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“Have recent judicial decisions across the globe  
improved gender justice for women workers?”

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Abstract

The 2015 International Labour Organization (ILO) decision to debate, in 2018, an international labour standard on gender-based violence at work coincides with global moves to target this human rights violation, such as through Sustainable Development Goal 8.5 requiring States to achieve full and productive employment and decent work for all women and men and Goal 5 requiring acceleration towards eliminating sex discrimination in law and practice and ending violence against women, including in the world of work. This research tracks a selection of major court decisions from across ten jurisdictions over the past ten years that embrace the universal human right of women and men's equality in the context of the world of work. Analyzing cases won – and lost – by women workers, in particular sexual harassment, pregnancy-related and equal pay claims shows the impact of international labour law, where used. This paper describes procedural and substantive improvements in complaints about sex discrimination at work and which international labour standards are informing judges in employment discrimination litigation. As domestic judicial institutions appear to move very slowly in gender analysis, the paper asks what can be done to improve court and tribunal approaches to workplace gender equality in the future? The author concludes that judicial training and easier rules for litigating discrimination cases are crucial to obtaining gender justice, and the new ILO instrument could provide process and remedial improvements.