

Gender Equality as Integral to Social Justice – and vice versa

La igualdad de género como elemento integral a la Justicia Social – y viceversa

Jane Aeberhard-Hodges¹ <https://orcid.org/0009-0002-2980-1576>

¹*Global Migration Policy Associates (GMPA), Geneva, Switzerland*
jane.hodges@bluewin.ch



Esta obra está bajo una licencia internacional
Creative Commons Atribución-NoComercial 4.0.

Sent: 2024/07/22
Accepted: 2025/04/24
Published: 2025/06/30

Abstract

The pursuit of social justice fundamentally requires gender equality, just as meaningful gender equality necessitates social justice. This means that each is integral to achieving the other. While commonly characterised as "two sides of the same coin," this paper aims to demonstrate they are, in fact, the very coin itself: a unified entity forged into an indissoluble foundation. As perceptions and definitions of social justice in different contexts demonstrate, the term "social justice" remains deceptively simple in everyday usage. Similarly, the term "gender equality" has emerged to bring together a large number of basic precepts crucial to removing sex-based discrimination in all spheres of human endeavour. While social justice arises from binding and non-binding instruments, and workplace social justice stems from the 1919 ILO Constitution and international labour standards, gender equality springs from a plethora of international treaties negotiated by States to end discrimination based on sex. This article examines the content and overlay of these concepts using a comparative law methodology, citing examples where social justice and gender equality combine. It reviews texts that give context to social justice, texts that define gender equality, and the main hard law treaties giving substance to gender equality, providing applied illustrations of implementation of gender equality. The article concludes that without these principles and rights, social justice remains illusory. If decision-makers strive to produce the composite coin itself, the two concepts melded together as a whole will lead to genuine improvements in the quality of all human life, as this paper demonstrates.

¹ Global Human Rights & Gender Equality Consultant, former Director of ILO's Gender Equality Bureau; editor of the International Labour Law Reports.

Summary: Introduction and Objectives, Methodology, The texts that give context to social justice, The texts that give context to gender equality, The main (hard law) treaties giving substance to gender equality, Applied illustrations of implementation of the gender equality texts, Conclusion..

How to cite: Aeberhard-Hodges, J.(2025). Gender Equality as Integral to Social Justice – and vice versa. *Revista Tecnológica - Espol*, 37(1), 56-67. <https://rte.espol.edu.ec/index.php/tecnologica/article/view/1221>

Keywords: Non-discrimination, gender equality, CEDAW, international labour standards, fairness, pay, gender-based violence, ILO conventions and recommendations, social justice.

Resumen

La justicia social requiere la igualdad de género, del mismo modo que una igualdad de género no puede lograrse sin justicia social. Aunque suelen describirse como dos caras de la misma moneda, este artículo sostiene que, en realidad, constituyen una sola: una entidad unificada forjada sobre una base indisoluble. Tal como lo evidencian sus definiciones y percepciones en distintos contextos, el término ‘justicia social’ resulta simple en el uso cotidiano. Por su parte, ‘igualdad de género’ ha emergido como un concepto que engloba principios orientados a eliminar la discriminación por razón de sexo en todos los ámbitos de la vida humana. Si bien la justicia social tiene su origen tanto en instrumentos vinculantes y no vinculantes, y su aplicación en el ámbito laboral se fundamenta en la Constitución de la OIT y las normas internacionales del trabajo, la igualdad de género se deriva de tratados internacionales orientados a eliminar la discriminación por razón de sexo. Este artículo examina el contenido y la interrelación de estos conceptos mediante una metodología de derecho comparado, e ilustra su análisis citando ejemplos en los que ambos términos convergen. Se analizan textos que contextualizan la justicia social, definen la igualdad de género y abordan su concreción jurídica, ofreciendo ejercicios prácticos para su implementación. Finalmente, sin estos principios y derechos, la justicia social permanece como una aspiración ilusoria. Si se trabaja por forjar una ‘moneda compuesta’, es decir, la fusión efectiva de estos conceptos, puede mejorar la calidad de vida de toda la humanidad.

Palabras clave: No discriminación, mujeres y hombres, CEDAW, normas internacionales del trabajo, equidad, remuneración, violencia de género, convenios y recomendaciones de la OIT, justicia social.

Introduction and Objectives

Social justice and gender equality are fundamentally interdependent—neither can be fully realised without the other. While activists and commentators often describe them as two sides of the same coin, this metaphor understates their profound interconnection. Like metals fused into a single alloy, these concepts combine to form something stronger and more enduring than either could achieve alone. In other words, neither can be achieved without upholding both principles.

This paper examines, against the backdrop of social justice frameworks, how contemporary gender equality instruments are integral to social justice, with the aim of broadening understanding of how these two fundamental issues shape improvements in human existence. Examples, particularly from the world of work, are used to demonstrate the interrelatedness of the two concepts. While none of the hard law treaties contains the words "social justice," the background to their adoption (in-house and academic research, *travaux préparatoires*, among others) clearly shows the alloy blend. Moreover, State Parties' reporting on their implementation at a national level – the coinage, to continue the metallurgy allegory – describes legislation and practice examples that clearly mesh with social justice.

The world stands at a crucial juncture for social justice, as it also faces a crossroads for gender equality. Despite decades of recognition that sex discrimination is both wasteful and unjust, women and men are not treated equally in political, civil, economic, health, education, cultural, and work domains. The ILO Director-General's 2018 report (para. 43) noted that

gender equality is a means to achieve social justice and went further, at para. 84, to point out how catastrophic gender injustice is for social justice: "The undeniable reality is that the disadvantages that women continue to face at work, notwithstanding the real progress that has been recorded, including through the ILO, constitute perhaps the most flagrant and the greatest offence to social justice."

Six years on, that "greatest offence" lives on. According to UN data, globally, 10.3 % of women live in extreme poverty today², with women disproportionately affected compared to men. This systemic marginalisation of women exacerbates intersectional inequalities. The ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR), commenting on its 2023 General Survey on achieving gender equality at work, stated:

Full equality between women and men at work cannot be achieved in a broader context of inequality. Gender equality is a fundamental component of decent work and social justice, anchored in both a rights-based and an economic efficiency approach to sustainable and inclusive development. As illustrated in the General Survey, the COVID-19 crisis exacerbated pre-existing gender inequalities and reversed previous gains, as many girls and women were forced to leave education, training, and the labour market in order to shoulder most of the burden of unpaid care and domestic work. Women continue to be disproportionately represented in the hardest-hit service sectors, including the informal paid care economy and domestic work.³

The United Nations (UN) Commission on the Status of Women (CSW), in its 2024 annual session, acknowledged that women and girls in poverty experience multiple and compounding deprivations that are intensified by other dimensions of inequality, including race, ethnicity, disability, location, marital and migrant status, among others, and their experiences of poverty are shaped by gender norms and stereotypes. CSW's Agreed Conclusions linked our two terms just once, at the beginning of its 57-paragraph-long text without elaborating on the link:

13. The Commission expresses concern that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and that the feminisation of poverty persists. It notes that eradicating poverty in all its forms and dimensions is an indispensable requirement for sustainable development, social justice, gender equality, and the empowerment of all women and girls and their human rights...⁴

Thus, reinvigorating the global framework for both concepts is essential, starting with this paper's overview of the main soft and hard law texts already existing and rekindling interest in sharing information on measures that have proven successful in implementing them, as exemplified by the cases of progress noted in the ILO supervisory machinery in the last part of this paper.

² UN Commission on the Status of Women, *Accelerating the achievement of gender equality and the empowerment of all women and girls by addressing poverty and strengthening institutions and financing with a gender perspective: Report of the Secretary-General*, E/CN.6/2024/3, 12 January 2024.

³ ILC, 111th Session, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part A), para.51 (ILO, Geneva, 2023).

⁴ UN Commission on the Status of Women, 68th Session, *Agreed Conclusions*, E/CN.6/2024/L.3, 25 March 2024 at <https://docs.un.org/en/E/CN.6/2024/L.3>.

Methodology

Moving beyond the common slogan of "two sides of the same coin," this paper employs a coin-minting analogy—the fusion of metals into a standardised, universally valuable unit—to underscore the inseparability of gender equality and social justice.

Through comparative legal analysis of key texts (non-binding yet persuasive soft law instruments and binding hard law treaties), the paper examines the interrelationship against 21st-century challenges. Standard-setting texts were chosen for their universal applicability, enduring relevance, and role as benchmarks for progress despite growing public narratives dismissing legal obligations.

In the analysis, general global texts that give context to the concepts and then delve more deeply into the substantive content of international instruments are examined to demonstrate the interdependence of gender equality and social dialogue. This qualitative exploration highlights the prevalence of such linkages, demonstrating that the 'one coin' metaphor permeates even implicit policy thinking. Finally, the world of work examples – the cases of satisfaction regarding improved implementation of the main ILO gender equality treaties reported by the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) – are used to validate the 'one coin' thesis. The literature review draws on UN reports, academic publications, and the Global Migration Policy Associates' survey of 700+ social justice texts (featured elsewhere in this issue)..

The Texts that Give Context to Social Justice

The ILO's constitutional mandate anchors social justice in the pursuit of lasting peace: "Whereas universal and lasting peace can be established if it is based upon social justice."⁵ This special issue commemorates the 80th anniversary of the 1944 Declaration of Philadelphia, which advanced social justice in labour systems.

Today, social justice is a cornerstone of UN and ILO discourse on human well-being. For example, post-2019 centenary research focused on persistent workplace inequalities. This culminated in the June 2021 International Labour Conference (ILC) general discussion and subsequent resolution on inequalities in the world of work. The resolution stresses that effective action to reduce inequalities, promote inclusive growth, and build forward better requires addressing root causes to achieve both social justice and the Sustainable Development Goals (SDGs). It specifically calls on the International Labour Office, among other measures, to strengthen its social justice mandate and place a strong emphasis on gender equality strategies grounded in international labour standards.⁶ At the June 2023 ILC Session, the Director-General presented the *Advancing Social Justice* report, focusing on the global need for greater social justice and concrete pathways to achieve it. During the accompanying World of Work

⁵ ILO, *Constitution*, First Preamble, 1919, followed by the reference in Part II of ILO's *Declaration of Philadelphia* of 1944, subsequently annexed to the original Constitution, repeating "the (demonstrated) truth ... that "lasting peace can be established only if it is based on social justice"." ILO has made the attainment of social justice the central aim of all national and international policies, as witnessed by the reference to "the universal aspiration for social justice" in the Preamble to the *Declaration on Social Justice for a Fair Globalization*, 2008, as well as the characterisation of social justice as a "fundamental value" along with freedom, human dignity, security and non-discrimination. See https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000%3A62%3A0%3A%3ANO%3A62%3AP62_LIST_ENTRIE_ID%3A2453907%3ANO.

⁶ ILC, 109th Session, *Resolution concerning inequalities and the world of work*, ILC.109/Resolution XVI. (International Labour Office, Geneva, 2021) at paras 12 and 24(a) at https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40relconf/documents/meetingdocument/wcms_832096.pdf

Summit, he advocated for a Global Coalition for Social Justice. The ILO Governing Body (GB) endorsed this initiative in November 2023 as a multi-stakeholder platform to encourage cooperation and prioritise social justice on multilateral agendas ahead of key UN events - the 2024 Summit of the Future and the November 2025 World Social Summit.⁷ The Coalition includes Global Migration Policy Associates (GMPA), an ECOSOC-accredited NGO advocating for migrant rights. GMPA participated in the Coalition's Geneva launch on 13 June 2024, where it highlighted specific social justice measures.

The UN incorporates economic equity into its conceptualisation of social justice. Its 2006 definition emphasises "the fair and compassionate distribution of the fruits of economic growth..." and this process must ensure that "growth is sustainable, that the integrity of the natural environment is respected, that the use of non-renewable resources is rationalised, and that future generations are able to enjoy a beautiful and hospitable earth."⁸ While the *2030 Agenda for Sustainable Development* does not explicitly use the term "social justice," its foundational principles (including human dignity, equality, justice, non-discrimination and leaving no one behind), embody this concept. Moreover, the SDGs explicitly address key dimensions of social justice through commitments to eradicate poverty, end hunger, ensure health and well-being, provide quality education, achieve gender equality, reduce inequalities, promote decent work, and combat climate change. This institutional commitment was further solidified when the UN General Assembly declared 20 February as *World Day of Social Justice* in 2007 (Resolution A/RES/62/10), explicitly linking social justice to gender equality, among other priorities.⁹ The 2009 observance message defined social justice as encompassing fairness, equality, respect for diversity, access to social protection, and the application of human rights across all societal domains, including workplaces.

Academic writers and researchers describe social justice as encompassing both economic and human rights dimensions. Measurement frameworks typically employ multidimensional indicators across life domains—including health, education, employment, income security, and criminal justice—with gender equality consistently recognised as a core component. The *European Union Social Justice Index* exemplifies this approach through its six measurement dimensions: poverty prevention, access to equitable education, labour market inclusion, social inclusion and non-discrimination/gender equality, intergenerational justice, and healthcare provision. The 2019 Bertelsmann Stiftung *Social Justice Index* expanded its coverage to include Member States of the Organisation for Economic Cooperation and Development (OECD). It recognises (page 129) that

⁷ ILC, 111th Session, *Advancing social justice*, ILC.111/Report 1A. (International Labour Office, Geneva, 2023). Para.5 states "Social justice is reflected in the aspiration that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity". See also the Governing Body's Oct.-Nov.2023 decision welcoming the Global Coalition for Social Justice in GB.349/INS/4, para. 52.

⁸ UN, Department of Economic and Social Affairs (DESA), *Social Justice in an Open World: the Role of the United Nations*, 2006, ST/ESA/305, p. 7. DESA's report, at pp. 17-19, identified six inequalities that can severely impair the pursuit of social justice being inequalities in: the distribution of income; access to assets; access to work and remunerated employment; gaining knowledge; health services, social security provision and safe environments; and opportunities for civic and political engagement and participation. With time, other UN entities have been more precise in linking gender equality and social justice, e.g. in 2014, Member States of the Economic and Social Commission for Western Asia (ESCWA) reached regional consensus on a definition of social justice, which includes equal rights and access to resources and opportunities to all men and women with social justice centred on the principles of equality, equity, rights and participation. E/ESCWA/28/8, 5 May 2014 at <https://documents.un.org/doc/undoc/ltid/i14/001/29/img/i1400129.pdf?token=iZsAEHCggiLC2jIiw6&fe=true>.

⁹ UN General Assembly, 62nd Session, *Resolution 62/10 World Day of Social Justice*, A/RES/62/10 of 18 December 2007, para.4.

defining what social justice means and how best to achieve it is often subject to considerable controversy. The conceptual boundaries of social justice are continually in flux because the idea is a result of culturally and historically dependent value systems. Nevertheless, a modern concept of social justice that refers to the aim of realising equal opportunities and life chances provides us with a conceptual ideal able to garner the consensus needed for a sustainable social market economy.

Berik et al. analyse social justice through an economic fairness approach, arguing that neoliberal policy reforms produce gendered disparities in well-being, with macroeconomic measures systematically disadvantaging women. They adopt a feminist economic approach that evaluates policies based on their capacity to enhance social justice and improve living conditions for both women and men. Their conception of social justice integrates multiple dimensions: distributive fairness, equity in provision, universal access to basic needs, the elimination of poverty and discrimination, social cohesion, and capability strengthening. However, their case-study research demonstrates that fiscal austerity measures directly undermine these objectives by weakening labour market protections and eroding previous gains in gender equality. Ultimately, their findings establish gender-equitable well-being as an essential component of substantive social justice (Berik et al., 2008, p. 5).

The COVID-19 pandemic disproportionately impacted women, who comprise the majority of caregivers both in formal and informal economies, while simultaneously facing risks of gender-based violence during lockdowns. Turquet (2021) emphasises that during the COVID-19 pandemic, gender-responsive approaches were essential for both crisis response and recovery efforts to achieve meaningful social justice. In the same vein, the UN Women's *Feminist Plan for Sustainability and Social Justice* (Turquet, 2021, p. 8) states: "But going back [to before COVID] is not the answer. Instead, a visionary agenda that places sustainability, social justice, and gender equality at the centre of economic recovery and transformation is urgently needed to pave the way towards a new social contract." This framework clearly establishes the connection between post-crisis social justice and gender equality through economic transformation, structural rethinking, and reinforced democratic processes that guarantee women's active participation.

Other authors link social justice and gender equality to specific themes such as migration (Truong, 2014), health (Hawkes et al., 2022), and political emancipation (Donert, 2024). According to Truong's research, migrant workers (both women and men) face significant challenges in claiming social justice protections despite being entitled to a range of national, regional, and international norms. As Truong states (p.21): "Realising social justice and migrant rights claims requires much more than a purely legalistic approach and must be intertwined with other, more grounded and migrant-centred strategies." Hawkes et al. (p.1) note that calls for social justice and the right to health are often met with resistance. They argue that "Taking a social justice approach encourages us to think beyond the gendered inequalities apparent among people who use health services and act on the unequal and gendered distribution of power and privilege that drives health inequities more broadly." They identify the solution in social justice's participation and engagement approach, combined with properly funded, fully functioning, and accountable public healthcare institutions. Donert (2024) employs Central European case studies to examine the challenges of achieving gender equality amid 20th-century conflicts between fascist, state-socialist, and liberal-democratic conceptions of social justice. She argues that dismantling embedded gender inequalities, which have remained a defining element of Europe's modern history, is needed to fully incorporate women into narratives of social justice.

The same recommendations (to name but a few raised by the above authors: more grounded strategies, the collective power of citizens, strong state institutions, actively removing gendered power structures) apply to claims for gender equality, thus demonstrating again how intertwined these notions remain in today's world.

The Texts that Give Context to Gender Equality

For gender equality, the *Beijing Declaration and Platform for Action* (BPfA, 1995) stands as the key soft law instrument specifically advocating equality between women and men. It pioneered the mainstreaming of a gender perspective across all policies and programmes.¹⁰ The Declaration was a precursor to blending social justice with gender equality, referencing social justice in multiple provisions, beginning in paragraph 16:

Eradication of poverty based on sustained economic growth, social development, environmental protection, and *social justice* requires the involvement of women in economic and social development, equal opportunities, and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development (emphasis added).

The accompanying Beijing Platform for Action, Chapter 1, paragraph. 41 also supports this paper's one-coin approach, stating, "Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development, and peace." Emphasising the social dimension of development, the Platform states (paragraph. 14) that "...all members of society (must) benefit from economic growth based on a holistic approach to all aspects of development: growth, equality between women and men, social justice, conservation and protection of the environment, sustainability, solidarity, participation, peace and respect for human rights."

Researchers also support the integrality of the two concepts. Miller argues that social justice includes not only distributive justice (concerned with fair resource allocation) but also relational justice (focusing on the quality of societal relationships). In exploring social justice, gender equality, and health outcomes, Miller discusses how inequities in access to resources, power dynamics, and gender discrimination contribute to health disparities. Overcoming these inequalities requires understanding social justice principles: recognition, distribution, and participation. Miller concludes that promoting gender equality and addressing social injustices can significantly improve health outcomes, particularly for marginalised groups (2001, pp 19-20).

The Main (Hard Law) Treaties Giving Substance to Gender Equality

The UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW)¹¹ advocates substantive equality both in law and in practice. First, it requires States Parties to incorporate the principle of equality between women and men in their legal and judicial systems and to abolish all discriminatory laws. Furthermore, it obligates States to take all necessary measures to ensure that women actually experience equality in their lives. CEDAW defines discrimination against women and establishes, through its 16 substantive Articles, protections for women's full enjoyment of rights across social, cultural, economic, civil, and political spheres. While the treaty does not explicitly use the terms "gender equality" or "social justice," it extensively addresses the social dimension of women's lives,

¹⁰ UN, *Beijing Platform for Action* (UN, NY, 1995) paras 164, 187 and 189 at

<https://www.unwomen.org/en/digital-library/publications/2015/01/beijing-declaration>

¹¹ <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf>. As at April 2025 CEDAW has been ratified by 189 of the 193 UN Member States.

recognising that societal expectations about gender roles constitute a fundamental element of sex discrimination. Article 1 defines "discrimination against women" as

any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in, among other domains, the social field.

Other UN human rights treaties,¹² for example, on eliminating race discrimination, ending disability discrimination, abolishing torture, protecting children's rights, and promoting the rights of migrant workers, frequently use the term "social" without including "social justice" but contain provisions that directly or indirectly support gender equality. For instance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families¹³ provides the global legal framework and comprehensive measures for migration rights based on gender equality and women's empowerment. Article 1 states, "1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex ..." while Article 7 requires that

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind, such as to sex, ...

Beyond the UN framework, there are specific ILO Conventions (binding upon State ratification) and Recommendations (soft law, not open to ratification, often accompanying the same-subject Convention) on gender equality in the world of work. Moreover, most international labour standards – even on very technical subjects– can be read as indirectly supporting gender equality since they apply to all workers without sex-based distinction or unfair differential treatment. The two main instruments, both highly ratified by the ILO Member States,¹⁴ are the Discrimination (Employment and Occupation) Convention, 1958 (No. 111, Convention 111 here) and the Equal Remuneration Convention, 1951 (No. 100, Convention 100 here). These fundamental ILO treaties are accompanied by non-binding recommendations. The following treaty descriptions draw from this author's work for the *ASEAN Guideline on Gender Mainstreaming into Labour and Employment Policies* (2021), where this author served as Regional Consultant (p. xiv).

Convention 111 prohibits discrimination in employment and occupation on seven grounds, one of which is "sex." It permits ratifying States to add other grounds (like family responsibilities or social benefit recipient status) that often affect workers differently based on sex. The convention defines "discrimination" as any distinction, exclusion, or preference that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (covering both direct and indirect discrimination). The terms "employment and occupation" include access to vocational training, access to jobs and specific occupations, and terms and conditions of employment. Recommendation 111 specifies that these cover vocational guidance and placement services, training, career advancement, job security, wages, working hours and rest periods, occupational health and safety, and social security. Neither

¹² Texts available at

<https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>.

¹³ As at April 2025, this Convention has been ratified or acceded to by 60 States.

¹⁴ As at April 2025, ratifications of Convention 111 totalled 175 of ILO's 187 Member States; for Convention 100, ratifications totalled 174.

inherent job requirements nor temporary special measures to remedy past discrimination violate the Convention.

Convention 100 requires ratifying States to apply the equal remuneration principle for work of equal value between women and men. It broadly defines "remuneration" to include basic or minimum wages/ salaries, all additional payments (direct/indirect, cash/kind), and any employment-related benefits from employers. States may implement this through national laws or regulations, wage-setting mechanisms, or collective agreements. The Convention also advises objective job evaluation methods to determine work value comparability.

In addition to these two fundamental treaties, there are four topic-specific standards encouraging women's and men's equality at work:

1) Workers with Family Responsibilities Convention, 1981 (No. 156) and its accompanying Recommendation 165 establish the principle of equal opportunity and treatment between men and women workers with family responsibilities and between such workers and other workers. The Convention defines "workers with family responsibilities" as men and women workers with care obligations for dependent children or other immediate family members requiring support, where these responsibilities limit their ability to participate or advance in economic activity. Ratifying States are required to implement community planning measures and services, including childcare and family support services. The Convention expressly prohibits termination of employment on the grounds of family responsibilities. These instruments contain a clear gender dimension, acknowledging women's unpaid care work and the need to reduce, redistribute, and remunerate such work.

2) Maternity Protection Convention, 2000 (No. 183) and Recommendation 191 stipulate that all employed women, including those in atypical forms of dependent work, are entitled to a minimum of 14 weeks paid maternity leave (with six weeks compulsory postnatal leave), medical benefits covering: prenatal, childbirth and postnatal care, as well as hospitalisation when necessary, cash benefits to ensure proper living conditions for mother and child, calculated at two-thirds of previous earnings or equivalent, funded through social insurance or public funds. Convention 183 specifically prohibits dismissal during pregnancy, maternity leave, or breastfeeding periods unless for reasons unrelated to pregnancy or nursing (with the burden of proof on the employer, and pregnancy testing during recruitment. It guarantees the right to return to the same or an equivalent position at equal pay and paid daily breaks or reduced working hours for breastfeeding.

3) The Domestic Workers Convention, 2011 (No. 189) and Recommendation 201 provide that women and men domestic workers globally who care for families and households must have the same basic labour rights as other workers, including specifically reasonable hours, weekly rest of at least 24 consecutive hours, limits on in-kind payments, clear written terms and conditions of employment, and protection of fundamental work principles (those referenced earlier). While data on domestic workers is difficult to obtain, ILO estimates that women represent the majority of such workers.

4) The Violence and Harassment Convention, 2019 (No. 190) and Recommendation 206 define "violence and harassment" as encompassing unacceptable behaviours or threats - whether single or repeated incidents - that cause or may cause physical, psychological, sexual or economic harm. They specifically define "gender-based violence and harassment" as such conduct targeting individuals because of their sex or gender or disproportionately affecting a particular sex or gender, including sexual harassment. The Convention establishes that workplace violence and harassment can constitute a human rights violation and contradict

decent work principles. Its broad scope covers conduct occurring during work, in work-related contexts (sanitary facilities, work trips, training, or social activities), through work communications (including ICT), and during commutes. The protections apply to all workers regardless of contractual status. Both instruments recognise the effects of domestic violence and require measures to mitigate its impact. Ratifying States must implement inclusive, integrated, and gender-responsive prevention strategies, including against third-party perpetrators. Recommendation 206 lists high-risk sectors (isolated work, healthcare, hospitality, domestic work, transport, and education) where women workers predominate. The Convention requires enforcement mechanisms, effective remedies, training, and awareness campaigns. Recommendation 206 further advises educational initiatives to address root causes, including power imbalances and gender, cultural, and social norms that enable violence and harassment.

Beyond explicit gender equality instruments, numerous technical labour standards on employment promotion, working conditions, social protection, and international labour migration indirectly advance gender equality. While some older texts may use masculine pronouns (e.g., "...the worker, he shall have the following rights..."), the International Labour Conference has ensured that all ILO instruments must be interpreted as inclusive of both women and men.¹⁵ Examples of the technical standards that are gender mainstreamed include: Employment Policy Convention, 1964 (No. 122), Human Resources Development Convention, 1975 (No. 142), Social Security (Minimum Standards) Convention, 1952 (No. 102), and Termination of Employment Convention, 1982 (No. 158). Notably, Convention No. 158 explicitly prohibits termination based on sex, marital status, family responsibilities, pregnancy, or maternity leave absence.

Together, these texts show how dignity and fairness shape global understandings of equality between women and men. They draw States towards making social justice a reality in practice.

Applied Illustrations of Implementation of the Gender Equality Texts

The above overview of UN and ILO standards demonstrates how gender equality and social justice can blend both explicitly and implicitly. But can States Parties accept and apply this "minted coin" concept in law and practice? And how is this being done?

A positive answer emerges when examining real-world applications in the labour sector. Since 1964, the ILO's CEACR has recorded progress in applying ratified gender equality standards.¹⁶ Its 2024 report notes "satisfaction" (the CEACR term for States demonstrating measurable improvements in gender equality implementation) regarding Convention 111 in El Salvador (where Labour Law now guarantees immediate reinstatement for women dismissed during pregnancy or postpartum), and Lesotho (where the 2022 Harmonisation of the Rights of Customary Widows with the Legal Capacity of Married Persons Act grants customary widows property rights over marital estates).

¹⁵ *ILC resolution concerning gender equality and the use of language in legal texts of the ILO* (which is accompanied by an Editor's Note to be attached to the Organization's 1919 Constitution in order to avoid sexist language), 100th Session, ILO, Geneva, 2011.

¹⁶ In some States ratified international instruments enter directly into the panoply of national legal texts and can be relied on by courts; in others, government must take the additional step of domesticating the ILS principles into the national legal framework. For more detail on the ILO's supervisory system, see *Rules of the Game*, Centenary Edition, ILO, Geneva, 2019 available at www.ilo.org/normes.

The 2024 cases demonstrating the satisfactory application of Convention 100 include three significant implementations. In Bolivia, Supreme Decree No. 4401 (2020) mandates that "the State shall promote the entry of women into employment and also the same remuneration for women and men for work of equal value" and "it shall be prohibited to consider differences or justify the existence of a wage gap through aspects directly or indirectly linked to the fact of being a woman, on the grounds of pregnancy, maternity, paternity, breastfeeding or family responsibilities." Canada's Federal Pay Equity Act (effective 31 August 2021) requires federally regulated private and public sector employers with at least 10 employees to develop and maintain pay equity plans, with additional provisions for unionised workplaces and companies with 100 or more employees to establish joint pay equity committees. The Act also created a Pay Equity Commissioner empowered to order compliance audits, impose monetary penalties, and investigate complaints. Japan amended the Women's Advancement Promotion Act (July 2022, MHLW Ordinance No. 104) to require private employers with over 300 regular employees to disclose "differences in wages between men and women."¹⁷

The above examples of gender equality progress equally demonstrate social justice advancement. Implementing practical measures to uncover pay disparities based on sex or guaranteeing women's equal inheritance rights alongside men's lies at the core of fairness and human dignity.

Conclusions

As previously noted, a large number of soft law instruments highlight social justice as essential for addressing contemporary challenges, reflecting a 21st-century need to pursue deeper fundamental justice, as the post-Second World War instruments like the ILO Philadelphia Declaration sought more than peace. An equally significant number of legally binding instruments (and soft law, non-binding texts as well) establish sex-based non-discrimination, more broadly framed as gender equality, as foundational for human well-being. This legal evolution spans from ILO Convention 111 and UN CEDAW to the most recent ILO Convention 190, which specifically targets violence and harassment, particularly gender-based violence, in the world of work. The social justice instruments consistently refer to equality and, more recently, gender equality, both as a core component of the concept and as a key metric for assessing the success of social justice measures. While gender equality texts may not explicitly reference social justice, their practical implementation by state parties frequently advances social justice objectives. For instance, legislative reforms guaranteeing widows equal property rights with men demonstrate this dual gender equality/social justice approach in action. Likewise, making equal pay a reality through publishing wage differences, requiring pay audits, and enforcing penalties for violations demonstrates how gender equality and social justice work together.

The two concepts are more than two sides of the same coin. They are fundamentally fused, comprising the very substance of the coin itself. This integrated approach carries substantial weight in policymaking circles. In good and bad times (such as the COVID-19 pandemic), social justice remains unattainable while gender inequalities endure, just as gender equality cannot be achieved without social justice. Together, they form a powerful foundation for human well-being, sustainable development, and peace. For policymakers and international actors, this means any single-concept approach, whether ideologically or pragmatically motivated, will not work, producing inadequate outcomes for all genders.

¹⁷ ILC, 112th Session, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part A), para. 117 (ILO, Geneva, 2024).

A deeper understanding of this fundamental interdependence remains crucial in our contemporary world. Initiatives like the Global Coalition for Social Justice may foster awareness by reinvigorating multilateral efforts to advance both social justice and gender equality. Readers will be well-advised to follow the Coalition's developments, helping ensure "the one coin" enters regular use rather than becoming just a commemorative collector's item.

References

- ASEAN (2021). *ASEAN Guideline on Gender Mainstreaming into Labour and Employment Policies Towards Decent Work for All*. ASEAN Secretariat Jakarta. https://asean.org/wp-content/uploads/2022/04/GM_Publication_Final_15-12_2_2021_OK-min.pdf
- Berik, G., Rodgers, Y., & Zammit, A. (2008). *Social Justice and Gender Equality: Rethinking Development Strategies and Macroeconomic Policies* (1st ed.). Routledge.
- Hellmann, T., Schmidt P., & Heller S. M. (2019). *Social Justice in the EU and OECD - Index Report 2019*. Bertelsmann Stiftung Germany.
- Donert, C. (2024). Social Justice or Sexual Justice?: Social Justice and the Problem of Women in Twentieth-Century Europe. In M. Conway & C. Erlichman (eds.), *Social Justice in Twentieth-Century Europe* (pp. 205–223). chapter, Cambridge: Cambridge University Press.
- Hawkes, S., Gamlin, J., & Buse, K. (2022) Social justice: what's in it for gender equality and health? *BMJ* 2022; 376:o431. <https://doi.org/10.1136/bmj.o43>
- ILC 107th Session. (2018). *Report of the Director-General The Women at Work Initiative: The push for equality*. Report 1(B). ILO, Geneva.
- Miller, D. (2001). The Scope of Social Justice. In *Principles of Social Justice* (pp. 1-20). Cambridge, MA and London, England: Harvard University Press. <https://doi.org/10.4159/9780674266117-002>
- Truong, T.D. et al. (eds.) (2014). *Migration, Gender and Social Justice: Perspectives on Human Insecurity and Environmental Security and Peace* vol. 9, DOI 10.1007/978-3-642-28012-2_1. Springer, Berlin, Heidelberg.
- Turquet, L. (31 May 2021). *Gender equality, sustainability and social justice: A roadmap for recovery*. Davos agenda, World Economic Forum. <https://www.weforum.org/agenda/2021/05/sustainability-social-justice-women-recovery/>
- UN Women. (2021). *Beyond Covid-19: A Feminist Plan for Sustainability and Social Justice*. UN Women NY.