



International standards

International labour standards aim to improve women's position in the labour market and in society at large by providing common benchmarks and minimum standards at work around the world. Influential international instruments directed at improving women's status and working conditions include:

- International Labour Organisation (ILO) Conventions and Resolutions
- The United Nations Convention on the Elimination of Discrimination Against Women (CEDAW)
- The Beijing Platform for Action (1995 and subsequent years)
- The United Nations Agenda for Sustainable Development Goals

The ILO has a specific workforce and workplace focus, with the objectives of improving and upholding labour standards and promoting social justice. The other institutions have a broader approach, covering for example, political access and freedom, health, education and protection from discrimination, harassment and violence.

ILO conventions and CEDAW

The ILO is a tripartite body comprised of employers, unions and governments. It develops conventions and resolutions for ratification by nation states, with the

intention that those standards are then incorporated into national legislation. Once they have ratified a convention, member states are committed to respecting its terms, submitting reports to the ILO, demonstrating compliance and being open to investigations of alleged breaches. The ILO adopted a policy of 'gender equality mainstreaming' in 1999, which requires that gender awareness be interwoven through all conventions and implementation strategies.

Enabling rights for all workers, and as relevant for women as well as men, are contained in the Freedom of Association and Right to Organise Convention 1948 (No. 87) and the Right to Organise and Collective Bargain Convention 1949 (No. 98). In addition to these general standards, there are a number of ILO conventions that deal specifically with gender equality. These include:

- The Equal Remuneration Convention 1951 (No.100)
- The Discrimination (Employment and Occupation) Convention 1958 (No.111)
- The Workers with Family Responsibilities Convention 1981 (No.156)
- The Part-time Work Convention 1994 (No. 175)
- The Home Work Convention 1996 (No. 177)
- The Maternity Protection Convention 2000 (No.183)
- The Decent Work for Domestic Workers Convention 2011/13 (No.189)

These international standards are not static and are often reviewed and updated, or new conventions introduced. In 2018, for example, the ILO will seek to introduce a new convention relating to reducing and eliminating violence against women and men at work. This convention will address all forms of gender-based violence, harassment and discrimination against women, including domestic or family based violence and its impact in the workplace.

The other major international treaty on women's equality is the United Nations Convention on the Elimination of Discrimination Against Women, typically referred to as CEDAW. CEDAW was adopted in 1979 by the United Nations General Assembly and has been ratified by almost two hundred states. CEDAW is significant as it recognises culture and tradition as influential forces shaping gender roles and family relations.

CEDAW positions gender rights as human rights and focuses on eliminating all forms of discrimination against women. Discrimination is defined by CEDAW as '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 ... of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field'. Article 11, meanwhile, outlines the right to work for women as 'an unalienable right of all human beings'.

CEDAW requires equal pay for equal work, the right to social security, paid leave and maternity leave with pay or comparable social benefits and without loss of former employment, seniority or social allowances. In many ways, CEDAW is a complement to ILO standards and is an important international instrument for advocating women's equality.

Principle	CEDAW	ILO
Equality before the law	Sec. IV Art. 15.1	
Equal rights and responsibilities as parents	Sec. IV Art. 16.1d	
Equal access to work	Sec. III Art. 11.1	C111 Art. 2
Equal pay for equal work	Sec. III Art. 11.1d	C100 Art. 2.1
Equal access to benefits and entitlements	Sec. III Art. 11.d Sec. III Art. 11.e	
Elimination of unfair dismissal on the basis of pregnancy or marriage	Sec. III Art. 11.2b	
Elimination of unfair dismissal to prevent the receipt of maternity leave		C183 Art. 8.1
Provision of maternity leave with pay	Sec III Art. 11.2b	C183 Art. 4.1 C183 Art 6.3
Provision of breastfeeding leave		C183 Art. 10.1
Appropriate access to childcare facilities	Sec. III Art. 11.2c	C156 Art. 5.b
Appropriate measures to protect the health of pregnant or breastfeeding mothers at work		C183 Art. 3
Fair and equal treatment of domestic workers		C189 Art. 3.2

Diffusion of international norms

International labour standards are important for setting normative expectations and for providing minimums and international comparators for advocates to use in their arguments and campaigns.

They are important in preventing a 'race to the bottom' and ensuring that basic conditions and entitlements at work are respected. Used in concert, governments can raise the floor of work for all and thus not undermine their country's international competitive advantage.

Although ratification is done by governments, other actors, such as consumer groups, labour activists and Multinational Enterprises (MNEs) reference international labour standards. MNEs, for example, may require them to be met by their suppliers, acting as important conduits for improving women's working conditions within global supply chains. Notably, however, the UN Global Compact – which has been signed by thousands of MNEs in 145 countries – and the OECD Guidelines for MNEs make minimal explicit reference to women.

Principle	Philippine Law/ Regulation	Specific Provision/s
Equality before the law	Republic Act 10354/2012 Responsible Parenthood and Reproductive Health Act	• Sec 2
	Republic Act 9710/2009 Magna Carta of Women	• Ch 4 Sec 12 • Ch 5 Sec 5, 35 • Ch 6 Sec 38
	Department Order 65-03/2003 Rationalizing The Implementation Of Family Welfare Program	• Sec 2
	Executive Order 273/1995 Philippine Plan for Gender Responsive Development	
	1987 Philippine Constitution	• Art 2 Sec 14
Equal pay for equal work	Presidential Decree 442/1974 Labor Code	• Art 133, (a) • Art 135
Equal representation in legislative bodies	Republic Act 9710/2009 Magna Carta of Women	• Ch 4 Sec 11
	1987 Philippine Constitution	• Art 6 Sec 14
Equal rights and responsibilities as parents	Republic Act 9710/2009 Magna Carta of Women	• Ch 4 Sec 19
	Republic Act 8972/2000 Solo Parents Welfare Act	• Sec 5
Equal access to work	Republic Act 10354/2012 Responsible Parenthood and Reproductive Health Act	• Sec 5, 6, 7, 9
	Republic Act 10151/2010 Night Workers Act	• Sec 1, 2
	Republic Act 9710/2009 Magna Carta of Women	• Ch 5 Sec 22 • Ch 4 Sec 11
	Department Order 65-03/2003 Rationalizing The Implementation Of Family Welfare Program	• Sec 6
	Executive Order 209/1987 Family Code	• Ch 3 Art 73
Elimination of unfair dismissal on the basis of pregnancy or marriage	Presidential Decree 442/1974 Labor Code	• Art 134, 135
Provision of maternity leave with pay	House Bill 4113/2016 100 Day Maternity Leave Law	• Sec 3, 4, 5
	Republic Act 9710/2009 Magna Carta of Women	• Ch 5 Sec 22
	Republic Act 8282/1996 Social Security Law	• Sec 14-A
	Presidential Decree 442/1974 Labor Code	• Art 131
Appropriate access to childcare facilities	Republic Act 9710/2009 Magna Carta of Women	• Ch 5 Sec 22 (b2)
	Republic Act 8980/2000 Early Childhood Care and Development Act	• Sec 5
	1987 Philippine Constitution	• Art 8 Sec 14
	Presidential Decree 442/1974 Labor Code	• Art 130c
Equal access to benefits and entitlements	Republic Act 10361/2012 Domestic Workers Act	• Art 3 Sec 11
Appropriate measures to protect the health of pregnant or breastfeeding mothers at work	Republic Act 10028/2009 Expanded Breastfeeding Promotion Act	• Sec 4, 6, 8
	Republic Act 9710/2009 Magna Carta of Women	• Ch 5 Sec 22 (b2)
	1987 Philippine Constitution	• Art 8 Sec 14
	Presidential Decree 442/1974 Labor Code	• Art 130

For national governments, the ratification of, and compliance with, international standards is a way of signalling their commitment to meeting global expectations and norms about women and work. International standards serve as important models to use in the development of national laws and social policies, such as in employment and work and family policies. Once legislated, they can then be used to prosecute non-compliance in their own jurisdictions. The ILO also argues that international standards can be used to improve administrative structures related to labour inspection, social security administration, and employment services. Compliance with international labour standards can be critical to attracting foreign aid from donor countries and other international bodies.

In the case of the Philippines, many of the domestic laws on women and work have been aligned with global standards as far back as the 1970s. The 1974 Labor Code, for example, embodied the principle of equal pay for equal work, and workplace support for working mothers. Additional protections are provided for under Philippines law including requirements for safe and healthy workplaces for women, the provision of transport for women working late at night, paid paternity leave and the elimination of sexual harassment and of violence against women.

Principles on gender equality were later enshrined in the country's constitution following the end of the Marcos regime. Apart from promoting the equality of women before the law, the 1987 Philippine Constitution further underscored the country's commitment to upholding women's welfare, setting the tone for continued gender-focused legislative development. The most recent legislative milestone was the ratification of the 2009 Magna Carta of Women. Following this, the NCRFW was renamed the Philippine Commission on Women (PCW), tasked with monitoring, development and coordination.

Problems with enforcement

While international standards play an important normative role, their enforcement is highly

problematic. The ILO sets out concrete measures, but has no direct means of ensuring compliance.

CEDAW does not include any reference to key performance measures, nor do they have the power to enforce or implement provisions. Instead, it relies on the global conferences, political processes and NGO activities to bring gender equality to the attention of governments and the international community at large.

The lack of mechanisms for enforcement is also a major problem even in countries such as the Philippines where legislation on women at work already aligns with global principles. As the national coordinating body on all issues related to women, the role of the PCW is limited to advocacy, monitoring, and capability-building. Its monitoring capacity is limited to data gathering, with no power to enforce mandatory reporting on the part of organisations. Other industry regulatory bodies such as the Securities and Exchange Commission (SEC), which monitors compliance with company laws, do not require reporting on compliance with labour laws. In the absence of formalised monitoring systems, the onus for compliance falls solely on individual companies. As a consequence, pregnancy, childcare, and family responsibilities continue to be acknowledged as significant barriers to women's career development, and women continue to be vulnerable to discrimination, harassment and violence in the workplace.

The challenge is, then, not only one simply of diffusion of international norms but also of introducing concrete measures to enforce legislation and change workplace cultures to ensure that women have equal opportunities at work.

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