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COMMISSION ON THE STATUS OF WOMEN

Twenty-sixth Session

SUMMARY RECORD OF THE 646TH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 23 September 1976, at 9.40 a.m.

Chairman: Mrs. GUEYE (Senegal)

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INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF WOMEN: (agenda item 3) (continued)

(a) DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
(E/CN.6/574, 591 and Add.1; E/CN.6/NGO/259; E/CN.6/L.680)

Article 11 (continued);

Paragraph (b)

1. The CHAIRMAN invited the Commission to continue its consideration of the new text submitted jointly by the Belgian, French and other delegations with a view to replacing paragraph 1 (a) of the alternative text of article 11. She noted that the new text contained two sub-paragraphs (a) and (b), and that sub-paragraph (a) had already been adopted by consensus at the 644th meeting (see E/CN.6/SR.644).
2. Mrs. DEVAUD (France) stated that, in the light of the observations made at the 644th meeting, sub-paragraph (b) of the new text would read as follows: "(b) The right, without discrimination on grounds of civil status or any other grounds, to receive vocational training, retraining, to free choice of profession and employment and to professional and vocational security and advancement;"
3. The CHAIRMAN said that if there were no objections, she would consider that the Commission approved that version of sub-paragraph (b) by consensus.
4. It was so decided.
5. The CHAIRMAN invited the Commission to consider paragraph 1 (b) of the alternative text, which would become sub-paragraph (c).
6. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) proposed that it should be made quite clear that the words "for work of equal value" also applied to equal remuneration, as stipulated in ILO Convention No. 100, and that the words "as defined in the relevant ILO conventions" should be added to the end of sub-paragraph (b). The sub-paragraph would then read: "(b) The right to equal remuneration with men for work of equal value and to equality of treatment in respect of work of equal value, as defined in the relevant ILO conventions;"
7. Mrs. FOUCART-FLOOR (Belgium) accepted the Soviet delegation's amendments.
8. However, the term "equality of treatment" raised problems of interpretation, for the word "treatment" in the sub-paragraph under discussion should, it seemed, be taken to mean remuneration or salary, whereas in the instruments recently adopted by the ILO, such as the Declaration on Equality of Opportunity and Treatment for Women Workers (1975), it had a different meaning. The Belgian delegation had therefore proposed that the idea of equality of treatment should be dealt with in a supplementary sub-paragraph (E/CN.6/591/Add.1).

9. The Belgian delegation also proposed the addition of the words "according to the same criteria of work evaluation" (E/CN.6/591/Add.1) in sub-paragraph (b). In that connexion, she noted that investigations of the job evaluation and classification system which had contributed to the predominance of one or the other of the sexes in certain branches was one of the priority activities in the ILO's medium-term plan for 1976-1981. Anomalous situations were evident in all the industrialized countries, in that women received lower remuneration for equal work because insufficiently specific job evaluation criteria made it possible, by various expedients, to reduce the classification of work done by women.
10. Furthermore, the criteria used for the evaluation of remuneration often took so-called heavy work into consideration, whereas no special criteria were used for other work which was just as arduous, inasmuch as it entailed working conditions that were nerve-wracking or required close concentration. The collective agreement between employers and workers recently adopted in Belgium called for the creation of a special commission responsible for the examination of all collective agreements and the establishment of new criteria for the evaluation of remuneration.
11. Mrs. DEVAUD (France) wholeheartedly supported the Belgian amendment. She emphasized the need to revise job classifications so as to place such criteria as dexterity, nervous endurance, etc. on a par with physical strength.
12. In order to meet the point made by the representative of the Soviet Union, the Belgian amendment could be supplemented by a reference to ILO Convention No. 100.
13. Mrs. SALYO (Indonesia) also supported the Belgian amendment.
14. Mrs. MØLLER (Denmark) said she was prepared to accept the alternative text, provided a reference to ILO Convention No. 100 was included in it.
15. The Belgian amendment, however, was unacceptable because of the words "according to the same criteria of work evaluation".
16. The principle of equal remuneration had been introduced in Denmark in 1973 in the collective agreement concluded between employers and workers; in the same year, the Danish Parliament had passed a law guaranteeing that equality to all those who were not covered by a collective agreement. For that reason, criteria for work evaluation as a means of ensuring equality of remuneration was not an important issue for Denmark.
17. Miss TYABJI (India) did not object in principle to the Belgian proposal, but was afraid that it might cause difficulties for some countries. Indeed, in countries which had recently adopted the principle of equal pay for equal work but lacked appropriate machinery for carrying out the required evaluation, the Belgian provision could be used as a means of delaying application of the principle of equal remuneration until such time as the work in question had been evaluated.

18. She preferred the alternative text as amended by the Soviet Union; that text with its reference to the ILO Convention was adequate, and did not prevent countries which wished to do so from introducing work evaluation criteria.
19. Ms. ATHANASAKOS (United States of America) said she favoured the alternative text, but she had no objection to reference being made to the ILO Convention.
20. The point raised by the Belgian representative was a very interesting one and should be covered by a new sub-paragraph, which might be worded: "To ensure the elimination of discrimination in job or employment classifications".
21. Mrs. COCKCROFT (United Kingdom) said she approved the alternative text as amended by the Soviet Union and Denmark, and noted that it seemed to meet with general approval.
22. Mrs. DEVAUD (France) said that she considered the Belgian amendment to be very important. She referred to the special situation in "feminized" occupations - in some industries, women constituted 90 per cent of the labour force. If the evaluation criteria for the posts held by those women were not brought into line with those for male occupations in other industries, women in feminized occupations would continue to be lower paid than men.
23. The Belgian amendment also reproduced in abbreviated form provisions of article 7 of ILO Convention No. 100.
24. The CHAIRMAN said that a large majority seemed to be in favour of the alternative text as amended by the USSR and Denmark.
25. If the French and Belgian representatives were prepared to endorse the United States representative's proposal that the gist of the Belgian amendment should be included in an additional sub-paragraph, the Commission could approve by consensus paragraph 1 (b) of the alternative text.
26. Mrs. FOUCART-FLOOR (Belgium) said she wondered whether equality of treatment was included in ILO Convention No. 100. The word "treatment" had a different meaning in the Declaration on Equality of Opportunity and Treatment for Women Workers. She would prefer the Soviet Union representative's idea to be included in another sub-paragraph. With regard to evaluation criteria, the draft amendment could be reworded as follows: "The right to equal remuneration with men for work of equal value. To ensure the elimination of discrimination based on sex in job classification, a re-evaluation through the establishment of new criteria would be required".
27. Mrs. BOKOR-SZEGO (Hungary) said that, from the legal point of view, it was undesirable to link the convention under consideration to a specific ILO convention. Either the principles of ILO Convention No. 100 should be adopted, without mentioning it by name, or else there should be a general reference to the work done in the ILO.
28. Mrs. ROMANOVICH (Byelorussian Soviet Socialist Republic) said she favoured the amendment proposed by the Soviet Union representative; the proposed Belgian amendment was unacceptable as it dealt with a separate matter.

29. Ms. ATHANASAKOS (United States of America) thought it would be better to adopt the original wording of the alternative.
30. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) pointed out that the sub-paragraph under consideration was concerned with the remuneration of work; the members of the Commission agreed that for equal work women should receive pay equal to that of men. However important the question of job classification raised by the Belgian and French representatives might be, it was an entirely different matter. To the extent that the sub-paragraph under consideration was concerned with the remuneration of work, the important point was that, regardless of job classification, a woman doing the same work as a man should receive the same pay, and it was natural in that connexion to include a reference to the relevant ILO Convention. It should not be forgotten that the text was to have universal validity and was to be acceptable to the largest possible number of States.
31. Miss TYABJI (India) said that she, too, thought that the convention under consideration should be general in scope and acceptable to all countries; but that would in no way prevent those countries which wished to do so from going further than the convention provided. She noted that many delegations favoured the wording proposed by the USSR representative, and she considered that it could be adopted.
32. Mrs. BOKOR-SZEGO (Hungary), speaking on a point of order, proposed a brief suspension of the meeting to enable the Belgian, Danish, French and Soviet delegations to hold a consultation.
33. The CHAIRMAN said that, in the absence of objections, she would consider that the Commission agreed that the meeting should be suspended.
34. The meeting was suspended at 10.40 a.m. and resumed at 10.50 a.m.
35. Mrs. FOUCART-FLOOR (Belgium) proposed the following wording: "The right to equal remuneration with men for work of equal value, particularly by providing for a review of the system of job evaluation".
36. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) observed that the difficulties encountered during the consultation were purely linguistic. The Belgian representative had agreed to delete from her text the reference to job classification which might give rise to difficulties for the developing countries and the socialist countries. The text proposed by the Soviet Union delegation read: "The right to equal remuneration with men for work of equal value and to the equality of treatment in respect of the evaluation of quality of work of equal value, as defined in the ILO conventions on the subject."
37. Ms. ATHANASAKOS (United States of America) pointed out that the original wording of the alternative text was wider in scope and was not confined to determining the quality of work. It covered not only that aspect but other matters as well which, like working conditions, were included in the concept of "treatment". She proposed that the Commission should revert to the original wording of the alternative text and that job classification should be dealt with in a separate sub-paragraph, which might be worded as follows: "To ensure the elimination of discrimination based on sex in job classifications or evaluations".

38. Miss TYABJI (India), speaking on a point of order, proposed that the discussion should be closed and that the Commission should proceed to vote on the proposals.
39. The CHAIRMAN said that, in the absence of objection, the discussion would be closed.
40. It was so decided.
41. The CHAIRMAN said that as the Belgian amendment differed most from the original text, the Commission would vote on it first.
42. Mrs. HIRLEMANN (France), speaking on a point of order, said that it would be useful if the Commission could have a clear idea of the texts of all the amendments before voting on them.
43. Mrs. FOUCART-FLOOR (Belgium) and Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) read out their amendments.
44. Mrs. MØLLER (Denmark) proposed the following text: "The right to equal remuneration with men and to equality of treatment in respect of work of equal value, in accordance with relevant ILO conventions".
45. Ms. ATHANASAKOS (United States of America) asked whether the original wording of the alternative text would be taken into consideration.
46. The CHAIRMAN replied that it would not be unless all the amendments were rejected.
47. Mrs. FOUCART-FLOOR (Belgium) withdrew her amendment in favour of the Soviet Union proposal.
48. Mrs. MØLLER (Denmark) said that in a spirit of compromise, she would also withdraw her amendment.
49. Mrs. JANJIC (International Labour Organisation) said that although there was only one ILO convention on the matter under consideration, there were ILO instruments other than conventions which dealt with it. It might therefore be better to speak of "ILO instruments" rather than "ILO conventions".
50. The CHAIRMAN said that if there were no objections, she would consider that the Commission wished to adopt by consensus the draft amendment submitted by the Soviet Union delegation.
51. The Soviet Union amendment was adopted by consensus.

52. Ms. ATHANASAKOS (United States of America) noted that the idea of equality of treatment in respect of work of equal value, which was contained in the original wording of the alternative text, had been omitted. She wondered whether there was any reason for discarding that idea.

53. Mrs. FOUKART-FLOOR (Belgium) thought that, in order to retain that idea, it might be possible to add sub-paragraph (c) of article 11 of the draft convention proposed by Belgium in document E/CN.6/591/Add.1. That raised a problem, however, because the idea of equality of access to vocational training was already expressed in sub-paragraph (a) of the text adopted.

54. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) pointed out that the amendment proposed by Belgium repeated in part some provisions which had already been adopted in article 11; the right to equal treatment with men as regards access to employment, in-service training and vocational training was already mentioned in sub-paragraphs (a) and (b). She considered the right to equality of treatment with men as regards working conditions to be unacceptable, since it did not take account of the physiological difference of women and their role as mothers. She therefore asked the representative of Belgium not to press her amendment, which would only delay the Commission's work.

55. Mrs. HUSSEIN (Egypt) said that she shared the views of the Soviet Union representative. The first three points in the Belgian amendment - access to employment, in-service training and vocational training - already appeared in article 11. As to the last point - equal treatment with men as regards working conditions - Governments might take advantage of it in order not to give women the special attention which they deserved.

56. Mrs. FOUKART-FLOOR (Belgium) said that she was concerned with meeting the wishes of many women workers. The ILO representative might perhaps give a few additional details concerning equality of treatment with regard to working conditions.

57. Mrs. JANJIC (International Labour Organisation) said that the notion of equality of treatment was a very vague idea, which covered equality of wages as well as equality of working conditions. She was not in a position to give immediately the further details requested by the representative of Belgium and hoped to answer her question later.

58. The CHAIRMAN suggested that consideration of the Belgian amendment to sub-paragraph (c) of the text of article 11 appearing in document E/CN.6/591/Add.1 should be left in abeyance. She invited the Commission to consider sub-paragraph (c) of the alternative text of article 11 (E/CN.6/591, annex III, p.116) and the corresponding sub-paragraph (d) of the text proposed by Belgium (E/CN.6/591/Add.1,p.6).

Sub-paragraph (c) of the alternative text of article 11 (E/CN.6/591)

59. Mrs. FOUCART-FLOOR (Belgium) said that, in the Belgian social system, retirement benefits were a part of social benefits. The purpose of her delegation's amendment was, therefore to include retirement benefits in social benefits in the same way as unemployment, sickness or old age benefits.

60. Mrs. HUSSEIN (Egypt) said she supported the wording proposed by Belgium, the arrangement of which seemed to her to be more logical.

61. Mrs. GONZALEZ de CUADROS (Colombia) said that she too supported the Belgian amendment; but wished to make a reservation with respect to the word "unemployment", since Colombian legislation did not yet provide for any unemployment benefits for women. She therefore reserved the right to request the deletion of that word, if necessary.

62. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that she also accepted the Belgian amendment, but proposed the addition of the word "invalidity" after the word "sickness".

63. Miss TYABJI (India) said that she approved the Belgian amendment, but proposed that it be made clear that the right to paid leave and to social benefits should be granted to women under the same conditions as to men.

64. Mrs. DEVAUD (France) thought that the expression "social security", which had been adopted by the ILO, ought to be used. She therefore proposed the following wording, which also took account of the amendments proposed by the representatives of the Soviet Union and of India: "The right, on the same terms as men, to social security benefits, particularly in case of retirement, unemployment, sickness, invalidity, old age or other incapacity to work, as well as the right to paid leave".

65. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said she readily supported the French amendment, as the expression "social security" showed that it was not a question of isolated or temporary measures but of a permanent system. On the other hand, it was difficult for her to accept the expression "on the same terms as men", because, in the Soviet Union, women could retire earlier than men. That provision would therefore run counter to Soviet legislation, and she proposed that it be replaced by the expression "equally with men".

66. Mrs. DEVAUD (France) accepted the Soviet Union representative's proposal.

67. Mrs. FOUCART-FLOOR (Belgium) said that the expression "social benefits" had been used in the Belgian proposal in order to give some degree of flexibility to the provision, since social security systems varied from one country to another.

68. Begum Tazee FARIDI (Pakistan) said she agreed with the French representative that it would be useful to employ the expression "social security", but she feared that that expression might be too specific and might not be applicable in all

countries. She therefore proposed that the expression "social security" and the expression "social insurance" should both be used, so that each country could choose the one which best corresponded to its own system of social protection. The wording would then be: "to social security and social insurance benefits."

69. Mrs. HUSSEIN (Egypt) thought that the expression "social benefits", far from being restrictive, was sufficiently broad to be applied to the systems of social protection in all countries, whereas the expressions "social security" and "social insurance" were too specific to be universally acceptable. She therefore proposed that the wording should be: "to social security, social insurance and other social benefits...".

70. Mrs. JANJIC (International Labour Organisation) said that there was a social security branch in the ILO which dealt with all kinds of social benefits, not only under State systems of social security but under all the systems used by employers outside the State. The expression "social security" seemed to her the broadest and most general expression that could be used, since it covered all types of social benefits; in her opinion, therefore, it should be used in the draft article.

71. Ms. ATHANASAKOS (United States of America) said that in the United States social security did not include unemployment benefits. The expression "social benefits" should therefore be added to the expression "social security" in order to take account of benefits which were not included in the social security of certain countries.

72. Mrs. COCKCROFT (United Kingdom) said that she agreed with the United States representative. She proposed that the expression "to social security and social benefits" should be used.

73. Miss TYABJI (India) supported that proposal.

74. Mrs. HUSSEIN (Egypt) said that she too supported the views of the United States representative. She could not accept the definition of social security given by the ILO representative, since that definition was peculiar to the ILO and did not apply to all countries. In Egypt, as in the United States, social security did not cover all social benefits. She therefore supported the United Kingdom proposal, as she thought that the convention should have a universal character.

75. Mrs. DEVAUD (France) said that she had used the expression "social security" in the sense understood by the ILO, in other words in the sense of the general protection of workers. She had then tried to list the principal benefits provided for by social security. Unemployment benefits were not a part of the social security system in France either, but she had no objection to the use of that expression.

76. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that, in her opinion, social security covered all social benefits. She therefore urged the Commission to adhere to the wording proposed by France.

77. Mrs. COCKCROFT (United Kingdom) said that she accepted the French text on the understanding that the Drafting Committee, which represented the different parts of the world, would make any amendments to it which it might consider necessary.

78. The CHAIRMAN said that, if there were no objections, she would consider that the Commission decided to adopt the French amendment to sub-paragraph (d) of article 11 proposed by Belgium, as it had been amended at the request of the Soviet Union representative.

79. It was so decided.

Sub-paragraph (d) of the alternative text

80. Mrs. DEVAUD (France) proposed that the text of sub-paragraph (d) of the alternative text should be replaced by the following wording: "The right to family benefits under the same conditions as those applying to men". The expression "family allowances" (allocations familiales) had a special meaning in French, whereas the expression "family benefits" covered family allowances as well as other benefits.

81. Mrs. COCKCROFT (United Kingdom) said she supported the French amendment. She proposed that the words "under the same conditions as those applying to men" be replaced by the words "on equal terms with men".

82. Mrs. FOUCART-FLOOR (Belgium) thought that it was necessary to say "the right to family allowances", since the expression "the right to receive family allowances" would be restrictive.

83. Mrs. CADIEUX (Canada) said that in her country family allowances were paid to women; consequently, her delegation could not accept the phrase "on equal terms with men". She therefore proposed that the text of the sub-paragraph under consideration should be replaced by the following text: "the right of men and women to receive family allowances on the same terms".

84. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) supported the French amendment.

85. Ms. ATHANASAKOS (United States of America) said that her delegation raised no objection to the Canadian proposal.

86. Mrs. DEVAUD (France) said that, first of all, it was necessary to recognize the right to "benefit" from allowances before recognizing the right to receive them. For that reason, her delegation had proposed the wording "the right to family benefits".

87. Mrs. CADIEUX (Canada) suggested that, in order to take account of that observation, the sub-paragraph under consideration should be worded as follows: "the right of men and women to benefit from family allowances on the same terms".

88. Mrs. GONZALEZ de CUADROS (Colombia) said that, in the final Spanish version of the article, the term "subsídios" would have to be used instead of "prestaciones" to translate the word "allowances".

89. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that the French text was acceptable to her delegation.

90. Mrs. DEVAUD (France), supported by Mrs. COCKCROFT (United Kingdom), suggested the following compromise text for the sub-paragraph under consideration: "the right to family benefits on equal terms for men and women".

91. Ms. ATHANASAKOS (United States of America) said that, in her opinion, the expression "on the same terms" proposed by the Canadian representative referred to the legislation which specified who were the beneficiaries of allowances and the terms on which they were paid and that its purpose was to prevent legislation from containing discriminatory measures against either sex.

92. The CHAIRMAN said that, in the absence of any objections, she would consider that the Commission approved by consensus the compromise text which had been read out by the representative of France.

93. It was so decided.

Additional sub-paragraph

94. Ms. ATHANASAKOS (United States of America) proposed that a sub-paragraph (f), should be added to paragraph 1 of article 11. It would read: "to ensure equal employment opportunities for women and to prevent discrimination in employment on the basis of sex". It was not enough to state the inalienable right of women to work, because discrimination would continue to exist unless concrete measures were taken to eliminate it.

95. Miss GONZALEZ MARTINEZ (Mexico) said that it was her understanding that the United States delegation was envisaging the adoption of measures which would ensure women equal opportunities for employment: it seemed to her that the paragraph 1 adopted by the Commission already covered that question.

96. Miss TYABJI (India) appealed to the United States delegation not to press its proposal, since many countries, including India, would have difficulty in accepting it. Of course, those countries endeavoured to ensure women equal employment opportunities, but that proposal would require them to devote special attention to the question, which would in a way be a discriminatory measure. She thought that the provisions adopted up to the present by the Commission were sufficient.

97. Ms. ATHANASAKOS (United States of America) said that it was indispensable to eliminate discrimination in the field of employment; in her opinion, the Convention would be incomplete without the proposed new sub-paragraph. The Commission could not permit discrimination to continue in that connexion and, although it had recognized the right of women to work as an inalienable right, it had not, in so doing, emphasized that women should have the same employment opportunities as men.

98. Mrs. JANJIC (International Labour Organisation) pointed out that in 1958 the International Labour Organisation had adopted a Convention (No.111) concerning Discrimination in respect of Employment and Occupation, the purpose of which was to eliminate discrimination in employment, as was envisaged in the United States proposal. In her opinion, however, the proposal under consideration, which supplemented the sub-paragraph laying down the principle of the inalienable right of women to work, ought to appear immediately after that sub-paragraph.

The meeting rose at 1 p.m.