



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: BAHRAIN

ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, but no change reports for the 2004, 2005 and 2009 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) through written consultations.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the BCCI. 2007 AR: Observations by the BCCI.	
	Workers' organizations	2009 AR: Observations by the GFBTU. 2008 AR: Observations by the GFBTU. 2007 AR: Observations by the GFBTU. 2006 AR: Observations by the GFBTU. 2003 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Bahrain ratified in 2000 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		Ratification intention	<p>YES, in 2002 for the Equal Remuneration Convention, 1951 (No. 100) (C.100).</p> <p>2009 AR: The GFBTU stated its support to the ratification of C.100.</p> <p>2008 AR: According to the Government: It is planning to establish a Tripartite Committee that would deal with the ratification of the remaining ILO fundamental conventions. The BCCI hopes that the Tripartite Committee is set up very shortly. The GFBTU supported the ratification of C.100.</p> <p>2007 AR: According to the Government: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.100. According to the BCCI and the GFBTU: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.100. This Convention should be ratified by Bahrain to eliminate discrimination at work.</p> <p>2006 AR: According to the GFBTU: The Government should ratify C.100, as well as other ILO fundamental Conventions so that Bahrain can fit with social globalization.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government was examining C.100 with a view to ratifying it.</p>
Recognition of the principle and right (prospect(s), means of action, main legal provisions)		Constitution	<p>YES The 2002 Constitution (articles 4, 8, 14, 16 and 18) provides that equality and equal opportunity between all citizens are guaranteed.</p>
		Policy/Legislation and/or Regulations	<ul style="list-style-type: none"> • Policy <p>2001 AR: According to the Government: The Government's policy is set out in the Bahrain Labour Law, 1976, and the Employment Law that adopt the same principles as those set out in the Constitution.</p>
		Basic legal provisions	(i) The Constitution (articles 4, 8, 14, 16 and 18); (ii) the Bahrain Labour Law, 1976 (employment of women, disabled persons and young persons); and (iii) the Employment Law.
		Grounds of discrimination	2002 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of language, origin, and religion.
		Judicial decisions	NIL
Exercise of the principle and right		Special attention to particular situations	<p>2003 AR: According to the Government: Specific measures have been implemented to respect, promote, and realize the principle and right (PR), for the following categories of workers: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; (iv) agricultural workers; (v) workers engaged in domestic work; (vi) workers in EPZs and (vii) migrant workers.</p> <p>2000 AR: According to the Government: Women and the disabled.</p>
		Information/Data collection and dissemination	2008 AR: According to the Government: Statistics on Bahraini Women were published in 2007.

	Monitoring, enforcement and sanctions mechanisms	<p>2000-2005 ARs: According to the Government: The Constitution and the national legal system contain principles and rules that guarantee the realization of the PR.</p> <p>2000 AR: According to the Government: Under section 155 of the Labour Law amended by Decree No. 14 of 1993, domestic servants have the right to lodge complaints with the Minister for Labour and Social Affairs, and can take the dispute to the courts if it is not resolved at the Ministry level.</p>				
	Involvement of the social partners	NIL				
	Promotional activities	<p>2009 AR: The GFBTU indicated that it was carrying out public awareness-raising activities on C.100.</p> <p>2008 AR: The Government indicated that it had promoted Bahraini books on women in Bahrain. It added that along with the BCCI and the GFBTU, it had participated in the 5th ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labour Standards in Oman. On this occasion, FOA and collective bargaining had been discussed. It added that two workshops were organized in March and May 2007 in collaboration with the International Trade Union Confederation (ITUC), one supporting the involvement of women in trade unions and the second on the right to employment and occupation of women.</p> <p>2007 AR: The Government, the BCCI and the GFBTU referred to their participation in the Fourth ILO/GCC Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.</p>				
	Special initiatives	NIL				
	According to the social partners	<table border="1"> <tr> <td data-bbox="786 679 1048 735">Employers' organizations</td> <td data-bbox="1048 679 2101 735">2007 AR: The BCCI shared the GBFTU's view that equal representation between men and women should be promoted in training seminars.</td> </tr> <tr> <td data-bbox="786 735 1048 1038">Workers' organizations</td> <td data-bbox="1048 735 2101 1038"> <p>2008 AR: The GBFTU indicated that a specific chapter of the Labour Law dealing with women was amended during the review without consultation with employers' and workers' organizations.</p> <p>2007 AR: The GBFTU observed that equal representation between men and women should be promoted in training seminars.</p> <p>2006 AR: According to the GFBTU: Forms of wage discrimination persist in Bahrain.</p> <p>2001 AR: According to the ICFTU: (i) there is no recognition of the concept of "equal pay for work of equal value"; (ii) there is increasing discrimination at the workplace, including lower age and denial of promotion and (iii) illiteracy rate is higher among women.</p> </td> </tr> </table>	Employers' organizations	2007 AR: The BCCI shared the GBFTU's view that equal representation between men and women should be promoted in training seminars.	Workers' organizations	<p>2008 AR: The GBFTU indicated that a specific chapter of the Labour Law dealing with women was amended during the review without consultation with employers' and workers' organizations.</p> <p>2007 AR: The GBFTU observed that equal representation between men and women should be promoted in training seminars.</p> <p>2006 AR: According to the GFBTU: Forms of wage discrimination persist in Bahrain.</p> <p>2001 AR: According to the ICFTU: (i) there is no recognition of the concept of "equal pay for work of equal value"; (ii) there is increasing discrimination at the workplace, including lower age and denial of promotion and (iii) illiteracy rate is higher among women.</p>
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	According to the Government	<p>2007 AR: The Government shares the GBFTU's view that equal representation between men and women should be promoted in training seminars.</p> <p>2003 AR: In response to the ICFTU's observations, the Government stated that the Bahraini 1976 Labour Law prohibits: (i) discrimination on grounds of sex and nationality in respect of employment and occupation, and education; and (iii) provides for equal pay for work of equal value.</p>				

TECHNICAL COOPERATION	Request	<p>2009 AR: The GFBTU indicated that the ILO's cooperation was needed in the area of cooperation with other countries on the methods of institutionalization of C.100.</p> <p>2007 AR: The BCCI requested ILO technical cooperation for capacity building, enterprise development, organizational management and productivity in relation with the PR. The GBFTU requested ILO technical cooperation to sensitize its members on discrimination issues.</p> <p>2006 AR: According to the GFBTU: ILO technical cooperation would be necessary in organizing a national tripartite workshop on ILO Fundamental Conventions in Bahrain, so as to identify challenges and solutions and pave the way to ratification.</p> <p>2003 AR: According to the Government: A need for ILO technical cooperation to facilitate the realization of the PR in Bahrain exists in the following priority areas: (i) establishing or strengthening specialized institutional machinery; (ii) data collection and information analysis.</p>
	Offer	ILO
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Bahrain, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (Cf. Paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (Cf. Paragraph 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (Cf. Paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Bahrain and other GCC States for their continuing dialogue with the Office through the annual review process (Cf. Paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (Cf. Paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (Cf. Paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2008-2009)¹: BRUNEI DARUSSALAM

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, under the 2008 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations (the National Chamber of Commerce and Industry, NCCI) and workers' organizations (the Brunei Oilfield Workers Union, BOWU) by means of consultation and communication of a copy of the Government's report and country baseline.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the NCCI and its three affiliates	
	Workers' organizations	2008 AR: Observations by the BOWU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Brunei Darussalam has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	Under consideration for C.100 and C.111, in consultation with the employers' and workers' organizations. 2009 AR: The Government reiterated that it was still reviewing the possibility to ratify C.100 and C.111 in consultation with the employers' and workers' organizations. 2008 AR: The Government stated that it is considering the possibility to ratify C.100 and C.111, in consultation with the employers' and workers' organizations. The NCCI and the BOWU supported the ratification of both C.100 and C.111.
	Recognition of the principle and right	Constitution	NO
		Policy, legislation	<ul style="list-style-type: none"> • Policy

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	(prospect(s), means of action, basic legal provisions)	and/or regulations	<p>2008 AR: According to the Government: The elimination of discrimination in respect of employment and occupation is recognized in both aspects (elimination of discrimination in employment and occupation and equality of opportunity and treatment, including in the field of remuneration). National policy on the principle and right is guided by His Majesty's declarations (Titah) concerning the elimination of discrimination in employment and occupation. There is also a National Scheme of Service for the public sector that recognizes the principle and right.</p> <ul style="list-style-type: none"> • Legislation <p>2008 AR: According to the Government: No national laws have specifically dealt with the elimination of discrimination in employment and occupation. Only section 19.2 of the Trade Union Act (CAP 128) prohibits discrimination based on union affiliation, and provides for sanction in case of contravention.</p>
		Basic legal provisions	NO. However, the Trade Union CAP 128 (section 19) deals with discrimination based on union affiliation.
		Grounds of discrimination	NO
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	NIL
		Information/Data collection and dissemination	NIL. However, the Government requested ILO assistance in this regard.
	Prevention/Monitoring, enforcement and sanction mechanisms	<p>2008 AR: According to the Government: The Labour Department is in charge of enforcing labour laws and regulations. Concerning discrimination based on union affiliation, the Trade Union Act (CAP 128), section 19, provides for penal sanctions (fines of B\$ 6,000 (about US\$ 4, 445 as of November 2007) and 6 months imprisonment) when an employer contravenes the provisions of this Act by denying freedom of association to a worker and discriminating him by reason of his being or not being a member of a trade union. According to the Government, no cases of discrimination at workplace have been reported so far to the Labour Department and judicial authorities.</p>	
	Involvement of the social partners	<p>2009 AR: According to the Government: The employers' and workers' organizations are being involved in the ratification process of the ILO fundamental Conventions.</p>	
	Promotional activities	Institutions to promote equality	<p>No.</p> <p>2008 AR: According to the Government: For the time being, there are no institutions to promote equality in the country.</p>
		Other activities	<p>2009 AR: The Government indicated that one of its senior officers participated in the May 2008 Turin Course on International Labour Standards and the 1998 ILO Declaration.</p> <p>2008 AR: According to the Government: Officials of the Labour Department of the Ministry of Home Affairs and of the Attorney General's Office as well as representatives of employers' and workers' organizations were sensitized on the fundamental principles and rights at work and ILO fundamental Conventions during ILO's assistance in reporting issues carried out in November 2007. The NCCI stated that it promotes the relationship between these principles and rights at work, decent work and sustainable enterprises through discussions among its members and with the Government. The BOWU stated that it organizes monthly meetings to increase knowledge on ILO and fundamental principles and rights at work among its members.</p>

	Special initiatives/Progress	2009 AR: The Government stated that it had celebrated the Labour Day on 3 May 2008, including ILO's participation on Decent Work issues, and a walkathon.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: According to the NCCI: No major problems are being encountered to realize the PR in the country. However, there are not enough women among high-ranking position officers and managers.
		Workers' organizations	2008 AR: According to the BOWU: There are no major problems of discrimination in employment and occupation in the country. The BOWU is not aware of such practice in Brunei Darussalam.
	According to the Government	2009 AR: The Government reiterated the challenges indicated under the 2008 AR. 2008 AR: (i) Lack of public awareness and/or support; (ii) Lack of information and data; (iii) legal provisions; (iv) lack of capacity of responsible government institutions; (v) lack of capacity of employers' and workers' organizations; and (vi) lack of social dialogue.	
TECHNICAL COOPERATION	Request	2008-2009 ARs: According to the Government: ILO technical cooperation will be needed to facilitate the realization of the PR in Brunei Darussalam, in particular in the following areas, by order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; awareness-raising, legal literacy and advocacy; sharing of experiences (best-practices) across countries/regions; capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; coordination between institutions (e.g. various ministries and relevant commissions); (2) strengthening data collection and capacity for statistical analysis; legal reform (labour law and other relevant legislation); training of other officials (e.g. police, judiciary, social workers, teachers); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; and (3) establishing or strengthening specialized institutional machinery. In addition, social dialogue of the PR is an important step to be addressed in the country. These priorities may be satisfied through the preparation of survey/seminar to promote and realize the fundamental principles and rights at work in Brunei Darussalam, in consultation with the employers' and workers' organizations. The NCCI and the BOWU supported the Government's requests, including the capacity building of the employers' and workers' organizations and the preparation of a survey/seminar to promote and realize the fundamental principles and rights at work in Brunei Darussalam, in consultation with the employers' and workers' organizations.	
	Offer	ILO (consultations on Decent Work Country Programme and assistance in reporting under the AR) and the United Nations (CEDAW).	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the first report by Brunei Darussalam in cooperation with the ILO, and the intentions expressed by most governments, including the Government of Brunei Darussalam, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 64, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL		



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: JAPAN

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the start of the Annual Review (AR) in 2000.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Japan Business Federation (Nippon Keidanren) and the Japanese Trade Union Confederation (JTUC-RENGO) through consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2001 AR: Observations by the JBF.	
	Workers' organizations	2007 AR: Observations by the JTUC-RENGO Observations by the International Trade Union Confederation (ITUC) 2006 AR: Observations by the JTUC-RENGO 2006 AR: Observations by the International Confederation of Free Trade Unions (ICFTU) 2006 AR: Observations by the JTUC-RENGO 2005 AR: Observations by the JTUC-RENGO 2004 AR: Observations by the JTUC-RENGO 2003 AR: Observations by the ICFTU 2002 AR: Observations by the JTUC-RENGO 2001 AR: Observations by the JTUC-RENGO 2001 AR: Observations by the ICFTU 2000 AR: Observations by the JTUC-RENGO	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Japan ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100) in 1967. However, it has not yet ratified the Discrimination (Employment and Occupation) Convention, 1958 (No.111) (C.111).

¹Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body

		Ratification intention	<p>Under consideration for C.111</p> <p>2009 AR: According to the Government: No change. According to the JTUC-RENGO: The Government should ratify C.111. In this regard, the JTUC-RENGO believes it is necessary for the Government to strengthen its efforts to promote Diet members' understanding of the importance of ratification of a core Convention No. 111 so as to activate discussion at the Diet toward ratification of this Convention (for instance, the Government can make thorough explanation about the purport and background of the Convention, and importance of ratifying core Conventions, etc.).</p> <p>2000-2006 ARs: According to the Government: Further study is needed in view of, for instance, the relations between the provisions of C. 111 and national laws and regulations.</p> <p>2000 AR: According to the JTUC-RENGO: The Government should ratify C.111 as soon as possible.</p> <p>2001 AR: According to NIKKEIREN: Japan should ratify C.111. Tripartite consultations should be established in order to assess difficulties and obstacles as regards the ratification of this Convention and appropriate measures in order to address them.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES</p> <p>Under the 1947 Constitution (article 14, paragraph 1), "...all people are equal under the law and in political, economic or social relations. There shall be no discrimination on the basis of race, creed, sex, social status or family origin. (Excerpt)". Discriminatory measures in contravention of the constitutional provisions in laws and/or regulations are prohibited, and in fact, no such laws or regulations and/or administrative measures exist. The Constitution (article 22) guarantees free choice to individuals for any jobs.</p>
		Policy/ Legislation and/or Regulations	<ul style="list-style-type: none"> • Policy: 2008AR: <p>In order to promote equal opportunity between men and women, the Ministry of Health, Labour and Welfare submitted to the diet at its 164th session a revised Bill of Equal Employment Opportunity Law and related laws, which included provisions such as prohibition of discrimination against both men and women, and prohibition of indirect discrimination. The Bill was approved in June 2006 and entered in force in April 2007.</p> <ul style="list-style-type: none"> • Policy: 2001 and 2006 ARs: <p>According to the Government: The Equal Employment Opportunity Law was revised in June 1997 and entered into force in April 1999. Major revisions include: (i) prohibiting discrimination against women workers; (ii) introducing a monitoring and control system for enterprises; (iii) improving a mediation system at the workplace; (iv) abolishing restrictions on overtime and holiday work and night work to women workers; (v) assisting employers in addressing various issues, including sexual harassment at workplaces.</p>

		Basic legal provisions:	(i) Constitution of Japan, articles 14,22 (ii) Labor Standards Law (Law No.49 of 1947), sections 3, 4, 119 (iii) Mariners Law (Law No.100 of 1947), section 6 (iv) National Public Service Law (Law No.120 of 1947), sections 27,109 (v) Employment Security Law (Law no.141 of 1947), sections 2,3,22 (vi) Mariners Employment Security Law (Law No.130 of 1948), sections 2 and 4 (vii) Local Public Service Law (Law No. 261 of 1950), sections 13 and 60 (viii) Equal Employment Opportunity Law (Law No.113 of 1972), section 1 (ix) Part-Time Law (Revised in 2007) (x) The Equal Employment Opportunity Law (Law No.113 of 1972), revised in 2006 (xi) Basic Law for Persons With Disabilities (Act No.84 of 1970), section 3, paragraph 3, (xii) Law for Employment Promotion, etc. of Persons With Disabilities (Act No. 123 of 1960), sections 5, 10
		Grounds of discrimination	2008 AR: According to the ITUC: Discrimination is prohibited on grounds of race, gender, disability, language and social status (late observations under the 2007 AR) 2004 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.
		Judicial decisions	NIL
Exercise of the principle and right		Special attention to particular situations	NIL
		Information/data collection and dissemination	2005 AR: According to the Government: Relevant statistics on the realization of the principle and right (PR) are regularly kept by the Government.
Prevention/Monitoring, enforcement and sanctions mechanisms	2000-2007 ARs: According to the Government: The Equal Employment Opportunity Department of the Prefectural Labour Bureau visits offices in a planned manner and grasps the employment management system of each enterprise in order to ensure the enforcement of the Equal Employment Opportunity Law. Administrative guidance is implemented in case of violation of this Law. 2000-2002 ARs: According to the Government: Inspection Offices are established as local branches, and the proper number of necessary personnel is allocated for the monitoring and enforcement of the legal provisions. Dispute settlement is provided through advice, guidance and recommendation or mediation at the request of one or both parties concerned.		
Involvement of the social partners	2005 AR: According to the Government: Employers' and workers' organizations have been involved in the development and implementation of governmental measures regarding the PR. Indeed, representative of workers and employers were involved in the revision of the Labour Standards Bill (sections 3 and 4) and the Law on Securing, etc of Equal Opportunity and Treatment between Men and Women in Employment.		
Promotional activities		Institutions to promote equality	According to the Government: The Ministry of Health, Labour and Welfare
		Other activities:	2001 and 2007 ARs: According to the Government: Other programmes include: (i) recruitment and screening, (ii) distribution of various educational materials, (iii) educational activities via media, (iv) training for human rights promoters on fair recruitment and screening, and (v) training for businesspersons.
Special initiatives/Progress	2009 AR: According to the Government: Part-Time Work Law was revised in 2007 so as to correct unreasonable treatment against workers with part-time employment contract. 2001 and 2007 ARs: According to the Government: Educational activities are implemented throughout the year to promote effective employment management in accordance with the Equal Employment Opportunity Law. June is considered as the "One Month Campaign on Equal Employment Opportunity between Men and Women".		

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	<p>2009 AR: According to the JTUC-RENGO: The Government expressed its view to the workers' and employers' organizations that enactment of the Fundamental Human Rights Protection Bill at the Diet is one of the prerequisites for the ratification of C.111. The Fundamental Human Rights Protection Bill aiming to ensure full-range human rights protection was introduced to the Diet, however, the Bill failed to pass the Diet and was abandoned in 2003 since the Bill did not guarantee independence of the monitor and relief organization, and the parties in opposition could not support. Thereafter, there has been no progress to realize the Bill at the Diet and prospects are gloomy. The amendment Bill for the Part-Time Work Law passed through the Diet in 2007. Although the revised law prohibits discriminatory treatment to part-time workers, it seems only 1–5 per cent out of whole part-time workers who can enjoy the amendment, because the law sets strict conditions for applicable scope of part-time workers. Therefore, necessity of amendment of the law to realize equal treatment for whole part-time workers still remains.</p> <p>2008 AR: According to the ITUC (late observation under the 2007 AR): Sexual harassment in the workplace remains problematic throughout the country. The new version of the Equal Opportunity law provides for enforcement of further penalties for sexual harassment at the workplace from April 2007. The ITUC also states that although persons with disabilities are not generally subject to overt discrimination in employment they face limited access of same in practice.</p> <p>2007 AR: According to the JTUC-RENGO: The Equal Employment Opportunity Law was revised in 2006. However, its amendment was insufficient in terms of prohibition of indirect discrimination. Amendment of the Law for achieving gender equality and equal treatment between full-time and part-time workers has not been realized so far. The Government should revise the labour legislation in order to achieve gender equality and equal treatment between full-time and part-time workers.</p> <p>2006 AR: According to the JTUC-RENGO: The Government should revise the labour legislations in order to achieve gender equality and equal treatment between full-time and part-time workers.</p> <p>According to the ICFTU: (i) women are under represented in managerial track; (ii) persistent discrimination based on retirement age especially against women; (iii) persisting sexual harassment at workplace; (iv) discrimination on grounds of social origin in recruitment; (v) discrimination against foreign residents in national and local public services; (vi) disabled people are under represented in private companies.</p> <p>2005 AR: According to the JTUC-RENGO: (i) no improvement in wage disparities between men and women; (ii) lack of labour legislation review.</p> <p>2003 AR: According to the ICFTU: (i) discretionary choice given to the employer at recruitment; (ii) persisting discrimination against women workers; (iii) lack of penalty and sanction measures to address sexual harassment at workplace; (iv) persisting discrimination against migrant workers; (vi) increasing vulnerability of disabled people in the labour market.</p> <p>2002 AR: According to the JTUC-RENGO: (ii) persisting discrimination in employment and occupation; (ii) lack of understanding of C.111.</p> <p>2001 AR: According to the ICFTU: (i) persisting discrimination against women workers; (ii) higher concentration of women in temporary jobs and increasing female unemployment, especially young women; (iii) managerial-track jobs as a male domain in most companies; (iv) lack of effective prohibition of discrimination; (v) lack of effective sanction measures as regard sexual harassment at workplace; (vii) Japanese nationality as a requirement for employment in national and local public services and the private sector, (viii) migrants workers subject to abuses.</p>

	<p>According to the Government</p>	<p>2009 AR: According to the Government: Part-Time Work Law was revised in 2007 so as to correct unreasonable treatment against workers with part-time employment contract.</p> <p>In response to the ITUC's observations recorded under the 2008 AR, the Government indicated the following: The revised Equal Employment Opportunity Law between Men and Women provides that employers shall establish necessary measures in terms of employment management to give advice to workers and cope with problems of worker, and take other necessary measures so that workers they employ do not suffer disadvantages in their working conditions by reason of workers' responses to sexual harassment in the workplace, or so that their working environments are not harmed by sexual harassment utterance. For this revision, it clearly states that employers have an obligation to take a certain action in their employment management, and sexual harassment to men was also added as this law's object. Such measures as advice, guidance and recommendation can be taken by prefecture Labour Bureau for employers' violating the provisions of the law. Furthermore, the public announcement system about the name of the company is applied to sexual harassment. When the employer does not obey the recommendation, the company's name will be disclosed to the public as a counter-measure under the Law. Both employees and employers became able to use the mediation procedure made by prefectural Labor Bureau. These actions will surely work more effectively to prevent sexual harassment. Regarding prohibition of employment discrimination against Persons With Disabilities, the Basic Law for Persons With Disabilities (Act No. 84 of 1970) stipulates in its section 3, paragraph 3, that "No one shall be allowed to discriminate against persons with disabilities or violate their rights and benefits on the basis of disability". In addition, the Law for Employment Promotion, etc. of Persons With Disabilities (LEPPD) (Act No. 123 of 1960) stipulates employers' obligation to maintain appropriate employment management (section 5). The Basic Policy on Measures of Employment for persons with disabilities elaborates on this stipulation: employers must ensure appropriate management when taking steps such as assignment of persons with disabilities, improvement of working environment, training, and health and safety measures; employers must accordingly endeavour to realize a workplace where persons with disabilities can work along with non-disabled persons with a sense of fulfillment in life, according to their aptitude and capabilities, as well as to improve the quality of their working lives (Part 3 of the Basic Policy). There are various other measures to secure opportunities of open employment for persons with disabilities. For example, Public Employment Security Offices may refuse a job advertisement which requires, on no reasonable ground, the condition that the applicant does not have disabilities (section 10), LEPPD). The Government also provides guidance and advice to, and collects levies from, employers who do not meet the statutory employment rate of persons with disabilities. Meanwhile, the UN Convention on the Rights of Persons With Disabilities adopted in 2006 prohibits discrimination on the basis of disability (Article 27-1(a)). The Government is currently making efforts to ratify the Convention at an early date.</p>
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		<p>2007 AR: According to the Government: The Equal Employment Opportunity Law (Law No.113 of 1972) was revised in 2006 with a view to promoting further equal opportunity and treatment between men and women in employment.</p> <p>In response to the JTUC-RENGO's, the Government indicated the following: In order to promote equal opportunity between men and women, the Ministry of Health, Labour and Welfare submitted to the diet at its 164th Session a revised Bill of Equal Employment Opportunity Law and related laws, which included provisions such as prohibition of discrimination against both men and women, and prohibition of indirect discrimination. The Bill was approved in June 2006. With regard to the structure of the provision prohibiting indirect discrimination, the Bill stipulates that the ministerial ordinance of the Ministry of Health, Labour and Welfare should specify 3 kinds of cases, and that these would be considered illegal when there are no legitimate reasons. It was decided to adopt this structure on the grounds that the Labour Policy Council, consisting of intellectuals, representatives of employers and employees (all employees' members are representatives of JTUC-RENGO or its affiliated groups), concluded that it would be appropriate to adopt a legal framework in which these 3 cases activities would be considered indirect discrimination, and that the scope of prohibition could be revised to include other cases if needed, taking the trend of judgments of the court into consideration. Therefore, the JTUC-RENGO's observation that the amendment was insufficient misses the point, because the amendment covers sufficient matters, and it was based on the tripartite consensus. Additionally, in July 2006 the Ministry of Health, Labour and Welfare started a discussion on a policy concerning part-time work in the Equal Employment Subcommittee of the Labour Policy Council, consisting of intellectuals, representatives of employers and employees, and it is scheduled to compile a final conclusion at the end of this year. The Ministry of Health, Labour and Welfare intends to take appropriate action based on the conclusion.</p> <p>2005 AR: In response to the JTUC-RENGO's observations, the Government made the following comments: (i) a panel has been held in relation to the PR; (ii) the Minister of Health, Labour and Welfare will take appropriate measures as a follow up of discussions initiated by the Equal Employment Subcommittee of the Labour Policy Council since September 2004; (iii) it is necessary to reach an agreement on the issue of strengthening regulations to ensure equal treatment in working conditions for part-time workers and to implement adequate measures based on a national consensus.</p> <p>2000-2001 ARs: In its response to the JTUC-RENGO's comments, the Government made the following observations: (i) comments made by the JTUC-RENGO on ratified Conventions should not be reflected in the compilation of the annual report; (ii) the follow-up should not lead to the establishment of new supervisory machinery and to the duplication of the reporting system on non-ratified Conventions already established in the Constitution.</p>
TECHNICAL COOPERATION	Requests	2009 AR: According to the JTUC-RENGO: ILO technical cooperation is needed in order to ensure consistency between C.111 and the national laws. Also, if ILO expert(s) could visit Japan and illustrate the importance of ratification of this Convention to the members of Diet, the situation toward ratification will be very much improved.
	Offer	ILO (technical assistance in the labour law review process).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Japan, to ratify or consider ratification of conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos.100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance this regard (Cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3)	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: KIRIBATI

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2000, 2001 and 2004 Annual Reviews (ARs).
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Kiribati Chamber of Commerce (KCC), the Botakin Karikirakean Aroia Taan Murakuri (BKATM); the Bank of Kiribati Union (BOKU); the Betio Ports and Stevedoring Union (BPSU); the Housing Workers' Union (HWU); the Kiribati Islands Overseas Seafarers' Union (KIOSU); the Kiribati Nursing Association (KNA); the Kiribati National Union of Teachers (KNUT); the Kiribati Overseas Fishermen Union (KOFU); the NANOTASI Garment Union (NGU); the Postal Services Union (PSU); and the Kiribati Trade Union Congress (KTUC) through consultations and communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2009 AR: Observations by the KCC. 2008 AR: Observations by the KCC. 2007 AR: Observations by the KCC. 2006 AR: Observations by the KCC. 2005 AR: Observations by the KCC. 2003 AR: Observations by the KCC.
	Workers' organizations	2009 AR: Observations by the KTUC. 2008 AR: Observations by the KTUC. 2007 AR: Observations by the KTUC and its affiliates. 2006 AR: Observations by the BKATM. Observations by the BOKU. Observations by the BPSU. Observations by the HWU. Observations by the KIOSU. Observations by the KNA. Observations by the KNUT. Observations by the KOFU. Observations by the NGU. Observations by the PSU. Observations by the KTUC. 2005 AR: Observations by the KTUC. 2003 AR: Observations by the KTUC.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

	Ratification	Ratification status	Kiribati has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100), nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	<p>YES, since 2002, for both C.100 and C.111.</p> <p>2009 AR: The Government indicated that the process of ratifying C. 100 and C.111 was ongoing. The KCC and the KTUC supported the ratification of these Conventions.</p> <p>2008 AR: The Government expressed its intention to ratify C.100 and C.111 and indicated that consultation was still ongoing. The KCC reiterated its strong support to the ratification of C.100 and C.111. The KTUC indicated that it hoped once again that the remaining ILO fundamental Conventions would be ratified soon.</p> <p>2007 AR: During the Celebration of the ILO 50 years' Presence in the Pacific Region held in Suva, Fiji in December 2005 the Government expressed its intention to ratify C.100 and C.111. The KCC expressed its strong support for ratification of C.100 and C.111 by Kiribati. The KTUC expressed its appreciation for the Government's intention to ratify the remaining ILO fundamental Conventions, and hoped that this ratification would take place very soon.</p> <p>2006 AR: According to the Government: The national tripartite Decent Work Agenda Steering Committee will consider ratification of C.100 and C.111, following a national survey on cost/benefit analysis on ratification of these instruments, in collaboration. The Government appreciates KCC and KTUC support for the ratification of C.100 and C.111.</p> <p><i>According to the KCC: There is no reason for Kiribati not to ratify C.100 and C.111, as the PR is recognized in the Constitution and Kiribati has ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The KCC strongly supports ratification of C.100 and C.111 by Kiribati.</i></p> <p>2005 AR: The Government stated that it had initiated a ratification process for both C.100 and C.111.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111. The Government reported that C.111 was being translated into the I-Kiribati to improve national understanding of the Convention and facilitate ratification of C.100 and C.111 in the near future.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES</p> <p>Under article 15.2 of the 1979 Constitution, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority. Discrimination is defined in this section as follows: "Affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed, whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description."</p>

		Policy, legislation and/or regulations	<p>2009 AR: According to the Government: There is a new legislation supporting C.100 and C.111.</p> <p>2006 AR: According to the Government: National laws are being reviewed in cooperation with the ILO to ensure compliance with the provisions of C.100 and C.111.</p> <p>2005 AR: According to the Government: A labour law review process has been carried out in cooperation with the ILO, and has led to the integration of the provisions of C.100 and C.111.</p>
		Basic legal provisions	(i) The Constitution, 1979 (article 15.2); and (ii) Part VIII of the Employment Ordinance, 1965.
		Grounds of discrimination	2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.
		Judicial decisions	NIL
Exercise of the principle and right		Special attention to particular situations	2000-2003 ARs: According to the Government: Women.
		Information/Data collection and dissemination	<p>2006 AR: According to the Government: Further information and data are expected in the forthcoming Government report under the CEDAW.</p> <p>2002 AR: The Government provided statistical data on formal employment by occupation (1978-1985). It also indicated that the Pilot National Employment Survey provides basic statistical data; and the National Development Strategies 2000 displays information that may allow a better assessment of the situation in Kiribati (structural, economic, demographic, training and educational factors, etc.).</p>
Prevention, monitoring, enforcement and/or sanction mechanisms			<p>2009 AR: According to the Government: The Ministry of Labour and Human Resources ensures a compliance with the laws concerning the PR.</p> <p>2002-2003 ARs: According to the Government: The judiciary and church groups play a monitoring and defence role for the realization of the principle and right (PR).</p>
Involvement of the social partners			<p>2006 AR: According to the KCC: Active participation in the discussions and decisions of the national tripartite Decent Work Agenda Steering Committee, which also includes discrimination and equality issues.</p> <p>2005 AR: According to the KCC: Participation in the labour law review process to integrate the provisions of C.100 and C.111.</p> <p>2002 AR: According to the Government: Major Church groups play an important role in promoting the PR.</p>
Promotional activities		Institutions to promote equality	According to the Government: the National Council of Women's Federations and major church groups.

		Other activities	<p>2009 AR: According to the Government: A Ministry of Labour and Human Resources' Senior Officer has participated in the May 2008 ILO/TURIN Course on International Labour Standards and the 1998 ILO Declaration. The Ministry of Labour launches awareness campaign on the PR. The KTUC indicated that it had organized awareness campaigns on the PR among its members.</p> <p>2007 AR: The Government published a booklet on the ILO Fundamental Conventions, in cooperation with the ILO. Moreover, it participated in the activities concerning the promotion of the ILO Declaration during the Celebration of the 50 years of ILO's Presence in the Pacific Region (Fiji, Suva, December 2005). The KCC and the KCTU indicated that they were taking part in the labour law revision process that would hopefully integrate the provisions of ILO Fundamental Conventions into national laws. They also mentioned their participation in the activities concerning the promotion of the ILO Declaration of the ILO Declaration during the Celebration of the 50 years of ILO's Presence in the Pacific Region (Fiji, Suva, December 2005). The KTUC further indicated that it was also working on discrimination affecting people infected with HIV/AIDS.</p> <p>2005 AR: According to the Government, workshops have been organized in view of promoting labour changes through new Bills. The Government welcome the implementation of a national Declaration Programme in order to promote the PR.</p> <p>2003 AR: According to the Government: Workshops and seminars on gender issues.</p>
	Special initiatives/Progress		<p>2006 AR: According to the Government: A National Tripartite Decent Work Agenda Steering Committee was established in cooperation with the ILO in January 2005. Tripartite consultations were held on decent work issues, including discrimination and equality.</p>
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2007 AR: According to the KCC: Efforts should be made to integrate people infected with HIV/AIDS in the workplace.</p> <p>2006 AR: The KCC supported Government's views concerning challenges to realize the PR in the country (see below).</p>
		Workers' organizations	<p>2009 AR: According to the KTUC: Workers' organizations should be more involved in the realization of the PR.</p> <p>2006 AR: According to the KTUC and affiliates: (i) revision and amendment of labour laws in compliance with the PR; (ii) persisting discrimination against women in employment and decision-making processes for cultural reason ("<i>Te Mwaneaba</i>").</p>
	According to the Government		<p>2008 AR: The Government reiterated the challenges indicated in the 2006 and 2003 AR and added that the staff lacked sufficient training and education.</p> <p>2006 AR: According to the Government: The challenges listed under the 2003 AR are yet to be met. However, national laws are under review in cooperation with the ILO, with a view to ensuring compliance with the PR.</p> <p>2003 AR: According to the Government, the main difficulties encountered in realizing the PR are as follows: (i) lack of information and data; (ii) social values, cultural traditions; (iii) social and economic circumstances; (iv) legal provisions; (v) lack of capacity of employers' organizations; (vi) lack of capacity of workers' organizations; (vii) lack of social dialogue on this principle; and (viii) lack of skill, knowledge and training by the Ministry's staff in this field; lack of national policy concerning the PR.</p>

TECHNICAL COOPERATION	Request	<p>2009 AR: According to the Government: The ILO's technical cooperation is needed in: (i) public awareness-raising campaign on the existence of laws regarding the PR; (ii) strengthening the national institutional capacity to realize the PR; (iii) supporting the reform process; (iv) training the employers' and workers' organizations for a better implementation of the new laws. The KCC and the KTUC requested the ILO's technical cooperation to strengthen their capacity to train their members, support the news laws and better promote and realize the PR.</p> <p>2008 AR: The Government reiterated the request made in the 2007 AR on the labour law review in Kiribati and would appreciate the assistance of ILO in the realization of several workshops in order to enhance leadership among the different social partners. The KCC indicated that ILO technical cooperation is required on training regarding HIV/AIDS in the workplace.</p> <p>2007 AR: According to the Government: The ILO should continue its assistance in revising labour laws in Kiribati, including provisions relating to the PR. The requests made by the KCC and KTUC should be followed up by the ILO. According to the KCC: ILO's assistance on labour law revision should continue. ILO's strong support is needed to assist KCC in promoting and realizing the PR and capacity building. According to the KTUC: Discrimination against women in employment and decision making processes for cultural reasons ("<i>Te Mwaneaba</i>") still persists, and the ILO should assist Kiribati in solving this problem.</p> <p>2006 AR: The Government wishes that the technical cooperation requests expressed in 2005 be carried out under a Declaration Programme for Kiribati. Priority needs for technical cooperation include: survey, recommendations, national tripartite workshop, plan of action, national policy, labour law reform, promotional activities, etc. The Government hopes that a Declaration Programme – that is also requested by the KCC and the KTUC – will be implemented in Kiribati in order to combat all forms of discrimination at work and realize the PR.</p> <p>According to the KCC: ILO technical cooperation would be necessary in raising awareness on discrimination and equality issues among its members. The KCC supports the Government's request for the implementation of an ILO Declaration Programme in Kiribati.</p> <p>According to the KTUC and its affiliates: ILO technical cooperation would be necessary to facilitate the realization of the PR in the following areas: (i) labour law reform and enforcement; (ii) public awareness raising; and (iii) capacity building of government institutions, employers' and workers' organizations and other stakeholders. The KTUC and its affiliates strongly support Government's request for ILO technical cooperation under a Declaration Programme for Kiribati.</p> <p>2005 AR: According to the Government: There is a need for ILO technical cooperation in the following areas: (i) assessment of the national situation regarding the PR and; (ii) its consideration during a national seminar on the 1998 ILO Declaration, with a view to adopting an action plan to combat discrimination.</p>
	Offer	<p>ILO (Decent Work Agenda, international labour standards, labour law reform, reporting and technical advice concerning on cost/benefit implications of ratification of C.100 and C.111).</p>

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also noted the intentions expressed by most governments, including the Government of Kiribati, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 12, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from Kiribati (and few other countries) that had never reported under the Declaration Annual Review (Cf. paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Kiribati, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Kiribati and other countries that had never reported under the Declaration Annual Review (Cf. Paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4, and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: LIBERIA

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES , except for the 2000, 2002, 2003 and 2004 Annual Reviews (ARs).
	Involvement of Employers' and Workers' organizations in the reporting process	<p>YES</p> <p>According to the Government: Involvement of the Liberia Chamber of Commerce (LCC), the Cemenco Liberia Cement Corporation (CLCC), the Monrovia Breweries (MB), the Rubber Planters Association of Liberia (RPAL), the Liberian Agriculture Company (LAC), Firestone Liberia (FL), the Confederation of National Trade Unions of Liberia (CONATUL), the Federation of Road Transport Unions of Liberia (FRTUL), the United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL-LFLU), the General Agriculture and Allied Unions (GAAWUL), the Federation of Agriculture Workers' of Liberia (FAWUL), the Press Union of Liberia (PUL) and the Liberia Labour Congress (LLC) through communication of the baseline reports.</p> <p>2007 AR: The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the creation of an employers' organization in Liberia. Hence, the Liberia Chamber of Commerce (LCC) was created in early 2008.</p>
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2007 AR: Observations by the LAC. Observations by the RPAL. Observations by the CLCC. Observations by the MB. Observations by FL.</p>
	Workers' organizations	<p>2009 AR: Observations by the LLC.</p> <p>2008 AR: Observations by the USPOGUL-LFLU.</p> <p>2007 AR: Observations by the CONATUL and its 19 affiliates Observations by the FRTUL and its 15 affiliates Observations by the USPOGUL-LFLU and its 14 affiliates Observations by the GAAWUL and its 8 affiliates Observations by the FAWUL. Observations by the PUL.</p> <p>2006 AR: Observations by the USPOGUL-LFLU.</p> <p>2005 AR: Observations by the USPOGUL-LFLU.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Liberia ratified in 1959 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	<p>YES since 2005 for C.100.</p> <p>2009 AR: The Government reiterated its support to the ratification of C.100 and all ILO fundamental Conventions, and indicated that the adoption of new laws was ongoing towards the ratification of this Convention. The LLC mentioned its support to the ratification of C.100.</p> <p>2008 AR: The Government indicated that due to the recent change within the Liberian Government, the ratification process has been slowed down but added that the document was currently before the Committee on Labour of the Senate for approval. The USPOGUL-LFLU indicated that C.100 was currently before the Committee on Labour of the Senate for approval.</p> <p>2007 AR: The Government reiterated its intention to ratify C.100. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended ratification of C.100 by Liberia. The CLLCC, the RPAL, the LAC, the USPOGUL-LFLU, the CONATUL, the FRTUL, the GAAWUL and the PUL requested the Government to take immediate action to ratify this Convention in cooperation with ILO.</p> <p>2006 AR: According to the Government: C.100 is still in the ratification process and some positive developments are expected before the end of 2005 in this respect.</p> <p>2005 AR: The new Government stated that it was committed to ratify C.100 in the near future.</p>
	Recognition of the principle and right (prospect(s), means of action, basic provisions)	Constitution	<p>YES</p> <p>The 1991 Constitution, under its articles 8, 11 and 18, provides for equal opportunity and treatment. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that article 18 of the Liberia Constitution, 1991, which refers to “equal pay for equal work” be amended to read “equal pay for work of equal value”.</p>

		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2007 AR: The case study and the tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that the Government adopt a national policy on discrimination issues.</p> <ul style="list-style-type: none"> • Legislation <p>2008 AR: According to the Government: a national tripartite Conference will be organized in October 2007 in order to review labour legislations in Liberia. It added that there is currently no specific legislation covering the issue of equal remuneration.</p> <p>2007 AR: The case study and the tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that legal loopholes on discrimination and equality at the minimum age in Liberia be solved in cooperation with the ILO.</p> <p>2006 AR: According to the Government: The 1974 Labour Law also guarantees the principle of equal remuneration between men and women for work of equal value.</p>
		Basic legal provisions	The Constitution, 1991 (articles 8, 11 and 18); and (ii) the Labour Law, 1974.
		Grounds of discrimination	C.111 is ratified.
		Judicial decisions	NIL
Exercise of the principle and right	Special attention to particular situations	2007 AR: According to the CONATUL and the LFLU: workers in the informal economy.	
	Information/Data collection and dissemination	2007 AR: According to the GAAWUL: There is a lack of data collection on the principle and right (PR) in Liberia	
Monitoring, enforcement and sanctions mechanisms	2007 AR: The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the establishment of a Commission on Discrimination at Workplace.		
Involvement of the social partners	<p>2007 AR: According to the Government: The case study and the workshop on the Humanization of Liberia Labour Force were carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended, <i>inter alia</i>, the creation of an employers' organization in Liberia, the reactivation of various tripartite committees and the establishment of a Commission on Discrimination at Workplace.</p> <p>The USPOGUL-LFLU indicated that the Government had consulted the social partners before the amendment of the Labour Law.</p>		

	<p>Promotional activities</p>	<p>2009 AR: The Government indicated that it had organized awareness raising activities with the participation of employers' and workers' organizations and the civil society to discuss discrimination issues. The LLC stated that it had convened a tripartite committee meeting on labour laws that focused on discrimination.</p> <p>2008 AR: The Government indicated that a tripartite national conference should be held in October 2007 in order to review labour laws. The USPOGUL-LFLU indicated that it would be interested in participating actively in the national conference that will be held in October 2007.</p> <p>2007 AR: According to the Government: A case study and a workshop on the Humanization of Liberia Labour Force were carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO. The workshop adopted a tripartite resolution on this issue, including recommendations on discrimination at workplace. The USPOGUL-LFLU stated that it had provided special assistance to labour unions to print promotional materials and encourage awareness raising programmes on the PR. The CONATUL, the GAAWUL and the CLCC referred to their participation in training and consultation activities on the PR.</p>	
	<p>Special initiatives/Progress</p>	<p>2007 AR: According to the Government: A tripartite identification of the realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. This exercise concluded on a tripartite resolution on the Humanization of Liberia Labour Force that included a request for technical cooperation for the better realization of the PR in the country.</p> <p>2006 AR: According to the Government: A Bill has been submitted to the National Assembly to amend the existing labour laws, which contain discriminatory clauses against workers. A project on HIV/AIDS at the workplace is being implemented in collaboration with the UNFPA.</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. Employers made a significant contribution in this exercise.</p>
		<p>Workers' organizations</p>	<p>2008 AR: According to the USPOGUL-LFLU: There are important challenges, namely: (i) logistical problems persist; and (ii) capacity building needs to be enhanced.</p> <p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. Workers' organizations made a significant contribution in this exercise. According to the USPOGUL-LFLU and the GAAWUL: Labour laws need to be revised.</p> <p>2005 AR: According to the USPOGUL-LFLU: There is no gender equity and women are underrepresented in leadership positions (ministers, deputies, trade unions).</p>

	According to the Government	<p>2008 AR: According to the Government: enactment and enforcement of labour legislations are yet to be realized. The issue of accountability is also important, as the unions are usually owned by individuals without any form of membership. The Government indicated some of the challenges put forward by the USPOGUL-LFLU that are (i) capacity building; and (ii) a lack of education and training among the employers' and workers' organizations.</p> <p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. The Ministry of Labour and other technical ministries made a significant contribution in this exercise.</p> <p>2005 AR: In response to the USPOGUL-LFLU's comments, the Government stated that following the Accra Peace Accord (2003), it had no control over the appointment of officials, who were selected by various signatories to the Peace Agreement. It also indicated that it was giving due consideration to gender equity where it had authority to appoint.</p> <p>2001 AR: According to the Government: The main difficulty encountered in realizing the PR was the lack of technical support during the Liberian civil war.</p>
TECHNICAL COOPERATION	Request	<p>2009 AR: According to the Government: The ILO's technical cooperation was needed to strengthen the capacity of Government and employers' and workers' institutions on the PR, but also in the ratification process of C.100. The LLC indicated that the ILO's technical support was needed in the labour law revision process.</p> <p>2008 AR: The Government and the USPOGUL-LFLU reiterated the same requests indicated in the 2007 AR and called for special assistance of ILO in educational programme for women staff. The Government also wishes to participate at the ILO training courses in Turin in October/November 2007 on Participatory Labour law making. The USPOGUL-LFLU added that social dialogue should be strengthened with the Ministry of Labour and that ILO should assist the workers' associations in the merging into one single trade union, like undertaken in Ghana.</p> <p>2007 AR: Following a case study and a workshop on the Humanization of Liberia Labour Force, carried out in September and October 2006 in cooperation with the ILO, a tripartite resolution on this issue was adopted, including recommendations for technical cooperation on the PR. The Government, the employers and trade unions called for a special ILO action to help implement this resolution and realize the fundamental principles and rights at work (FPRW) in Liberia. In particular, the CLCC requested training on the PR. The USPOGUL-LFLU requested ILO technical cooperation to reform national labour laws. The CONATUL mentioned the need for ILO technical cooperation to organize workers' education workshops on the PR. The GAAWUL called for ILO technical cooperation to realize the PR in the following areas: (i) capacity-building; and (ii) material support.</p> <p>2005-2006 ARs: According to the Government: ILO technical and financial assistance would be necessary for the Follow-up of all FPRW in the country. The first step should be assessing the priority needs through a National Tripartite Seminar on International Labour Standards (ILS) and the Declaration. The USPOGUL-LFLU requested ILO technical and financial assistance on gender issues for trade unions so as to fight against general discrimination in the world of work. It observed that it was not involved in the national programme on HIV/AIDS at workplace run by the Government and the UNFPA. Therefore, it stressed the need for the involvement of the social partners and the ILO in this national programme on HIV/AIDS at the workplace, and requested that a national tripartite workshop be organized on this issue. The Government supported the USPOGUL-LFLU's request for technical cooperation.</p>
	Offer	ILO, UNICEF, UNMIL, UNDP, UNDAF, USDOL, NGOs.

EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Liberia, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: MALAYSIA

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the start of the Annual Review (AR) in 2000. But no change reports under the 2007 and 2008 ARs.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Malaysian Employers' Federation (MEF) and the Malaysian Trades Union Congress (MTUC) through consultations and communication of government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2009 AR: Observations by the MEF. 2007 AR: Observations by the MEF.	
	Workers' organizations	2007 AR: Observations by the International Confederation of Free Trade Unions (ICFTU) (late observation for the 2006 AR).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Malaysia ratified in 1997 the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	NO 2009 AR: According to the Government: As of now, the Ministry of Human Resources is in the opinion that so much needs to be done before Malaysia is ready to ratify C.111. Malaysia's stand is that it would prefer to comply with the spirit of C.111 through administrative measures, which allow greater flexibility rather than ratifying the Convention. The MEF expressed its support to the ratification of C.111 by Malaysia.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>2009 AR: According to the MEC, the Malaysian Federal Constitution was amended in 2006 to promote the principle and right (PR).</p> <p>2007 AR: According to the ICFTU: In 2001, the Malaysian Parliament has approved a constitutional amendment outlawing sexual discrimination.</p> <p>The 1957 Malaysian Federal Constitution amended in 1963 clearly prohibits inclusion in any law provisions that would appear discriminatory in respect of employment and occupation. Article 8 of this text defines non-discrimination as «no discrimination against citizens on the ground only of religion, race and descent, place of birth or gender except as expressly authorised by the Constitution». This indicates that all persons are equal before the law and entitled to the equal protection of the law. The Federal Constitution, Article 136, also states that all persons whatever race, in the same grade in the service of the Federation shall, subject to the terms and conditions of their employment, be treated impartially. Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the grounds only of religion, race, descent or place of birth, in any law, or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.</p>
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2009 AR: According to the Government: Malaysia’s social policies are deigned to contribute overall economic prosperity by eradicating poverty, ensuring fairer income distribution, promoting racial harmony as wel as preserving political stability. The national policy of the Government envisages that every citizen has equal access to employment and that employment in all occupations shall be for Malaysian citizens. However, employment of non-citizen is permitted in sectors where citizens are not available under appropriate arrangements as and when policy considerations and employment needs so dictate. In accordance with the Government’s national policies, employment should also reflect the racial composition of the country, in all occupations and at all levels of employment. Generally, the trust of Malaysia’s national development and labour policy is to restructure the imbalances of socio-economic status among the main ethnic groups in the country. These policies may be seen by some quarters as a form of racial discrimination. However, the objectives of these policies are only to create a more balanced workforce reflecting the ethnic composition of the country. It is envisaged that the correction of these imbalances would lead to a more equitable and fair society in Malaysia.</p> <p>2000-2002 ARs: The Government stated that its objectives were as follows: (i) ensure industrial harmony; (ii) create a favourable investment climate; (iii) enhance employment opportunities for all; and (iv) promote the economic development of the country.</p> <ul style="list-style-type: none"> • Legislation <p>The Employment Act 1955</p>
		Basic legal provisions	<p>(i) The Constitution (Articles 8 and 136); (ii) The Employment Act 1955 (section 60 L 1-4); and (iii) The Industrial Relation Act (section 17).</p>

		Grounds of discrimination	2003-2005 ARs: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.	
		Judicial decisions	2007 AR: According to the ICFTU: A ruling by the Federal Court of Malaysia which rejected a Malaysian Airlines (MAS) stewardess' application against a discrimination retirement age, has raised doubts about the newly imposed constitutional safeguard. Furthermore, statistical information provided by the government shows that only six women in comparison with 297 men, receive earnings above 5001 RM in the State Administrative service.	
	Exercise of the principle and right	Special attention to particular situations	2009 ARs: According to the Government: Women and migrant workers. The Employment Act 1955 gives equal protection to men and women in terms of its coverage, but there are certain provisions that give special protection to women. These special protective provisions in the Act should not be construed as a form of discrimination but should be viewed as a protection for women workers who are generally more vulnerable to exploitation when compared to men. As regards migrant workers, to date, the Government has allowed the employment of migrant workers on a selected basis, mainly in the critical sectors.	
		Information/Data collection and dissemination	NIL	
	Prevention/Monitoring, enforcement and sanctions mechanisms	2003-2005: According to Government: The labour Department plays a monitoring/inspection, enforcement and defence role for the realization of the PR.		
	Involvement of the social partners	2006 AR: According to the Government: <i>The spirit of tripartism is being implemented between the Government, employers' and workers' organisation through the formulation of and the development of industrial relations.</i>		
		2003- 2005 ARs: According to the Government: The employers' and workers' organizations have been involved in the development and implementation of governmental measures in relation to the PR, in particular in the elaboration of amendments of national labour policies and laws. In this respect, national labour policies and amendments to labour legislations are elaborated after consultations with the social partners, in particular within the National Labour Advisory Council.		
	Promotional activities	Institutions to promote equality	According to the Government: The Department of Labour.	
		Other activities	2006 AR: According to the Government: <i>the Ministry of Women, Family and Community Development, Malaysia formulates the National Policy Women to address gender inequality in employment and increase female participation in the labour force.</i>	
		2003-2005ARs: According to the Government: The Ministry of Human Resources organizes labour education programmes to create awareness among employers and to enforce the legal provisions in relation to the PR.		
Special initiatives/Progress	NIL			
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: According to the MEF: In practice there is no discrimination in remuneration based on gender or other criteria. The employers pay equal remuneration for work of equal value to all employees. Some private sector employers implement payment based on performance of the individual employee and/or company. Objective performance criteria are established by employers to determine performance of individual employees. In this regard, the ILO should review C.111 to incorporate the elements of performance/productivity linked to wages.	
		Workers' organizations	2007 AR: According to the ICFTU: A ruling by the Federal Court of Malaysia which rejected a Malaysian Airlines (MAS) stewardess' application against a discrimination retirement age, has raised doubts about the newly imposed constitutional safeguard.	

	According to the Government	<p>2009 AR: According to the Government: The special protective provisions in the Employment Act 1955 should not be construed as a form of discrimination but should be viewed as a protection for women workers who are generally more vulnerable to exploitation when compared to men.</p> <p>In a late response to the ICFTU's observations under the 2007 AR, the Government indicated that the issues on discrimination concerning the age of retirement were being dealt with by the Industrial Court and were not yet settled.</p>
TECHNICAL COOPERATION	Request	2007 AR: According to the MEF: The ILO should review C.111 to incorporate the elements of performance/productivity linked to wages.
	Offer	ILO (technical assistance in the labour law review process; ILO/TURIN Centre Training on International Labour Standards and the 1998 ILO Declaration).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	2008 AR: The IDEAs noted that Malaysia (and another country) had not yet expressed their intentions concerning ratification of C. 111 (Cf. Paragraph 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: MYANMAR

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the start of the Annual Review (AR) in 2000. No change report under the 2007 AR.		
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the most representative employers' and workers' organizations (the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the Workers' Welfare Association (WWA)) by means of consultations and communication of Government's report.		
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the UMFCCI		
	Workers' organizations	NIL		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Myanmar has ratified neither the Equal Remuneration Convention, 1951(No.100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No.111) (C.111).	
		Ratification intention	YES, since 2008, for both C.100 and C.111. 2008 AR: The Government indicated that it would consider the ratification of C.100 and C.111 once the new Constitution is promulgated.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	2008 AR: The Government indicated that it was currently reviewing the Constitution in order to include the principle and right (PR).	
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2002 AR: According to the Government: There is a national policy concerning the PR. • Legislation: The "Law Defining the Fundamental Rights and Responsibilities of the People's Workers" (1964) covers all workers who are using their physical or mental capacities in order to earn their living. 	
	Basic legal provisions	The 1964 "Law Defining the Fundamental Rights and Responsibilities of the People's Workers".		

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		Grounds of discrimination	<p>2009 AR: According to the Government: There is no discrimination either in employment and occupation or in any other field, and people have equal rights in economic, political, social, administration and judicial spheres in accordance with the laws.</p> <p>2008 AR: According to the Government: There is no discrimination in respect of employment and occupation, in equal opportunity in race/colour, sex, religion, political opinion, national extraction and social origin.</p> <p>2004 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of: race/colour; sex; religion; political opinion; national extraction; and social origin.</p>
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	2002 AR: According to the Government: Specific measures have been implemented to respect, promote and realize the PR for the following categories of workers: (i) all categories of workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; agricultural workers; (iv) workers engaged in domestic work; (v) workers in EPZs; (vi) migrant workers and (vii) workers in the informal economy.
		Information/Data collection and dissemination	2005 AR: According to the Government: Statistics and information relevant to the PR are collected on a regular basis.
	Prevention/Monitoring, enforcement and/or sanction mechanisms	<p>2005 AR: According to the Government: The PR is implemented through monitoring bodies.</p> <p>2003 AR: According to the Government: In case of violation of the PR, sanctions include dismissal, fines, or imprisonment up to two years.</p>	
	Involvement of the social partners	UNICEF supporting the Women and Child Health Development Project and Prevention of HIV/AIDS, Prevention of Mothers to Child Transmission.	
	Promotional activities	Institutions to promote equality	2008 AR: The National Women's Committee (NWC) was formed on 3 July 1996 and the focal point is the Ministry of Social Welfare Relief and Resettlement. Moreover, the Myanmar Women's Affair Federation (MWAFF) was constituted on 20 December 2003 as an NGO. The Myanmar Women Entrepreneur Association was also established on 12 February 1995.
		Other activities	2008 AR: According to the Government: Activities were held within the NWC, namely developing protective measures for women and health, and HIV/AIDS. It also attended the 8 th Global Conference of Women Entrepreneurs, held in Bali in 2003. Finally, the ARCPPT-Asia Regional Cooperation to fight against trafficking was set up on 20 December 2003.
	Special initiatives/Progress	NIL	
	CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations
Workers' organizations			NIL
According to the Government		NIL	
TECHNICAL COOPERATION	Request	NIL	
	Offer	NIL	

EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Myanmar, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The ILO Expert-Advisers noted that the regular supervisory system was closely following the national situation Myanmar concerning a variety of violations under different principles and rights, including this one (Cf. Paragraph 22 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: NAMIBIA

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, but no change reports under the 2002 and 2005 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES According to the Government: Involvement of the Namibia Employers Federation (NEF) and the National Union of Namibian Workers (NUNW) and the Public Service Union of Namibia (PSUN) through communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the NEF. 2007 AR: Observations by the NEF.	
	Workers' organizations	2009 AR: Observations by the NUNW. 2008 AR: Observations by the NUNW. 2007 AR: Observations by the NUNW.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Namibia ratified in 2001 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not yet ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100)

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		<p>Ratification intention</p>	<p>YES, since 2002, for C.100.</p> <p>2009 AR: The Government stated that it was aware of C.100 and was making efforts for the ratification of this instrument, in particular by reviewing national compliance with this instrument. The NUNW reiterated its full support to the ratification of C.100 by Namibia.</p> <p>2008 AR: The Government indicated that it would commence tripartite consultation in order to consider the ratification of C.100 keeping in view of the fact that the Labour Bill (which will be adopted by the end of the year) complies with International Labour Standards (ILS), particularly its Chapter II relating to the provisions of C.100. The NEF and NUNW expressed their support to the ratification of C.100.</p> <p>2007 AR: The Government reiterated that it was not considering ratification of C.100. The NEF indicated that the Tripartite Namibian Labour Advisory Council recommended the ratification of C.100, but the Cabinet decided that Namibia was not totally ready to take that action. The NEF also expressed its support to the overall aims of the ILO's Decent Work Programme and all Conventions and Recommendations related to this Programme. The NUNW supported ratification of C.100.</p> <p>2005-2006 ARs: The Government stated that the ratification process of C.100 was not being considered at that stage.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111.</p>
	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES</p> <p>The 1990 Constitution (article 10) deals with equality and freedom from discrimination. It prohibits discrimination on the basis of; inter alia, social economic status, sex, race, colour, ethnic origin, religion and creed. Article 23 of the same text refers to apartheid and affirmative action.</p>

		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2000-2004 ARs: According to the Government: Affirmative Action Plans have been adopted for the public and the private sectors, and are implemented through a Tripartite Equity Commission.</p> <ul style="list-style-type: none"> • Legislation <p>2008 AR: The 2007 revised Labour Act will be adopted by the end of 2007.</p> <p>2007 AR: According to the Government: A legislative review might be considered to ensure that the relevant national laws comply with the provisions of C.100. According to the NEF: the Labour Act contains some very clear provisions that prohibit discrimination of any sort.</p> <p>2000 AR: The 1992 Labour Act (No. 6) (Part XIII, section 107) deals with unfair discrimination or harassment in employment. It also refers to discrimination on grounds of sex, race, colour, ethnic origin, religion, creed, social or economic status, political opinion or marital status or sexual orientation, family responsibilities or disabilities</p>
		Basic legal provisions	According to the Government: (i) the 1992 Labour Act (No. 6), Part XIII, section 107; (ii) the Affirmative Action (Employment) Act, No. 29 of 1998; (iii) the Married Persons' Equality Act (No. 1 of 1996); and (iv) the Racial Discrimination Prohibition Act (No. 26 of 1991).
		Grounds of discrimination	Namibia ratified Convention No. 111.
		Judicial decisions	NIL
Exercise of the principle and right		Special attention to particular situations	2003-2004 ARs: According to the Government: (i) women; (ii) workers in the public service; (iii) workers in establishments of a certain size; (iv); workers in a particular type of employment; (v) agricultural workers; (vi) workers engaged in domestic work; (vii) workers in export processing zones; (viii) migrant workers; and (ix) workers in the informal economy.
		Information/Data collection and dissemination	2004 AR: According to the Government: Statistics and information relevant to the principle and right (PR) are kept on a regular basis through the Ministry of Labour. 2003 AR: According to the Government: Statistics and information relevant to the PR are kept on a regular basis through the Employment Equity Commission.
	Prevention/Monitoring, enforcement and sanctions mechanisms	2004 AR: According to the Government: In case of non-compliance with the PR, the Government refers to the labour courts.	
	Involvement of the social partners	2003-2004 ARs: According to the Government: Employers' and workers' organizations are involved in the Employment Equity Commission, which deals with issues related to the PR.	
	Promotional activities	Institutions to promote equality	2000-2004 ARs: According to the Government: These promotional institutions are: the Namibian Employment Equity Commission and the National Council of Women's Federations.

		Other activities	<p>2009 AR: The Government indicated that the Minister of Labour had made an audit concerning C.100. The NUNW indicated that it had organized seminars for workers of the public sector to promote equality in wages.</p> <p>2008 AR: The Government indicated that several activities would be covered under the new Labour Act.</p> <p>2007 AR: According to the Government: The Employment Equity Commission conducts promotional activities with relevant employers' organisations on a fairly regular basis in order to improve compliance with the submission of Affirmative Action Reports as required by the Affirmative Action Act.</p> <p>2000-2002 ARs: According to the Government: (i) policy advocacy; (ii) promotion of the PR among tripartite bodies, employers' and workers' organizations; and (iii) the Ministry of Justice.</p>
	Special initiatives/Progress		2004 AR: According to the Government: The enactment of the 1995 Affirmative Action Act.
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: The NEF indicated that the main challenge lies in the informal sector.
		Workers' organizations	<p>2009 AR: The NUNW stated that a new implementation mechanism for C. 100 was needed.</p> <p>2008 AR: The NUNW indicated that not all legal instruments relating to the PR are in place in Namibia.</p>
	According to the Government	<p>2009 AR: According to the Government: The audit will determine the national challenges to C.100.</p> <p>2008 AR: According to the Government: the main challenge encountered is the implementation of the Employment Equity Commission, especially in the private sector.</p> <p>2004 AR: According to the Government: The main difficulties encountered in realizing the PR in Namibia are as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' organizations; (x) lack of capacity of workers' organizations; and (xi) lack of social dialogue on this PR.</p>	
TECHNICAL COOPERATION	Request	<p>2009 AR: The NUNW indicated that ILO's technical cooperation would be required to implement the new mechanism to assist the Labour Advisory Council.</p> <p>2008 AR: The NEF requested for the extension of the ILSSA programme in Namibia. The NUNW requested ILO technical assistance in carrying out seminars as a way of exerting pressure on the Government so that it ratifies C.100. Research on the structural anomalies in the workers' remuneration is needed as well as technical assistance in the production and reproduction of simplified versions of the core rationale behind C.100, preferably in the local vernaculars. Finally, the NUNW indicated that medium and long-term training is needed.</p> <p>2007 AR: The NUNW requested ILO technical cooperation for capacity building on the PR. In the same vein, the NEF requested mentioned that it had very limited capacity and welcomes any support that can be given.</p> <p>2004 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Namibia, in particular in: (1) strengthening the capacity of workers' organizations, (2) sharing of experiences across countries/regions, and (3) strengthening data collection and capacity for statistical collection and analysis.</p>	

	Offer	ILO technical assistance in: (i) the development of legislation; (ii) the establishment of Commissions (such as the Employment Equality Commission); (iii) training of Commissioners; and (iv) training of Review Officers.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS		2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Qatar, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard, and encouraged the Government of Namibia to seek ILO technical advice concerning ratification of Convention No. 100 (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS		NIL



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: OMAN

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2000 Annual Review (AR)	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Omani Chamber of Commerce and Industry (OCCI), The General Federation of Oman Trade Unions (GFOTU) and the Board of Employers' and Workers' Organizations (the Oman Oil Company; Khimji Ramdas, Oman Oil Company, Ahmed and Mohammed Khunji, W.J. Towel and Baqir Salman) through communication of Government reports and tripartite meetings on reporting issues.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2009 AR: Observations by the OCCI and the GFOTU. 2007 AR: Observations by the OCCI.	
	Workers' organizations	2008 AR: Observations by the General Federation of Oman Trade Unions (GFOTU) that substituted the Main Omani Workers' Committee (MOWC). 2007 AR: Observations by the MOWC. 2006 AR: Observations submitted by the Main Omani Workers' Committee.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Oman has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100), nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		Ratification intention	<p>YES, since 2008 for both C.100 and C.111.</p> <p>2009 AR: The Government indicated that it strongly supported the ratification of C.100 and C.111, however, national laws needed to be reviewed to incorporate the provisions of those Conventions. The OCCI and the GFOTU stated their support to the ratification of C.100 and C.111.</p> <p>2008 AR: The Government reiterated its support to the ratification of C.100 and C.111 and added that once national labour laws come in line with international standards, the process of ratification will be initiated. The GFOTU expressed its support to the ratification of C.100 and C.111.</p> <p>2007 AR: The Government, the OCCI and the MOWC mentioned the need for tripartite discussions and ILO support for ratification of all ILO Fundamental Conventions by Oman.</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)		Constitution	<p>2007 AR: According to the Government: Article 17 of the Basic Law stipulates “All citizens are equal before the law, and they are equal in public rights and duties. There shall be no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile, or social status.” Articles 18, 25, 26, 28, 29, 30, 31, 32, 33, and 34 of the said law include the same concept about discrimination.</p>
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2005 AR: The Labour Ministry has developed the SANAD Programme to provide employment opportunities for young persons and to encourage initiatives for self-employment.</p> <p>2004 AR: According to the Government: Following the adoption of the new Omani Labour Law in 2003 and its amendments, a series of activities have been implemented in line with the Declaration on Fundamental Principles and Rights at Work.</p> <ul style="list-style-type: none"> • Legislation: The Labour Law, 2003 and its amendments. • Regulations: Ministerial Order No. 19/74.
		Basic legal provisions	<p>According to the Government: The Basic Law (articles 12, 17, 18, 25, 26, 28-34); the Labour Law, 1973; Ministerial Order No. 19/74.</p>
		Grounds of discrimination	<p>2003-2004 ARs: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction.</p>
		Judicial decisions	<p>2007 AR: According to the Government: Judicial decisions are made by independent courts and are regulated by articles 59-71 of the Basic Law.</p>
Exercise of the principle and right		Special attention to particular situations	<p>2001 AR: According to the Government: Women and handicapped persons.</p>
		Information/Data collection and dissemination	<p>2007 AR: According to the Government: The Department of Labour Affairs in the Ministry of Manpower collects data on the issue of PR.</p>

	Prevention/Monitoring, enforcement and sanctions mechanisms	2001-2002 ARs: According to the Government: Prevention/monitoring and sanctions are implemented through the Basic Statute of the State, laws and regulations for the realization of the principle and right (PR).		
	Involvement of the social partners	2008 AR: The GFOTU indicated that it also reviewed Ministerial Resolution concerning minimum wages for workers in the private sector. 2003 AR: According to the Government: Employers' and workers' organizations have been involved in the development and implementation of governmental measures in relation to the PR, including the revision of the 2003 Labour Law.		
	Promotional activities	Institutions to promote equality	2009 AR: The Government stated that it had sent a representative to the ILO Turin Centre for training on gender issues. 2008 AR: The GFOTU indicated that it participated in a number of tripartite activities organized by the Arab Labour Organization (ALO). 2007 AR: According to the Government: The Ministry of Manpower.	
		Other activities	2008 AR: The Government indicated that several tripartite seminars and trainings have been organized in collaboration with ILO, in particular the 5 th Regional Seminar on ILO Declaration on Fundamental Principles and Rights at Work (FPRW). 2007 AR: The Government, the OCCI and the MOWC referred to their participation in the Fourth ILO/Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards (ILS) held in Kuwait City in April 2006. Moreover, tripartite activities were organized in Oman with the support of the Arab Labour Organization (ALO). 2005 AR: According to the Government: (i) training and awareness programme related to the PR, (ii) dissemination of the new Omani Labour Law and its provisions, including on discrimination in employment, (iii) various activities of the Ministry of Manpower such as the organization of training programmes and symposia, and publication of public information pamphlets, including on women's employment, work practices and the publication a manual on small project management in 2004.	
	Special initiatives/Progress	2005 AR: According to the Government: Publication of public information pamphlets, including on women's employment and work practices.		
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: The OCCI mentioned its lack of capacity building and training on the ILO Declaration and its follow-up.	
		Workers' organizations	2007 AR: The MOWC also mentioned its lack of capacity building and training on the ILO Declaration and its follow-up.	
	According to the Government	2009 AR: According to the Government: The need to adapt national laws to the requirements of C.100 and C.111 is a major challenge. 2008 AR: The Government indicated that it had not encountered serious challenges in realizing the PR. 2007 AR: According to the Government: Further awareness programmes are required.		

TECHNICAL COOPERATION	Request	<p>2009 AR: The Government indicated that the ILO's cooperation was needed for the training of civil servants in identifying discrimination issues: Moreover, the ILO Decent Work Country Programme should be continued.</p> <p>2008 AR: The Government reiterated the same requests mentioned in the 2007 AR. According to the GFOTU: ILO technical support is needed for the elaboration of workshops and seminars to raise awareness on the trade union's role in promoting equality at work and other ILO FPRW.</p> <p>2007 AR: According to the Government, the OCCI and the MOWC: ILO technical cooperation would be needed to organize in Oman a national tripartite workshop on International Labour Standards (ILS) and the ILO Declaration. Moreover, employers' and workers' organizations need special training on their roles in the Declaration's Follow-up. The Government stated that there should be continuous dialogue between the Ministry of Manpower, the ILO and the social partners.</p> <p>2006 AR: <i>According to the Main Omani Workers' Committee: ILO technical cooperation would be necessary in establishing Workers' Committees and raising awareness on their role in promoting the PR and other ILO Fundamental Principles and Rights at Work (FPRW) in Oman.</i></p>
	Offer	ILO (Decent Work Country Programme (2004-2005) ILO/GCC Joint Plan of Activities; ALO.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Oman, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (Cf. Paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (Cf. Paragraph 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (Cf. Paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Oman and other GCC States for their continuing dialogue with the Office through the annual review process (Cf. Paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (Cf. Paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (Cf. Paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	
GOVERNING BODY OBSERVATIONS RECOMMENDATIONS	NIL	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: QATAR

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Reviews (AR) in 2000. No-change report under the 2009 AR.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Qatar Chamber of Commerce and Industry (QCCI) and the Qatar Petroleum Workers' Committee (QPWC) through consultations and communication of government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	AR 2007: Observations by the QCCI.	
	Workers' organizations	2008 AR: Observations by the QPWC. 2007 AR: Observations by the QPWC. 2006 AR: Observations by the QPWC. Observations by the International Confederation of Free Trade Unions (ICFTU).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Qatar ratified in 1976 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	YES, since 2002 for the Equal Remuneration Convention, 1951 (No. 100) (C.100). 2007 AR: According to the Government: The "ambiguity" of the text of C. 100 is deemed to be an obstacle to ratification of C.100. Despite this fact, the Government intends to meet the conditions that would allow for its ratification. 2006 AR: The Government stated the following: the Government endorses the ILO Fundamental Principles and Rights. C.100 is in the process of ratification and the Government expects some positive developments by the end of 2005 in this regard. 2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2003-2005 ARs: According to the Government, there is a national policy concerning the elimination of discrimination in employment and occupation through the amendment of the provisional basic law. • Legislation: (i) Labour Law No. 3, (ii) the Public Service Law; and (iii) the Civil Service Act, 1967. • Regulations: The Executive Regulations of the Public Service Law. • .
		Basic legal provisions	(i) the Labour Law No. 3 (sections 2 and 28); (ii) the Public Service Law and its Executive Regulations; and (iii) the Civil Service Act, 1967
		Grounds of discrimination	2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.
		Judicial decisions	NIL
Exercise of the principle and right		Special attention to particular situations	2003-2005 ARs: According to the Government: (i) all categories of workers in the public service; (ii) workers in particular types of employment; (iii) agricultural workers; (iv) workers engaged in domestic work; (v) workers in EPZs; (vi) migrant workers; and (vii) workers in the informal economy.
		Information/Data collection and dissemination	2002 AR: According to the Government: Questionnaires and requests for information addressed to companies and enterprises confirm the non-existence of discrimination.
Prevention/Monitoring, enforcement and sanctions mechanisms		<p>2007 AR: According to the Government: The new Labour Code provides that women workers shall be granted equal remuneration to that of male workers for work of equal value. Thus, the Labour Department ensures, through labour inspectors and by legalizing labour contracts that undertakings and companies comply with the law, and hence pay a female worker an equal remuneration as a male worker for work of equal value.</p> <p>2002-2005 ARs: According to the Government: The realization of the principle and right (PR) is ensured through the inspection and supervision of enterprises.</p>	
Involvement of the social partners		<p>2004 AR: According to the Government: Workers' and employers' organizations have been involved in the development and implementation of governmental measures regarding the PR.</p> <p>2002 AR: According to the Government: The Labour Department cooperates closely with employers in realizing the PR. A national training scheme had been set up to prepare Qatari for employment after consultations were held with the private and public sectors.</p>	
Promotional activities		Institutions to promote equality	2003-2005 ARs: The Government stated that it would consider establishing such machinery, if necessary.

		Other activities:	<p>2008 AR: The QPWC participated in the 5th ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labour Standards (ILS) in Oman.</p> <p>2007 AR: The Government, the QCCI and the QPWC referred to their participation in the Fourth ILO/Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.</p> <p>2002 AR: According to the Government: A committee had been established to study the Declaration and to define the position of the State of Qatar vis-à-vis the PR and obligations contained therein.</p>
	Special initiatives/Progress	NIL	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: According to the QCCI: There is a lack of social dialogue on the PR. Tripartite discussions should be organized in view of a better understanding of the ILO Declaration in Qatar.
		Workers' organizations	<p>2007 AR: According to the QPWC: There is a lack of social dialogue on the PR. As has been mentioned by the QCCI, tripartite discussions should be organized in view of a better understanding of the ILO Declaration in Qatar.</p> <p>2006 AR: According to the ICFTU: challenges in realizing the PR in Qatar are as follows: (i) lack of ratification of C.100 and (ii) the vulnerability of migrant workers and domestic workers.</p>
	According to the Government	<p>2007 AR: According to the Government: No challenges are worth mentioning, as most of the companies adopt regulations that defines remuneration on the basis of occupation or job, regardless of whether the candidate is a man or a woman. However, some employers, in particular those in small enterprises, need to have clarifications regarding allowances and premiums falling under the concept of salary. Thus, specialists in labour administration are available to give answers to their inquiries on this matter.</p> <p>2003 AR: According to the Government: There is no statistical or information collection.</p>	
TECHNICAL COOPERATION	Request	<p>2008 AR: The QPWC reiterated the same request mentioned in the 2007 AR regarding a better understanding of the ILO Declaration in Qatar.</p> <p>2007 AR: According to the Government: In the framework of the Plan of Joint Activities signed in 2001 between the Council of Ministers of Labour and Social Affairs in the Gulf Cooperation Council (GCC) and its Executive Bureau and the ILO, an activity should be dedicated to explaining the text of C.100, and in particular what is meant by work of equal value, and the practical mechanism to follow up this matter in regulations and practice. Moreover, according to the Government, the QCCI and the QPWC, the ILO technical cooperation is needed to promote a better understanding of the ILO Declaration in Qatar.</p> <p>2006 AR: According to the Qatar Petroleum Workers' Committee: ILO technical cooperation would be needed soon to facilitate the realization of the PR and other fundamental principles and rights at work when the Workers' Committees will be located across the country.</p> <p>2005 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR, in the following areas in order of priority: (1) assessment of the difficulties identified and their implications; and (2) training of other officials (e.g. police, judiciary, social workers, teachers).</p>	
	Offer	ILO, GCC, NGOs and bilateral donors.	

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Qatar, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (Cf. Paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation. They further complimented the Government of Qatar (and four other governments) for having given special attention to specific categories of workers or enterprises and encouraged the country to enhance its efforts in reducing and eliminating this type of discrimination (Cf. Paragraphs 48 and 270 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (Cf. Paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Qatar and other GCC States for their continuing dialogue with the Office through the annual review process (Cf. Paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (Cf. Paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (Cf. Paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2007 AR: It should be recalled that the Constitution of the State of Qatar has guaranteed the right of equality to all in article 35: “All people are equal before the law. There shall be no discrimination on account of sex, origin, language, or religion.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: SINGAPORE

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the start of the Annual Reviews (ARs) in 2000.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of Singapore National Employers' Federation (SNEF) and the Singapore National Trade Union Congress (SNTUC) by means of consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2009 AR: Observations by the SNEF. 2007 AR: Observations by the SNEF.	
	Workers' organizations	2009 AR: Observations by the SNTUC. 2005 AR: Observations by the SNTUC and its affiliates. 2001 AR: Observations by the International Confederation of Free Trade Unions (ICFTU).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Singapore ratified in 2002 the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	Under consideration, since 2008, for C.111. 2009 AR: The Government indicated that it met, in September 2008, with ILO Regional Office in Bangkok to discuss the requirements of C.111. It further mentioned that it would continue to study this Convention and review its position accordingly. The SNTUC expressed its support to the ratification of C.111 while mentioning that the Government should consider it as a priority.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES The principle and right (PR) is firmly entrenched in the Constitution. The 1965 Constitution has amended article 12(1) which provides that "all persons are equal before the law and entitled to the equal protection of the law".

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		Legislation, regulations and/or policy	<ul style="list-style-type: none"> • Policy: 2005 AR: According to the Government: In 2005, the Tripartite Committee on Employability of Older Workers was established to review, among other issues, discrimination against older workers in employment and to strengthen existing measures, codes and guidelines such as the Code of Responsible Employment Practices and the Guidelines on Non-Discriminatory Job Advertisements. This Tripartite Committee is also implementing a broad strategy to shape positive perceptions of employers, employees and customers on the employability of older workers. 2000 AR: Since 1962: Institutionalization of the principle of equal remuneration.
		Basic legal provisions	According to the Government: The 1965 Constitution as amended (article 12(1)); Employment Act (section 14(2)).
		Grounds of discrimination	2000-2003 ARs: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, religion, sex, descent or origin.
		Judicial decisions	NIL
Exercise of the principle and right		Special attention to particular situations	NIL
		Information/Data collection and dissemination	2009 AR: The SNTUC referred to a recent survey concerning employers' recruitment preference.
	Prevention/Monitoring, enforcement and sanctions mechanisms	<p>2008 AR: According to the Government: A Tripartite Committee on Employability of Older Workers published its final report in May 2007, with extensive recommendations to enhance the employability of older workers. These recommendations include: (i) the expansion of employment opportunities for older workers; (ii) the enhancement of the cost competitiveness of older workers; (iii) the improvement of skills of older workers; and (iv) positive shaping of perceptions towards implementing the various tripartite guidelines. Moreover, the Tripartite Alliance for Fair Employment Practices (TAFEP) was formed in May 2006 to encourage the adoption of fair employment practices at the workplace. With a view to facilitating this process, a new Tripartite Centre for Fair Employment, led by employers' and workers' representatives with the support of the Government, was also established in September 2007. This Centre should develop training programmes and toolkits to assist employers, and institute a national award to recognise companies for implementing fair employment practices.</p> <p>2005 AR: The Government stated that the Executive Mediation Unit in the Ministry of Manpower looks into complaints and disputes on unfair employment practices such as disputes on maternity leave. It also acts on companies with unfair and discriminatory recruitment practices, e.g., recruitment ads with specific race requirements.</p> <p>2002-2003 ARs: According to the Government: Investigations are held after complaints received by the Ministry against employers for alleged discrimination. Sanctions and fines are meted out as appropriate.</p>	

<p>Involvement of the social partners</p>	<p>2009 AR: According to the Government: The Singapore Government adopts a promotional and educational approach, with the support of unions and employers' associations, to encourage companies to implement fair employment practices. This is in addition to general provisions in the law to check against unfair dismissal on the grounds of discriminatory practices. The Government believe believes that a combination of such approaches is more effective in changing mindsets to support fair employment in the long term. Furthermore, a new Tripartite Centre for Fair Employment, led by employers' and workers' representatives with the support of the Government, was also established in September 2007.</p> <p>The SNEF indicated that it had been working very closely with the tripartite partners concerning the PR.</p> <p>The SNTUC indicated that it was managing together with the SNEF the Flexi-Works Fund.</p> <p>2007 AR: According to the SNTUC: the SNTUC Women's Committee forwarded a proposal to the Ministry of Manpower in September 2005 suggesting amendments to the law to give better protection to pregnant employees. This Committee is also currently working with the Government and employers, to help older women and homemakers re-integrate the labour market.</p> <p>2000-2005 ARs: According to the Government: The Guidelines on Non-Discriminatory Job Advertisements issued in 1999 were drawn up through the joint effort of the Ministry of Manpower, the SNEF and the SNTUC.</p> <p>2001 AR: According to the Government: The SNTUC has initiated information technology (IT) and computer training courses and skills re-development programme for union members.</p> <p>2000 AR: According to the Government: Employers' and workers' organizations have been involved in the launch of the tripartite "Back to Work" Programme.</p>	
<p>Promotional activities</p>	<p>Institutions to promote equality</p>	<p>According to the Government: The Ministry of Manpower.</p>

		<p>Other activities</p>	<p>2009 AR: According to the Government: The following activities organized: (i) in November 2007 the Tripartite Centre for Fair Employment was launched. The Centre has provided advice to jobseekers, employees and employers on matters relating to alleged discrimination at the workplace and the adoption of fair employment practices. As of July 2008, more than 800 organizations have pledged their commitment to fair employment by signing the Employers' Pledge of Fair Employment Practices; (ii) in April 2008 the Tripartite Implementation Work Group (TIWG) released the Tripartite Advisory on Re-employment of Older Workers to help companies adopt re-employment early, ahead of its legislation by 2012; and (iii) the Singapore Workforce Development Agency (WDA) has introduced a new "Step Out For Change Programme" to reach out to economically inactive women and encourage them to re-enter the workforce.</p> <p>The SNEF stated that it had organized several activities to promote the PR, including: (i) encouraging more members to incorporate the Equal Remuneration Clause (ILO Convention No. 100) in collective agreements and memorandums on wage increases; (ii) educating and promoting members to comply with the Guidelines on Non-Discriminatory Job Advertisements; (iii) persuading more than 700 of its members to sign and implement the Employers' Pledge of Fair Employment Practices; and (iv) actively supporting the work of the Tripartite Centre for Fair Employment.</p> <p>The SNTUC indicated that it had convened a tripartite Committee and labour meetings to discuss the PR, and that it was managing together with the SNEF the Flexi-Works Fund that was a new initiative by the Singapore Workforce Development Agency (WDA) to encourage companies to hire new workers, especially women, on part-time or flexible work arrangements.</p> <p>2008 AR: The Tripartite Centre for Fair Employment, which will be set up in September 2007, will roll out training programmes and tool kits to assist employers, and institute a national award to recognise companies for implementing fair employment practices.</p> <p>The SNEF has been promoting the elimination of discriminatory practices by: (i) encouraging its members to comply with the Guidelines on Non-Discriminatory Job Advertisements; (ii) persuading more employers to sign and implement the Employers' Pledge of Fair Employment Practices and (iii) endorsing more employers to incorporate the Equal Remuneration Clause in collective agreements and memos on wage increases.</p> <p>According to the SNTUC: The SNTC Women's Committee has developed the two following key projects for 2007 include: (i) "Women back to Work", which aims to get more women into the workforce by encouraging more employers to offer part-time and flexi-work schemes to women, as well as to encourage women to take up the various subsidized schemes available to upgrade their skills and take up higher paying jobs; and (ii) "Work Life Initiative", which looks into the provision of benefits such as childcare leave, lactation room and flexi-work arrangements to help women balance better their work and family commitments.</p> <p>2007 AR: According to the Government: The Tripartite Committee on Employability of Older Workers released its interim report and a range of recommendations to enhance the employability of older workers in January 2006. One of the recommendations was to set up the Tripartite Alliance for Fair Employment Practices (TAFEP) to shift mindsets among employers, employees and the general public towards fair and responsible employment practices for all workers. The TAFEP was formed in May 2006 and is co-chaired by the SNEF and the SNTUC, with participation from the Government. On the proposed changes to the labour laws, the Government conducts reviews of the law regularly, and will take into account inputs from both the workers and the employers.</p>
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			<p>2005 AR: According to the Government: The Tripartite Committee on Employability of Older Workers set up by the Ministry of Manpower seeks to encourage the adoption of measures and guidelines through promotion and incentives.</p> <p>2001-2003 ARs: According to the Government: Under the Employment Act, paid maternity leave had been extended to working mothers in order to give them time to bond with their new baby without suffering a loss in wages. It also indicated that a budget of \$200 million had been allocated for a five-year Manpower Development Assistance Scheme (MDAS) project for skills development.</p> <p>2001 AR: According to the Government: In September 1996, the tripartite "Back to Work" Programme for homemakers and older persons aged 55 years and above was launched by the Ministry of Manpower in collaboration with the Singapore Productivity and Standards Board (PSB), the SNTUC and the SNEF. The Employment (Part-Time Employees) Regulations was also implemented.</p>
	Special initiatives/Progress		<p>2009 AR: According to the Government: A new Tripartite Centre for Fair Employment, led by employers' and workers' representatives with the support of the Government, was also established in September 2007. This Centre should develop training programmes and tool kits to assist employers, and institute a national award to recognize companies for implementing fair employment practices. Furthermore, the Singapore Workforce Development Agency (WDA) has introduced a new "Step Out For Change Programme" to reach out to economically inactive women and encourage them to re-enter the workforce. Moreover, in April 2008 the Tripartite Implementation Work Group (TIWG) released the Tripartite Advisory on Re-employment of Older Workers to help companies adopt re-employment early, ahead of its legislation by 2012; and (iii) the Singapore Workforce Development Agency (WDA) has introduced a new "Step Out For Change Programme" to reach out to economically inactive women and encourage them to re-enter the workforce.</p> <p>The SNEF mentioned that it had persuaded more than 700 of its members to sign the Employers' Pledge for Fair Employment Practices (according to the Government: the number of employers' signatures to this document reached 800 as of July 2008).</p> <p>According to the SNTUC: The SNTUC is managing together with the SNEF the Flexi-Works Fund that is a new initiative by the Singapore Workforce Development Agency (WDA) to encourage companies to hire new workers, especially women, on part-time or flexible work arrangements. This programme was offering a grant up to \$100,000 to support a company's effort in the recruitment of older workers on part-time or flexible work arrangements. Moreover the SNTC Women's Committee has developed the two following key projects for 2007 include: (i) "Women back to Work", which aims to get more women into the workforce by encouraging more employers to offer part-time and flexi-work schemes to women, as well as to encourage women to take up the various subsidized schemes available to upgrade their skills and take up higher paying jobs; and (ii) "Work Life Initiative", which looks into the provision of benefits such as childcare leave, lactation room and flexi-work arrangements to help women balance better their work and family commitments.</p> <p>2008 AR: The Government indicated that the new Tripartite Guidelines on Fair Employment Practices were published in May 2007. In this respect, five hundred employers have already publicly pledged to be fair employers by adhering to these guidelines.</p>
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2009 AR: According to the SNEF: The existing employment laws are adequate in protecting the rights and well-being of workers. However, where there is need for review and proposed changes are not to undermine business, the employers' organization would be receptive in considering the changes.</p>
		Workers' organizations	<p>2009 AR: According to the SNTUC: The Employment Act is likely to be amended at the end of 2008, as a part of the labour movement proposal to better protect pregnant employees.</p> <p>2005 AR: According to the SNTUC: There is persisting discrimination against older and female workers. More stringent enforcement of the laws against those who violate them and legal literacy and educational activities for employers are necessary to address discrimination against pregnant employees.</p>
	According to the Government		<p>2009 AR: The Government indicated that the ageing population was a challenge that was tackled by a series of measures.</p>

TECHNICAL COOPERATION	Request	2009 AR: The Government indicated that, even though it wanted to ensure the requirements of C.111 were formally and fully met in Singapore, it would be seeking advice from the ILO on these requirements in due course.
	Offer	NIL
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The IDEAs noted that Singapore (and another country) had not yet expressed their intentions concerning ratification of C. 111 (Cf. Paragraph 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2004 AR: The IDEAs urged the Government of Singapore (and four other governments) to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process (Cf. Paragraph 21 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	



BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: SOLOMON ISLANDS

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, under the 2006 and the 2008 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations: the Solomon Islands Chamber of Commerce and Industry (SICCI); the Solomon Islands Chinese Association (SICA); the Solomon Islands Indigenous Business Association (SIIBA); the Solomon Islands Women in Business Association (SIWIB); the Association of Solomon Islands Manufacturers (ASIM); the Solomon Forestry Association (SFA)) and workers' organizations: the Solomon Islands Council of Trade Unions (SICTU); the Solomon Islands Public Employees Union (SIPEU); the Solomon Islands National Union of Workers (SINUW); and the Solomon Islands National Teachers' Association (SINTA) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the SICCI. 2006 AR: Observations by SCCI, SICA, SIIBA, SIWIB, ASIM and SFA.	
	Workers' organizations	2009 AR: Observations by the SICTU. 2008 AR: Observations by the SICTU, SINUW and its 10 affiliates. 2006 AR: Observations by SICTU, SIPEU, SINUW and SINTA.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Solomon Islands has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, Solomon Islands ratified in 2000 the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		Ratification intention	<p>YES, for both C.100 and C.111.</p> <p>2009 AR: According to the Government: Ratification of C.100 and C.111 is to be discussed by Parliament. The SICTU indicated its support to the ratification of these instruments by Solomon Islands.</p> <p>2008 AR: According to the Government: As a result of ILO technical assistance in 2005 to hold consultations with employer's and worker's organizations, the Cabinet approved the ratification of Conventions No.100 and 111 together with other unratified ILO fundamental Conventions on 17 May 2007, as a result of ILO technical assistance in 2005. Therefore, the Government intends to bring national legislation into compliance with the ILO fundamental Conventions, in consultation with the employers' and workers' organizations and in cooperation with the ILO.</p> <p>According the SICTU: The Letter of Intent concerning the ratification of the remaining 7 unratified ILO fundamental Conventions was presented by the Government during the Celebration of the 30th years of ILO Presence in the Pacific in Suva (Fiji). The Government should thus finalize this ratification process in cooperation with the ILO.</p> <p>The SICCI and the SICTU expressed their support to the ratification of C.100 and C.111.</p> <p>2006 AR: The Government indicated its intention to ratify C.100 and C.111, and that it was initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance national laws with the principle and right (PR). It also appreciated the employers' and workers' organizations' (ASIM, SFA, SICCI, SIIBA, SIWIB, SICA, SICTU, SINUW, SINTA and SIPEU) support for the ratification of all ILO Fundamental Conventions not ratified by Solomon Islands. In this respect, it requested ILO technical assistance on the Declaration and standard-related issues and for capacity building in reporting.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES</p> <p>As a general principle, the Preamble of the national Constitution, 1978, provides for human dignity, equality, social justice, and equity for the people of Solomon Islands. Furthermore, under Article 15 of the Constitution, no law shall make any provision that is discriminatory either of itself or in its effect. Moreover, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.</p>
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2006 AR: According to the Government: There is no national policy concerning the principle and right (PR). However, the Government intends to do so, and would welcome any ILO assistance in this respect. • 2006 AR: According to the Government: There is a national policy on the elimination of discrimination in employment and occupation. • Legislation <p>2006 AR: Parts III and IV of the Trade Unions' Act (CAP 76), 1970 (as revised in 1998), provides for the registration and the rights and liabilities of trade unions. Freedom of association of employees shall not be subject to employers' interference under Section 60 of the same Act. In addition, the Solomon Islands ratified in 1985 the Right of Association (Agriculture) Convention, 1921 (No.11).</p>

		<p>Although there is no explicit reference to the right to collective bargaining in national laws and rules, this right is recognized under Section 26 of the Trade Unions Act, which provides that every trade union shall be liable on any contract entered into it or by an agent acting on its behalf, and under Section 59, which refers to agreements. Furthermore, this right is recognized in practice, and many collective bargaining agreements are currently in force in the country.</p> <p>Basic legal provisions: (i) The national Constitution, 1978 (Articles 3(b) and 13); (ii) the Trade Unions' Act (CAP 76), 1970 (as revised in 1998), Parts III and IV, and Sections 26 and 59; and the Trade Unions Act (CAP 161), 1983.</p> <p>Basic legal provisions: (i) The national Constitution, Article 15.</p>
	Basic legal provisions	(i) The Preamble of the Constitution; (ii) The Constitution, Articles 15, 17 and 18; and (iii) Collective agreements.
	Grounds of discrimination	2006 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/color, sex, religion, political opinion and place of birth and disability. Under section 15(4) of the national Constitution, the expression "discriminatory" means affording different treatment to different persons, including persons subject to disabilities and restrictions, and excluding them from privileges or advantages on grounds of race, place of origin, political opinions, colour, creed or sex.
	Judicial decisions	NIL
Exercise of the principle and right	Special attention to particular situations	NIL
	Information/Data collection and dissemination	2006 AR: The Government mentioned that a National Analysis on Women, Youth and Children had been finalized in 2004. It, however, requested the ILO assistance for the collection of statistics and information relevant to the elimination of discrimination in employment and occupation.
Prevention/Monitoring, enforcement and sanction mechanisms	<p>2009 AR: According to the Government: A Principal Labour Officer has just been recruited by the Ministry of Labour. He is in charge of following up the application of international labour standards, including issues pertaining to the PR.</p> <p>2006 AR: According to Government: Specific measures have been implemented or are envisaged to respect, promote and realize the PR. In instances where the Government finds that the principle has not been respected, the Government provides advice to the offending party and a mutual agreement is found.</p>	
Involvement of the social partners	YES	
		2006 AR: According to the Government: A labour law reform is being initiated in association with the social partners.
Promotional activities	Institutions to promote equality	2008 AR: According to the Government and the SICCI: a new Ministry of Women, Youth and Children Affairs has been established.
		2006 AR: According to the Government: There is no special machinery or body in relation to the PR. However, the Government requested ILO assistance in designing such machinery.

		Other activities	<p>2009 AR: According to the Government: A Principal Labour Officer has just been recruited by the Ministry of Labour. He is in charge of following up the application of international labour standards, including issues pertaining to the PR. The SICTU indicated that it had organized different workshops in support of the ratification of C.100 and C.111.</p> <p>2008 AR: The SICCI stated that Labour Day celebrations are organized and awareness-raising campaigns are carried out on a regular basis through radio broadcasting.</p> <p>2006 AR: Specific measures have been implemented or are envisaged to respect, promote and realize this PR in the country. The PR is realized in a number of collective agreements, both in public and private sectors. In addition, a National Situation Analysis on Women, Youth and Children has been finalized in 2004. In instances where the Government finds that the principle has not been respected, measures are being taken in accordance of the Constitution, sections 17 and 18. Under the Constitution, any person whose fundamental rights or freedoms has been contravened may apply to High Court for redress and shall be entitled to compensation for the contravention thereof from the person or authority which contravened it.</p>
	Special initiatives/Progress		<p>2008 AR: The Government provided financial assistance for the national celebration of Labour Day. These activities included awareness-raising on the fundamental principles and right at work (FPRW), including radio broadcasting. Furthermore, a weekly radio programme on the FPRW is organized.</p> <p>2006 AR: According to the Government: (i) the Government intends to ratify C.100 and C.111; and (iii) the Government is currently initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance of national laws with the provisions of C. 100 and C.111.</p>
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2008 AR: The SICCI indicated that the Government lacked capacity in the monitoring and enforcement of the law.</p> <p>2006 AR: According to the employers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows: SFA: There is a concern as the realization of the PR in Solomon Islands, due to ethnicity, and other discriminations on grounds of race, sex and religion. The main difficulties encountered in realizing the PR in Solomon Islands are as follows: (i) lack of employment opportunities; (ii) lack of social dialogue; (iii) inadequate labour laws; and (iv) lack of public awareness. SICA: (i) lack of adequate legislation; (ii) lack of information and data; (iii) lack of public awareness-raising on the PR; and (iv) lack of ILO support and technical cooperation programmes; SIWIB: (i) lack of information and data; (ii) social and economic circumstances; and (iii) forms of discrimination on grounds of race, religion and ethnicity; SICCI: (i) forms of discrimination at workplace on grounds of gender; (ii) lack of adequate legislation; (iii) lack of information and data; lack of public awareness-raising on the PR; and (iv) lack of ILO support and technical cooperation programmes; ASIM: (i) cultural discrimination; and (ii) lack of consistent and permanent education. SIIBA: (i) discrimination is common in practice in this country, especially on grounds of ethnicity (the "one Tok system"), race and religion, inadequate legislation; (ii) inadequate legislation; (iii) inadequate enforcement of the legislation; (iv) lack of expertise and resources in the Labour Division; (v) lack of information and data collection; and (vi) lack of ILO support and technical cooperation programmes.</p>

		<p>Workers' organizations</p>	<p>2009 AR: According to the SICTU: The ratification of C.100 and C.111 requires the review of the existing legislation.</p> <p>2008 AR: According to the SICTU and SINUW, the Solomon Islands faced ethnic conflicts from 1999 to 2004, which affected the whole country. Although this conflict is currently non-apparent, it still remains and needs to be addressed to improve the realization of the PR in the Solomon Islands.</p> <p>2006 AR: According to the workers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>SIPEU: (i) inadequate legislation; (ii) lack of information and data; (iii) lack of capacity of Government, employers' and workers' organizations; (iv) lack of social dialogue; and (v) lack of ratification of C.100 and C.111;</p> <p>SINTA: (i) ethnicity, and other discriminations on grounds of race, sex and religion; (ii) social, cultural values and traditions; (iii) gender bias; (iv) inadequate legislation; (v) lack of information and data; (vi) lack of capacity of Government, employers' and workers' organizations; (vii) lack of social dialogue; and (viii) lack of public awareness on the PR;</p> <p>SICTU and SINUW: (i) discrimination needs to be enforced in laws, practice and regulations; (ii) lack of information and data; (iii) social values (in particular discrimination based on sex and barriers to women's employment); (iv) social and economic circumstances and (v) there are reported cases of discrimination based on race, creed, following the ethnic conflicts.</p>
	<p>According to the Government</p>		<p>2008 AR: The Government reiterated the same challenges mentioned under the 2006 AR. Furthermore, there is a need to address the issue of domestic workers and women workers that are vulnerable and subject to discrimination, especially in access to employment). It further specifies that the Labour Division lacks the capacity to carry out its monitoring role, operate and report to the ILO.</p> <p>2006 AR: The main difficulties encountered in realizing the PR in the Solomon Islands are as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vi) prevailing employment practices; (vii) lack of capacity of responsible government institutions (labour inspection, in particular); (viii) lack of capacity of employers' organizations; (ix) lack of capacity of workers' organizations and (x) lack of social dialogue on the PR. Moreover, there is a need to address the issue of domestic workers and women workers that are vulnerable and subject to discrimination, especially in access to employment.</p>

TECHNICAL COOPERATION	Request	<p>2009 AR: According to the Government, the ASIM and the SICTU: The ILO's cooperation is needed to promote and realize the PR.</p> <p>2008 AR: According to the Government: The requests made under the 2006 AR remain valid. The Government again requests ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW. This will allow the Government and the employers' and workers' organization to draw a national plan of action to better realize the PR in Solomon Islands.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Solomon Islands, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; strengthening data collection and capacity for statistical analysis; legal reform (labour law and other relevant legislation); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration;(2) Awareness-raising, legal literacy and advocacy; capacity building of responsible government institutions; Strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; establishing or strengthening specialized institutional machinery; cooperation between institutions (e.g. various ministries and relevant commissions); (3) Sharing of experiences across countries/regions.</p> <p>In addition, social dialogue, legal reform, monitoring and implementation of the PR are important steps to be addressed in Solomon Islands as soon as possible. ILO technical assistance would be welcomed in this respect, especially in the preparation (survey and validation seminar) and launching of a national Declaration Programme for Solomon Islands.</p> <p>All employers' and workers' organizations supported the Government's request for ILO technical cooperation, including the launch of an ILO Declaration Programme to facilitate the promotion and realization of the FPRW in Solomon Islands.</p> <p>According to the employers' organizations, the ILO technical cooperation would be necessary to assist in the realization of the PR in Solomon Islands in the following areas:</p> <p>SFA: (i) labour law reform; (ii) strengthening of social dialogue and (iii) public awareness-raising campaign to targeted groups and decision makers;</p> <p>SICA and SICCI: (i) legal reform; (ii) data collection and (iii) public awareness-raising on the PR;</p> <p>SIWIB: (i) education programmes; (ii) capacity building and (iii) adequate coordination among social partners concerning the promotion and realization of the PR;</p> <p>ASIM: (i) public awareness-raising on the PR;</p> <p>SIIBA: (i) legal reform; (ii) strengthening of the capacity building of Government and social partners; and (iii) public awareness raising;</p> <p>SIPEU: (i) information and data collection; (ii) capacity building of employers' and workers' organizations on the PR; (iii) strengthening of social dialogue and (vi) awareness-raising of the public on the PR and the negative aspects of child labour and its worst forms;</p> <p>SINTA: (i) legal reform; (ii) information and data collection; (iii) capacity building of employers' and workers' organizations on the PR; (iv) strengthening of social dialogue and (v) awareness-raising of targeted groups and decision makers;</p> <p>SICTU and SINUW: fighting against all forms of discrimination in employment and occupation.</p>
	Offer	<p>ILO (including labour law reform and assistance in reporting under the 2006 AR), and CEDAW Programme (UNDP, UNIFEM, national NGOs, etc).</p>

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also noted the new report by Solomon Islands in cooperation with the ILO, and the intentions expressed by most governments, including the Government of Solomon Islands, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 12, 64, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from the Solomon Islands (and few other countries) that had never reported under the Declaration Annual Review (Cf. paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Solomon Islands, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Solomon Islands and other countries that had never reported under the Declaration Annual Review (Cf. Paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4, and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: SOMALIA

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the 2006 Annual Review (AR). No change report under the 2007 AR (national crisis).	
	Involvement of Employers' and Workers' organizations in the reporting process	2008 AR: According to the Government: The Somalia Employers' Association (SEA) has been established in January 2007. Small workers' unions also have been established, but the umbrella national union is yet to be established, as part of an ongoing process. Furthermore, a process is being developed in view of establishing new employers' and workers' organizations in the country.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	NIL	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Somalia ratified in 1961 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not yet ratified Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	YES, since 2007, for C.100. 2009 AR: The Government confirmed its intention to ratify all the ILO fundamental Conventions, including C. 100, as soon as possible and with ILO's technical support. 2008 AR: According to the Government: it is yet to receive the ILO technical assistance, which was requested in 2005. Once this technical guidance is received, the Government will start the ratification process in consultation with employers' and workers' organizations. The Government intends to ratify the ILO Fundamental Conventions, but lacks technical capacities . 2006 AR: According to the Government: With a view to considering ratification of all ILO fundamental Conventions, the Government would appreciate receiving ILO technical assistance in organizing a national workshop on labour standards and the Declaration on Fundamental Principles and Rights at Work.
	Recognition of the principle and right	Constitution	YES , articles 15 and 18.1 a) of the 2004 Somali Transitional Federal Charter (STFC) prohibit all forms of discrimination.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

	(prospect(s), means of action, basic legal provisions)	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy No, however: 2006 AR: The Government intended to adopt a national policy on the PR. • Legislation 2005 AR: The PR is recognized under Part I.3 of the Labour Code, Law no. 65 of 1972 that prohibits all forms of discrimination. Article 70 of the same text provides that equal remuneration shall be given for equal value, efficiency and duration.
		Basic legal provisions	(i) The 2004 Somali Transitional Federal Charter (STFC) (Articles 15 and 18.1 a); and (ii) The Labour Code, 1972 (Part I.3 and section 70).
		Grounds of discrimination	C.111 is ratified.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	NO
		Information/Data collection and dissemination	NO.
	Prevention/Monitoring, enforcement and sanction mechanisms	NO	
	Involvement of the social partners	NO	
	Promotional activities	Institutions to promote equality	2008 AR: According to the Government: a Ministry of Women Affairs was created in 2005 with the intention of promoting gender equality.
		Other activities	2008 AR: A government official was trained on international labour standards and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre.
Special initiatives/Progress	NIL		
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	NIL

	According to the Government	<p>2009 AR: The Government reiterated the same peace and capacity challenges that made it difficult to realize the PR.</p> <p>2008 AR: The Government is endeavouring to establish total peace in the country. As a result of a long period of instability, the Government has no record for reference purpose. There is also a lack of technical personnel and financial means. This also goes for the employer's and worker's organizations that need training and capacity building. As regards the PR in particular, the Government reiterates the same challenges raised under the 2006 AR.</p> <p>2007 AR: The Government reported no change because of national difficult circumstances.</p> <p>2006 AR: The main difficulties encountered in realizing the PR in Somalia were as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vi) prevailing employment practices; (vii) lack of capacity of responsible government institutions); (viii) lack of capacity of employers' organizations; and (ix) lack of capacity of workers' organizations. Moreover, there is a need to implement new national labour administration, new tripartite institutions and to ensure compliance of national laws and practice with the ILO Conventions following the national reconstruction process.</p>
TECHNICAL COOPERATION	Request	<p>2009 AR: The Government reiterated the requests for ILO technical cooperation made since the 2006 AR and expressed its interest in having an ILO Decent Work Country Programme developed in Somalia when national situation allows it.</p> <p>2008 AR: The Government reiterated the request for ILO technical cooperation made under the 2006 AR. It further reiterated its request for urgent ILO assistance for the realization of a country assessment followed by a national tripartite workshop on labour standards and the Declaration Follow-up.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Somalia, in particular in the following areas, in order of priority: (1) Capacity building of responsible government institutions; (2) Strengthening capacity of employers' organizations; (3) Strengthening capacity of workers' organizations; (4) Legal reform (labour law and other relevant legislation); (5) Strengthening data collection and capacity for statistical analysis; (6) Awareness-raising, legal literacy and advocacy; (7) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (8) Developing labour market policies that promote equality of opportunity; (9) Training of other officials (police, judiciary, social workers, teachers); (10) Developing policies regarding equal remuneration; (11) Establishing or strengthening specialized institutional machinery; (12) Cooperation between institutions (e.g. various ministries and relevant commissions); and (13) Sharing of experiences across countries/regions. Furthermore, after 15 years of civil war and political turmoil, in 2004, a Transitional Federal Parliament and Transitional Federal Government were formed in Nairobi, Kenya. The Government has launched a programme with the view to establish a new labour administration, new employers' and workers' organizations, new tripartite institutions, revised labour laws and new labour courts. In this historical and instrumental process for national peace, stability and reconstruction, the ILO assistance is most needed to enable the Government to apply the Convention in law and practice, and report accordingly. In view of considering the ratification of all ILO Fundamental Labour Conventions, the Government requests the organization of a national workshop on these standards and the Declaration, with ILO technical assistance.</p>
	Offer	ILO (including assistance in reporting under the 2006 AR).

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Somalia, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2006 AR: The IDEAs encouraged the Government of Somalia that had provided its first report under the Declaration to follow up and had expressed its willingness to ratify C.87 and C.98 (Cf. Paragraph 34 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from Somalia (and few other countries) that had never reported under the Declaration Annual Review (Cf. Paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Somalia, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Somalia and other countries that had never reported under the Declaration Annual Review (Cf. Paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4, and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: SURINAME

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2002 Annual Review (AR).	
	Involvement of Employers' and Workers organizations in the reporting process	YES, according to the Government: Involvement of employers' organizations (the <i>Vereniging Surinaams Bedrijfsleven</i> (VSB); the <i>Associatie van Surinaamse Fabrikanten</i> (ASFA)) and workers' organizations (the Federation of Labour Unions in Suriname (RAVAKSUR); the <i>Centrale van Landsdienaren Organisatie</i> (CLO); the <i>Federatie van Agrariërs en Landarbeiders</i> (FAL); the <i>Progressieve Werknemers Organisatie</i> (PWO); the <i>Organisatie van Samenwerkende Autonome Vakbonden</i> (OSAV); and the <i>Progressieve Vkcentrale C-47</i> (C-47)) by means of consultations and communication of the Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL	
	Workers' organizations	<p>2009 AR: Observations by the RAVAKSUR.</p> <p>2008 AR: Observations by the CLO.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Suriname has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No.111) (C.111).
		Ratification intention	<p>YES, since 2002, for C.100 and C.111.</p> <p>2009 AR: The Government indicated its support to the ratification of C.100 and C.111 and stated that a reform of the national laws was needed. The RAVAKSUR stated its support to the ratification of these instruments.</p> <p>2008 AR: The Government indicated that once the labour law review on job classification and minimum wage is completed, the Council of Ministers would review the previous memos regarding the ratification of C. 100 and C. 111. The CLO expressed its support to the ratification of C.100.</p> <p>2003 AR: According to the Government: Ratification of C.100 and C.111 were being envisaged.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

	Recognition of the principle and right (prospect(s), means of action, basic provisions)	Constitution	Under article 8, paragraph 2 of the 1987 Constitution of Suriname, discrimination on grounds of birth, sex, race, language, religion, education, political beliefs, economic position or any other status is prohibited. The Constitution (article 27, Paragraph 1(c)) also provides for the right to work maximally by guaranteeing equal opportunity in the choice of profession and type of work and forbidding that access to any function or profession be prevented on grounds sex. Moreover, article 28 of the Constitution guarantees to all employees, irrespective of age, sex, race, nationality, religion or political opinion, the right to: <ul style="list-style-type: none"> - Remuneration for their work corresponding to quantity, type, quality and experience on the basis of equal pay for equal work; - The performance of their task under humane conditions; - Safe and healthy working conditions; and - Sufficient rest and recreation.
		Policy, legislation and/or regulations	YES The PR is recognized, but not defined in legislation. However, clauses in collective bargaining agreements provide for non-discrimination. <ul style="list-style-type: none"> • Policy: 2003 AR: There is a national policy concerning the elimination of discrimination in respect of employment and occupation, which aimed at ensuring equality of life for everyone, through a continuing reform of the current legal system. • Legislation: Section 12, paragraph 1 of the General Decree A-11 (S.B. 1982, No. 53) provides for equal remuneration of workers, regardless of race. • Regulations: the General Decree A-11 of 1982.
		Basic legal provisions	(i) The Constitution, 1987 (articles, 8, 27 and 28); (ii) the Labour Law; and (iii) the General Decree A-11 of 1982.
		Grounds of discrimination	2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.
		Judicial decisions	NO According to the Government: The principle and right (PR) is recognized, but not defined in judicial decisions.
	Exercise of the principle and right	Special attention to particular situations	NIL
	Information/Data collection and dissemination	2003-2005 ARs: According to the Government: There is no information and data on the PR. However, any ILO assistance in this respect would be appreciated.	

	Monitoring, enforcement and sanctions mechanisms	<p>2008 AR: According to the Government: Labour inspections are being undertaken and complaint procedures have also been made available. Moreover, a minimum wage system will be set up shortly with the aim to eradicate poverty and achieve equality of treatment between men and women.</p> <p>2003-2005 ARs: According to the Government: The PR is implemented through the Gender Bureau of the Ministry of Internal Affairs' activities. The Bureau is used as machinery to combat discrimination against women and perform monitoring and consultative tasks. The following committees also have a role to play: (i) Committee on the Elimination of Discrimination Against Women which deals with the rights of women workers; (ii) the Foundation "Stop Violence Against Women" and other women's organizations and (iii) the Organization for Haitians, which focuses on migrant workers.</p>		
	Involvement of the social partners	<p>2004 AR: According to the Government: Employers' and workers' organizations have been involved in the development and implementation of governmental measures in relation to the elimination of discrimination in employment and occupation. In this respect, the representatives of the employers' and workers' organizations had the possibility of making suggestions within the Labour Advisory Board. In its policy-making, the Government kept these suggestions in mind and applied them, where necessary. Furthermore, activities sponsored by the social partners have been organized by women's employers and workers' organizations, and workers education activities have been conducted at the Suriname Labour College.</p>		
	Promotional activities	Institutions to promote equality:	<p>According to the Government: (i) The Gender Bureau of the Ministry of Home Affairs; (ii) the Commission on Gender Regulations (established in 2000) with the main objective of screening of the labour legislation on issues that concern discriminatory conditions against women and (iii) the Labour Advisory Board.</p>	
		Other activities:	<p>2009 AR: The Government stated that it had supported the awareness-raising programmes on sexual harassment organized by RAVAKSUR and NGOs. The RAVAKSUR confirmed that it had organized, together with NGOs, an awareness-raising campaign supported by the Government.</p> <p>2008 AR: The Government indicated that a seminar would be organized in August 2007 in collaboration with the ILO Caribbean Office in Trinidad in order to assist Suriname in the elaboration of the Minimum Wage System. The CLO indicated that it had organized several workshops in order to train the workers in the agricultural sector.</p> <p>2004 AR: According to the Government: A Commission on Gender Regulations had been established with the main objective of screening of labour legislation on issues that concern discriminatory conditions against women.</p> <p>2000 AR: According to the Government: The policy of the Government was aimed at guaranteeing equal quality of life for everyone, especially women. In addition, information was disseminated to the public through the Labour Inspection arm of the Ministry of Labour, the Government introduced literacy programmes, and there has been continuing reform of the educational system to reduce and remove social inequality. Measures taken to promote respect for this PR include vocational training and the provision of public information by the Ministry of Labour.</p>	
	Special initiatives/Progress	<p>2006 AR: The Government of Suriname reported that it was considering the possibility of setting up a system of minimum wages in collaboration with the social partners.</p>		
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL	
		Workers' organizations	2009 AR: The RAVAKSUR indicated that recent changes in the law made it difficult for the implementation of C.100 and C.111 in the informal economy.	

	According to the Government	<p>2009 AR: According to the Government: The legislation needs revision to include sexual harassment as a component of discrimination, and equality in remuneration and job classification are essential for the implementation of C.100 and C.111.</p> <p>2008 AR: According to the Government: Women are still not sufficiently aware about the issue of discrimination in respect of employment and remuneration. Comprehensive policies should therefore be elaborated in this respect.</p> <p>2003-2005 ARs: According to the Government: The main difficulties encountered in relation to this PR are as follows: ((1) social and economic circumstances (bureaucracy, small budget of the Ministry of Labour, Technological Development and Environment); (2) lack of information and data (there is insufficient data on women workers in rural areas and in the informal sector regarding wages and unemployment); (3) legal provisions (modernization of the labour laws) and (4) lack of social dialogue on this principle (within the Labour Advisory Board, the Government and social partners have not yet fully discussed this issue).</p>
TECHNICAL COOPERATION	Requests	<p>2009 AR: The Government indicated that ILO's technical cooperation was needed in the review of labour laws regarding discrimination. The RAVAKSUR stated that ILO's technical cooperation was needed to develop structures that reflect the issues of discrimination in compliance with C.100 and C.111.</p> <p>2008 AR: The Government requested ILO technical assistance for a country assessment on the Declaration Follow-up and in providing training for women in the workplace. The CLO stated that ILO support was needed for awareness-raising campaigns and examples of best practices.</p> <p>2003-2005 ARs: According to the Government, ILO technical cooperation was needed to facilitate the realization of the principle of non-discrimination, in the following order of priority: (1) developing policies regarding equal remuneration; (2) developing labour market policies that promote equality of opportunity and (3) assessment in collaboration with the ILO regarding the difficulties identified and their implications for realizing the PR.</p>
	Offer	NIL
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Suriname, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2009)¹: THAILAND

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to Government: Involvement of the Employers' Confederation of Thailand (ECOT); Employers' Confederation of Thai Trade and Industry (ECONTHAI); Labour Congress of Thailand; and the National Congress of Thai Labour (NCTL) through consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the ECONTHAI. 2007 AR: Observations by the ECOT. 2004 AR: Observations by the ECONTHAI. 2003 AR: Observations by the ECOT.	
	Workers' organizations	2009 AR: Observations by the NCTL. 2008 AR: Observations by the NCTL. 2007 AR: Observations by the NCTL. 2005 AR: Observations by the NCTL. 2002 AR: Observations by the NCTL. 2001 AR: Observations by the World Confederation of Labour (WCL).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Thailand ratified in 1999 the Equal Remuneration Convention, 1951 (No. 100) (C.100). However, it has not yet ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		Ratification intention	<p>YES, since 2002, for C.111.</p> <p>2009 AR: The NCTL reiterated its support to the ratification of C.111 by Thailand.</p> <p>2008 AR: The ECONTHAI and the NCTL indicated their support to ratification of C.111 by Thailand.</p> <p>2007 AR: The ECOT expressed its support for ratification of C.111 by Thailand.</p> <p>2004 AR: According to the Government: The major duties of the Department of Labour Protection and Welfare are to develop national labour standards in accordance with International Labour Standards (ILS), including the principle and right (PR).</p> <p>2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.111.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES</p> <p>The 1997 Constitution (article 30) provides that all persons are equal before the law and shall enjoy equal protection under the law, irrespective of their sex. Article 80 of the Constitution states that the State shall protect and develop children and youth, promote gender equality, and sustain families and communities.</p>
		Policy/Legislation and/or Regulations	<ul style="list-style-type: none"> • Policy: <p>2004 AR: According to the Government: The Ministry of Labour, through the Department of Labour Protection and Welfare, intends to eliminate discrimination in respect of employment and occupation.</p> <p>2003 AR: According to the Government: A set of policies in relation to the PR has been implemented. These include urgent policies, income generating policies, labour development policies, gender issues, etc.</p> <p>2001- 2002 ARs: According to the Government: The Department of Labour Protection and Welfare (DLPW) had established the Result-Based Labour Inspection programme in order to address discrimination in employment and occupation. Policies had been set up for rural areas, disabled people, tribal people, elderly people, migrant workers, and women.</p> <p>2000 AR: According to the Government: The 8th National Economic and Social Development Plan has been established, the objectives of which included combating discrimination in employment and occupation.</p> <ul style="list-style-type: none"> • Legislation <p>The Labour Protection Act B.E 2541 (1998) addresses the PR, and includes human rights principles (Chapter 8, Sections 199- 200). The Disabled Act of 1991 also deals with the PR.</p>
		Basic legal provisions	<p>(i) The 1997 Constitution (article 30); (ii) the Labour Protection Act B.E 2541 (1998), Chapter 8, sections 199-200; (iii) the Disabled Act of 1991.</p>
		Grounds of discrimination	<p>2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of sex, religion, political opinion, national extraction and social origin.</p>

	Judicial decisions	NIL
Exercise of the principle and right	Special attention to particular situations	2000-2003 ARs: According to the Government: Women.
	Information/Data collection and dissemination	NIL
Prevention/Monitoring, enforcement and sanctions mechanisms	<p>2006 AR: According to the Government: Employment services provided to the public by the Department of Employment, Ministry of Labour are free of charge and without discrimination. In providing such services, the department will consider job seekers' education level and experience to match the employers' requirements for job vacancies. However, the success of job placement depends on the satisfaction of employers upon the applicants' qualifications. As regard self-employment promotion, the services provided by the Department of Employment is on an equal basis, with the objective of enhancing employability and entrepreneurial skills.</p> <p>2003 AR: According to the Government: The Labour Department plays a monitoring/inspection, enforcement and defence role for the realization of this PR.</p>	
Involvement of the social partners	2003 AR: According to Government: The employers' and workers' organizations have been involved in the establishment of a Remuneration Committee.	
Promotional activities	Institutions to promote equality	<p>2009 AR: According to the Government: (i) companies are encouraged to employ preferentially individuals with special needs; (ii) migrant workers are encouraged to develop their skills using the education system that is free and reflects their labour needs; (iii) a tripartite committee was established to protect labour, equality and welfare of workers.</p> <p>2007 AR: According to the Government: The Ministry of Social Development and Human Security has taken the following steps:</p> <ul style="list-style-type: none"> • Drafting the Bill of "Promoting Equal Opportunity" to eliminate discrimination against women. The Bill aims to protect not only women, but also all target groups specified in the Constitutional Law of Thailand B.E.2540 (1997), who suffer from inequality of opportunity at work, education, training and access to public facilities or services. Moreover, it defines the word "discrimination" and sets up a procedure of legal complaint, an authority of concerned agencies and discrimination remedy fund. As a result, active discrimination against women and other target groups will be eliminated and they will have equal opportunity to obtain the necessary development and live with human dignity. At the moment, the Draft Bill is undergoing the legislative procedure; and • Drafting the Women Development Plan in accordance with the 10th National Economic and Social Development Plan (2007-2011) to create social equality and eliminate all unequal treatment, including employment, for women. Consequently, women and men will be treated equally. For instance, women will be able to have access to available benefits and developments to the same extent as men and with the same human dignity. This Draft Plan is also undergoing the legislative procedure. <p>The Ministry of Labour and Social Welfare and the Offices of Women's Affairs and Family Development are the institutions responsible for the promotion of the PR in the country.</p>

		Other activities:	<p>2008 AR: According to the NCTL: It has launched a campaign to claim an equal remuneration of both wages and allowances between workers employed in contracting enterprises and workers operating in sub-contracting enterprises. It also indicates that several activities were organized in each of the 76 provinces of the country and that labour inspections are carried out on a regular basis.</p> <p>2007 AR: According to the ECOT: Some training courses have been developed on the PR in Thailand.</p> <p>2003-2005 ARs: According to the Government: The Ministry of Labour and Social Welfare undertakes labour education programmes to create awareness among employers and to enforce the legal provisions in relation to the PR. The Offices of Women's Affairs and Family Development is responsible of the gender aspects of discrimination in employment and occupation. According to the ECOT: The PR applies to all categories of workers, including migrant workers. The Commission on Women's Affairs (NCWA) is responsible for promoting gender equality.</p> <p>2002 AR: According to the Government: The Department of Labour Protection and Welfare (DLPW) aims at promoting equal treatment between men and women in the field of remuneration and strives to empower women.</p> <p>2001 AR: According to Government: The Ministry of Labour and Social Welfare had a range of programmes and services as regards promoting employment, labour inspection and welfare of women workers.</p>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Special initiatives/Progress		<p>2005 AR: According to the Government: The adoption of the practical guidelines on the Prevention and Management of AIDS in the establishments in 2004.</p> <p>2004 AR: According to the Government: The introduction of "Advisers for Woman Employees at the Workplace" in the Thai Labour Standard (Voluntary Measure) in April 2003.</p> <p>2003 AR: According to the Government: An action plan was adopted in November 2001 to promote labour standards in the export processing zones, awareness-raising activities and vocational training programmes for women. According to the ECOT: Campaigns aimed at encouraging women's participation in the village fund program can be considered as a successful initiative in relation to the PR.</p>
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2008 AR: The ECONTHAI indicated that discrimination can only be observed in small enterprises.</p> <p>2007 AR: According to the ECOT: There is a lack of data on the PR.</p>

		Workers' organizations	<p>2008 AR: The NCTL indicated that the issue of discrimination in employment and occupation is not a serious matter in Thailand. Some cases can be found in small enterprises (less than 50 workers) or in family enterprises.</p> <p>2007 AR: According to the NCTL: Sex discrimination still exists as far as retirement age and promotion are concerned. Furthermore, sexual harassment is still present in the private and public sectors.</p> <p>2002 AR: According to the NCTL: Gender inequalities persist in the labour market.</p> <p>2001 AR: According to the WCL: (i) discriminatory barriers; (ii) large proportion of less educated; (iii) large concentration in lower qualified and under-paid jobs; (iv) lack of legal protection; (iv) outsourcing as a means to avoid the provisions of minimum wage; (v) absence of sanctions in case of violation of the right to maternity leave.</p>
	According to the Government		<p>2004 AR: According to the Government: (i) lack of public awareness and/or support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' and workers' organizations and (x) lack of social dialogue on this PR.</p> <p>2002 AR: In response to the NCTL's observations, the Government indicated that national laws and regulations should be endorsed in order to achieve equality in employment and occupation in accordance with the Constitution of 1997 and the 1998 Labour Relations Act.</p>
TECHNICAL COOPERATION	Request		<p>2009 AR: The Government indicated that the ILO's cooperation was needed on reporting procedures and obligations.</p> <p>2008 AR: The NCTL requested ILO technical support for the elaboration of training and awareness-raising programmes on the PR for workers.</p> <p>2007 AR: According to the ECOT: ILO technical and material support is needed for training on non-discrimination at the workplace.</p> <p>2005 AR: According to the Government: A need for ILO technical cooperation to facilitate the realization of the PR in Thailand exists in the following priority areas: (1) sharing of experiences across countries/regions; (2) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; awareness-raising, legal literacy and advocacy; strengthening data collection and capacity for statistical collection and analysis; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; training of other officials (e.g. police, judiciary, social workers, teachers); strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; establishing or strengthening specialized institutional machinery; coordination between institutions (e.g. various ministries and relevant commissions). According to the NCTL: ILO cooperation would be needed in order to strengthen the capacity of workers' organizations at both enterprise and national levels.</p> <p>2003 AR: According to the ECOT: Technical cooperation is needed, especially in strengthening capacity of employers' organizations and developing fair labour market policies.</p>
	Offer		ILO (labour law review).

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Thailand, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs complimented Thailand for its efforts in terms of research, advocacy activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms, and/or ratification, but in having (along with other four governments) given special attention to specific categories of workers or enterprises and encouraged the country to enhance its efforts in reducing and eliminating this type of discrimination (Cf. Paragraphs 13 and 270 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that despite receiving very late reports or observations, it had been possible to compile them so as to allow Thailand to be taken into account in this annual review. They nevertheless urged the country to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process (Cf. Paragraph 21 of the 2008 Annual Review Introduction – ILO: GB.289/4).</p> <p>2001 AR: The IDEAs appreciated efforts that Thailand made, compared to the previous year's review, with regard to the provision of more factual information, particularly in respect to sex-based discrimination (Cf. Paragraph 114 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: TIMOR-LESTE

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the 2006 Annual Review (AR). Timor-Leste joined the ILO in 2003.		
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Fórum dos Empresários/Câmara do Comércio de Timor-Leste (Employer's Forum/Chamber of Commerce of Timor-Leste. Employer's organization – resulted of the fusion of the main organizations in the country), the Konfederasaun dos Sindikatu de Timor-Leste (KSTL) (Timor-Leste Confederation of Trade Unions) by means of consultation and communication of a copy of Government's reports.		
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL		
	Workers' organizations	NIL		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Timor-Leste has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).	
		Ratification intention	2008 AR: According to the Government: ILO technical assistance is needed in order to understand better international labour standards (ILS) and the Declaration and a labour law review before the process of ratification of C.100 and C.111 can be initiated in Timor-Leste. However, a plan for ratification of the Core ILO Convention within the next 5 years has been developed. 2006 AR: There are no indications in the Government's report.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	2008 AR: The Government indicated the Part II of its Constitution entitled "Fundamental Rights, Duties, Freedoms and Guarantees" including the principle of non-discrimination in respect of employment and occupation. In its Article 16 Paragraphs 1 and 2 is foreseen: "1. All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties. 2. No one shall be discriminated against on grounds of colour, race, marital status, gender, ethnical origin, language, social or economic status, political or ideological convictions, religion, education and physical or mental condition." Article 17 of the Timorese Constitution foresees also that "Women and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life."	
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy 2006 AR: According to the Government: The national policy concerning the principle and right (PR) in Timor-Leste is set out under Section 2 of the Labour Code.	

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

		<ul style="list-style-type: none"> • Legislation <p>The Labour Code (Regulation No.2002/5), section 2, prohibits discrimination in employment and occupation defining that “Discrimination means any distinction, exclusion or preference based on race, colour, national extraction, sex, sexual orientation, maternity, family responsibility, religion, political opinion, social origin, health status including HIV and AIDS, disability, language or age which directly or indirectly nullifies or hinders equality of opportunity or treatment in access to training, access to jobs and terms and conditions of employment, but does not include specific requirements based on the inherent nature of the particular job;”. Section 9.4 states “Discrimination in employment and occupation, in particular as regards equal Remuneration between women and men for work of equal value is hereby prohibited.” However, there is no definition of “equal treatment” in the field of remuneration. Article 11.5 says “Discrimination against workers carrying or perceived to be carrying the HIV or affected by AIDS shall be prohibited.” Article 11.18 states “Special measures may be taken by the Department to overcome discriminatory practices and perceptions that hinder the equal opportunities and treatment in access to training, access to jobs and terms and conditions of employment of any of the above categories of workers. Such measures shall be deemed not to be discriminatory.”</p>
	Basic legal provisions	The Labour Code, 2002 (sections 2, Articles 9.4, 11.5 and 11.18).
	Grounds of discrimination	<p>2006 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction, social origin, and others (sexual orientation, maternity, family responsibility, health status – HIV/AIDS and disabled persons – language and age).</p> <p>Moreover, under Section 2 of the Labour Code, discrimination means any distinction, exclusion or preference based on race, colour, national extraction, sex, sexual orientation, maternity, family responsibility, religion, political opinion, social origin, health status including HIV/AIDS, disability, language or age which directly or indirectly nullifies or hinders equality of opportunity or treatment in access to training, access to jobs and terms and conditions of employment, but does not include specific requirements based on the inherent nature of the particular job.</p>
	Judicial decisions	NIL
Exercise of the principle and right	Special attention to particular situations	<p>2006 AR: According to the Government: Specific measures have been implemented or are envisaged to respect, promote and realize this principle and right in Timor-Leste, for the following category of workers: (i) workers in establishments of a certain size; (ii) workers in particular types of employment (for example, part-time, temporary); (iii) agricultural workers; (iv) workers in EPZs, and (v) migrant workers. Further similar measures are envisaged.</p> <p>Correcting the information reported in 2006, the Democratic Republic of Timor-Leste doesn’t have any Export Processing Zone (EPZ). Therefore, such information shall not be considered.</p> <p>2008: Timor-Leste has two ethnic groups known as Lorosa’e (people from the East) and Loromonu (people from the West). The military crisis of 2006 was started due to accusations of discriminative practices against Loromonu people within the army forces. Therefore, since then a special attention has been taken to balance the implementation of programs to benefit both ethnics with job opportunities and participation in workshops and Seminars.</p>
	Information/Data collection and dissemination	2006 AR: According to the Government: The Government collects statistics and information on a regular basis relevant to the elimination of discrimination in employment and occupation. Data on remuneration for women and men workers are gathered by labour inspectors from the Ministry of Labour.

	Prevention/Monitoring, enforcement and sanction mechanisms	2006 AR: According to the Government: A National Labour Board has been established. Specific measures are envisaged to respect, promote and realize the PR. The Government has yet to find cases where the principle and right (PR) has not been respected.		
	Involvement of the social partners	YES 2006 AR: According to the Government: There is a tripartite examination of issues. Employers' and workers' organizations have been involved in the development and implementation of government measures through their participation in the National Labour Board, which is the responsible Government institution for <i>inter alia</i> , policy advice and dispute settlement.		
	Promotional activities	Institutions to promote equality	2008: With the establishment of the IV Constitutional Government a Secretariat of State for Equality Promotion was created and many different actions has been taken by that Government Institution to promote equality in every sector of activity.	
		Other activities	2008 AR: The Government indicated that a government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre. With Assistance of the ILO, a Seminar on "International Labour Standards" and on the "Declaration of Fundamental Principles and Rights at Work" was carried out in Timor-Leste from 29 to 31 October 2008. The Seminar had a massive participation of Government, Employers and Workers representatives. 2007 AR: According to Government: Workshops and conferences were organized for the employers' and workers' representatives.	
	Special initiatives/Progress	NIL		
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL	
		Workers' organizations	NIL	
	According to the Government	2008 AR: The Government indicated the following challenges: (i) legal provisions; (ii) lack of public awareness; (iii) capacity building and (iv) labour inspection services are weak. 2007 AR: According to the Government: The military crisis has affected the country in the last few months. 2006 AR: The main difficulties encountered in realizing the PR are as follows: (i) lack of information and data; (ii) social values, cultural traditions; (iii) social and economic circumstances; (iv) legal provisions; (v)) lack of capacity of responsible government institutions (labour inspection, in particular); (vi)) lack of capacity of employers' organizations; (vii) lack of capacity of workers' organizations prevailing employment practices; (viii) lack of social dialogue.		
TECHNICAL COOPERATION	Request	2008 AR: The Government request ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW. 2007 AR: According to the Government: There is a need for ILO advice and training for the officials and staff on the PR. 2006 AR: According to Government: There is a need for ILO technical cooperation to facilitate the realization of this principle and right (PR) in Timor-Leste, in particular in the following areas, in order of priority: (1) Capacity building of responsible government institutions; (2) strengthening capacity of employers' organizations; (3) strengthening capacity of workers' organizations; (4) legal reform (labour law and other relevant legislation); (5) strengthening data collection and capacity for statistical analysis; (6) awareness-raising, legal literacy and advocacy; (7) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (8) developing labour market policies that promote equality of opportunity; (9) training of other officials (police, judiciary, social workers, teachers); (10) developing policies regarding equal remuneration; (11) establishing or strengthening specialized institutional machinery; (12) cooperation between institutions (e.g. various ministries and relevant commissions); and (13) sharing of experiences across countries/regions.		

	Offer	<p>ILO (including labour law reform and assistance in reporting under the 2006 AR). The Government also works with multilateral agencies, donors bilaterally and/or non-governmental organizations at the multilateral level in relation to the elimination of discrimination in employment and occupation.</p> <p>With the Assistance of the ILO the Government implemented the Serbisu ba Dame (Work for Peace) a project creating 45.569 employment opportunities and 606.300 working days of employment in all 13 Districts of Timor-Leste balanced between the two ethnics groups Lorosa'e and Loromonu.</p>
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS		<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Timor-Leste, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from Timor-Leste (and few other countries) that had never reported under the Declaration Annual Review (Cf. Paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS		NIL



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: UNITED STATES

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, but no changes to report for the 2001, 2002, 2004, 2005 and 2006 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>YES, according to the Government: Involvement of the United States Council for International Business (USCIB), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) by means of consultation and communication of the government's reports.</p> <p>The updated report under the 2007 AR had been communicated to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the Change to Win Federation, and the U.S. Council for International Business. In addition, in keeping with longstanding practice, as well as U.S. obligations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the draft report was reviewed by members of the Tripartite Advisory Panel on International Labor Standards, a subgroup of the President's Committee on the ILO.</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No separate observations have been made by the employers' organizations	
	Workers' organizations	<p>2005 AR: Observations by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Observations by the International Confederation of Free Trade Unions (ICFTU).</p> <p>2004 AR: Observations by the AFL-CIO.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	The United States has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	<p>The Government is not actively considering ratification of C.100</p> <p>2007-2009 ARs: According the Government: No change</p> <p>2006 AR: C. 111 was submitted to the Senate in 1998 for its advice and consent for ratification. - Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government is not actively considering ratification of C. 100.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal	Constitution	<p>YES, The U.S. Constitution recognizes the principle and right of non-discrimination in the Equal Protection Clause of the Fourteenth Amendment and the Due Process Clause of the Fifth Amendment.</p> <p>Additionally, the Equal Protection Clause precludes any state from denying its citizens "the equal protection of the laws".</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

	provisions)	Policy, legislation and/or regulations	<p>Policy: 2003 AR: According to the Government: the United States has a clear national policy supporting the elimination of discrimination in employment and occupation, expressed in the U.S. Constitution, numerous federal and state laws and regulations, and Executive Orders. The general principle of this national policy is reflected in Title VII of the Civil Rights Act of 1964.</p> <p>Executive Order 11478 states that "it is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons," and requires that all executive agencies "establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment" in accordance with the equal opportunity policy".</p> <p>Legislation: According to the Government: several legislative acts protect citizens against discrimination, primarily Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963.</p>
		Basic legal provisions	(i) the Civil Rights Act of 1991; (ii) the Civil Service Reform Act of 1978; (iii) the Women's Educational Equity Act of 2001; (iv) Executive Order 11478; (v) Executive Order 11590; (vi) the Classification Act; (vii) the Wagner-Peyser Act; (viii) the Workforce Investment Act; (ix) the Carl D. Perkins Vocational and Technical Education Act; (x) the Age Discrimination in Employment Act; and (xi) the Americans with Disabilities Act (ADA).
		Grounds of discrimination	2000-2005 ARs: According to the Government: Discrimination with respect to employment and occupation is prohibited on grounds of race, color, religion, sex, national origin, political opinion, social origin, age and disability.
		Judicial decisions	<p>2009 AR: According to the Government: The United States Supreme Court issued two decisions interpreting key anti-discrimination laws – 42 USC § 1981, which bars racial discrimination in employment, and 29 USC § 633a(a), the section of the Age Discrimination in Employment Act that protects federal sector employees – to include protection against employer retaliation. <i>CBOCS West Inc. v. Humphries</i>, 128 S.Ct. 1951 (U.S. May 27, 2008)(No. 06-1431); <i>Gómez-Pérez v. Potter</i>, 128 S.Ct. 1931(U.S. May 27, 2008)(No. 06-1321). The Supreme Court also ruled that if an employer claims that a "reasonable factor other than age" accounts for the disproportionately negative impact that a layoff or other action has on older workers, it is up to the employer to prove it, rather than up to the employees to disprove the validity of the defence. <i>Meacham v. Knolls Atomic Power Laboratory</i>, 128 S.Ct. 2895 (U.S. June 19, 2008)(No. 06-1505). The Supreme Court also ruled that a worker's allegations that co-workers had suffered discriminatory treatment by different managers could be admitted as evidence in an appropriate case. <i>Sprint/United Management Company v. Mendelsohn</i>, 128 S.Ct. 1140 (U.S. Feb. 26, 2008)(No. 06-1221).</p> <p>2008 AR: According to the Government: The United States Supreme Court, in the decision of <i>Burlington Northern & Santa Fe Railway v. White</i>, 126 S. Ct. 2405 (2006), announced a broad reading of the anti-retaliation provision of Title VII, 42 U.S.C. § 2000e-3(a), the principal employment discrimination law. Under the decision, a cause of action for retaliatory employer conduct can be sustained for harms suffered that are not workplace or employment-related, if the harm is such that a reasonable person would be dissuaded from bringing a charge of employer discrimination.</p> <p>2000 AR: <i>Equal Pay Act cases -Brennan v. Prince William Hospital Corp.</i>, 503 F.2d 282, 285, 291 (4th Cir. 1974), cert. denied, 420 U.S. 972 (1975); <i>Shultz v. Wheaton Glass Co.</i>, 421 F.2d 259 (3d. Cir.), cert. denied, 398 U.S. 905 (1970).</p>
	Exercise of the principle and right	Special attention to particular situations	2003 AR: According to the Government: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment (part-time, full-time, temporary, and contingent); (iv) agricultural workers; (v) workers engaged in domestic work; (vi) migrant workers; and (vii) workers in the informal economy are provided with statutory protections against discrimination in employment.

		<p>Information/Data collection and dissemination</p>	<p>2008 AR: U.S Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In fiscal year 2005, legal staff from the Equal Employment Opportunity Commission participated in almost 900 outreach events educating more than 60,000 individuals about the laws prohibiting employment discrimination.</p> <p>2007 AR: According to the Government: the Equal Employment Opportunity Commission (EEOC) filed 417 lawsuits in Fiscal Year 2005. It obtained US\$ 107.7 million in FY 2005 in monetary benefits for employees. These statistics may be found on the EEOC's website at www.eeoc.gov/stats/enforcement.html</p> <p>2003-2005 ARs: According to the Government: the EEOC compiles statistical data concerning various topics, including the number of individual employment discrimination charge filings. Such data are compiled by the Office of Research, Information, and Planning from the EEOC's Charge Data System</p> <ul style="list-style-type: none"> -EEOC filed 415 lawsuits in fiscal year (FY) 2004, up from 393 in FY 2003. In pre-litigation administrative enforcement, it obtained \$236.2 million in FY 2003, and \$251.7 million in FY 2004 -The Office of Federal Contract Compliance Programs (OFCCP), a component of the Department of Labor, compiles certain information relating to discrimination in employment and occupation concerning federal contractors and subcontractors. <p>2000 AR: The Government stated that the Department of Labor, Women's Bureau had conducted a series of studies concerning the impact of various federal employment laws on working women.</p>
	<p>Prevention/Monitoring, enforcement and/or sanction mechanisms</p>		<p>2007 AR: The Equal Employment Opportunity Commission (EEOC) filed 417 lawsuits in Fiscal Year 2005. It obtained \$107.7 million in FY2005 in monetary benefits for employees. These statistics may be found on the EEOC's Web site at www.eeoc.gov/stats/enforcement.html</p> <p>2000-2005 ARs: According to the Government: the Civil Rights Division of the Department of Justice has principal responsibility for effective enforcement of federal civil rights laws</p> <p>The United States Office of Special Counsel (OSC), an independent federal investigative and prosecutorial agency, is responsible for enforcing section 2302(b) of the Civil Service Reform Act (CSRA) and investigating allegations of prohibited personnel practices and other improper employment practices within its jurisdiction (generally speaking the Executive Branch).</p> <ul style="list-style-type: none"> -When a person is discriminated against by an employer, labor union or employment agency when applying for a job or while on the job, that person may file a charge of discrimination with the EEOC. -The Board of the Office of Compliance is authorized to investigate complaints of alleged violations involving the Legislative Branch and may order certain awards provided under Title VII of the Civil Rights Act of 1964.
	<p>Involvement of the social partners</p>		<p>2003-2005 ARs: According to the Government: In FY 2001, the EEOC directed the development of a National Enforcement Plan identifying priority issues and setting out a plan for administrative enforcement. This necessitated a broad range of consultations with dozens of employers and workers organizations.</p> <ul style="list-style-type: none"> -Numerous federal agencies, including the EEOC, have undertaken to seek the cooperation of employers' and workers' organizations to realize the elimination of discrimination in employment and occupation. -The United States Department of Justice involves workers' and employers' organizations in the development and implementation of measures regarding the elimination of discrimination by educating such organizations. -The OSC involves government employees, employee representatives and other interested parties in the development and implementation of governmental measures regarding the elimination of discrimination in employment and occupation through outreach programs.

	<p>Promotional activities</p>	<p>Institutions to promote equality</p>	<p>2009 AR: According to the Government: The US Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In Fiscal Year 2007, the OFCCP implemented new policy initiatives and directives to provide clearer guidance for employers and more enforceable standards for OFCCP, including by clarifying the standards for investigating potential systemic compensation discrimination and expanding the categories of veterans protected by the affirmative action provisions of the Vietnam Era Veteran’s Readjustment Assistance Act of 1974. In July 2008 the US Equal Employment Opportunity Commission (EEOC) issued a new compliance manual section about workplace discrimination on the basis of religion. The new section includes a comprehensive review of the relevant provisions of Title VII of the Civil Rights Act of 1964 and the EEOC’s policies regarding religious discrimination, harassment and accommodation. The EEOC also issued a companion question-and-answer fact sheet and best practices booklet. All three documents are on the EEOC’s web site at www.eeoc.gov</p> <p>2008 AR: According to the Government: The U.S Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In fiscal year 2005, legal staff from the Equal Employment Opportunity Commission participated in almost 900 outreach events educating more than 60,000 individuals about the laws prohibiting employment discrimination. The EEOC, through the operations of 51 field offices nationwide, coordinates all federal equal employment opportunity regulations, practices, and policies. The Justice Department's Community Relations Service is a vital component of the agency's mission to eradicate employment and occupation discrimination. The OSC protects federal employees and applicants from prohibited personnel practices, which include employment discrimination.</p>
		<p>Other activities</p>	<p>-To promote the principle regarding the elimination of discrimination in employment and occupation, the EEOC directed the development of a National Enforcement Plan identifying priority issues and setting out a plan for administrative enforcement and litigation of the laws within its jurisdiction.</p> <p>-Executive Order 11246 requires any employer who has a contract with the federal Government to take affirmative action to ensure that applicants are employed, and employees are treated during their employment, without regard to race, color, religion, sex, or national origin.</p> <p>-The Government, consistent with the ADA, has introduced the New Freedom Initiative, as part of a nationwide effort to remove barriers to community living for people with disabilities. In an effort to move toward full integration of individuals with disabilities into the workforce, the New Freedom Initiative promotes compliance with the ADA by small businesses and provides resources annually for technical assistance to help small business to comply with the Act.</p>
	<p>Special initiatives/Progress</p>	<p>2009 AR: According to the Government: In Fiscal Year 2007, the EEOC filed 362 lawsuits and obtained a total of \$345.4 million in monetary benefits for employees. These statistics are on the EEOC’s web site at www.eeoc.gov/stats/enforcement.html. In Fiscal Year 2007, the US Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) recovered a record \$51,680,950 for a record 22,251 American workers who had been subjected to unlawful employment discrimination. Of that record recovery, 98 per cent was collected in cases of systemic discrimination – those involving a significant number of workers or applicants subjected to discrimination because of an unlawful employment practice or policy. The \$51.7 million reflects a 78 per cent increase over FY 2001. These statistics are on the OFCCP’s web site at http://www.dol.gov/esa/ofccp/enforc07.pdf.</p>	

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	<p>2002 AR: The ICFTU highlighted the number of sexual harassment cases, the wage gap between sexes and races, and lack of protection for migrant workers.</p> <p>2004-2005 ARs: The AFL-CIO strongly disagreed with the draft update to the report on the principle of the elimination of discrimination in employment and occupation.</p> <p>2005 AR: According to the ICFTU: discrimination is prohibited by law but does occur in practice: there is still a wage gap between men and women and between different ethnic groups; large differences exist between states with regard to labour legislation and enforcement.</p>
	According to the Government	<p>2008 AR: In Fiscal Year 2006, OFCCP recovered a record \$ 51,525,235 for a record 15,273 American workers who had been subjected to unlawful employment discrimination. Of that record recovery, 88% was collected in cases of systemic discrimination – those involving a significant number of workers or applicants subjected to discrimination because of an unlawful employment practice or policy. The \$ 51.5 million reflects a 14% increase over recoveries in Fiscal Year 2005 and a 78% increase over Fiscal Year 2001.</p> <p>2000-2005 ARs: While immigration laws continue to be enforced, anti-discrimination laws will apply to unauthorized migrant workers. The EEOC has issued new guidance that provides basic remedies to this group, stating that such laws apply to all employees in the United States, regardless of citizenship or work status. Similarly, the National Labor Relations Board (NLRB) continues to treat all statutory employees as protected from unfair labor practices and entitled to vote in NLRB elections, without regard to their immigration status. The Department of Labor has also continued to apply legal protections to employees regardless of immigration status.</p>	
TECHNICAL COOPERATION	Request	NIL	
	Offer	NIL	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of the United States, to ratify or consider ratification of Conventions No. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. However, the IDEAs noted that the United States was the only country that reports that it was not actively considering ratification of Convention Nos 100. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs listed the United States among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labor law reform, preventive, enforcement and sanctions mechanisms and/or ratification. They also considered that the example of regular and constructive contributions by AFL-CIO should be expanded upon, in particular among other national workers' organizations, as well as employers' organizations (Cf. Paragraphs 13 and 190 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that despite receiving very late reports or observations, it had been possible to compile them so as to allow the United States to be taken into account in this annual review. They nevertheless urged the country to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process (Cf. Paragraph 21 of the 2008 Annual Review Introduction – ILO: GB.289/4).</p>		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL		



GENERAL OBSERVATION BY THE INTERNATIONAL ORGANISATION OF EMPLOYERS (IOE) UNDER THE 2009 ANNUAL REVIEW¹

As in the 2008 Annual Review, the IOE sent a statement outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced here *in extenso*.

Throughout the last ten years the International Organisation of Employers (IOE) has supported the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. During the adoption of the Declaration, the Employers expressed the challenge and opportunity that such an instrument represented in order to establish the ILO as the primary multilateral organization on social issues.

[2008] commemorates the tenth anniversary of the adoption of the Declaration and the IOE would like to reiterate its commitment to the principles enshrined in the Declaration, the relevance of which continues to increase as it has done during the last ten years.

The IOE continues to support the Declaration and its Follow-up. In this connection the process that concerns us is the Annual Follow-up concerning Non-Ratified Fundamental Conventions (“the Annual Review”).

This communication intends to give an overview of the efforts the IOE undertook during 2007 and 2008 to promote the Declaration and its four principles.

For a better understanding, our comments are divided into three parts:

- I. IOE efforts to support the Declaration
- II. IOE initiatives in relation to the four fundamental principles
- III. Areas of concern

I. IOE efforts to support the Declaration

Ten years after its creation, the Declaration – an instrument created as an initiative of the Employers’ group within the ILO – remains as a relevant tool for employers, and the IOE remains firmly committed to ensuring its success.

We have been involved in promoting and supporting the Declaration throughout the last ten years. The following are some examples of ways in which our commitment was translated into action in 2007 and 2008.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the government under the Declaration Annual Review, observations by employers’ and workers’ organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body.

1. *IOE position paper: The ILO Declaration on Fundamental Principles and Rights at Work*

The IOE continues its efforts to further raise the profile and the utility of the Declaration. The IOE Position Paper on the Declaration, adopted in 2006, guides its work in this respect. We encourage our members to link activities at national level with the principles of the Declaration and provide it with profile where opportunities arise.

2. *New IOE products*

[In 2008], the IOE released the second edition of its *International Labour and Social Policy Review*. The Review, released in June, covers articles affecting the Declaration in the following ways: youth employment, trends in collective bargaining and HIV/AIDS in the workplace.

[2008] also marked the release of a new IOE product: Trends in the Workplace Survey 2008. The Survey was targeted at member organizations of the IOE. More than two-thirds of our members responded to the Survey and numerous pieces of information emerged from it relating to the Declaration and its four principles: migrants; gender implications; collective bargaining trends.

This Survey is anticipated to become an annual survey of Trends in the Workplace by the IOE. As of March 2008, we have been working on the new Survey 2009, trying to expand on topics of interest that emerged from the Survey 2008. Many of those topics relate to the principles of the Declaration, such as women in the labour market, migrants in the labour market, older workers in the labour market.

3. *The Global Report and ILC discussions*

The Global Report and its ILC discussions continue to be viewed by the IOE as effective promotional tools for the Declaration. These discussions represent an excellent opportunity for employers' organizations to become actively engaged in the Declaration, since the issues that are addressed in the report directly affect them.

In preparation for the 2008 ILC, the IOE organized a meeting with government representatives to share and present the views of the Employers' group on the different items of the 2008 ILC. A presentation on the upcoming Global Report *Freedom of Association in practice: Lessons learned* was made to present the areas of interest and concern for the group. The importance of the Declaration for the Employers' group was once again highlighted.

The IOE, as the secretariat of the Employers' group at the ILC, coordinated the participation of more than ten employer delegates in the [year 2008]'s debate. We worked closely with the Employer spokesperson and the speakers in order to present the views, positions and concerns of employers.

Preparatory work for this debate involved consultations with members, ACT/EMP, the Employer spokesperson, the Declaration department and the Workers' group. Notes were also prepared for the Employers' group, containing the most relevant points of interest of the Global Report and eventual points of discussion to enrich the debate.

As part of the preparations of the Global Report discussion and the promotion of the Declaration, the IOE coordinated a session on "*The future of the Declaration*". The meeting was programmed during the Employers' group session on 3 June. As [2008] year marked the tenth anniversary of the Declaration, the IOE considered this meeting as a special opportunity to hold a session to discuss the objectives of the Declaration, the lessons learnt during the past ten years and, most importantly, its future. Mr. Kari Tapiola, ILO Executive Director and yourself kindly accepted our invitation to address the group.

4. *Corporate Social Responsibility (CSR)*

The prominence and importance of CSR continue to increase, as did the significance of the Declaration as a useful reference point in the debate.

The IOE, through its CSR Working Group, continues to provide guidance to its members about how to apply and support the Declaration in this context. The Working Group meets three times per year. In 2007 it met on March, June and November to discuss various topics and new CSR initiatives.

The IOE coordinates the participation of its members in the International Organization for Standardization (ISO) Working Group on Social Responsibility. [In 2008], the sixth Working Group meeting was held in Santiago, Chile, at which the IOE was represented. Information about this meeting was sent to all IOE members.

As part of its secretarial support within the ILO MNE Subcommittee, the IOE has been deeply involved in the CSR courses developed by the ILO ITC in Turin.

The IOE, in collaboration with two leading global industrial law practices, Ius Laboris and Baker & McKenzie, will hold a World Conference on Globalization and the Future of Labour Law. The event, which will be hosted by the French Business Confederation (MEDEF) and held in Paris on 24 and 25 November 2008, will have various sessions related to CSR, such as: Session 4: *The impact of Corporate Social Responsibility on Labour Law* and Session 5: *The Role of Codes of Conduct and International Framework Agreements*.

At the beginning of 2008, the IOE undertook an analysis of International Framework Agreements (IFAs). The emergence of IFAs in the last 20 years provides an opportunity to analyse their content and identify some of their common and emerging trends. The paper presents some general points about the signatory companies and GUFs when an agreement is reached. It continues by identifying the common trends on the substantive and procedural provisions of the publicly available IFAs.

An interesting finding was that the model of an IFA is built around the fundamental principles at work, which are drawn from the eight core Conventions (C. Nos 87 and 98, 29 and 105, 138 and 182, 100 and 111)². All of the 51 IFAs reviewed refer to the respect of the four fundamental principles.

This analysis was presented to the IOE Global Industrial Network, which is composed of 25 multinational companies, during its meeting in 2008 and during the IOE CSR Working Group in June.

5. *The Global Compact*

The Global Compact's labour principles are drawn from the ILO Declaration. The IOE continues to be actively involved in the promotion of the Global Compact. In addition, the IOE Secretary-General is a member of the Board.

In June 2008, the IOE organized the first meeting of the Global Compact Labour Working Group. As a result of this meeting, a resource guide on labour principles will be developed and the IOE has been highly involved in this initiative.

² Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); the elimination of child labour: Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182). Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Equal Remuneration Convention, 1951 (No. 100).

II. IOE initiatives in relation to the four fundamental principles

In addition to our involvement in the promotion of the Declaration, we actively promote and support each of the four fundamental principles. Below are some of our promotional efforts through the year.

- *Freedom of association and the effective recognition of the right to collective bargaining*

The IOE's main means of engagement in relation to freedom of association remains the Governing Body Committee on Freedom of Association (CFA). The IOE continues to work closely with the Employer members of the CFA to ensure that the work of the Committee remains relevant to employers.

[Reference is made to a case pending before the ILO Committee on Freedom of Association.]

In addition, the IOE continues to assist employers' organizations that do not fully enjoy freedom of association. We provide assistance, guidance and support to ensure that this fundamental principle is respected.

Whilst freedom for employers prevails in many countries of the world and is largely taken for granted, developments in other parts of the world continue to threaten those rights, requiring the attention of the Employers' group and the IOE.

- *The elimination of all forms of forced or compulsory labour*

The IOE has actively been working with the ILO/DECLARATION Special Action Programme to combat Forced Labour (SAP-FL) on the development of the publication: *Combating Forced Labour: A Handbook for Employers and Business*.

Early in the year, the IOE addressed a major UN meeting on forced labour and trafficking held in Vienna and presented the challenges for employers regarding this issue.

In February 2008, the IOE, ILO, US Council for International Business and the US Chamber of Commerce held a one-day meeting to raise the profile of the principle of the elimination of forced labour with multinational US companies. The event was hosted by Coca-Cola in Atlanta and attracted more than 80 participants coming from the private sector, international organizations and NGOs. During this discussion, a number of questions arose concerning the definition of forced labour and what may or may not fall within that definition. In order to assist participants in answering those questions, the IOE is developing material covering key elements drawn from ILO instruments. By addressing six key questions, these key elements are brought to the attention of business to guide its responses when addressing forced labour.

In May 2008, the IOE Deputy Secretary-General participated as a keynote speaker at the Anti-Slavery International event on *Is there slavery and forced labour in your supply chain?* The presentation highlighted the challenges of identifying and eradicating forced labour from the point of view of employers.

During the ILC, the IOE, as the Employers' group secretariat, coordinated a session on Forced Labour, Human Rights and Enterprises. [] Head of the [ILO/SAP-FL/DECLARATION] was invited to address the Employers' group. We consider this as a special opportunity to discuss the issue of forced labour and the role of employer organizations.

The IOE also actively collaborated with [ILO/SAP–FL/DECLARATION] in the coordination and organization of the *Regional workshop on addressing forced labour: the role of employers' organisations and business* that took place in Bangkok in June 2008. In addition, the IOE coordinated the participation of employer organizations in the region. The objective of the workshop was to provide a space for employer representatives to develop strategies and action plans to address forced labour, exchange information and experiences, as well as for the IOE and ILO to present the tools they are currently developing.

In developing work in this area, the IOE is producing a Guide which is a first attempt to clarify some of the questions surrounding the issue. It draws the attention of employers and their members to the risks forced labour represents within their operations, giving guidance on how to identify and prevent situations of forced labour and providing some direction on what employers can do to address the matter. The Guide has been developed in the context of a global strategy to engage employers and their organizations on the issue and it is expected to be a useful tool for employers' organizations and their members.

- *The effective abolition of child labour*

The IOE supports the participation of the Employers' group and the Employer spokesperson of the IPEC Steering Committee.

Recognizing that there were no practical guidelines specifically drafted for employers to address child labour within their workplaces or their supply chain, the IOE and ACT/EMP worked on a set of Guides for employers. The Guides for Employers on Eliminating Child Labour were released in 2007, and during 2008 a series of activities have been organized to release the Guides. The Guides have been translated into Spanish and French and it is expected that translations into Portuguese, Russian and Arabic will follow in the next few months.

The IOE actively collaborated with ACT/EMP on the coordination of the Latin American and Caribbean Business Conference against Child Labour. The event, jointly organized with IPEC and the Argentinean employer organization (UIA), was held in Buenos Aires in October 2008. The meeting included a workshop where the IOE-ACTEMP Guides were launched in Spanish. The main objective of the meeting was to strengthen the capacities of employers' organizations and enterprises through training in the use of the Employers' Guide. The Conference also promoted a subregional exchange of information on good business practices against child labour and showcased success stories of business promoting the eradication of child labour.

- *The elimination of discrimination in respect of employment and occupation*

The IOE is actively involved both directly and indirectly in addressing various forms of discrimination. The following are key examples of our involvement:

The IOE continues to be actively involved in addressing the issue of HIV/AIDS, which is a critical issue with potentially grave consequences for the world of work. While it is important to tackle it in regions that are currently severely affected, HIV/AIDS must also be addressed in regions/areas where it has not yet reached dramatic proportions but has the potential to do so.

Youth employment continues to be a key feature of the work of the IOE. The IOE has been working jointly with the ILO in the development of a Toolkit, which is a compendium of interventions used by the business community globally. Its objective is to be a shared resource in helping to generate employment opportunities for young people.

III. Areas of concern

Our support for the Declaration, its Follow-up and the four fundamental principles remain clear throughout our activities. However, we take this opportunity to highlight particular concerns to the IOE and the Employers' group of the ILO in relation to the Declaration and its Follow-up.

1. *Strengthening the ILO's capacity to assist its members' efforts to reach its objectives in the context of globalization*

During the 2008 ILC, the ILO *Declaration on Social Justice for a Fair Globalization* was unanimously adopted. The text reaffirms the principles of the 1944 Declaration of Philadelphia as well as those contained in the 1998 Declaration on Fundamental Principles and Rights at Work. The IOE and the Employers' group of the ILO will continue defending the promotion of the 1998 Declaration, highlighted in the preamble of the new Declaration.

During the upcoming consultations and Steering Group meetings, the IOE and the Employers' group will insist on the fact that confirmation is needed with regard to the continued separate promotion of the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up.

2. *National baselines analysis*

We strongly support the baseline approach. It represents a creative and innovative way to use the information gathered through the Annual Review. We have reiterated this support during the Governing Body discussions in the framework of the Annual Review.

It is important that this analysis not be allowed to turn into a ranking tool between countries. The baselines should be continued as a useful tool to track the advancement of the efforts of member States over time – not against externally imposed standards, but against their own progress. Consistent with the spirit and intent of the Declaration, each member State must be allowed to give effect to the four fundamental principles in a manner that is nationally appropriate. It remains to be seen what impact these analyses have.

3. *The obligations created under the Declaration*

The assessment under the Annual Review should focus on the steps taken by member States to give effect to the fundamental principles. This assessment should not involve a discussion of law and practice. The employers repeatedly raise the fact that the Declaration and its Follow-up is a political track, not a legal track like the ILO's regular supervisory machinery. The political obligations required to promote, achieve and realize the principles under the Declaration must remain distinct from the specific legal obligations undertaken through the ratification of a Convention.

4. *Ratification of core Conventions*

The IOE and the Employers' group have expressed their concern about the emphasis on ratification of the core Conventions throughout the Declaration's Follow-up. The Declaration is a political instrument, and the emphasis should be properly placed on the efforts of member States (and their successes and challenges) in giving effect to the four fundamental principles.

The Declaration is supposed to provide a vehicle through which focus can be given to the respect for the Fundamental principles. This means that, instead of looking at whether member States have complied with the letter of each article of a Convention, it looks at the efforts that have been made by the member States to give effect to the principle.

5. *Capacity building of employers' organizations and technical cooperation*

The Declaration can only be effectively promoted within strong constituents. Attention must be paid to using the Declaration Follow-up to build the capacity of employers' organizations to help improve the voice of business and strengthen the spirit of tripartism and social dialogue.

Resources should be set aside for the development of technical cooperation programmes that specifically target employers' organizations. Donors should also be encouraged to devote a portion of their funding towards the capacity-building of the social partners.

6. *The tenth year anniversary of the Declaration*

With every passing year since the adoption of the Declaration in 1998, we continue to learn more about what aspects of its follow-ups are useful and effective in achieving their aims and which aspects demonstrate room for improvement.

The tenth year anniversary of the ILO Declaration in 2008 presents a useful opportunity to address the follow-ups with a view to finding ways to strengthen them. Using what has been learned over the past ten years may help us to refine follow-ups to ensure that they remain relevant.

The Declaration remains an outstanding example of how the ILO should and can react to pressing social issues through its unique process of consensus building. We appreciate this opportunity to provide feedback and remain available to answer any questions arising from this document.



Observation générale de l'Organisation internationale des employeurs (OIE) aux fins de l'examen annuel de 2009 ¹

Comme pour l'examen annuel de 2008, l'OIE a fait parvenir au Bureau une communication (reproduite ci-après in extenso) indiquant sa position et les activités qu'elle a menées en rapport avec la Déclaration et son suivi.

Tout au long de la décennie écoulée, l'Organisation internationale des employeurs (OIE) a œuvré en faveur de la Déclaration de l'OIT relative aux principes et droits fondamentaux au travail, 1998, et de son suivi. Au moment de l'adoption de la Déclaration, les employeurs ont fait observer que cet instrument représentait à la fois un pari difficile et une chance pour l'OIT de devenir la principale organisation multilatérale chargée des questions sociales.

Deux mille huit étant l'année du 10^e anniversaire de l'adoption de la Déclaration, l'OIE souhaite réaffirmer son engagement envers les principes consacrés par celle-ci dont l'importance n'a cessé de croître depuis dix ans.

L'OIE continue d'apporter son soutien à la mise en œuvre de la Déclaration et de son suivi, pour ce qui est notamment du suivi annuel concernant les conventions fondamentales non ratifiées («l'examen annuel»).

La présente communication offre une vue d'ensemble des efforts que l'OIE a déployés au cours de 2007 et de 2008 pour promouvoir la Déclaration et ses quatre principes.

Par souci de clarté, nous avons réparti nos observations sous trois rubriques:

- I. Efforts déployés par l'OIE pour promouvoir la Déclaration
- II. Initiatives de l'OIE relatives aux quatre principes fondamentaux
- III. Domaines de préoccupation

I. Efforts déployés par l'OIE pour promouvoir la Déclaration

Dix ans après son élaboration, la Déclaration, née de l'initiative du groupe des employeurs dans le cadre de l'OIT, reste pour les employeurs un outil important que l'OIE est toujours fermement décidée à faire appliquer.

Nous avons pris une part active dans la promotion et le soutien de la Déclaration tout au long de ces dix dernières années, et notre engagement dans la pratique s'est traduit en 2007 et 2008 notamment de la manière suivante:

¹ Les bases de référence par pays, utilisées aux fins de l'examen annuel au titre de la Déclaration, sont fondées sur les éléments ci-après dans la mesure où ils sont disponibles: les renseignements fournis par les gouvernements dans le cadre de l'examen annuel, les observations des organisations d'employeurs et de travailleurs, les études de cas réalisées sous les auspices du pays et de l'OIT et les observations/recommandations des Experts-conseillers sur la Déclaration et celles du Conseil d'administration du BIT.

1. *Position de l'OIE concernant la Déclaration de l'OIT relative aux principes et droits fondamentaux au travail*

L'OIE a poursuivi ses efforts pour améliorer la visibilité et l'utilité de la Déclaration. La position qu'elle a adoptée en 2006 concernant la Déclaration guide ses travaux en la matière. Nous encourageons nos membres à lier leurs activités au niveau national avec les principes de la Déclaration et à appeler l'attention sur celle-ci lorsque l'occasion se présente.

2. *Nouvelles publications de l'OIE*

En juin 2008, l'OIE a publié le deuxième numéro de sa revue intitulée *International Labour and Social Policy Review*, laquelle contient des articles en rapport avec la Déclaration dans les domaines suivants: l'emploi des jeunes, les tendances en matière de négociation collective, et le VIH/sida dans le monde du travail.

Deux mille huit a été également l'année de la sortie d'une nouvelle publication de l'OIE: un rapport intitulé *Trends in the Workplace Survey 2008*. Cette enquête sur les tendances dans le monde du travail qui visait les organisations membres de l'OIE a permis de recueillir les réponses de plus des deux tiers d'entre elles. Parmi les nombreux éléments d'information qui en ont été tirés, un grand nombre se rapportait à la Déclaration et à ses quatre principes: migrants, incidences sur l'égalité entre les sexes, tendances en matière de négociation collective.

Cette enquête devrait devenir une enquête annuelle de l'OIE. En mars 2008, nous avons commencé à travailler sur la nouvelle enquête pour 2009 en essayant de l'élargir aux questions intéressantes qui se sont dégagées de l'enquête 2008. Bon nombre de ces questions se rapportaient aux principes de la Déclaration, notamment pour ce qui est de la situation des femmes, des migrants et des travailleurs âgés sur le marché du travail.

3. *Le rapport global et les discussions de la Conférence internationale du Travail*

L'OIE est toujours d'avis que le rapport global et les discussions à son sujet dans le cadre de la Conférence constituent des outils efficaces de promotion de la Déclaration. Les discussions offrent une excellente occasion aux organisations d'employeurs de prendre une part active aux travaux portant sur la Déclaration, étant donné qu'un grand nombre d'entre elles sont directement concernées par les questions traitées dans le rapport global.

En vue de la session de 2008 de la Conférence, l'OIE a organisé une réunion avec des représentants des gouvernements pour présenter les vues du groupe des employeurs sur les différentes questions à l'ordre du jour de la session. Lors d'une présentation du rapport global intitulé *Liberté d'association: enseignements tirés de la pratique*, les sujets d'intérêt et les préoccupations du groupe ont été évoqués, et l'importance de la Déclaration pour le groupe a été une nouvelle fois soulignée.

Dans le cadre de ses fonctions de secrétariat du groupe des employeurs à la Conférence, l'OIE a coordonné la participation de plus de dix délégués employeurs aux débats de 2008. L'OIE a travaillé en étroite collaboration avec le porte-parole des employeurs et les orateurs afin de présenter les vues, les positions et les préoccupations des employeurs.

Dans le cadre de travaux préparatoires en vue des discussions, des consultations ont été tenues avec les membres, ACT/EMP, le porte-parole des employeurs, le département chargé de la Déclaration et le groupe des travailleurs. Par ailleurs, des notes reprenant les points les plus importants du rapport global et les éventuels points appelant une discussion ont été élaborées à l'intention du groupe des employeurs pour alimenter le débat.

En vue de l'examen du rapport global et de la promotion de la Déclaration, l'OIE a organisé une session sur l'avenir de la Déclaration. La réunion a été programmée pendant la session du 3 juin du groupe des employeurs. Étant donné que 2008 marque le 10^e anniversaire de la Déclaration, l'OIE a estimé

que cette réunion offrait une occasion particulière d'examiner les objectifs de la Déclaration, les enseignements tirés des dix dernières années et, ce qui est le plus important, son avenir. M. Kari Tapiola, directeur exécutif au BIT, et vous-même avez accepté notre invitation à venir prendre la parole devant le groupe.

4. *Responsabilité sociale de l'entreprise (RSE)*

La responsabilité sociale de l'entreprise (RSE) est un sujet qui prend de l'importance, tout comme la Déclaration qui constitue un instrument de référence utile aux débats.

L'OIE, par l'intermédiaire de son groupe de travail sur la RSE, a continué à donner des orientations à ses membres sur la façon de mettre en œuvre et de promouvoir la Déclaration dans ce domaine. Le groupe de travail se réunit trois fois par an. En 2007, il s'est réuni en mars, juin et novembre pour examiner plusieurs questions et de nouvelles initiatives en matière de RSE.

L'OIE coordonne la participation de ses membres au Groupe de travail de l'Organisation internationale de normalisation (ISO) sur la responsabilité sociale. En 2008, la sixième réunion du groupe de travail s'est tenue à Santiago au Chili, réunion à laquelle l'OIE a été représentée. Des informations sur cette réunion ont été communiquées à tous les membres de l'OIE.

Dans le cadre des services de secrétariat qu'elle assure à la Sous-commission sur les entreprises multinationales, l'OIE a pris une large part dans les cours de formation sur la RSE mis au point par le Centre international de formation de l'OIT à Turin.

L'OIE, en collaboration avec deux grands cabinets juridiques internationaux, Ius Laboris et Baker & McKenzie, tiendra une conférence mondiale sur la mondialisation et l'avenir du droit du travail. La conférence qui sera organisée par le Mouvement des entreprises de France (MEDEF) se tiendra à Paris les 24 et 25 novembre 2008 et aura à son programme plusieurs sessions se rapportant à la RSE. Ainsi, par exemple, la session 4 sera consacrée à l'incidence de la responsabilité sociale de l'entreprise sur le droit du travail et la session 5 au rôle des codes de conduite et des accords-cadres internationaux.

Au début de l'année 2008, l'OIE a entrepris une analyse des accords-cadres internationaux (ACI) qui ont été conclus ces vingt dernières années de façon à en examiner la teneur et à en recenser les tendances communes et nouvelles. Le document présente certaines caractéristiques générales des sociétés signataires et des fédérations syndicales internationales concluant ces accords. Il définit par ailleurs les tendances communes concernant les dispositions de fond et de procédure des ACI qui sont accessibles au public.

La conclusion intéressante est que le modèle d'un accord-cadre international reprend les principes fondamentaux relatifs au travail, tirés des huit conventions principales sur le sujet (conventions n^{os} 87 et 98, 29 et 105, 138 et 182, 100 et 111²). Les 51 accords-cadres internationaux examinés font tous référence au respect des quatre principes fondamentaux.

Cette analyse a été présentée au *Global Industrial Relations Network* de l'OIE, composé de 25 sociétés multinationales, au cours de sa réunion de 2008 et également en juin, lors de la réunion du groupe de travail de l'OIE sur la RSE.

² Convention (n^o 87) sur la liberté syndicale et la protection du droit syndical, 1948, convention (n^o 98) sur le droit d'organisation et de négociation collective, 1949, convention (n^o 29) sur le travail forcé, 1930, convention (n^o 105) sur l'abolition du travail forcé, 1957, convention (n^o 138) sur l'âge minimum, 1973, convention (n^o 182) sur les pires formes de travail des enfants, 1999, convention (n^o 111) concernant la discrimination (emploi et profession), 1958, et convention (n^o 100) sur l'égalité de rémunération, 1951.

5. *Le Pacte mondial*

Les principes du Pacte mondial concernant le travail sont tirés de la Déclaration de l'OIT. L'OIE continue de prendre une part active à la promotion du pacte. En outre, le Secrétaire général de l'Organisation est membre du Conseil du Pacte mondial.

En juin 2008, l'OIE a organisé la première réunion du Groupe de travail du Pacte mondial sur le travail. Suite à cette réunion, un manuel sur les principes relatifs au travail va être mis au point, une initiative à laquelle l'OIE a beaucoup contribué.

II. **Initiatives de l'OIE relatives aux quatre principes fondamentaux**

Outre notre engagement dans le cadre de la promotion de la Déclaration, nous nous employons activement à favoriser la mise en œuvre de chacun des quatre principes fondamentaux et à les défendre. Certains des efforts que nous avons déployés en ce sens tout au long de l'année sont décrits ci-après.

■ *Liberté d'association et reconnaissance effective du droit de négociation collective*

Le principal moyen d'action de l'OIE en ce qui concerne la liberté d'association s'inscrit dans le cadre du Comité de la liberté syndicale du Conseil d'administration. L'OIE continue de travailler en étroite collaboration avec les membres employeurs de ce comité pour s'assurer que les activités de ce dernier restent pertinentes pour les employeurs.

[Il est fait mention d'un cas en instance au Comité de la liberté syndicale de l'OIT.]

En outre, l'OIE continue de prêter main forte aux organisations d'employeurs qui ne jouissent pas totalement de la liberté d'association. Nous apportons assistance, conseils et appui pour faire en sorte que ce principe fondamental soit respecté.

Les employeurs jouissent de la liberté dans de nombreux pays, ce qui dans l'ensemble est considéré comme un fait acquis, mais des événements survenant dans d'autres parties du monde continuent de menacer les droits en question et appellent l'attention du groupe des employeurs et de l'OIE.

■ *Elimination de toute forme de travail forcé ou obligatoire*

L'OIE a contribué de manière active au Programme d'action spécial pour combattre le travail forcé (SAP-FL), qui relève du Programme pour la promotion de la Déclaration (OIT/DECLARATION), œuvrant à l'élaboration de la publication intitulée: *Combating forced labour: A handbook for Employers and Business*.

Au début de l'année, l'OIE a pris la parole à l'occasion d'une importante réunion des Nations Unies sur le travail forcé et la traite des êtres humains organisée à Vienne et y a exposé les défis que doivent relever les employeurs dans ce domaine.

En février 2008, l'OIE, le BIT, le Council for International Business des Etats-Unis et la Chambre de commerce des Etats-Unis se sont réunis une journée entière pour sensibiliser les entreprises multinationales des Etats-Unis au principe de l'élimination du travail forcé. Cette initiative, organisée sous l'égide de Coca-Cola à Atlanta, a attiré plus de 80 participants venant du secteur privé, des organisations internationales et des organisations non gouvernementales. Au cours de la discussion qui s'est tenue, un certain nombre de questions ont été soulevées au sujet de la définition du travail forcé et de ce qui peut relever ou non de cette définition. Afin d'aider les participants à répondre à ces questions, l'OIE élabore actuellement des matériels portant sur

des éléments clés extraits des instruments de l'OIT. Six questions clés ont été abordées, qui permettent d'attirer l'attention des entrepreneurs sur ces éléments clés et de les guider dans les solutions qu'ils apporteront lorsqu'ils seront confrontés au travail forcé.

En mai 2008, le secrétaire général adjoint de l'OIE a participé, en tant qu'orateur principal, à une manifestation de portée internationale contre l'esclavage, intitulé *Is there slavery and forced labour in your supply chain?* (Y a-t-il des pratiques d'esclavage et de travail forcé dans votre chaîne d'approvisionnement?). L'exposé a mis en lumière les défis que représentent pour les employeurs le fait de repérer les pratiques de travail forcé et de les éradiquer.

Au cours de la Conférence internationale du Travail, l'OIE, en sa qualité de secrétariat du groupe des employeurs, a coordonné une session sur le travail forcé, les droits de l'homme et les entreprises. [], chef de [OIT/SAP-FL/DECLARATION], a été convié à prendre la parole devant le groupe des employeurs. Cela nous est apparu comme une bonne occasion de débattre de la question du travail forcé et du rôle des organisations d'employeurs.

L'OIE a également pris une part active, en collaboration avec [OIT/SAP-FL/DECLARATION], à la coordination et à l'organisation de l'*Atelier régional sur la lutte contre le travail forcé: Rôle des organisations d'employeurs et des entreprises*, qui s'est déroulé à Bangkok en juin 2008. En outre, elle a coordonné la participation des organisations d'employeurs dans la région. L'objectif de cet atelier était d'offrir l'occasion aux représentants des employeurs d'élaborer des stratégies et des plans d'action pour lutter contre le travail forcé, échanger des informations et des données d'expérience, ainsi que, pour ce qui est de l'OIE et du BIT, de présenter des outils actuellement en cours d'élaboration.

Dans le cadre des activités menées dans ce domaine, l'OIE a entrepris de produire un guide pour, dans un premier temps, tenter de clarifier certaines des questions en la matière. Il appelle l'attention des employeurs et de leurs membres sur les risques que le travail forcé fait peser sur leurs activités, donnant des indications sur la façon de repérer et de prévenir des situations de travail forcé et formulant des recommandations sur les mesures que peuvent prendre les employeurs pour remédier à ces situations. Le guide s'inscrit dans le cadre d'une stratégie globale qui vise à impliquer les employeurs et leurs organisations dans ce domaine et qui devrait constituer un outil intéressant pour les organisations d'employeurs et leurs membres.

■ *Abolition effective du travail des enfants*

L'OIE encourage la participation du groupe des employeurs et du porte-parole des employeurs du comité directeur du Programme international pour l'abolition du travail des enfants (IPEC).

Conscients de l'absence de directives pratiques élaborées spécifiquement à l'intention des employeurs pour lutter contre le travail des enfants dans leurs lieux de travail ou dans leurs chaînes d'approvisionnement, l'OIE et ACT/EMP ont travaillé à l'élaboration d'un ensemble de guides à l'intention des employeurs. Ces guides, sur l'abolition du travail des enfants, ont été publiés en 2007, et une série d'activités a été organisée en 2008 pour leur diffusion. Ils ont été traduits en espagnol et en français et devraient l'être en arabe, portugais et russe dans les prochains mois.

L'OIE a pris une part active, en collaboration avec ACT/EMP, à la coordination de la Conférence sur le travail des enfants à l'intention des entreprises d'Amérique latine et des Caraïbes, qui s'est tenue à Buenos Aires en octobre 2008, sous l'égide de l'IPEC et de l'Union industrielle d'Argentine (UIA). Un atelier a été organisé à cette occasion, au cours duquel les guides élaborés par l'OIE et ACT/EMP (version espagnole) ont fait l'objet d'une promotion. La réunion avait pour principal objectif de renforcer les capacités des organisations d'employeurs et des entreprises par le biais d'une formation à l'utilisation du guide pour les employeurs. La conférence a, en outre, encouragé l'échange au niveau sous-régional d'informations sur les bonnes pratiques des entreprises dans le cadre de la lutte contre le travail des enfants et a présenté des exemples d'entreprises qui promeuvent l'éradication du travail des enfants avec succès.

■ *Elimination de la discrimination en matière d'emploi et de profession*

L'OIE prend une part active, tant directement qu'indirectement, à la lutte contre les diverses formes de discrimination. Des exemples de l'engagement de l'organisation à cet égard sont donnés ci-après.

L'OIE continue de participer activement à la lutte contre le VIH/sida et à ses conséquences, qui risquent d'être lourdes pour le monde du travail. Il importe de s'attaquer à ce problème dans les régions qui sont actuellement sévèrement touchées, mais il faut aussi s'y attaquer dans les régions ou les zones où la pandémie n'a pas encore atteint des proportions spectaculaires mais où le risque existe bel et bien.

L'emploi des jeunes continue d'être une des questions essentielles sur laquelle travaille l'OIE. Cette dernière a collaboré avec le BIT à l'élaboration d'un guide pratique, qui est un répertoire d'actions menées dans ce domaine par les entreprises du monde entier. Ce guide pratique a été conçu comme un outil de référence commun, contribuant à créer des opportunités d'emploi pour les jeunes.

III. Domaines de préoccupation

Dans toutes nos activités, nous continuons clairement à soutenir la Déclaration, son suivi et les quatre principes fondamentaux. Toutefois, nous saisissons cette occasion pour mettre l'accent sur certaines préoccupations de l'OIE et du groupe des employeurs du Conseil d'administration du BIT concernant la Déclaration et son suivi.

1. *Renforcement de la capacité de l'OIT d'appuyer les efforts déployés par ses Membres pour atteindre ses objectifs dans le contexte de la mondialisation*

Pendant la session de 2008 de la Conférence internationale du Travail, la *Déclaration de l'OIT sur la justice sociale pour une mondialisation équitable* a été adoptée à l'unanimité. Son texte réaffirme les principes de la Déclaration de Philadelphie de 1944 et ceux contenus dans la Déclaration relative aux principes et droits fondamentaux au travail (1998). L'OIE et le groupe des employeurs du Conseil d'administration du BIT continueront à promouvoir la Déclaration de 1998 mentionnée dans le préambule de la nouvelle déclaration.

Au cours des consultations et des réunions du groupe directeur à venir, l'OIE et le groupe des employeurs insisteront sur la nécessité de continuer à promouvoir séparément la Déclaration de 1998 et son suivi.

2. *Analyse des bases nationales de référence*

Nous soutenons fermement l'approche fondée sur les bases de référence. Il s'agit là d'une manière innovante et créative d'utiliser les informations recueillies dans le cadre de l'examen annuel. Nous avons réitéré notre soutien au cours des débats du Conseil d'administration consacrés à cet examen.

Il faut éviter que cette analyse ne soit utilisée pour établir un classement entre les pays. Les bases de référence devraient rester un moyen de suivre les progrès réalisés par les Etats Membres – non pas par rapport à des normes imposées de l'extérieur, mais par rapport à leur propre situation. Conformément à l'esprit et aux objectifs de la Déclaration, chaque Etat Membre doit pouvoir donner effet aux quatre principes fondamentaux de manière adaptée au contexte national. Il reste à mesurer les effets que ces analyses peuvent produire.

3. *Obligations au titre de la Déclaration*

L'évaluation menée au titre de l'examen annuel devrait se concentrer sur les mesures prises par les Etats Membres pour donner effet aux principes fondamentaux. Elle ne devrait pas porter sur la loi et la pratique. Les employeurs ne cessent de répéter que la Déclaration et son suivi sont un instrument politique, et non juridique comme le sont les mécanismes ordinaires de contrôle de l'OIT. Les obligations politiques nécessaires pour promouvoir et réaliser pleinement les principes consacrés par la Déclaration doivent rester distinctes des obligations juridiques spécifiques découlant de la ratification d'une convention.

4. *Ratification des conventions fondamentales*

L'OIE et le groupe des employeurs ont fait part de leurs préoccupations quant à l'importance donnée à la ratification des conventions fondamentales dans le cadre du suivi de la Déclaration. Cette dernière est un instrument politique, et il faudrait plutôt insister sur les efforts déployés par les Etats Membres (ainsi que sur les résultats obtenus et les problèmes rencontrés) pour donner effet aux quatre principes fondamentaux.

La Déclaration est l'instrument qui doit permettre de mettre l'accent sur le respect des principes fondamentaux. Aussi, plutôt que de veiller à ce que les Etats Membres appliquent à la lettre chaque article d'une convention, elle s'intéresse aux efforts que les Etats Membres consentent pour donner effet aux principes.

5. *Renforcement des compétences des organisations d'employeurs et coopération technique*

La Déclaration ne peut être efficacement soutenue que par des mandats forts. Il faut donc s'attacher à utiliser le mécanisme de suivi de la Déclaration pour renforcer les capacités des organisations d'employeurs afin d'aider ces derniers à mieux faire entendre leur voix et à affermir l'esprit du tripartisme et du dialogue social.

Des ressources devraient être affectées spécialement au développement de programmes de coopération technique s'adressant spécifiquement aux organisations d'employeurs. Il faudrait aussi inciter les donateurs à consacrer une partie de leurs fonds au renforcement des compétences des partenaires sociaux.

6. *La Déclaration a 10 ans*

Chaque année depuis l'adoption de la Déclaration, en 1998, nous en apprenons davantage sur les éléments du mécanisme de suivi qui remplissent leur office et sur ceux qui appellent des améliorations.

Le 10^e anniversaire de la Déclaration de l'OIT, en 2008, a été l'occasion de réexaminer le mécanisme de suivi en vue de trouver les moyens de le renforcer. Grâce aux enseignements de ces dix dernières années, on pourrait affiner ce mécanisme afin qu'il conserve toute sa pertinence.

La Déclaration est le parfait exemple de ce que l'OIT doit faire, grâce à son système unique, pour parvenir à un consensus sur les grands enjeux sociaux. Nous nous réjouissons de l'occasion qui nous est donnée de rendre compte des résultats obtenus, et nous restons ouverts à toute question concernant le présent document.



Observaciones generales de la Organización Internacional de Empleadores (OIE) en el marco del examen anual de 2009 ¹

Como ya hiciera en el examen anual de 2008, la Organización Internacional de Empleadores (OIE) envió una declaración en la que describe su posición y actividades en relación con la Declaración y su seguimiento, que se reproduce a continuación en su integridad.

En los diez últimos años, la OIE ha respaldado la Declaración de la OIT sobre los principios y derechos fundamentales en el trabajo, de 1998, y su seguimiento. Cuando se adoptaba la Declaración, los empleadores manifestaron que dicho instrumento representaba un aliciente y una oportunidad para consagrar a la OIT como la principal organización multilateral en cuestiones sociales.

[En 2008] se conmemora el 10.º aniversario de la adopción de la Declaración y la OIE quisiera aprovechar la oportunidad para reiterar el compromiso contraído respecto de los principios consagrados en la Declaración, cuya importancia continúa creciendo como ha sido el caso en los diez últimos años.

La OIE sigue apoyando la Declaración y su seguimiento. A este respecto, el proceso que le interesa es el del seguimiento anual relativo a los convenios fundamentales no ratificados («el examen anual»).

La presente comunicación tiene por objeto dar una idea general de los esfuerzos que la OIE realizó en 2007 y 2008 para promover la Declaración y sus cuatro Principios.

En aras de su mejor comprensión, la OIE ha agrupado sus observaciones en tres partes:

- I. Esfuerzos de la OIE para apoyar la Declaración;
- II. Iniciativas de la OIE en relación con los cuatro principios fundamentales;
- III. Areas de interés.

I. Esfuerzos de la OIE para apoyar la Declaración

Diez años después de su adopción, la Declaración, elaborada por iniciativa del Grupo de los Empleadores en la OIT, sigue siendo una herramienta importante para dicho colectivo, y la OIE sigue comprometiéndose firmemente a garantizar su buen éxito.

La OIT ha participado en la promoción y el apoyo de la Declaración a lo largo de los diez últimos años. A continuación se facilitan algunos ejemplos sobre la manera en que su compromiso se ha traducido en medidas concretas en 2007 y 2008.

¹ En el marco del examen anual de la Declaración de la OIT, la información de referencia por países se basa en los siguientes elementos, en la medida en que están disponibles: información proporcionada por el gobierno en el marco del examen anual de la Declaración, observaciones formuladas por las organizaciones de empleadores y de trabajadores, estudios de caso preparados bajo los auspicios del país y de la OIT, y observaciones/recomendaciones formuladas por los Expertos Consejeros en la Declaración y el Consejo de Administración de la OIT.

1. *Documento de posición de la OIE: Declaración de la OIT sobre los principios y derechos fundamentales en el trabajo*

La OIE sigue procurando realzar la notoriedad y la utilidad a la Declaración. El documento de posición que la OIE adoptó en 2006 acerca de la Declaración es el marco de referencia de la labor que dicha organización realiza en este sentido. La OIE insta a sus federaciones miembros a que ajusten las actividades de ámbito nacional a los principios de la Declaración y a que subrayen su importancia en cada oportunidad que surja.

2. *Nuevos productos de la OIE*

[En 2008], la OIE publicó la segunda edición de su *International Labour and Social Policy Review (Revista de política laboral y social internacional)*. En dicha revista, difundida en junio, se recogen artículos sobre distintos aspectos de la Declaración: el empleo de los jóvenes, las tendencias registradas en la negociación colectiva y el VIH/SIDA en el lugar de trabajo.

[En 2008] también se publicó un nuevo producto de la OIE: la Encuesta de 2008 sobre las «Tendencias en el lugar de trabajo», destinada a las federaciones miembros de la OIE. Más de las dos terceras partes de los miembros de dicha organización respondieron a la encuesta, la cual permitió obtener numerosos elementos de información relativos a la Declaración y a sus cuatro principios: los migrantes, las consideraciones de género y las tendencias en materia de negociación colectiva.

La OIE prevé que esta encuesta se convierta en una encuesta anual sobre las tendencias registradas en el lugar de trabajo. Desde marzo de 2008 trabaja en la nueva encuesta de 2009 y trata de ampliar los temas de interés que descollaron de la encuesta de 2008. Muchos de ellos, como las mujeres, los migrantes y los trabajadores de edad en el mercado laboral, se refieren a los principios de la Declaración.

3. *El Informe global y las discusiones en la CIT*

La OIE sigue considerando que el Informe global y su discusión en la Conferencia Internacional del Trabajo (CIT) son herramientas eficaces para la promoción de la Declaración. Estas discusiones representan una oportunidad excelente para que las organizaciones de empleadores se impliquen activamente en la Declaración, dado que los temas que se abordan en el Informe afectan directamente a esas organizaciones.

Para colaborar en la preparación de la reunión de la CIT de 2008, la OIE organizó una reunión con representantes gubernamentales para intercambiar y exponer las opiniones del Grupo de los Empleadores sobre los distintos puntos del orden del día de la reunión de la CIT de 2008. Además, se realizó una presentación del Informe global que se publicaría y que se titulaba *La libertad de asociación y la libertad sindical en la práctica: lecciones extraídas*, con miras a tratar los temas de interés y los motivos de preocupación para el Grupo. Se subrayó una vez más la importancia que revestía la Declaración para el Grupo de los Empleadores.

La OIE, asumiendo sus funciones de secretaría del Grupo de los Empleadores en la CIT, coordinó la participación de más de diez delegados empleadores en el debate [de 2008]. Colaboró estrechamente con el portavoz de los empleadores y con los oradores con objeto de exponer las opiniones, posiciones e inquietudes de los empleadores.

Entre las labores preparatorias para este debate hubo consultas con las federaciones miembros, con ACT/EMP, con el portavoz de los empleadores, con el Departamento de la Declaración y con el Grupo de los Trabajadores. Asimismo, se prepararon para el Grupo de los Empleadores notas en que se recogían los puntos del Informe global que presentaban mayor interés, así como posibles temas de discusión para enriquecer el debate.

En el marco de los preparativos del debate sobre el Informe global y la promoción de la Declaración, la OIE coordinó una reunión sobre el futuro de la Declaración, cuya celebración estaba programada para el 3 de junio, fecha de la reunión del Grupo de los Empleadores. Habida cuenta de que en [2008] se celebró el 10.º aniversario de la Declaración, la OIE consideró que esa reunión brindaría una ocasión ideal para abordar los objetivos de la Declaración, las enseñanzas extraídas en los diez últimos años y, sobre todo, el futuro de la Declaración. El Sr. Kari Tapiola, Director Ejecutivo de la OIT, y usted mismo, aceptaron amablemente nuestra invitación a dirigirse al Grupo.

4. Responsabilidad social de la empresa (RSE)

La notoriedad y la importancia de la RSE siguen en auge, al igual que la trascendencia de la Declaración como valioso punto de referencia para los debates.

La OIE, por conducto de su Grupo de Trabajo sobre la RSE, sigue facilitando pautas de orientación a sus federaciones miembros respecto de la manera de aplicar y apoyar la Declaración en este contexto. El Grupo de Trabajo se reúne tres veces al año. En 2007 se reunió en marzo, junio y noviembre para abordar diversos temas y nuevas iniciativas en materia de RSE.

La OIE coordina la participación de sus miembros en el Grupo de Trabajo sobre la responsabilidad social de la Organización Internacional de Normalización (ISO). [En 2008] se celebró la sexta reunión del Grupo de Trabajo en Santiago (Chile), en la que estuvo representada la OIE. La información sobre esta reunión se envió a todas las federaciones miembros.

En el marco de los servicios de secretaría que presta a la Subcomisión de Empresas Multinacionales (MNE) de la OIT, la OIE ha participado activamente en los cursos de RSE organizados por el Centro Internacional de Formación de la OIT en Turín.

La OIE, en colaboración con dos despachos de abogados de renombre mundial especializados en derecho laboral, *Ius Laboris* y *Baker & McKenzie*, celebrará una Conferencia mundial sobre la globalización y el futuro del Derecho del Trabajo. El acto, que organizará la Confederación Francesa de Empresarios (MEDEF) y se celebrará en París del 24 al 25 de noviembre de 2008, incluirá diversas reuniones relacionadas con la RSE, como la Reunión 4, titulada *Los efectos de la responsabilidad social de las empresas en la legislación del trabajo*, y la Reunión 5, titulada *El papel de los códigos de conducta y los acuerdos marco internacionales*.

A principios de 2008, la OIE llevó a cabo un análisis de los acuerdos marco internacionales (AMI). El surgimiento de acuerdos de este tipo en los veinte últimos años brinda la oportunidad de analizar su contenido y de identificar algunas de sus tendencias comunes e incipientes. En el documento se presentan algunos puntos generales sobre las empresas signatarias y las federaciones sindicales internacionales cuando se alcanza un acuerdo. Acto seguido se definen las tendencias comunes sobre las disposiciones sustantivas y de procedimiento de los AMI, disposiciones a las que el público puede acceder.

Una conclusión interesante fue que el AMI tipo se crea en torno a los principios fundamentales en el trabajo, a su vez extraídos de los ocho convenios fundamentales (Convenios núms. 87 y 98, 29 y 105, 138 y 182, 100 y 111)². En los 51 AMI examinados se hace referencia al respeto de los cuatro principios fundamentales.

² Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87); Convenio sobre el derecho de sindicación y de negociación colectiva, 1949 (núm. 98); Convenio sobre el trabajo forzoso, 1930 (núm. 29); Convenio sobre la abolición del trabajo forzoso, 1957 (núm. 105); Convenio sobre la edad mínima, 1973 (núm. 138); Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182); Convenio sobre igualdad de remuneración, 1951 (núm. 100) y Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111).

Este análisis se presentó a la Global Industrial Network de la OIE, integrada por 25 empresas multinacionales, durante su reunión en 2008 y durante la reunión del Grupo de Trabajo sobre la RSE de la OIE celebrada en junio.

5. *El Pacto Mundial*

Los principios laborales del Pacto Mundial dimanaban de la Declaración de la OIT. La OIE sigue participando activamente en la promoción del Pacto Mundial. Además, el Secretario General de la OIE es miembro de su Consejo.

En junio de 2008, la OIE organizó la primera reunión del Grupo de Trabajo sobre Asuntos Laborales del Pacto Mundial, a raíz de la cual se elaborará una guía de referencia sobre los principios laborales; la OIE participa activamente en esta iniciativa.

II. **Iniciativas de la OIE en relación con los cuatro principios fundamentales**

Además de contribuir a la promoción de la Declaración, la OIE realiza grandes esfuerzos para impulsar y apoyar cada uno de los cuatro principios fundamentales. A continuación se mencionan algunos de estos esfuerzos realizados a lo largo de todo el año.

■ *Libertad sindical y libertad de asociación, y reconocimiento efectivo del derecho de negociación colectiva*

El principal mecanismo de participación de la OIE en lo que se refiere a la libertad sindical y la libertad de asociación sigue siendo el del Comité de Libertad Sindical (CLS) del Consejo de Administración. La OIE sigue colaborando estrechamente con los miembros empleadores del CLS para que la labor de éste siga siendo significativa para los empleadores.

[Se hace referencia a un caso pendiente ante el Comité de Libertad Sindical de la OIT.]

Asimismo, la OIE sigue ayudando a las organizaciones de empleadores que no disfrutaban plenamente de la libertad de asociación y la libertad sindical. Presta asistencia, orientación y apoyo a fin de garantizar el respeto de este principio fundamental.

Si bien la libertad de los empleadores prevalece en muchos países del mundo y se da en gran medida por sentada, los cambios registrados en otras partes del mundo siguen amenazando esos derechos, por lo que se requiere la atención del Grupo de los Empleadores y de la OIE.

■ *Eliminación de todas las formas de trabajo forzoso u obligatorio*

La OIE colabora activamente con el Programa Especial de Acción para Combatir el Trabajo Forzoso (SAP-FL) de OIT/DECLARATION en la preparación de la publicación titulada *Lucha contra el trabajo forzoso: Manual para empleadores y empresas*.

A principios de año, la OIE se dirigió a una importante reunión de las Naciones Unidas sobre el trabajo forzoso y la trata de personas, que se celebró en Viena, y expuso los desafíos que esta cuestión planteaba a los empleadores.

En febrero de 2008, la OIE, la OIT, el Consejo de Estados Unidos para el Comercio Internacional y la Cámara de Comercio de los Estados Unidos celebraron una reunión de un día para realzar el principio de la eliminación del trabajo forzoso ante las empresas multinacionales estadounidenses. El evento fue organizado por Coca-Cola en Atlanta y congregó a más de 80 participantes procedentes del sector privado, organizaciones internacionales y ONG.

Durante esta discusión, se formuló una serie de preguntas sobre la definición del trabajo forzoso y sobre lo que cabe o no incluir en dicha definición. Para ayudar a los participantes a responder a dichas preguntas, la OIE está preparando un material que abarca elementos fundamentales extraídos de los instrumentos de la OIT. Estos elementos fundamentales, que se refieren a seis preguntas clave, se señalan a la atención de las empresas para que orienten sus respuestas a la hora de afrontar el trabajo forzoso.

En mayo de 2008, el Secretario General Adjunto de la OIE participó como destacado orador en el evento organizado por Anti-Slavery International en torno al tema *¿Existen la esclavitud y el trabajo forzoso en la cadena de suministro?* En la presentación se recalcó lo difícil que resulta determinar y erradicar el trabajo forzoso desde la perspectiva de los empleadores.

Durante la reunión de la CIT, la OIE, asumiendo su función de secretaría del Grupo de los Empleadores, coordinó una reunión sobre Trabajo forzoso, derechos humanos y empresas. [] Se invitó al Jefe de [OIT/SAP-FL/DECLARATION] a dirigirse al Grupo de los Empleadores. Considera que ésta es una oportunidad especial para tratar la cuestión del trabajo forzoso y el papel que a este respecto desempeñan las organizaciones de empleadores.

La OIE también colaboró activamente con [OIT/SAP-FL/DECLARATION] en la coordinación y organización del Taller regional sobre el trabajo forzoso: el papel de las organizaciones de empleadores y de las empresas, celebrado en Bangkok, en junio de 2008. También coordinó la participación de las organizaciones de empleadores en la región. El objetivo del taller fue facilitar un espacio en que los representantes de los empleadores pudieran elaborar estrategias y planes de acción con miras a combatir el trabajo forzoso y a intercambiar información y experiencias. También se permitió a la OIE y a la OIT presentar los instrumentos que estaban elaborando.

En el marco de su labor en este ámbito, la OIE está preparando una guía, que es un primer intento de contestar a algunas de las preguntas que plantea la cuestión. En la guía se señalan a la atención de los empleadores y sus miembros los riesgos que representa el trabajo forzoso en sus operaciones, al paso que se proporciona orientación sobre cómo reconocer y prevenir las situaciones de trabajo forzoso, y sobre lo que los empleadores pueden hacer para abordar el problema. La guía se ha elaborado en el contexto de una estrategia mundial para lograr que los empleadores y sus organizaciones participen en esta empresa, y se espera que este instrumento sea útil para las organizaciones de empleadores y sus miembros.

- *Abolición efectiva del trabajo infantil*

La OIE apoya la participación del Grupo de los Empleadores y de los portavoces de los empleadores del Comité Directivo del IPEC.

Reconociendo que no existían pautas prácticas redactadas con carácter específico para ayudar a los empleadores a abordar la cuestión del trabajo infantil en sus lugares de trabajo o sus cadenas de suministro, la OIE y ACT/EMP elaboraron un conjunto de guías para los empleadores. Las guías para los empleadores sobre la eliminación del trabajo infantil se publicaron en junio de 2007. En 2008 se organizaron diversas actividades para publicar esas guías, que se han traducido al español y al francés, y que deberían traducirse en los próximos meses al árabe, al portugués y al ruso.

La OIE ha colaborado activamente con ACT/EMP en la coordinación de la Conferencia empresarial contra el trabajo infantil para América Latina y el Caribe. Esta conferencia, organizada conjuntamente con el IPEC y la Unión Industrial Argentina (UIA), se celebró en Buenos Aires en octubre de 2008. La reunión incluyó un taller en el que se presentó la guía OIE-ACT/EMP en español. El principal objetivo de la reunión fue reforzar la capacidad de las organizaciones de empleadores y de las empresas mediante actividades de formación para el uso de la guía de los empleadores. La conferencia también promovió a escala subregional un intercambio de información sobre buenas prácticas empresariales para luchar contra el trabajo infantil, y presentó casos de empresas que logran fomentar la erradicación del trabajo infantil.

■ *Eliminación de la discriminación en materia de empleo y ocupación*

La OIE interviene activamente, de manera tanto directa como indirecta, en la lucha contra las distintas formas de discriminación. A continuación, se facilitan algunos ejemplos representativos de su participación en este ámbito.

La OIE sigue interviniendo activamente para paliar la problemática del VIH/SIDA, que por su gravedad podría acarrear funestas consecuencias para el mundo del trabajo. Si bien es importante atacar este problema en las regiones hoy gravemente afectadas por el fenómeno, también es importante hacerlo en aquellas regiones/zonas donde la epidemia no ha alcanzado todavía proporciones desastrosas, aunque ello podría suceder.

El empleo de los jóvenes sigue siendo un elemento fundamental de la labor de la OIE. Esta ha cooperado con la OIT en la elaboración de una guía práctica, que es en realidad una recopilación de iniciativas utilizada por la comunidad empresarial a escala mundial. Con esta guía se pretende dar a conocer los recursos utilizados para ayudar a generar oportunidades de empleo para los jóvenes.

III. **Áreas de interés**

El apoyo que la OIE brinda a la Declaración, a su seguimiento y a los cuatro principios fundamentales trasluce indudablemente en sus actividades. Sin embargo, aprovecha esta oportunidad para hacer hincapié en las inquietudes concretas que tanto ella como el Grupo de los Empleadores de la OIT albergan en relación con la Declaración y su seguimiento.

1. *Fortalecimiento de la capacidad de la OIT para prestar asistencia a los Miembros en la consecución de sus objetivos en el contexto de la globalización*

Durante la reunión de la CIT celebrada en 2008, la Declaración de la OIT sobre la justicia social para una globalización equitativa fue adoptada por unanimidad. En su texto se reafirman los principios de la Declaración de Filadelfia de 1944, así como aquéllos contenidos en la Declaración de 1998 relativa a los principios y derechos fundamentales en el trabajo. La OIE y el Grupo de los Empleadores de la OIT seguirán defendiendo la promoción de la Declaración de 1998 mencionada en el preámbulo de la nueva Declaración.

Durante las próximas consultas y reuniones del Grupo Directivo, la OIE y el Grupo de los Empleadores subrayarán la necesidad de confirmar que se seguirá promoviendo por separado la Declaración de 1998 relativa a los principios y derechos fundamentales en el trabajo y su seguimiento.

2. *Análisis de las referencias nacionales*

La OIE apoya sin reservas el enfoque de los estudios de referencia, que representa un mecanismo creativo e innovador para aprovechar la información recabada a través del examen anual. Reiteró este apoyo en el curso de los debates del Consejo de Administración en el marco del examen anual.

Es importante evitar que este análisis se utilice para clasificar a los países. Deberían proseguirse los estudios de referencia como herramienta valiosa para seguir la progresión de los Estados Miembros a lo largo del tiempo, partiendo de los avances logrados por los propios Estados y no con referencia a criterios exteriores. De acuerdo con la filosofía y el objeto de la Declaración, se debe permitir a cada Estado Miembro poner en práctica los cuatro principios fundamentales de una manera que resulte adecuada a sus circunstancias nacionales. Queda por ver cuáles serán las repercusiones de estos análisis.

3. *Obligaciones contraídas en virtud de la Declaración*

Las evaluaciones llevadas a cabo mediante el examen anual deberían centrarse en las medidas adoptadas por los Estados Miembros para poner en práctica los principios fundamentales. Estas evaluaciones no deberían suponer una discusión de la legislación y la práctica. Los empleadores han reiterado en varias ocasiones que la Declaración y su seguimiento constituyen una vía política, y no un cauce jurídico, como el mecanismo de control periódico de la OIT. Las obligaciones políticas que deben contraerse para promover, alcanzar y poner en práctica los principios de la Declaración deben seguir diferenciándose de las obligaciones jurídicas concretamente derivadas de la ratificación de los convenios.

4. *Ratificación de los convenios fundamentales*

La OIE y el Grupo de los Empleadores han expresado preocupación respecto del énfasis que, en toda la parte de la Declaración relativa al seguimiento, se pone en la ratificación de los convenios fundamentales. La Declaración es un instrumento político y, por lo tanto, sería más acertado hacer hincapié en los esfuerzos de los Estados Miembros (así como en sus logros y retos) destinados a dar cumplimiento a los cuatro principios fundamentales.

Se supone que la Declaración debería polarizar la atención en el respeto de los principios fundamentales. Esto significa que, en lugar de examinar si los Estados Miembros han cumplido el tenor de todos y cada uno de los artículos de un convenio, se debería analizar el empeño que estos Estados ponen en dar cumplimiento a los principios.

5. *Capacitación de las organizaciones de empleadores y cooperación técnica*

Para que la Declaración pueda promoverse de manera efectiva es preciso que los mandantes sean fuertes. Se debe cuidar por tanto de que el seguimiento de la Declaración sirva para fortalecer la capacidad que las organizaciones de empleadores tienen para contribuir a mejorar la representación de las empresas y fortalecer la filosofía del tripartismo y el diálogo social.

Deberían consignarse recursos para financiar la formulación de programas de cooperación técnica expresamente destinados a las organizaciones de empleadores. También se debería animar a los donantes a dedicar parte de sus recursos financieros a la capacitación de los interlocutores sociales.

6. *Décimo aniversario de la Declaración de la OIT*

Cada año que pasa desde que se adoptó la Declaración de la OIT de 1998, aprendemos más acerca de los aspectos de su seguimiento que resultan útiles y eficaces para lograr sus objetivos, y de los aspectos que son mejorables.

El 10.º aniversario de la Declaración de la OIT, que se celebrará en 2008, brinda una oportunidad apropiada para examinar las labores de seguimiento con miras a encontrar la manera de reforzarlas. Aprovechar las enseñanzas extraídas a lo largo de los diez últimos años tal vez ayude a perfeccionar las actividades de seguimiento a fin de velar por que sigan siendo pertinentes.

La Declaración sigue siendo un ejemplo destacado de la manera en que la OIT puede y debe reaccionar ante cuestiones sociales urgentes, a través del proceso de creación de consenso que la caracteriza. La OIE agradece esta oportunidad de facilitar información, y responderá gustosa a cualquier pregunta que surja de la lectura del presente documento.