

## INTERNATIONAL LEGAL FEATURES OF WOMEN'S LABOR REGULATION

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At this stage in the development of international law of human rights, considerable attention is paid to the special rights of those categories of the population who, for social, political, physiological or any other reasons, do not have equal opportunities to exercise common rights and freedoms with other people and therefore need certain support. The bearers of these rights, in particular, are women, because for reasons of the first and foremost physiological nature, they require special protection not only from states, but also from the world community as a whole. The exercise by women of one of the most important universal human rights - the right to healthy and safe work without any discriminatory restrictions on the basis of sex requires special consideration under international law. [1]

The issue of legal regulation of women's labor, having ceased to be only an internal state affair, long ago assumed an international character. There are a large number of legal acts adopted at the international and domestic levels and related to the status of women as a category of citizens requiring special attention and protection.

The development of international legal standards in the field of regulation of women's labor activity can be divided into three periods. The first period covers the time from the end of the 19th century. to 1945s of the XX century, when the need for the development of international standards in the field of regulation of female labor was first determined, and relevant international legal acts were adopted. It is marked by the appearance of the first international organizations (ILO, international trade unions), whose activities, in particular, were aimed at ensuring the safety of women's labor. The second period can conditionally be dated 1945 - 1975. In the aspect of the protection of universal human rights, it was a question of the rights of women, including the right to work without any discrimination. The period is characterized by the adoption of acts of global significance, which had a huge impact on the further development of international law and became the basis for legal anti-discrimination: the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Social, Economic and Cultural Rights, etc. At this stage, the rights of the third generation were highlighted for the first time, which, in particular, include the rights of working women. Since 1975, the third period began in the development of international legal standards in the field of regulation of women's labor activity, which continues to this day and is characterized by special consideration problems of overcoming gender inequality. It is not only marked by the adoption of international acts specifically aimed at improving the status of women in society (such as the UN Convention on the Elimination of All Forms of Discrimination against Women), but also by holding relevant international conferences whose purpose is to develop and implement an effective plan of action for improving the status of women in all spheres of public and private life. The main role in the process of international regulation of women's work belongs to the cooperation of states, which is appears, first of all, in the general assumption of certain obligations through the signing of international documents.[1]

Based on the analysis, it can be concluded that the most effective protection of the rights of working women is observed in those states whose governments are responsible for fulfilling their international obligations contained in the UN Convention on the elimination of all forms of discrimination against women, the numerous ILO conventions and etc. Such examples can undoubtedly affect the achievement of equality between the sexes around the world, since the state

policy and legislation of many countries still need to be improved as they do not fully realize the principle of equal rights between men and women. States are also required to introduce regulatory instruments such as a tender examination of existing regulations, tender budgeting, etc. In addition to state cooperation to maintain the priority of human rights, including the protection of women's rights, the activities of various international and regional organizations are priority: UN; ILO, UNESCO, WHO; Council of Europe, etc. [2] The development of relevant international norms with their participation is becoming a positive contribution to international integration in ensuring the labor rights of women. The activities of organizations should be developed through education on the status and role of women in society, through the development and signing of international treaties by states, as well as through monitoring the implementation of international obligations by states. An extremely important task is to improve work of international and regional organizations, including by correcting the shortcomings that exist in their activities at the moment: duplication of powers, gaps in organizational work, the inability to cope with ignoring by some states of reasonable comments and recommendations, etc. The process of this improvement will undoubtedly entail the revision of certain international standards regarding the activities of structures whose goals and objectives are to protect the rights of women. The world community needs to pay more attention to the establishment and development of women's non-governmental organizations, since they have already established themselves as a force capable of withstanding negative phenomena and processes affecting the position of women in a globalizing world. The activities of international organizations, regional associations, as well as states in the field of regulation of women's labor should be primarily aimed at overcoming gender discrimination, given that this extremely negative phenomenon is a barrier to progressive and harmonious world development. The legal mechanisms available at the international, regional and domestic levels in the form in which they currently exist do not provide a real guarantee and protection of the principle of gender equality. So, in order to successfully combat discrimination, women, including in the world of work, need to start with a global change in the prevailing stereotype in society about male superiority and female failure, despite the arguments of some countries about the religious and cultural background of this stereotype directly on their territory. Within the framework of an individual state, the fight against discrimination can be promoted not only by a specific state policy (the adoption of relevant laws, the existence of a separate structure for women's rights in the system of state authorities, etc.) but also by the activities of the media that constantly maintain interest in the above problem. [3]

The following main mechanisms for resolving this problem can be distinguished:

- recognition at the international level of discrimination as an extremely negative phenomenon, incompatible with world progressive development;
- universally enshrining at the international, regional and national levels the principle of prohibition of discrimination based on sex;
- resolving, through the adoption of international legal acts, those issues related to discrimination against women that are currently not found in a detailed regulatory framework (such as the problem of sexual harassment in the workplace - a special form of discrimination based on sex);
- the existence of effective mechanisms for monitoring the implementation of the above principle, in particular, through judicial and extrajudicial protection of the rights of women as human beings. [4]

In addition to combating discrimination on the basis of sex, the world and society are faced with another, no less important task - to promote the health and normal development of future generations. It is directly related to the protection of the reproductive function of the female body. We can talk about two aspects of this task: ensuring the protection, maternity and strengthening the family of working women, creating conditions for the safety of female labor.

Currently, women are no less socially active category of the population than men. In recent years, the number of women employed in the economy has been growing steadily and almost equal to men. Women's employment is concentrated in a rather limited number of industries, compared to

men's. Most women are engaged in the following sectors: communications, banking and social services — education, social welfare, and health care. [5]

So women need to more actively protect their labor rights, do not be afraid to apply to the prosecution authorities, the state labor inspectorate, the court, not be in a hurry to write a letter of resignation, if the employer forces them to do so, and above all consult with labor the right to devote more time to the legal education of citizens in the sphere of labor legislation, the protection of their rights.

What do studies in Kazakhstan show in this area? The situation with wage inequality has not changed since 2010. Kazakhstani women are paid 35% less than men. Such data was presented by employees of the Center for Research on Gender Economics of Narxoz University.

In 2018, Kazakhstan took 60th place among 144 countries in the Gender Gap Index according to the World Economic Forum (in 2017 - at 52nd). Unlike the human development index, higher values of the gender inequality index mean worse achievements. According to this index, women's equal salary and career opportunities in Kazakhstan make up 73% of men's opportunities. The maximum wage difference between men and women is in Atyrau, West Kazakhstan and Mangistau regions. The lowest female salaries are in Zhambyl and Turkestan (former SKO) regions.

Only in three sectors of the economy of Kazakhstan: health care, education and social services, women receive wages almost on a par with men. In all other sectors, there is a gender pay gap.

It was concluded that employers prefer to hire more men than women in managerial positions. Even if a woman is appointed as a leader, then she is assigned half the salary of a man.

The narrowing of the wage gap has not changed for eight years. In 2010, men earned an average of 33.9% more than women. In 2017, according to the Statistics Committee of the Republic of Kazakhstan, the difference in the wages of men and women was 33.3% in favor of men. [6]

Of particular note is the implementation of international documents, governing the work of women in the legislation of our country, as well as the problems that arise in this area. The process of following international labor standards has been facilitated by the active participation of Kazakhstan in the life of the world community. For example, the relevant international conferences are not complete without Kazakhstani representatives, including a sufficient number of jurists. In particular, we can talk about the interest that our country demonstrates at the international level in the “women's issue”, which also affects labor relations. In general, a comparative analysis of the legislation of the Republic of Kazakhstan and the norms of international law in the field of the use of labor of women, as well as studies of the peculiarities of the implementation of relevant international norms in Kazakhstani acts, allow us to draw the following conclusions:

1. Our country has ratified all major international treaties relating to gender equality;
2. In the Republic of Kazakhstan, work is underway to identify, analyze and resolve problems associated with the exercise by women of their rights (including in the world of work) as part of the fulfillment of its international obligations;
3. Kazakhstan takes an active part in the development and implementation of tender strategies at the international level;
4. The main feature of the implementation of international labor standards continues to be a greater perception of international experience in securing special benefits and guarantees for women workers than in establishing equal rights in the world of work. Undoubtedly, in accordance with global trends, there is a shift in emphasis towards the latter process.

## Literature

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