

Adopted by the 26th ALMM

**ASEAN GUIDELINE ON
GENDER MAINSTREAMING
INTO LABOUR AND
EMPLOYMENT POLICIES
TOWARDS DECENT WORK
FOR ALL**

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Chapter I INTRODUCTION

1.1 Background and Context

Southeast Asia with its population of more than 640 million women and men is one of the most economically dynamic regions in the world. While gender equality contributes to economic growth, the inverse is not necessarily true. Over the last 25 years, progress towards closing gender gaps has stalled and is even reversing in some countries in Asia, despite the fact that women are more educated than ever.¹ In short, economic growth is not being shared equally between women and men nor delivering decent work for all. This is clear from the following gender gaps in the world of work: the female labour force participation rates are persistently lower than male rates across all ASEAN Member States (AMS); in almost all AMS women tend to find employment predominantly in low skill and low paying jobs and precarious work underlying a persistent gender wage gap; women are more likely than men to be in vulnerable employment, encounter sexual harassment and are more likely to be an unpaid contributing family worker, which offers the least opportunities for decent work; care work responsibility is on women's shoulders and little appetite exists to promote measures for men and women to share work/family responsibilities; digital technology and e-commerce are not currently a level playing field between men and women; social protection including maternity benefits for working mothers and fathers do not apply everywhere; and women migrating for work - nearly half of all migrant workers in ASEAN countries - are disproportionately represented in jobs with lower pay and fewer labour protections leaving them vulnerable to exploitation and abuse particularly in domestic work.²

The cost to economies of these labour market inequalities is estimated at an average income loss of 17.5 per cent for developing countries.³ Another calculation estimates that, if gender inequality is eliminated, the economies of Southeast Asia could boost their collective GDP by US \$370 billion a year by 2025.⁴

Despite Southeast Asian countries' efforts in promoting decent work and gender equality, particularly through legislation and policy, pre-existing challenges persist and new situations emerge. The world of work is undergoing three notable megatrends - demographic dividend, climate change, and digital transformation and artificial intelligence in the light of the Fourth Industrial Revolution (IR4.0) - all of which have

¹ *Review of the progress & remaining challenges in implementation of the Beijing Declaration and Platform for Action in Asia and the Pacific*, ESCAP document for Beijing +25 review, ESCAP/MCBR/2019/1 dated 16 September 2019, available at https://www.unescap.org/sites/default/files/Review_of_progress_%28ENG%29.pdf

² Summarised from *Game changers: Women and the Future of Work in Asia and the Pacific*, ILO, September 2018; *Comparative Study on Labour Laws and Practices of ASEAN Nations (Vol. II)*, viewed at <https://asean.org/asean-socio-cultural/asean-labour-ministers-meeting-alm/other-documents>; *Protected or put in harm's way? Bans and Restrictions on Women's Labour Migration in ASEAN Countries*, ILO & UN Women, 2017.

³ *Projected Gender Impact of the ASEAN Economic Community*, Jakarta, ASEAN Secretariat, June 2016.

⁴ *The power of parity: Advancing women's equality in Asia Pacific*, Mc Kinsey Global Institute, April 2018.

important implications on gender equality in the labour market. Annex I gives a snapshot of decent work in AMS.

1.2 Rationale for ASEAN's Guideline

Gender mainstreaming - and any guideline on how to measure it - is an important step towards achieving gender equality and decent work. As many discriminatory beliefs, laws and practices harm women in particular, guides should address the vulnerable situations women are placed in, and work on the relationship and power imbalances between sexes to achieve workplace gender equality. Box 1 displays how this Guideline came about.

Box 1 Putting policy into practice - action for gender mainstreaming

✓ in 2015, ASEAN Ministerial Meeting on Women (AMMW) directs the ASEAN Committee on Women (ACW) to conduct conferences on gender mainstreaming for senior officials across the three pillars: ASEAN Socio-Cultural Community, ASEAN Economic Community & ASEAN Political and Security Community

✓ ACW's Work Plan 2016-2020 acknowledges gender mainstreaming as a cross-cutting issue

2017 Declaration on the Gender-Responsive Implementation of the ASEAN Community Vision commits to gender mainstreaming initiatives across all sectoral bodies in the three pillars

✓ ASEAN Labour Ministers' Work Plans (ALMWP) 2011-2015 & 2016-2020 highlight the interactive relationship between decent work & gender mainstreaming, aimed to achieve gender equality

✓ This Guideline developed within the project entitled *Gender mainstreaming into Labour and Employment Policies to Promote Decent Work for All* as part of ALMWP 2016-2020, led by Viet Nam

1.3 What is the Guideline for?

1.3.1 Overall objective

To mainstream gender equality into labour and employment policies and practices in line with international standards in ASEAN Member States towards gender equality in the world of work and decent work for all.

1.3.2 Specific objectives

- (i) Build capacity and enhance knowledge and awareness of labour officials and other stakeholders on gender perspectives in human rights and international labour standards (a trainer's manual will also support this objective);
- (ii) Review and mainstream gender factors in laws and policies on labour and employment; and
- (iii) Promote the sharing of promising practices on gender mainstreaming in the implementation of labour and employment policies and programs in AMS.

1.3.3 Who will use this Guideline

The Guideline is intended primarily for officials of ministries responsible for labour and employment and national women's entities, employers' and workers' organisations and women's organisations to promote the integration of gender equality in world of work. Other stakeholders engaged in efforts to promote decent work and gender-responsive employment may use this Guideline for reference e.g. civil society organisations, local government units and the private sector.

1.4 Principles for the Guideline development

AMS consultations⁵ agreed certain principles for the development of this Guideline:

- The Guideline targets four specific areas of focus being the areas most relevant in ASEAN: 1) employment promotion; 2) decent working conditions; 3) social and maternity protection; and 4) international labour migration.
- The language should be simple, gender-sensitive and user-friendly.
- The Guideline should be inclusive and in addition to gender, consider the intersecting issues of race, ethnicity, disability, migrant status, economic and social status, which are additional dimensions that intensify inequalities.
- Religion, cultural beliefs and ancient beliefs should not hinder the utilisation of the Guideline.
- It is meant to be a living document that will be updated and supplemented over time with content in view of the evolving nature of the future of work.
- It is a tool to balance the prevention of gender-based discrimination and encouragement of equal opportunities for men and women in employment with job creation and economic growth (which are often, erroneously, perceived to be irreconcilable).
- It is intended to help users review and assess progress on gender mainstreaming in labour and employment policies across each reporting period (monitoring).

1.5 Structure of the Guideline

The Guideline consists of six interconnected chapters:

Chapter 1 provides a situational analysis, gives guidance on the mechanics to implement it, the principles underlying the voluntary reporting, and an overview of the Guideline's structure.

Chapter 2 presents the basic concepts essential to gender mainstreaming in labour and employment for decent work for all women and men. It defines decent work and its four pillars, gender, gender equality, women's empowerment and gender mainstreaming (see also Annex II's Glossary).

Chapter 3 presents the international frameworks and standards that bear on gender equality in labour and employment, which are derived from the Sustainable Development Goals, CEDAW, the Beijing Declaration and Platform for Action, ILO core Conventions and those standards pertinent to each of the four focus areas, as well as the main ASEAN Declarations, Consensus and Work Plans.

Chapter 4 presents the four checklists for each of the four focus areas. The answers to the checklists provide the baseline for monitoring and will point to the future direction of actions to promote gender equality and decent work.

Chapter 5 presents monitoring (and touches on evaluation) using internationally-accepted indicators to track progress in gender mainstreaming in each of the four focus areas. Guidance is provided on where and how data can be collected to fill in the required information for each indicator.

⁵ Regional Workshop on Gender Mainstreaming in Labour & Employment Policies towards Decent Work for All (Ho Chi Minh City, Viet Nam, 19-20 Nov.2015); Workshop on Gender Mainstreaming into Labour & Employment Policies to Promote Decent Work (Ha Noi, Viet Nam, 5-6 Oct.2017); 1st Taskforce Meeting (Ho Chi Minh, Viet Nam, 24-25 Sept.2018); 2nd Task Force Meeting (Da Nang, Viet Nam, 10-11 Sept.2019); SLOM-ACW Meeting on ASEAN Guidelines on Gender Mainstreaming into Labour & Employment Policies to Promote Decent Work for All (Da Lat, Viet Nam, 5-6 Nov.2019).

Chapter 6 presents the sets of criteria for identifying AMS promising practices in gender mainstreaming into labour and employment, and a series of interesting examples that relate to the four focus areas (including a few from non-ASEAN nations).

The Guideline contains four Annexes.

1.6 *How to implement the Guideline including the checklists*

To get the most benefit from the Guideline the following points are important:

- It is voluntary and non-legally binding. AMS can use the Guideline in accordance with their national circumstances. The results of their self-assessments - while clearly useful for tracking progress and being able to assess whether certain approaches are worth replicating - need not be reported to their respective ASEAN sectoral bodies or at regional level.
- It can be used for various purposes including but not limited to capacity building, trainings, assessment and mapping the current situation at national level, policy-making and process, advocacy, monitoring and evaluation.
- Information collected may include the existing national laws and policies, any amendments instituted to keep abreast of changing national circumstances, as well as their implementation.
- While all AMS are invited to implement the checklists, the extent to which each checklist will be filled in is decided voluntarily; it may be that not all questions in every checklist can be completed in the first report, so could be added when the next reporting exercise comes round.
- Data may not always be available to provide a specific answer to some questions in the checklists; this is no cause for discouragement. It simply means that work needs to be done to fill the data gaps.
- Social partners and civil society may be engaged in the process of gender mainstreaming and their involvement could be reflected in the checklists.
- The checklists will be prepared every two years as a way to monitor progress in gender mainstreaming using this Guideline.
- ASEC will compile the reports received and prepare a summary overview, in partnership with the ACW (which will share the reports with AMMW for information), for the Senior Labour Officials Meeting (SLOM) whose Chair will submit the overview to the ASEAN Labour Ministers Meeting (ALMM) every two years for its consideration.
- An institutional mechanism could be created (or a current national oversight entity involved) to support and monitor implementation, which will help AMS in addressing immediate concerns.

1.7 *Light background preparation*

Users of the Guideline must familiarise themselves with current data, statistics and studies on labour and employment in their country as gender issues could change over time. Prior to filling in the checklists, users should read the pertinent CEDAW Articles and ILO Conventions⁶ in the focus area of concern, as well as the relevant ASEAN text. In addition, for the International Labour Migration Checklist, AMS bilateral and/or multilateral agreements with a receiving or sending country can be checked for gender

⁶ ILO Conventions and Recommendations can be found here https://www.ilo.org/wcmsp5/groups/public/-/ed_norm/---normes/documents/publication/wcms_413175.pdf

concerns. For context, users should peruse the following studies pertinent to the four focus areas:

(i) UN Women's *Projected Gender Impact of the ASEAN Economic Community* available here

<https://asiapacific.unwomen.org/en/digital-library/publications/2016/03/projected-gender-impact-of-the-asean-economic-community>;

(ii) UN Women's *Women Migrant Workers in the ASEAN Economic Community* available here

<https://asiapacific.unwomen.org/en/digital-library/publications/2017/06/women-migration-workers-in-asean>;

(iii) ILO's 2018 *Game changers: women and the future of work in Asia and the Pacific* available here

https://www.ilo.org/asia/publications/WCMS_645601/lang--en/index.htm;

(iv) ILO's 2018 *Care Work and Care Jobs for the Future of Decent Work* available here

https://www.ilo.org/global/publications/books/WCMS_674831/lang--en/index.htm;

and

(v) ILO's 2019 *A quantum leap for gender equality-For a Better Future of Work for All*

available here: https://www.ilo.org/global/publications/books/WCMS_674831/lang--en/index.htm.

Chapter 2

BASIC CONCEPTS OF GENDER EQUALITY AND DECENT WORK

Chapter 2 defines the basic concepts of 1) gender, 2) gender equality, 3) women's empowerment, 4) gender mainstreaming and 5) decent work with its four pillars. Annex II's Glossary provides definitions of related terms, and the normative framework for these concepts appears in chapter 3 (covering SDGs, CEDAW, ILO Conventions and accompanying Recommendations and pertinent ASEAN instruments).

2.1 Gender and Gender Equality⁷

2.1.1 Gender

Gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialisation processes. They are context/time-specific and changeable. Gender is not interchangeable with the term "sex", which refers exclusively to the biological differences between males and females. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Other important criteria for socio-cultural analysis include race, ethnic group, class, poverty level and age.

2.1.2 Gender equality

This refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men are the same or have to become the same or be treated identically all the time, but that an individual's rights, responsibilities and opportunities do not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognising the diversity of different groups of women and men. Gender equality is not only a women's issue but should concern and fully engage men as well. Equality between women and men is seen as both a human rights issue and a precondition for, and indicator of, sustainable people-centred development. Gender equality, besides being a fundamental human right, is essential to achieve peaceful societies, with full human potential and sustainable development. Moreover, it has been proven that empowering women spurs productivity and economic growth. As such, gender equality is the goal strived for by nations across the globe, and gender mainstreaming is the approach to get there. Gender equality is achieved when women and men enjoy the same rights, responsibilities and opportunities in every sector of society, including economic participation and decision-making, and when the different behaviours, aspirations and needs of women and men are valued and favoured, without depending on whether they are born male or female.

2.1.3 The link with non-discrimination

The substance of CEDAW is based on three interrelated core principles: 1) equality, 2)

⁷ <https://eige.europa.eu/gender-mainstreaming/concepts-and-definitions>

non-discrimination and 3) State obligation. Under its Article 1, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Countries which ratify CEDAW have a State Obligation or duty to respect, protect and fulfill women's rights as enshrined in the Convention, several of which specifically relate to non-discrimination in work and economic life (Articles 5, 10(a), 12(2), 11, 13, 14 and 16 - see chapter 3 for more details). The CEDAW definition follows closely the definition in the older, work-specific standard, namely ILO's Discrimination (Employment and Occupation) Convention, 1958 (No. 111), covering direct and indirect discrimination.

2.2 *Women's empowerment*

In tandem with gender equality is the concept of 'women's empowerment' which is a "process by which women gain power and control over their own lives and acquire the ability to make strategic choices. Women's empowerment has five components: women's sense of self-worth; their right to have and to determine choices; their right to have access to opportunities and resources; their right to have power to control their own lives both within and outside the home; and their ability to influence the direction of social change to create a more just social and economic order, nationally and internationally." ⁸ *Women's economic empowerment* (WEE) specifies empowerment in the economic sphere and in the world of work. When the qualifier "economic" is added, the term covers better choices to expand economic opportunity and rights at work, and women's meaningful participation in economic decision-making. The elements of self-worth and the right to choose and decide, leading to a change in power relations, remain equally valid.

2.3 *Gender mainstreaming*

The adoption of gender mainstreaming as the main global means for arriving at the ultimate goal, gender equality, dates back to the Fourth World Conference on Women (Beijing, 1995). Within two years from that Conference, the seminal definition of the concept of gender mainstreaming was adopted in the UN Economic and Social Council (ECOSOC) 1997 resolution:

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that women and

⁸ <https://eige.europa.eu/thesaurus/terms/1102>; UN Commission on the Status of Women's 2017 *Agreed Conclusions on Women's economic empowerment in the changing world of work* urge action to prohibit discrimination against women in labour markets, covering key areas such as elimination of occupational segregation, equal pay for work of equal value, ending all forms of violence against women, and sharing of work and family responsibilities - all covered in this ASEAN Guideline.

men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.⁹

Integrating gender equality across all areas of work and at all levels - in national public and private sector policies, programs, plans of action, products and services, and in organisations, institutions, systems - is one side of the gender mainstreaming coin. The other side covers gender-specific activities and special interventions, like affirmative action whenever women or men are in a particularly disadvantaged position.

2.4 Decent work

According to ILO, decent work sums up the aspirations of women and men in their working lives. It offers freedom, equity, security and human dignity. Decent work involves opportunities for work that is productive and delivers a fair income; security in the workplace and social protection for workers and their families; prospects for personal development and social integration; freedom for women and men to express their concerns, organise and participate in decisions that affect their lives; and equal opportunities and treatment for all women and men. Since the 2015 adoption of the Agenda for Sustainable Development, SDG target 8.5 requires that States: “By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”.¹⁰ Other SDGs are linked to decent work (see chapter 3, and Annex IV for gender mainstreamed indicators across pertinent SDGs).

Decent work comprises four pillars,¹¹ which are inseparable, interrelated and mutually supportive. Progressing with measures under one pillar alone will not mean achieving decent work; efforts must be made in all four areas. They are: (i) Fundamental principles and rights at work; (ii) Employment promotion; (iii) Social protection, made up of social security and labour protection; and (iv) Social dialogue and tripartism. The content of the international labour standards underpinning each pillar is detailed in chapter 3 e.g. the eight fundamental Conventions identified in ILO’s 1998 Declaration on Fundamental Principles and Rights at Work, Employment Policy Convention, 1964 (No. 122) and Social Security (Minimum Standards) Convention, 1952 (No. 102), to name but a few.

⁹ ECOSOC resolution 1997/2 on Mainstreaming a gender perspective into all policies and programs in the UN system of 18 July 1997; various ILO tools exist on gender mainstreaming in the world of work e.g. *Mainstreaming gender: an annotated bibliography of selected ILO tools for mainstreaming gender in the world of work*, Geneva, ILO, 2007 available at https://www.ilo.org/public/libdoc/ilo/2007/107B09_175_engl.pdf

¹⁰ 2030 Agenda SDG 8 on sustained inclusive and sustainable economic growth, full & productive: <https://sustainabledevelopment.un.org/sdg8>

¹¹ *ILO Declaration on Social Justice for a Fair Globalization*, International Labour Conference 97th Session, Geneva, 2008.

Chapter 3

INTERNATIONAL STANDARDS AND FRAMEWORKS ON DECENT WORK AND GENDER EQUALITY

Chapter 3 describes the various international treaties and ASEAN regional frameworks that provide the standards and the legal platform for gender mainstreaming into employment policies and programs for decent work. Against the backdrop of the 2030 Sustainable Development Agenda, the standards comprise the UN 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ILO's pertinent international labour standards (ILS) and relevant ASEAN Agreements, and the structure of this chapter follows this hierarchy for each of the four focus areas of the Guideline. Where relevant, other instruments are footnoted to assist the user/analyst dive deeper into understanding how to integrate gender equality into decent work. In all, around 40 standards are explained.

Why are these instruments and frameworks important to implementation and progress of gender mainstreaming in employment towards decent work? The first rationale is the adherence of AMS to the ratifiable treaties: all AMS have ratified CEDAW, and all AMS have ratified some of ILO's core Conventions, as well as a number of the technical ILS on areas that comprise decent work (see AMS's ratification status in Annex III). Secondly, ASEAN has adopted several specific texts that also show the commitment to gender mainstreaming across the areas of decent work. Thirdly, many AMS already have adopted national level policies, laws and programs that are moving towards decent work for women and men.

The relevance of CEDAW for this Guideline rests in its specific Articles that address employment and economic equality; its principles are of universal application and it is to be applied regardless of status e.g. women migrant workers taking into account intersectionality. When it comes to ILS, ILO's tripartite membership adopts conventions (including protocols to conventions binding at international law once ratified) and non-binding recommendations (which are not open to ratification but give guidance, often to supplement in greater detail the main principles laid down in the matching convention). ILS relevance lies in the tripartite methodology of adoption, which gives reality, sustainability and universality. ILS are minimum standards, and are monitored by a supervisory system which produces an annual public report (covering all up-to-date ILS in a cyclical rotation).¹²

3.1. The Sustainable Development Goals

¹² ILO's Constitution also provides for complaints and representations when violations of ratified conventions are alleged. ILS serve as benchmarks for improving national law and practice in a particular field and can be relied on by the judiciary when deciding local cases (in some States ratified international instruments enter directly into the panoply of national legal texts; in others, government must take the additional step of domesticating the ILS principles into the national legal framework). For more detail on ILS and the ILO's supervisory system see *Rules of the Game*, Centenary Edition, ILO, Geneva, 2019 available at www.ilo.org/normes

The standards and platforms which are the subject of this chapter must be seen in 21st century context, namely against the background of the Sustainable Development Goals (SDGs). Adopted in September 2015, they constitute the core of the Sustainable Development Agenda to be accomplished by 2030, so that no woman or man will be left behind. Of relevance to this Guideline (see details on SDG indicators in Annex IV) are the following: (i) SDG 1 No poverty; (ii) SDG 4 Quality Education; (iii) SDG 5 Gender Equality; (iv) SDG 8 Decent Work and Economic Growth; (v) SDG 10 Reduced Inequality.

3.2 Gender equality - CEDAW

From the 1948 Universal Declaration on Human Rights, to the 1966 International Covenants on Civil and Political, and on Economic, Social and Cultural Rights, to CEDAW's adoption in 1979, women's right to equality alongside men - in all facets of life and work - has been proclaimed. The 1995 Beijing Declaration and Platform for Action built on CEDAW, stressing mainstreaming of gender equality.

3.2.1 CEDAW Article 11 is the principal provision for the elimination of discrimination against women in employment. Article 11(1) stipulates that States Parties shall take all appropriate measures to ensure to women, on an equal basis with men, the following rights to: (a) work; (b) the same employment opportunities, including the application of the same criteria for selection in matters of employment; (c) free choice of profession and employment, to promotion, job security and all benefits and conditions of service and vocational training; (d) equal remuneration in respect of work of equal value; (e) social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as paid leave; (f) safe and healthy working conditions, including the safeguarding of the reproductive function. Article 11(2) requires prevention of discrimination against women on the grounds of marriage or maternity by prohibiting dismissal on such grounds and encouraging the provision of supporting social services to enable parents to combine family obligations with work responsibilities in particular through a network of child-care facilities.

3.2.2 Many other CEDAW Articles speak to employment promotion as well:

- **Article 10** on vocational guidance and training to enable women to get a job they desire,
- **Article 12(2)** on ensuring women appropriate services for pregnancy, confinement and the postnatal period, free where necessary,
- **Article 13** on non-discrimination in areas of economic and social life specifically (b) on equal access to bank loans, mortgages and other forms of financial credit,
- **Article 14(2)** on rural women's right to benefit equally with men from rural development specifically (c) social security and (d) training and education,
- **Article 16** on equality in marriage and family relations specifically (d) regarding women and men's rights and responsibilities as parents, (e) on spacing of births and (g) on freely choosing a profession and occupation,
- and importantly the general CEDAW exhortation to end societal discrimination and sexism in **Article 5**, which requires States Parties to endeavour to eliminate prejudices

and practices based on the idea of the inferiority/superiority of either of the sexes or on stereotyped roles for men and women.

3.2.3 *The CEDAW Committee*, overseeing the treaty's implementation by States Parties, has issued many General Recommendations (GRs),¹³ of which the following pertain to the four focus areas of the checklists.

- **GR No. 9 on Statistical data concerning the situation of women (1989)** calls on States Parties to design data collection systems that permits gender-disaggregation

- **GR No. 13 on Equal remuneration for work of equal value (1989)** calls for the study, development and adoption of objective job evaluation systems to compare the value of jobs where women predominate and those where men predominate

- **GR No. 16 on Unpaid Women Workers in rural and urban family enterprises (1991)** calls for collection of statistical data on women who work without payment, social security and social benefits, and the guarantee of such payments and benefits

- **GR No. 17 on Measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product (1991)** affirms that such quantification of these activities of women will help reveal the de facto economic role of women, and calls for time-use surveys and collection of statistics disaggregated by gender on time spent in both the household and the labour market

- **GR No. 18 on Women with Disabilities (1991)** calls on States Parties to provide information on how they apply the Convention for women with disabilities, including special measures for equal access to education, employment and social protection

- **GR No. 21 on Equality in marriage and family relations (1994)** calls on States Parties to ensure that by law both parents share equal rights and responsibilities for their children. Given that the responsibilities on women to bear and raise children affect their rights to education and employment imposing inequitable work burdens on them, it insists that women are entitled to decide on the number and spacing of their children and that each family partner has the right to choose a profession or employment that is best suited to his/her abilities, qualifications and aspirations. It stresses that child and early marriage not only adversely affect girl children's health and education, but also reduces their access to employment

- **GR No. 26 on Women Migrant Workers (2008)** calls on States Parties to ensure that labour codes provide to women migrant workers the same rights and protection that exist for all workers in the country, in particular protection for occupations dominated by women migrant workers, such as domestic work

- **GR No. 27 on older women and the protection of their human rights (2010)** recognises that while both men and women experience discrimination as they grow old, older women experience ageing differently because the gender inequality they suffer throughout their lifespan is exacerbated in old age and is often based on deep-rooted cultural and social norms, forcing older women to face disproportionately lower incomes and pensions, or even no pension, compared with men. Gender stereotyping, traditional and customary practices linked to widowhood can have harmful impacts on older women, in particular those with disabilities. It calls on States Parties both to facilitate their participation in paid work without discrimination based on their age and gender

¹³ CEDAW GRs available at

<https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>

- **GR No. 34 (2016) on the rights of rural women** acknowledging environmental challenges and intersectionality facing rural women, specifically calls on States Parties to ensure that rural women engaged in unpaid work or in the informal sector have access to non-contributory social protection and adopt gender-responsive social protection floors covering essential health care, childcare facilities and income security. It recommends the full incorporation into States' legal and policy frameworks on the right to decent working conditions, equal pay for work of equal value, paid maternity leave, childcare and other care services and prevention of sexual harassment in rural areas
- **GRs Nos 19 (1992) & 35 (2017) on Violence against women.** The latter covers gender-based violence against women, whether committed by States, intergovernmental organisations or non-State actors, in all settings including workplaces and cyber violence. It encourages States Parties to take measures for prevention, protection, prosecution and punishment, redress, data collection and monitoring and international cooperation. All measures should be designed and implemented with the participation of women, taking into account intersecting forms of discrimination, and should engage the private sector including businesses and transnational corporations
- **GR No. 36 on the right of girls and women to education (2017)** links education to decent work without child labour for girls and boys, and specifically ICT accessibility for girls and women who cannot access conventional forms of education and training owing to distance, domestic work or parental responsibilities (in particular in cases of child marriage and adolescent pregnancy).

3.3 *International labour standards*¹⁴

ILO's ratifiable conventions and non-binding recommendations pertinent to this Guideline are: 1) the eight fundamental Conventions, 2) the gender equality texts, and 3) specific technical standards on employment promotion, decent working conditions, social protection and international labour migration. All of these norms are gender mainstreamed, and if a rare few of the older texts use masculine pronouns, the International Labour Conference has ensured that all ILO texts must be read to include both women and men.¹⁵

3.3.1 *Fundamental principles and rights*

The following eight ILS are identified as fundamental in the world of work in four categories, whether or not they have ratified the relevant Conventions (two Conventions per category). The categories are 1) freedom of association and the right to collective bargaining, 2) elimination of forced or compulsory labour, 3) abolition of child labour, and 4) elimination of discrimination in employment and occupation. The main message of each instrument and its gender dimension follows.

- **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)** contains the rights of women and men workers and employers to establish and join organisations of their own choosing - and for those organisations to federate/confederate into higher-level, international organisations - without previous

¹⁴ For summaries of ILS see *Guide to International Labour Standards*, ITC-ILO, Turin, 2008 available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_086223.pdf

¹⁵ *ILC resolution concerning gender equality and the use of language in legal texts of the ILO*, 100th Session, ILO, Geneva, 2011.

authorisation, which organisations should not be dissolved by administrative authority and should be permitted to draw up their own rules, elect their representatives in full freedom and carry out their programs to protect members' socio-economic rights. Using trade unions to advance gender equality and women's rights is a winning strategy, and workers' organisations around the world have adopted policies, programs and tools to ensure gender parity within their own, often traditionally male-dominated, structures.¹⁶

- **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)** lays down women and men workers' right to adequate protection against acts of anti-union discrimination including the requirement that a worker not join or relinquish membership of or participation in union activities. Workers' and employers' organisations shall enjoy protection against acts of interference by each other. Ratifying States shall take measures to promote the full use of voluntary negotiations between workers' organisations and employers'/employers' organisations with a view to regulating terms and conditions of employment in collective bargaining agreements. Gender equality issues often negotiated and signed into collective agreements span the whole gamut of working conditions, from equal wages between the sexes to increased maternity and paternity leaves and domestic violence leaves, to provision of childcare facilities and breastfeeding stations.

- **Forced Labour Convention, 1930 (No. 29), Recommendation 35, Protocol 2014 (P.29) & Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)** Convention 29 bans the use of all forms of forced and compulsory labour, which is defined as work or service extracted from any person under threat of penalty and for which the woman or man has not offered themselves voluntarily. It excludes five categories of work (compulsory military service, certain civic obligations, work extracted in emergencies, minor communal services and prison work under certain conditions). The extraction of forced labour shall be punishable as a penal offence. The 2014 Protocol aims to advance prevention, protection and compensation-for-victims measures and specifically adds to the definition 'trafficking in persons for the purposes of forced or compulsory labour'. It recognises that trafficking of women and men for such purposes, which may involve sexual exploitation, requires urgent action for its effective elimination.

- **Abolition of Forced Labour Convention, 1957 (No. 105)** prohibits forced or compulsory labour in five areas: as a means of political coercion/education and as punishment for holding views ideologically opposed to the established political, social or economic system, as a means of mobilising labour for economic development, as labour discipline, as a punishment for having participated in strikes and as a means of racial, social, national or religious discrimination. If women take industrial action or voice their concerns about gender-based inequalities that are part of the social and patriarchal system and indeed systemic within economies they should not be punished for expressing their views.

- **Minimum Age Convention, 1973 (No. 138) & Recommendation 146** set the general minimum age for admission to employment or work at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict

¹⁶ For example: *Building women workers' power*, International Trade Union Confederation, 3rd World Women's Conference, Brussels, 2017 available at https://www.ituc-csi.org/IMG/pdf/booklet_womens_organising_assembly_en.pdf

conditions). The Convention permits an initial minimum age of 14 years (12 for light work) where the ratifying State's economy and educational facilities are insufficiently developed. The risk of girl child labour intensifies where traditional norms on family and household responsibilities expose them, and not boys, to work which cannot be described as 'light' and keeps girls from attending school.

- **Worst Forms of Child Labour Convention, 1999 (No. 182) & Recommendation 190** define a 'child' as any person under 18 years and imposes a positive duty on ratifying States to eliminate the worst forms of child labour, including slavery and trafficking in children, debt bondage, child prostitution and pornography, using children in illicit activities, and work harmful to children's health, safety and morals. The Convention requires direct State assistance to removing children from these situations and free basic education as well as wherever possible vocational training for girls and boys removed from the worst forms of child labour. ILO estimates of the 152 million children in child labour, 88 million are boys and 64 million are girls.¹⁷

- **Equal Remuneration Convention, 1951 (No. 100) & Recommendation 90.** Ratifying States shall ensure application of the principle of equal remuneration for work of equal value between women and men. The Convention defines 'remuneration' broadly, to include the ordinary, basic or minimum wage and salary and any additional payments whether paid directly or indirectly in cash or kind, by the employer to the worker and arising out of the his/her employment. Implementation can be achieved through adoption of national laws or regulations, establishment of machinery for wage fixing and/or collective agreements. To assist in finding the 'value' of work done by each of the sexes, the Convention proposes ratifying States take measures to promote objective job evaluation.

- **Discrimination (Employment and Occupation) Convention, 1958 (No. 111) & Recommendation 111** prohibit discrimination in the field of employment and occupation on seven grounds one of which is 'sex'. The Convention permits ratifying States to add other grounds (such as family responsibilities and age having widely different impacts depending on the sex of the worker). The term 'discrimination' is defined as any distinction, exclusion or preference, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (wording which covers both direct and indirect discrimination). The terms 'employment and occupation' include access to vocational training, to jobs and particular occupations, and terms and conditions of employment (which the Recommendation elucidates as covering vocational guidance and placement services, training, career advancement, security of tenure, wages, working hours and rest, OSH and social security). Inherent requirements of a particular job and special temporary measures to redress past discrimination are not a violation of the Convention.

3.3.2 *The gender equality standards*

¹⁷ *Global Estimates of Child Labour: Results and Trends 2012-2016*, ILO, Geneva, 2017 available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf

In addition to fundamental Conventions 100 and 111 above, ILO identifies as key gender equality standards the following more recent and topic-specific conventions and recommendations.¹⁸

- **Workers with Family Responsibilities Convention, 1981 (No. 156) & Recommendation 165** aims to create effective equality of opportunity and treatment in employment and occupation between men and women workers with family responsibilities and between such workers and other workers. The Convention defines 'workers with family responsibilities as working men and women with responsibilities for their dependent children or other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of participating or advancing in economic activity. Ratifying States shall take measures in community planning and services to assist work/family balance such as child care and family services. Family responsibilities must not, as such, constitute a valid reason for termination of employment. The evident gender dimension recognises women's unpaid care work and the need to reduce and redistribute such work.

- **Maternity Protection Convention, 2000 (No. 183) & Recommendation 191** provide that that all employed women, including those in atypical forms of dependent work, should be granted not less than 14 weeks' paid maternity leave, with six weeks compulsory postnatal leave. Benefits include: medical benefits (prenatal, delivery and postnatal care), as well as hospitalisation when necessary; and cash benefits to ensure that the woman can maintain herself and her child in proper conditions of health and a suitable standard of living with 2/3 of her previous earnings, to be paid from social insurance or public funds. Convention 183 makes it unlawful for an employer to dismiss a woman due to her pregnancy, maternity leave or breastfeeding; the burden of proving the dismissal was not based on such a reason rests on the employer. It guarantees the right to return to the same or an equivalent position at the same rate of pay. It also prohibits pregnancy testing at recruitment. The Convention entitles breastfeeding workers one or more paid daily breaks or a daily reduction of working hours.

- **Domestic Workers Convention, 2011 (No. 189) & Recommendation 201** provide that women and men domestic workers who care for families and households have the same basic labour rights as are available to other workers, specifically including reasonable hours of work, weekly rest of at least 24 consecutive hours, a limit on in-kind payments, clear information on their terms and conditions of employment and respect for fundamental principles and rights at work (those described above). While data on domestic workers is difficult to assemble, ILO estimates that women are in the majority.

- **Violence and Harassment Convention, 2019 (No. 190) & Recommendation 206** define 'violence and harassment to include unacceptable behaviours or threats of such behaviours, whether repeated or occurring once, that result in or are likely to result in physical, psychological, sexual or economic harm, and 'gender-based violence and harassment' as violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, including sexual harassment. The scope is extremely broad, covering acts occurring in

¹⁸ For more detail on ILO's gender equality ILS see *Gender Equality and Decent Work-Selected ILO Conventions and Recommendations*, ILO, Geneva, 2012
https://www.ilo.org/public/libdoc/ilo/2012/112B09_28_engl.pdf

the course of, linked with or arising out of work (e.g. during work-related trips, training, or social activities, in work-related communications including through ICT, and when commuting to and from work) and covers all workers irrespective of their contractual status. Both texts recognise the effects of domestic violence on the workplace and require measures to mitigate its impact. Recommendation 206 lists risk factors (such as working in isolation, health care and hospitality industries, domestic work transport and education - all spheres where a large proportion of workers are women) and recommends training and campaigns to spread understanding of the abuse of power relations and cultural and social norms that support violence and harassment.

3.4 *International standards on employment promotion*

This section examines CEDAW's employment-specific clauses, and the four ILS underpinning this focus area.

- **CEDAW Article 11(1)(c)** sets out the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, being the employment parallel alongside **Article 10(a)**'s education-related stipulation for men's and women's equal rights to receive career and vocational guidance, followed by professional and higher technical education, and all types of vocational training. CEDAW's General Recommendation No. 21 point to barriers to women's employment such as child and early marriage and family responsibilities.

- **Employment Policy Convention, 1964 (No. 122) & Recommendation 122** aim to stimulate economic growth and development, raise levels of living, meet staffing requirements and overcome unemployment and underemployment, by requiring ratifying States to declare and pursue, as major goal, an active policy designed to promote full, productive and freely chosen employment. This national policy must guarantee the opportunity for women's and men's choice of employment and the fullest possible opportunity for each worker to qualify for, and to use their skills in a job for which they are well suited, irrespective of sex, among other grounds. Societal and cultural norms negatively affecting women's free choices in employment and systemic hurdles that affect one sex over another are a challenge for implementing this key employment norm.

- **Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)** recommends that promotion of full, productive and freely chosen employment be the priority in States' economic and social policies and States should effectively combat illegal employment and enable the progressive transfer of women and men workers from the informal sector to the formal sector.¹⁹ Also it recommends Member States ensure equality of treatment for all persons protected, irrespective of sex, as well as disability and age.

¹⁹ The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) gives guidance for ending informality and, since the share of women in informal employment is disproportionately higher than men in most countries, it refers to the need to design transition measures that promote gender equality. ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169) is a standard that specifically addresses economic, employment and social development for these peoples; for research on employment and other economic, social and cultural rights (covering 8 AMS) see *The rights of indigenous peoples in Asia*, ILO, Geneva, 2017 available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_545487.pdf

- **Human Resources Development Convention, 1975 (No. 142) & Recommendation 150.** Ratifying States are required to develop comprehensive and coordinated policies and programs of vocational guidance and training closely linked to employment, in particular through public employment services. The policies and programs shall take due account of (a) regional and national employment needs, and opportunities, (b) level of economic, social and cultural development, and (c) the mutual relationships between human resources development and other economic, social and cultural objectives. These national policies and programs shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and according to their own aspirations, account being taken of the needs of society.

- **Termination of Employment Convention, 1982 (No. 158) & Recommendation 166.** The Convention defines 'termination' as the end of employment at the initiative of the employer. It provides that a worker shall not be dismissed unless there is a valid reason based on the worker's capacity or conduct, or the operational requirements of the enterprise. Invalid reasons for dismissal include, among others, sex, marital status, family responsibilities, pregnancy and absence from work during maternity leave. In cases of collective dismissals, governments should encourage employers to consult with workers' representatives and develop alternatives to mass layoffs. The Convention also covers advance notice to be given to labour authorities, severance pay, notice periods and appeal procedures. Recommendation 166 recommends measures to avert or minimise economic or technical layoffs and that redundancy criteria should give due weight to the interests of both the company and the workers, thus limiting discriminatory dismissals, when laying off women might be favoured over laying off men due to societal perceptions.

3.5 *International standards on working conditions*

This section examines CEDAW's specific provisions on the way work is carried out and ILS that cover equal pay, working time and home work, OSH, sexual harassment, and domestic work, as well as ASEAN's dedicated instrument.

3.5.1 *On equal pay*

- **CEDAW's Article 11(1)(d)** consecrates the principle of equal pay for work of equal value. Several General Recommendations address aspects of women's pay. **General Recommendation No. 13 on Equal remuneration for work of equal value** calls on States Parties to consider using job evaluation systems based on gender-neutral criteria to facilitate the comparison of the value of those jobs in which women predominate and which men predominate. **General Recommendation No. 16 on Unpaid Women Workers** affirms that unpaid work constitutes a form of women's exploitation and recommends States Parties to collect statistical data on women who work without payment, social security and social benefits, as does **General Recommendation No. 17 on Measurement and quantification of the unremunerated domestic activities of women** which recommends time-use surveys and collection of sex-disaggregated statistics on time spent on activities both in the household and on the labour market.

- **Equal Remuneration Convention, 1951 (No. 100) & Recommendation 90**, described above, require States to ensure that women are not underpaid because of their sex, and proposes using objective job evaluation. Because practical mechanisms for undertaking job evaluation are often not well understood, ILO has developed many

tools to assist policy makers come to grips with this complex principle of decent work.²⁰

- **3.5.2 On night work**

- **CEDAW's Article 11(3)** requires that protective legislation relating to matters covered in employment equality between women and men be reviewed periodically in the light of scientific and technological advances and be revised, repealed or extended as necessary. This is an important step linked with Article 5's concern that States Parties eliminate prejudices and customary practices based on stereotyped roles for men and women and ensure the recognition of the common responsibility of men and women in the upbringing and development of their children, rather than using women's reproductive role as an insurmountable barrier to decent work.

- **Night Work (Women) Convention (Revised), 1948 (No. 89), Protocol of 1990, and the Night Work Convention, 1990 (No. 171) & Recommendation 178.** The older text's ban on women working nights (except for certain cases e.g. force majeure or when raw materials will be wasted) was adjudged as no longer responding to modern production and gender equality realities. So ILO's tripartite delegates adopted a Protocol and new Convention and Recommendation that protect both sexes against the negative effects of night work. Convention No. 171 defines 'night work' as all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m. It applies to all employed persons except those in agriculture, stock raising, fishing, maritime transport and inland navigation. Ratifying States should adopt measures to protect men's and women's safety and health, assist them to meet their family and social responsibilities, provide opportunities for career advancement, compensate them appropriately and protect maternity through measures enabling women an alternative to working at night before and after childbirth.

3.5.3 On working from home and part-time

- **Home Work Convention, 1996 (No. 177) & Recommendation 184** define 'home work' as work carried out by a person in his/her home or in other premises of his/her choice other than the workplace of the employer, for remuneration, which results in a product or service as specified by the employer unless this person has the degree of autonomy and economic independence necessary to be considered an independent worker. Ratifying States shall adopt, implement and periodically review a national policy to promote equality of treatment between homeworkers and other wage earners, taking into account the special characteristics of home work and conditions applicable to the same or a similar type of work carried out in an enterprise.

- **Part-Time Work Convention, 1994 (No. 175) & Recommendation 182** define a 'part-time worker as an employed person whose normal hours of work are less than those of a comparable full-timers who are defined as a worker who (i) has the same type of employment relationship, (ii) is engaged in like work or occupation and (iii) is employed in the same establishment or branch of activity, as the part-time worker.

²⁰ *Closing the gender pay gap: A review of the issues, policy mechanisms and international evidence*, ILO, Geneva, 2016; *Equal Pay - An introductory guide*, ILO, Geneva, 2013; *Promoting equity - gender neutral job evaluation: A Step-by-Step Guide*, ILO, Geneva, 2008 ; also UN Women, OECD & ILO have created the *Equal Pay International Coalition* (EPIC) to support SDG 8.5 engaging with governments, employers, workers and their organisations, the private sector, civil society and academia to accelerate achievement of pay equity; it was launched for Asia-Pacific in Bangkok, 1 February 2018.

The Convention clarifies that full-time workers affected by partial unemployment, i.e. by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered as part-time workers. The rights of part-time workers under the Convention concern the fundamental rights, OSH, working conditions equivalent to those of comparable full-time workers in the fields of maternity protection, dismissal, paid leaves and public holidays.

3.5.4 On OSH

- **Occupational Safety and Health Convention, 1981 (No. 155), Protocol of 2002, & Recommendation 164** aim to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment. The Convention defines actions at the enterprise and national level to prevent hazards, minimise risks and promote OSH. Ratifying States shall enforce OSH laws through a system of inspection with penalties for violations. They should also ensure the holding of inquiries into cases of occupational accidents, diseases or injuries which appear to reflect serious situations and publish, annually, statistics and information on measures taken in pursuance of the national OSH policy. At the enterprise level, employers must ensure that their workplaces, machinery, equipment and processes under their control are safe and without risk to health and that chemical, physical and biological substances are without risk to health when the appropriate measures of protection are taken. They should provide, where necessary, adequate protective clothing and equipment and set up measures to deal with emergencies and accidents. Workers and/or their representatives must be given adequate information and appropriate training and be consulted by the employer. They also have to cooperate with the employer, e.g. report any situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.

3.5.5 On violence and sexual harassment

- **CEDAW** has no clause on violence, but its **Article 3** requires States Parties to take, in all fields, all appropriate measures, including legislation, to ensure that women exercise and enjoy human rights and fundamental freedoms on a basis of equality with men, which is interpreted to cover eliminating violence against women. **General Recommendations Nos 19 and 35 on gender-based violence against women** bring together CEDAW Committee's approach.

- **Violence and Harassment Convention, 2019 (No. 190) & Recommendation 206**, define 'violence and harassment' to include sexual harassment and recognise the harmful impacts of domestic violence at work.²¹

- AMS demonstrated their commitment to ending violence including sexual harassment at work when it adopted its **2013 Declaration on the Elimination of Violence Against Women and Children**.

3.5.6. Domestic work

- **Domestic Workers Convention, 2011 (No. 189) & Recommendation 201** recall that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants and are particularly vulnerable

²¹ ITC-ILO has a training course on the new ILS : <https://www.itcilo.org/courses/violence-and-harassment-world-work-what-can-be-done>; see also *Handbook for Legislation on Violence against Women*, UN Women, NY, 2010, providing a checklist of considerations of use when drafting national laws on violence against women, including at work.

to discrimination in respect of working conditions. The Convention provides that women and men domestic workers who care for families and households have the same basic labour rights as are available to other workers, including fundamental rights at work, normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave and a limit on in-kind payments. It specifically requires that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner (preferably by written contracts).

3.6 Social protection standards

This section examines first the overall standards for social security, then specific norms addressing two aspects of social protection: maternity protection and care work, as well as ASEAN's dedicated instruments.

- **CEDAW's Article 11(1)(e)** calls on State Parties to take measures to eliminate discrimination against women in social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.²² **CEDAW General Recommendation No. 18** recommends that States Parties provide information on women with disabilities.

- **Social Security (Minimum Standards) Convention, 1952 (No. 102)** sets minimum standards for nine contingencies: 1) medical care, 2) sickness benefit, 3) unemployment benefit, 4) old age benefit, 5) family, 6) maternity, 7) employment injury, 8) invalidity and 9) survivors' benefits. It guides the development of benefit schemes - design, financing, implementation, governance and evaluation - and recognises that there is no single model for social security. Taking one branch as an example, for medical care Convention No. 102 provides for preventive care, general practitioner care including home visits, specialist attention, essential pharmaceutical supplies as prescribed, prenatal, confinement and postnatal care by medical practitioners or qualified midwives/deliverers and hospitalisation where necessary. There are a number of more recent ILS that expand the scope of protection provided by Convention No. 102,²³ and a new, non-binding Social Protection Floors Recommendation, 2012 (No. 202) covering four guarantees across the worker's life-cycle from access to health care including maternity care, child benefits, income security in face of sickness, unemployment, maternity and disability in adulthood, and old age pensions. SPFs hold promise for women, who are over-represented among those excluded from existing social protection schemes.²⁴

- AMS in 2018 demonstrated their commitment to social protection by adopting the **ASEAN Declaration on Strengthening Social Protection**.

3.6.1 Maternity protection

²² <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

²³ Medical Care and Sickness Benefits Convention, 1969 (No. 130) & Recommendation (No. 134); Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) & Recommendation (No. 176); Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) & Recommendation (No. 131); Employment Injury Benefits Convention, 1964 (No. 121) & Recommendation (No. 121); Equality of Treatment (Social Security) Convention, 1962 (No. 118); Maintenance of Social Security Rights Convention, 1982 (No. 157) & Recommendation (No. 167).

²⁴ <https://www.unwomen.org/en/digital-library/publications/2015/12/making-social-protection-floors-work-for-women#view>

- **CEDAW Article 11(2)** explicitly stipulates that in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures to: (a) prohibit dismissal on the grounds of pregnancy, maternity leave and marital status; (b) introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances; (c) encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities; and (d) provide special protection to women during pregnancy in types of work proved to be harmful to them.
- **Maternity Protection Convention, 2000 (No. 183) & Recommendation 191** cover medical benefits (prenatal, delivery and postnatal care), hospitalisation when necessary and cash benefits of at least 2/3 of previous earnings during 14 weeks' leave (of which six weeks compulsorily taken after childbirth) as well as daily breastfeeding breaks. Recommendation 191 envisages additional types of leave: paternity leave for the father, parental leave for both working father and mother during a period following the expiry of her maternity leave and adoption leave.
- AMS's 2010 **Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children** included maternity protection in their commitment to women and children's welfare.

3.6.2 *Care and work/family balance*

- **CEDAW's Article 5** calls for a proper understanding of maternity as a social function, demanding fully shared responsibility for child-rearing by both parents. Accordingly, provisions for maternity protection and childcare are proclaimed as essential rights and are incorporated across the Convention, whether dealing with employment, family law, health or education. Society's obligation extends to offering social services, especially childcare facilities that allow individuals to combine family responsibilities with work and participation in public life. The CEDAW Committee recommends to verify what work women and girls are shouldering in the care sector (not just family care but household tasks as well): **General Recommendations No. 16 on Unpaid Women Workers; No. 21 on equality in marriage and family relations; and No. 36 on the right of girls and women to education.**
- **Workers with Family Responsibilities Convention, 1981 (No. 156) and Recommendation 165.** Ratifying States must have policies to enable persons - of all sexes - with family responsibilities to engage in employment without being subject to discrimination and without conflict between their employment and family care. These norms recognise women's unpaid care work and the need to reduce and redistribute such work. The scope covers free choice of employment, remaining in and re-entering the labour force, and the need to take account of these workers' needs in terms and conditions of employment, social security and community planning and services such as childcare.

3.7 *International labour migration standards*²⁵

- The guiding principles and standards for gender mainstreaming in the field of migrant work is contained in **CEDAW by virtue of its universally valid principles**, which apply to all women regardless of social or migrant or other status. General **Recommendation No. 26 on Women Migrant Workers** provides that States Parties should ensure that constitutional, civil law and labour codes provide to women migrant workers the same rights and protection that are extended to all workers in the country.

- **Migration for Employment Convention (Revised), 1949 (No. 97) & Recommendation 86; and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) & Recommendation 151.** Convention 97 defines the rights of migrant workers and the obligations of States to take measures to facilitate departure, journey and reception of migrant workers - women and men - for employment. Recommendation 86 gives details for safe migration such as measures to provide migrants for employment with adequate accommodation, food and clothing on arrival in the country of immigration. It states that migrant workers should be given equality of treatment as the nationals of the host country in terms of the fundamental rights at work, remuneration, hours of work and weekly rest days, overtime arrangements, holidays with pay, limitations on home work, OSH as well as admission to schools, to apprenticeships and training; recreation and welfare measures; and legal means of redress. Convention 143 aims to end abusive conditions and ensure equality of opportunity and treatment with national workers. Ratifying States, Under Part I, shall determine whether there are illegally employed migrant workers on its territory and whether migrants workers passing over its territory suffer conditions contravening relevant international agreements, bilateral instruments or national legislation. To suppress clandestine migrant workers movements, States shall take measures to prosecute traffickers. Under Part II, States shall guarantee equality in employment, social security, trade union and cultural rights, and individual and collective freedoms.

- In 2007, ASEAN adopted **the Declaration on the Protection and Promotion of the Rights of Migrant Workers**, in which AMS commit to promoting decent, humane, productive, dignified and remunerative employment for migrant workers. In 2016, the Declaration on Migrant Worker Rights was reaffirmed in the ASEAN Socio-Cultural Community Blueprint 2025 as an initiative to follow for the protection and promotion of the rights of migrant workers (section B.3.ix).²⁶ In 2017 AMS again demonstrated their commitment to women's and men's safe migration for decent work by adopting the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.

²⁵ The 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has been ratified by Indonesia and Philippines, available at

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

²⁶ <https://asean.org/storage/2016/01/ASCC-Blueprint-2025.pdf>

Chapter 4

THE CHECKLISTS

This chapter contains user-friendly checklists for each of the four focus areas, formulated to guide gender analysis of the labour and employment situation on the ground. A review of the current literature and the consultations suggested which key issues to include in the checklists, being those that resonate in the ASEAN region.

These are voluntary-based checklists. All AMS are encouraged to participate in using them as an integral element of this Guideline. However, there may be questions that are not applicable to all AMS thus there is no requirement to answer all questions. A strategic choice could be made to complete only some of the questions in each checklist, or to complete only one or two of the checklists, on the understanding that the next reporting cycle (two years hence) will contain as much missing information as possible.

A general concern among AMS is the lack of sex-disaggregated data on various aspects of decent work. The sources of data could be: 1) labour and employment statistics collected by the labour ministry and/or the national statistics offices and other concerned authorities like social security agencies; 2) periodic national reports on CEDAW and relevant ILO Conventions ratified by the country; 3) Concluding Observations of the CEDAW Committee and Observations and Direct Requests issued by ILO's Committee of Experts on the Application of Conventions and Recommendations; 4) national studies on labour and employment and gender equality; and 5) regional and global level research such as reports published by ADB, UN Women, ILO, human rights institutions and the like (e.g. those listed in chapter 1). In addition, AMS now have *ASEAN Key Figures 2019*. If it is a challenge, at this point in time, for some AMS to provide sex-disaggregated data for all checklist questions, this is however an opportunity for action to examine the lack of data and devise initiatives to collect, compile and analyse essential data on labour and employment, because having the statistics is the first order of action in promoting decent work. So completing the checklists as fully as possible should still be the goal, it being understood that including supporting data will depend on the availability. Inter-ministerial coordination assists in gathering data and information to complete the checklists. While ministries responsible for labour and employment are in charge of filling them out, it is wise - and a time-saver - to coordinate with other agencies as relevant, in particular with officials from ministries responsible for gender equality.

Completing the checklists builds capacity (one of the specific objectives of this Guideline-chapter 1) and makes users aware of the knowledge gaps/strengths, by providing a practical method to review how gender mainstreaming is being applied in laws and policies using this Guideline. Filling in the checklists will also inform promising practices that in turn can be shared across AMS for improved gender mainstreaming in employment policies for decent work (and build up the knowledge hub represented in chapter 6). The checklists are the basic material for monitoring and evaluation (chapter 5).

The checklists are meant to serve as a scientific (rather than anecdotal) tool to help determine the key gender issues in the field of labour and employment in each country. The purpose is to assist the ministries responsible for labour and employment, social dialogue partners, and other stakeholders to plan and implement

actions to correct gender inequalities and remove gender biases in labour policy, programs and practices and thus support the achievement of decent work for all women and men.

4.1 Instructions for completing each checklist

For each checklist, questions are answerable by “Yes” or “No” or “Not Applicable”. Another column is provided to explain the corresponding response. While additional comments are not compulsory, it is encouraged to specify reasons why some data are not available or not applicable in that AMS. Any such comments can be as detailed as the user wants e.g. giving the full official title of the law being referred to, and its scope of application as well as any exemptions. There is no right or wrong answer. Answer the questions as honestly as you can. You can consult the concerned units or offices to get the most complete answer. Answering “No” does not always mean a negative answer or gender gap in the policy, nor does it imply that AMS should all respond “Yes” to every question in the future e.g. a country may not have specific policies targeting women but the country’s priority is to promote law enforcement and access of women to the existing policies. Answering “Yes” to a question does not necessarily mean that the country has no further work to do on mainstreaming gender in employment and labour policies, because there may be challenges in enforcement.

4.2 Useful resources and references

The following Table lists useful “how-to” tools from other regions and ASEAN itself.

Table 1 Useful resources & references

Focus Area Resource Materials	Key Gender Issues in ASEAN
<p>Employment Promotion</p> <p><i>Resource Guide on Gender Issues in Employment and Labour Market Policies</i>, ILO, Geneva http://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/instructionalmaterial/wcms_243015.pdf</p> <p><i>ILO Guidelines on Gender in Employment Policies</i>, ILO, Geneva, 2009 http://www.ilo.org/wcmsp5/groups/public/@ed_emp/documents/instructionalmaterial/wcms_103611.pdf</p> <p><i>Handbook for ILO Tripartite Constituents: Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)</i>, ILO, Geneva, 2013 https://www.ilo.org/public/libdoc/ilo/2013/113B09_17_engl.pdf</p> <p><i>The Informal Economy & decent work: A policy resource guide supporting transitions to formality</i>, checksheet No. 6 “Promoting women’s</p>	<ul style="list-style-type: none"> • Data gaps on labour force profile for women v. men • Barriers to employment opportunities for women compared to men, societal & legal • Women proportionally more present in informal economy • Effects of intersectionality as multiple barriers to women’s employment opportunities & treatment e.g. older women workers • Transitioning from the informal economy where support measures might not be gender-responsive • Lack of/poor access to skills attainment & upgrading to improve the employability of women

<p>empowerment: a gendered pathway out of informality”, ILO, Geneva, 2013 https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210460.pdf</p> <p><i>OECD-ASEAN’s Study on Strengthening Women’s Entrepreneurship in ASEAN</i>, Paris http://www.oecd.org/southeast-asia/regional-programme/Strengthening_Womens_Entrepreneurship_ASEAN.pdf</p>	<p>e.g. digital gender gap, no STEM courses offered</p> <ul style="list-style-type: none"> • Insufficient support on life-long learning approaches and skills upgrading – in particular for women given absences throughout their careers due to family responsibilities • Absence of gender-responsive national employment policy • Lack of security of tenure & weak anti-dismissal laws • Weak women’s voice & leadership in policy making for the world of work e.g. few women in managerial positions to lead to more balanced hiring practices; more diversity in teams for higher productivity, accountability & innovative solutions to new world of work challenges
<p>Decent Working Conditions</p> <p><i>Checklist to Protect & Support Domestic Workers</i>, UN Women/IOM et alia, Mauritius, 2012 https://www.unwomen.org/en/digital-library/publications/2012/11/checklist-to-protect-and-support-domestic-workers</p> <p><i>Safety & Health in Agriculture- Code of practice</i>, ILO, Geneva, 2011 https://www.ilo.org/global/topics/safety-and-health-at-work/normative-instruments/code-of-practice/WCMS_161135/lang--en/index.htm</p>	<ul style="list-style-type: none"> • Data gaps on conditions of work • Gender pay gap • Night work ban on women only, rather than both sexes when harmful • Longer working hours for women compared to men • Reluctance to offer equality in working time, part-time arrangements & flexible working time • Poor OSH laws, policies & implementation • Gender-based violence and sexual harassment

	<ul style="list-style-type: none"> • Domestic work's poor conditions affecting women more than men • Gaps in law and policy & weak implementation capacity for all aspects of work conditions • Lack of engagement in gender-responsive collective bargaining to fill legislative gaps and make gains e.g. equal pay, work-family balance, maternity & paternity protection, domestic violence leave
<p>Social Protection including maternity</p> <p><i>Checklist: Age-friendly employment policies</i>, in Policy Brief on Aging No.9, UNECE, 2011 https://www.unece.org/fileadmin/DAM/pau/_do cs/age/2011/Policy-briefs/9-Policy-Brief-Age-Friendly-Employment.pdf</p> <p><i>Healthy Beginnings: Guidance on Safe Maternity at Work</i>, ILO, Geneva, 2004 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_travail_public_66.pdf</p> <p><i>Reconciling work and family responsibilities: Practical ideas from global experience</i>, ILO, Geneva, 2005 https://www.ilo.org/public/libdoc/ilo/2005/105B09_142_engl.pdf</p>	<ul style="list-style-type: none"> • Low coverage for social security in the general population • No coverage of informal sector workers & self-employed • Weak protection for workers in situations of vulnerability: particularly affecting women, elderly women, women with disabilities, women migrant workers (intersectionality) • Legislative gaps regarding maternity protection, paternity & parental leave • Lack of engagement in gender-responsive collective bargaining to fill gaps in law & policy and make gains e.g. negotiating social protection floor minima • Lack of/poor work-life balance facilities in workplaces and in communities for both men and women workers thus perpetuating

	feminised care stereotypes
<p>International Labour Migration</p> <p><i>Self-Assessment Tool of ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers; & ASEAN Workshop to develop guidelines on health coverage for documented migrants</i> https://asean.org/storage/2012/05/clean-Action-Plan-2018-2025-of-ASEAN-Consensus-on-the-Protection-and....pdf</p> <p><i>ILO International Labour Standards on Migrant Workers' Rights: Guide for Policymakers and Practitioners in Asia and the Pacific, Geneva, 2007</i> https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_146244.pdf</p> <p><i>ILO Guide to Private Employment Agencies: Regulation, Monitoring and Enforcement, Geneva, 2007</i> https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/instructionalmaterial/wcms_083275.pdf</p> <p><i>ILO General principles and operational guidelines for fair recruitment, Geneva, 2019</i> https://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/enhanced/WCMS_626548/lang--en/index.htm</p>	<ul style="list-style-type: none"> • Data gaps e.g. # of nationals working abroad, by sex & type of job • Pre-employment challenges: no alternatives to migrant work; no orientation on what to expect in overseas work; policies which are meant to 'protect women' resulting in discrimination e.g. bans on women domestic workers' migration to specific countries which tend to push more women into unofficial channels, with risks involved • Pre-departure: discriminatory recruitment practices e.g. pregnancy or HIV testing & disability exclusion resulting in fewer jobs available to underrepresented groups; cost of recruitment & vulnerability to illegal recruitment of men and women applying for jobs abroad • Arrival/On site: vulnerability to sexual harassment, abuse & exploitation • Contract violations, maltreatment by employers e.g. migrant workers not allowed to retain their passports • Return/Reintegration: non-availability of reintegration programs

	<p>for both sexes e.g. livelihood start-up kit, entrepreneurial training</p> <ul style="list-style-type: none"> • Non-portability of social security benefits • Difficulties for productive use of remittances especially for returning women faced with family and societal expectations
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CHECKLIST 1. EMPLOYMENT PROMOTION

INSTRUCTIONS: This is a self assessment checklist to identify the gender issues and data gaps in employment policies and to get ideas on the gender mainstreaming actions needed to be done in your department/ministry. Circle Yes (Y), No (N), or Not applicable (NA) to indicate your answer to each of the questions below. Please refer to chapter 2 for Basic concepts and definitions. Refer to chapter 3 for International Standards and Frameworks.

Elements or questions related to employment promotion	YES	NO	Not Applicable	Remarks USE THIS SPACE TO EXPLAIN YOUR ANSWERS
I. INCREASING EMPLOYMENT OPPORTUNITIES				
1. Are men and women able to get information on job vacancies and employment/economic opportunities?	Y	N	NA	
2. Are men and women equally given assistance and access to the facilities to find job vacancies? e.g. dedicated policy/law on equal job opportunities, online job search tools, public employment service (PES) centers	Y	N	NA	Give #men & #women who are given PES placement advice & # of all sexes who were actually hired thereafter.
3.1. Do men and women have equal opportunities of getting hired in certain sectors? Which ones?	Y	N	NA	
a) construction,	Y	N	NA	
b) transport,	Y	N	NA	
c) retail,	Y	N	NA	
d) hotels and restaurants,	Y	N	NA	
e) tourism,	Y	N	NA	
f) others _____	Y	N	NA	

3.2. Are there jobs/occupations that women or men cannot do according to culture, tradition or religious custom?	Y	N	NA	Please identify the occupations and explain why.
3.3. Do young women or young men face particular barriers to finding jobs and getting hired?	Y	N	NA	If yes, what barriers are faced by young men/young women? What particular occupations do they find difficult to get into?
4. Do men have a better chance than women of being promoted in the workplace?	Y	N	NA	What conditions favour men's promotion at work? What conditions favour women's promotion at work? Provide sex disaggregated data on promotions.
5.1. Are men and women offered skills development for entrepreneurship? e.g. to set up their own micro- or small business	Y	N	NA	What are the requirements for women? What are the requirements for men?
5.2. Are course requirements different for women and men?	Y	N	NA	
6. Are men and women able to acquire technology to ease their work or production?	Y	N	NA	
7. Are men and women equally present in the informal economy?	Y	N	NA	How many women & men are estimated to be in the informal economy?
8. Are men and women able to move/transition from informal work to formal work?	Y	N	NA	What are the constraints in transitioning to the formal economy? For Men: For Women: Provide data on how many women and how many men have so transitioned.

9. Do employers show gender preferences in recruitment and hiring?	Y	N	NA	Cite cases of gender-based hiring decisions. In which occupations do they prefer men? In which occupations do they prefer women?
10. Are there any laws or policies restricting women's and men's choice of employment? e.g. night work, work in water	Y	N	NA	Cite the laws and practices.
11. Does household care work prevent women from attending skills training?	Y	N	NA	Provide supporting data.
12.1. Does household care work prevent women from getting or keeping their jobs?	Y	N	NA	Provide supporting data.
12.2. Or from being promoted?	Y	N	NA	
13. Is paid domestic work a formal employment option for women and men in your country?	Y	N	NA	If yes, provide data on the number of women and number of men domestic workers.
II. ENHANCING EMPLOYABILITY				
14.1. Are men and women able to enhance their skills for employment?	Y	N	NA	Describe programs & services for skills development on offer.
14.2. Are the relevant skills training readily available? e.g. for rural areas	Y	N	NA	
14.3. Are the training programs accessible to men and women?	Y	N	NA	
14.4. Are the skills training affordable for men and for women?	Y	N	NA	
15. Are there policies to promote skills in entrepreneurship for women?	Y	N	NA	If yes, provide the list of policies.
16.1 Does the current national technical & vocational education and training system (TVET) encourage women to acquire	Y	N	NA	If yes, provide sex disaggregated data on enrolments per course.

non-traditional skills? 16.2 Does the TVET encourage men to acquire non-traditional skills?	Y	N	NA	
17. Does the curricula of the vocational training centers reinforce traditional gender stereotypes?	Y	N	NA	Can you give an example of how it is being enforced?
18.1. Are men and women being trained in technology-based skills training & STEM in preparation for the Fourth Industrial Revolution?	Y	N	NA	Explain briefly e.g. are women equally participating in science & maths courses as men?
18.2. Some AMS promote STEAM adding 'Agriculture or Arts' to STEM. Is this the case in your country?	Y	N	NA	Give an example of such training, with sex disaggregated data on enrolments in such training.
18.3 Are there policies to incentivise young girls or women to enrol in STEAM and ICT-related courses?	Y	N	NA	
III. NATIONAL EMPLOYMENT POLICY				
19. Does your country gather sex disaggregated data on: a) labour force participation? b) informal economy work in non-agriculture employment? c) work undertaken by other vulnerable groups e.g. persons with disabilities, ethnic minorities?	Y Y Y	N N N	NA NA NA	What entities or offices are responsible for collecting male-female statistics? If this is done in accordance with a law, name it & indicate the year your country started collecting sex disaggregated data .
20. Are the following data collected in your country or state: a) Proportion of women and men in managerial positions b) Unemployment rate, by sex, age & persons with disabilities c) Underemployment rate, by sex, age & persons with disabilities	Y Y Y	N N N	NA NA NA	

21. Does the Labour Ministry analyse these gender statistics? e.g. Is there someone in the Labour Ministry trained to perform the analysis of gender statistics?	Y	N	NA	
22.1. Does the law provide for temporary special measures to ensure entry of women into male-dominated work?	Y	N	NA	
22.2. Does the law provide for temporary special measures to enable women to access managerial /senior posts?	Y	N	NA	
23. Does the law prohibit dismissal on account of one's gender?	Y	N	NA	
24. Does the law prohibit the use of different recruitment and selection criteria for women and men?	Y	N	NA	
25. Are there complaints procedures or grievance machinery for gender discrimination in employment?	Y	N	NA	
26.1. Are victims of discrimination in employment provided compensation for damages suffered?	Y	N	NA	
26.2. Are perpetrators of discrimination in employment punished with sanctions?	Y	N	NA	
IV. SOCIAL DIALOGUE				
27. Does the Labour Ministry/Department coordinate with Ministries/Departments in charge of gender equality on the matter of gender mainstreaming into employment policies and programs?	Y	N	NA	Why or why not? Please explain under each of the following questions.
28. Has there been a dialogue between the Labour Ministry, ministries responsible for gender equality and employer groups?	Y	N	NA	
29. Has there been a dialogue between the Labour Ministry,	Y	N	NA	

ministries in charge of gender equality and workers' groups?				
30. Has there been a dialogue between the Labour Ministry, ministries in charge of gender equality and civil society, non-governmental organisations and women's groups?	Y	N	NA	
31. Does the Labour Ministry/Department in your country understand and accept that it is responsible for gender mainstreaming into labour and employment policies & programs for decent work?	Y	N	NA	
32.1. Has the Labour Ministry taken any initiative to mainstream gender into employment policy & practice?	Y	N	NA	If yes, explain what initiatives were taken. If none taken, why not?
32.2. Did it consult ministries responsible for gender equality in launching its gender mainstreaming initiatives?	Y	N	NA	
32.3. Did the Labour Ministry consult employer and workers' groups?	Y	N	NA	
32.4. Did the Labour Ministry consult civil society, non-governmental organisations and women's groups?	Y	N	NA	
33.1. Do existing social dialogue processes (e.g. national social & economic councils or labour advisory boards) discuss specifically gender equality in labour and employment?	Y	N	NA	Give the name of such entity and, if established by law, cite the statute and any regulations governing its composition.
33.2. Is there gender balance in the composition of such councils?	Y	N	NA	
33.3. Have women chaired such social dialogue institution meetings as often as men?	Y	N	NA	
34. Has the ministry responsible for gender equality ever advocated gender mainstreaming to the Labour Ministry?	Y	N	NA	If yes, how did the Labour Ministry respond?

CHECKLIST 2. DECENT WORKING CONDITIONS

INSTRUCTIONS: This is a self assessment checklist to identify the gender issues and data gaps in working conditions and to get ideas on the gender mainstreaming actions needed to be done in your department/ministry. Circle Yes (Y), No (N), or Not applicable (NA) to indicate your answer to each of the questions below. Please refer to chapter 2 for Basic concepts and definitions. Refer to chapter 3 for International Standards and Frameworks.

Elements or questions related to conditions of work	Yes	No	Not Applicable	Remarks-Use This space to explain your answers
I. DATA ON CONDITIONS OF WORK				
1. Are there data on conditions of work, specifically on:				
a) the average hourly earnings of female and male employees, by occupation, age & persons with disabilities?	Y	N	NA	
b) Frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status	Y	N	NA	
c) average hours of work of men and women	Y	N	NA	
d) number of hours of unpaid work by women and by men	Y	N	NA	
d.1. hours spent on domestic chores	Y	N	NA	
d.2. hours spent on care work	Y	N	NA	
e) incidence of violence against women, namely	Y	N	NA	
e.1. domestic violence	Y	N	NA	
e.2. sexual harassment at the workplace	Y	N	NA	
e.3. sexual harassment in public spaces				
II. GENDER PAY GAP				
2. 1. Do the data, statistics or studies show disparities in pay among women and men for work of the same value in the country?	Y	N	NA	If yes, cite the % gap shown by the data.
2.2. In what sectors and positions are the disparities in pay observed?				
2.3. Has the government taken corrective measures (e.g. introducing objective job appraisals; requiring transparency in pay	Y	N	NA	Describe the action taken in

levels; issuance of policies or enactment of legal provisions) to balance the pay gap between women and men in the public sector?				both public and private sectors.
2.4 Has the government taken such corrective measures in the private sector?	Y	N	NA	
III. HOURS OF WORK				
3.1 On average, do women work longer hours than men in paid employment?	Y	N	NA	If yes, cite data to show this trend.
3.2 On average, do women work longer hours than men in unpaid care work?	Y	N	NA	
4.1. Do men and women engage in part-time jobs?	Y	N	NA	
4.2. If yes, are there more women engaged in part-time jobs than men?	Y	N	NA	
5.1. Do men and women engage in home-based jobs?	Y	N	NA	If yes, what types of home-based jobs do men perform? What about the women?
5.2. Do men and women engage in flexible workplace arrangements? Or telecommuting?	Y	N	NA	
6. Is there a national policy allowing flexible working hours?	Y	N	NA	If yes, has it helped the women? Has it helped the men?
7. Do most employers practise flexible working time?	Y	N	NA	This question applies irrespective of whether there is a law on this issue.
8.1. Do most employers consider gender in shift work assignments?	Y	N	NA	Explain briefly.
8.2. Are there data showing the impact of shift work on men and women?	Y	N	NA	
IV. VIOLENCE AND SEXUAL HARASSMENT AT THE WORKPLACE				
9. Are there national data, studies or statistics showing the incidence of gender-based violence (GBV) and violence against women (VAW) in the workplace?	Y	N	NA	If yes, describe briefly these GBV & VAW incidents.
10. Is there any specific data (separated out within the GBV or VAW data) showing the incidence of sexual harassment (SH) in the workplace?	Y	N	NA	If yes, what is the incidence of SH at the workplace?

11. If yes, does the data differentiate sexual harassment in public and private firms?	Y	N	NA	
12. Have there been cases filed on sexual harassment in private firms?	Y	N	NA	If yes, did the victim win the case? Was the harasser punished?
13. Is there a national law prohibiting sexual harassment at the workplace?	Y	N	NA	Cite the statute or chapters of relevant laws.
14. Have there been labour inspection reports of sexual harassment in workplaces in your country?	Y	N	NA	
15. Have reported cases of sexual harassment been investigated in the public and private sectors?	Y	N	NA	
16. Do companies in both private and public sectors have policies against sexual harassment and other forms of violence against women?	Y	N	NA	If yes, cite examples of such policies.
17. In general, does SH deter women from continuing their employment?	Y	N	NA	Are there studies showing this?
18. At national level, are there practical steps being taken to prevent sexual harassment?	Y	N	NA	

19. Do trade unions or civil society organisations play an active part in preventing sexual harassment or other forms of violence against women? e.g. women's groups	Y	N	NA	If yes, how? How do they participate in prevention of such acts?
20. Are there laws or local ordinances that prohibit sexual harassment in public spaces?	Y	N	NA	
21. Are there incidents of sexual harassment where men are the victims?	Y	N	NA	
22. Are there policies recognising the effects of intimate partner abuse or domestic violence on workers? e.g. allowing special leave to attend to medical, legal, judicial concerns	Y	N	NA	If yes, how many days are permitted per year? Paid?

V. LAW AND POLICY ON CONDITIONS OF WORK

23. Is there a national law or policy that guarantees equal remuneration for equal work AND work of equal value between women & men?	Y	N	NA	Cite the law/regulation.
24. Does the law provide for equal protection of women and men from occupational hazards?	Y	N	NA	

25. Does law require the same criteria women and men for promotions?	Y	N	NA	
26. Does the law require same selection criteria for women and men in relation to access to training and other skills development activities?				
27.1. Does the law provide for equal pension age and conditions for retirement between men & women?	Y	N	NA	If yes, please indicate the different ages for men's and women's retirement.
27.2. If no, are there plans to reduce the gap?	Y	N	NA	
28.1. Does the labour/employment law require labour inspectorates to address gender equality issues?	Y	N	NA	If yes, on which issues are data collected?
28.2. If yes, do annual labour inspection reports contain sections reflecting the inspectorate's activities regarding workplace gender equality?	Y	N	NA	
29. Does the law consider gender in shift work assignments?	Y	N	NA	
30. Does the law provide for compensation in cases of employee injury at the workplace?	Y	N	NA	
31. Is there a specific legislative provision prohibiting sexual harassment by employers and co-employees?	Y	N	NA	
32.1. Does the definition of sexual harassment include physical, psychological, verbal and visual forms of harassment?	Y	N	NA	
32.2. Does the definition of sexual harassment include behaviour that creates an intimidating, hostile or humiliating working environment?	Y	N	NA	

CHECKLIST 3. SOCIAL PROTECTION INCLUDING MATERNITY

INSTRUCTIONS: This is a self assessment checklist to identify the gender issues and data gaps in social protection policies and to get ideas on the gender mainstreaming actions needed to be done in your department/ministry. Circle Yes (Y), No (N), or Not applicable (NA) to indicate your answer to each of the questions below. Please refer to chapter 2 for Basic concepts and definitions. Refer to chapter 3 for International Standards and Frameworks.

I. UNIVERSAL COVERAGE: SOCIAL PROTECTION FOR ALL

Elements or questions related to social protection	Yes	No	Not Applicable	Remarks-Use this space to explain your answers
1. Are there social security schemes in your country? If yes, circle the target beneficiaries: a) informal workers b) women workers	Y	N	NA	Describe the scheme briefly.

c) men workers				
c) older persons				
d) the extreme poor				
e) indigenous peoples				
f) persons with disabilities				
h) others _____				
2. Are the social security schemes based on contributions?	Y	N	NA	If yes, explain briefly. Are employers solely responsible for contributions? If not what is the % of contribution from workers?
3. Does the social protection scheme provide for:				How much is the income assistance and for how long?
a) health care, including maternity	Y	N	NA	
b) child benefit	Y	N	NA	
c) income security in case of sickness, unemployment & disability	Y	N	NA	
d) income security for older persons	Y	N	NA	
e) other contingencies _____				
4. Does the social protection system cover ALL of the population?	Y	N	NA	If no, who are not covered and what percentage of the population is covered.
5. Do the social protection schemes include:				If yes, do men & women access the benefits on an equal footing?
a) Social insurance, including health insurance	Y	N	NA	
b) Social/Relief assistance	Y	N	NA	
c) Cash Transfers	Y	N	NA	
d) others _____	Y	N	NA	
6. Are women and men able to access unemployment benefit if they lose their jobs?	Y	N	NA	
7. Are women and men able to access health care?				
a) when they get sick	Y	N	NA	
b) when they get old	Y	N	NA	
c) when they get injured	Y	N	NA	
d) when they are pregnant (for women only)	Y	N	NA	
e) when they lose their jobs	Y	N	NA	
f) others: _____				

II. PROTECTION FOR WORKERS IN THE INFORMAL ECONOMY				
8. Do informal workers contribute to any form of social insurance?	Y	N	NA	If yes, describe the scheme. How much do workers contribute?
9. Does the government provide income assistance to workers in the informal sector?	y	N	NA	
10. Do workers in the informal sector have access to skills training provided by the government?	Y	N	NA	
11. Are workers in the informal sector given market contacts by the government to grow their enterprises?	Y	N	NA	
12. Are workers in the informal sector given financial and credit assistance to start their micro/small enterprise?	Y	N	NA	
13. Will workers in the informal sector have pensions in their old age?	Y	N	NA	
III. PROTECTION FOR VULNERABLE WORKERS (older workers, persons with disabilities, among others)				
14.1 Are elderly women (above 60 years old) given State income assistance/pension?	Y	N	NA	
14.2 Are elderly men (above 60) given State income assistance/pension?	Y	N	NA	
15.1 Are other forms of assistance given to elderly women such as a) health/medical benefit? b) social assistance e.g. recreation, socialisation facilities? c) funeral assistance?	Y	N	NA	If yes, is it given in cash or in kind? How much is the medical support and for how long?
d) 15.2 Are other forms of assistance given to elderly men?	Y	N	NA	
16. Is there a scheme to provide income for those women & men in vulnerable situations who lose their jobs?	Y	N	NA	Describe briefly. What assistance is given and for how long.

17.1 In case a worker is injured at the workplace, are there provisions for medical support?	Y	N	NA	What health services are given?
17.2 In case a worker is permanently injured at work and becomes disabled, are they given a disability benefit?	Y	N	NA	Cite the disability benefit law or policy.
18. Is health assistance given to:				
a) indigenous women and men?	Y	N	NA	
b) victims of calamities and disasters?	Y	N	NA	
c) victims of civil strife/armed conflict?	Y	N	NA	
d) extremely poor women and men?	Y	N	NA	

IV. MATERNITY PROTECTION & WORKERS WITH FAMILY RESPONSIBILITIES

19. Does your country have laws or policies on maternity protection without loss of seniority?	Y	N	NA	
a) Does the law on maternity protection provide for maternity leave?	Y	N	NA	
b) How long is the maternity leave?				
c) Are there leave provisions in case of miscarriage or termination of pregnancy, or complications of pregnancy?	Y	N	NA	
d) Are all women workers, regardless of their employment status, covered by maternity leave benefits	Y	N	NA	If no, what type of workers are not covered? Casual, contractual, temporary?
20. Do the laws provide paternity leave for the men?	Y	N	NA	Period of leave, in days, weeks or months?
21. Do maternity benefits include cash benefits?	Y	N	NA	If yes, at what % of previous wage are these benefits set?
22. Are pre-natal and postnatal check-ups covered by social or health insurance?	Y	N	NA	
23. Does the maternity law provide special gynecological leave (surgery due to gynecological disorders)?	Y	N	NA	

24. Does the law provide protection for pregnant women from doing heavy work or work proved harmful to her and her fetus's health during the period of her pregnancy?	Y	N	NA	
25. Are lactation breaks allowed in the workplace?	Y	N	NA	If yes, how long are the breaks? Is the lactation break adequate?
26. Are breastfeeding or lactation rooms provided with amenities in workplaces?	Y	N	NA	
27. Are flexible working hours allowed for women and men workers with family responsibilities such as care for small children, of sick family members & dependent older persons?	Y	N	NA	
28. Are flexible working arrangements or telecommuting provided for women and men workers with family responsibilities?	Y	N	NA	
29. Are kindergarten, nursery, day care or child-minding centers or services provided at or near the workplace?	Y	N	NA	
V. UNPAID CARE WORK				
30. Have time use surveys ever been conducted in your country?	Y	N	NA	If yes, describe briefly.
31. Is there evidence that women and men are doing unpaid work?	Y	N	NA	If yes, cite the evidence. What kind of work is it: domestic chores, care work, etc.?
32. Do policy makers recognise women's unpaid care work? e.g. measured in national accounts	Y	N	NA	If yes, what policy actions have they taken.
33. Are data being compiled on the situation of women who work without being paid? e.g. poverty levels	Y	N	NA	
34. To redistribute unpaid care work, are there training programs for fathers to perform parenting, child-caring/rearing & household work?	Y	N	NA	

35. Are there measures to reduce unpaid care work by making basic utilities (water, electricity) for household work accessible & affordable?	Y	N	NA	
36. Are technology and machines available, affordable for women workers living in remote or rural communities, to reduce this type of work?	Y	N		
37. Are community planning measures in place to provide services such as child-care & elderly care? e.g. in urban & rural areas	Y	N		

CHECKLIST 4. INTERNATIONAL LABOUR MIGRATION

INSTRUCTIONS: This is a self assessment checklist to identify the gender issues and data gaps in overseas migration policies and to get ideas on the gender mainstreaming actions needed to be done in your department/ministry. Circle Yes (Y), No (N), or Not applicable (NA) to indicate your answer to each of the questions below. Please refer to chapter 2 for Basic concepts and definitions. Refer to chapter 3 for International Standards and Frameworks.

GENDER ISSUES IN INTERNATIONAL LABOUR MIGRATION (THIS DOES NOT COVER INTERNAL MIGRATION WITHIN A COUNTRY)				
I. PARTICIPATION IN LABOUR MIGRATION				
Elements or questions related to international labour migration	YES	NO	NOT APPLICABLE	Remarks - Use this space to explain your answers
1. In your country, are there data that show the migration of men and women for overseas employment?	Y	N	NA	Who/what organisation collects the data? Who uses the data? For what purpose is the data used?
2. Do the data show the type of occupations of men and of women in the destination countries?	Y	N	NA	Cite the evidence and data on the number of migrant workers by gender, occupational categories and country of destination.
3.1 In which of the following job categories are women migrant workers dominant?				
a) domestic work	Y	N	NA	

b) entertainment	Y	N	NA	
c) care work	Y	N	NA	
d) hotels & tourism	Y	N	NA	
e) hospital care	Y	N	NA	
f) nursing home/aged care	Y	N	NA	
g) others _____				
3.2 In which of the following job categories are men migrant workers dominant?				
a) domestic work	Y	N	NA	
b) entertainment	Y	N	NA	
c) care work	Y	N	NA	
d) hotels & tourism	Y	N	NA	
e) hospital care	Y	N	NA	
f) nursing home/aged care	Y	N	NA	
g) others _____				
4. Do professionals end up in low or unskilled jobs in the destination country e.g. teachers and nurses?	Y	N	NA	Explain why this happens.
5. Do migrant workers have to pay recruitment and placement fees?	Y	N	NA	How much is the average recruitment fee?
II. PRE-DEPARTURE				
6. Do men and women have equal access to information about work opportunities abroad?	Y	N	NA	
7.1 Does the government disseminate realistic, up-to-date information and pre-departure training that can help women and men to decide whether or not to migrate? Does the information cover:	Y	N	NA	
a) the conditions of work abroad	Y	N	NA	
b) the economic and social costs & benefits of overseas employment	Y	N	NA	
c) specially designed training for women with discussion of gender issues?	Y	N	NA	
7.2 For workers who have already decided to migrate for jobs, does the government offer pre-departure	Y	N	NA	

orientation to prepare them for their deployment?				
8. Have there been any reports that there is discrimination in the recruitment and hiring for overseas work?	Y	N	NA	If yes, explain briefly. Are there data showing that more women experience discrimination? What appears to be the reason for discrimination: age, ethnic origin?
9.1. Are men and women subject to illegal recruitment?	Y	N	NA	If yes, are there data showing that more women than men are victimised by illegal recruiters?
9.2. Are there data that show the number of women and men victimised by illegal recruiters?	Y	N	NA	
III. ARRIVAL AND ON-SITE: CONDITIONS OF WORK				
10. Are there arrival orientation seminars conducted for new migrant workers that include migrant workers' rights, culture, where to go for assistance when in distress, gender sensitivity, among others?	Y	N	NA	
11. Are the working conditions of migrant workers in accordance with the standards set forth in their work contracts?	Y	N	NA	How many men & how many women experience violations of their work contracts?
12. Do employers allow both male and female migrant workers to retain their passports?	Y	N	NA	
13. Are migrant workers given hygienic & suitable accommodation on their arrival?	Y	N	NA	
14.1 Are there restrictions on the mobility of women migrant workers in certain countries?	Y	N	NA	
14.2 Are there restrictions on the mobility of men migrant workers in certain countries?	Y	N	NA	

15. Are migrant workers able to send money to their home country without difficulty?	Y	N	NA	If no, what difficulties do they encounter? Do women find it more difficult to send money than men?
16. Do migrant workers suffer: a) underpayment of their wages? b) unsafe workplaces? c) Inadequate food? d) debt bondage? e) other deprivations_____	Y Y Y Y	N N N N	NA NA NA NA	Are there indications that more women migrant workers than men face these conditions? Explain briefly.
17. Are migrant workers given paid rest days off each week?	Y	N	NA	If yes, how many days? (one day= 24 consecutive hours). Are there male/female differences in granting days off?
18. Are migrant workers given paid vacation time?	Y	N	NA	If yes, how many days? Are there male/female differences?
19. Are migrant workers paid for overtime?	Y	N	NA	
20. Are migrant workers allowed to communicate with other migrant workers and/or fellow nationals?	Y	N	NA	
21. Are migrant workers able to undergo training, including finance management, & upgrade their skills while working abroad?	Y	N	NA	Are there male/female differences in access to such training?
22.1 Do women experience abuses and violence in their work abroad? e.g. rape, physical & emotional abuse 22.2 Do men experience abuses and violence in their work abroad?	Y Y	N N	NA NA	If yes, what forms of abuse do they experience?
23. Are there data and/or reports of women migrant workers experiencing sexual harassment in their work?	Y	N	NA	
IV. SOCIAL PROTECTION				
24. Do women migrant workers get dismissed from work due to pregnancy?	Y	N	NA	
25. Are there social security and safety nets for migrant workers in either	Y	N	NA	If yes, what social safety nets are available for women and for men?

country of origin or country of destination?				
26. Are social security benefits excluded in the contracts of women migrant workers?	Y	N	NA	
27. In case of violence & harassment against migrant workers (e.g. rape, sexual harassment, physical or emotional abuse), do they get help from the sending government? e.g. labour attaché, welfare attaché, consulate, emergency contact numbers or other reporting mechanisms?	Y	N	NA	If yes, explain briefly what assistance.
28. In case of violence & harassment against migrant workers (e.g. rape, sexual harassment, physical or emotional abuse), do they get help from the receiving country?	Y	N	NA	If yes, explain briefly what assistance.
V. RETURN AND REINTEGRATION				
29. Are there programs to prepare the migrant workers for their return home?	Y	N	NA	
30. Does the sending country have a program to create work opportunities/reintegration into the labour market for migrant workers on their return?	Y	N	NA	
31. Does the government of the sending country provide support for finance management, employment, livelihood and entrepreneurship projects of returning migrant workers and their families?	Y	N	NA	
VI. MIGRATION GOVERNANCE				
32. Does your country have a specific migration employment policy, and a specialised entity/unit to deliver that policy?	Y	N	NA	
33. If yes, do policy measures take into account the specific vulnerability of adolescent girls and women in migration for work?	Y	N	NA	

34. Does the policy provide for measures for cultural, social and economic integration of migrant workers in the receiving/destination countries?	Y	N	NA	
35. Are there mechanisms for ensuring protection of remittances in the sending country?	Y	N	NA	Explain briefly. What is the total amount of remittances from migrant workers abroad?
36. Are there policies that support, take care of, or educate children left behind by migrant working parents?	Y	N	NA	
37. Does the receiving country have a mechanism for extending social protection to migrant workers?	Y	N	NA	If yes, describe briefly the mechanism.
38.1. Does the sending country have bilateral agreements/memorandum of understanding with the receiving countries?	Y	N	NA	
38.2. If yes, do the bilateral agreements explicitly consider the needs & concerns of women migrant workers?	Y	N	NA	
39. Is there legal and/or social assistance fund for distressed migrant workers?	Y	N	NA	

Chapter 5

MONITORING AND EVALUATING THE PROGRESS OF GENDER MAINSTREAMING

Chapter 5 guides staff of ministries responsible for labour and employment, in collaboration with the ministry responsible for gender equality, to build on the checklists as baselines in monitoring that the gender mainstreaming is on track, using this Guideline. Chapters 2, 3, and 4 offer the necessary background for this chapter. At the outset it is noted that availability of sex disaggregated data in labour market information systems may be a challenge in some AMS. This is taken into account in the design of the monitoring proposed in this Guideline e.g. the indicators are limited to publicly available data. As noted in chapter 1, *ASEAN Key Figures 2019* can help.²⁷ In many cases, labour ministry staff (and national women's machinery, ministries responsible for gender equality) will already be collecting such information for internationally-requested reports e.g. SDG tracking, CEDAW implementation reports and the ILO ratified Conventions' reporting cycles.

5.1 Overview of monitoring and evaluation²⁸

Monitoring is a process to check and measure if the gender mainstreaming actions have been carried out according to the plan. Evaluation is a process, usually following from monitoring's checks, to assess whether the desired results were finally attained. It assists in assessing the relevance, sustainability and cost-effectiveness of the wide, diverse range of interventions being implemented to address gender inequalities and also the quality of activities being conducted. Monitoring and evaluation (M&E) together are critical for building sound evidence on which to base decisions on how policies and programs are being used in practice and succeeding - or not - and on which to base decisions for change if needed. In addition, M&E give an objective methodology for identifying and documenting promising practices that can be collected for shared learning and peer-to-peer understanding, as is the aim also of this Guideline (chapter 6). In both M&E, measurement requires chosen indicators. Evaluation indicators should not be interpreted as a claim that progress or success is a *direct* causation of the Guideline's implementation, but they should be designed to try and show a correlation between using the Guideline as a contribution to gender mainstreaming. This chapter only briefly covers evaluation. For this Guideline only outcome-level indicators are used.

5.2 Who undertakes the M&E?

For this Guideline, monitoring is done by the national labour ministry staff in collaboration with ministries responsible for gender equality. They should also use their networks with other relevant government agencies (national statistics offices, economics ministries, etc.) for assistance if needed. For evaluation,

²⁷ https://www.aseanstats.org/wp-content/uploads/2019/11/ASEAN_Key_Figures_2019.pdf

²⁸ Adapted from Gage & Dunn 2009, Frankel & Gage 2007. <http://www.endvawnow.org/en/articles/331-why-is-monitoring-and-evaluation-important.html>

which comes much later in the process (every five years suggested), each AMS can decide who will undertake the exercise and with what impact indicators, because evaluation arrangements may vary among AMS e.g. this can be an inter-agency activity between the labour ministry and the gender equality or women's affairs ministry or self-evaluation or done by an independent expert entity. Data for evaluations can be sourced from the UN statistical sources and databases of other international organisations, and periodically collected by ASEC (desk review). ASEC's role is to consolidate submissions of AMS, make a summary overview and present to SLOM.

5.3 How is it done?

The monitoring occurs every two years by updating the checklists. The process looks like this:

1. The exercise commences *gender analysis* within each AMS, answering: Have the gender issues been established? Was there adequate evidence to support the analysis? The answers will be clear from the checklists exercise.
2. The *baseline*²⁹ is established via the first completed checklists. Such baseline data prior to or at the start of the gender-mainstreamed policy or programs will enable the comparison between the pre-intervention, during-implementation period and the end-of-program situation.
3. Once the baseline is established each AMS will submit their report on the implementation of the Guideline to ASEC, then the 2-yearly monitoring comes into play, using the latest completed *checklists* and an ASEC-prepared *compiation of country reports* together with a *brief summary overview* is submitted to SLOM.
4. Subsequently the SLOM Chair presents the overview to the ASEAN Labour Ministers Meeting, with the same being presented by ACW to the ASEAN Ministerial Meeting on Women for information.
5. Two years on, the exercise continues with fresh data indicating progress, or not.
6. The *indicators* are quantitative and can be updated if needed over time. When the chosen indicators follow the five S.M.A.R.T. criteria, namely being Specific, Measurable, Attainable, Relevant, and Time-related, you have an anchor on which to focus future decision-making.

Figure 1 The process of monitoring implementation of the Guideline

²⁹ For further terminology see *Glossary of Key Terms in Evaluation and Results Based Management*, OECD, Paris: OECD, 2002 available at www.oecd.org/dac/evaluation



5.4 Internationally agreed gender equality indicators as inspiration

The outcome-level indicators for this Guideline a) cover the four focus areas and b) are closely linked to the internationally accepted gender equality indicators of which there are many e.g. UN Women's choice among the SDG indicators,³⁰ UN ESCAP Committee on Statistics's region-specific set,³¹ ILO's 21 Decent Work Indicators for Asia and the Pacific of which a number of gender-responsive indicators inform this Guideline³² and ILO's *Framework on the Measurement of Decent Work*,³³ covering 10 substantive areas and 20 indicators, a number of which are relevant to this Guideline's four focus areas.

UNDP's Gender Inequality Index (GII, measuring reproductive health; empowerment, through proportion of parliamentary seats by sex and proportion of adults with some secondary education by sex; and economic status through labour market participation rate of female and male populations aged over 15) and the World Economic Forum's Gender Gap Index (GGI, measuring health, education, labour force participation rates by sex, earned income, gender pay gap and women in leadership, and political empowerment) will also assist in monitoring this Guideline's implementation because their rankings allow AMS to see where their policies and programs across different focus areas match up globally (see below).

5.5 The indicator tables

The following focus area Indicator Tables reflect ASEAN's 2013 *Labour Laws and Practices in ASEAN - A Comparative Study on Gender Equality, Employment of Persons with Disabilities, Youth Employment and Social Dialogue, Volume II*.³⁴

³⁰ For the 54 gender-specific SDG indicators identified by UN Women (not all relevant here) see *Turning Promises Into Action: Gender Equality In the 2030 Agenda for Sustainable Development*, UN Women, 2018 available at <http://www.unwomen.org/en/digital-library/sdg-report>

³¹ For ESCAP's 6 domains/focus areas: poverty, education, health, governance decision-making and participation, human rights of women and girls & environment see *Core Set of Gender Indicators for Asia and the Pacific*, ESCAP document to ECOSOC dated 23 January 2015, E/ESCAP/CST(4)/10 available at [https://undocs.org/en/E/ESCAP/CST\(4\)/10](https://undocs.org/en/E/ESCAP/CST(4)/10)

³² *Decent Work Indicators for Asia and the Pacific-A Guidebook for Policy-makers and Researchers*, ILO, Bangkok, 2008 available at https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_099163.pdf

³³ *Decent work indicators : guidelines for producers and users of statistical and legal framework indicators: ILO manual: 2nd version*, ILO, Geneva, 2013 available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_229374.pdf

³⁴ <https://asean.org/wp-content/uploads/images/2015/August/ASEAN-Labour-Ministerial-Meeting-document/Comparative%20Labour%20Laws%20and%20Practices%20in%20ASEAN%20Vol%20II.pdf>

Four Focus Areas	Suggested Indicators for AMS	Sample Analytical Questions (Y/N)	Possible Sources of Data and Information
TABLE 1			
Employment Promotion	Labour force participation rates, by sex. Unemployment rates, by sex. Employment rates, by sex.	Does gender mainstreaming policy exist in national employment policies?	Ministry of Labour, National Statistics Office, ILOSTAT, ASEAN Key Figures 2019
TABLE 2			
Employment Promotion	Percentage of employment by economic activity, by sex (agriculture/manufacturing/services).	Are women and men equally represented in the 3 sectors?	Ministry of Labour, Ministry of Agriculture, Ministry of Trade & Industry, ASEAN Key Figures 2019, ILOSTAT
TABLE 3			
Decent Working Conditions	Average hours of work per day Average monthly wages, by sex #sexual harassment complaints Coverage in labour law of domestic workers	Are there decent working conditions deficits for one sex over the other?	Ministry of Labour, Labour, ILOSTAT, Inspectorates, Labour courts
TABLE 4			
Social Protection including maternity	% of workers covered by social security Length of paid maternity leave Source of funding maternity health services and leave Length of paternity leave & funding source	Is there a social security system covering maternity? Child benefit? Occupational health and accidents? Old age pensions?	Social insurance funds, Social security entities, Ministry of Labour, Registered collective bargaining agreements (if any)
TABLE 5			
International Labour Migration	Emigration and Immigration, by sex	Is there a migration for labour policy?	ILO <i>Good practices</i> database,

Are migrant workers covered by the national labour and social protection laws? ASEAN's database ILMS

TABLE 6**Gender Inequality Index score (GII)**

Gender differences in Reproductive health, Empowerment & Economic participation

What score under the current ranking for this AMS? Improvement over past score?

UNDP's website e.g. in 2018 AMS ranked: SING=9th
BRU=43rd
MAL=61st
THAI=77th
PHL=106th
IND=111th
VN=118th
LAO=140th
MYN=145th
CAM=146th

TABLE 7**Gender Gap Index (GGI)**

Labour force participation rates by sex, Gender pay gap, Women in senior posts

What score under the current ranking for this AMS? Improvement over past score?

WEF's website e.g. in 2020 among AMS rankings: PHL has the highest score=16th & MYN the lowest=114th

Chapter 6

PROMISING PRACTICES OF GENDER MAINSTREAMING IN LABOUR AND EMPLOYMENT

6.1 Purpose

Chapter 6 aims to illustrate how gender mainstreaming in labour and employment policies and programs is already being well done in AMS through processes and substantive interventions showing progress towards integrating gender equality in the four focus areas. Sharing experiences of promising practices allows lessons to be drawn and encourages discussions on what might or might not work in each ASEAN Member's national context. Examples of gender mainstreaming towards decent work from other countries are also included, so as to give a broad range of experiences. Some guidelines use the terminology 'best' or 'good' practice, but this is a deceptive ranking, because what is 'best' for country A may change with time, or be completely inappropriate in the socio-political setting of country B. Moreover, there is often inadequate documentation on policy evaluation and, in some situations, a lack of evaluation itself, making a decision to categorise an intervention as 'best' premature. This Guideline prefers *promising* practices because that captures the notion that no one measure will automatically achieve the goal of gender equality. Given the scarcity of evaluation material, one can speak of promising practices while the outcomes and impacts are still being awaited. A promising practice in gender mainstreaming can be large (e.g. a national-level strategic policy and implementing action plan with ambitious scope and broad application) or small (e.g. a limited, carefully targeted intervention focusing on a particular issue, locality or target group). The structure of presenting the promising practices is simple: country & title of the measure; beneficiaries; time frame; description of the strategy including, where identified, factors that contributed to/hindered the promising outcome and lessons learned; and finally a brief explanation of what makes it a promising practice (with the source identified and web link where possible).³⁵

6.2 Benchmarks used in this Guideline

The criteria for choosing the promising practices, all relevant to the four focus areas, are inspired by:

- (i) ILO's CEACR listing the measure as a 'case of progress', noted with satisfaction or with interest in its annual public report under ratified gender equality Conventions;
- (ii) UN Women's criteria for judging good practices: significance, measurable impact, potential for replication innovation, creativity and originality, sustainability, integration into mainstream work/processes, effectiveness and efficiency in achieving the results, social relevance, partnerships and reinforcement of local partners' capacity for empowerment and equality;³⁶

³⁵ The layout is inspired by *Gender Equality and Decent Work-Good Practices at the Workplace*, ILO Gender Equality Bureau, Geneva, 2004.

³⁶ *Compendium of Good Practices in Training for Gender Equality*, UN Women Training Centre, Santo Domingo, April 2016, page 13.

(iii) one AMS approach, namely Philippines' enhanced *Gender Mainstreaming Evaluation Framework* (GMEF).³⁷

6.3 How can Guideline users collect more promising practices?

All of the above criteria can also be used to update this chapter by assisting in the identification of successful - or potentially successful - efforts to apply mainstreaming gender equality across decent work. When identifying *promising* practices it is not necessary to have undertaken evaluations to prove that the overall goal of gender equality has been 100 per cent achieved. But policy makers should always keep that ultimate goal in mind when considering outputs and outcomes showing potential for success. AMS are free to determine whether to develop a score sheet for the above criteria or select a few from them that would be relevant in their respective contexts and situations. A score sheet is a time-effective method to sort among various processes/measures with a view to identifying one or two promising examples. One simple methodology involves assigning points to each of the selected criteria (giving e.g. 0 for not at all promising, 'one point' for moderately promising, 'two' for very promising, and a 'bonus point' for examples that are outstanding or innovative). By totalling the scores for each example the labour officer can rank various measures and decide whether the policy, program or activity merits the category of a *promising* practice.

6.4 The examples (to be augmented over time)

The examples are clustered in the order of the four focus areas, followed by three examples from the Republic of Korea (working conditions), Brazil and Czechia (employment promotion). They attest to AMS's wide policy reach and innovative approaches, whether legislative improvements, ICT upgrading for underserved women, strategic partnerships for policy making, increasing of social and maternity benefits for women and paternity leave for men, or improved services for women migrating for work. Table 2 presents a snapshot of the examples schematically so as to make the elements of promising gender mainstreaming practice visible and quotable, and to make it easier for users to locate aspects most relevant to their own situations.

Table 2 Thematic Snapshot of examples of promising practices in gender mainstreaming for decent work

FOUR Focus Areas → (with example #)	1. Employment promotion (including gender policy & laws)	2. Decent working conditions & Sexual harassment	3. Social protection & maternity	4. International labour migration
Brunei D.	#1	#8		
Cambodia	#2	#9	#14	
Indonesia	#3 & #4			#18
Lao PDR				#19
Malaysia	#5	# 10		

³⁷ *Handbook on the Application of the Enhanced Gender Mainstreaming Evaluation Framework*, Philippine Commission on Women, Manila, 2016; *GADtimpala Scoring System for Outstanding Gender-responsive Government Agency Category*, PCW, Manila, 2019.

Myanmar		#11		
Philippines	#6			#20
Singapore		#12	# 15	
Thailand			# 16	#21
Viet Nam	#7	# 13	#17	
OTHER COUNTRY PROMISING PRACTICES				
Brazil	# 22			
Czechia	# 23			
Republic of Korea		# 24		

EMPLOYMENT PROMOTION

1. BRUNEI DARUSSALAM - women's economic empowerment through village-level decent work

Beneficiary: single mothers, unemployed housewives and elderly women; their families and village

Time frame: aligned with the 1st Outline Strategy and Policy for Development 2007-2017 under the 30-year development framework known as *Wawasan Brunei 2035*

Description: The female labour force participation rate is relatively low compared to men's rate: 59 per cent v. 83 per cent. Hence OSPD's economic strategy (one of the eight) aims to create new employment for women and men and expand business opportunities in economic clusters beyond the oil and gas industry. The *One Village One Product* (OVOP) program enables the local community to participate in the country's economic activities through a Village Consultative Council based on self-volunteering from among women and men villagers to guide production in the areas of handicrafts, woodwork, food and beverages, agriculture, fisheries, livestock and services like eco-tourism. With the main focus on single mothers, poor women (and men) and those in need of additional income, the program has given villagers the opportunity to become small producers and traders. Activities include courses on locally-resourced product and service quality, upgrading women's skills in such production, direct financial assistance for tools purchase and product labelling and packaging (from Ministry of Home Affairs via District Offices), study visits to other AMS for Council members, assisting exhibiting at national fairs, developing a database, and introducing an Excellent Village Award using OVOP as one criterion. As at 2016 162 OVOP projects had been established involving a total of 617 villagers of whom 66 per cent were women and 44 per cent men.

What makes this a promising practice? Local level women's skills and income increased. Self-confidence through Council participation and marketing expertise. Effective coordination between government levels leading to sustainability.

(Source: *Progress Report on Women's Rights and Gender Equality in the ASEAN, 2010 – 2015*, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), Jakarta, 2016, page 37 available at https://asean.org/storage/2012/05/Progress-Report_Women-Rights-and-Gender-Equality.pdf)

2. CAMBODIA - gender-sensitive rural roads improvement project

Beneficiary: women unskilled construction labourers

Time frame: 2010–2015

Description: This Asian Development Bank-funded project aimed to rehabilitate 505 kilometers of rural roads in seven provinces of Cambodia and included a labour and gender action plan. The plan aimed at a 40 per cent target for women as unskilled construction laborers, a 50 per cent target for women as road maintenance workers and training for contractors on labour-based appropriate technology and gender issues, and a 50 per cent target for women as road safety community mobilizers. The design of road improvements was also gender-responsive: road shoulders were given sealed surfaces to enable carts with wheels and thus reduce the burden on women and girls who haul water in rural areas. Targets for women's employment were designed to ensure that rural women could access opportunities to earn cash income from the project, and results in 2010 indicated that these quotas were being achieved. Planning for and operations in vulnerability mapping, emergency management, and climate change adaptation involved women, leading to them planting and caring for roadside trees. At completion, 545.3 km of rural roads had been rehabilitated; 158,000 labour days for unskilled work were completed, of which women claimed 49,770 labour days (31.5 per cent, just under the 40 per cent target). It delivered capacity building to 351 women who went on to work as facilitators to deliver a community-based road safety campaign. The evaluation reported that therefore they have gained community respect. Moreover, the evaluation found that the Improved roads provided better economic and livelihood opportunities for the local people, including opening new shops, gas stations, small businesses or stalls, and markets along the roads, which are mainly run by women.

What makes this a promising practice? Job creation for women in road construction, a male-dominated sector, contributed to transformative changes in gender relations. Quotas worked for women to get jobs. Gender analysis helped identify barriers suffered more by women than men (water hauling). Involving women themselves in planning/delivery of activities. Increased women's status.

(Source: *Cambodia: Rural Roads Improvement Project*, Asian Development Bank, Manila, 2010; *Cambodia: Rural Roads Improvement Project Completion Report*, ADB, Manila, August 2018, pages 6-7, available at

<https://www.adb.org/sites/default/files/project-documents/42334/42334-013-pcr-en.pdf>)

3. **INDONESIA - tripartite process for voluntary gender guidelines for private sector**

Beneficiary: private sector employers and workers

Time frame: commenced 2003 with formal adoption in 2005

Description: Using a consultative process with the trade unions and employers' organisations, the Department of Manpower developed *Guidelines on Equal Employment Opportunity* (EEO) for the private sector with the aim to provide directions to firms on how to implement the equal employment opportunity provisions of the Manpower Act No. 13/2003, in particular regarding the elimination of discrimination on the basis of sex. While initially the tripartite task force established by the Department focused on gender discrimination as women are the largest group vulnerable to discrimination and disadvantage, it eventually addressed broader concerns, such as unlawful practices based on race, ethnicity and disability. The 48-page *Guidelines* explain the meaning of EEO and the benefits it brings to enterprises. They show the conditions necessary for successful EEO programs and practices, from

recruitment, selection and placement to wages, social security, sexual harassment and working conditions all of which translate into greater gender equality at the workplace. They also clarify what is not EEO: pity, kindness. Following broad dissemination, the *Guidelines* are widely used in large and small enterprises alike.

What makes this a promising practice? Involvement of representatives of labour and management alongside the ministry, in dedicated social dialogue giving realism and sustainability to the content. Format that is easy to assimilate and be used as a resource document in company trainings. Tool offers a step-by-step approach across the cycle of the employment relationship, with real-life examples.

(Source: ILC, *Equality at work: Tackling the challenges, Global Report under the Declaration on Fundamental Principles and Rights at Work*, 96th Session, Report 1(B), ILO, Geneva, 2007, para. 433)

4. **INDONESIA - women's upskilling in Science, Technology, Engineering and Mathematics (STEM)**

Beneficiary: low- and mid-skilled working women in ICT sector; underprivileged female TVET graduates; companies

Timeframe: September 2017 - December 2020

Description: Indonesian women working in jobs requiring low STEM skills are 20 per cent more likely than men to lose their job as a consequence of automation. In face of this and considering the national economic and social development priorities, the Government partnered with ILO in the *Women in STEM workforce readiness and development program in Indonesia*, so that working women (and TVET graduates) acquire critical soft and technical STEM-related skills to contribute to reducing the skills mismatches that are affecting workers' productivity and enterprises' competitiveness in this rapidly changing context. Activities include skills gap identification, direct training and job placement. A major innovation is the factory-level use of ILO's *In Business* methodology, which offers participating private sector firms a suite of gender-transformative modules that apply activity-based peer learning. *In Business* modules currently cover Vision setting and professional development, Creative thinking, Problem solving, Teamwork, Reaching consensus, Interpersonal communication, Public speaking, Critical thinking, Time management, Starting to manage, Leadership, Personal awareness, Working across cultures, Managing upwards and more are envisaged, with results to date showing stronger self-confidence among women employees.

What makes this a promising practice? Immediate skills improvement for women. Eventual career advancement matching the women's new STEM skills. Women workers' confidence enhanced, spilling over to their private lives.

(Source: Program Factsheet viewed at [https://www.ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/--ilo-](https://www.ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/--ilo-jakarta/documents/projectdocumentation/wcms_743097.pdf)

[jakarta/documents/projectdocumentation/wcms_743097.pdf](https://www.ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/--ilo-jakarta/documents/projectdocumentation/wcms_743097.pdf); National Report to CEDAW Committee, CEDAW/C/IND/8 dated 8 January 2020, paras 149 & 156)

5. **MALAYSIA - bridging the gender digital gap**

Beneficiary: ICT-underserved women seeking jobs; young women (among other target groups, young men, poorly served communities, people with disabilities)

Time frame: commenced in 1998, continued in the 8th & 9th Malaysia Plans (2001–2005, 2006–2010)

Description: The Government launched the Demonstrator Application Grant Scheme (DAGS) with the main goal of bridging the gender digital divide to show how innovative use of information and communication technology (ICT) can lead to gender equal community development and growth through women getting hi-tec jobs. The scheme contributed to the objectives of Malaysia's National Information Technology Agenda, for it helps to increase the use and productivity of ICT in all three economic sectors: public, private and community. It assists Malaysian women and men to meet the challenge of IR4.0. Here is how it worked: Malaysia's National Information Technology Council awards grants - government finance of up to 70 per cent of the total estimated cost - to projects that have been endorsed as Demonstrator Applications; repayment is not required; projects are small, focused, short-term and aimed at creating, developing and promoting new applications using ICT. *T-Center* is one of the demonstrator applications developed within DAGS. As Malaysia's pioneer Internet portal, it provides a location for women teleworkers to offer their services and for employers to advertise jobs online. Over a decade later ICT is now one of the country's largest economic sub-sectors.

What makes this a promising practice? Direct grant for innovation in a sector that was lagging and now is leading in terms of jobs and growth). After a careful, gender-responsive needs analysis, it targeted groups that were underserved thus ensuring that women can use *T-Center* outlets on an equal footing with unemployed men.

(Source: *World Development Report 2012: Gender Equality and Development*, The World Bank, Washington DC, page 342)

6. PHILIPPINES - public recognition of excellence in gender equality at work

Beneficiary: Department of Labour and Employment (DOLE) and its women and men staff

Time frame: A participatory gender audit was undertaken of the whole DOLE in November 2011; follow-up action on identified good practices ensued; reward bestowed on 10th anniversary of the principal gender equality statute, Magna Carta of Women, in August 2019

Description: The Philippine Commission on Women rewarded DOLE with the *GADtimpala Award* with this citation: "DOLE landed a spot for its policies ensuring decent and safe work environment for women and providing opportunities to increase women's access to employment, like the Entitlement of *Kasambahay* (domestic workers) to Other Statutory Leave Benefits and Labour Standard Benefits, *Balik Pinay* – *Balik Hanapbuhay* Project (Return Filipina, Return to Livelihood Project) and many others." The gender audit had praised DOLE's serious integration of gender and development (GAD) planning and implementation through the establishment of the women's bureau (now a section under the Bureau of Workers with Special Concerns) which helps push women's agenda in the labour sector; sex disaggregation as a standard practice for all data within the Bureau of Labour and Employment Statistics; creation of DOLE-NCR's Lactation Station implemented in collaboration with the Regional Nutrition Council; and requiring National Labour Relations Commission decisions to deliver gender-responsive decisions to enforce the anti-sexual harassment law which contributes to gender equality jurisprudence.

What makes this a promising practice? Holistic approach across all of DOLE's mandate. Strong emphasis on legal framework. Institutional positioning through inter-agency gender work. Direct knowledge and capacity building for all women and men

staff. PCW award is promising practice for institutional recognition of gender mainstreaming.

(Source: DOLE website available at <https://www.dole.gov.ph/news/ilo-cites-doles-best-practices-in-gender-and-development-mainstreaming-efforts/>)

7. VIET NAM - sexist recruitment practices ended

Beneficiary: women job applicants

Time frame: late 2014-2015

Description: A review was conducted of 12,300 job advertisements in Viet Nam's four largest job portals and two online surveys to identify gender-based discrimination in hiring practices (as well as working conditions and promotion chances). Despite legislative guarantees of equality between men and women in terms of recruitment, the survey discovered that directly discriminatory advertisements were still common: one in five vacancies stating gender requirements. Of them, 70 per cent specifically requested men and only 30 per cent specified women, and men were most often sought for more technical and highly skilled jobs whereas women were sought for office and support vacancies e.g. receptionists and human resources. The survey also revealed that hiring interviews often used indirectly discriminatory approaches. Apart from academic qualifications and work experience, the two most important factors counting in hiring decisions are the applicants' availability to work outside of normal working hours and the applicant's marital status and (especially for women) future plans to have children. Viet Nam's Ministry of Labour, Invalids and Social Affairs (MOLISA) used this research to review implementation of the Labour Code ban on discrimination in recruitment.

What makes this a promising practice? Action based on research not rumours.

(Source: *Gender equality in Recruitment and Promotion Practices in Vietnam*, ILO Vietnam Country Office, Policy Brief, Ha Noi, March 2015 available at

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_349666.pdf)

DECENT WORKING CONDITIONS

8. BRUNEI DARUSSALAM - law criminalising worst form of girl child labour

Beneficiary: children, especially girls, under 18 years

Time frame: 2012 amendment noted with interest in 2015

Description: Brunei ratified ILO's Worst Forms of Child Labour Convention, 1999 (No. 182) in 2008. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) overseeing implementation of such treaties enquired into the meaning of certain provisions under the Penal Code as regards Article 3(b) of Convention 182 prohibiting the use, procurement or offering of a child to work in prostitution, pornography or pornographic performances. In particular it noted that sections 366A, 372 and 373 of the Penal Code referred to a "female under the age of 18 years" and an explanation accompanying these provisions defined "person under the age of 18 years" as a "female under the age of 18 years". Moreover, it observed that whereas Article 3(b) also required the prohibition of "use" of children under 18 years for prostitution, i.e. by a client, such "use" did not appear to be outlawed. In 2015, the CEACR noted with interest the Government's explanation that under section 377D of the Penal Code, as amended in 2012, whoever obtains for consideration the sexual services of a person under the age of 18 shall be punished

with imprisonment of up to seven years. Moreover, sections 377E and 377F of the Code, as amended in 2012, make it an offence for any citizen of Brunei Darussalam to commit an offence under section 377D outside the country. The 2012 amendments respond to a growing trend in cybercrimes with a high risk of victimising the girl child, which prompted the Government's efforts to curb sexual predators who engage in "sexual grooming" online to engage in sex with a child, by criminalising such web usage. While other issues continue under Convention 182, this clarification adds to the legal protection of girls at risk of this worst form of child labour.

What makes this a promising practice? Extending criminal sanctions beyond the person offering the child, to the person using this form of child labour. Cooperating with international labour standards supervision. Keeping the law up-to-date with IT. (Source: ILC, *Report of the CEACR*, Report III (Part 1A), 104th Session, ILO, Geneva, 2015 available at

https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3242312; *National Report to the Human Rights Council*, UN Universal Periodic Review, A/HRC/WG.6/33/BRN/1 dated 22 February 2019, OHCHR, Geneva)

9. CAMBODIA - sexual harassment in the workplace in the Criminal Code

Beneficiary: working women; companies

Time frame: since 2009

Description: Sexual harassment in the workplace has been included in the 2009 Criminal Code, defined as an act when one person abuses the power which was vested in him/her in his/her functions in order to put pressure again and again on other persons in exchange for sexual favours; such harassment is punishable by imprisonment of between six days to three months and a fine ranging from one hundred thousand riels (around USD25) to five hundred thousand riels (around USD125). The criminalisation and punishment of such an act is done to protect the honor and dignity of individuals as well as the security, order and traditions of Cambodian society. The Ministry of Labour and Vocational Training (MLVT) has been working to promote the understanding and awareness of the UN Convention on the Elimination of all Forms of Discrimination Against Women, workers' rights, the national law on employment for employers and workers, especially female workers in textile, garment, and footwear sectors.

What makes this a promising practice? Using research to underpin reform. Strong sanctions. Awareness-raising for better understanding of the law.

(Source: Government of Cambodia)

10. MALAYSIA - sexual harassment provisions included in Employment Act

Beneficiary: working women (and men) covered by the Act

Time frame: Employment (Amendment) Act adopted on 9 February 2012

Description: Reacting to the need to ensure decent working conditions, the Government amended the Employment Act by introducing new sections 81A to 81G on sexual harassment at work. A thorough definition appears in section 2(g): "any unwanted conduct of a sexual nature, whether verbal, non-verbal, visual, gestural or physical, directed at a person which is offensive or humiliating or is a threat to their well-being, arising out of and in the course of employment". The scope covers acts/threats between co-workers and between employer/employee. Details for complaints are laid down, both in-company (with disciplinary sanctions including immediate dismissal) and to the Director-General of Labour (after which, if proven,

the complainant may terminate her contract with full wages, termination benefits and indemnity for injury suffered). Employers have a 30-day period within which they must investigate a sexual harassment case, failing which they incur an offence. Results of sexual harassment cases decided by the Industrial Court before these provisions had mixed outcomes, favouring both the dismissed employees and employers, but cases under the 2012 provisions are few. However, Government attention to this workplace issue continues, with a Sexual Harassment Bill drafted during 2019 by the Ministry of Women, Family and Community Development after widespread consultations. As at International Women's Day 2020, the Bill had not been tabled, while more studies were being undertaken regarding its scope.

What makes this a promising practice? Filling a legislative gap, and then considering a stand-alone law. Strong sanctions. Respecting fundamental principle of non-discrimination based on sex. Content aiming to offer access to justice.

(Source: *Sexual Harassment in the Workplace: Selected Court Cases and New Legal Provisions in Malaysia*, K. Halili Hassan & Yee Zing Lee, Asian Social Science, Vol. 11, No. 16, 2015 available at www.ccsenet.org/ass; *A comprehensive Sexual Harassment Bill: a step in the right direction?* A. Nasri, University of Malaysia Law Review, 23 March 2020 available at <https://www.umlawreview.com/lex-in-breve/a-sexual-harassment-bill-a-step-in-the-right-direction#>)

11. MYANMAR - PoVAW Law on violence against women

Beneficiary: all women and men

Time frame: commenced 2013; government discussions in 2016; February 2020 submitted to Hluttaw for debate

Description: The Government's national prevalence estimates from 2015-2016 found that 21 per cent of women reported experiencing violence from an intimate partner and the Government included violence against women as one of 12 priority areas in its *National Strategic Action Plan for the Advancement of Women 2013-2022*. The Department of Social Welfare has been, for some years, drawing up the Prevention and Protection of Violence Against Women (PoVAW) Law, which aims to align with the fundamental rights of the 2008 Constitution, ASEAN's Regional Plan of Action on Elimination of Violence against Women and CEDAW. It collaborated with other relevant government departments, the Gender Equality Network, UN Gender Theme Group, and local NGOs. The Prevention and Protection of Violence Against Women Bill comprises clauses on the definition of physical, psychological, economic, sexual, domestic and intimate partner violence, granting of consent, protection orders, arrangements for temporary shelter and protection against violence, plans for such protection, rights, sentencing and penalties, civil relief and funding. It gives wide-ranging powers to the Myanmar National Committee on Women, to set and administer the overall VAW policy of education, prevention, protection and punishment.

What makes this a promising practice? Filling a legislative gap. Involving civil society. Content aiming to follow international and regional norms.

(Source: Ministry of Information webpage viewed at <https://www.moi.gov.mm/moi:eng/?q=news/18/02/2020/id-20869>; National Report to UN Committee on the Elimination of All Forms of Discrimination Against Women, CEDAW/C/MMR/4-5 dated 2 March 2015, para.17; Demographic and Health Survey 2015-16, Ministry of Health and Sports, Nay Pyi Taw, March 2017, Chapter 16;

Join hands to end violence against women and girls, Myanmar Times 25 November 2019 available at <https://www.mmtimes.com/news/join-hands-end-violence-against-women-and-girls.html>)

12. SINGAPORE - equal pay between men and women for work of equal value in collective agreements

Beneficiary: working women and men

Time frame: Agreed 6 November 2002 and still being used

Description: The *Tripartite Declaration on Equal Remuneration for Men and Women Performing Work of Equal Value* affirms the commitment of the Government and the social partners to the principle embodied in Convention No. 100, ratified by Singapore in 2002, as well as demonstrating the importance of social dialogue and negotiations in the spirit of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified in 1965. In the voluntary *Declaration*, the tripartite partners agree to insert an appropriate clause in collective agreements at the company level to ensure that employers adhere to the principle of equal remuneration for work of equal value between women and men. As of 31 December 2019, about one quarter of all collective agreements in force had equal remuneration clauses applying to all categories of employees covered by the agreement (compared to 18 per cent as at 31 December 2011). Singapore's Industrial Arbitration Court offers, on its website, a sample clause complying with the commitment, recommending that the employer assess the value of work (so as to avoid sex discrimination in its remuneration) using evaluation criteria concerning the value of the job, performance conditions and contribution to the company.

What makes this a promising practice? Respect for international labour law on equal remuneration for work of equal value in a voluntary format. Widely accepted that women workers cannot be underpaid compared to men. Usefulness of tripartite social dialogue, giving legitimacy and sustainability to the commitment.

(Source:

[https://www.ntuc.org.sg/UP2/guideline/\(10\)%20Tripartite%20Declaration%20on%20equal%20remuneration%20202002.pdf](https://www.ntuc.org.sg/UP2/guideline/(10)%20Tripartite%20Declaration%20on%20equal%20remuneration%20202002.pdf); <http://www.iac.gov.sg/related-resources/sample-clauses?filter=Equal+Renumeration>; *Equality at work: Tackling the challenges*, Global Report under the Declaration on Fundamental Principles and Rights at Work, 96th Session, Report 1(B), ILO, Geneva, 2007, page 91; ILC, CEACR Report, 107th Session, Report III(A), Geneva, 2020, direct request under Convention 100 available at https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMM_ENT_ID:4019920)

13. VIET NAM - decent work for women in garment factories

Beneficiary: Garment sector workers, mostly women; factory employers

Time frame: Commenced 2009

Description: ILO/IFC's *Better Work* program jointly aims at improving simultaneously both working conditions and competitiveness in garment sector firms. As of September 2015, more than 400 export-oriented factories, or about half of the total Foreign Direct Investment factories in the country were enrolled in the program, employing more than 500,000 workers of which about 80 per cent are female. Under MOLISA's leadership, the methodology focuses on three core services: assessment, advice and training. Once factories enrol in the program, they are assessed for their compliance with both national labour laws and core international labour standards including ILO's gender equality norms. This is followed by regular factory visits from specially trained enterprise advisors who facilitate worker-management dialogue, help the factory to develop and implement plans for improved compliance, and build effective management systems to raise standards and prevent labour abuses. One of *Better Work's* most innovative features is the institution of joint worker-management Performance Improvement Consultative Committees (PICCs) devoted to non-hierarchical, inclusive problem-solving. The originally identified company-level issues, most of which had a gender angle have not all disappeared but some areas have improved over time. For example, labour law provisions on maternity leave are better complied with; female garment workers' communication and personal life skills have increased through participation in the PICCs; the investment in training of line supervisors, especially women, increased productivity by 22 per cent; 65 per cent of *Better Work* Vietnam factories have seen a rise in total sales; 62 per cent have increased production capacity; and 60 per cent have expanded employment for women.

What makes this a promising practice? Increased productivity and respecting decent work in factories make a sustainable, concurrent pair of goals. Enterprise-level social dialogue through joint committees. Women's self-confidence increased by PICCs.

(Source: *Towards Gender Equality in Viet Nam: Making Inclusive Growth Work for Women*, UN Women, Hanoi, 2016, pages 84-88; *Better Work - Progress and Potential Vietnam*, IFC & ILO, Hanoi, 2016, available at <https://betterwork.org/wp-content/uploads/2020/01/Vietnam-Country-Brief.pdf>; and the BetterWork Vietnam webpage <https://betterwork.org/where-we-work/vietnam/bwv-programme/>)

SOCIAL PROTECTION AND MATERNITY

14. CAMBODIA - IDPoor card covering vulnerable women

Beneficiary: pregnant women workers; poor households

Time frame: new legal provisions in force since 1 January 2017

Description: To ensure that Cambodia's poorest are not left behind, the Ministry of Planning developed the "Identification of Poor Households" (*IDPoor*) mechanism. After a participatory identification process at village level, poor households receive an *IDPoor* card that entitles all its members to obtain free health care and other social services, such as cash transfers for pregnant women and children, school feeding programs or disability allowances. With *IDPoor's* reach to more than 550,000 households, members can even get connected to running water and obtain lower government service fees. In 2017, *IDPoor* expanded into urban areas for the first time. The *IDPoor* card has practical benefits in many spheres: in 2019 the Ministry of Health launched a cash transfer scheme for pregnant women from families with an *ID Poor* card to further improve maternal and child health. Moreover, MLVT has been

implementing the Government's policies for female workers, such as allowing pregnant workers to leave work at least 15 minutes early. Female workers will also receive a daily allowance of 70% of the worker's daily average wage in a qualifying period of 90 days for prenatal and postnatal leave. In addition to that, from 1 January 2018 onwards, both formal and informal postnatal workers will receive an additional allowance from the Royal Government as follows:

- One child = 400,000 riels (around USD100)
- Twins = 800,000 riels (around USD200)
- Triplets = 1,200,000 riels (around USD300); triplets will become the adopted children of the Prime Minister and receive an allowance of 5,000,000 riels (around USD1,250).

What makes this a promising practice? Strong commitment to social protection and maternity health care. Social dialogue to identify recipients. Direct benefit to women in vulnerability due to age, sickness, poverty. Nationwide coverage.

(Source: WHO 27 June 2019 available at <https://www.who.int/cambodia/news/detail/27-06-2019-government-sponsored-cash-transfer-scheme-to-benefit-poor-women-and-children-and-improve-access-to-health-services>; The Phnom Penh Post, 3 October 2019 <https://www.phnompenhpost.com/special-reports-supplements/driving-poverty-out-cambodia-idpoor-card>)

15. SINGAPORE - Government-paid paternity leave and work/family leaves

Beneficiary: working fathers and pregnant women workers

Time frame: new legal provisions in force since 1 January 2017

Description: Working fathers, including those who are self-employed, are now entitled to two weeks' paid paternity leave, funded by the Government, with the aim to both improve gender equality in workplaces and encourage young couples to have children. The legal provisions contain eligibility criteria for paternity leave: (1) the father's child must be a Singaporean citizen; (2) the father must be married to the child's mother at some point between the time of conception until birth; (3) the father must have worked at his place of employment for at least three months continuously before the birth; for self-employed fathers, the father must also have worked for at least three months continuously before the birth and have lost income during the paternity leave period. The paternity leave benefit is capped at \$2,500 per week, which includes Central Provident Fund contributions if applicable in the father's case. This new paternity leave can be taken at any time within the first 16 weeks after the child's birth (or negotiated between the worker and employer to be taken any time within the first 12 months after birth). Another option for new fathers is shared parental leave. In this case, working fathers can apply to share up to four weeks of the mother's 16 weeks maternity leave. To qualify, (1) the child must be a Singaporean citizen, (2) the father and mother married at some point between the time of conception until birth, (3) the mother must qualify for the maternity leave, and she also must consent to sharing it. It can be taken within 12 months of the baby's birth (or negotiated between the worker and the employer to be taken in blocks of weeks or in working days within the first 12 months after birth). Working parents of Singaporean citizen babies may also take up to six days' paid childcare leave per year, every year until the child turns seven (with options to apply for additional leave for children aged seven to 12). The employer pays the first three days and the

Government pays the rest. Working parents can also take up to six days of unpaid infant care leave annually, if the child is below two years old.

What makes this a promising practice? Involving men in family care. Working mothers under less physical stress. Household income maintained. Employers not burdened by payments so readily employ both men and women of child-bearing age.

(Source: The government [Pro Family Leave](#) website;

<https://www.michaelpage.com.sg/advice/career-advice/work-life-balance/paternity-leave-singapore-what-you-can-expect>)

16. THAILAND - work/family reforms to the Labour Protection Act

Beneficiary: all working women and men with families

Time frame: 13 December 2018 Labour Protection Act (LPA) amendments, in effect 6 May 2019

Description: An employer who plans to relocate an employee's current work location must provide at least 30 days' advance written notice; such notice must be placed conspicuously at the workplace and state which employees will be relocated along with the date of the relocation. Employees who believe that their family's ordinary course of living will be materially affected may refuse to relocate, in which case the employee's employment contract will end on the date of relocation and the employee will be entitled to severance. Under the amendments, employees with 20 or more uninterrupted years of service will be entitled to receive 400 days' severance pay, representing an increase over the current maximum. The amendments also increase to 98 days (above the current 90) the amount of maternity leave employers must provide pregnant employees and it is now split into pre- and postnatal periods. Employers are responsible for up to 45 days' wages during the maternity leave with the State covering the rest. In addition, the amendments grant all employees three days' paid 'necessary business leave' per year, an amount that had been previously unspecified (covering personal tasks that often fall on women while juggling work responsibilities). Under the amendments all wages, including overtime and holiday pay, must be paid equally to male and female employees who engage in work of equal value. Failure to comply with the LPA's amendments will subject employers to penalties and employers who fail to make the payments now required under the LPA must pay their employees interest at a rate of 15 per cent per year (doubling the current interest rate). For an employer's severe failure to pay - if the failure is clearly intentional without reasonable grounds - the employer is subject to an additional surcharge of 15 per cent of the unpaid balance for every seven days so long as it remains unpaid.

What makes this a promising practice? Increases maternity leave and allows women (and men) workers to refuse relocation for family reasons Fills gaps in previous version of the law so that women workers' protection is clearer. Strong penalties for employer non-compliance.

(Source: Erika C. Collins, Daniel Ornstein and Tony S. Martinez on 9 May 2019, Posted in *Employment Contracts, Retirement, Terminations*, available at <https://www.internationallaborlaw.com/2019/05/09/major-reform-to-the-thailand-labor-protect-act/>)

17. VIET NAM - family benefits to help working parents cope with financial constraints

Beneficiary: working women and men with children; ultimately all women and men resident in Viet Nam, with a focus on informally employed workers (disproportionally women), self-employed workers and vulnerable groups, such as children and their families

Time frame: December 2016 through August 2021

Description: The *Inclusive Growth, Social Protection and Jobs (Viet Nam Component) Project* aims to support the government, in particular the Ministry of Labour, Invalids and Social Affairs (MOLISA), to improve the linkage between the contributory and tax-funded social insurance systems so that more women and men can access adequate social protection benefits. Currently around 44 per cent of uninsured workers have children and 56 per cent of them would be considered insurable under existing regulations. Moreover, currently Viet Nam's social protection benefits for families and children are fragmented and unequal; social assistance offers only narrowly defined benefits for certain categories of families and children in need, while the social insurance system provides an incomplete selection of family-oriented benefits of cash maternity/paternity benefits under the compulsory system but not under the voluntary system, and no child or family benefits in either. With ILO technical assistance and IrishAid funding, MOLISA partners with Viet Nam Social Security and the social partners to engage in assessments and dialogues to develop the existing schemes, legal reviews, capacity building and communication strategies to increase the social protection coverage. An important target is support to working parents of newborns in compulsory and voluntary systems through the *Vietnamese Family Benefit* – or a monthly cash allowance for working mothers with children.

What makes this a promising practice? Commitment to decent work pillar of social protection. Broadening the existing into a multi-tier system not only reduces poverty, but also supports better nutrition and health for girls and boys, improves school attendance and performance, reduces the risk of child labour and creates an enabling environment for children to grow into healthy and productive workers.

(Source: ILO's Viet Nam Country Office web site available at https://www.ilo.org/hanoi/Informationresources/Publicinformation/feature-articles/WCMS_716954/lang--en/index.htm)

INTERNATIONAL LABOUR MIGRATION

18. INDONESIA - migration awareness-raising leads to future dedicated law

Beneficiary: women and men migrating for work within ASEAN and their families

Time frame: Projects over 3 periods - 2004-06, 2008–2012 & 2012-16

Description: Together with six other AMS, Indonesia was part of a series of projects for safe and fair labour migration policy for vulnerable migrant workers, culminating in *Tripartite Action for Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region* (TRIANGLE Project) with its direct services to women and men migrant workers. Outputs include massive advocacy and public media campaigns to

sensitise policy makers on the need for safer migration processes and decent working conditions especially for domestic workers, mostly female. TRIANGLE has provided individualised support services to over 75,000 migrant workers and potential migrant workers. Results included: potential migrant workers being better informed in pre-departure trainings; gender equality being mainstreamed (along with other issues like HIV) in all trainings; alliances grown between government agencies, trade unions, NGOs, and migrant and domestic worker organisations for more effective and sustainable influence on policy development; and impetus awakened for the future dedicated law on safe and fair labour migration at home. Prior to the interventions, Indonesia's labour laws did not include migrant workers, but since 2004, a Bill on the Labour Rights and Work Conditions of Domestic Workers has been in development and in 2010 the Bill was tabled for Parliamentary debate with national policy discourse continuing over the following years.

What makes this a promising practice? Multi-stakeholder involvement. Significant advocacy and campaigns to change perceptions and stereotypes. Potential for legislative improvement. Cross-ASEAN knowledge sharing.

(Source: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_213361.pdf)

19. LAOS PDR - improving women migrant workers' rights

Beneficiary: women migrating for work within ASEAN and their families

Time frame: 2018–2022

Description: ASEAN region migration has consistently grown over the past decades, with almost half of the 20 million migrants being women. Women migrant workers' important social and economic contributions to their communities and the economies of both countries of origin and destination is well recognised. Yet for migrant women, including survivors of violence, services are not well equipped to meet their needs; they are often hard to reach and not well coordinated among institutions, including police, criminal justice, health and social welfare services. All AMS are part of the *Safe & Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region*, which is part of the Spotlight Initiative to eliminate violence against women and girls organised between the European Union and the UN. This *Safe & Fair* program in Lao PDR aims at ensuring labour migration is safe and fair for all women in the ASEAN region, meaning that women migrant workers are less vulnerable to violence and trafficking and benefit from coordinated, quality services. Activities include producing data and evidence on the experiences of women migrant workers, campaigns to generate a better understanding of women migrants' contribution and improving the labour migration governance frameworks. Lao PDR is currently developing and revising policies on labour migration and gender-based violence. It has received support to establish Migrant Worker Resource Centres.

What makes this a promising practice? Reliable data collection. Advocacy. Potential for legislative improvement. ASEAN leadership.

(Source: *Safe & Fair Factsheet*, ILO-ROAP & UN Women Regional Office for Asia and the Pacific, Bangkok available at

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_662441.pdf;

European Commission International Cooperation and Development overview, Brussels, 2019 available at

https://ec.europa.eu/international-partnerships/projects/safe-and-fair-realising-women-migrant-workers-rights-and-opportunities-asean-region_en)

20. PHILIPPINES - labour migration and gender equality

Beneficiary: Filipinos who migrate for work, especially women domestic workers

Time frame: Every decade since 1990s, some improvement in policy & law: Migrant Workers Act of 1995 mandates gender-sensitive criteria in policies and programs for migrant workers; 2012 Government ratifies ILO's Domestic Workers Convention, 2011 (No. 189) being the second ratification enabling that treaty to come into force; 2013 Administrative Order No. 262-A requires specialized training on gender sensitivity for all DOLE staff deployed overseas; 2015 Overseas Workers Welfare Administration Act and the International Labour Affairs Bureau creates its *Foreign Labor Operations Information System* (FLOIS); 2017-2022 *Philippine Development Plan* recognises the vulnerability of Filipino migrant workers

Description: In light of the main law and the FLOIS sex disaggregated data, when forging bilateral labour agreements with receiving countries the Government insists on specific provisions ensuring protection of women migrant workers e.g. Kuwait/Philippines 2018 Agreement on Employment of Domestic Workers requires that recruitment and employment will be governed by a standard contract, the agreed wage in the contract and minimum age requirement must be strictly enforced, legal measures must be taken against erring employers, domestic workers, Kuwaiti or Philippine recruitment agencies for any violation of contractual or legislative provisions of both Parties and employers may not keep domestic workers' ID documents. In addition, the Women's Center of the Technical Education and Skills Development Authority provides training programs for household service workers for accreditation, so that skills are recognised when seeking jobs abroad.

What makes this a promising practice? Strong legislation backed up by practical enforcement. Evidence-based policy making. Taking a leadership role regarding one area of labour migration, namely domestic workers (mostly women). Translating the policy and law into workable clauses in bilateral agreements, giving sustainability. Coordination among institutions.

(Source: Reuters press website 11 May 2018 viewed at

<https://www.reuters.com/article/us-kuwait-phillipines-domestic-workers/kuwait-to-regulate-employment-of-philippine-domestic-workers-after-reports-of-abuse-idUSKBN1IC1KC>; ILO's *Good Practices on labour migration policies and practice* available at <https://www.ilo.org/dyn/migpractice/migmmain.home>)

21. THAILAND - skilled labour migration and gender equality

Beneficiary: Thai women and men science graduate job seekers; STEM firms and universities

Time frame: Approved on 19 March 1996 and included as part of Plan 8 (1997-2001); 1997 Office of Reverse Brain Drain Project (ORBD) established in the National Science and Technology Development Agency

Description: The *Reverse Brain Drain Project* was established as a quick and effective way of getting qualified women and men to work back home acting also as role models for future STEM workers. ORBD recruits Thai professionals overseas and facilitates their return to work in State agencies or the private sector using various incentives (money through grants, services including visa/work permit assistance, schools for children of men and women professionals, and information centres all provided in a

one-stop-shop format). ORBD offers short-term visits involving knowledge and technology sharing, seminars and tech-transfer workshops (e.g. through Distinguished Professor or Scholar posts where travel, lodging and daily expenses are paid) and the development of institutional linkages between Thai agencies and Thais abroad. Through e-newsletters, ORBD also disseminates information about Thailand's science and technology needs among its network of overseas Thai professionals, Thai government agencies, academic communities and the industrial sector. It has an online Job Mart.

What makes this a promising practice? Highly skilled women professionals as role models in traditionally male STEM sectors. Work/family balancing accommodated. Simplified one-stop-shop access to grants and/or services reduces red-tape for women wanting to get a good job back home.

(Source: <http://rbd.nstda.or.th>; ILO's *Good Practices on labour migration policies and practice* available at <https://www.ilo.org/dyn/migpractice/migmmain.home>)

OTHER COUNTRY PROMISING PRACTICES

22. BRAZIL - ending gender and race discrimination in the labour market

Beneficiary: all working women and men

Time frame: commenced September 1995

Description: Noting the persistence of sex discrimination, Brazil requested ILO assistance to implement fully ratified Convention 111. A technical cooperation project aimed at raising awareness and disseminating information on implementing the Convention began, with seminars and training activities throughout the country, a large variety of information material produced, and an awareness campaign launched giving special emphasis to gender and race issues at work. As a result of these activities, the Ministry of Labour and Employment instituted its program *Brazil, gender and race – United for equal opportunities*, and Centres for the Prevention of Discrimination in Employment and Occupation were established within the Regional Departments of Labour and Employment. Besides engaging in promotional activities, the Centres receive and examine complaints of discrimination, which may be channelled eventually to the Labour Prosecution Office. The program enjoys the support of the National Human Rights Bureau of the Ministry of Justice, responsible for the Government's overall anti-discrimination policy. In 2005 an assessment of five selected Centres revealed positive results but also shed light on a few shortcomings such as: attention was not paid evenly across the discrimination grounds under their mandate; they did not share a common method of work; did not operate according to common targets and impact indicators; and they required stronger synergies with other programs of the Ministry of Labour itself and other State partners like the Secretariat for Policies for Women. To overcome these shortcomings, capacity building for Centre staff was provided and a reorganisation of the Ministry undertaken that culminated in the creation, in 2006, of a Special Advisory Unit on discrimination and equality that reports directly to the Executive Secretary of the Ministry, thus raising the profile of these questions in the Ministry's organisational structure.

What makes this a promising practice? Intersectionality. Strong institutional foundation and powerful partnerships. Decentralised implementation for sustainability.

(Source: ILC, *Time for Equality at Work - Global Report on the 1998 Declaration on Fundamental Principles and Rights at Work*, Report I(B), 91st Session, ILO, Geneva, 2003, paras 249-251; and ILC, *Equality at work: Tackling the challenges - Global Report under the Declaration on Fundamental Principles and Rights at Work*, Report 1(B), 96th Session, ILO, Geneva, 2007, page 60)

23. CZECHIA - gender mainstreamed into labour inspection

Beneficiary: all working women and men covered by such inspections; employers of workplaces

Time frame: entered into force on 1 January 2003; supported by 2005 Act

Description: The Ministry of Labour designed and issued a methodological instruction to labour inspectors regarding equal opportunities for men and women, which explains the relevant legal provisions and provides concrete guidance on how to conduct gender equality inspections. The list of questions to be asked during gender inspections covers issues that arise in relation to recruitment, training and promotion, working conditions, sexual harassment, breastfeeding, maternity and parental leave. An additional document provides guidance on how to evaluate jobs to establish whether equal remuneration is being paid for work of equal value irrespective of sex. The 2005 Labour Inspection Act provides that violations of the principles of equal treatment (irrespective of sex) and equal pay for work of equal value are offences subject to heavy fines. Over 2004-2005 inspectors identified a total of 757 breaches of the provision on equal remuneration.

What makes this a promising practice? Legal norm supported by 'how-to' documentation. Recognising the need for expertise in implementing the law. Practical assistance in a complex area: job evaluation. Violations identified.

(Source: 2003 and 2006 reports provided by the Czech Republic under Article 22 of the ILO Constitution in respect of ratified Convention No. 100)

24. REPUBLIC OF KOREA - promoting work-life balance through the law

Beneficiary: all working women and men having families; companies

Time frame: commenced 2012, through 2020

Description: While Korea's female labour force participation has been gradually increasing, by 2018 the rate was still lower (57.2 per cent) than men's (75.9 per cent). ILO's Global Wage Report 2018/19 (page 24) estimates the median gender pay gap per hour to be a startling 36 per cent, resulting from, among other reasons, women taking career breaks due to family responsibilities. The Government responded with amendments to the Equal Opportunity and Work-Family Balance Assistance Act of 2007 which support childcare e.g. grants for building/managing workplace day-care centers, large corporations' duty of installation which has led to a continuous increase in such childcare and female employment support by establishing Employment Welfare Centers and New Job Centers (155 set up in 2018) to give customised consulting-training-employment services for women taking career breaks. It used smart labour supervision connecting available data on health insurance (pregnancy/delivery) and employment insurance (concerning the workplace) to verify that companies respect maternity protection laws. Innovations are the introduction of the right - for men as well as women - to claim reduced working hours during parenting and the "paternity leave bonus" to boost paternity leave uptake by male workers. As of 2020 short-term family care leave for a maximum of 10 days per year has been legalised.

What makes this a promising practice? Holistic approach. Serious outreach to men workers to share family responsibilities. Government budget leading to sustainability. Support to complying employers and sanctions for violators.

(Source: *Policy Direction on Female Employment & Work-Life Balance in ROK*, Ministry of Employment and Labor PowerPoint presentation, 2nd Task Force Meeting on the Gender Mainstreaming Program, Da Nang, Viet Nam, 10-11 September 2019; CEACR Report, 108th Session, Report III(A), ILO, Geneva, 2019, direct request under Convention 156 available at

https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963833:NO)

ANNEX I – DECENT WORK IN AMS UNDER THE FOUR FOCUS AREAS

1. *National employment policies*

This area refers to measures for creating jobs that enable women and men to earn adequate incomes, as well as programs to facilitate access to productive activities in order to achieve the goals of decent living standards, social and economic integration, personal fulfilment and social development. Employment promotion policy and human resource development are key elements in achieving these goals.³⁸ Yet numerous national employment policies (NEPs) miss opportunities to get the best from ASEAN women more than men, because they were designed and implemented with insufficient gender analysis or ignored gendered social dialogue, leading to gender-blind provisions. As part of NEPs, active labour market policies are particularly useful for enabling women to engage in the labour market, providing job and training opportunities e.g. through a gender-sensitive value-chain approach for the economic empowerment of poor women. Viet Nam's project *Green Production and Trade* had the overall aim to increase income and employment opportunities for the rural poor and focused on silk production livelihoods by strengthening the sericulture and brocade value chain dominated by women, promoting decent work practices, ensuring technical skills training, enterprise development skills, assisting market access and credit and conducting gender equality awareness workshops.³⁹

2. *Occupational segregation*

This is a widely recognised gender equality issue, where certain professions and/or certain jobs within sectors are banned for one of the sexes. Usually the ban affects women, and not men, and as is rooted in outdated stereotypes regarding women's professional abilities and role in society. Protective measures that impede women in particular (this also happens to people with disabilities) often mean that society has decided which roles are 'appropriate' on the basis of perceptions and bias without having a scientific reason for the restriction. As such, this type of measure violates the principle of freely chosen employment central to CEDAW and ILO Conventions. Of course when the work is medically assessed - and that assessment is periodically updated in view of latest medical and scientific research - as dangerous, occupational health and safety measures should be in place to protect all workers regardless of their sex. The World Bank's *Women, Business and the Law* tracks eight employment/income-related indicators from a gender perspective, including "Can a woman get a job in the same way as a man?" and "Are women able to work in the same industries as men?"⁴⁰ The following Table indicates quite similar scores across

³⁸ <https://www.ilo.org/global/topics/employment-promotion/lang--en/index.htm>

³⁹ *Gender in employment policies and programs: What works for women?* S. Ameratunga Kring, Employment Department Working Paper No. 235, ILO, Geneva, 2017, available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_613536.pdf

⁴⁰ For the former indicator, a score of 1 is assigned if there are no restrictions on a woman's legal capacity and ability to work & 0 is assigned if a husband can prevent his wife from getting a job. The latter indicator gives a score of 1 if non-pregnant/nursing women can work in mining, construction, manufacturing, energy, water, agriculture & transportation in the same way as men. A score of 0 is assigned if the law prohibits women from working in these industries & if women's employment there

AMS on the occupational segregation measure but widely differing scores regarding legal/spouse restrictions on women entering employment. The Philippines stands out for a 'perfect' score.

Table 1 - Occupational segregation and job restrictions affecting women In ASEAN Member States (100= highest score, base on reply Yes=1, No=0)										
Indicator	BRUN D.	CAM	IDN	LAO	MLY	MYN	PHL	SING	THAI	VN
Work in the same industries as men can?	75	75	75	Not included	50	50	100	75	75	50
Get jobs like men can?	25	100	50	Not included	50	25	100	75	100	100

(Source: *Women, Business and the Law 2020*, World Bank, Washington DC, 2020, pages 44 ff)

3. *Gender-based discrimination in job hiring* - in particular affecting women applicants of childbearing age who are asked if they plan to have children or use contraception - is reported in the garment sector in some AMS. Employers may be reluctant to hire them because they perceive a lack of attachment to the job or because companies do not want to have to shoulder the statutory obligations regarding maternity.⁴¹ Although pregnancy tests and contraceptives are rarely used as a condition for employment in participating factories, BetterWork surveys in Indonesia found that, at the time of hiring, there is not only discrimination against pregnant, but also married or older women.⁴²

4. *The gender digital divide* restricts women's equality when it comes to applying for and retaining jobs. While AMS education systems vary in encouraging girls and young women into STEM subjects, when it comes to vocational training systems they mostly still follow stereotyped approaches regarding courses offered to women (sewing, hairdressing, confectionary) and to men (computer skills, IT design, electronics). This barrier means that not only are current inequalities continuing, but future IR4.0 opportunities will not benefit all sexes equally. Data for four AMS show that men consistently outnumber women in information and communications jobs, by a roughly 60/40 ratio.⁴³ A UN Women report on Viet Nam, for example, noted that employers in the new dynamic sectors, particularly the higher value-added ones like electronics, are likely to require at least some level of technical skill as a condition for hiring, thus ruling out IR4.0 sectors as a viable employment option for the

is restricted in any way e.g. prohibiting women's night work or by giving the relevant minister the power to ban or restrict women from working in certain jobs or industries. *Women, Business and the Law 2020*, World Bank, Washington DC, 2020, pages 29-30 available at <https://openknowledge.worldbank.org/handle/10986/32639>

⁴¹ *Game changers: women and the future of work in Asia and the Pacific*, ILO, Bangkok, 2018, page 21 available at https://www.ilo.org/asia/publications/WCMS_645601/lang--en/index.htm

⁴² *BetterWork Global Gender Strategy 2018-2022*, IFC/ILO, Geneva, 2018, page 17.

⁴³ *Game changers: women and the future of work in Asia and the Pacific*, ILO, Bangkok, 2018, pages 78-79 available at https://www.ilo.org/asia/publications/WCMS_645601/lang--en/index.htm

considerable share of the female workforce who has only primary education or less.⁴⁴ In the Philippines and Viet Nam, women are twice as likely to occupy jobs at high risk of automation than their male counterparts; in Indonesia and Thailand, they are 1.5 times more likely.⁴⁵

5. *Informal economy.* The informal economy can include women and men who are self-employed - such as street vendors, petty goods traders and subsistence farmers - as well as waged workers in domestic or seasonal agricultural work or as industrial outworkers. One of the most vulnerable forms of informal employment is contributing family work. Globally, women comprise 63 per cent of these workers, who are employed without direct pay in family businesses or farms.⁴⁶ ASEAN women dominate workers in informal employment except, according to latest figures, in Brunei Darussalam, Malaysia and Thailand. ASEAN research shows the region's rate of informal employment ranges widely from 37 per cent in Thailand to 90 per cent in Cambodia.⁴⁷ The share of women in informal employment is proportionately higher than men's in most countries, following from the fact that informal employment is typically high in agriculture and services jobs where women predominate in ASEAN.

6. *Women bear the brunt of unpaid care work.* According to ILO's report *Care work and care jobs for the future of decent work*, unpaid care work is the main barrier preventing women from getting into, remaining and progressing in the labour force. In 2018, 606 million working-age women said that they were not able to do so because of unpaid care work, in contrast with only 41 million men who gave the same reason. Likewise the 2017 ILO-Gallup survey found that, in the Asia and Pacific region, the top two challenges identified - by both women and men - for women who work at paid jobs was work-family balance and lack of affordable care.⁴⁸ The challenge is not just caring for children. Long-term care – mostly needed by older people – is not accessible for more than 48 per cent of the world's population, with women disproportionately affected. Many of the millions of unpaid 'voluntary' workers are women who shoulder the burden of informal care for dependent family members. In Asia and the Pacific, women perform 80 per cent of total hours of unpaid care work and 4.1 more times than men. In some countries, men's contribution to unpaid care work has increased over the past 20 years. However, in the Asia and Pacific region, men spend less time on unpaid care work than men on other regions of the world.⁴⁹ The UN SG's High Level

⁴⁴ *Towards Gender Equality in Viet Nam: Making Inclusive Growth Work for Women*, UN Women, Bangkok, 2016, page 47; see also *Viet Nam Gender Briefing Kit*, UN Women, Bangkok, 2016, pages 41-42 available at <https://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2017/04/gender%20briefing%20kit-en-s.pdf?la=en&vs=4211>

⁴⁵ *Can ASEAN move forward if women are left behind? Women in ASEAN: unlocking possibilities.* 2018. [https://www.ey.com/Publication/vwLUAssets/ey-women-in-asean-unlocking-possibilities/\\$FILE/ey-women-in-asean-unlocking-possibilities.pdf](https://www.ey.com/Publication/vwLUAssets/ey-women-in-asean-unlocking-possibilities/$FILE/ey-women-in-asean-unlocking-possibilities.pdf)

⁴⁶ *Progress of the World's Women 2015-2016*, UN Women, NY, 2017.

⁴⁷ *Regional Study on Informal Employment Statistics to Support Decent Work Promotion in ASEAN*, ASEAN Secretariat, Jakarta, December 2019, page 5; informal employment rate by sex at page 57.

⁴⁸ *Towards a better future for women and work: Voices of women and men*, ILO/Gallup, Geneva, 2017 available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_546256.pdf

⁴⁹ *Care Work and Care Jobs for the Future of Decent Work*, ILO, Geneva, 2018, page 27 available at https://www.ilo.org/global/publications/books/WCMS_674831/lang-en/index.htm

Panel responded to unpaid care work by calling for States to recognise, reduce and redistribute care work and foster social norms change to redistribute care from women to men to ensure that care is their equal right and responsibility.⁵⁰

7. *Women's voice and leadership.* Another AMS challenge is the scarcity of women in decision-making who could influence national employment policy. To get a voice at the table, it is important to have women moving up the ranks to managerial positions, providing their inputs, concerns and perspectives for better employment policy-making but there are still few women in management and supervisory posts in both private and public sectors across ASEAN. Regarding women's percentage share of all managers as at 2012, ILO data showed seven AMS scores: Philippines ranked highly with 47.6, Singapore 31.4 and Thailand 28.2 were almost 20 percentage points lower, then came Viet Nam 23, Malaysia 21.5, Indonesia 21.2 and Cambodia at 18 per cent.⁵¹ Moreover, while millions of ASEAN women have become successful entrepreneurs, women are still grossly underrepresented in ASEAN company board rooms. One 2014 study of publicly listed Asian companies found Malaysia leading the way with 12.5 per cent women (it has a 30 per cent target for such companies). Only a few years later, a study of ASEAN companies found Thailand having 20.4 per cent of board seats in listed companies held by women, followed by Viet Nam (15.4 per cent) and Indonesia (14.9 per cent). Its findings support the argument that companies with a higher proportion of women on board are generally associated with greater financial performance.⁵²

8. *Gender pay gap*

There are different reasons for the gap between women's and men's pay, such as women taking a career break to have/care for children or preferring to work part-time, as well as objective reasons, like higher educational qualifications. Outright sex-based discrimination is also a factor. According to ILO, in Asia and the Pacific the gap between what women earn compared to men for work of equal value averages 20 per cent, revealing that much needs to be done to achieve decent working conditions regarding remuneration.⁵³ The gender pay gap is even more pronounced when comparing professional and management positions, where on average men earn up to 45 per cent more than women.⁵⁴ Issues surrounding equal remuneration for work of equal value occur in CEDAW Committee comments for seven AMS (see Table 2).

Table 2 CEDAW Committee comments for seven AMS on equal pay

Country	Date of CEDAW	Recommended action

⁵⁰ For ASEAN data on 5.4, see *Gender Equality and the Sustainable Development Goals in Asia and the Pacific*, UN Women & ADB, 2018, page 192; *UN HLP Toolkit for Driver 3 on unpaid care work*, available at <https://hlp-wee.unwomen.org/en/reports-toolkits#toolkits>

⁵¹ *Women in business and management: Gaining Momentum*, ILO, Geneva, 2015, pages 159-160; *Board Gender Diversity in ASEAN*, IFC, Bangkok, 2018.

⁵² National University of Singapore Business School's Centre for Governance, Institutions and Organisations & Korn Ferry Company, reported on 20 April 2016 here <https://www.freemalaysiatoday.com/category/nation/2016/04/20/women-on-boards-malaysia-shows-the-way/>; *Board Gender Diversity in ASEAN*, IFC, Bangkok, 2018, pages 9.-10

⁵³ <https://www.ilo.org/global/research/global-reports/global-wage-report/2018/lang-en/index.htm>

⁵⁴ *Game changers: women and the future of work in Asia and the Pacific*, ILO, Bangkok, 2018, page 30 available at https://www.ilo.org/asia/publications/WCMS_645601/lang-en/index.htm

	Concluding Observations	
Brunei Daussalam Cambodia Myanmar	2014 2013 2016	Adopt legislation guaranteeing equal pay for work of equal value, to narrow/reduce/close the gender wage gap
Indonesia	2012	Monitor and close the gender wage gap in technical professions
Malaysia Singapore	2018 2017	Regularly review remuneration in sectors in which women are concentrated. Establish effective monitoring and regulatory mechanisms for employment and recruitment to ensure that the principle of equal pay for work of equal value is adhered to in all sectors
VietNam	2015	Reduce the gender wage gap, including by addressing the occupational segregation of women in the public and private sectors and promoting women's access to higher-paid jobs and decision-making positions
(Source: CEDAW, <i>Gender Equality and Decent Work: Barriers and Opportunities in ASEAN</i> , PowerPoint presentation, 1 st Meeting of the Task Force on Gender Mainstreaming into Labour & Employment Policies to Promote Decent Work for All, UN Women Regional Office for Asia and the Pacific, Ho Chi Minh City, Viet Nam, 24-25 September 2018)		

9. *Sexual Harassment and violence against women at work*

Violence and harassment in the world of work affects women regardless of age, location, income or social status. The economic gain – a reflection of the human and social gains – to the global economy of eliminating discriminatory social institutions and violence against women would be approximately US \$12 trillion annually.⁵⁵ According to an ILO study of 80 countries' frameworks for imposing a duty on employers to prevent sexual harassment, only 47 per cent of countries in Asia and Pacific had such a framework.⁵⁶ ASEAN's Regional Plan of Action on the Elimination of Violence against Women (2016-2025), in line with the ASEAN Community Blueprint (2016-2025), reflects AMS policy of zero tolerance for all forms of violence, explicitly covering physical, sexual, psychological and economic violence including online abuse.⁵⁷ The CEDAW Committee has issued comments for seven AMS on sexual harassment (see Table 3).

⁵⁵ *The power of parity: Advancing women's equality in Asia and the Pacific*, McKinsey Global Institute, NY, 2018 available at

<https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Gender%20Equality/The%20power%20of%20parity%20Advancing%20womens%20equality%20in%20Asia%20Pacific/MGI-The-power-of-parity-Advancing-womens-equality-in-Asia-pacific-Full-report.ashx>

⁵⁶ *Ending violence and harassment against women and men in the world of work*, ILC 107th Session, Report V(1) ILO, Geneva, 2017, para.24; see also *Women, Business and the Law 2018*, World Bank, Washington D.C., 2018 available at <http://wbl.worldbank.org/>

⁵⁷ <https://asean.org/wp-content/uploads/2018/01/48.-December-2017-ASEAN-RPA-on-EVAW-2nd-Reprint.pdf>

Table 3 CEDAW Committee comments for seven AMS on sexual harassment at work

Country	Date of CEDAW Concluding Observations	Recommended action
Brunei Daussalam	2014	Urgently adopt comprehensive legislation to combat discrimination & sexual harassment in the workplace Adopt specific legislation to criminalize all forms of violence against women [...] including women migrant workers, women domestic workers and stateless women
Indonesia	2012	Consider amending the legislation, with a view to prohibiting/sanctioning workplace sexual harassment
Malaysia	2018	Adopt a comprehensive law on sexual harassment that enables complainants to seek redress without the expenditure in time and money and without the public exposure associated with going to court
Myanmar	2016	Take appropriate sanctions to deter sexual harassment at the workplace
Philippines	2016	Adopt pending bills to expand the definition of sexual harassment to include peer sexual harassment; Strengthen efforts to investigate and impose sanctions for sexual harassment in the workplace
Singapore	2017	Review obstacles to obtaining protection orders under the Protection from Harassment Act Ensure implementation of the Tripartite Advisory on Managing Workplace Harassment by all employers
Thailand	2017	Ensure sexual harassment is prohibited by law including in the workplace; develop a system for filing confidential complaints and ensuring effective access to redress
(Source: CEDAW, <i>Gender Equality and Decent Work: Barriers and Opportunities in ASEAN</i> , PowerPoint presentation, 1 st Meeting of the Task Force on Gender Mainstreaming into Labour & Employment Policies to Promote Decent Work for All, UN Women Regional Office for Asia and the Pacific, Ho Chi Minh City, Viet Nam, 24-25 September 2018)		

10. Working time arrangements

Working time policies and arrangements must pay attention to gender differences because, to be effective for decent work, they need to overcome constraints that are different for working men or working women. These include the gender differences in resorting to part-time work. Another aspect concerns night work, which was often banned for women in the past because it was perceived to be a measure of protection

that men did not need. With the shift towards promotion of equality between women and men in the labour market, it is widely agreed that the protection of women at work must be pursued in the broader context of improving the working conditions of all workers, regardless of sex, and night work bans should be examined in the light of modern production methods and health levels. The relevant ILO instruments - see chapter 3 - have adapted to the modern approach. Among AMS, Philippines denounced its old ratification of the Night Work (Women) Convention (Revised), 1948 (No. 89) in 2012 and Lao PDR ratified the new, gender neutral, Night Work Convention, 1990 (No. 171) in 2014. As with other aspects of working conditions, working hours and holidays are changing with the advent of IR4.0. Today's "24/7" society and work being called for anytime, anywhere is a particular strain in the services sector where women workers predominate. For example, the care economy where women workers predominate (paid or unpaid) often requires work around the clock, and in emergencies like the 2020 Covid-19 pandemic, this can be highly stressful. ILO's *Ensuring decent working time for the future* indicates that in southeast Asia and the Pacific, 11.1 per cent of both men and women work very long hours (over 60 per week, the world average being 12 per cent), being the only group of countries where women work even longer excessive hours than men.⁵⁸

11. Social protection

Social protection refers to measures to ensure that people and families have security in the face of vulnerabilities and contingencies. It benefits women's and men's employability and potential productivity, so has decent work advantages for individual women and men, for employers, societies and economies.⁵⁹ Indeed, for employers and enterprises, social protection helps maintain a stable workforce adaptable to change, a plus in view of IR4.0. At a minimum, it comprises social security (with a floor covering four guarantees across the life-cycle starting with health care including maternity care, then child benefits, then income security in face of sickness, unemployment and disability, and old age pensions),⁶⁰ and labour protection (wages, working time, OSH). Three gender angles resonate particularly with AMS: 1) maternity, paternity and parental leave and benefits; 2) work-family balance measures; and 3) benefits for elderly women and men. One study of social protection in ASEAN noted the persistent gender gap in coverage, linked to the gender gap in labour market participation, a working lifetime of unequal wages and the large proportion of women in informal work who are not covered by such schemes or labour laws. For pensions,

⁵⁸ *Ensuring decent working time for the future*, ILC General Survey, 107th Session, Report III(Part B), 2018, page 13 available at https://www.ilo.org/ilc/ILCSessions/previous-sessions/107/reports/reports-to-the-conference/WCMS_618485/lang--en/index.htm

⁵⁹ *Resource guide on Gender issues in employment and labour market policies - Working towards women's economic empowerment and gender equality*, N. Otobe, ILO, 2014, pages 58-62 available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/instructionalmaterial/wcms_243015.pdf.

⁶⁰ ILO Recommendation concerning national floors of social protection, 2012 (No. 202), Para.5; *Social Protection Floor*, ILO, Geneva, n.d. available at <http://www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang--ja/index.htm>

for example, it concluded that to achieve men and women's equal coverage non-contributory schemes are more gender-inclusive.⁶¹

12. *Maternity, paternity and parental protection*

Maternity protection is of special concern to women because it can be a cause of disadvantage in the labour market; maternity reduces their time for productive work and in extreme cases, it may mean loss of jobs. Beyond the clear public health implications, decent work requires that relevant international norms to be followed to avoid these job-related risks and remove the latent discrimination against women of reproductive age working. Almost all countries have adopted legislative provisions granting maternity leave to working women with income replacement (either from the State or their employers) and return-to-work guarantees, and a large number of new laws on paternity leave are being adopted across all regions.⁶² Paternity leave (paid or unpaid) is available to employed fathers upon their wife giving birth to a child, so that fathers can legally have time away from work without income loss to help care for the baby, as well as other children and the mother. Paternity leave is different to parental leave which is usually offered to both mothers and fathers for a longer period to care for the child, beyond the maternity or paternity leave entitlement. In an effort to ensure that fathers take up parental leave when it is available (rather than reverting to gender stereotypes leaving the women worker responsible for all upbringing) some countries' laws incentivise parental leave for fathers through "use-it-or-lose-it" schemes. For AMS, although none have ratified ILO Conventions on maternity protection (see chapter 3), several meet the standards of 14 weeks (Philippines, Singapore, Thailand, Viet Nam), some with cash benefits at a level not less than two-thirds of the worker's previous earnings (with Cambodia's cash benefit level falling short of the norm and Malaysia's length of leave falling short). Table 4 shows the AMS situation.

Table 4 AMS Maternity and Paternity legal provisions on leave duration, cash benefits & source of funding

ILO standards →	Maternity Duration (in weeks)	Cash (% of previous earnings)	Source of funding of cash benefit	Paternity Duration (in days)	Cash (% previous earnings) & source
Brunei Dar.	9	100% (for 8 weeks)	employer	None	--
Cambodia	13	50%; if registered under NSSF an	employer; in addition, if registered under NSSF a social security	10	100% employer

⁶¹ *The state of social protection in ASEAN at the dawn of integration*, C. B. Ong & C. Peyron Bista, ILO Regional Office for Asia and the Pacific, Bangkok, 2015, Executive Summary & pages 53 & 56, available at https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_428982.pdf

⁶² *Maternity and paternity at work-Law and practice across the world*, ILO, Geneva, 2014, Tables for Asia at pp.135-6 & 153-4, available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf

		additional 70% of the worker's daily average wage	additional one-off allowance of 400,000 riels for one child (increasing for multiple births)		
Indonesia	13	100%	employer	2	100% employer
Lao PDR	13	100%	social security	None	--
Malaysia	9	100%	employer	None	--
Myanmar	14	70%	social security	15	Social Security Fund
Philippines	15	100%	social security	7	100% employer
Singapore	16	100%	Shared 8 weeks employer/8 public funds	14	Shared 50% employer/50% social security

Thailand	14	100%	45 days employer, remainder social insurance	Not specified but 3 paid days' for all workers	"necessary business leave" paid 100% by employer
Viet Nam	26	100%	social security	5	100% social security

(Source: *Maternity and paternity at work-Law and practice across the world*, ILO, Geneva, 2014, updated with latest Philippines, Myanmar, Singapore, Thailand & Viet Nam laws)

Meeting the criteria to enjoy the above benefits is a challenge in AMS. One ILO study noted that the vast majority of workers in Cambodian garment factories are young women who have recently had or plan to have children in the near future, and that most garment factories follow the Labour Law maternity guarantees of 90 days' leave paid at 50 per cent wage and benefits, with a return to light work for two months plus one-hour daily breast-feeding breaks for new mothers. But there is low compliance in building daycare centres for workers' children.⁶³ Breastfeeding breaks, access to medical services, the right not to be dismissed due to maternity and alternatives to women undertaking dangerous work during maternity are addressed in AMS laws. In

⁶³ *Practical challenges for maternity protection in the Cambodian garment industry*, ILO, Bangkok, 2012 available at http://ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_203802.pdf; see also *Jobs in SEZs: migrant garment factory workers in the Mekong region*, Asia Institute of Technology & Mekong Migration Network, Chiang Mai, 2019, p.36.

the Philippines, for example the Expanded Breastfeeding Promotion Act 2009 extended the right to breastfeeding to agricultural and precarious workers and made establishing lactation stations tax-deductible for employers.

13. *Work-family balance*

Policies and programs on work–family reconciliation ensure that women and men workers’ family and care responsibilities (for children, elderly and close dependents) do not compromise their economic and employment security or leave them without decent work. The gender dimension is linked to deep-seated biases that men ‘work’ and women ‘do the caring’. Revising hours worked and the way work is organised are family-friendly measures, as are State-supported services such as child and elderly care facilities or tax incentives awarded to enterprises.⁶⁴ While no AMS have ratified the ILO norm, a number of family-friendly measures are common across the region. The ASEAN *2015-2017 Work-Life Balance Project*⁶⁵ identified real experiences respecting AMS diversity and inclusivity including women’s empowerment, and recommended policy measures to enhance women’s entrepreneurship, flexibility in paid work arrangements, and home-work opportunities that allow a harmonious blend of work and family responsibilities.

14. *Pensions and women aging*

Given women’s longevity compared to men, and that women usually have less stable careers that negatively impact their pension contributions, ageing disproportionately impacts women’s decent work. Asia and the Pacific is ageing at a historically unprecedented rate e.g. in Viet Nam, between 1990 and 2014, life expectancy rose from 70.4 to 75.6 years, with estimates that the country’s 9 million women and men of pensionable age in 2015 will more than double to 20.4 million by 2035. When the law requires women to retire at a lower age than men and yet they are living longer, this means women contribute to pension systems less, but take out more: hence significantly impacting State pension systems. Policy adjustments, such as harmonising pension ages between women and men, and pension reforms to guarantee basic income security for all older women and men, including through tax funded systems for the poorer, will help governments face the challenge of ageing.⁶⁶

15. *International labour migration*

International labour migration, the movement of women and men from one country to another for employment, has increased during the past decades due to lack of job opportunities in the home countries coupled with the shortage of human resources to fill vacancies in the destination countries, and an openness to mobility (for women workers) to meet workers’ job expectations. UN Women estimates that in 2017 approximately half of the 258 million migrants who live and work outside their

⁶⁴ *Good practices and challenges on the Maternity Protection Convention, 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156): A comparative study*, ILO, Geneva, 2012 available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_192554.pdf

⁶⁵ The Project went beyond formal employment to look at corporate culture, youth and rural ambitions <https://asean-wlb.net/>

⁶⁶ *Ageing and social protection in Asia and the Pacific*, Brief, ILO, Bangkok, n.d. available at https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_614170.pdf

countries of birth were female.⁶⁷ For ASEAN's 20.2 million migrant workers over half are women. Challenges range from the extreme (sexual harassment and abuse) to the technical (where poorly organised migrant work schemes result in a lack of social protection for those women workers).⁶⁸ Committed to its vision of a caring and sharing ASEAN Community AMS adopted the 2007 Declaration on the Protection and Promotion of the Rights of Migrant Workers, followed in 2018 by the Consensus.

16. *Remittances*

According to UN Women's *Facts and figures-women migrant workers*, despite gender inequalities in the labour market and gender wage gaps globally, women migrant workers were responsible for sending half of the estimated US \$601 billion in remittances worldwide in 2016. Women migrant workers are often more likely than men to remit on a regular basis owing to women's stronger links to family members and society's gendered caregiving expectations linked to these women's increasing income.

17. *Migration bans affecting only women*

A UN Women/ILO joint study analysed the effects of restrictions on women's labour migration in the ASEAN region.⁶⁹ Focusing on limitations on migration for domestic work from Myanmar to Singapore and Cambodia to Malaysia, it found that while meant to protect from harm, or halt human rights abuses like trafficking in persons, such bans often result in women migrating irregularly. Even if intended to protect women from harm, gender-based migration restrictions violate numerous international legal standards addressing discrimination and equal opportunity, as well as the right to mobility to leave a country. Likewise, research from the International Organisation for Migration⁷⁰ shows that gender-based migration bans are circumvented by irregular migration, and this resultant undocumented status increases vulnerability to exploitation and abuse by isolating women migrant workers from authorities and the protection of laws.

18. *Domestic workers*

ILO estimates 67 million international migrant domestic workers in 2015, of whom approximately 80 per cent were women. This high percentage follows the pattern that globally women migrate to work mostly in low paid and low skilled jobs, characteristics of domestic work. Asia and the Pacific is the major hub for this type of migration. Due to the social, cultural and physical isolation they often work and live in, women face

⁶⁷ *Facts and Figures: Economic Empowerment-Women migrant workers*, UN Women, NY, available at <https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>

⁶⁸ *Social protection for migrant workers in ASEAN: Developments, challenges, and prospects*, ILO, Bangkok, 2018 available at https://www.ilo.org/asia/publications/WCMS_655176/lang-en/index.htm; for ASEAN data see *International Labour Migration Statistics Database* available at <http://apmigration.ilo.org/asean-labour-migration-statistics>

⁶⁹ *Protected or put in harm's way? Bans and restrictions on women's labour migration in ASEAN countries*, UN Women/ILO, Bangkok, 2017 available at https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_555974.pdf

⁷⁰ *For Their Own Good? Addressing Exploitation of Women Migrant Workers*, in M. McAuliffe & M. Klein Solomon (Conveners) *Ideas to Inform International Cooperation on Safe, Orderly and Regular Migration*, IOM, Geneva 2017 available at https://publications.iom.int/system/files/pdf/for_their_own_good.pdf

major challenges in the exercise of their social, economic and cultural rights.⁷¹ UN Women studied Asian and Arab States labour migration from a gender angle, concluding that even before leaving their countries of origin women migrant workers are at constant risk of exploitation by unscrupulous private recruitment agencies which charged hidden fees, and provided fraudulent visas and travel documents, often without legitimate job orders for the worker. Hence the importance of effective migration governance and anti-corruption measures for safe migration.⁷²

⁷¹ *Migrant domestic workers in action*, Factsheet, UN Women/OHCHR/ILO/International Trade Union Confederation/International Domestic Workers Network, Geneva, n.d. available at https://www.ohchr.org/Documents/Issues/Migration/Events/GlobalAction/GAPLeaflet_en.pdf

⁷² *Review of Laws, Policies and Regulations governing Labour Migration in Asian and Arab States-a gender and rights based perspective*, UN Women, Bangkok, 2013 available at <https://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2013/review%20of%20laws%20policies%20and%20regulations%20governing%20labour%20migration%20in%20asian%20and%20arab%20states.pdf?la=en>

ANNEX II - GLOSSARY OF RELATED TERMS

(Source: *ABC of women workers' rights & gender equality*, 2nd Ed., ILO, Geneva, 2007; and others noted below)

ACTIVE LABOUR MARKET POLICIES are public interventions targeted towards particular groups in the labour market aiming to increase the likelihood of employment or improve income prospects for the women/unemployed persons/groups who find it difficult to enter and remain in the labour market. Interventions that play an important role in facilitating integration of unemployed persons and job seekers include public employment services for placement, counselling and advice; training; job rotation and job sharing; fiscal and tax incentives for enterprises; special measures to assist job entry, retention and career progress for previously discriminated groups especially women (called affirmative action); direct job creation and removing bans on women carrying out certain jobs (like night work); and start-up incentives. (Source: *Employment in Europe – 2006*, European Commission, 2006, p.120)

DOMESTIC WORK is work for and in a household or households. Historically and across a diverse range of countries, women domestic workers from disadvantaged racial and ethnic groups provided care services to meet the needs of the more powerful social groups, while their own needs for care have been neglected or downplayed. The majority of domestic workers provide personal and household care, to cook, clean, mind children, the elderly and persons with disabilities, and attend to the garden and domestic animals in private homes or drive the family car. (Source: ILO Domestic Workers Convention, 2011 (No. 189), Article 1(a) and ILO website available at <https://www.ilo.org/global/topics/care-economy/domestic-workers/lang--en/index.htm>)

FAMILY-FRIENDLY MEASURES. Family-friendly measures should not harm gender equality or reinforce stereotypes that only one sex has the reproductive tasks e.g. measures can be taken to recognise men's caring role by offering paternity leave and making parental leave, after the initial maternity leave, available to both men and women and non-transferable; measures should also make "normal" work more family-compatible by having flexible arrangements with regard to working schedules, rest periods and holidays; provision of annual leave, short leave for emergencies; part time, flexitime, time banking, teleworking, reduction of daily hours of work and of overtime; making family responsibilities more compatible with work by providing affordable and good-quality childcare; and promoting a more equal sharing of family responsibilities between men and women. (Source: *Good practices and challenges on the Maternity Protection Convention, 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156): A comparative study*, ILO, Geneva, 2012 available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_192554.pdf)

FEMALE LABOUR FORCE PARTICIPATION RATES. The labour force is defined as all persons of either sex who furnish or are available to furnish labour for the production

of goods and services, during a specific reference period; it comprises all persons aged between 15 and 64 who were either employed or unemployed during that time. The labour force participation rate is calculated by dividing the labour force by the working-age population, expressed as a percentage. (Source: KILM, 4th edition)

GENDER INDICATORS. Criteria used to assess gender-related change in a condition and to measure progress over time toward gender equality. Indicators used can be quantitative (data, facts, numbers) and qualitative (opinions, feelings, perceptions, experiences). (Source: *Handbook on the Application of the Enhanced Gender Mainstreaming Evaluation Framework*, Philippine Commission on Women, Manila, 2016)

GENDER SENSITIVE means recognising and acknowledging the differences in roles, needs and perspectives of women and men, possible asymmetries in their relationship, and the possibility that actions or interventions will have different results for women and for men based on their gender, but not actively seeking to address these issues. **GENDER RESPONSIVE** means more than gender sensitive, because it involves substantively addressing gender issues identified through use of gender analysis of sex-disaggregated data and gender-related information. (Source: *Gender Equality Glossary*, UN Women Training Centre, online tool available at <https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=letter&hook=G&sortkey&sortorder=asc&fullsearch=0&page=2>)

GENDER STEREOTYPING refers to the practice of ascribing to an individual woman or man specific attributes, characteristics, or roles by reason only of her or his membership in the social group of women or men. Gender stereotyping can result in a violation of human rights and fundamental freedoms. It instills an image of women as physically and intellectually weak, dependent, subordinate, indecisive, emotional and submissive. Men, in contrast, are presented to be strong, independent, powerful, dominant, decisive, intellectually superior and confrontational. A gender stereotype is, at its core, a belief and that belief may cause its holder to make assumptions about members of the subject group - women and/or men - that are based on unexamined images, or ideas that have become fixed in people's minds, then enter the community and society views, which are not open to change. (Source: *Gender stereotypes and Stereotyping and women's rights Factsheet*, Office of the High Commissioner of Human Rights, Geneva, 2014)

HOME (or HOMEBASED) WORK means work carried out by a person, to be referred to as a homemaker (i) in his/her home or in other premises of his/her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions. (Source: Home Work Convention, 1996 (No. 177), Article 1(a) available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTUMENT_ID:312322)

INTERSECTIONALITY. Whereas the traditional understanding of discrimination based on specific grounds (e.g. racial discrimination) did not include experiences that were particular to specific sub-groups of persons (e.g. women), modern intersectional analysis evolved to combine an understanding that multiple grounds of discrimination may interact with each other and produce specific experiences of discrimination. Such insights into the interaction of multiple types of discrimination should lead to more effective policies to combat the phenomenon. According to UN Women, gender inequalities only acquire meaning and significance when they interact and intersect with other social relations. (Source: *Turning Promises into Action: Gender Equality in the 2030 Agenda For Sustainable Development*, UN Women, NY, 2018, p.31)

SEXUAL HARASSMENT. Sexual harassment in the workplace is unwelcome conduct of a sexual nature that is explicitly or implicitly made a condition for favourable decisions affecting one's employment (quid pro quo harassment) or that creates an intimidating, hostile or offensive work environment. It is a specific form of violence that concerns primarily, but not exclusively, women. Sexual harassment can take the form of a power display, intimidation or abuse from a supervisor or co-workers. It is a means of control to which women are more vulnerable because of their age or employment status. (Source: *Action against sexual harassment at work in Asia and the Pacific*, N. Haspels, Z.M. Kasim, C. Thomas & D. McCann, ILO, Bangkok, 2001)

SOCIAL PROTECTION. Interventions that consist of policies and programs designed to reduce poverty, inequalities, and vulnerability by assisting the poor, at risk, vulnerable groups such as persons with disabilities, older people, youth, women, children, undernourished, victims of disasters and migrant workers, as well as families and communities to enhance their capacities to better manage risks and enhance equal access to essential services and opportunities on a rights based/needs based approach. Definitions of migrant workers and applicability of social protection schemes shall be in accordance to the prevailing national laws, policies and regulations of ASEAN Member States. (Source: *ASEAN Declaration on Strengthening Social Protection*, Jakarta, November 2018, page 11)

SOCIAL SECURITY, SOCIAL TRANSFERS & SOCIAL ASSISTANCE

Social security covers benefits, whether in cash or in kind, to secure protection of women and men from, among other things: lack of or insufficient work-related income due to sickness, disability, maternity, employment injury, unemployment, old age or death of a family member; lack of or unaffordable access to health care; insufficient family support, particularly for children and adult dependents; and general poverty and social exclusion. Social security schemes can be of a contributory (called social insurance) or non-contributory in nature. Social transfers represent a transfer from one group in a society to another (e.g. from the active age groups to the elderly), either in cash or in kind. They are usually tax-financed and do not require a direct contribution from beneficiaries or their employers for entitlement. The recipients qualify because they fulfil obligations such as engaging in public works. Women benefit particularly as this economic empowerment enables them to improve their social status and confidence within their families and communities. This term also

describes schemes where the State provides a benefit to women and men under the single condition of residence (called the universal cash transfer). Schemes that require additional behavioural conditions for entitlement e.g. to participate in prescribed public programs are called “conditional” social assistance and such conditional cash transfer programs can have a major impact on gender inequalities if well designed to avoid the risk of placing all “conditions” on the women of the family. (Source: *Extending social security to all: A guide through challenges and options*, ILO, Geneva, 2010, page 109; *Cash transfer programs, poverty reduction and empowerment of women: A comparative analysis*, E. Fultz & J. Francis, Gender Equality Bureau & Social Protection Dept. Working Paper 4/2013, ILO, Geneva)

development)										
C158 (dismissal by employer)										
Working Conditions Conventions Two ratifications= Lao PDR & Viet Nam										
C89 & C171 (night work)				✓						
C177 (home work)										
C175 (part-time work)										
C155 (OSH)										✓
Social Protection Conventions No ratifications										
C102 (9 branches of social security)										
International Migration for Employment Conventions Two ratifications= Philippines										
C97 (safe migration)							✓			
C143 (ending illicit migration & equal treatment)							✓			
	BRU	CAM	IND	LAO	MAL	MYN	PHL	SING	THAI	VN

ANNEX IV – THE SDG INDICATORS RELEVANT TO THE GUIDELINE’S FOUR FOCUS AREAS

Target 1.3. Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable

- ✓ **Indicator 1.3.1:** Proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work-injury victims and the poor and the vulnerable (**focus area= social protection**)

Target 4.3. By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university

- ✓ **Indicator 4.3.1:** Participation rate of youth and adults in formal and non-formal education and training in the last 12 months, by sex (**focus area= employment promotion**)

Target 5.1. End all forms of discrimination against all women and girls everywhere

Indicator

- ✓ **Indicator 5.1.1:** Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex (**focus area= employment promotion**)

Target 5.2. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

- ✓ **Indicator 5.2.2:** Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence (**focus area= working conditions sexual harassment**)

Target 5.4. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

- ✓ **Indicator 5.4.1:** Percentage of time spent on unpaid domestic and care work, by sex, age and location (**focus area= working conditions**)

Target 5.5. Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life

- ✓ **Indicator 5.5.2:** Proportion of women in managerial positions (**focus area= employment promotion**)

Target 8.5. By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value

- ✓ **Indicator 8.5.1:** Average hourly earnings of female and male employees, by occupation, age and persons with disabilities

- ✓ **Indicator 8.5.2:** Unemployment rate, by sex, age and persons with disabilities (focus area= working conditions)

Target 8.8. Protect labor rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

- ✓ **Indicator 8.8.1:** Frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status (focus area= international labour migration)

Target 10.4. Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality

- ✓ **Indicator 10.4.1:** Labour share of GDP, comprising wages and social protection transfers (focus area= social protection)

(Source: <https://unstats.un.org/sdgs/metadata/>)
