**RESOLUTION A/HRC/RES/30/15 - RIGHT TO WORK**

**A brief summary of legislation, public policies, programmes and other relevant measures and good practices to ensure women's right to work.**

**PREAMBLE**

The Government of Jamaica (GoJ) through its Ministry of Labour and Social Security (MLSS) is concerned with promoting social justice and equal opportunities in keeping with the International Labour Organization's (ILO's) Decent Work Agenda which has entailed legislation, policies, programme measures and practices including the adoption of several international labour standards to redress inequalities at work as well as ensure women's right to work.

Achieving gender equality between women and men as well as promoting the rights of women at work have been fundamental principles underpinning the work of the country's MLSS. The MLSS therefore promotes gender equality, not only as a basic human right, but also as intrinsic to the now global goals of decent work and poverty alleviation.

The MLSS is also concerned with matters affecting individuals in their capacity as workers, employers and members of the country’s labour force. These matters include industrial safety, employment promotion, providing a source of income for workers who are injured on the job, and retirement benefits.

**Legislation**

***The Caribbean Community (Free Movement of Skilled Persons) Act, (1997) -*** Under the amended CARICOM Free Movement of Skilled Persons Act, trained Household Workers many of whom are women are now able to travel freely within the CARICOM region. Since 2014, the domestic worker category includes persons with a Caribbean Vocational Qualification (CVQ) or equivalent certification. This provides an opportunity for more women to be able to access the benefits of the CARICOM Free Movement of Skilled Persons Act;

***Employment (Equal Pay for Men and Women) Act (1975) -* Provides for the payment of equal pay for equal work between male and female employees in the same establishment;**

***Maternity Leave Act (1979) -* Provides for maternity leave to be given to women only. However as part of a legislative review, it is recommended that paternity leave should also be given or made available to the father of the child. This would be in keeping Jamaica's international obligations, especially to encourage equal sharing in the nurturing of the family and of household duties, inclusive of providing emotional, practical and familial support in keeping with the recommendations;**

**Women (Employment of) Act March 2, 1942 - Covers** Employment Women (Night Work) Order 1961, Employment of Women Regulations 1942, Employment of Women in Factories Regulations 1961 - All of which makes provisions for and support to women's right to work;

***The Pensions Act 1947* - Establishes a contributory pension scheme for the public service. Given that the public service has a predominately female workforce, women will benefit (if eligible) from the payment of pensions, gratuities and other related allowances as long as they are pensionable officers; Several pieces of legislation are scheduled to be reviewed for amendment discriminatory clauses or to be repealed where necessary;**

***The National Disabilities Act, 2014 -*** Promotes full and equal enjoyment by persons with disabilities, of privileges, interests, benefits and treatment, on equal basis as others. The Act also establishes the Jamaica Council for Persons with Disabilities (JCPD) to advocate more effectively on behalf of other vulnerable groups such as women and girls with disabilities in rural areas. The Act also deals with employment of persons with disabilities and includes non-discrimination provisions. Under the Act employers have an obligation to make adjustments to the conditions of work to ensure that the employees (particularly women) do not experience exclusion on account of their sex and disability;

***Occupational Safety and Health (OSH) Act -*** Provisions will be made in the proposed Occupational Safety and Health Billto protect persons from the practice of screening for HIV/AIDS, as a prerequisite for employment. With women and girls being the most vulnerable, it is essential that they are protected from potential discrimination. The Bill is deemed pivotal to streamlining existing laws and regulations governing OSH in the workplace, which currently do not cover all areas of employment. As a precursor to the programme’s development and passage of the Act, the MLSS has drafted an OSH Profile for Jamaica. It is intended to provide the necessary data that will set national priorities for action aimed at progressive and continual improvement of workplace safety and health. It consists of several key elements, including a legal framework and data relating to occupational accidents and diseases*.* The OSHA will cover all economic sectors, inclusive of self-employed persons and includes all places where persons work; therefore there will be no occupations/workplaces, which will be excluded.

Currently, high on the agenda of the MLSS are the finalization of the Bill; development of a National OSH policy; the implementation of a public awareness campaign for informal, small and medium-sized enterprises in OSH; and the drafting of proposals for amendments to the Employment Agencies Regulation. (ESSJ, 2015)

***The Employment Agencies Act***- The Employment Agencies Unit within the Ministry of Labour and Social Security continues to work to enforce the Employment Agencies Regulations Act and to apply punitive sanctions where regulations are breached. The Employment Agencies Act is currently being reviewed to ensure that it is relevant and takes into account new recruitment practices to limit the operations of employment agencies that operate in breach of the Employment Agencies Act.

**Policies**

***The National Policy for Gender Equality (NPGE)*** includes gender, trade, ICT, traditional and non-traditional work considerations. The Bureau of Gender Affairs (BGA) has increased its promotion of the NPGE Ministries, Departments, Agencies (MDAs), urban and rural communities, workshops and seminars in order to build awareness so that these issues can be incorporated in overall plans and programmes of the institution. In addition women and men can benefit equally from all sector policies and employment;

***The National Policy for Persons with Disabilities*** is geared towardssetting guidelines and directions for the Government, for the equalization of opportunities for people with disabilities. It assists governments in strengthening its capacity to address disability issues as well as assists individual agencies to improve their capacity to address disability issues within their area of functional responsibility. The Policy provides a framework for agencies of government to cooperate in developing and implementing policies to provide equal opportunities for people with disabilities in all aspects of life. The Policy assists government in implementing the United Nations Standard Rules on the Equalization of opportunities for persons with disabilities. All the relevant agencies for persons with disabilities come under the umbrella of the MLSS;

The draft ***National Anti-Sexual Harassment Policy*** provides a framework for drafting of ***Anti-Sexual Harassment Legislation*** to provide redress in specific situations (workplace, educational institutions, places of residency/accommodation), for women and men in society who are victims of sexual harassment where none is currently available.The Policy is in keeping with the International Labour Organization's (ILO) requirements by considering sexual harassment as a violation of the fundamental rights of workers. It views sexual harassment as a safety problem, a health problem, a discrimination problem, a form of violence against women and an unacceptable working condition especially for women. The purpose is to provide protection to all workers, particularly women and to ensure that environments for work, study, and access to services and accommodation are free from sexual harassment.

Research findings indicate that women experience sexual harassment to a greater degree than men. The Policy also recognizes that certain groups of women workers may tend to be at a greater risk of being subjected to sexual harassment and therefore it covers domestic workers and women in informal work with very little job security ( i.e. migrant women).Nevertheless, the draft policy and legislation are gender neutral and make provisions for sexual harassment regardless of the sex of the perpetrator and victim.

**Programmes and projects**

***The Steps to Work Programme-*** The Government of Jamaica is committed to social development priorities which promote women’s right to work. The Social Protection Project (GoJ/World Bank, 2008-2013) was a major driver for social protection and was implemented through the Ministry of Labour and Social Security (MLSS) in collaboration with the Ministry of Finance & the Public Service as well as the Planning Institute of Jamaica. The Project has four components in which women are direct beneficiaries. The Steps to Work programme, which was launched in 2009, is being implemented by the MLSS as part of the GoJ’s Social Protection Project. The programme targets 10,900 men and women to acquire skills toward gaining productive employment and reduce the level of dependence on welfare within poor households.

The Steps to Work Project engages working-age members (15-64 and not attending school) of PATH households on a voluntary basis in a set of initiatives aimed at job readiness, skills and competencies building, job matching, and business development. Structured interventions include  job search assistance and labour market intermediation, remedial education, skills /competencies training and certification, on-the-job training, business development and micro-enterprise support including start-up capital for micro-businesses.

Interventions are delivered through collaboration with other government and non-governmental agencies. The project draws on existing interventions where these are deemed suitable. Where no suitable existing interventions are available, the Project works in partnership with educational institutions to develop customized alternatives to meet the programme objectives.

Interventions are delivered in four categories, namely:

* Secondary Education Completion
* Job Readiness Preparation and On-the-Job Training
* Vocational Skills Development and Certification
* Business Development Training and Micro-Finance Support

***Jamaica Household Workers’ Union*** - In April 2013, the Jamaica Household Workers’ Union (JHWU) was launched to facilitate the scope for adequate representation of household workers to ensure fair and just working conditions and wages as well as adequate legal protection. The GoJ has strengthened the JHWU through technical assistance from the national gender machinery, the Bureau of Gender Affairs (BGA). Through the *Jamaican Women’s Economic and Political Empowerment: The Way Out Project* provided a customised training programme for chapter leaders and executive members of the JHWU. Training was provided to members of the Union in the areas of leadership development, gender mainstreaming, negotiation skills, public speaking and presentation skills, project proposal writing.

In March 2014, a media campaign was launched to engender widespread support for the rights of household workers in Jamaica. This was a direct response to calls from members of the Jamaica Household Workers Union for the Government to ratify the C189.

***Occupation Health and Safety-*** The MLSS continued to carry out its responsibility to investigate breaches of safety provisions and reported accidents that prevent an employee from working for three or more days, or result in disability or death. (ESSJ, 2015)

***Electronic Labour Exchange (ELE)*** - The Ministry of Labour and Social Security provides labour market information through the Labour Market Information System (LMIS), which comprises three components: Labour Market Intelligence, the Electronic Labour Exchange (ELE), and the Skills Bank. The MLSS has strengthened the LMIS and the ELE to increase human and institutional capacity, with technical and financial support from the Inter-American Development Bank (IDB) through the Integrated Social Protection and Labour Programme. Recently, the ELE programme focused on job placement and had more than 1599 jobseekers registered. There were 1008 notified vacancies[[1]](#footnote-1), a 49.2 per cent increase from 512 in 2014. 478 jobseekers (289 females) were placed in jobs, a 43.3 per cent increase from 271 in the previous year. (ESSJ, 2015)

***Labour Market Reform*** - Labour market reform remains a priority for the government, with the Labour Market Reform Commission (LMRC) progressing in the formulation of recommendations in the thematic areas of Education & Training; Social Protection; Productivity, Innovation & Technology; Industrial Relations; and Labour Policies and Legislation. The proposed recommendations are expected to lead to the reformation of the labour market to achieve greater efficiency, effectiveness and productivity. Some of the policy areas being considered included measures to improve pension coverage within the labour force; revision of labour laws; improving the skill levels of the workforce; and institutional strengthening.

As part of the approach to ensure employment opportunities for all, the MLSS intends to advance work on the development of a National Employment Policy aimed at promoting full and productive employment and decent work aligned to the priorities of the government and in consultation with a wide range of stakeholders.

**Career Development**- In May 2012, the Bureau of Gender Affairs (formerly Bureau of Women's Affairs) hosted a Women’s Empowerment Exposition. The main objective was to strengthen the capacity of women by promoting women owned and operated businesses. Additionally, the Expo was designed to create a platform for women to access a range of services such as financial planning and career development. The Expo reached approximately two thousand (2000) beneficiaries from across rural communities and urban town centres.

The BGA conducted a Job Preparation workshop in July 2016 with 11 females in St. Andrew. The workshop was entitled 'Self-Branding in a Changing Labour Market'. Career planning, resume writing, job application, interview preparation and the relationship between human trafficking and the job market were some of the topics addressed in the workshop.

**Government of Jamaica**

**September 2016**

1. Vacancy notifications refer to vacancies reported to the ELE by employers, to be filled by registered job seekers. [↑](#footnote-ref-1)