



**DRIVER 2 WORKING GROUP PAPER**

ENSURING LEGAL PROTECTIONS AND  
REFORMING DISCRIMINATORY LAWS  
AND REGULATIONS



The United Nations (UN) Secretary-General established the High-Level Panel on Women's Economic Empowerment in 2016 to bring together leaders from different constituencies—government, civil society, business and international organizations—to launch a shared global agenda that accelerates women's economic participation and empowerment in support of implementing the 2030 Agenda for Sustainable Development and its promise that no one will be left behind.

The first report of the High-Level Panel (September 2016) examined the case for women's economic empowerment and identified seven drivers for addressing systemic barriers to women's economic empowerment. These seven drivers were further explored by working groups, comprising High-Level Panel members and other stakeholders. Each working group prepared a paper with specific recommendations for transformative change.

The second report of the High Level Panel (March 2017) provided a synthesis of the recommendations of each of the seven working groups within the framework of the essential enabling environment to accelerate and deepen the impact of the seven drivers. In addition to the working group papers, each working group prepared a toolkit, focusing on how to take forward the recommendations of the working group, along with case studies and good practices where relevant.

This working group paper has been prepared by the Working Group for Driver 2—Ensuring legal protections and reforming discriminatory laws and regulations.

Its companion toolkit is published as a separate document.

High-Level Panel reports and working group papers and toolkits are all available online.

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While staff of the Bretton Woods institutions reviewed and provided comments on the working papers and toolkits in their respective areas of expertise, they were not members of the working groups.

In regard to the recommendations aimed at international organizations in these documents, the Bretton Woods institutions may endorse or support them to the extent these are consistent with their roles and in accordance with their mandate.

# CONTENTS

<b>OVERVIEW</b>	<b>1</b>
<b>GAP ANALYSIS AND PRIORITIES</b>	<b>1</b>
<b>KEY RECOMMENDATIONS FOR ENSURING LEGAL PROTECTION AND REFORMING DISCRIMINATORY LAW</b>	<b>1</b>
<b>NEXT STEPS</b>	<b>1</b>
Women in informal work	2
Women in agriculture	2
Women as formal sector employees	2
Women-owned enterprises	3
Access to justice	3
Legal protection of women	3
Women's legal status and identity	4
<b>NEXT STEPS: WHO CAN TAKE THIS ON?</b>	<b>4</b>
Businesses	4
International organizations	4
Civil society	4
<b>ANNEX 1. ENABLING LEGAL FRAMEWORK FOR WOMEN'S ECONOMIC EMPOWERMENT</b>	<b>5</b>
<b>ANNEX 2. CASE STUDIES OF NEW INITIATIVES AND PARTNERSHIPS FROM WORKING GROUP MEMBERS</b>	<b>6</b>
Informal work	6
Violence against women	7
Access to justice	7
<b>ANNEX 3. PROGRESS ON COMMITMENTS FROM THE FIRST HIGH-LEVEL PANEL REPORT</b>	<b>8</b>
<b>NOTES</b>	<b>9</b>



## OVERVIEW

Laws and regulations define people's rights and obligations, ensure remedies, and sanction and penalize violations, thereby defining the terms of men and women's participation in society and in the economy. The mandate to ensure equal rights to economic resources and opportunities and to full and productive employment and decent work is enshrined in Sustainable Development Goals 1, 2, 5, 8 and 10. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) enshrines women's rights to non-discrimination in employment and economic activities,<sup>1</sup> while the Universal Declaration of Human Rights<sup>2</sup> posits that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment."<sup>3</sup>

## GAP ANALYSIS AND PRIORITIES

Laws play a key role in fostering women's economic empowerment. Laws that provide equal rights for women and men in inheritance, land tenure and access to employment, for example, create a level playing field by affording equal economic opportunities. Provisions increasing access to health care and education for all women tackle structural inequalities. Provisions strengthening mechanisms for women's participation in collective bargaining, providing tax incentives for women entrepreneurs, addressing sexual violence and harassment in the workplace, and regulating domestic work foster women's economic empowerment by creating opportunities for women to realize their economic potential on equal terms with men. Laws can be a powerful tool to improve the situation of the poorest and most marginalized women, typically those working in the informal economy. Laws should recognize them as economic actors, extend them labour rights and social protection whether they are wage earners (such as domestic workers and homeworkers) or self-employed (own-account workers such as street vendors). Laws should also recognize their rights to freedom of association and provide access to public space and natural resources.

Studies show a correlation between discriminatory legal frameworks and economic outcomes,<sup>4</sup> as gender inequality in the law is associated with a decrease in women's workforce participation and entrepreneurship and with wider gender pay gaps.<sup>5</sup> However, most countries still have at least one law undermining women's economic opportunities,<sup>6</sup> and most legally exclude informal workers (the majority of women workers in developing countries) from enjoying the rights and protections enjoyed by other economic actors.

This paper identifies strategies to eliminate legal barriers to women's full and equal participation in the workforce by

2030.<sup>7</sup> Although it addresses four areas of women's work—informal work, agriculture, formal employment and women-owned enterprises—it focuses on the most vulnerable categories, informal and agricultural workers, which represent the majority of women workers in developing countries.<sup>8</sup> Additionally, recommendations are proposed in three cross-cutting areas: gender-based violence, access to justice, and legal identity and nationality. Responding to the High-Level Panel's call for action to accelerate women's economic empowerment, this paper recognizes the need to tackle structural inequalities between men and women and inequalities shared by poor women and men at the base of the economic pyramid. At the same time, the paper prioritizes measures that are transformational and achievable in the short- to medium-term and have the potential to catalyze further reform.<sup>9</sup>

## KEY RECOMMENDATIONS FOR ENSURING LEGAL PROTECTION AND REFORMING DISCRIMINATORY LAW

- 1. Reform laws discriminating against women and enact legislation enabling gender equality** across labour, employment, property, family, inheritance and nationality provisions and on preventing, addressing and redressing all forms of violence and harassment against women.
- 2. Expand social protection coverage for all**, according to principles of equity, efficiency and sustainability, based on national circumstances.
- 3. Create an enabling legal environment for informal and agricultural workers**, extending workers' rights and entitlements and recognizing rights to secure housing and land tenure and access to public space, raw materials, natural resources, transport and basic infrastructure and services.
- 4. Increase women's access to justice** through increasing legal awareness, providing legal aid and legal advice and creating simplified or special procedures and specialized courts and dispute resolution bodies.

## NEXT STEPS

This section identifies strategies in the four areas of women's work—informal work, agriculture, formal employment, and women-owned enterprises—to eliminate legal barriers to women's full and equal participation in the workforce. It considers issues of legal protection and legal status and identity.

## WOMEN IN INFORMAL WORK

Informal employment comprises more than half of non-agricultural employment in most developing regions.<sup>10</sup> Informal work constitutes 82 percent of non-agricultural employment in South Asia, more than 80 percent in some countries in Sub-Saharan Africa, 65 percent in East and South East Asia, 51 percent in Latin America, 45 percent in the Middle East and North Africa and 10 percent in Eastern Europe and Central Asia. Even in a planned economy like China, data for six cities suggest that informal work constitutes 33 percent of the non-agricultural workforce.<sup>11</sup> Women are more likely than men to be in informal work in three regions out of five, with 83 percent of women and 82 percent of men in the informal economy in South Asia, 74 percent and 61 percent in Sub-Saharan Africa, and 54 percent and 48 percent in Latin America.<sup>12</sup> In these regions, the informal economy is the economy, and governments have much to gain from supporting and recognizing informal workers.

Women in the informal economy suffer from intersecting layers of discrimination—as women, as informal workers and often as members of marginalized minorities or undocumented citizens or migrants. Notwithstanding advances at the international and national levels, women (and men) in the informal economy still lack legal recognition as economic actors, security of tenure and access to public space, raw materials and infrastructure.<sup>13</sup> Street vendors and domestic workers are particularly vulnerable to violence and harassment in their places of work, while in most countries own-account workers lack legal and social protection, in particular pension and maternity leave and often remain trapped in poverty.<sup>14</sup>

### Recommended actions in support of informal workers

- **Explore ways to extend labour rights to informal workers**, ensuring appropriate budget allocations:
  - **Legal status**
    - Support households to comply with legislation formalizing domestic work by simplifying registration, providing standard contracts and pay slips and enforcing sanctions for non-compliance.
    - Enact legislation that recognizes and gives rights and protection to own-account workers.
    - Enable informal economic units (such as waste pickers<sup>15</sup>) to bid for public procurement contracts.
  - **Right to unionization and representation**, including targets for women's participation:
    - Legally recognize and promote cooperatives and trade unions of informal workers, and provide targets for the participation of women representatives.
    - Provide for statutory inclusion of informal workers' representatives in grievance mechanisms.
  - **Adequate minimum wage floors and social protection**
    - Increase coverage and enforcement of adequate minimum wage floors and expand social protection<sup>16</sup> coverage for all,<sup>17</sup> according to principles of equity, efficiency and sustainability and based on national circumstances.

- **Pass, implement and enforce legislation** affording informal workers secure housing and land tenure, access to public space, raw materials, natural resources, transport and basic infrastructure (water, electricity, sanitation).
- **Review and simplify** if necessary **the regulatory requirements on formal sector firms** and workers to incentivize formalization, such as registration and tax regime requirements.
- **Ratify and implement International Labour Organization (ILO) Conventions**, recommendations and other international instruments on the rights of informal workers.<sup>18</sup>

## WOMEN IN AGRICULTURE

Legal constraints limiting access to land rights impair the ability of women to build secure livelihoods based on farming.<sup>19</sup> Women, who make up a majority of the agricultural labour force in South Asia (almost two-thirds), Sub-Saharan Africa and East Asia,<sup>20</sup> own fewer, smaller and less productive plots than men. The lack of secure land rights that can be used as collateral hinders women's access to credit.<sup>21</sup> Legal barriers to secure land tenure arise from discriminatory property, inheritance and marital property laws and from discriminatory customary laws that are either formally sanctioned or de facto condoned by the formal legal system. Formalization of land tenure sometimes disproportionately secures land ownership with men.<sup>22</sup> Finally, women in subsistence and informal agriculture often lack the ability to make their demands heard and to negotiate with governments and business.

### Recommended actions in support of women in agriculture

- **Eliminate discriminatory laws** hindering women's access to secure land tenure.<sup>23</sup>
- **Enact and implement mandatory joint titling regulation.**
- **Recognize the right to unionization, collective bargaining, and statutory representation in local decision-making**, including targets for the participation of women representatives.
  - Legally recognize and promote cooperatives and trade unions of agricultural workers as collective bargaining partners.
  - Establish statutory bargaining forums, especially at the local level.
  - Provide for the statutory inclusion of agricultural worker representatives in grievance mechanisms.
- **Establish targets for women's representation on agricultural committees** controlling decisions about the use of irrigation schemes, crop processing equipment and structures to manage the sale of household- or village-produced crops, and in negotiations with agro-industrial investors.
- **Extend universal social protection**, including health, education and occupational safety to women informal agricultural workers.

## WOMEN AS FORMAL SECTOR EMPLOYEES

Gaps still exist in legal protection and legally sanctioned discrimination against women workers in the formal sector.<sup>24</sup>

In many countries, legal frameworks fail to prohibit discrimination in hiring and to mandate equal pay for work of equal value. Laws still restrict hours of work and industries where women may be employed, provide inadequate social protection coverage (maternity/paternity leave, parental leave, pensions), and fail to expand labour rights and social protection to non-standard employment.

### Recommended actions in support of women as formal sector employees

- **Increase coverage and enforcement of adequate minimum wage**, based on national circumstances.<sup>25</sup>
- **Enact equal pay legislation, mandating equal pay for work of equal value** and ensuring wage transparency; monitor the gender pay-gap; and provide incentives to business to close gender pay gaps.
- **Guarantee maternity/paternity/parental leave and care for sick or disabled relatives leave**, creating context-specific, sustainable solutions effectively addressing workers' needs while eliminating gender differentials in costs to employers that may create negative biases against women employees.
- **Extend labour rights and social protections to non-standard employment**, including collective bargaining and health, education and occupational safety to women workers.
- **Establish targets for women's representation** in senior management, boards and collective bargaining decision-making bodies.
- **Reform laws prohibiting women for working in certain jobs or industries and during certain hours**, and laws limiting women's ability to work outside the home.

### WOMEN-OWNED ENTERPRISES

In many countries, married women legally need their husband's permission to work outside the home and husbands legally control marital property. In addition, complex, expensive and time-consuming procedures affect women more than men, given higher demands on women's time,<sup>26</sup> more limited access to financial resources, lower general and financial literacy, and limitations on mobility. Discriminatory norms affecting married women's legal capacity, as well as their ownership and management rights over property, further limit their entrepreneurial potential, in particular their capacity to use household property as collateral.

### Recommended actions in support of women-owned enterprises

- **Create business development platforms for women entrepreneurs**, including access to finance, capacity building and legal support.
- **Reform discriminatory laws limiting women's ability to work outside the home and control over marital property.**
- **Reform secured transaction laws supporting financing secured through movable collateral** and establishing registries for movable collateral to facilitate women's access to credit.

- **Simplify and reduce the costs of procedures for registering small and medium-size businesses.**
- **Simplify taxation and create tax incentives for small and medium-size businesses.**

### ACCESS TO JUSTICE

Even when legal frameworks protect and support women workers, real change happens only when women have the ability to enforce their rights. Barriers to access to justice are due mainly to lack of awareness of women's rights by women and by people responsible for implementing and enforcing laws; lack of simplified procedures or special dispute resolution mechanisms; and lack of access to legal support, including advice and assistance, translation and information services.

### Recommended actions for strengthening access to justice

- **Improve rights awareness/legal literacy**, including translation of laws into local languages and reaching marginalized and vulnerable women and women in rural and remote areas with information about their rights.
- **Expand legal aid to civil matters**, and facilitate access to legal aid services in rural and disadvantaged areas (e.g., through paralegal programs).
- **Create dedicated units for reporting and enforcement.**<sup>27</sup>
- **Create simplified or special procedures and specialized courts and dispute resolution bodies** for specific types of claims, including domestic violence, family, small claims and labour disputes.

### LEGAL PROTECTION OF WOMEN

**Violence against women.** Violence and harassment undermine women's economic empowerment by diminishing women's economic potential and infringing women's right to non-discrimination and safety. Most countries criminalize violence against women, including domestic violence, and harassment in labour laws. But economic violence—referring to “acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs,” including control over access to health care, employment and education<sup>28</sup>—has yet to be universally recognized as a relevant aspect of violence against women.

Marginalized groups of women are especially vulnerable not only to domestic violence but also to violence in the world of work, while domestic workers, especially migrant workers, are particularly vulnerable to sexual harassment and abuse.

### Recommended actions in support of legal protection of women

- **Adopt and enforce legislation preventing and addressing violence and harassment against women**, including physical, sexual, psychological and economic violence; harassment; domestic violence (including marital rape); and violence and harassment in the world of work (covering all actors in the world of work). Legislation must explicitly extend protection to domestic workers and migrant workers and those at risk of modern slavery (forced labour).

- **Conduct training and awareness campaigns** for enforcement professionals and citizens.<sup>29</sup>
- **Create one-stop shops and special violence against women units** to facilitate reporting and prosecuting of violence against women.
- **Create special courts and procedures** for victims of violence against women.
- **Make protection orders available** to victims of violence against women.
- **Support the adoption of an ILO instrument on violence and harassment** in the world of work.

### WOMEN'S LEGAL STATUS AND IDENTITY

Legal identity is instrumental to realizing the rights of women workers, such as the rights to access to social protection, access to credit, security of tenure and membership in representative bodies. A robust identification system would help particularly vulnerable groups to access work-related benefits. But obtaining an identity card may be a daunting process for the poorest and most marginalized groups—even more so for the working women among them.<sup>30</sup> Similarly, laws that deny women the same rights as men to convey their citizenship to spouses and children, or to keep their citizenship when married to a man of different nationality, affect the economic potential not only of women, but also that of their entire family, limiting access to social protection benefits, freedom of movement and the ability to work.

### Recommended actions in support of strengthening women's legal status and identity

- **Devise simplified, non-discriminatory procedures to obtain identity cards**, including birth certificates.
- **Reform discriminatory nationality laws.**

### NEXT STEPS: WHO CAN TAKE THIS ON?

While governments are the main actors called to extend legal protection and reform discriminatory laws hindering women's economic empowerment, businesses, international organizations and civil society can also advance realization of the rights of women workers.

#### BUSINESSES

- **Implement the UN Guiding Principles for Business and Human Rights and the OECD Guidance on the Garment Sector**, including identifying, mitigating, preventing and accounting for human rights abuses in supply chains. Business must comply with international and domestic law, adopting corporate codes in line with such provisions.

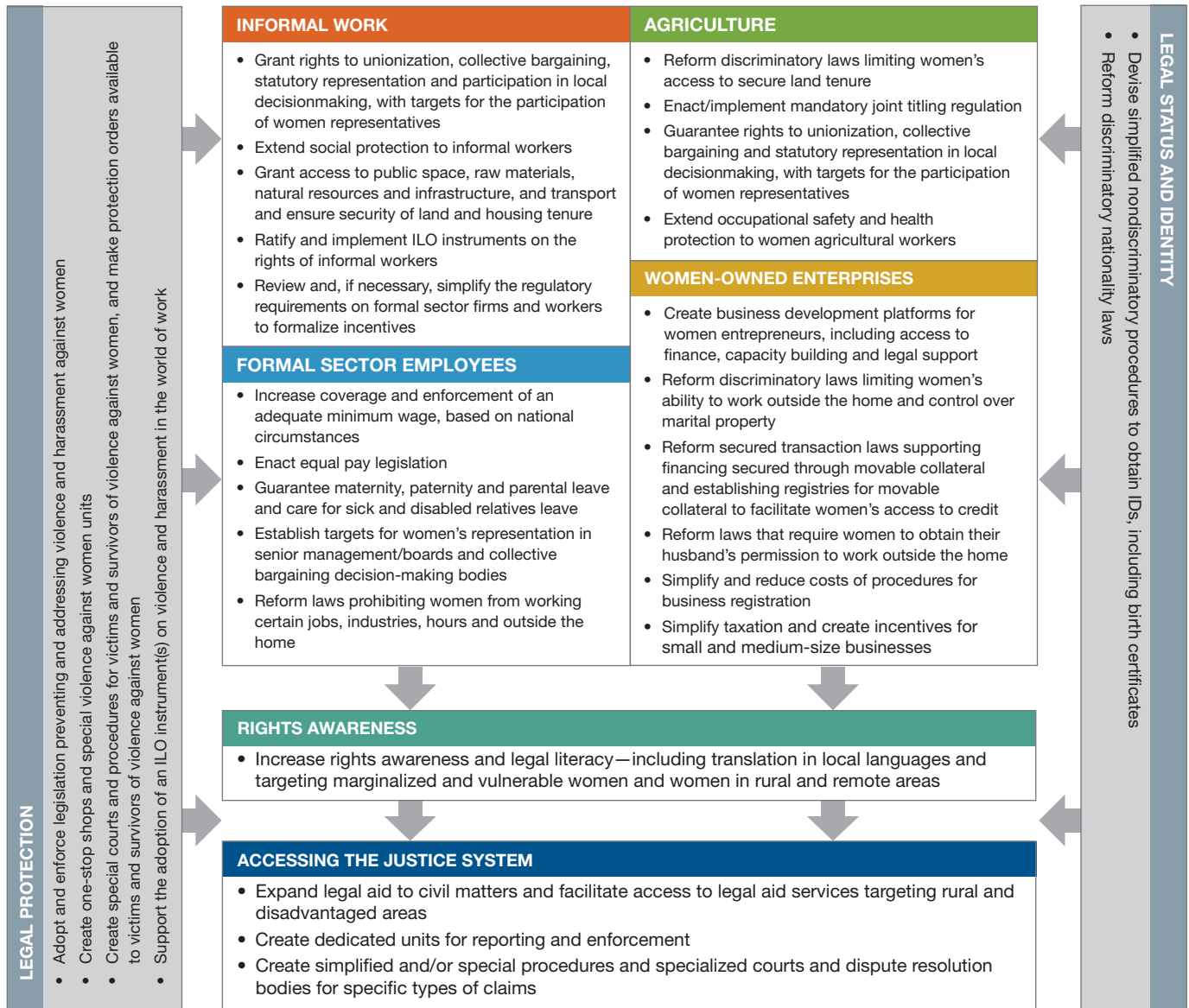
#### INTERNATIONAL ORGANIZATIONS

- **Allocate resources for implementation of laws**, such as legal awareness programs for women and training of legal personnel.
- **Commit to building inclusive movements** (trade unions, cooperatives, associations) of women informal workers that are necessary to realize rights and entitlements in progressive legislation.

#### CIVIL SOCIETY

- **Engage in legal advocacy** and strategic legislation to advance the rights of informal workers.
- **Conduct legal awareness campaigns** and provide legal advice and legal aid services.
- **Build the capacity of women to represent and speak for themselves.**

# ANNEX 1. ENABLING LEGAL FRAMEWORK FOR WOMEN'S ECONOMIC EMPOWERMENT





## ANNEX 2. CASE STUDIES OF NEW INITIATIVES AND PARTNERSHIPS FROM WORKING GROUP MEMBERS

### INFORMAL WORK

**Domestic workers.** *Domestic workers' policy approved in Punjab.* In 2015, the government of Punjab, Pakistan, approved the Domestic Workers Policy, which extends labour laws, minimum wage and basic benefits, such as health, social security and safety, to domestic workers. The bill, presented under the Punjab Labour Department, involved consultation with all major stakeholders. The bill includes formal recognition of domestic workers as labourers, allowing work time and salaries to be regulated; provision of social protection and holidays in line with the labour laws; and protection from abuse and violence at the work place or home. In addition, domestic workers are able to form unions. One such group, the Domestic Workers' Union, has already been created and registered in Lahore. Although implementation is ongoing, monitoring and ensuring full implementation remain a challenge.

*Awareness campaign on domestic worker legislation in Peru.* Implementation and enforcement have been limited for Peru's domestic worker legislation, which provides for employers to pay for domestic workers' health insurance, encourage pension saving plans and give domestic workers access to other benefits. Women in Informal Employment: Globalizing and Organizing (WIEGO) proposed that the two National Federations of Domestic Workers join with government agencies to inform employers and domestic workers about their rights and responsibilities in order to increase the number of domestic workers with access to benefits. It took about two years to implement the pilot campaign in an upper middle-class district of Metropolitan Lima, San Borja. A working group was formed consisting of the Ministries of Labor and of Women Affairs, the Social Security System for Health, the Tax Office, the Public Pensions System and the Association of Private Pension Funds, the Superintendent for Labor Inspection, the Ombudsman Office, nongovernmental organizations, the Friedrich Ebert Foundation and both National Federations of Domestic Workers. The campaign, which ran for two months, set up information booths with brochures for domestic workers and employers at parks, shopping centers, retail markets and supermarkets. The campaign also created a Facebook presence and web pages directed to Metropolitan Lima. Incentives were established for both households and domestic workers to register and pay for the first two months of Social Security before the end of the campaign. These efforts resulted in 5,500 new registered domestic workers, showing that a concerted effort bringing together all relevant actors can lead both employers and domestic workers to meet their responsibilities.

**Home-based workers.** *Home-Based Workers Policy awaiting approval in Punjab and Sindh Provinces in Pakistan.* A policy on home-based workers, pending approval by the Punjab

and Sindh governments, protects and promotes the rights of home-based workers, providing access to social security, interest-free loans and other benefits such as healthcare and education facilities. The policy is intended to guide and support efforts by provincial governments and local institutions to protect workers, particularly women. Significant input to the policy draft developed by UN representatives was provided by home-based worker organizations, trade unions, worker federations, the Employers Federation and the Department of Labour. Based on the draft policy, the UN Committee on the Elimination of Discrimination against Women (CEDAW) further recommended that the government of Pakistan adopt a national policy reforming legislation for domestic workers and create a plan of action to protect women working informally in agriculture and domestic work. The draft national home-based workers policy outlines the importance of ensuring effective implementation of the legislation nationally and across provinces, along with measures to increase women's participation and eliminate occupational segregation to close wage and employment gaps for women.

**Own-account workers.** *Free health insurance through tax registration for own-account workers in Peru.* The Peruvian Ministry of Production, with support from WIEGO, issued a regulation offering own-account workers access to free health insurance for themselves and their dependents if they registered with the Tax Office and made three consecutive tax payments (of a maximum of US\$6.50 per month). Although promising, this initiative has had limited success because of inadequate efforts to reach workers. By the end of 2016, only 200,000 own-account workers had registered with the Tax Office.

**Street vendors.** *License to sell scheme, with special provisions for women vendors in Lima.* A new regulation for trading in public space was passed by the Metropolitan Lima City Council in 2014. WIEGO supported a wide consultation on the draft text, with city officials and more than 100 associations of vendors participating in workshops across the city. The city ordinance sets up a licensing mechanism that authorizes selling in public spaces, giving priority to single mothers in poverty, expectant mothers and grandparents caring for children. Licenses are valid for two years, and vendors must enrol in a formalization and savings program and must eventually relocate to a formal commercial venue. The city ordinance requires traders to affiliate with a health insurance scheme, receive training and access credit lines promoted by the municipality. It creates a tripartite body for decision-making on street commerce: municipal officials, vendors and citizens. The ordinance, in place for Lima Centre, acts as a guidance for all other districts in Lima. Although the regulation is still in place, the new administration that took office in 2015 reduced the validity of licenses to one year (to collect fees more regularly), did not implement the tripartite committee and did

not continue the street trade committee that had drafted the ordinance.

**Waste pickers.** *Inclusion of waste pickers in the waste management legal and institutional framework.* After a decade of advocacy, and with technical support from WIEGO, Colombian recyclers obtained recognition by the Constitutional Court and national authorities as providers of the public service of waste collection. From the municipal level to the national level, Colombia must now plan and execute a waste management policy prioritizing recycling and must do so with the participation, promotion, organization and remuneration of waste pickers. The regulatory and institutional frameworks for waste management are being adjusted to the new environmental and social guidelines, with coordinated responsibilities distributed among waste producers, waste pickers and garbage collector enterprises.

## **VIOLENCE AGAINST WOMEN**

*The Punjab Protection of Women against Violence Act.* The Punjab Protection of Women against Violence Act of 2016

protects women against sexual violence, domestic violence, emotional and psychological abuse, verbal abuse, economic abuse, stalking and cyber-crimes. “One-stop shops” for victims’ protection, reporting and prosecution are being established, and a toll-free telephone helpline will be launched. As implementation of the law progresses, the example of Punjab should catalyze similar reforms across Pakistan and in other countries. In addition, to make it easier for women to report crimes such as rape or domestic abuse, arrangements have been made for each police station to have at least one desk headed by a woman.

## **ACCESS TO JUSTICE**

*Legal information helpline.* The Punjab Commission on the Status of Women in Pakistan set up a telephone helpline providing information about laws and legal procedures. Hundreds of women call in each week to ask about procedures and legislation, such as divorce proceedings, inheritance law or what recourse they might have when their rights are violated. The helpline is particularly useful for women without Internet access.

### ANNEX 3. PROGRESS ON COMMITMENTS FROM THE FIRST HIGH-LEVEL PANEL REPORT

Area	What	Who	Status
Informal Work	Under the Punjab Women’s Economic Empowerment initiative, the Punjab government will in 2017 approve the Home-Based Workers policy (pending in the cabinet for the last 5 years) to provide these workers with social security benefits and include them in the definition of “formal workers” under labour law. The policy has now been moved toward approval by circulation and is in the final stages of approval by the provincial government cabinet.	Punjab Women’s Economic Empowerment Initiative/ Government of Punjab, Pakistan	Home-Based Workers Policy passed by Provincial Cabinet through circulation; final approval to be given by the Chief Minister of Punjab.
	Approve and implement Domestic Workers Policy	Government of Punjab	Approved by the Provincial Cabinet in 2015. Implementation is ongoing.

## NOTES

1. See introduction to the UN Convention on the Elimination of All Forms of Discrimination against Women, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#intro>
2. See also the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Equal Remuneration Convention, 1951 (No. 100).
3. Universal Declaration of Human Rights, art 23.
4. World Bank. 2016. *Women, Business, and the Law: Getting to Equal*. Washington, D.C.: World Bank.
5. The costs of gender inequality are well documented, and at the current pace it will take another 170 years to close the gender gap worldwide (see World Economic Forum, *The Global Gender Gap Report 2016*, Geneva: World Economic Forum, p.24).
6. According to World Bank data, 155 economies of the 173 surveyed “have at least one law impeding women’s economic opportunities” (World Bank. 2016. *Women, Business, and the Law: Getting to Equal*. Washington, D.C.: World Bank).
7. Some examples of advances in the protection of women against violence include the Protection of Women against Violence Bill of Punjab, Pakistan, the protection of Thai homeworkers through the Home Workers Protection Act of 2010, and the revision of land titling policies in Rwanda.
8. These four areas have been identified as relevant to women’s economic empowerment by the first report of the High-Level Panel on Women Economic Empowerment (United Nations Secretary-General’s High-Level Panel on Women’s Economic Empowerment [with Tyson, L., and J. Klugman]. 2016. *Leave No One Behind: A Call to Action for Gender Equality and Women’s Economic Empowerment*. New York: United Nations Secretary-General’s High-Level Panel on Women’s Economic Empowerment).
9. The recommendations included in the report reflect consultations with gender and human rights specialists from international organizations, leaders from membership-based organisations of women in the informal economy, and agricultural specialists.
10. There is no official statistical definition of informal employment in agriculture. Therefore, most estimates of informal employment are presented as a share of non-agricultural employment.
11. Vanek, J., M. A. Chen, F. Carré, and J. Heintz. 2014. *Statistics on the Informal Economy: Definitions, Regional Estimates & Challenges*. WIEGO Working Paper (Statistics) No 2. Cambridge, Massachusetts, and Manchester, UK: Women in Informal Employment: Globalizing and Organizing (WIEGO). Data collected through the project “Informal Economy, Poverty and Growth in India and China” by the Chinese Academy of Social Sciences working with the city offices of the National Bureau of Statistics in China in 2010).
12. Vanek, J., M. A. Chen, F. Carré, and J. Heintz. 2014. *Statistics on the Informal Economy: Definitions, Regional Estimates & Challenges*. WIEGO Working Paper (Statistics) No 2. Cambridge, Massachusetts, and Manchester, UK: Women in Informal Employment: Globalizing and Organizing (WIEGO), p.8.
13. In general, the main barriers hindering the economic potential of informal workers as well as their access to dignified work conditions are:
  - Lack of legal status (including legal identity), the lack of recognition of their rights/status as workers by the law. This results in the lack of regulated and enforceable relationships with employers (including minimum wage), customers and suppliers; the denial of the right to free association and collective bargaining; and lack of access to social protection mechanisms, such as maternity/paternity and parental leave, and pensions.
  - Lack of access to assets essential to the performance of their work, such as access to utilities (water, electricity), property and other assets (access to public space, waste, natural resources), and infrastructures (toilets, childcare), as well as corruption among law enforcement officers (women are more vulnerable to this kind of harassment)
  - Lack of rights/legal protection of productive assets/work tools (mostly movable goods), such as protection from eviction.
14. See Clause 4 of ILO Resolution Concerning Decent Work and Informal Economy, 2002.
15. See WIEGO (Women in Informal Employment: Globalizing and Organizing), n.d., “Waste Pickers’ Most Common Demands,” <http://wiego.org/informal-economy/waste-pickers'-most-common-demands>
16. Including rights to housing, education, health, food security, pension, childcare, social salary and occupational health and safety; maternity, paternity and parental leave; sick leave and leave for care of sick or disabled relatives.
17. All informal workers, including domestic workers, homeworkers, own-account workers, informal agricultural workers and migrants.
18. These ILO conventions and recommendations and other international instruments include: ILO Recommendation Concerning the Transition from the Informal to the Formal Economy, 2015 (No. 204); ILO convention on Domestic Workers, 2011 (No. 189); ILO Convention on Homework, 1999 (No. 177); UN Guiding Principles on Business and Human Rights (which include provisions for governments to pass and implement supply chain legislation such as Australia’s Fair Work Act of 2012); ILO Resolution Concerning Decent Work and the Informal Economy, 2002; ILO Recommendation on Social Protection floor, 2012 (No. 202). These rights should be accessible to all, including women with disabilities. One way is to delink basic services (such as utilities) from housing tenure (see the case of Mahila Housing SEWA Trusts on delinking electrification from tenure security, an example of successful public-private-community partnership; <http://mahilahousingtrust.org/>). Rights of informal workers include, for example:
  - Home workers and home-based workers: tenure security, including protection from eviction, forced relocation and zoning, 2016, “Decent Work for Homeworkers in Global Supply Chains: Platform of Demands,” p. 11 <http://wiego.org/sites/wiego.org/files/resources/files/WIEGO-Homeworker-Platform-Demands.pdf>).
  - Street vendors: protection from relocation and confiscation; access to public space, and storage facilities (see StreetNet International, 2011, “Platform of Demands: Street Vendors and Informal Traders,” Durban, South Africa <http://led.co.za/sites/default/files/cabinet/orgname-raw/document/2011/platform2011.pdf>)
  - Waste pickers: access to waste, storage and sorting facilities (see WIEGO, n.d., “Waste Pickers’ Most Common Demands,”

<http://wiego.org/informal-economy/waste-pickers'-most-common-demands>).

- Rural informal workers: access to natural resources, including fishing and logging rights.
19. See, for example, evidence from Ghana showing that lack of land rights security affects women's decisions on investments and farming activities, adversely impacting productivity (World Bank. 2016. *Women, Business, and the Law: Getting to Equal*. Washington, D.C.: World Bank, p. 12)
  20. United Nations Secretary-General's High-Level Panel on Women's Economic Empowerment (with Tyson, L., and J. Klugman). 2016. *Leave No One Behind: A Call to Action for Gender Equality and Women's Economic Empowerment*. New York: United Nations Secretary-General's High-Level Panel on Women's Economic Empowerment, p. 28.
  21. In turn, ensuring women equal access to resources would increase agricultural output in developing countries by an estimated 2.5–4 percent (FAO [Food and Agriculture Organization of the United Nations]. 2011. *The State of Food and Agriculture, 2010–2011: Women in Agriculture, Closing the Gender Gap for Development*. Rome: FAO.)
  22. For example, when provisions requiring spouses' joint titling are absent or not widely implemented, or when there are no mechanisms to preserve pre-existing third party rights of use.
  23. For example, provisions denying widows the right to maintain tenure on their late husband's land, whether or not they remarry.
  24. Of 173 economies with data, 103 lack legal prohibition of discrimination in hiring, 101 do not legally require equal pay for equal work (World Bank. 2016. *Women, Business, and the Law: Getting to Equal*. Washington, D.C.: World Bank).
  25. Data show that women would be the main beneficiaries of such action, as the majority of workers whose pay is below the minimum wage are women.
  26. Time-poverty in this context refers to the situation in which an individual's time is wholly allocated to work activities, whether paid or unpaid, including household and care work, thus making it impossible or extremely challenging for the individual to attend to extra activities (such as the administrative requirements to set up a business). See also Bardasi, E., and Q. Woodon. 2009. "Working Long Hours and Having No Choice: Time Poverty In Guinea." Policy Research Working Paper. Washington, DC: The World Bank.
  27. For example, violence against women units tasked with receiving, investigating, adjudicating and enforcing complaints based on sex discrimination in employment, such as government agencies, tribunals, commissions, courts or ombudspersons.
  28. UN Women, Virtual Knowledge Centre to End Violence against Women and Girls. N.d. "Glossary of Terms from Programming Essentials and Monitoring and Evaluation Sections." New York, NY: UN Women. <http://www.endvawnow.org/en/articles/347-glossary-of-terms-from-programming-essentials-and-monitoring-and-evaluation-sections.html>; European Institute for Gender Equality, "Gender Equality Glossary and Thesaurus" <http://eige.europa.eu/rdc/thesaurus/terms/1096>.
  29. Legislation preventing and combating violence against women needs to be complemented by legislation that ensures equality between partners or spouses within marriage or intimate relationship. In addition, policies are needed that provide for long-term support and assistance to survivors of violence (legal, security, health, social) to ensure their full recovery and to support their full participation in all aspects of society, including economic life. Business should develop appropriate tools, such as anti-harassment and anti-violence policies and codes of conduct in the workplaces, as well as reporting and investigation mechanisms, to ensure women's safety and perpetrators' accountability, as well to develop workplace cultures based on gender equality and respectful relationships.
  30. The World Bank estimates that around 1.8 billion people in 198 economies lack legal identity; Dahan, M., and A. Gelb. 2015. "The Role of Identification in the Post-2015 Development Agenda." World Bank Working Paper. Washington, DC: World Bank, p. 7. <http://pubdocs.worldbank.org/en/149911436913670164/World-Bank-Working-Paper-Center-for-Global-Development-Dahan-Gelb-July2015.pdf>