

*Equal Pay for Work of Equal Value: Strengthening Legal Frameworks Across Africa to Protect Women's Rights*

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**Abstract**

*This paper critically examines the ideal of equal pay for work of equal value. It observes that ensuring equal pay for work of equal value is vital towards ensuring equity, fairness and justice in order to effectively uphold the right to work. However, the paper observes that fostering the ideal of equal pay for work of equal value remains a challenge especially in Africa due to significant differences in wages between men and women. Consequently, the paper notes ensuring equal pay for work of equal value is important towards protecting women's rights both globally and in Africa. To realise this dream, the paper observes that it is imperative to strengthen legal and policy frameworks across Africa towards achieving the right to work for all while ensuring fairness, justice and equity.*

**1.0 Introduction**

Ensuring decent work for all is a fundamental human right. The right to work is the right of everyone to have the opportunity to gain their living by work that they freely choose or accept<sup>1</sup>. It has been observed that the right to work is a fundamental human right, not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and social justice<sup>2</sup>. In particular, the attainment of full, productive and freely chosen employment and decent work for all is a foundation for Sustainable Development by enabling individuals, societies and nations to prosper<sup>3</sup>. The International Labour Organization (ILO) points out that productive employment and decent work are key elements to achieving a fair globalization and poverty reduction towards Sustainable Development<sup>4</sup>.

The right to work has been recognized at the global, regional and national levels. For example, at the global level, the right to work is enshrined under key human right instruments including the *Universal Declaration of Human Rights (UDHR)*<sup>5</sup>, and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*<sup>6</sup>. UDHR stipulates that everyone person has the *right to work*, to free choice of employment, to just and favourable conditions of work and to protection against unemployment<sup>7</sup>. In addition, ICESCR requires all states to recognize the *right to work*, which includes the right of everyone to the opportunity

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<sup>1</sup> Office of the United Nations High Commissioner for Human Rights., 'OHCHR and the right to work' Available at <https://www.ohchr.org/en/right-work> (Accessed on 18/04/2026)

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> International Labour Organization., 'Decent Work' Available at <https://www.ilo.org/topics/decent-work#:~:text=It%20involves%20opportunities%20for%20work,that%20affect%20their%20lives%20and> (Accessed on 18/04/2026)

<sup>5</sup> United Nations General Assembly. The Universal Declaration of Human Rights (UDHR). New York: United Nations General Assembly, 1948

<sup>6</sup> United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966

<sup>7</sup> Universal Declaration of Human Rights., article 23 (1)

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to gain their living by work which they freely choose or accept<sup>8</sup>. At a regional level, the *African Charter on Human and Peoples' Rights*<sup>9</sup> provides that every citizen in Africa shall have the *right to work* under equitable and satisfactory conditions, and shall receive *equal pay for equal work*<sup>10</sup>. Further, at a national level, the *Constitution of Kenya*<sup>11</sup> enshrines the right to work including access to employment for all persons especially vulnerable groups such as the youths, minorities and marginalized groups<sup>12</sup>.

The right to work is therefore a fundamental human right all over the world. It has been observed that when the right to work is upheld and protected, every person can have access to decent work and meaningful employment which provides fair wages, social protection, and opportunities for personal development<sup>13</sup>. This enables people to enjoy other human rights including the right to food, right to shelter, right to health and the right to education among other fundamental rights and freedoms<sup>14</sup>. The right to work therefore plays a major role in unlocking other human rights. However, several challenges undermine the attainment of the right to work all over the world. In particular, it has been observed that billions of people all over the world lack access to decent work with vulnerable groups including the youth, persons with disabilities, women and girls and people in the informal sector being adversely affected<sup>15</sup>. Further, disparities in employment undermine the right to work with women often receiving lower wages than men for the same work<sup>16</sup>. Consequently, ensuring equal pay for work of equal value is vital towards effectively protecting and upholding the right to work for Sustainable Development<sup>17</sup>.

This paper critically examines the ideal of equal pay for work of equal value. It observes that ensuring equal pay for work of equal value is vital towards ensuring equity, fairness and justice in order to effectively uphold the right to work. However, the paper observes that fostering the ideal of equal pay for work of equal value remains a challenge especially in Africa due to significant differences in wages between men and women. Consequently, the paper notes ensuring equal pay for work of equal value is important towards protecting women's rights both globally and in Africa. To realise this dream, the paper observes that it is imperative to strengthen legal and policy frameworks across Africa towards achieving the right to work for all while ensuring fairness, justice and equity.

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<sup>8</sup> International Covenant on Economic, Social and Cultural Rights, article 6 (1)

<sup>9</sup> Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981

<sup>10</sup> Ibid, article 15

<sup>11</sup> Constitution of Kenya., 2010., Government Printer, Nairobi

<sup>12</sup> Ibid, article 55 (c), & 56 (c)

<sup>13</sup> United Nations Economic Commission for Africa., 'Background Paper on Decent Work and Economic Growth: Progress Report on Sustainable Development Goal 8 in Africa' ECA/RFSD/2021/8., Available at <https://www.uneca.org/sites/default/files/TCND/ARFSD2021/Documents/Background%20paper%20on%20decent%20work%20and%20economic%20growth%20progress%20report%20on%20Sustainable%20Development%20Goal%208%20in%20Africa%20EN.pdf> (Accessed on 18/04/2026)

<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> United Nations., 'Equal Pay for Work of Equal Value' Available at <https://www.un.org/en/observances/equal-pay-day> (Accessed on 18/04/2026)

<sup>17</sup> Ibid

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### **2.0 Equal Pay for Work of Equal Value: Status and Challenges**

Equal pay for equal work and equal pay for work of equal value are fundamental principles that seek to eliminate gender discrimination in employment. It has been observed that equal pay for equal work requires individuals to receive similar remuneration for performing the same or similar work<sup>18</sup>. On the other hand, equal pay for work of equal value seeks to ensure that jobs requiring similar skills, effort, responsibility and being performed under similar working conditions are compensated equally, regardless of the gender of a worker<sup>19</sup>. These two concepts therefore require similarly qualified women and men to be paid equally when they perform the same or virtually the same work in equivalent conditions<sup>20</sup>. Equal pay for equal work applies to identical tasks while equal pay for work of equal value involves comparing the value of different roles through gender-neutral job evaluation approaches in order to eliminate inequalities in remuneration<sup>21</sup>.

It has been pointed out that evaluating jobs based on gender-neutral evaluation is key towards addressing the gender pay gap as a systemic issue<sup>22</sup>. Gender pay gap is often tied to assumptions and stereotypes about the value of jobs where women are concentrated<sup>23</sup>. It has been argued that since women are concentrated in undervalued sectors including care work, they are often underpaid due to the assumption that such jobs do not involve high levels of skill, effort and responsibility<sup>24</sup>.

It has been observed that the concepts of equal pay for equal work and equal pay for work of equal value protect against wage discrimination based on sex<sup>25</sup>. Unequal pay has been identified as a result of direct or indirect discrimination in employment<sup>26</sup>. Consequently, it has been observed that women and men performing equal work or work of equal value must receive equal pay for equity, justice, fairness and non-discrimination<sup>27</sup>. According to ILO, the concept of equal pay is a *human rights, economic development and human resources issue*<sup>28</sup>. (Emphasis added) For example, when the work of a woman is valued less simply because she is a woman, this fuels discrimination and undermines human dignity<sup>29</sup>. Further, it has been observed that equal pay promotes a nation's productive potential leading to economic growth<sup>30</sup>. In addition, equal pay boosts morale and productivity and attracts talent leading to better performance at work<sup>31</sup>.

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<sup>18</sup> International Labor Organization., 'Equal Pay for Work of Equal Value: How do we get there?' Available at <https://www.ilo.org/media/155761/download#:~:text=and%20UN%20Global-,Compact%20Principles,and%20men> (Accessed on 20/04/2026)

<sup>19</sup> Ibid

<sup>20</sup> Equal Pay for Work of Equal Value Between Women and Men in Collective Bargaining., Available at [https://ncpe.gov.mt/wp-content/uploads/2023/06/TU\\_Equal\\_Pay\\_Booklet\\_EN.pdf](https://ncpe.gov.mt/wp-content/uploads/2023/06/TU_Equal_Pay_Booklet_EN.pdf) (Accessed on 20/04/2026)

<sup>21</sup> Ibid

<sup>22</sup> Equal Pay International Coalition., 'Equal Pay for Work of Equal Value' Available at <https://www.equalpayinternationalcoalition.org/en/equal-pay> (Accessed on 20/04/2026)

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Equal Pay for Equal Work., Available at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/internal/policies/equal-pay-for-equal-work> (Accessed on 20/04/2026)

<sup>26</sup> Equal Pay for Work of Equal Value Between Women and Men in Collective Bargaining., Op Cit

<sup>27</sup> Ibid

<sup>28</sup> International Labor Organization., 'Equal Pay for Work of Equal Value: How do we get there?' Op Cit

<sup>29</sup> Ibid

<sup>30</sup> Ibid

<sup>31</sup> Ibid

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The concept of equal pay is a fundamental human right issue that has been enshrined under the ILO *Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value*<sup>32</sup>. The Convention requires member states to ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value including through national laws or regulations, legally established or recognised machinery for wage determination and collective agreements between employers and workers<sup>33</sup>. Further, at a continental level, the *African Charter on Human and Peoples' Rights* sets out the right of *equal pay for equal work*<sup>34</sup>.

Despite being a fundamental human right that upholds justice, equity, fairness, human dignity and non-discrimination, realising the ideal of equal pay remains a challenge both globally and in Africa. The United Nations observes that across all regions, women are paid less than men, with the gender pay gap estimated at nearly 20 per cent globally<sup>35</sup>. In particular, it is estimated that globally, women only make 77 cents for every dollar earned by men<sup>36</sup>. This significant inequality in the average wages between men and women persists in all regions, countries and across all sectors, especially due to the fact that women's work is under-valued and women tend to be concentrated in different jobs than men<sup>37</sup>. Income inequalities disproportionately affect some categories of women including women of colour, immigrant women and mothers who are usually pushed into the informal economy, casual and part-time work where their efforts and skills are undervalued leading to less remuneration<sup>38</sup>. It has been pointed out that all over the world, there is a lifetime of income inequality between men and women and more women are retiring into poverty<sup>39</sup>. Therefore, while equal pay for equal work and equal pay for work of equal value for men and women have been widely endorsed globally, implementing these principles remain a challenge undermining the rights of women. Consequently, it is imperative to strengthen legal frameworks both globally and across Africa towards protecting women's rights for posterity.

### **3.0 Strengthening Legal Frameworks across Africa to Protect Women's Rights**

Ensuring equal pay for equal work and equal pay for work of equal value is key towards protecting women's rights for justice, equity and fairness. Income inequalities still persist both globally and in Africa with women earning less than men for equal work and work of equal value<sup>40</sup>. It has been observed that gaps in income are even wider for women from racial and ethnic minorities, women with disabilities, and migrant women among other disadvantaged groups. Failure to ensure equal pay for equal work and equal pay for work of

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<sup>32</sup> International Labour Organization (ILO), *C100 - Equal Remuneration Convention, 1951*, No.100, 29 June 1951

<sup>33</sup> Ibid, article 2

<sup>34</sup> African Charter on Human and Peoples' Rights., article 15

<sup>35</sup> United Nations., 'Equal Pay for Work of Equal Value' Op Cit

<sup>36</sup> United Nations Women., 'Equal Pay for Work of Equal Value' Available at <https://www.unwomen.org/en/news/in-focus/csw61/equal-pay> (Accessed on 20/04/2026)

<sup>37</sup> Ibid

<sup>38</sup> Ibid

<sup>39</sup> Ibid

<sup>40</sup> United Nations Women., 'Statement: Equal pay – a fundamental right and a cornerstone of sustainable development and gender equality' Available at <https://www.unwomen.org/en/news-stories/statement/2025/09/statement-equal-pay-a-fundamental-right-and-a-cornerstone-of-sustainable-development-and-gender-equality> (Accessed on 20/04/2026)

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equal value erodes women's rights, undermines income security, and hinders inclusive and sustainable economic growth<sup>41</sup>.

It is therefore imperative to strengthen legal frameworks across Africa and the world in order to protect women's rights by ensuring equal pay for equal work and equal pay for work of equal value. It has been observed that the gender pay gap in Africa is a matter of urgent concern with women, especially in Sub-Saharan Africa, earning 21 percent less than men, with substantial variations across countries<sup>42</sup>. This has been attributed to the fact that most women, both globally and in Africa, are clustered into lower-paying sectors, such as caregiving, education, and service industries, while men dominate higher-paying sectors like technology and finance<sup>43</sup>. Further, it has been observed that women often have less opportunities for access to leadership positions and opportunities for career advancement contributing to gender pay gaps in Africa<sup>44</sup>.

Equal pay for equal work and equal pay for work of equal value are fundamental human right ideals enshrined under the African Charter on Human and Peoples' Rights and many national laws across Africa<sup>45</sup>. It is therefore imperative to translate these commitments into action by strengthening legal and policy frameworks across Africa. In order to achieve this goal, it has been suggested that there is need to foster pay transparency across all sectors in order to detect and address discrepancies in remuneration between men and women<sup>46</sup>. Further, African countries have been urged to strengthen legal and policy frameworks that enhance educational and career advancement opportunities for women and girls, in order to foster women's participation in high-paying and traditionally male-dominated occupations and sectors including finance, technology and engineering<sup>47</sup>. In addition, employers have been urged to ensure equal pay for equal work and equal pay for work of equal value through equity audits and gender-responsive workplaces<sup>48</sup>. Further, workers' organizations both globally and in Africa can drive progress towards equal pay for work of equal value through collective bargaining and social dialogue towards tackling gender pay inequalities<sup>49</sup>.

Through the foregoing, it is possible to achieve equal pay for equal work and equal pay for work of equal value towards protecting women's rights in Africa and worldwide.

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<sup>41</sup> Ibid

<sup>42</sup> United Nations Women., 'The Gender Pay Gap Report' Available at <https://africa.unwomen.org/en/what-we-do/womens-economic-empowerment/the-gender-pay-gap-report> (Accessed on 20/04/2026)

<sup>43</sup> Ibid

<sup>44</sup> Ibid

<sup>45</sup> Ibid

<sup>46</sup> United Nations Women., 'Why do Women Earn Less?' Available at <https://africa.unwomen.org/en/stories/experts-take/2023/09/why-do-women-earn-less> (Accessed on 20/04/2026)

<sup>47</sup> Ibid

<sup>48</sup> United Nations Women., 'Statement: Equal pay – a fundamental right and a cornerstone of sustainable development and gender equality' Op Cit

<sup>49</sup> Ibid

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**4.0 Conclusion**

Achieving equal pay for equal work and equal pay for work of equal value is key towards protecting women's rights. It is necessary to strengthen legal frameworks across Africa in order to realise these ideals including through fostering pay transparency, empowering women and girls through education and career advancement opportunities, embracing gender-neutral evaluation and equity audits in employment, building gender-responsive workplaces and strengthening collective bargaining and social dialogue on equal pay for equal work and equal pay for work of equal value<sup>50</sup>. Ensuring equal pay for work of equal value is a key continental agenda towards protecting women's rights across Africa. There is need to strengthen legal frameworks across Africa in order to achieve this goal for justice, equity, fairness, non-discrimination and development.

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<sup>50</sup> United Nations Women., 'The Gender Pay Gap Report' Op Cit

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