



## Woman in Development and Politics

### Women's Right to Equal Pay in the Mirror of Gender Justice with Emphasis on Iran's Legal System and International Documents

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#### ABSTRACT

##### Introduction

Wage is one of the concepts of labor law, which creates a legal relationship between the wage earner and the wage earner and follows the legal subordination of the worker to the employer (and vice versa). Among the issues raised regarding wages, the issue of equal pay versus equal work is raised under the concept of prohibition of discrimination in employment and in the protection of female workers. Equal pay means that men and women have the right to receive equal pay for work of equal value. This means that men and women working in the same or similar jobs are paid the same. It also means that men and women should be paid equally when they do work that is completely different but can be of equal value when judged by objective criteria. These objective criteria consider factors such as skills, qualifications, working conditions, level of responsibility and effort required by the job. Until a long time after the industrial revolution, there was no law stating equal pay, and most of the employers used the physical weakness of women as an excuse and paid them lower wages. According to the International Labor Organization, women work longer hours and are paid 25% less on average than men. Women's economic activities are highly concentrated in low-wage, low-productivity and high-risk forms of employment.

The wage gap between men and women is one of the most important discriminations that occurs against women and is considered a serious injury in all countries of the world and is not specific to developing countries and is a widespread problem in the vast majority of countries (Mousavi and Rahuri, 2013: 193) Eliminating this discrimination, considering the global efforts to improve the status of women and create equal conditions for them in order to achieve social justice, requires the legislator's support for the right to equal pay.

Various factors cause this gap, which researchers have investigated in different works, so the authors in this research. It does not seek to identify the factors that create the gender wage gap, but by enumerating the mentioned factors, it examines the recognition of the right to equal pay in domestic laws and regulations and documents, and the policies and protections foreseen by the domestic legislator and international authorities in The elimination and minimization of the mentioned factors are investigated.

##### Methodology

The authors collected information using library sources and then tried to answer the research question by analyzing the content.

##### Results

While equal pay for men and women has been widely recognized by international authorities, progress in reducing the gender pay gap has been slow and it has been difficult for countries to put it into practice. Achieving equal pay is a turning point. It is important for human rights and gender justice, and this requires the efforts of the entire global community. Equal pay means that men and women have the right to receive equal pay for work of equal value. This means that men and women working in the same or similar jobs are paid the same. It also means that men and women should be paid equally when they do work that is completely different but can be of equal value when judged by objective criteria. These objective criteria consider factors such as skills, qualifications, working conditions, level of responsibility and effort required by the job. The inequality of wages between men and women is referred to as the gender wage gap, which is caused by various factors. Surveys show that private sector workers (compared to the public sector) are clearly discriminated against in wages. The action that international authorities and governments need to take for equal pay is to recognize this right.

Various factors cause the gender wage gap, and governments' efforts to adopt policies to eliminate these factors can reduce the gap.

##### Keywords:

*Equal Pay, Gender Justice, International Law & Iran's Legal System, Labour Law, Women's Pay.*

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The cultural factor is the first factor in creating the gender wage gap. Education is another factor in the wage difference between men and women. In a society where there is an education gap between men and women, the gender wage gap is striking. At the level of equal education, women still face discrimination in paying wages, although a significant part of this gap is compensated by women's higher education than men. Differences in jobs and professions are another factor in the gender wage gap.

Another factor in the wage gap is whether men and women work full-time or part-time. According to the International Women's Labor Organization, more than 50% of part-time employees in the whole world are women, and considering that the wages of part-time workers are lower compared to full-time workers of the same type, the employment of women in this type of work reduces the gender wage gap. Reveals.

Marriage and motherhood are other factors that must be addressed. After marriage and motherhood, women turn to part-time jobs because they have to devote time to family and children, or they do not have the possibility to work overtime, and they do not have the possibility to be promoted and hold management positions, or because of these reasons, they have less possibility of employment, lower salary and job security. They are less privileged or are not selected for management positions. Marriage in men leads to an increase in salary and in women, it leads to a decrease.

### Conclusions

In the International Labor Organization's agreements and declarations and various international conventions, wage equality has been emphasized.

Iran's constitution does not have an explicit principle to support wages

This research examined the view of the international and domestic legal system on the issue of equal pay and extracted principles from it. In order to complete this effort, the following are suggested:

Supporting employers in exchange for hiring female workers by giving privileges such as exemption from a part of taxes or benefiting from the quota of raw materials or government subsidies. (In this way, the cost incurred by the employer for hiring women workers is somehow compensated and creates an incentive to use women's labor force.

Creating women's labor organizations to increase the bargaining power of this group in determining wages

Expanding and strengthening the transparency of the payment system, especially in the private sector

Adopting legal employment policies to increase the possibility of employment and obtaining jobs for women under equal conditions

Adoption of laws and regulations supporting equal pay, such as establishing a heavy enforcement guarantee for violation of equal pay for equal work, along with a regular and comprehensive inspection.

Cultivating equal pay by defining the economic status of women while paying attention to their productivity and efficiency, far from common mental beliefs.

Encouraging men to play a more effective role in doing household chores through legal and social protections

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