

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.

Appendix to Article 20

1. It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor's benefit, may be excluded from the scope of this article.
2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing *de facto* inequalities.
- 4 Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

Information to be submitted⁵

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.

Scope of the provision as interpreted by the ECSR

Paragraphs a, b, c and d: Right to equal treatment between women and men at all stages of working life – access to employment, remuneration and other working conditions, including dismissal and other forms of detriment, vocational training and guidance and promotion, as well as with respect to social security. The principle of equal treatment of women and men is understood to mean the absence of any direct or indirect discrimination on grounds of sex.

The right of women and men to equality must be guaranteed by a sufficiently detailed law. Any legislation, regulation or other administrative measure that fails to comply with the equality principle must be repealed or revoked. National legislation must provide for appropriate and effective remedies in the event of alleged discrimination. The burden of proof must be shifted. Anyone who suffers discrimination on grounds of sex must be entitled to adequate compensation, i.e. compensation that is sufficient to make good the damage suffered by the victim and act as a deterrent to the offender. Employees who try

to enforce their right to equality must be legally protected against any form of reprisals from their employers.

Occupational activities – and the training required for them – which, by their nature or the context in which they are carried out, can only be entrusted to persons of one sex may be excluded from the scope of Article 20. Provisions protecting women are not deemed to be discrimination if they are objectively justified by needs that apply exclusively to women, such as those relating to maternity (pregnancy, childbirth and the postnatal period).

Along with legislation, States party are required to take specific steps aimed at removing *de facto* inequalities affecting women's training or employment opportunities, including positive action.