Statement of interpretation on Article 4§3

The Committee wished to make it clear that if, in a country which has accepted this undertaking, the full exercise of the right to equal remuneration cannot be ensured for all workers simply through the operation of collective agreements, the State is required to intervene by way of statutory wage-fixing machinery or any other appropriate method. On this point the Committee had already found that the Charter goes further than ILO Convention No. 100, as is evident from a comparison of the two international instruments, since the Charter included an explicit undertaking to recognise this right, whereas under the ILO Convention the States merely undertake to promote the application of the principle of equal pay for work of equal value and to ensure such application insofar as this is consistent with the methods in operation, for determining rates of remuneration. Moreover, the obligation to ensure enjoyment of this right is, in the Charter, absolute.

However, the Committee recognised that, while it is possible for a State to require by law, in default of collective agreements, compliance with the rule of equal pay for work of equal value involves comparison and assessment of many complicated factors subject to variation in time and space. Accordingly, the undertaking in Article 4, paragraph 3, could be regarded as being met if, on the one hand, the "equal pay for equal work" rule was established de jure and de facto and, on the other hand, the Contracting Party provided evidence that it had taken all steps in its power to achieve equality of remuneration for work of comparable value.