976. The unemployment rate of women was 13.5% in October 1985. 51

Norway

Statistics dealing with female and male employment and unemployment in the period 1974-76 show that the number of women in paid occupation has increased from 563,000 in 1974 to 632,000 in 1976. They show that 45% of the female population in the age group 16-74 were in paid employment in 1976, compared with 40.5% in 1974. Women in paid

49. Supra Note 33 at p.19.
51. Supra Note 34 at p.31.
employment as a percentage of the total female population working 10 hours or more a week were 38% of the total; those occupied more than 20 hours constituted 33% of the total; and those working more than 30 hours 25% of the total. This means that women account for a great proportion of part-time work. Women constitute a little more than 37% of the whole working population, and their share is greater in service and retailing and in hotels and restaurants. 65% of women are occupied in these sectors. Unemployment rates of women in the year 1979, 1981 and 1982 were 2.4%, 2.8% and 3.0% respectively.

Poland

A particularly high increase in female labour occurs between 1961 and 1970 namely by an average of 2.17% per year, whereas the average increase per year for men within the same period was approximately 1.32%. In 1971-74 the approximate rate of increase of economically active women and men was 1.56% and 1.63% respectively. The main factors responsible for high increase in female labour were

- the intensified social and economic development of the country.
- the steady rising of women's level of education as well as of their vocational ambitions.


53. Supra Note 33 at p. 19.
the increasing shortage in the supply of the male
man power.

the public welfare policy of state permitting
women to combine maternal and occupational duties.54

Equality legislation in countries under study in this
chapter (1975-85)

Belgium
Title V of the Economic Reform Act of 4 August 1978
prohibits both direct and indirect discrimination based on
sex in different fields of employment. For example, the
Royal order of 3 February 1981 has opened to women all ranks
and functions in the five branches of the Belgium armed
forces, and the Royal order of 27 July 1981 provides that
both male and female employees of the state may obtain leave
of absence to look after a child.

France
The law of 13 July 1983 concerning occupational equality
between the sexes authorises the adoption of temporary
measures to remedy inequalities suffered by women, within
the frame work of an "occupational equality plan" negotiated
by both sides of industry at the plant level. In order to
facilitate the implementation of such plans, section 18 of
the law provides for state subsidies under conditions laid
down in a decree of 30 January, 1984, subject to negotiation

54. Wiersbinska, Halina: Labour Law in Relations to Working
Women in Poland, Bulletin of Comparative Labour
of an equality plan; the employer's commitment to introduce "exemplary" remedial measures in his enterprise; signing of a contract between the Ministry for Women's Rights and the employer, after consultation with a committee of representatives of the ministers of finance, labour, employment and vocational training.  

Ireland

The employment Equality Act was adopted in 1977 and certain jobs within the public administration which were once reserved for men are now open to women, and the former obligation on men to give up their job on marriage has been abolished.  

Italy

An Act (No. 9.3 of 1977) on equality of treatment of women and men prohibits discrimination on the grounds of sex, marital and family status and pregnancy. To enforce the provisions of the Act, a national committee has been set up by the Ministry of Labour and Social Affairs.  

Norway

Act No. 59 of June 1981 (amending the Act respecting equality between the sexes of June 1978) provides, inter alia, for representation of both sexes on all public committees. Certain minimum requirements are established on committees

56. Ibid.
57. Ibid.
58. Ibid.
consisting of four or more workers, there shall be at least two women and two men. 59

United States

The Retirement Equality Act of 1984 (Public law No. 98-397 of 23 August, 1984) amended the law governing employer funded pension plans by introducing changes designed to provide greater equity between women and men. Such pension schemes constitute an important supplementary source of retirement income for retirees beyond their entitlements under the federal social security system. Under the earlier law, employers were allowed to exclude workers under the age of 25 from participating in most pension plans and under the age of 30 in certain of such plans. The new legislation provides that a plan may not exclude workers under the age of 21 from most pension plans, or under age 25 for certain plans. 60

Although the average wage for women is still less than for men, participation by women in the labour force has grown from 40 to 44 per cent. At the start of the Decade, American women had already secured the right to participate fully in political affairs, and obtained legislative guarantees prohibiting discrimination in employment, wages, housing, credit and education. 61

59. Ibid.
60. Ibid. at p. 8-9.
Canada's anti-discrimination machinery - the Minister, his office and an independent advisory council has facilitated the elimination of inequalities in pension entitlements, divorce laws and employment, and improved parental leave schemes, child-care programmes and services for battered women. The "equality" sections of the Canadian charter of Rights and Freedoms entered into force in 1985.62

Japan

The UN Convention on the Elimination of All Forms of Discrimination against Women was ratified by Japan during the Nairobi Conference. Its ratification was preceded by legal reforms and an increase in Japanese women's participation in decision making. Equal employment law, which came into effect on 1st April, 1986, concerns "the promotion of equal opportunity between men and women workers". It covers job advertising, hiring, placement, training, promotion, fringe benefits, retirements and dismissal, and provides for measures such as arbitration to resolve disputes between workers and employers.63

Occupational Safety

In many countries, developed and developing, industrial expansion has occurred without sufficient protective measures

for workers. Women suffer special pressures of health since jobs are considered to be of secondary importance where medical and health facilities are inadequate. In 1984, the ILO in its international Programme for the Improvement of Working Conditions and Environment (PI ACT) emphasised measures on humanisation of work to improve conditions of life. Women are known to be particularly susceptible to certain physical stresses in the work environment, such as heat and noise and vibrations. In many occupations involving a great deal of physical exertions, such as carrying heavy loads repeatedly over a period of time, women appear to have a higher incidence of low-back pain syndrome than men. In Japan, it is reported that semiconductors are assembled in special rooms called "Sterlised rooms" specially controlled to protect against dust, overheating and humidity. The women who work in there too dry, too cool, "sterile" conditions complain of body fatigue, physical deterioration even though they are still young. Speed work placing long working hours, repetitive or monotonous work, are factors leading to high levels of stress among different jobs.

Belgium

In Belgium, according to Article 41 of the 1971 Labour Act, the performance of labour', which is viewed as extremely dangerous for the health of the mother or of the

65. Supra Note 32 at p.45.
child, is prohibited for every pregnant employee. The government has drawn up a list of occupation which are regarded as extremely dangerous. A pregnant woman or a woman who is breast feeding is not allowed to undertake any activity by which she is exposed to the risk of radiation (Royal Decree of February 28, 1963). The individual pregnant employee may not perform labour which may be dangerous to her health or that of her child. The cause of the danger may be either in the specific circumstances in which labour is performed and which are peculiar in the industry or in the personal characteristic and state of health of the female employee herself as that of her child. The Labour Act itself prohibits female employees from working underground (mines and quarries) and gives the Executive the power to prohibit dangerous and unhealthy work or make it contingent on certain protective measures. The Royal Decree of December 24, 1968 prohibits labour by female employees under the following conditions:

1. painting in which white lead, lead sulphate or any other product containing these pigments is used, when the lead percentage of those products, calculated in metalware, is longer than 2% of weight.

2. undertakings in which loads of more than 27 kg. must be carried. By the term 'carrying of loads' is meant all transport by which a load is carried by one single female employee, including the lifting and setting down of the load.
3. undertakings in which loads of more than 15 kg may be carried regularly. By the term 'regular carrying of loads' is meant each activity that consists continuously or essentially in carrying loads by hand or in which it is normal, even with interruptions, that loads should be carried.

4. manual labour on earthworks.

5. manual labour in pressure-air caissons.

These stipulations apply to both the public and private sector.

**Canada**

In Canada, statutory provisions in a number of provinces limit the hours of work for women, restrict the employment of women at night and/or require employers to provide their female employees with free transportation in connection with night employment. Some jurisdictions prohibit the employment of women underground in mines with the exception of those employed in managerial position or in a technical, clerical or domestic capacity. Other protect women employees from lifting articles of excessive weight and/or require their employers to make special provisions for restroom and seating facilities.66

**France**

In France, among the most important restrictions applies to female employment is the prohibition of women working at

66. Supra Note 35 at p. 55-97.
night in industrial and commercial establishments. The following restrictions are also noteworthy:

- prohibition of work on open air stands after 8 in the evening or when temperature reaches below zero.
- prohibition to fix motors or mechanism while they are running.
- prohibition of work with compressed air pumps or jack hummers.
- prohibition of work in contact with toxic, noxious or dangerous gasses.

The law prohibits women from working night shift.67

**German Democratic Republic**

In GDR, in recent years, good results have been achieved in preventing accidents at work. Whereas in 1973, 303, 232 accidents at work were registered. This fell to 276, 908 in 1976. GDR labour law grants each worker who has suffered an accident at work or from an occupational disease the right to sickness benefits in the amount of 100% of average net pay. Moreover, the worker is entitled to demand compensation from the firm for the damage inflicted on him. If a worker, due to an accident at work or an occupational disease, is no longer able to carry out his/her job, the firm is obliged to offer other appropriate 67. **Supra Note 37.**
work which corresponds to his/her skills and state of health. Labour legislation of the QDR ensures the special protections of women and mother. This implies:

(a) comprehensive regard for the physical and physiological characteristics of women in work by guaranteeing special health protection and labour safety.

(b) reduction of the additional physical and social strains on working women by granting special benefits.

(c) special protection against termination of employment contracts.

(d) special protection of working mothers.

**Northern Ireland**

In Northern Ireland, in this context, the most relevant pieces of legislation are the Factories Act (N.I.) 1965 and the Mines Act (N.I.) 1969. There are a number of miscellaneous provisions contained in the Factories Act which are designed to afford protection to women as regards working on dangerous machinery and dangerous processes. A woman must not clean any part of a prime mover or any transmission machinery whilst it is in motion and must not clean any part of the machine if to do so would expose her to risk of injury.\(^\text{68}\) Prohibitions are imposed on the employment of female young persons where certain processes, such as the

\(^{68}\) Sec. 21.
evaporating of brine in open pans, are carried on and on the employment of women in certain processes connected with lead manufacture. Sec. 72 and 73.

Certain steps, such as carrying out of periodic medical examinations and the wearing of protective clothing, must be taken to protect women employed in processes involving the use of lead compounds. Finally, the provisions relating to the employment of women in processes, connected with lead manufacture or involving the use of lead compounds are extended to places of work other than factories, and restrictions are imposed on the employment of women in painting building with lead paint. Sec. 93 of the Mines Act prohibits heavy work by women and young persons. Sec. 106(1) which is contained in this part and which boldly stated that no female was to be employed below ground in a mine has now been removed by the Sex Discrimination Order and replaced with a provision which stipulates that no female shall be employed in a job the duties of which ordinarily require the employee to spend a significant proportion of her time below ground at a mine which is being worked.

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69. Sec. 72 and 73.
70. Sec. 74.
71. Sec. 120.
72. Sec. 129.
73. Article 23(1)
Italy

In Italy, the protection of women's work, mainly contained Law No. 653 of 1934, consists of four fundamental institutions:

(a) prohibited activities - These are limited to underground work in quarries, mines and tunnels, as well as on scaffolds in building work (the later prohibition is contained in the regulations for the prevention of accidents).

(b) prohibition of lifting and transporting weights above a certain limit;

(c) prohibition of night work in industrial firms including those producing services.

(d) when the working limit of women is in excess of six hours, it must be interrupted by an intermediate rest period of at least one hour and, when in excess of eight hours. The intermediate rest period must be at least an hour and a half.

Japan

In Japan, women workers are protected mainly by the Labour Standards Act which was promulgated in 1947 as one of the most important measures for the democratisation of Japan.

An employer must not, in principle, employ women during the hours between 10 p.m. and 5 a.m. But this stipulation
doest not apply to jobs specified by law, such as the hygiene and sanitation services, entertainment and recreation services, the telephone service, jobs in agriculture, forestry, or fishery; and also those specified by the Ordinance of Labour Standards for women and Minors, such as airplane stewardesses, superintendents of girls' dormitories, producers and announcers in the field of broadcasting; performers, scripters and hair-dressers in motion picture production and jobs in the primary processing canning of crabs or sardines. No employer shall employ women in certain dangerous jobs specified by the law, such as to clean, oil, examine or repair dangerous parts of any machinery or transmission apparatus in motion; or to put on or remove the driving belts or ropes of any machinery or transmission apparatus in motion; or to handle a drive by power; or to perform other dangerous work or harmful jobs specified by the ordinance on Labour Standards for Women and Minors. No employer may employ women in jobs which require the conveyance of heavy goods beyond 20kg. (30 kg. for intermittent work). No employer may employ women in underground labour.74

Netherlands

In Netherlands, shops, offices, and such like, where women or young persons work, must comply with special requirements with regard to the amount of fresh air, the number of

74. Supra Note 46.
W.C.'s etc. work that consists of moving weights, or that is considered to be unhealthy, is forbidden for women. The act concerning loading and discharging of ocean-going vessels forbids women to work as steredores.\(^75\)

**Wage Parity**

Unequal Wages and salaries of women workers has been one of the glaring instances of inequality of the present wage systems in many countries. It is also a typical example of "stagnation and inertia" that the wage system has continued for so long and has been endured for so long by women. The principle of equal remuneration for equal work receives greater attention from a large number of countries, and has become a matter of urgency and concern. Lower wages for women is a comparatively universal phenomenon in almost all countries, irrespective of the level of economic development. In some instances the wage differentials between males and females are greatly pronounced and persistently continue, whereas in others the disparities tend to diminish, if not disappear altogether.

**Belgium**

The Rome Treaty prescribes in Article 119 that every citizen of the European Community member states has the right to equal payment for equal work. On October 25, 1975 a collective labour agreement was concluded in the National

\(^{75}\) Supra Note 50.
Labour Council to implement the equal pay directive. The agreement protects the female plaintiff against retaliation by her employer; in case of dismissal because of a claim for equal pay, special indemnification equal to 6 months' wage is due. Special difficulties in proving discrimination originate from the elements taken into account in evaluating a job. Elements such as practical skill, patience, penetration, attention, amiability, are less appreciated than force, power and physical effort; yet the former group of factors are characteristic of jobs which are viewed to be typical female. The Belgium female blue collar worker still receives on average only 68.4% of the wage of her male colleague, and a white collar worker only 59.5% of the salary of her male colleague. The spectrum of the average wages of female employees (unskilled: 65.25 BF a hour; semi-skilled, 65.7 BF a hour; and skilled 65.44 BF a hour average wage) is significantly lower; compared to that of men. Male white collar workers earn on average 24,759 BF a month, compared to 14,752 BF a month for female white collar workers.76

Canada

In Canada, the first formal steps to combat discriminatory practices against women in employment were taken in the areas of wages. The Fair Employment Practices Act of 1953 was the first Federal Statute prohibiting payment of different rates on the basis of sex. When equal pay

76. Supra Note 32.
legislation was first enacted, the criterion for equal pay was a basic sameness or identity of male and female jobs. A few jurisdictions still retain the original standard for comparison which prohibits an employer from paying a female employee employed at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment. This standard is particularly narrow as it requires that there be a male employee against whose work that of the woman can be measured. In firms where there are no male employees the legislation obviously cannot be applied. Even where men and women are employed in the same establishment, this narrow standard provides no basis for comparison unless they are doing the same or similar work. Most provinces have broadened their original criteria and now require employer to pay female employees at a rate equal to men if their work is 'similar' or 'equivalent'. Some have gone further by identifying skill, effort and responsibility, as well as similarity of work and working conditions, as factors to be taken into account when comparing men's and women's jobs for the purpose of establishing wage rates.

The latest human rights legislation in Canada enacted at the Federal Level in 1977 (Canadian Human Rights Act), has incorporated a new criterion for fair remuneration, equal pay to male and female employees in the same establishment
who perform 'work of equal value, the latter to be assessed by a composite of the skill, effort and responsibility required and the conditions under which the work is performed. In a few provinces, for example, the equal pay provisions allow, without other qualifications, for a difference in wages if this is based on a factor other than sex. Other jurisdictions provide slightly more protection by requiring this 'other factor' to be one that would 'normally' or 'reasonably' justify a differential in wages. Some specify the kinds of factors that would justify a difference in wages, such as seniority, merit, productivity.

France

In France, Equal pay for equal work is required by the law of December 21, 1972. According to the Law, the requirement of equal pay applies to the basic salary as well as the fringe benefits. The Law also requires that identical standards be applied, to determine remuneration levels, to both men and women. The law prohibits the inclusion of discriminatory job classification or pay scales in collective bargaining agreements. The law also stipulates that the same unit of measure be applied to determine pay scales (in reference to the Treaty of Rome). Also French law requires equal pay for the same type of job or for a job of equal value. The law covers the workers who are not covered

77. Supra Note 35.
by the labour code as well; namely civil servants and those under a job contract with the government. By adopting this law it was the legislators intent to put an end to discrimination in its following forms:

1) lower classification of "female jobs";
2) hiring of qualified women in lower qualified jobs;
3) general devaluation of 'feminine skills';
4) arbitrary pay and promotion practices
5) job mutations of their personnel that tend to eliminate integration and segment the work force on the basis of sex.

The effect of the law is, however, seriously limited especially due to the difficulties encountered throughout the investigation procedure and the establishment of proof of discrimination.78

**German Democratic Republic**

Article 24, paragraph 1 of Constitution of the GDR of October 7, 1974 provides that men and women, adults and young people get the same pay for the same labour performance. Each worker has the right to remuneration according to the wage or salary group of the agreed work assignment. Each worker, irrespective of whether man or woman, adult or youngster, who genuinely uses his/her working capacity has

78. Supra Note 37.
the right to be paid according to the fixed wage or salary group. Full time working mothers whose own household includes at least 2 children under 16 years of age only receive equal pay for equal performance but - taking into consideration and appreciating their special merits as mothers and in family life- equal pay with working hours reduced from 43, 3/4 hours to 40 hours weekly. 79

Northern Ireland

Equal pay Act (No. 1) 1970 seeks to prevent discrimi­nation, as regards terms and conditions of employment, between men and women. 80

Norway

In Norway, one of the main aims of the Equal Status Council is to observe the development of society to eliminate factors militating against equality between men and women, to clarify the extent to which the principle of equal pay is a part into practice in the different collective agreements, and to influence the implementation of convention on equal remuneration for work of equal value. 81

Poland

Wages for the work of female workers, are determined by the same principles as for males. According to Article 78 of the Labour Code, wages should be adequate to the type

79. Supra Note 40.
80. Supra Note 50.
81. Supra Note. 53.
of the work performed and to the qualifications required for it, and they ought to promote work rationalisation and be instrumental in the increase of quality and the raising of productivity. The principles, by which work is to be remunerated and other benefits related to it are to be granted and determined by collective agreements.82

United States

The Equal Pay Act (EPA) is the only statute which specifically deals with sex based discrimination; and it is designed to ensure that women and men working for an employer receive the same rates of pay if their jobs are performed under similar conditions and involve substantially equal skill, effort and responsibility. In the seminal EPA case, Schultz Vs Wheat on Glass (421 F.2d. 259) (3rd cirt. denied, 398 Us. 905 (1970), the collective bargaining agreement had three categories of workers: female selector packers who were paid $2.16 per hour for crating bottles and acting as general hardy men; and male selector packers who were paid $2.355 per hour, for examining and descending bottles and for spending approximately 18% of their time doing snap-up boy work. The Court recognised that it was incongruous to pay male selector packers a differential for doing snap-up boy work when that differential was in excess

82. Supra Note 54.
of the snap-up boy's pay. A different conclusion would have permitted higher pay rates to males through sex-based job classifications in which men's jobs were the same as women's except for insignificant additional duties. The court also highlighted the fact that women had originally been hired in 1956 as selector-packers only when male workers were unavailable for that work. It is reasonable to infer that the company's law pay for female workers was promoted by an oversupply of women workers and the belief that women did not need as much money as men. Violation of EPA can be expensive. The statute authorizes the award of two years' back pay for willful violations. Moreover, the Act bars companies fromremedying EPA violations by down grading rates of pay and requires that any work which has been under compensated must be paid for at the higher rate in the future.

The major inadequacy of the EPA is its focus on work which requires substantially equal skill, effort and responsibility. The low salaries for women in traditional female occupations cannot be remedied since one cannot intelligently compare the skill, effort, responsibility and pay rates of secretaries and ditch diggers. 83

The Bureau of Labour Statistics recently reported that full time working women had median earnings of US $ 253 a

83. Supra Note 48.
week in the second quarter of 1983. This was 66 per cent of the median earnings for men. The difference in earnings for women and men has narrowed slightly, according to new data from the census Bureau, but women year-round at full time jobs still earn only 62 per cent of what men make. Despite steady growth in the number of working women over the past two decades, there was little change in the ratio of women's earnings to those of men. It fluctuated in the range of 57 per cent to 60 per cent until 1982, when it rose to 62 per cent.84

Maternity Benefits and Social Security

Although all the countries under study in this Chapter have laws and regulations on the subject, their nature and scope take various forms, laws relating exclusively to maternity protection, laws on female labour, labour codes, laws on conditions of employment in certain sectors of the economy, social security laws, labour ordinances or regulations, workers' charters etc. Legislative provisions have been adopted by all European market economy countries, and most provide extensive benefits which go beyond the ILO standards.85 These benefits include extension of maternity leave, entitlement to parental leave (unpaid or only partly paid) additional safe-guards against dismissal and protection

in the case of adoption. In France, maternity provisions apply to all categories of women in all economic sectors. In most countries including Belgium, Ireland, Italy and the Netherlands, wage earners in the agricultural sector and domestic workers are also covered by legislation. In European Socialist Countries protection of mother and child and the creation of conditions to enable women to combine economic activity with participation in social life is one of the most important aspects of state policy in the socialist society. In Hungary, women in agricultural occupations, are covered by the general protective measures which apply to all women workers; in Poland, they are subject to special regulations.

Belgium

Maternity Benefits

Women are not allowed to work during the eight weeks following child birth. This period of rest is compulsory. A six weeks period of rest is allowed to women before childbirth. Any regulation disallowing this right is invalid. The presumed date of delivery, according to which the six weeks' period is regulated, is determined by a medical certificate. A medical certificate is in any case necessary in order to receive sickness insurance. Because of the optional nature of the six weeks' rest period it is for the women to decided whether she will request it fully or in part.
The rest must, however, be uninterrupted. The period during which she continued working may be added to the compulsory post-natal leave. The optional leave is prolonged until the actual date of delivery if this occurs later than the estimated date. The pre-natal rest should, in principle, not exceed six weeks and prolongation of the rest after childbirth can never exceed six weeks. If a woman takes a five week's rest, intending to add one week to the post-natal rest, she loses that week if confinement occurs one week after the presumed date, and is then only entitled to the legal eight weeks. If, however, she demanded the full six week pre-natal rest, and delivery occurs two weeks after the presumed date, she is entitled to a pre-natal rest of eight weeks as well as to post natal rest of eight week. The post-natal leave cannot be shortened. If childbirth occurs before the presumed date, the period of time between the actual date and the anticipated date can be added to the post-natal leave.

The employer, so that 1971 Labour Act States, shall not unilaterally terminate the individual contract, when he or she has been informed of the pregnancy of a worker. The prohibition continues until one month after the post-natal leave has expired. The female employee is protected from the moment that the employer is informed. No medical certificate is needed and female employee can prove by any legal means that the employer knew of the pregnancy at the
moment that he terminated the labour contract. However, the employer may dismiss the female employee for reasons which have nothing to do with pregnancy; e.g. with just cause or for technical, economic reasons.

The Labour Council of Brussels, 86 ruled in a notorious case that a female employee is obliged even when not asked to make her pregnancy know at the moment when she is hired by an employer. She must reply truthfully. If not the labour contract could be declared null and void. The obligation for the female worker to inform the employer about her pregnancy at the moment of hiring conflicts with her right to privacy. This is in principle prohibited by the directive of the European Communities of February, 1976 on equal treatment. When physician in principle specialized in industrial medicine - decides that a job, as defined in the labour contract, is dangerous for the health of a female employee or that of her child, then she is entitled to obtain another suitable job, if one is available in the enterprise. If the employer refuses to offer other work, she is obliged to pay indemnification equal to the loss of wages from the day work had to be interrupted or shortened until the time work may be normally resumed. If she does receive alternative employment, she will be paid the rate attached to the new job.

96. Supra Note 32 at p.48.
The individual pregnant employee may not perform work which may be dangerous to her health or that of her child. The pregnant employees are strictly forbidden to work overtime. Overtime is not allowed in the case of a young mother nursing her child.

Canada

Maternity Leave Legislation

The recognition of entitlement to maternity leave for working women, with job protection under the law, and the protection of their income during such leave through unemployment insurance benefits, are relatively recent developments in Canada. It is true that employees in private enterprises are free to negotiate whatever provisions they can where statutory provision for maternity leave is lacking. In the absence of legal protection, however, this frequently means no provision at all. Even in jurisdiction that make general provisions for maternity leave under the law, women in certain occupations, e.g. agriculture and domestic service, and sometimes women in professional employment, tend to be excluded, as do women in part-time employment. 87

Legislation providing for maternity leave may protect a female employee from dismissal or lay off solely because

87. Supra Note 37 at p.65.
she is pregnant and/or has applied for or taken maternity leave, and is the case of the federal level and in a few of the provinces. The employee is usually protected against loss of pension and other benefits which have accumulated up to the time her maternity leave commences. The federal jurisdiction and one province, Manitoba, go furthest in this respect by providing that maternity leave shall not interrupt continuity of employment for the purposes of calculating pension or other benefits. Some jurisdictions also protect seniority rights acquired before commencement of maternity leave.

Leave provisions in all jurisdictions are at least equivalent and frequently in excess of the twelve week minimum international standard. Two provinces allow maximum of twelve weeks leave; in three others, also at the federal level, the statutes provides for seventeen weeks; only two provinces provide for eighteen weeks, the period of leave recommended by the Royal Commission on the Status of women. With few exceptions, the jurisdictions that provide for maternity leave require a minimum period of employment, usually a year, for woman to be eligible. In three provinces and federal jurisdictions the law specifically requires reinstatement of the employee in the same job or in a comparable job to that held before her leave. While most jurisdictions leave the decision on when to begin pre-natal leave largely to the employee, within the statutory limitations,
three provinces permit the employer to decide on the length of pre-natal leave and the employee is obliged to comply. Most jurisdictions provide for a definite period of compulsory post-natal leave in contrast to the voluntary nature of pre-natal leave, although some allow either more or less on production of a medical certificate.

In spite of some serious efforts by unions, notably the Canadian Union of Public Employees, to negotiate child care facilities for their members, collective agreements providing such facilities are few and far between. Government action in this respect has been confined primarily to regulating standards of existing day care facilities and providing subsidies for their use by welfare and low income families.

A new Social Service Bill introduced at Federal level in 1977, breaks new ground recognizing, inter alia, the need for public subsidy of day care services for use by parents other than those on social assistance or in a particularly low income bracket. By encouraging expanded day care facilities, under a cost sharing agreement between the federal and provincial governments, and available on a user-changer basis scaled to income, this Bill would make it possible for more middle income families to have access to the services required to maintain the mother’s employment. On 27th June, 1984, a new law was adopted in Canada which amended the Labour Code introducing 24 weeks' parental leave after 17
weeks' maternity leave, or on the birth of adoption of a child. Another innovative stipulation of this new law is that 17 weeks' maternity leave is not compulsory except where the employer can show that pregnancy renders the worker incapable of performing an essential function of her job. Burden of proof of her incapacity lies with the employer. The qualifying period of entitlement is reduced from 12 to six months service for maternity or parental child-care leave. Each employee who has completed six months of continuous service is entitled to a leave of absence from employment of up to 24 weeks, this being available to both parents, natural or adoptive. The starting date of this leave may be chosen by the employee on the expiration of maternity leave (taken only by the mother up to 17 weeks) or on the day the child is born, or when the child comes into his/her actual care and custody, provided the aggregate amount of leave of absence does not exceed 24 weeks. Furthermore, each employee is entitled to reinstatement in the same or a comparable position with the same wage and benefits and in the same location. Pension, health and disability benefits and seniority shall accumulate during the entire period of leave.

France

Maternity Benefits

The law of 11.7.75 prohibits pregnancy at the time of

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hiring being taken into consideration in a discriminatory manner. The law also restrains the employer from seeking information related to the pregnant state of a female candidate for employment. It is also considered illegal to dismiss a woman when she is pregnant or on maternity leave; exception is made in the case of grave professional misconduct. Nor can a woman be dismissed or transferred to another job during her pregnancy or maternity leave. The law allows for the possibility of temporary job change but only for medical reasons. In this case, the job change cannot cause a reduction in pay. Pregnant women can begin their work day and end it earlier than the regular working hours require. They are entitled to additional medical supervision and are paid during compulsory medical visits. Articles 122 and 126 of the Labour Code stipulate that a woman has the right to suspend her job contract 6 weeks before and 8 weeks after giving birth. If the actual date of birth is later than scheduled, the mother has the right to additional leave until the period of 8 weeks after birth is completed. The law of 21.8.67 requires that maternity leave be remunerated for a period of 6 weeks before and 8 weeks after birth. The law of 13.4.73 extends the right to maternity leave to female farm workers. The law of 11.7.75 requires that women be remunerated during the total 8 weeks post-natal maternity leave; it is also stipulated
by the law that an addition of 2 weeks leave can be granted to young mothers for medical reasons on the basis of 90% of the full salary. By the decision of the Caisse Nationale d'Allocations Maladie the indemnity rate during maternity leave is set at 90% of the full salary. In cases of extended maternity leave for medical reasons, the pay rate is brought down to 50% of the regular rate for sick leave. In a few instances, collective bargaining agreements have brought the indemnity rate during the maternity leave up to 100% whatever the salary.

The law stipulates that a mother must have the possibility to breast feed her child. She is, therefore, entitled to special breaks during the day; an establishment of more than 100 employees must provide for a special room for this purpose in sanitary and warm conditions. The law of 19.7.77 gives the mother the possibility to ask for parental leave of absence up to two years without pay in order to raise her children. A woman who makes use of this right is guaranteed to be reinstated at the end of her leave of absence.

The law of 17.12.75 grants the father the right to a leave of absence so that he may assume the responsibility of raising his children. The law of 9.7.76 extends to the adoptive father the right to a leave of absence at the time of adoption. The law of 12.7.77 extends to the father the right to parental leave. The law of 10.7.75 entitles a male
Public Administration employee to leave of absence when a family move is required because of the professional activities of his wife. 89

Social Security

Women who are employed have direct and personal access to Social Security benefits identical to men. A single woman who stays at home is not entitled to any Social Security Coverage, though she may obtain voluntary insurance. A married woman at home has access to social security as her husband’s dependent; she has a subordinate status rather than that of a full-fledged contributor to social security. Firstly, she is not included in the electoral body that designates the elected Social Security officials. Secondly a change in the husband’s affiliation ensuring to him identical or even improved coverage, may result in a less favourable coverage for the wife (married women have a passive status). Thirdly, the coverage is dependent on the direction of the marriage and for divorced woman, on the grounds of the divorced women separated from their husbands continue to be covered as their husband’s dependents. Widowed women have no personal access to Social Security. They maintain temporarily their social security benefits at their husband’s dependents, until they are entitled to the reversion of their husband’s pension.

89. Supra Note 37.
Women who are living in common law union and do not have personal access to Social Security, cannot be claimed as dependents. Therefore, outside the option of voluntary insurance, they are not entitled to health/maternity or old age benefits.

Disability and unemployment benefits remain related to professional status. They are conceived to offer a compensation for the loss of revenue rather than an alternative source of income in relation to a guaranteed minimum family income policy for instance. The law of 22.12.72 uniformly sets out the right of widow to a reversion plan at 55. A widow is also entitled up to 50% of her husband's disability annuities. Disabled widows not otherwise covered, are entitled to 50% of the principal reversion pension. When her annual income is below 8,200 F annually, a widow is entitled to a mother at home allowance or the special allowance of the National Solidarity Fund.

The law of 4.7.75 extends health/maternity benefits for one year to divorced women with no personal access to social security, or until the youngest child reaches the age of 3. The law of 11.7.75 assigns to the ex-husband the obligation to cover the changes of voluntary insurance for his wife; in case of the husband's incapacity to do so, the Aide Sociale takes over the payments. The law of 3.1.92
establishes the compulsory affiliation to a voluntary pension fund of women not otherwise covered. When the household income is below a given level, the changes are taken over by the Caisse Nationale des Allocations Familiales. The law of 3.1.75 grants a bonus of 2 years contributory value per child in pension benefits.90

German Democratic Republic
Maternity Benefits

In GDR, the working women who are the members of the social insurance system receive maternity leave for a period of six weeks before delivery and post child birth leave for a period of twenty weeks after delivery. In the case of a multiple birth or a complicated delivery the post child birth leave is twenty two weeks.91 Each pregnant women is legally guaranteed the right to leave for consulting a physician at one of the parental care centres. It is also provided that any worker who wishes to have his or her baby examined by a physician at a child welfare centre must be given leave. Hence the term "worker" is written into the law, leaving to the parents which of them wants to take their baby to the public health institution. If it is the father, for example, who wants to fulfill this duty, he has

90. Supra Note 37.
91. Supra Note 40.
the right to a leave. In each case an amount equal to the average wage is paid for the time of absence. Each mother who continues to house her baby after having resumed work after the end of her post-child birth leave or after an agreed leave, can take two breaks 45 minutes each daily on presentation of a nursing certificate. These nursing breaks may be taken together at the beginning or at the end of the daily working hours. The amount of average wage is paid\textsuperscript{92} (Cf. 249, Labour Code of the GDR).

All women having given birth to a child have a legal claim to leave after the end of their post-child birth leave until the first birthday of the child. Provided there is no place available in a cre\-ah the mother is entitled to extend this leave beyond twelve months until a place in a cre\-ah can be provided for her, but for three years at the most.\textsuperscript{93} All working women who take leave for the second child and all subsequent children are paid a maternity allowance after the time of the leave, upto the age of twelve months of the last born child at the most. Thus they have the right to paid leave. This right is the same for unmarried mothers who are given leave after their maternity leave because no place in a cre\-ah can be made available. After the birth of the first child married mothers have the right to unpaid leave. The amount of

\textsuperscript{92} Ibid.

\textsuperscript{93} Ibid.
maternity allowance is equal to the sickness benefit which a mother would receive in the case of her own disablement because of illness from the seventh week of disablement in the calendar year onwards. This is for mother’s working full time:

- for one child at least 250 Marks
- for two children at least 300 Marks
- for three or more children at least 350 Marks

For example, working mother who has given birth to her second child and has become a policy-holder of voluntary supplementary insurance will get a maternity allowance of 675 Marks, monthly, her average net income being 900 Marks. The law does not impose any restrictions but entitles every family to decide for themselves which member of the family wants to make use of the right to leave.

Social Security

GDR Labour Law guarantees men and women equal social benefits in cases of sickness. In cases of sickness each worker gets sickness benefits amounting to 90% of daily average net pay for a period not exceeding six weeks within a calendar year. After six weeks amount of sickness benefit differs in accordance with the number of children and the amount of gross pay. So, for instance, workers whose monthly gross pay does not exceed 600 Marks and those who
have affected a voluntary supplementary insurance, get sickness benefit from the seventh week of sickness in the following amounts:

<table>
<thead>
<tr>
<th>Age of Children</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Without children or with one child</td>
<td>75%</td>
</tr>
<tr>
<td>With two children</td>
<td>75%</td>
</tr>
<tr>
<td>With three children</td>
<td>80%</td>
</tr>
<tr>
<td>With four children</td>
<td>85%</td>
</tr>
<tr>
<td>With five and more children</td>
<td>90%</td>
</tr>
</tbody>
</table>

of the daily average net pay.

The payment of sickness benefit starts from the first working day of absence from work and is continued until the day of the restoration of working capacity or, respectively, the beginning of invalidity or the fixing of accident benefit, at the most for 78 weeks of sickness. During the period of worker’s sickness she may not be given notice.

The household day is a monthly day off with pay for women. Women work full time and have their own households have the right to a household day if

(a) they are married;
(b) if children of aged up to eighteen years belong to the household,
(c) if members of the family needing care belong to the household, when the need for care is attested by a physician and
(d) if the woman is over the age of forty. One of these conditions must be met. Then a working woman is granted one day off monthly, fixed by mutual agreement between the working woman and the enterprise. The working hours lost by the household day are paid by an amount equal to the wage tariff.

In principle, men and women in the GDR have an equal, legally fixed working time of forty three and three quarters hours per week. Shift workers and mothers with several children up to the age of sixteen or those with a severely disabled child, and workers who do extremely strenuous work or work under certain health hazards have a shorter worker week than other workers.

It is the task of public and social institutions for children in the GDR to look after and educate the children during their parents working time, to supplement family education appropriately, and in this way to ensure that men and women can undertake their professional work on an equal basis, certain kind and sustained care for their children. Children are admitted to social institutions for children, according to universal standards. The care and education of children in creches, kindergarten and day homes for

school children is free of charge for the parents. They pay only a share of the cost of supplies which is 1.40 Marks in Creches and 0.30 Marks in Kindergarten for each child with full supplies for one day.

Hungry

Maternity Benefit

Pregnant or child bearing women are entitled to twenty weeks' maternity leave. During maternity leave the social insurance scheme disburses to mothers their salaries or wages or any other emoluments in full. In the event of abnormal delivery maternity leave may on an obstetrician's advice be prolonged by a four weeks. Upon request of the expectant mother and if the advice of the obstetrician is not the contrary, this four week of leave may be taken after delivery. Section 58 of the Introductory Decree of the Labour Code provides that employed women shall be entitled during the first six months of breast feeding to a reduction of working time by 45 minutes twice a day; following this and upto the end of the ninth month, to forty five minutes once a day. Upon request this benefit may be given uninterrupted at either the beginning or end of working hours, the deviation of the benefit shall be reckoned as working time and average earnings shall be due for that time. From the beginning of the fourth month of pregnancy until the child has completed six months of age, no employed women shall be required to
work overtime; then, until her child has completed one 
year of age, she shall be so engaged only with her consent. 
No woman shall be required to do night work until her 
child has completed its first year. Mothers nursing children 
younger than six years of age shall not be required to do 
overtime except in exceptional cases.95

The statutory prohibition of the termination of 
employment by notice is the strongest limitation of the 
employer's right of dismissal. The prohibition of notice 
precludes the unilateral termination of employment by the 
employer during the period of the term of special protection 
and for fifteen consecutive days following the expiration 
of this notice. The following are the cases of prohibition 
of termination of employment by way of notice applying 
particularly to female labour.

(1) Military Service of the husband;
(2) Pregnancy and breast-feeding to the end of the 
six month after delivery;
(3) The case of a mother on disability allowance or 
on unpaid leave for nursing a child during its 
ilness;
(4) A person on child care benefit or other unpaid 
leave granted for child care, for the term of 
these causes and fifteen days following their 
termination.

95. Supra Note 41.
Social Security

Article 58(1) in the Hungarian People Republic Citizens are entitled to material aid for their old age, sickness and disability. The Hungarian People's Republic enforces the right to material aid within the social insurance scheme and its social institutions. In conformity with the Social Insurance Act insured persons i.e. all workers in employment, qualify for sickness benefit, and for maternity benefits for pregnancy and childbirth. Female workers qualify for an old age pension when they reach the age of 55, male workers when they reach sixty. Furthermore, irrespective of their employment, women qualify for a widow's pension and if there are children, to an orphan's allowance, upon the death of the husband.

The child care allowance is a grant by the State for which a working mother qualifies following the expiry of her maternity leave and which she receives until her child is three years old, in cases when she takes unpaid leave for raising her child. If the conditions for payment are met, all mothers in employment, or those who work as members of an industrial or agricultural co-operative qualify for child care allowance.\footnote{The statutory conditions are the following: For women in employment; employment of 12 months within a year and half preceding child birth, where the mother in question has been employed for at least six hours a day. For members of agricultural co-operatives; if in the calendar year preceding childbirth, or during twelve months preceding childbirth, the mother has worked as co-operative member with a ten-hour working day for at least 120 days.} If during the term of the allowance a
women gives birth to another child, she qualifies for the allowance until the second child is three. The child care allowance is basically an institution of social policy. The principle institutions coming under this heading are creches, kindergartens and day nurseries.

Each and every worker in employment qualifies for an annual paid leave. Mothers of several children also qualify for extra leave of 2 days yearly for three children and a further two days for each additional child. In addition to these, there is a large number of important provisions mainly concerning female workers in regard to the education of children and days off for attending to domestic duties. Accordingly a female worker or a male worker bringing up children alone qualify for two day off with pay for a single child not older than 14 years of age, five days for two children, and nine days for 3 or more children.

Northern Ireland

Maternity Benefits and Social Security

The purpose of the Social Security Act, 97 1975 is to consolidate existing legislation establishing a basic state scheme of contribution and benefits and other legislation relating to Social Security. Part I of the Act outlines the contributory system and Part II deals with the various

97. Supra Note 42.
types of benefits which are payable, those which are dependent on contributions and those which are non-contributory. The main contributory benefits include unemployment, sickness, invalidity and maternity benefits and also retirement pensions. Where an woman employee is dismissed because of pregnancy she shall be deemed to have been unfairly dismissed unless the employer can show that, at the date of termination of her contract of employment, she is or will have become incapable of doing the work which she is employed to do, or that because of her pregnancy she cannot or will not be able to continue to work after the date without contravention (either by her or her employer) of a duty or restrictions imposed by law. The special protection for female employees is further backed up by other maternity provision contained in Article 15-32 of the Industrial Relations (No. 2) (N. 1) order 1976. Those are that subject to her fulfilling certain conditions, such as showing continuous employment for 2 years before the eleventh week prior to the expected date of confinement, an employee who is absent from work wholly or partly because of pregnancy or confinement shall be entitled to maternity pay from her employer. Maternity pay is payable only in respect of six weeks absence from work and is calculated on the basis of nine tenths of a weeks' pay for each week. From this is deducted any maternity allowance payable for that week under the provisions contained in Section 21-23 of the Social
Security Act 1975, whether or not the employee in question is entitled to whole or any part of that allowances where there to a failure on the part of the employer to make a maternity/payment the employee may present a complaint to an industrial tribunal. An employee who has been absent from work because of pregnancy or confinement shall have the right to return to her old job, on the same terms and conditions as before, at any time before the end of the period of 29 weeks beginning with the week in which the date of confinement falls. The employee is entitled to extend her period of entitlement to return to work beyond this period so long as she furnishes a medical certificate of unfitness to work.

The Government departments have responsibility for providing day care and nursery education facilities for children under the age of five years in Northern Ireland - they are department of Health and Social Services and the Department of Education.

Italy

Maternity Benefits

Law No. 1204 of December 30, 1971 provides - prohibition against assigning women workers during pregnancy and in the seven months following delivery to the transporting and lifting of heavy weight, or to dangerous, and insalubrious work, a list of which is laid down in the executive
regulations of the law. During the above mentioned period women workers are moved to other jobs. Prohibition against work in the period between the two months prior to the presumed date of delivery as shown by medical certificate and three months afterwards. Further prohibition of work of the pregnant worker, on the basis of a provision of the Inspectorate of Labour, where necessary from the beginning of pregnancy, and for one or more periods of duration of which is determined by the Inspectorate itself for the following reasons:

(a) serious complications of pregnancy and pre-existing forms of illness which presumably may be by the state of pregnancy;

(b) when working and environmental condition are considered prejudicial to the health of the mother and child;

(c) during the periods of prohibition from work, including those laid down by the Inspectorate, the women worker is entitled to an economic indemnity equal to 80 per cent of normal remuneration (raised in the public sector) to be sustained by the social security system. It ensures that all employers, whether they have any women employees or not, are bound to pay the social security organs a percentage
contribution of worker's wages for the social insurance of motherhood.

Free medical examination during pregnancy, assistance at delivery and hospitalisation payable by the Institute with which the women workers are insured.

The provisions aimed at ensuring care and assistance to the child may be summarised as follows: the right of the women worker to take advantage of an optional absence of a maximum of six months, a divisible period, before the child reaches one year of age. For this period working mother is entitled to benefits equivalent to 30 per cent of normal remuneration, payable by the security system; the right of the working mother to absent herself from work during illness of her children up to 3 years of age, on presentation of an appropriate doctor's certificate. Working mother has the right to benefit from two daily rest periods until the child reaches one year of age. The payment of appropriate remuneration, now sustained by the employer, will be taken over by the State in accordance with Article 10 of the draft law on equality of treatment. The same provision foresees the extending to the father, as an alternative to the working mother of the right to absence for care and assistance to children.

Even in the absence of specific references, the law, when interpreted, also applies to women workers with adopted
children or those assigned children in the pre-adoptive phase, for those aspects in which they take the place of natural mothers. Another important institution regarding working mothers consists of the prohibition against dismissed which covers the whole period of pregnancy until the child has reached one year of age.98

Japan

Maternity Protection

An employer must not employ a woman for 6 weeks before child birth when she requests rest days during this period. An employer must not employ a woman 6 weeks after child birth. However, when the woman requests a return to work after 5 weeks, it is permissible to assign her to a job that a doctor pronounces safe for her. An employer may not dismiss a woman who is on maternity leave during the period of leave and 30 days thereafter when a pregnant woman requires it the employer shall place her in a lighter job. A woman nursing a baby less than one year old may request nursing time, for at least two 30 minutes periods during working hours in addition to ordinary rest period. The employer must not employ a woman who suffers seriously from menstruation or a woman engaged in jobs injurious to menstruation if she requests menstruation leave.

98. Supra Note 43.
The Child Welfare Law enacted in 1947 guarantees the welfare of children who are unable to be looked after at home. Day care centres receive subsidies from the Ministry of Welfare and Local Governments for equipment and cost of operator. A child is qualified for admission to a day care centre when the mother has a job outside the home or in the home, when the child has no mother, or when the mother is ill or is attending a sick person, irrespective of the amount of income earned by the family to which the child belongs. If the event that child is not in the care of both parents, the right under sub-section 3 may be exercised by any person taking care of the child instead of the parent who does not do so. In case of adoption, the adoptive parents are entitled to leave of absence to care for the child for a total of up to 46 weeks during the first year of the child's life, up to 3 months when the child is under the age of 15. Mother is entitled to claim the amount of time off necessary for this purpose at least 30 minutes twice daily, or may claim that her working hours be reduced up to 1 hour per day. Employees who have children under the age of ten in their care are entitled to leave of absence necessary to attend a sick child. Leave of absence is limited to 10 days per calendar year up to and including the year of the child's tenth birthday.

99. Supra Note 46.
100. Ibid.
101. Ibid.
An establishment survey recently conducted in Japan provides a summary view of the number of working mothers who benefited from various provisions of the law. According to a white paper published by the Government of Japan, the position in 1981 was as follows:

Female workers who gave birth to a child represented 2.4 per cent of the total female work force; and 4.7 per cent of the total married woman workers. Their average maternity leave was 38.5 days' pre-natal leave and 48.8 days' post-natal leave, both continuing to increase. Women workers who took longer leave than the statutory six weeks represented 36.9 per cent, followed by those who took 36-42 days. In the case of post-natal leave, those who took larger leave than the statutory six weeks represented 51.8 per cent.  

Poland

Maternity Benefits

Article 180 of the Labour Code grants a female worker maternity leave of 16 weeks for her first baby, of 18 weeks for each subsequent one and of 26 weeks in the event of a multiple delivery. The right to maternity leave of 14 weeks is granted also to a female worker who has taken over the upbringing of a child up to four months old and submitted to the court a request for its adoption. If an employee has

taken over the upbringing of an older child up to one year she benefits from maternity leave of four weeks.

The provisions of Labour Law recommend that an employee should use a part of her maternity leave before delivery. However, if she does not do so, she is entitled to full maternity leave. According to Article 180 of the Labour Code, when a female employee gives birth to a still born child or the child dies within the first week of its life, she is entitled to leave of eight weeks. A nursing mother is entitled to two breaks per day of 30 minutes each which are included in working time. An employee nursing more than one child is entitled to two breaks of 45 minutes each. A specific type of leave is the unpaid leave which is allowed for the rearing of a child upto four years old. This leave is allowed to female employees who are national mothers, employees who takes over a child with the intention of adopting it, as well as employees who bring up a child of their husband without necessary adoption. The right of this leave may be granted on condition of a 12 month period of employment, former employment being included on the basis of specific provision. Unpaid leave is included when calculating the length of employment for purposes of establishing vacation time. Moreover when not exceeding six years in total, it is also included in the period prescribed for obtaining retirement or disablement pensions and other benefits. 103

103. Supra Note 54.
Female employees are entitled to many rights resulting from maternity such as the right to delivery benefit from social insurance amounting to triple the family benefit, allowed for a delivered child not less, however than 500 2/s; in the event of multiple delivery, this benefit is allowed for each child delivered.

A female employee nursing an infant up to one year cannot be employed without her consent at night or for overtime hours, her commissioned to joining beyond her home enterprise. The Polish system of family benefits provides for certain benefits. The right to family benefit is acquired by an employee after 3 calendar months of employment. Benefit is allowed for a child up to 16 years old or if the child remains in full time education, then until its completion, but for no longer, however, than up to the age of 25 years (family benefits are given depending upon the income of those families entitled to them). 104

A vital form of assistance for the family in its child care functions consists in the steady increase of child care facilities such as day nurseries and nursery schools, centres of creative leisure time activities etc.

According to Article 177 of the Labour Code, the enterprise is not allowed to dismiss a female employee nor to terminate her labour contract during pregnancy nor during

104. Supra Note 54.
Benefits resulting from Social Insurance can be divided into financial benefits (such as resulting from sickness, maternity, childbirth, family benefits, funeral bonuses, retirement and disablement pensions, family pension, supplementary bonuses to retirement and disablement pension) and benefits in kind medical and childbirth services, supply of artificial limb and dentures, vocational training, supply of places in homes for the aged.

United States

Title VII of the 1964 Civil Rights Act (42 U.S.C. 2000 e. et. seq. (1964), as amended in 1972) provides the most comprehensive legislative attack on discrimination in private and public sector employment. The Act makes it an unlawful practice for employees, unions and employment agencies to discriminate in any aspect of the employment relationship. 105

In Gilbert V. General Electric Co. 106

The Supreme Court held that an employee did not violate Title VII's prohibition against discrimination by establishing an employee disability plan which covered even voluntary absences from work due to medical reasons but which excluded pregnancy related disabilities. The Court,

105. Supra Note 48.
106. U.S. 97, S.Ct. 401 (1976)
as it had before, observed that pregnancy was not gender based; while it is true that only woman can become pregnant, it does not follow that every - classification concerning pregnancy is a sex based classification. The Court also accepted the employer's plea that insurance for pregnancy-related disabilities would bankrupt the insurance disability programme. The impact of the Gilbert decision on Title VII analysis is not clear. It appears likely, however, that under Gilbert employers may prohibit use of accumulated sick leave for childbirth confinement. This limitation is significant because a woman who takes a leave to give birth may lose valuable seniority credit while others who have sick leave available continue to accrue seniority. In addition, the Court in Gilbert reinforced the pervasive belief that in some circumstances pregnant woman may be treated differently in an employment situation.

Protection from Industrial Hazards and Risks

Belgium

The Labour Act itself prohibits female employees from working underground (mines and quarries) and gives executive the power to prohibit dangerous and unhealthy work or make it contingent on certain protective measures. The Royal Decree of December 24, 1968 prohibits labour by female employees under the following conditions:

107. Supra Note 32.
1. painting in which white lead, lead sulphate, or any other product containing those pigments is used, when the lead percentage of those products, calculated in metalware, is larger than 2% of weights;

2. undertakings in which loads of more than 27 kg must be carried. By the term carrying of loads is meant all transport by which a load is carried by one single female employee, including the lifting and setting down of the load;

3. undertakings in which loads of more than 15 kg must be carried regularly. By the term 'regular carrying of loads' is meant each activity that consists continuously or essentially in carrying loads by hand or in which it is normal, even with interruptions, that loads should be carried;

4. manual labour on earth worker.

5. manual labour in pressive-air caissons. Those stipulations apply to both the public and private sectors. Labour law in principle prohibits night labour (1971 Labour Act), by female employees in general. By night work is meant all labour done before 6 a.m. and after 8 p.m. Of course, collective bargaining agreements may establish other hours more severe than provided by law. According to Article 41 of the 1971 Labour Act: the performance of labour which is viewed as extremely dangerous for the health
of the mother or of the child, is prohibited for every pregnant employee.

Canada

Statutory provisions in a number of provinces limit the hours of work for women, restrict the employment at night and/or require employers to provide their female employees with free transportation in connection with night employment. Some jurisdictions prohibit the employment of women underground in mines with the exception of those employed in managerial positions or in a technical, clerical or domestic capacity. Others protect women employees from lifting articles of excessive weight and/or require their employers to make special provisions for restroom and seating facilities.\(^{108}\)

France

Women are prohibited to work on open air stands after 8 in the evening or when temperature reaches below zero. Then there is prohibition to fix motors or mechanisms while they are running; prohibition of work with compressed air pumps or jack-hammers; prohibition of work in contact with toxic, noxious or dangerous gases. The law prohibits women from working night shift. A daily rest period is fixed by law to start no later than 10 p.m. and not earlier than 6 a.m. Only the Inspectors Travel can authorize exemptions to the observance of the law. The law forbids the non-observance of weekly rest periods and legal holidays as well. The Law\(^{108}\). Supra Note 35.
of December 22, 1972 uniformly sets out the right of a widow to a reversion plan at 55. A widow is also entitled to up to 50% of her husband's disability annuities. Disabled widows not otherwise covered, are entitled to 50% of the principal reversion pension. When her annual income is below 8,200 F annually, widow is entitled to a mother at home allowance or the special allowance of the National Solidarity Fund. The Law of 3.1.1973 permits the temporary settlement of a pension, until the widow is entitled to the full pension. 109

**German Democratic Republic**

**GDR**, Labour Law grants each worker who has suffered an accident at work or from an occupational disease the right to sickness benefit in the amount of 100% of average net pay. Moreover, the worker is entitled to demand compensation from the firm for the damage inflicted on him. If a worker, due to an accident at work or an occupational disease, is no longer able to carry out his/her job, the firm is obliged to offer other appropriate work which corresponds to his/her skill and state of health.

There are special rules regulating health protection and labour safety for women (Cf. Regulation No. 5 on Labour Safety), providing that woman must not perform physically hard and hazardous work. There are also binding rules.

109. Supra Note 37.
concerning the maximum weight of burdens women are allowed to carry. To reduce additional physical and social strains on working women, special benefits are granted like the household day. The household day is a monthly day off with pay for women. This helps to reduce the additional physical and social strains on women caused by employment, household and family. 110

**Hungary**

Article 57(1) of the Constitution of the Hungarian People's Republic guarantees that the citizens have the right to the protection of their life, physical integrity and health. The Hungarian People's Republic carries this right into effect through labour safety, the institutions of hygiene and the organisation of medical care, and the protection of the human environment. In the Hungarian People's Republic citizens are entitled to material aid for their old age, sickness, or disability.

The facilities of the health service concerning women are gratuitous medical attendance during pregnancy, pre- and post-natal treatment, delivery and hospitalisation. 111

**Northern Ireland**

The Factories Act (N.I.) 1965 and the Mines Act (N.I.) 1969 prohibits shift working or night work, heavy and

110. Supra Note 40.
111. Supra Note 41.
dangerous jobs. A woman must not clean any part of a prime mover or any transmission machinery whilst it is in motion and must not clean any part of the machine if to do so would expose her to risk of injury. Prohibitions are imposed on the employment of female young persons where certain processes, such as the evaporating of brine in open pans are carried on and the employment of women in certain processes connected with lead manufacture, certain steps, such as the carrying out periodic medical examination and wearing of protective clothing, must be taken to protect women employed in processes involving the use of lead compounds (Sec. 74). The provisions relating to the employment of women in processes connected with lead manufacture or involving the use of lead compounds are extended to places of work other than factories (Sec. 126) and restrictions are imposed on the employment of women in painting buildings with lead paint (Sec. 129). There are number of provision in the Mines Act which are designed to protect the position of women and young persons employed in the mining industry. Section 93 of this Act prohibits heavy work by women and young persons. 112

Italy

The protection of women's work, mainly contained in Law No. 653 of 1934, consists of four fundamental institutions:

112. Supra Note 42.
(a) prohibited activities - These are limited to underground work in quarries, mines and tunnels, as well as on scaffolds in building work;

(b) prohibition of lifting and transporting weights above a certain limit;

(c) prohibition of night work in industrial firms, including those producing services;

(d) intermediate rest periods; when the working time table of women is in excess of six hours, it must be interrupted by an intermediate rest period of at least one hour and, when in excess of eight hours, the intermediate rest period must be at least an hour and half.\footnote{supra Note 43}

\textit{Japan}

Labour Standards Act provides that no employer may employ women in certain dangerous jobs specified by the law, such as to clean, oil, examine or repair dangerous parts of any machinery or transmission apparatus in motion; or to put on or remove the driving belts or ropes of any machinery or transmission apparatus in motion; or to handle a derrick drive by power; or to perform other dangerous work or harmful job specified by the ordinance on Labour Standards for women and minors. No employer may employ women in jobs which

\footnote{113. Supra Note 43.}
require the conveyance of heavy goods beyond 20 kg. (30 kg. per intermittent work). No employer may employ women in underground labour.114

Netherlands

The Labour Act of 1919 regulates working conditions and maximum working hours for all workers. With exceptions, women are forbidden to do night work and to work in three or four shift services. Shops, offices and such like, where women or young persons work, must comply with special requirements with regard to the amount of fresh air, the number of W.C.'s etc... work that consists of moving weights, or that is considered to be too heavy, or for another reasons considered to be unhealthy, is forbidden for women. The act concerning the loading and discharging of ocean-going vessels forbids women to work as stevedores.115

Norway

Norway has ratified the white lead (Painting) Convention (No. 13), which prohibits the employment of women in any painting of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments.

According to new law relating to worker Protection, The Working Environment Act, provisions give both mother

114. Supra Note 46.
115. Supra Note 50.
and further protection. The objectives of this act are:

1. to secure a working environment which affords the workers full security against harmful physical and mental influences and which has safety, occupational hygiene and welfare standards that conform with the technological and social structure of the community at any time;

2. to secure sound conditions of contract and a meaningful occupation for the individual worker;

3. to provide a basis whereby the enterprises themselves can solve their working environment problems by collaborating with labour organizations under the supervision and guidance of the public authorities. 116

116. Supra Note 52.