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Protecting women from discrimination on labor relations

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Abstract: Previously, there was an opinion in society that there are no restrictions for the inclusion of men and women in the sphere of social and labor relations, as well as that men and women are distinguished only by biological differences between the sexes, which cannot but affect the functions they perform in society. Unfortunately, closer to modern times, women began to be discriminated against in almost all spheres of social production. This phenomenon has become an impetus for the international community to create and consolidate certain mechanisms that mitigate gender inequality. Women's right to equal employment opportunities is recognized almost all over the world. In fact, one third of the world's workforce consists of women. However, as higher levels of employment are achieved, the number of positions held by women decreases sharply. Women continue to face gender pay gaps, occupational segregation, overrepresentation in low-paying positions and underrepresentation in leadership positions. Although more women have entered the labor market in recent decades, they tend to work in the informal labor market with low wages and insecure conditions in developing countries. Thus, despite the recognition of the right to equal employment opportunities, enforcement remains a serious problem.

Key words: women's rights, convention, International Labour Organization, gender equality, discrimination, work, Sustainable Development Goals

Әйелдерді еңбек қатынастарындағы кемсітушіліктен қорғау

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Түйіндеме: Бұрын қоғамда ерлер мен әйелдерді әлеуметтік-еңбек қатынастары саласына қосуға ешқандай шектеулер жоқ, сонымен қатар ерлер мен әйелдер тек қоғамда атқаратын функцияларына әсер етпейтін жыныстардың биологиялық айырмашылықтарымен ерекшеленеді деген пікір болған. Өкінішке орай, қазіргі заманға жақын әйелдер қоғамдық өндірістің

барлық салаларында кемсітушілікке ұшырады. Бұл құбылыс халықаралық қауымдастық үшін гендерлік теңсіздікті жеңілдететін белгілі бір механизмдерді құруға және бекітуге түрткі болды. Әйелдердің тең жұмысқа орналасу құқығы бүкіл әлемде танылған. Шын мәнінде, бүкіл әлемдік жұмыс күшінің үштен бірі әйелдерден тұрады. Алайда, жұмыспен қамтудың жоғары деңгейіне жеткенде, әйелдер атқаратын лауазымдар саны күрт төмендейді. Әйелдер гендерлік жалақыдағы айырмашылықтармен, кәсіптік сегрегациямен, жалақысы төмен лауазымдарда артық өкілдікпен және басшылық лауазымдардағы жеткіліксіз өкілдікпен бетпе-бет келеді. Соңғы онжылдықтарда еңбек нарығына көбірек әйелдер шыққанымен, олар дамушы елдерде төмен жалақымен және қауіпті жағдайлармен бейресми еңбек нарығында жұмыс істейді. Осылайша, тең жұмысқа орналасу құқығын мойындауға қарамастан, сәйкестік маңызды мәселе болып қала береді.

Негізгі сөздер: әйелдер құқықтары, Конвенция, Халықаралық еңбек ұйымы, гендерлік теңдік, кемсітушілік, еңбек, Тұрақты даму мақсаттары

Защита женщин от дискриминации в трудовых отношениях

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Аннотация: Раньше в обществе бытовало мнение, что не существует никаких ограничений для включения мужчин и женщин в сферу социально-трудовых отношений, а так же что мужчин и женщин отличают только биологические различия полов, которые не могут не влиять на те функции, которые они выполняют в обществе. К сожалению, ближе к современности, женщины стали подвергаться дискриминации практически во всех сферах общественного производства. Данный феномен стал толчком для международного сообщества для создания и закрепления определенных механизмов, смягчающих гендерное неравенство. Право женщин на равные возможности трудоустройства признано практически во всем мире. Фактически, одна треть всей мировой рабочей силы состоит из женщин. Однако по мере достижения более высоких уровней занятости число должностей, занимаемых женщинами, резко сокращается. Женщины по-прежнему сталкиваются с гендерным разрывом в оплате труда, сегрегацией по профессиям, с чрезмерным представительством на низкооплачиваемых должностях и недостаточным представительством на руководящих должностях. Хотя в последние десятилетия на рынке труда появилось больше женщин, которые, как правило, работают в неформальной части рынка труда с низкими заработками и небезопасными условиями в развивающихся странах. Таким

образом, несмотря на признание права на равные возможности трудоустройства, обеспечение соблюдения остается серьезной проблемой.

Ключевые слова: права женщин, конвенция, Международная организация труда, гендерное равенство, дискриминация, труд, Цели Устойчивого Развития

Introduction

Recent data show that many women are still unable to achieve their goals. The income gap between women and men, although smaller than a few years ago, is still significant. Women are still underrepresented in some industries and professions, and it is difficult for a large number of women to combine the desire for work and family. Further progress is hindered by barriers to equal opportunities, as well as rules and regulations in the workplace that do not support a reasonable work-life balance. If these obstacles persist, States will waste the potential of many citizens and suffer significant losses in the productive potential of the economy at a time when the aging of the population and weak productivity growth are already affecting economic growth. The issue of legal regulation of women's labor, having ceased to be only an internal matter, has long ago assumed an international character. There are a large number of legal acts adopted at the international and national level and related to the status of women as a category of citizens in need of special attention and protection. In addition, researches have been devoted to this problem not only in the field of law, but also in sociology, psychology, medicine, management, etc.

Materials and methods

With the global trend towards the elimination of any forms of discrimination, the fight against historically established gender inequality, including in the field of labor relations, is perceived as one of the priorities of the world community. The combination of public and private interests in the field under consideration determines the emergence and functioning of various legal regulators, the fundamental of which is the international legal regulation of relations aimed at creating favorable working conditions for women who are most often subjected to legal and non-legal discrimination.

The object of the study is international relations arising between States and other subjects of international law in the field of regulation of women's labor.

The subject of the study is the state of international legal regulation in the field of women's labor and its adequacy to modern needs.

The theoretical and methodological basis of the study was a set of scientific research methods. From general methods, analysis, synthesis, abstraction, comparison, system and structural approach were used, from special and private research methods - specifically sociological, formal legal, comparative legal, methods of legal modeling, interpretation of legal norms, as well as historical, logical, forecasting and other methods.

Discussion

Women have the right to enjoy all human rights. International human rights treaties require States parties to take measures to ensure that women's human rights are respected by law and to eliminate discrimination, inequality and practices that negatively affect women's rights. In accordance with international law, women may also have certain additional rights, for example, rights related to reproductive health. Most international organizations are involved in ensuring women with all human rights without gender discrimination, one of which is the United Nations (hereinafter referred to as the UN). As a particularly vulnerable group, women have a special status and protection within the UN and regional human rights protection systems. The organization began to take the issue of the status of women seriously in 1975. The UN has opened a new chapter in the history of development, which has not yet been completed. Constant concern about this issue since 1975 has been marked by changes in the organization's definition of "gender equality". She improved her understanding of the mechanisms of dominance by increasing the number of studies he commissioned on this issue. The main event in the history of women's rights was the First World Conference on Women in Mexico City, which was attended by more than 6,000 women. The official conference was attended by delegations from 133 Member States. They adopted the World Plan of Action [1], which was the first such document that focused on the problems and concerns of women, covering all possible aspects of their lives, from nutrition, health and education to family planning and political participation. However, its comprehensive nature and the lack of an underlying causal explanation for the status of women have led to criticism. In December of the same year, the General Assembly approved the recommendations of the Mexico City Conference and declared 1976-1985 the UN Decade of Women. In 1980, the Second World Conference on Women was organized in Copenhagen to mark the middle of the decade and to assess whether the goals set out in the World Plan of Action had been achieved. At the official conference in Copenhagen, to a greater extent than in Mexico City, many broader political issues, such as Zionism, apartheid and the new economic order, were used to divert attention from the World Plan of Action and the whole issue of women's equality. However, the official conference adopted a platform for action for the second half of the decade, which focused on women's employment, health and education. As a result, the Copenhagen Conference covered a wider range of issues and development prospects than those discussed in Mexico City, including criticism of past approaches to women's participation in the development process and the impact of the new economic order on women. The Third World Conference on Women was held in Nairobi in 1985 to mark the end of the decade. The number of participants as an official conference reached a record high: the number of delegates at the official conference was about a third more than in Mexico City and Copenhagen - more than 2,000 delegates from 157 countries and 14,000 women from about 150 countries. The final document of the Nairobi Conference, entitled "Forward-looking strategies for the advancement of women" [2], contains an analytical framework, as well as prescriptive measures to remove obstacles to the advancement of women. After long and intense negotiations

during the conference, the "Long-term Strategies" were adopted unanimously. The Fourth World Conference on Women was held in Beijing in September 1995. The Beijing Conference, which brought together at least thirty thousand women, ended two decades of UN reflection on women and development by announcing a new international strategy and action plan focused on gender aspects and the consequences of the economic, social and cultural division of both productive and reproductive labor. In doing so, the United Nations responded to the profound conceptual evolution of "feminism" over the last decades of the twentieth century and demonstrated the influence of numerous and diverse feminist discourses and campaigns. Significant changes have taken place over the past twenty years. While the issue of women's equality was hardly considered of any real interest during the first half of the existence of the United Nations, concerns about the status of women became increasingly important until it rightfully took center stage in the discussions of all international institutions. In the first 30 years of its existence, the United Nations has made steady progress in the field of women's rights and gender equality and non-discrimination on the basis of gender. As a result of all the international conferences on women's rights, numerous non-governmental organizations and specialized UN agencies dealing with this issue began to appear. In those early years, according to the UN accreditation rules of that time, the only women's organizations that had consultative status with the UN were those that were recognized as both international and representative, for example, the Association of Women of the World, the International Alliance of Women, the World Association of Girl Guides, the Christian Youth Women's Association, etc. Only a few of them had headquarters outside of Europe or North America. UNIFEM, established in 1976 following a conference in Mexico, became the first UN agency to face the problem of violence against women in the family [3]. The United Nations Population Fund (UNFPA), a center of extremely conservative church and right—wing movements, has played a crucial role in helping the countries of the South with family planning and birth control. The Agency has played an important role in establishing the link between the decline in population growth and the improvement of the living conditions of women around the world. The World Bank has also played a big role in the development of women's rights. The UN proclamation of the International Decade of Women 1975-85 meant that in the second half of the 1970s, almost all organizations turned their attention to the topic "integration of women's rights and development". But financial efforts to improve or even strengthen the situation were completely lacking. When the bank really paid attention to the needs of women, it did not show enough interest to reward them with what really mattered — well-funded projects. However, there were other issues on the bank's agenda at that time. The beginning of the 1980s was marked by the height of the international debt crisis and the creation of structural adjustment programs. While the International Monetary Fund took on the task of restoring financial equilibrium, the bank was entrusted with the mission of turning developing countries to the doctrine of economic liberalism, which was to accompany the reduction of staff and the general transition to global economic

competition. The problems of the status and rights of women receded into the background and only in 1985 the World Bank's interest in women's issues revived. Women have "shown" the World Bank that they are unexpectedly dynamic economic actors and the main actors in the fight against poverty, a fight that the bank — at least officially — has made one of its priorities. Added to this was the fact that any policy that improved the status of women had an impact on demographic growth. In addition to this, the Bank confirmed in a document prepared for the 1995 Beijing Conference that strengthening the role of women contributes to economic growth, improves family health and reduces fertility [4]. Equal employment opportunities for women have been fully recognized by the International Labour Organization (hereinafter the ILO). The ILO stated that all countries will have to adopt many approaches to the issue of working women. In particular, the ILO, in its 1985 World Labour Report [5], identified three main priority areas for action. With regard to these areas, the ILO stated that:

1. Women's work should be perceived as an essential component of the development process;

2. Special measures should be taken to ratify and apply, in accordance with national legislation, ILO and United Nations standards, especially with regard to equal employment opportunities, equal pay for equal work, working conditions, job security and maternity protection;

3. National policies should be developed to accelerate the creation of productive and equal employment opportunities for women so that they can participate more fully in economic growth and social progress.

Although the ILO Labour Codes are not legally binding, they are valuable for the impact they can have on Member States. Over the past few years, the term "gender equality" has become very popular. In the world of work, gender equality means that employees of all genders have access to the same remuneration, opportunities and resources in the company. At the international level, the International Labour Organization stands for the promotion of gender equality in the field of labor relations. The ILO's gender equality mandate is to promote equality between all women and men in the world of work [6]. This mandate is based on international labour conventions of particular importance for gender equality, especially the four key equality conventions. These are the Discrimination (Employment and Occupation) Convention 1958 [7], the Equal Remuneration Convention 1951 [8], the Workers with Family Responsibilities Convention 1981 [9] and the Maternity Protection Convention 2000 [10]. The mandate is also based on resolutions of the International Labour Conference - the highest decision-making body of the ILO - in 1975, 1985, 1991 and the Resolution on Gender Equality, Equal Pay and Maternity Protection adopted in June 2004 [11]. International human rights treaties prohibit discrimination on the basis of gender, and also require States to ensure the protection and realization of women's rights in all spheres – from property ownership and freedom from violence to equal access to education and participation in government. The main document regulating women's rights at the international

level is the Convention on the Elimination of Discrimination against Women of December 18, 1979. The Treaty condemns any form of discrimination against women and reaffirms the importance of ensuring equal political, economic, social, cultural and civil rights for women and men. The Convention provides that women should have equal political, economic, social, cultural and civil rights regardless of their marital status, and requires States to adopt national legislation prohibiting discrimination [12]. The document allows States to take temporary special measures to accelerate the achievement of equality between men and women in practice and to take action to change social and cultural patterns that perpetuate discrimination. The participating States agree that contracts and other private documents restricting the legal capacity of women are "considered invalid". The Convention also addresses the need for equal access to education. CEDAW requires States to take appropriate measures to eliminate discrimination in matters related to marriage and family, and emphasizes the equal responsibility of men and women in the context of family life. The Convention also emphasizes the need for child care facilities and other social services to help women fulfill family responsibilities along with work responsibilities and participation in public life. However, the disadvantage is the problem of substantial reservations to the Convention on the Rights of Women. It was argued that the Convention on the Rights of Women entered into force quickly, partly because, according to its article 28, it allows reservations that are not "incompatible with the object and purpose" of the Convention. While the Convention on the Rights of Women may have maximized its universal application, it may have sacrificed some of its integrity by flexibly accommodating reservations. That is, discrimination may still exist in violation of the Convention when States parties justify discriminatory practices by invoking reservations made under article 28 of the Convention itself. Thus, it can be noted that in world practice there are a large number of international documents and organizations regulating the process of implementation by States parties of the provisions of treaties, the role of which is unconditionally important and great. But much remains to be done to root this problem, and the result is unattainable without the cooperation of all states open to solving any issues. It is worth noting that the UN has approved "gender equality" as one of the Sustainable development Goals enshrined in the UN Sustainable Development Program for the period up to 2030: SDG 5: "Ensuring gender equality and empowering all women and girls." The UN explains: "Gender equality is not only a fundamental human right, but also a necessary foundation for peace, prosperity and sustainable development throughout the world. Providing women and girls with equal access to education, health care, decent work and representation in political and economic decision-making processes will contribute to a sustainable economy and benefit society and humanity as a whole." [13]

Results

In connection with above, it seems rational to increase attention to those aspects of trade union activity that are associated with solving socially significant

social and labor problems, embedding elements in collective contractual relations with business (employers) that specifically promote relations of tender justice in the sphere of corporate labor management, developing gender-sensitive personnel policy of organizations from below.

Conclusions

It is important to strengthen trade union conviction by considerations of the usefulness of more active female participation, its profitability for the employer in terms of business sustainability and efficiency, the image of the organization, etc., creating a psychologically emotionally comfortable climate at the enterprise, preserving and strengthening its qualified core at the expense of women. It is necessary to create an atmosphere of common cause in the organization, in the implementation of which the potential and the best qualities of both men and women are equally used, conducting a positive selection of foreign experience, spreading the positive achievements of national enterprises of high social efficiency and their trade union organizations in the practical promotion of the principle of gender equality.

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