



Gaps in National Labour Rights for Women and Girls

Inventory of gaps in labour legislation regarding women's labour rights in Egypt, Guatemala, India, Indonesia, Kenya, Mozambique, Pakistan, Paraguay, Peru, South Africa, Tanzania and Uganda

Janna Besamusca and Kea Tijdens

AIAS works!

Rebalancing labour between market and regulation

AIAS

Working Paper Series

Acknowledgements

We thank all who contributed to this report, which are in the first place our project partners, the WageIndicator Foundation and the International Trade Union Confederation, as well as all teams in the twelve participating countries. In particular we thank Chidi King and Maria Tsirontonaki from the International Trade Union Confederation, as well as Karen Kammeraat, Paulien Osse and Tendayi Matimba from the WageIndicator Foundation for the comments on earlier drafts.

The authors are grateful for the financial support from the FLOW programme of the Ministry of Foreign Affairs in the Netherlands (grant nr. 23643).

September 2015

© Janna Besamusca, Kea Tijdens, Amsterdam

Contact: J.Besamusca@uva.nl

General contact: aias@uva.nl

Bibliographical information

Besamusca, J., Tijdens, K.G. (2015). Gaps in National Labour Rights for Women and Girls. Inventory of gaps in labour legislation regarding women's labour rights in Egypt, Guatemala, India, Indonesia, Kenya, Mozambique, Pakistan, Paraguay, Peru, South Africa, Tanzania and Uganda. University of Amsterdam, AIAS Working Paper 159.

Information may be quoted provided the source is stated accurately and clearly.

Reproduction for own/internal use is permitted.

This paper can be downloaded from our website www.uva-aias.net under the section: Publications/ Working papers.

ISSN online: 2213-4980

ISSN print: 1570-3185

Gaps in National Labour Rights for Women and Girls

Inventory of gaps in labour legislation regarding
women's labour rights in Egypt, Guatemala,
India, Indonesia, Kenya, Mozambique, Pakistan,
Paraguay, Peru, South Africa, Tanzania and Uganda

Janna Besamusca, Kea Tijdens

University of Amsterdam
Amsterdam Institute for Advanced Labour Studies

Table of contents

1. Introduction	5
2. Gaps in women's labour rights in Egypt.	5
3. Gaps in women's labour rights in Guatemala	8
4. Gaps in women's labour rights in India	10
5. Gaps in women's labour rights in Indonesia	12
6. Gaps in women's labour rights in Kenya	14
7. Gaps in women's labour rights in Mozambique	17
8. Gaps in women's labour rights in Pakistan	19
9. Gaps in women's labour rights in Paraguay.	21
10. Gaps in women's labour rights in Peru	23
11. Gaps in women's labour rights in South Africa	25
12. Gaps in women's labour rights in Tanzania	27
13. Gaps in women's labour rights in Uganda.	30

1. Introduction

From 2012 to 2016, the International Trade Union Confederation (ITUC), the WageIndicator Foundation and the Amsterdam Institute for Advanced Labour Studies (AIAS) are running the *Labour Rights for Women* project with national trade union confederations and WageIndicator teams in twelve developing countries in Africa, Latin America and Asia. Six African countries participate in the Labour Rights for Women project (Egypt, Kenya, Mozambique, South Africa, Tanzania and Uganda), three Asian countries (India, Indonesia and Pakistan) and three Latin American nations (Guatemala, Paraguay and Peru).

Labour Rights for Women is one of the female leadership (FLOW) projects of the Dutch Ministry of Foreign Affairs and aims to empower female workers by raising awareness of labour rights, empowering women to improve their own work situation and improve legislation. In this context, the Amsterdam Institute for Advanced Labour Studies publishes five overview reports covering the ratification of relevant ILO conventions by the countries in the project, national legislation important to women workers, legislative lacunae in the respective countries, gender clauses in collective bargaining agreements and an inventory of the questions that women workers bring up themselves. This is the third of those reports.

In this report, we provide a factsheet for each of the countries. The fact sheet outlines the gaps in women's labour rights, bringing together the work of the first and second report. We show for six topics whether women workers in the twelve countries are covered by either ILO conventions, national legislations, both or none. The country factsheets in this report do not provide an exhaustive overview of all labour related legislation. For a more in depth overview of the contents of the ILO conventions and national legislation, the reader is referred to the first two reports. For a test of the extent to which your own job is in compliance with labour legislation and in line with decent work standards, the reader is referred to the Decent Work Checks of the WageIndicator Foundation.

The two page fact sheets provide a quick but brief overview of gaps in women's labour rights in the twelve countries. They show whether there is any legislation that women workers can rely on and whether it covers all their issues. We indicate this in the tables per country, showing where legislation exists (✓), where it does not (✗) and where it is insufficient (⊕). Naturally, good legislation cannot yet guarantee good working conditions in practice. It can, however, give an indication of where to begin improving lives. Where legislation is absent or of bad quality, we suggest political action should focus on improving legislation; where good legislation does exist, actors might be better off gearing their actions towards the implementation of and compliance with the law in the workplace.

2. Gaps in women's labour rights in Egypt

Labour law in Egypt shows gaps in the protection of workers' fundamental rights, decent work standards as well as lacking provisions for workers with family responsibilities. Employment contracts are not secure and wages during odd hours are not paid at a premium. Equality provisions are not sufficiently specific and maternity provisions are not sufficiently generous.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Constitution ✓
Against child labour	C138✓ C182✓	Labour Law ⊕ Child Law ⊕
Protecting the right to collective bargaining	C87✓ 98✓	Constitution ⊕ Labour Law ⊕

Forced and bonded labour are forbidden. The Labour Law and Child Law set the minimum wage for employment at 14 and 15 years respectively, but both allow several options for the employment of children as young as 12 as apprentices. Trade union rights are guaranteed by the Constitution, but unions are not sufficiently free to organise unimpeded. Activists from independent unions are not protected from dismissal and others are often fired because the Labour Act does not require employers to state any formal reason when dismissing workers. Workers in the public sector and Special Economic Zones are barred from joining unions and trade unions cannot engage in political activism. Collective bargaining is allowed, but agreements have to be approved by the government. Strikes are subject to many qualifying requirements, which makes them hard to organise.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Labour Law ✓
Employment contracts	C158 ✗	Labour Law ⊕
Social security & pensions	C102 ✗	Social Insurance Law ✓
Occupational Safety and Health	C155 ✗	Labour Law ✓
Domestic Work and Migrant Workers	C189 ✗ C97 ✗ C143 ✗	Labour Law ✗

Employers are required to provide workers with a written employment contract, but can hire them on permanent or fixed term contracts without restrictions. The Labour Law, which sets out almost all labour legislation, does not cover domestic workers, civil servants and dependent family members.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✓	Labour Law ✓

The Labour Law requires the National Council for Wages to fix and update minimum wage annually, although this has not happened every year. Higher wages may be set through collective bargaining.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✓ C30 ✓	Labour Law ✓
Annual leave	C132 ✗	Labour Law ⊕
Night Work	C89 ✓ C171 ✗	Labour Law ✗
Home Work	C177 ✗	Labour Law ✗
Part Time Work	C175 ✗	Labour Law ✗

The Labour Law regulates paid annual leave, but sets a qualifying period of six months of tenure at the employer from whom the leave is claimed. The law does not limit night work and no premium pay rate is foreseen, except if the night work is also overtime. There are no provisions for part time work and home work.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✗ C142 ✓	Labour Law ⊕
Equal Pay	C100 ✓	Labour Law ⊕

The Labour Law forbids unequal pay and articles 35 and 88 state that all the law's provisions apply to women equally. However, the Labour Law does not cover all women and the law also grants the authorities the right to bar women from sectors and occupations at will.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✗ C183 ✗	Child Law ⊕ Labour Law ⊕ Social Insurance Law ✓
Nursing breaks	C183 ✗	Child Law ✓ Labour Law ✓
Family Responsibilities	C156 ✗	Labour Law ⊕

Paid maternity leave is provided under the Labour Law and Child Law, but only to women who have worked at their current employer for at least ten months and it is limited to two children. Women cannot be fired while on maternity leave, but they can be re-employed in a different position upon their return. There are no family-work policies, except the requirement for companies employing over a 100 women to arrange childcare facilities.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Penal Code ✓
Sexual violence in the work place	✗	Labour Law ✗

Sexual violence and harassment are forbidden under the Penal Code, but there are no specific laws addressing violence against women in the workplace.

3. Gaps in women's labour rights in Guatemala

Guatemalan laws and the ILO conventions that the country ratified, in large majority cover the decent work issues workers face on the most basic level: employment contracts, wages, working hours and unionisation are all guaranteed under the law, although not often in practice due to its large informal sector. The law itself is failing particularly regarding issues to do with combining work and care. Despite ratifying the ILO convention on workers with family responsibilities, national legislation does not provide for part time work or parental leave. Finally, no legislation exists to effectively address the violence against women in the work place.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Labour Code✓
Against child labour	C138✓ C182✓	Labour Code✓
Protecting the right to collective bargaining	C87✓ 98✓	Labour Code ⊕

The constitution and the labour code recognise the right to unionise and to strike for all workers, except police and armed forces. However, the threshold for establishing a sectoral union is high, requiring a union to represent an absolute majority of the workers and 51% of the workers in a company to call for industrial action. Public sector industrial conflicts and those in fuel-related businesses can be forced into arbitration and strikes are forbidden in sectors marked as essential services.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Labour Code ⊕
Employment contracts	C158 ✗	Labour Code✓
Social security & pensions	C102 ✗	Agreement No. 1124 ✓ Labour Code ⊕
Occupational Safety and Health	C155 ✗	Labour Code✓
Domestic Work and Migrant Workers	C189 ✗ C97✓ C143 ✗	

Guatemala has not ratified any of the ILO conventions regarding access to social security and termination of employment, but the labour code does require employment contracts and sets clear limitations to temporary contracts. Guatemala has a labour inspectorate, but it does not comply with all the requirements under the ILO convention 81. Agreement 1124 of the Board of Directors regulated access to pensions and old age provisions, but the law does not provide entitlements to unemployment benefits unless resulting from work related accidents.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✓	Labour Code ✓ Accord No. 359-2012 ✓

The Labour code sets minimum wages for different sectors. The labour code also prescribes how and at which frequency wages must be paid. The labour code allows wages to be set higher than the minimum wage through collective bargaining and requires piece rate workers to be paid at least the minimum wage.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✓ C30 ✓	Labour Code ☉
Annual leave	C132 ✗	Labour Code ✓
Night Work	C89 ✓ C171 ✗	Labour Code ✓
Home Work	C177 ✗	Labour Code ✗
Part Time Work	C175 ✗	Labour Code ✗

The labour code sets maximum hours, but they do not cover domestic workers and allow longer working hours for a range of occupations including those working outside the workplace. There is no provision in the labour code requiring employers to provide compensatory rest days for work on the weekend or during public holidays. There are no provisions guaranteeing the right to flexible or part time work.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✓ C142 ✗	Labour Code ✓ Constitution ✓
Equal Pay	C100 ✓	Labour Code ✓ Constitution ✓

The law poses no restrictions on women's access to education, employment and occupations; both the constitution and the labour code guarantee non-discrimination in terms of hiring, firing and wages. However, employers are not forbidden to ask a woman what her family status is during a job interview.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✓ C183 ✗	Labour Code ✓
Nursing breaks	C183 ✗	Labour Code ✓
Family Responsibilities	C156 ✓	Labour Code ✗

Pregnancy leave is provided for all women under the labour code, with different financing of the benefits applying to women who are covered or not by social security. A woman cannot be fired because of or during pregnancy leave and has the right to return to her workplace with additional paid breaks for nursing. However, the law does not provide for parental leave.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	2008 Law against femicide and other forms of violence against women ☉
Sexual violence in the work place	✗	✗

There is no effective legislation protecting women workers from sexual violence. The 2008 Law against femicide and other forms of violence against women only protects women from violence in the family. Rape is forbidden under the penal code, but not punishable by a prison sentence. There is no legislation in place forbidding sexual harassment, nor any provisions protecting women in the work place specifically.

4. Gaps in women’s labour rights in India

The largest gap in women’s labour rights in India is that most of the existing legislation only applies to a subset of workers. Basic decent work provisions, like the requirements for written contracts and to collective bargaining, are furthermore missing or lacking.

Basic Workers’ and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Bonded Labour (Abolition) Act ✓
Against child labour	C138✗ C182✗	Factories Act ☉
Protecting the right to collective bargaining	C87✗ 98✗	Trade Union Act ✓ Industrial Disputes Act ✗

The law forbids forced and bonded labour. The Factories Act forbids children under the age of fourteen from working in factories, but not in any other jobs. The right to unionise and to strike is enshrined in the Trade Unions Act and the Industrial Disputes Act, but does not give unions the necessary tools to be effective. The right to join a union is not guaranteed in the state of Sikkim and in the public sector. Collective bargaining is allowed under the law, but there is no requirement for employers to enter negotiations if the company trade union demands them. The 1947 Industrial Disputes Act sets out long waiting notice periods for strikes and strikes are further curbed in several provinces.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Factories Act ☉
Employment contracts	C158✗	Industrial Employment Act ✗ Industrial Disputes Act ✗
Social security & pensions	C102✗	Payment of Gratuity Act ✓ Employee’s Pension Scheme ☉
Occupational Safety and Health	C155 ✗	Employee State Insurance Act ☉ Factories Act ☉
Domestic Work and Migrant Workers	C189 ✗ C97✗ C143✗	Factories Act ☉

The law does not guarantee any form of security for workers. The 1946 Industrial Employment (Standing Orders) Act, 1947 Industrial Disputes Act and 1972 Payment of Gratuity Act do not require a written contract, nor is there any limit imposed on the use of temporary contracts. Social security, sick leave and health and safety standards are arranged through several acts, but they only apply to a small fraction of the work force. Only employees on formal contracts in official businesses are covered by any of the acts. The Labour Inspection System is set up in the Factories Act, equally limiting its scope to a subset of businesses, and it is a state system, leading to large differences in effectiveness between states.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✗	Minimum Wages Act ☉

The Minimum Wages Act allows various levels of government to set minimum wage rates in non-unionised sectors with little bargaining powers but contracting at least a thousand employees. In all sectors that are not on the list of vulnerable sectors there is merely the non-binding National Floor Minimum Wage and wages are set through collective bargaining. Young workers, piece rate workers, disabled workers and family members do not have the right to the minimum wage.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✓ C30 ✗	Factories Act ☉
Annual leave	C132 ✗	Minimum Wage Act ✗ Factories Act ✓
Night Work	C89 ✓ C171 ✗	Factories Act ✗
Home Work	C177 ✗	Factories Act ✗
Part Time Work	C175 ✗	Factories Act ✗

The Factories Act, which applies only to a subset of workers, sets out the maximum working time, but does not place any limits on overtime. There are no provisions for part time work. The Factories Act has provisions for overtime compensation and higher pay for work during public holidays and rest days, but not for night work. The Factories Act has provisions for breaks and one rest day per week. Factory workers have the right to paid annual leave under the Factories Act.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✓ C142 ✓	Constitution ✓ Factories Act ✗ Equal Remunerations Act ✓
Equal Pay	C100 ✓	Equal Remunerations Act ☉

The constitution and the 1976 Equal Remunerations Act forbid discrimination on the basis of sex. However, they do not specifically grant the right to equal pay for equal work. Furthermore, the

Factories Act limits women's access to several occupations and block them from working overtime or shift work.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✗ C183 ✗	Maternity Benefit Act ☉ Employees' State Insurance Act ☉ Unorganised Workers' Social Security Act ☉
Nursing breaks	C183 ✗	Factories Act ☉
Family Responsibilities	C156 ✗	Factories Act ✗

Three maternity leave schemes exist, but fail to cover the entire workforce and the leaves are shorter than fourteen weeks. Factory workers can refer to the Maternity Benefit Act and other workers covered by social security to the Employees' State Insurance Act. However, the remaining workers can only make limited claims on the basis of the Unorganised Workers' Social Security Act. Factory workers have the right to nursing breaks and in-company childcare when returning to their workplace, but other new mothers do not. There are no provisions for parental leave.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Penal code ✓
Sexual violence in the work place	✗	Sexual Harassment of Women in the Work- place Act ✓

There is good legislation protecting women from violence in the household as well as in the work-place. However, the application of the law is severely lacking.

5. Gaps in women's labour rights in Indonesia

Women's labour rights in Indonesia are incorporated in a cohesive legal system, that does have several gaps. First of all, non-standard labourers like home workers and domestic workers are hardly covered by any legislation. Secondly, the right to collective bargaining and unionising is restricted through many limiting provisions. Thirdly, provisions to help mothers combine work and family are currently missing. There are no provisions for part time work, nursing breaks can be unpaid and there is no parental leave. Finally, there are no laws protecting women from sexual violence in the workplace.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29 ✓ C105 ✓	Act 19 ✓
Against child labour	C138 ✓ C182 ✓	Manpower Act ✓
Protecting the right to collective bargaining	C87 ✓ 98 ✓	Constitution ☉ Manpower Act ☉

Fundamental workers' rights exist, but not up to the standards foreseen in the ILO conventions. Both the Constitution and the Manpower Act recognise the right to join a union, go on strike and enter collective bargaining negotiations. However, these rights are limited by strict regulations. There are high thresholds for unions representing workers in collective bargaining, any and all changes in the unions' governing bodies must be formally communicated to the government and negotiations will be forced into arbitration after 30 days. Strikes are only allowed in non-essential services and only after the arbitration process has failed as acknowledged by both the employer and the trade union.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Decree 51 ✓
Employment contracts	C158 ✗	Manpower Act ✓
Social security & pensions	C102 ✗	Manpower Act ✓ National Social Security Act ⊕
Occupational Safety and Health	C155 ✗	Manpower Act ✓ Health Act ✓
Domestic Work and Migrant Workers	C189 ✗ C97 ✗ C143 ✗	Manpower Act ✗

The Manpower Act regulates the employment of workers, including the requirement for written contracts, severance pay and limits on the use of fixed term contracts. However, the Act refers only to entrepreneurs, thus excluding workers employed by employers who do not run enterprises from the scope of the law and its provisions. The National Social Security Act provides for disability benefits, but not for unemployment benefits.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✗	Manpower Act ⊕

The Law on Manpower Affairs gives the Governors and Wage Councils of Indonesia's provinces the right to set and adjust a minimum wage annually, as well as allowing for wage fixing through collective bargaining. However, as the law only refers to entrepreneurs, not all workers are covered.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✗ C30 ✗	Manpower Act ⊕
Annual leave	C132 ✗	Manpower Act ⊕
Night Work	C89 ✗ C171 ✗	Manpower Act ✗
Home Work	C177 ✗	Manpower Act ✗
Part Time Work	C175 ✗	Manpower Act ✗

The Manpower Act regulates maximum working hours, overtime pay, night work and paid annual leave. There is no provision for night work compensation, compensatory holidays for work during

rest days or public holidays, or part time work. Additionally, the law only does so for workers employed by entrepreneurs; Home workers and domestic workers are excluded from all provisions.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✗ C142 ✗	Civil code, Constitution, Manpower Act ✓ Act 21 ✓
Equal Pay	C100 ✓	Act No. 80 ✓

Act No. 80 on the approval of the ILO Convention No. 100 on Equal Remuneration for men and women workers for work of equal values guarantees equal remuneration. Act 21 on the approval of the ILO Convention No. 111 on Discrimination (Employment and Occupation) mandates all levels of government to actively promote equal opportunities and eliminate all forms of direct and indirect discrimination. Contrary to the provisions in the Manpower Act, these acts apply to all workers.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✗ C183 ✗	Manpower Act ☉ Act concerning Social Security ✓
Nursing breaks	C183 ✗	Manpower Act ☉
Family Responsibilities	C156 ✗	Manpower Act ✗

The Manpower Act provides paid maternity leave, but only for those employed by entrepreneurs. The law also provides for nursing breaks and facilities, but does not specify that these breaks should be paid. There is no parental leave provision, except an entitlement to two days of paid leave for the baptism or marriage of a child.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Law on Elimination of Violence in the Household ☉
Sexual violence in the work place	✗	✗

The Law on Elimination of Violence in the Household forbids violence against women taking place in the household, but not outside of it. There is no provision specifically protecting women from sexual violence in the work place.

6. Gaps in women's labour rights in Kenya

Kenyan labour rights for women have three major gaps. Firstly, the right to unionise and to strike are only marginally guaranteed in national legislation and Kenya did not ratify core convention 87 on the freedom of association and right to organise. Secondly, while standard working hours are properly legislated, night work and part time are not, nor are there any limits on the use of fixed

term or piece-rate contracts. Thirdly, there are no work-family provisions, except for maternity and paternity leave.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Constitution ✓
Against child labour	C138✓ C182✓	Employment Act ✓
Right to unionise and collective bargaining	C87✗ 98✓	Labour Relations Act ☉

The Labour Relations Act grants the right to unionise and to bargaining collectively, but allows the government to curb union action in many ways. Public sector personnel may not unionise at all and the Registrar of Trade Unions can block the establishment of new trade unions as well as keep a tight grip on their finances. Strikes are only allowed after a 30 day conciliation period led by a state appointed mediator.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Occupational Health and Safety Act ☉
Employment contracts	C158✗	Employment Act ☉
Social security & pensions	C102✗	National Social Security Fund Act ✓ Employment Act ✓
Occupational Safety and Health	C155 ✗	Occupational Health and Safety Act ✓ Employment Act ✓
Domestic Work and Migrant Workers	C189 ✗ C97✓ C143✓	Employment Act ☉

The Employment Act does not specifically address domestic or migrant women and their issues, but the definition of worker is very broad, tacitly including everyone in the scope of the guaranteed rights. The law obliges employers to provide a written contract, but leaves them free to choose a permanent or fixed term contract without conditions. Legal violations, especially with regards to occupational health and safety, fall under the curfew of the labour inspectorate, which is active but has limited punitive measures competences.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✓	Labour Institutions Act ✓ Labour Relations Act ✓ Regulation of Wages Order ✓

There are three acts governing wage fixing, allowing for collective bargaining as well as setting a minimum wage level for all workers in the country. The law outlines how and when wages are to be paid.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✗ C30 ✗	Employment Act ✓
Annual leave	C132 ✓	Regulation of Wages Order ✓
Night Work	C89 ✓ C171 ✗	Regulation of Wages Order ✗
Home Work	C177 ✗	Employment Act ✓
Part Time Work	C175 ✗	Employment Act ✗

The law provides good conditions for standard worker, but not for nonstandard work. There is no premium pay for night work and night workers can be made to work longer hours than their day worker peers. There are no provisions for part time or flexible working hours.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✗ C142 ✓	Constitution ✓ Employment Act ✓
Equal Pay	C100 ✓	Employment Act ✓

The law forbids discrimination on the basis of sex or gender and is precise in defining several discriminatory practices specifically, including hiring practices, promotion and equal pay.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✗ C183 ✗	Employment Act ✓ National Hospital Insurance Fund Act ✓
Nursing breaks	C183 ✗	Employment Act ✗
Family Responsibilities	C156 ✗	Employment Act ✗

Paid maternity leave, pregnancy discrimination and the right to return to one's former position have been enshrined in the Employment Act. There are, however, no provisions supporting mothers after they return. Nursing breaks are not provided, nor is parental leave or other measures to facilitate the combination of work and care.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Employment Act ⊙ Sexual Offences Act ⊙
Sexual violence in the work place	✗	Employment Act ⊙ Sexual Offences Act ⊙

The law forbids sexual harassment in the workplace and obliges employers to formulate a policy statement making this clear to all employees. However, the definition of sexual harassment only includes forms of rape. All other forms of sexual harassment are only punishable when committed by a person in a position of authority or trust.

7. Gaps in women's labour rights in Mozambique

In general, Mozambique's laws uphold women's labour rights. Its labour inspectorate has relatively few competences and is thus not fully equipped to uphold compliance with the law. Sick leave is not legislated, lacking both pay and the right to return to one's job, and maternity leave is arranged only for a brief period of time.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Constitution ✓
Against child labour	C138✓ C182✓	Labour Act ✓
Protecting the right to collective bargaining	C87✓ 98✓	Constitution ✓ Labour Act ☉

Workers outside the public sector are allowed to unionise, bargain collectively and undertake strike action. However, the government has the authority to force industrial conflicts in many sectors into compulsory arbitration and strikes are never allowed to interfere with the activities of non-striking workers and have to maintain minimum services.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Labour Act ☉
Employment contracts	C158 ✗	Labour Act ✓
Social security & pensions	C102 ✗	Decree 53/2007 ✓ Labour Act ✓
Occupational Safety and Health	C155 ✗	Labour Act ☉
Domestic Work and Migrant Workers	C189 ✗ C97 ✗ C143 ✗	Labour Act ✓

The Labour Act provides for pensions, occupational health and safety and disability benefits. However, it does not include provisions for unemployment benefits or paid sick leave and workers do not have the right to return to their former jobs after taking unpaid sick leave. A labour inspectorate exists, but it does not have all the competences required under the ILO convention 81.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✗	Labour Act ✓

Mozambique has not ratified the ILO convention on minimum wage fixing, but its Labour Act does set out a minimum wage to be set for eight sectors, as well as allowing wages to be set at higher levels through individual and collective bargaining.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✓ C30 ✓	Labour Act ✓
Annual leave	C132 ✗	Labour Act ✓
Night Work	C89 ✗ C171 ✗	Labour Act ✓
Home Work	C177 ✗	Labour Act ✓
Part Time Work	C175 ✗	Labour Act ✓

Working time legislation covers most workers and sets out strict rules, including specific provisions for domestic workers, work performed off the employers' premises and for part-time work.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✓ C142 ✗	Constitution ✓ Labour Act ✓
Equal Pay	C100 ✓	Constitution ✓ Labour Act ✓

The Constitution and the Labour Act forbid discrimination on the basis of sex or gender, including equal pay.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✗ C183 ✗	Decree 53/2007 ✓ Labour Act ⚠
Nursing breaks	C183 ✗	Labour Act ✓
Family Responsibilities	C156 ✗	Labour Act ✓

The Labour Act and Decree 53/2007 guarantee paid maternity leave and forbid pregnancy discrimination. The law includes provisions for nursing breaks, 30 days of unpaid leave annually to take care of sick children and provisions for the equal treatment of part time workers. The pregnancy leave, at 60 days, is short.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Penal code ✓
Sexual violence in the work place	✗	Labour Act ✓

The Labour Act forbids sexual harassment in employment, defining it broadly as any act against the dignity of a female employee. In case the perpetrator is an employer or employers' agent, the victim is also entitled to reparation payments.

8. Gaps in women's labour rights in Pakistan

Many of Pakistan's law do not apply to the majority of its workers. The Factories act and social security ordinances, regulating the majority of labour affairs, do not include workers outside factories or the formal sector. Furthermore, Pakistan has no provisions for family-work related issues, paid sick leave or unemployment benefits.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Constitution ✓ Bonded Labour System (Abolition) Act ✓
Against child labour	C138✓ C182✓	Constitution ⊕ Employment of Children Act ⊕
Protecting the right to collective bargaining	C87✓ 98✓	Constitution ✓ Anti-Terrorist Ordinance ✗ Industrial Relations Act ⊕

Bonded labour has been forbidden for decades, but child labour was only partly criminalised. Children under the age of fourteen cannot work in factories, mines and hazardous occupations. The Employment of Children Act, however, specifically allows children to work as family workers in the non-listed occupations.

The constitution guarantees the right to unionise, but these rights are limited by the regulations imposed through the Industrial Relations Act. The act excludes agricultural and informal sector workers from the right to unionise. Collective bargaining is not allowed in the public sector, EPZs and essential services. Strikes have to be announced a month in advance, where allowed, and unauthorised strikes are classified as civil commotion under the Anti-Terrorist Ordinance.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Factories Act ⊕
Employment contracts	C158 ✗	Standing Order Ordinance ✓
Social security & pensions	C102 ✗	Provincial Employees Social Security Ordinance ⊕
Occupational Safety and Health	C155 ✗	Factories Act ✓ Labour Protection Policy ✓
Domestic Work and Migrant Workers	C189 ✗ C97 ✗ C143 ✗	Factories Act ✗ Provincial Employees Social Security Ordinance ✗

Pakistan has a Labour Inspectorate, but it has been devolved to the provincial level and has been criticised by the ILO for not being sufficiently effective. Its social security and health and safety legislation is complete, except for unemployment benefits, but does not cover workers not covered by the Factories Act and contributing to social security.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✗	Industrial Relations Act ✓ Minimum Wages Ordinance ✓ Minimum Wages for Unskilled Workers Ordinance ✗

Wages for skilled and semi-skilled workers are set after tri-partite consultations under the Minimum Wages Ordinance, but minimum wages for unskilled workers can be set unilaterally by the Provincial governments. The Industrial Relations Act allows wages to be set at higher levels through collective bargaining.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✓ C30 ✗	Factories Act ✓
Annual leave	C132 ✗	Factories Act ✓
Night Work	C89 ✓ C171 ✗	Factories Act ✗
Home Work	C177 ✗	Factories Act ✗
Part Time Work	C175 ✗	Factories Act ✗

The law provides maximum working hours, overtime pay and annual leave for factory workers, but not for other categories of workers. There is no provision for part time work and no premium pay for night work.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✗ C142 ✗	Constitution ⊙
Equal Pay	C100 ✓	Minimum Wage Rules ⊙

The constitution forbids discrimination on the basis of sex or gender in the public sector, but not outside it and women are barred from several occupations. The Minimum Wage Rules apply the principle of equal pay to wage fixing, but do not guarantee it outside the wage fixing process.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103✗ C183✗	Maternity Benefit Ordinance ⊕ Provincial Employees Social Security Ordinance ✓
Nursing breaks	C183✗	✗
Family Responsibilities	C156✗	✗

Paid maternity leave is granted through two ordinances, however, only women falling under the Provincial Employees Social Security Ordinance are also entitled to medical care. The law protects women from dismissal before, during and after maternity leave. However, there is no provision for nursing breaks, nor for parental leave.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	
Sexual violence in the work place	✗	Protection Against Harassment of Women in the Workplace Act ✓

9. Gaps in women's labour rights in Paraguay

Paraguay has extensive labour rights regulations, which protect most workers in most situations. However, the laws often fail to protect the most vulnerable workers, for example by exempting them from maximum working hours legislation or the right to a written employment contract. This legal gap hits women hardest, as they are overrepresented among the vulnerable workers.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Constitution ✓ Labour Code ✓
Against child labour	C138✓ C182✓	Constitution ⊕ Labour Code ⊕
Protecting the right to collective bargaining	C87✓ 98✓	Constitution ✓ Labour Code ⊕

The Constitution and the Labour Code protect the right to unionise, go on strike and to bargain collectively. However, there are extensive administrative procedures and limitations foreseen in the Labour Code that limit union rights. The law forbids industrial employment of children under fifteen, but does allow it in family enterprises.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Labour Code ⊕
Employment contracts	C158 ✗	Labour Code ⊕
Social security & pensions	C102 ✗	Law 1860/50 ⊕
Occupational Safety and Health	C155 ✗	Labour Code ✓
Domestic Work and Migrant Workers	C189 ✓ C97 ✗ C143 ✗	Labour Code ✗

The Labour Code prescribes the signing to written employment contracts, limits the use of fixed term contracts and foresees severance pay. However, it does not regulate this for the most vulnerable. Domestic workers, short-term temporary workers (up to 90 days) and those on jobs whose value does not exceed the minimum wage, have no guaranteed right to a written contract. Law 1860/50 on the Establishment of Social Security provides contribution based pensions, sick leave and disability pensions, thus only applying to those in formal jobs. There is no provision for unemployment benefits. A Labour Inspectorate exists under the Labour Code, but it does not have all of the competences required under Convention 81.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✗	Labour Code ✓

The Labour Code provides for a minimum wage in the urban and rural areas of each region, as well as allows for higher wages to be set through collective bargaining.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✓ C30 ✓	Labour Code ⊕
Annual leave	C132 ✗	Labour Code ✓
Night Work	C89 ✓ C171 ✗	Labour Code ✓
Home Work	C177 ✗	Labour Code ⊕
Part Time Work	C175 ✗	Labour Code ✗

The Labour Code sets maximum working hours, limits overtime and sets premium pay rates for overtime and night work. However, some workers like domestic workers, are exempted from the maximum working hours legislation.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✓ C142 ✗	Constitution ✓ Labour Code ✓
Equal Pay	C100 ✓	Constitution ✓ Labour Code ✓

Both the Constitution and the Labour Code forbid discrimination on the basis of sex of gender, including specifically the requirement for equal pay for equal work.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103✗ C183✗	Labour Code ✓
Nursing breaks	C183✗	Labour Code ✓
Family Responsibilities	C156✓	Labour Code ☉

Women in formal employment have the right to maternity leave. Self-employed women can opt into the scheme by paying contributions at least six weeks in the four months preceding the leave. The law facilitates mothers' return to work by requiring industrial enterprises employing over 50 women to provide child care, but there are no provisions for flexible or reduced hours.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Resolution No.472/12 ✓ Penal Code ✓
Sexual violence in the work place	✗	Labour Code ✓

The law forbids sexual harassment and intimidation in employment. The Labour Code also allows an employer to fire any employee guilty of sexual harassment.

10. Gaps in women's labour rights in Peru

Peruvian laws protect workers' rights in general, but the many exceptions and the multitude of different laws covering the same topics make it easy to find loopholes. Home workers, piece rate workers and domestic workers are often guaranteed inferior protection. Mothers have no right to return to the same job they held before their pregnancy leave and women are not sufficiently protected from sexual harassment in the workplace. The bad quality of legislation governing unionisation of workers makes it more difficult to fight for the improvement of these issues.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Constitution ✓
Against child labour	C138✓ C182✓	Constitution ✓ Code of Children and Adolescents ✓
Protecting the right to collective bargaining	C87✓ 98✓	Constitution ✓ Supreme Decree 010-2003 ☉ Law on Productivity and Competitiveness ✗

The law guarantees the right to unionise, but does not protect it. Because the Law on Productivity and Competitiveness allows employers to fire worker without reporting any reason, it is easy to dismiss the unionised workers. Minimum numbers of members required to establish a union are high for small and medium size enterprises. Temporary and permanent employees are not allowed

to form one common union, civil servants are not allowed to bargain collectively and the authority can withdraw permission for legitimate strike actions at a whim.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Law on Labour Inspection ✓
Employment contracts	C158 ✓	Law on Productivity and Competitiveness ☉
Social security & pensions	C102 ✗	Law Establishing the National Social Security Pension ✓ Law on Social Security Modernisation of Public Health ✓
Occupational Safety and Health	C155 ✗	Health and Safety Act at Work ✓
Domestic Work and Migrant Workers	C189 ✗ C97 ✗ C143 ✗	Law on Recruitment of Foreign Workers ✗

The law establishes several kinds of employment contracts and limits the use of fixed term contracts, which grant workers an inferior set of rights. However, the law does not foresee severance pay, unless a worker was unjustly dismissed, nor do any provisions for unemployment benefits exist. There is a legislation governing the employment of foreign workers, but it is designed to limit the use of foreign workers by companies, rather than protecting migrant workers themselves.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✗	Constitution ✓ Supreme Decree 007-2012-TR ☉

The minimum wage is fixed for all private sector workers, but not for civil servants or domestic workers. The latter have to negotiate wages with their employers individually, but will be entitled to food and lodging next to their wages. Higher wages may be set through collective bargaining.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✓ C30 ✗	Decree 854 on Working Time and Overtime ✓
Annual leave	C132 ✗	Decree 854 on Working Time and Overtime ✓
Night Work	C89 ✗ C171 ✗	Decree 854 on Working Time and Overtime ✓
Home Work	C177 ✗	Decree 854 on Working Time and Overtime ✗
Part Time Work	C175 ✗	Decree 854 on Working Time and Overtime ✗ Supreme Decree 007-2012-TR ✓

The Decree 854 on Working Time and Overtime sets maximum working hours as well as premium pay rates for overtime, night work and work on rest days and public holidays. The law does apply to domestic workers, but not to workers who are not under direct supervision or performing intermittent work, such as home workers. There are no provisions for part-time work, although minimum wage legislation does regulate the hourly minimum pay being equal pro rata for part-time workers.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✓ C142 ✗	Constitution ✓ Law 728 ✓ Equal Opportunity Act ✓
Equal Pay	C100 ✓	Equal Opportunity Act ✓

Several laws forbid discrimination on the basis of sex or gender, including the Equal Opportunity Act that upholds the principle of equal pay for equal work.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✗ C183 ✗	Act on the Extent of Right to Prenatal and Postnatal Leave for Pregnant Workers ☉ Law on Social Security Modernisation of Public Health ☉
Nursing breaks	C183 ✗	Law 28731 ✓
Family Responsibilities	C156 ✓	✗

Paid maternity benefits are paid in the formal sector, whereas self-employed women can opt into the scheme by paying at least three consecutive or four non-consecutive months of contributions in the half a year preceding the leave. Women cannot be fired during their pregnancy and can return to their employer, but there is no provision guaranteeing they can return to the same job. There are no provisions facilitating the reconciliation of work and family life.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Penal Code ☉ Law on Prevention and Punishment of Sexual Harassment ☉
Sexual violence in the work place	✗	Law on Prevention and Punishment of Sexual Harassment ☉

The Penal Code forbids rape, whereas the Law on Prevention and Punishment of Sexual Harassment forbids any form of sexual harassment in the work place. The latter, however, considers sexual harassment as a labour rights violation, rather than a criminal offense. Compensatory payment for the victim is only foreseen if the perpetrator was the owner, employer or administrator of the business.

11. Gaps in women's labour rights in South Africa

South Africa's laws are failing to protect women in nonstandard employment or as mothers and victims of discrimination or of widespread sexual violence. The law regulating most of the employment relations, the Basic Conditions of Employment Act, does not apply to workers employed for fewer than 24 hours per month. There are no provisions helping women combine mother-

hood with paid work and discriminatory offenses are not specified to enough detail to help female workers seek legal redress.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Basic Conditions of Employment Act ✓
Against child labour	C138✓ C182✓	Basic Conditions of Employment Act ✓
Protecting the right to collective bargaining	C87✓ 98✓	Labour Relations Act ✓

The law protects the right to organise, go on strike and bargain collectively. In practice, strike actions have regularly been met with police violence in the past years, for which no legal redress has been available.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Occupational Health and Safety Act ✓
Employment contracts	C158 ✗	Basic Conditions of Employment Act ✓
Social security & pensions	C102 ✗	Basic Conditions of Employment Act ⊕ Unemployment Insurance Act ✓
Occupational Safety and Health	C155 ✓	Occupational Health and Safety Act ✓
Domestic Work and Migrant Workers	C189 ✓ C97 ✗ C143 ✗	Domestic Workers Act ✓

The law does not require a written employment contract, but does require a written statement of particulars, like wages and working hours, such that proof of an existing employment relationship is established. Paid sick leave is only available on a contributions based scheme and after a qualifying period and there is limited job protection during sick leave.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✗	Basic Conditions of Employment Act ⊕

The Basic Conditions of Employment Act legislates the procedure for the setting of minimum wages per sector and region. However, in some sectors and especially in the case of domestic workers, the official minimum wages are far below the living wage. Different wage levels may be set through individual and collective bargaining.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✗ C30 ✗	Basic Conditions of Employment Act ⊕
Annual leave	C132 ✗	Basic Conditions of Employment Act ✓
Night Work	C89✓ C171 ✗	Basic Conditions of Employment Act ⊕
Home Work	C177 ✗	Basic Conditions of Employment Act ⊕
Part Time Work	C175 ✗	Basic Conditions of Employment Act ✗

The Basic Conditions of Employment Act does not impose a specific limit on night work and does not require compensation for night work, but not necessarily in terms of a premium pay rate. The Basic Conditions of Employment Act does not apply to employees working fewer than 24 hours per month.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111✓ C122✗ C142✗	Employment Equity Act ⊙ Promotion of Equality Act ⊙
Equal Pay	C100✓	Employment Equity Act ⊙ Promotion of Equality Act ⊙

The Constitution and two acts forbid any form of discrimination based on gender or sex. However, the acts do not specify any offenses, such as unequal pay, discriminatory hiring practices and asking women about their pregnancy status in job interviews.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103✓ C183✗	Basic Conditions of Employment Act ⊙ Code of Good Practice Pregnancy ✓
Nursing breaks	C183✗	Code of Good Practice Pregnancy ⊙
Family Responsibilities	C156✗	Basic Conditions of Employment Act ✗

The Basic Conditions of Employment Act sets up provisions for paid maternity leave, but only applies to women working at least 24 hours per month. There is a Code of Good Practice Pregnancy, which suggests providing paid nursing breaks, but it is not legally binding. No provisions for combining work and family life, such as parental leave and childcare, are included in the law.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Penal Code ✓ Protection from Harassment Act ⊙
Sexual violence in the work place	✗	Protection from Harassment Act ⊙ Employment Equity Act ⊙

Sexual harassment of any kind is forbidden, however, the law does little to protect women. Enforcement of laws against sexual harassment in the workplace is left to employers, who can fire the perpetrator. The only form of redress victims have is to start a civil suit.

12. Gaps in women's labour rights in Tanzania

Tanzania has laws providing decent working conditions and social security, but there are long qualifying periods, which make it hard for workers in irregular jobs to get access to legal provisions. Provisions for nonstandard workers, such as night work, part time work and home work, are

also lacking. The limitations on unionisation and industrial action make it difficult to fight for the improvement of these issues.

Basic Workers' and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Constitution ✓ Employment and Labour Relations Act ✓
Against child labour	C138✓ C182✓	Child Employment Act ✓ Employment and Labour Relations Act ✓
Protecting the right to collective bargaining	C87✓ 98✓	Constitution ✓ Public Service Negotiating Machinery Act ✓ Employment and Labour Relations Act ⊕

The Constitution and the Employment and Labour Relations Act formally allow unionisation, industrial action and collective bargaining. The fundamental rights are not guaranteed in the region of Zanzibar and strikes are almost never allowed through provisions that forbid strikes from taking place when they endanger, often interpreted as disrupt, the life and health of the population.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Occupational Health and Safety Act ✓
Employment contracts	C158✗	Employment and Labour Relations Act ✓ Public Service Negotiating Machinery Act ✓
Social security & pensions	C102✗	Employment and Labour Relations Act ✓ Social Security Regulatory Authority Act ✓ National Social Security Fund Act ✓
Occupational Safety and Health	C155 ✗	National OHS Policy ✓ Occupational Health and Safety Act ⊕
Domestic Work and Migrant Workers	C189 ✗ C97✓ C143✗	Employment and Labour Relations Act ⊕

Workers are entitled to a maximum of 126 days of paid sick leave in a 36-month cycle, during which they cannot be retired on medical grounds. However, when the paid sick leave expires, their jobs are no longer protected. Those workers may pass to invalidity or disability schemes, but there are no provisions for unemployment leave. There are no clauses in the Employment and Labour Relations Act specifically addressing domestic workers and migrant workers, but they are not excluded from the scope of the law either.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✓	Regulations of Wages and Terms of Employment Order ⊕ Labour Institutions Act ⊕

The Wage Boards set minimum wage levels in sectors where they deem it necessary, but have no obligation to do so for every sector. The law does include the social partners in the fixing of minimum wages and gives precedence to wage agreements reached between employers and

trade unions. In some sectors, especially domestic work, up to two thirds of the wages may be deducted as payment for the provided food and lodgings.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✗ C30 ✗	Employment and Labour Relations Act ☉
Annual leave	C132 ✗	Public Service Negotiating Machinery Act ✓ Employment and Labour Relations Act ☉
Night Work	C89 ✓ C171 ✗	Employment and Labour Relations Act ☉
Home Work	C177 ✗	Employment and Labour Relations Act ✗
Part Time Work	C175 ✗	Employment and Labour Relations Act ✗

The law sets maximum daily and weekly working hours, but allows extensive divergence from the standard, amongst others through compressed working weeks and the averaging out of working hours over a whole year. Annual leave is available, but there is a six-month qualifying period. The law sets no limits on night work and while a premium pay rate exists, it is only 5% above the normal wage rate. There are no provisions for part time work.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✗ C142 ✓	Constitution ☉ Employment and Labour Relations Act ✓ National Employment Protection Act ✓
Equal Pay	C100 ✓	Employment and Labour Relations Act ✓

The Constitution guarantees equality between women and men, but also allows courts to apply both customary and Sharia law, which endangers women's rights. Equality in the work place is set out under the Employment and Labour Relations Act, which includes provisions for equal pay for equal work. The law does not forbid employers from asking a woman about her family status during a job interview.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✗ C183 ✗	Employment and Labour Relations Act ☉ National Social Security Fund Act ☉
Nursing breaks	C183 ✗	Employment and Labour Relations Act ☉
Family Responsibilities	C156 ✗	Employment and Labour Relations Act ✗

Paid maternity leave exists, but access is not universal and available for a maximum of four children. To qualify, women must have worked for their current employer at least six months, have made sufficient contributions to the Social Security Fund and may not have had a child in the last three years. Nursing breaks are guaranteed, but pay during nursing breaks is not. No provisions exist to facilitate mothers' work-life balance.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✗	Law on Sexual Assault and Offenses ✓
Sexual violence in the work place	✗	Employment and Labour Relations Act ✓ Penal Code ✓

The law prohibits rape and sexual harassment. Sexual harassment in the workplace is considered a form of discrimination and basis for dismissal. In the penal code it is a criminal offense punishable by prison sentence.

13. Gaps in women’s labour rights in Uganda

The largest gap in women’s labour rights in Uganda is the minimum wage fixing. The minimum wage level, last adjusted in 1984, is so low that it has become irrelevant and not all sectors are covered by minimum wages set through collective bargaining agreements. Maternity and family responsibilities are not extensively legislated, providing only short breaks and have no provisions after women return to their jobs. Finally, working time regulations do not sufficiently protect workers.

Basic Workers’ and Bargaining Rights

	ILO Conventions	National Legislation
Against forced labour	C29✓ C105✓	Constitution ✓ Employment Act ✓
Against child labour	C138✓ C182✓	Employment Act ✓
Protecting the right to collective bargaining	C87✓ 98✓	Constitution ✓ Labour Unions Act ✓ Labour Disputes Act ⊕

Freedom of association, the right to strike and collective bargaining are guaranteed by law. Strikes, however, are strictly regulated and the ministry of labour has the power to refer industrial disputes to the courts on its own accord.

Decent Work

	ILO Conventions	National Legislation
Labour inspection	C81 ✓	Employment Act ⊕
Employment contracts	C158✗	Employment Act ⊕
Social security & pensions	C102✓	National Social Security Fund Act ✓ Employment Act ⊕
Occupational Safety and Health	C155 ✗	Occupational Health and Safety Act
Domestic Work and Migrant Workers	C189 ✗ C97✗ C143✓	Employment Act ⊕

The Employment Act requires a written contract and includes notice periods for the termination of a contract, but it does not limit the use of fixed term contracts and no provisions for severance pay exist. A month of paid sick leave and one month of unpaid sick leave are foreseen, but after these two months no further leave is available and jobs are no longer guaranteed. The Employment Act

neither addresses the situation of domestic workers and migrant workers, nor does it exclude them from its scope. A labour inspectorate exists, but it does not conform to all the standards set out in Convention 81.

Wage Setting

	ILO conventions	National legislation
Minimum wage fixing	C131 ✗	National Wages Advisory Boards and Wage Councils Act ✗

The authorities have the right to set and update minimum wages for the country, sectors or regions. However, they are not obliged to do so and the current minimum wages dates from 1984. Higher wages are set through collective bargaining.

Working Time

	ILO conventions	National legislation
Maximum working hours and overtime	C1 ✗ C30 ✗	Employment Act ☉
Annual leave	C132 ✗	Employment Act ☉
Night Work	C89 ✗ C171 ✗	Employment Act ✗
Home Work	C177 ✗	Employment Act ✗
Part Time Work	C175 ✗	Employment Act ✗

The Employment Act sets maximums on standard working hours, albeit only at 56 hours per week. However, there are no limits on overtime. Overtime and work during rest days is paid under a premium wage rate, but night work is not. There is a six-month qualifying period for annual leave and there are no provisions for home work or part time work.

Non-discrimination

	ILO conventions	National legislation
Access to employment, occupations and training	C111 ✓ C122 ✓ C142 ✗	Constitution ✓ Employment Act ✓
Equal Pay	C100 ✓	Employment Act ✓

Equal rights and opportunities for women and men are enshrined in the Constitution and Employment Act. The latter includes a clause on equal pay for equal work.

Pregnancy and Maternity

	ILO conventions	National legislation
Maternity Protection	C103 ✗ C183 ✗	Employment Act ✓ 2011 Employment Regulations ✓ Employment and Labour Relations Act ☉
Nursing breaks	C183 ✗	Employment Act ✗
Family Responsibilities	C156 ✗	Employment Act ✗

Pregnant workers have the right to a very brief, paid maternity leave. They are also entitled to alternative work arrangements if the pregnancy requires it, but not to free medical care. A woman has

the right to return to her previous position, but only for two months after childbirth. No provisions exist for nursing breaks or to facilitate the work-life balance.

Sexual harassment

	ILO conventions	National legislation
Sexual violence	✘	Penal Code ✓
Sexual violence in the work place	✘	Employment Act ✓

Sexual harassment is forbidden under the penal code and the Employment Act, which includes criminal sanctions.

AIAS Working Paper Series

The AIAS working paper series consists of several publications of A IAS staff and AIAS guests on a wide variety of subjects in the fields of labour economics, sociology of work, labour law, and health and safety.

ISSN online 2213-4980

ISSN print 1570-3185

Information on AIAS

AIAS is an institute for multidisciplinary research and teaching at the University of Amsterdam. Founded in 1998, it brings together the University's expertise in labour studies.

AIAS research focuses on the analysis of labour markets, social security incomes, institutions and governance. It combines various approaches from sociology, law, economics, medical sciences and political sciences. Some of our research programmes are:

- GINI Growing Inequalities' Impacts
- Flex work research centre
- WageIndicator
- Free Choice in Pensions
- EDUWORKS

AIAS offers tailor-made in-company courses in the field of HRM, Inequality and solidarity, labour market development, labour relations etc.

Annually AIAS organizes conference about ongoing research and current trends.

Furthermore several (lunch) seminars and workshops take place during the year, offering interesting opportunities for the exchange and deliberation of research on labour issues between researchers from all over the world. AIAS has a major collection of academic socio-economic data in the field of labour relations, labour organizations, employment and working conditions in the Netherlands and abroad.

AIAS and its staff contribute to society on many subjects, for different audiences and in varying formats (articles, books, reports, interviews, presentations etc.) Next to this 'Working Papers' Series, we also have the 'Industrial Relations in the Netherlands' Series and the 'GINI Discussion Paper' Series which also addresses a great variety of topics.

University of Amsterdam Amsterdam Institute for Advanced labour Studies

Postal address

PO Box 94025
1090 GA Amsterdam
The Netherlands

Visiting address

Roetersstraat 31
1018 WB Amsterdam
The Netherlands

 +31 20 525 4199

 +31 20 525 4301

 aias@uva.nl

 www.uva-aias.net