

UNITED NATIONS

ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.6/SR.188
20 April 1955

ORIGINAL: ENGLISH

COMMISSION ON THE STATUS OF WOMEN

Ninth Session

SUMMARY RECORD OF THE HUNDRED AND EIGHTY-EIGHTH MEETING

Held at Headquarters, New York,
on Tuesday, 22 March 1955, at 2.55 p.m.

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15 p.

PRESENT:

<u>Chairman:</u>	Miss BERNARDINO	Dominican Republic
<u>Rapporteur:</u>	Mrs. RÖSSEL	Sweden
<u>Members:</u>	Miss CHAMORRO ALAMAN	Argentina
	Mrs. DALY	Australia
	Mrs. NOVIKA	Byelorussian Soviet Socialist Republic
	Miss TSENG	China
	Miss MAÑAS	Cuba
	Mrs. LEFAUCHEUX	France
	Mrs. GUERY	Haiti
	Miss ROESAD	Indonesia
	Mrs. TABET	Lebanon
	Begum ANWAR AHMED	Pakistan
	Mrs. DEMBINSKA	Poland
	Mrs. FOMINA	Union of Soviet Socialist Republics
	Mrs. SAYERS	United Kingdom of Great Britain and Northern Ireland
	Mrs. HAHN	United States of America
	Mrs. SANCHEZ de URDANETA	Venezuela
	Mrs. MITROVIC	Yugoslavia
<u>Also present:</u>	Mrs. LOPEZ	Colombia
	Mrs. FUJITA	Japan
	Mrs. de TEJEIRA	Panama
<u>Representatives of specialized agencies:</u>		
	Mrs. FIGUEROA	International Labour Organisation
	Miss SALAS	United Nations Educational, Scientific and Cultural Organization
<u>Representative of an inter-governmental organization:</u>		
	Mrs. de CALVO	Inter-American Commission of Women

Representatives of non-governmental organizations:

Category A:

Miss SENDER	International Confederation of Free Trade Unions
Miss KAHN	World Federation of Trade Unions
Mrs. EREN)	World Federation of
Mrs. FOX)	United Nations Associations

Category B and Register:

Mrs. GIROUX	Catholic International Union for Social Service
Miss GUTHRIE	International Alliance of Women
Mrs. CARTER)	
Mrs. PARSONS)	International Council of Women
Mrs. REGISTER)	
Mrs. HYMER)	
Miss MACLEAN)	International Federation of Business and Professional Women
Mrs. MEINANDER)	
Miss POLLITZ)	
Miss LAGEMANN	International Federation of Friends of Young Women
Miss ROBB	International Federation of University Women
Miss RUIZ-OVELAR	International Federation of Women Lawyers
Mrs. WOLLE-EGENOLF	International League for the Rights of Men
Mrs. ROBERTS	Liaison Committee of Women's International Organizations; Associated Country Women of the World
Miss MADDEN	Pax Romana
Miss SCHAEFER	World Union of Catholic Women's Organizations
Mrs. ANDERSON)	World's Young Women's Christian
Miss FORSYTH)	Association

Secretariat:

Mr. HUMPHREY	Director, Division of Human Rights
Mrs. TENISON-WOODS	Chief of the Status of Women Section
Mrs. GRINBERG-VINAVER	Secretary of the Commission

EQUAL PAY FOR EQUAL WORK: (a) PROGRESS REPORT ON THE IMPLEMENTATION OF THE PRINCIPLE OF EQUAL PAY FOR EQUAL WORK (E/CN.6/257); (b) REPORT ON METHODS WHICH HAVE BEEN FOUND USEFUL IN CREATING A FAVOURABLE CLIMATE OF PUBLIC OPINION ON THE NEED FOR EQUAL PAY FOR EQUAL WORK (E/CN.6/263; E/CN.6/L.161, L.162)(continued)

Mrs. RÖSSEL (Sweden) said, with reference to the Swedish draft resolution (E/CN.6/L.160), that her delegation was convinced that the Commission needed the support and co-operation of the non-governmental organizations in winning support for the principle of equal pay and had been glad to note that other representatives shared that view.

Before commenting on the draft resolutions before the Committee, she remarked that the question, raised by the French representative, whether the members of the Commission were appointed as experts or as representatives of their Governments was beyond the Commission's competence and should be settled by the Economic and Social Council. In appointing the members of the functional commissions, the Council selected the countries which were to serve and the individual representatives were chosen from the list of candidates provided by the Member States concerned. The question whether members were appointed as experts or as representatives of their Governments was therefore open to discussion.

With regard to the two draft resolutions before the Commission, she said that to her regret she would be compelled to abstain from voting on both. As she had explained during the general debate, it was held in Sweden that wages in private enterprise should be determined by the parties concerned and that neither the legislature nor any other Government organ should interfere. The Swedish legislature had therefore been extremely reluctant to ratify the ILO Convention on Equal Remuneration for Work of Equal Value since it was felt that the provision requiring Governments to promote and, in so far as was consistent with the methods in operation for determining rates of remuneration, ensure the application of the principle of equal remuneration for men and women workers for work of equal value might lead to undue interference.

(Mrs. Rössel, Sweden)

Article 3 which used the phrase "the work to be performed" in referring to the appraisal of jobs also raised difficulties as it was the practice in Swedish private enterprise to appraise jobs on the basis of "the work performed". In countries where wage-fixing machinery was highly developed it was difficult to introduce new ideas if they were at variance with existing practices. She felt that the attitude of the public and of the trade unions was now more favourable than it had been in 1950 when the Convention and the Recommendation had first been discussed. The Recommendation in particular had proved very useful in Sweden but it would be some time before the Convention could win acceptance. In the circumstances, regardless of whether she were acting as an expert or as a representative of her Government, she could not vote for the draft resolutions and felt that she could best promote acceptance of the principle by continuing her work in Sweden and by refraining from taking any action to bind her Government. She would continue to work unremittingly for acceptance of the principle of equal remuneration for men and women workers until the goal had been reached.

If the joint draft resolution (E/CN.6/L.161) were put to the vote paragraph by paragraph she would vote for the penultimate paragraph of the operative part concerning technical assistance but she would abstain on the third operative paragraph because the words "Urges Governments - to implement the principle of Equal Remuneration for Work of Equal Value" might be construed in Sweden as undue interference. She had the same objection to the operative part of the French draft resolution (E/CN.6/L.162).

Turning to a more general question, she suggested that the ILO wording "equal remuneration for work of equal value" might well be substituted for the words "equal pay for equal work", which although useful and important as a slogan might be misconstrued. For example, in countries where public opinion was reluctant to accept the principle of equal remuneration for women the words "equal pay for equal work" might be used to justify the payment of lower wages to women on the grounds that they did not perform equal work. There were few countries in fact where women were given equal work with men, as women workers tended to be concentrated in particular occupations. With the phrase "equal

(Mrs. Rössel, Sweden)

pay for equal work" a comparison of jobs became more difficult if only one sex was employed in a particular occupation. In Sweden for example the telephone operators were women and obviously they could not be given equal pay with men as there were no male telephone operators. The use of the phrase "work of equal value" would avoid that difficulty. The same comment applied to most administrative organizations, in which clerical staffs were almost exclusively female.

Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic) said that the attainment of equal pay for equal work was of vital importance to millions of women throughout the world but that the joint draft resolution (E/CN.6/L.161) would not help to solve the problem. The second paragraph of the preamble for example was ambiguous as it did not specify what type of action Governments should take. Many representatives had remarked that Governments had failed to take any steps, legislative or otherwise, to implement the principle. The paragraph's principal weakness was that it would not oblige or even urge Governments to take any action whatsoever. If the Commission were relying on the ILO Convention instead of urging Governments to adopt the necessary legislation, the draft resolution would be merely a pious exhortation. While the ILO Convention was a useful instrument it had many shortcomings, as the ILO representative had admitted. The Commission therefore could not confine its efforts to achieve the principle of equal pay for equal work to a recommendation that Governments should implement the ILO Convention only. From that viewpoint the draft resolution was inadequate.

The French draft resolution (E/CN.6/L.162) contained valuable suggestions but some paragraphs were not clear. It was hard to see why, for example, the Commission should ask the Council to consider matters such as international competition and production prices which were not directly related to the Commission's work. Wage rates were not the only factor in international competition. In her delegation's opinion implementation of the principle of equal pay for equal work would inevitably improve the position of women and of the family, and thus of the nation as a whole. That should be the Commission's primary concern. In the circumstances, she felt that some of the introductory paragraphs, in particular the paragraph regarding the danger to the interests

(Mrs. Novikova, Byelorussian
Soviet Socialist Republic)

of women workers throughout the world might be deleted and that more emphasis might be placed on the operative part. If the draft resolution were amended on those lines, her delegation would be able to support it.

With reference to the Swedish representative's remarks regarding "equal remuneration for work of equal value", she said that in the Byelorussian Soviet Socialist Republic although 70 per cent of the primary school teachers were women it was an accepted principle that women teachers were entitled to the same pay as men. The principle was applied in all industries. In Sweden women were perhaps confined to lower-paid jobs but that was not true in other countries or in the United Nations. It was now generally agreed that there were no jobs for which women were biologically unsuited.

There would seem to be no reason for replacing the clear and understandable phrase "equal pay for equal work" by more ambiguous wording which would seem to offer no specific advantages and might serve to confuse the issue. The term had been used consistently by the Commission, the trade union organizations had conducted unremitting campaigns for equal pay for equal work on that basis, and there were signs that there had been progress in the struggle for that principle. The Commission should not adopt a new and untried formula.

Mrs. RÖSSEL (Sweden) said that the cases she had cited were merely illustrative. She agreed that no occupations should be regarded as exclusively male or female and that employment in all fields should be open to all. A problem did arise, however, if all the applicants for a particular job were of one sex, particularly in countries in which citizens were free to choose their own employment. In such cases, it was essential to provide for some basis of comparison.

Mrs. HAHN (United States of America) supported the wording "equal pay for work of equal value" proposed by the Swedish representative. "Equal pay for equal work" had become a slogan and was not suitable phraseology for a resolution.

The amendment proposed by Pakistan (E/CN.6/L.166) was not clear. She asked what authority was to fix wage rates (lines 2 and 5). In the United States, the Government did not fix wages, which were freely negotiated between employers and employees.

Begum ANWAR AHMED (Pakistan) said that wages might be fixed through tripartite negotiations between representatives of Government, employers and employees, or through collective bargaining. She suggested adding the words "in accordance with methods in operation" after "measures should be adopted", in line 5, in order to meet the United States representative's point.

Mrs. DALY (Australia) thought that the wording "equal pay for equal work" was preferable to "equal pay for work of equal value", as it meant "the rate for the job".

She agreed with the French representative that the Commission should avoid duplication of work being done by other United Nations organs. However, the Commission, because of its concern with the status of women in so many fields, was concerned with the question of equal pay. For that reason she was glad that the draft resolution proposed by the representative of France was based on a restatement of article 23, paragraph 2, of the Universal Declaration of Human Rights. She felt however that the third paragraph of the preamble of draft resolution E/CN.6/L.162, which referred to international economic competition, was too complex to find its place in one of the Commission's resolutions. She had no objection to the fourth paragraph however.

Referring to the operative paragraph of the draft resolution, she said that under the Australian Constitution, the Commonwealth Parliament's power to fix wages was restricted to Commonwealth employees, who were only a minority of the working population. For the vast majority, wages were fixed by arbitral tribunals or collective bargaining. She felt that the position of her

(Mrs. Daly, Australia)

Government might be misunderstood if she were to subscribe to the final paragraph of the draft resolution. For similar reasons, she was unable to support the Pakistan amendment.

The joint draft resolution E/CN.6/L.161 was not entirely acceptable, as it placed too much emphasis on one method of achieving equal remuneration for equal work, to the exclusion of others. The Commission should not direct a resolution primarily towards an international convention adopted under the aegis of a specialized agency, but should concentrate more on activities that were not the particular concern of other bodies. On the other hand, the reference to the efforts of non-governmental organizations had her full support.

The penultimate paragraph concerning technical assistance raised a matter which would be better discussed under agenda item 9. She did not feel that it was appropriate for the Commission to recommend, at that stage, that Governments should add a new criterion, implementation of the principle of equal remuneration, to those on which they based their requests for technical assistance at present. She was therefore unable to support draft resolution E/CN.6/L.161.

Mrs. DEMBINSKA (Poland) thought that draft resolution E/CN.6/L.161 was vague and indecisive. It seemed even to underline the powerlessness of Governments to deal with the problem of unequal pay between men and women. She did not agree with the wording "equal remuneration for work of equal value". "Equal pay for equal work" was more correct. The Swedish representative had stated that the equality of work could not be established in fields where only women were employed, but no occupations were in fact reserved or closed to women. Experience had shown that any reservation in regard to a clear statement of principle, such as equal pay for equal work, opened the door to discrimination and defeated its own ends. The Commission should go beyond the limitations of ILO Convention 100 and urge Governments to implement the principle of equal pay for equal work.

The third paragraph of the preamble of draft resolution E/CN.6/L.162 was out of place and incorrect. Furthermore, it seemed inadvisable to draw attention to the difficulties Governments might encounter if they implemented the principle of equal pay for equal work. The paragraph should therefore be deleted.

(Mrs. Dembinska, Poland)

She could not accept the Pakistan amendment (E/CN.6/L.166), which was an unwarrantable interference with the internal affairs of States.

Mrs. FOMINA (Union of Soviet Socialist Republics) asked the representative of the International Labour Organisation what considerations had dictated the choice of wording in ILO Convention 100 - the wording "work of equal value".

Mrs. FIGUEROA (International Labour Organisation) said that the expression "work of equal value" was best adapted to the de facto situation, and implied work of comparable value, when the work to be performed was not exactly "equal". Although, apart from a few exceptional cases, no occupations were legally closed to men or women, certain occupations were almost entirely female. Some employers contended that the work of women in those trades was not equal to that of men, and could not be paid at the same rate. "Remuneration" in comparison to "pay", included not only cash payments, but payments in kind, received directly or indirectly by the worker.

Mrs. FOMINA (Union of Soviet Socialist Republics) did not agree that "equal pay for equal work" had become a slogan only. It was a time-honoured and scientific expression in which millions of women expressed their aspirations for equality. Even if it were a slogan, it should not be discarded for that reason, as it had become a rallying cry for the men and women who were struggling for justice in that field. Furthermore, it had a direct impact on the life of millions. If the principle were implemented in the United States, the national wages bill would be increased by 10 billion dollars. The Commission should base its recommendations on Article 3 of the Charter and urge Governments to enact legislation to implement the principle of equal pay for equal work.

She was happy to note that the French draft resolution was addressed to the Governments of all States, whether Members or not of the United Nations. That was most appropriate, as the principle must be implemented everywhere.

The CHAIRMAN pointed out that the expression "equal pay for equal work" appeared in article 23 of the Universal Declaration of Human Rights.

Mrs. RÖSSEL (Sweden) pointed out that the Universal Declaration of Human Rights had been drawn up before the International Labour Organisation had considered the question of terminology for Convention No. 100. The draft convention on economic, social and cultural rights employed the ILO terminology (article 7).

Mrs. LEFAUCHEUX (France) referring to the third paragraph of the preamble of draft resolution E/CN.6/L.162, agreed with the Byelorussian representative that production prices were affected by other factors than salary costs, but it was obvious that, of two products that were identical in quality, the cheaper would command a wider international market. She did not agree with the Australian representative that the idea was too complex to find a place in one of the Commission's resolutions. It was very closely linked with the question of equal pay and should be clearly stated. The Polish representative's doubts as to the advisability of drawing the attention of Governments to the difficulties they might encounter were unfounded, as Governments were already aware of them.

She asked the representative of the International Labour Organisation whether equal pay for equal work had been on the agenda of a recent meeting of the ILO Governing Body.

Mrs. FIGUEROA (International Labour Organisation) said that it had not been on the agenda of that meeting, but before its autumn meeting, the ILO would be receiving reports from Governments that had and had not ratified Convention No. 100, and would thus be able to include information on that point in its next report to the Commission.

Mrs. DEMBINSKA (Poland), clarifying her objection to the third paragraph of the preamble of the French draft (E/CN.6/L.162), said that it might give the impression that the Council anticipated as a possible consequence of applying the principle of equal pay, the deterioration of foreign trade. The inevitable conclusion was that, to prevent that deterioration, the principle should not be implemented. Obviously, the French representative had not intended that result. Moreover, the Polish delegation was convinced that

(Mrs. Dembinska, Poland)

application of the equal pay principle could not have harmful economic repercussions.

Miss KAHN (World Federation of Trade Unions) considered that the Pakistan amendment to the French draft would not be constructive in the fight for equal pay. It failed to distinguish between the principle of equal pay for equal work and the diverse methods employed in the actual establishment of wage rates. Because it proposed governmental establishment of all wage rates it could not be accepted by trade unions whose rights in collective bargaining it would endanger. Further the language was so imprecise as to permit serious misinterpretation.

The third paragraph of the preamble of the French draft referring to "production prices" was out of place in a resolution on equal pay and distorted the approach to that question.

Commenting on the last three operative paragraphs of the joint draft on equal pay (E/CN.6/L.161), she pointed out that the non-governmental organizations should be encouraged to do more than continue activities aimed at influencing public opinion to secure application of the principle of equal pay. The trade unions, for example, engaged in wage negotiations and similar direct action and should be encouraged to expand those activities. The matter of using technical assistance facilities could better be dealt with in a separate resolution on technical assistance or in connexion with the agenda item on economic opportunities for women. Finally, it was not clear from the paragraph beginning "Recognizing" what government action was referred to, whether action taken by Governments to implement equal pay in government service only or action such as legislation affecting private and/or public employment. The experience of the United States where equal pay had existed in the Federal civil service for some thirty years did not bear out the claim that government action to implement the equal pay principle served as an incentive to employers in private industry to adopt similar standards. Furthermore, in approaching the question of equal pay, account had to be taken of the numerous factors entering into the establishment of wage rates. Job evaluation was not made in a vacuum: even so-called scientific job analysis was seriously influenced by the social orientation of those making the analysis. That meant in many countries that

(Miss Kahn, World Federation
of Trade Unions)

different values were improperly attributed to work performed by women as compared with work performed by men because the analysts in practice considered the man's wage to be a family wage but did not consider the woman's wage in the same framework.

The Commission's task was to reaffirm unequivocally the principle of equal pay and insist on its implementation. Any attempt to deal with the actual process of wage-fixing in vague and ambiguous terms would impair the Commission's effectiveness. The joint draft would profit by a rewording which would better express the Commission's real position and objectives.

Mrs. HAHN (United States of America) agreed with the principle stated in the Chinese amendment (E/CN.6/L.167), but felt it could more appropriately be taken up in connexion with the agenda item on economic opportunities for women. The third paragraph of the preamble of the French text raised questions of fact and policy. Actually, wages were only one of many factors affecting production costs and the implementation of the equal pay principle might even result in savings, by simplifying payroll and record-keeping procedures and thus reducing the proportion of the total cost of production represented by wages. Moreover, United States experience indicated that application of the equal pay principle had not adversely affected United States foreign trade. An example was the automobile industry whose production was concentrated in a state which had an equal pay law. The paragraph in question should be deleted.

Miss TSENG (China) said that she had put forward her amendment merely to introduce into the debate the question of promotion of women to higher ranks. The Resolutions Committee could deal with it as it saw fit.

Mrs. FOMINA (Union of Soviet Socialist Republics) insisted that the expression "equal pay for equal work" should be used in all the Commission's resolutions on the item because it reflected the deepest aspirations of the working masses, and represented a living reality to them, not a mere slogan or abstract concept. The statement of the Swedish representative on replacing "equal work" by "work of equal value" was dangerous in that it might help

(Mrs. Fomina, Union of Soviet
Socialist Republics)

maintain discrimination against women workers. Logically, the whole question should be reviewed from the legal and economic, as well as the social point of view. Indeed, if the Commission desired, it might consider it again at its next session on the basis of an analysis by the Secretary-General of all the factors involved.

The USSR delegation reserved its position on the third paragraph of the preamble of the French draft resolution (E/CN.6/L.162) because it considered that the Commission was not competent to deal with the economic implications of equal pay and should confine itself to restating the principle unambiguously and strongly.

The Pakistan amendment to the French draft (E/CN.6/L.166) beclouded the issue still more. As the resolution could not give an exhaustive list of wage-fixing methods and procedures, the amendment served no useful purpose. The operative paragraph already referred to legislative "or other measures" for the application of the principle of equal pay for equal work.

The CHAIRMAN, reverting to an earlier French suggestion, proposed that all the draft resolutions and amendments on the subject of equal pay should be referred to the Resolutions Committee.

It was so decided.

STATUS OF WOMEN IN PRIVATE LAW (E/CN.6/L.158 and Add.1) (continued)

Mrs. GRINBERG-VINAVER (Secretary of the Commission), replying to a question put earlier by the USSR representative, explained that the Secretariat interpreted the Australian draft resolution adopted unanimously at the previous meeting (E/CN.6/L.158) as a request to publish the book on the legal status of women in English, French and Spanish only. Its publication in the Russian language would entail an additional cost of \$700 for the first 250 to 300 copies, if the Commission and the Economic and Social Council should decide to publish it in that language.

The CHAIRMAN invited the Commission's agreement to publication of the book in the Russian language.

It was so decided.

Mrs. GRINBERG-VINAVER (Secretary of the Commission) also pointed out that the cost of each additional 1,000 copies in the various languages would be: \$95 for the English text; \$100 for the French text; \$80 for the Spanish text; and \$120 for the Russian text.

The CHAIRMAN suggested that the Commission should ask for a first issue of 1,580 copies in Spanish, rather than 580, at an additional cost of \$90.

It was so agreed.

OTHER BUSINESS

The CHAIRMAN pointed out that the reports to be considered under item 7 of the agenda required detailed study, and suggested that the order of items 7 and 8 should be reversed.

It was so agreed.

The meeting rose at 5.40 p.m.