



THIRD ITEM ON THE AGENDA

**General status report on ILO
action concerning discrimination
in employment and occupation**

1. The elimination of discrimination in employment and occupation is a long-standing objective of the ILO and is at the core of its Decent Work Agenda. ILO action in this field is based on the ILO Constitution, the two ILO Conventions considered fundamental with regard to the elimination of discrimination – the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100) – and the ILO Declaration on Fundamental Principles and Rights at Work, as well as other relevant Conventions and Recommendations. The present report contains a brief overview of ILO activities during 2003 to promote these standards and instruments and highlights selected examples of such activities and their impact, where possible.

I. General activities

2. At its 2003 session, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) continued to examine and comment on governments' reports and observations by workers' and employers' organizations on equality standards. Issues raised by the Committee related mainly to discrimination on the basis of sex, race, national extraction and social origin, while the grounds of religion and political opinion were also of continued relevance. An increasing number of reports contained information on the measures taken to eliminate discrimination on the basis of age, disability, HIV/AIDS status or other grounds beyond the basic coverage of the Conventions. The Committee also continued to examine whether the principle of equal pay for men and women for work of equal value was fully understood and applied. It included in its report highlights and major trends in the application of international labour standards on indigenous and tribal peoples and maternity protection.
3. During 2003, a broad range of Office activities helped to promote ILO standards and instruments through technical cooperation, advisory services, research, workshops and seminars. For example, pre-ratification assistance regarding Convention No. 111 was provided in 2003 to *China, Japan and Thailand*. In *Bulgaria*, the comments of the CEACR, comments by the Office on draft equality legislation and a tripartite workshop on non-discrimination in April 2003 were instrumental in the adoption of a new Protection against Discrimination Act in September 2003.

4. Training and capacity building concerning ILO equality standards among constituents and other stakeholders continues to be an important tool in this area. An ILO Asia-Pacific Regional Seminar on International Labour Standards and Equality Issues for Judges took place in Manila, the Philippines, in September 2003. A training session for judges and lawyers from the Arab region, partially dedicated to equality issues, was held in Damascus, the Syrian Arab Republic, in October 2003. These sessions led to an enhanced understanding among participants of ILO equality standards and their application at the national level. The Turin Centre again organized a training session on employment equality and workers with family responsibilities, while its session on international labour standards for judges, lawyers and legal educators included a segment on discrimination. The Office also continued to implement the Global Compact management training programme in nine Asian countries, which includes a module on non-discrimination. Technical and financial support was provided under the Declaration to a number of trade unions to improve their capacity to tackle different forms of discrimination.
5. In June 2003, the Global Report *Time for equality at work* was discussed at the International Labour Conference and the main findings of the report were disseminated widely, including through a multimedia campaign. In several countries, including *Brazil* and the *Philippines*, consultations between the Office and national governments and social partners have led to immediate follow-up (see below). In November 2003, the Governing Body adopted an action plan regarding the elimination of discrimination in employment and occupation, which aims to help constituents develop their own policies and strategies to address discrimination in the world of work. It focuses on racial/ethnic discrimination at work and development, with attention to its gender dimensions, and equal pay for work of equal value between women and men and racial and ethnic groups. The action plan includes the creation of a Global Task Force on the Elimination of Discrimination in Employment and Occupation in the Office, which will aim at improving communication and enhancing coordination.
6. The Office has continued its work on the link between labour market discrimination and forced labour. Under the Declaration, assistance was provided to the Government of *Pakistan* for the eradication of bonded labour in the form of a series of rapid assessment studies in ten key sectors of the economy. In several of them, the majority of workers belonged to the lowest castes or were long-distance migrants, Afghan refugees or non-Muslims. As for domestic workers, debt bondage was found only among rural domestic workers, who were predominantly female family members of sharecroppers indebted to landlords. This indicated the vulnerability of groups subject to social, economic and cultural discrimination to falling prey to debt bondage. In *Bolivia* and *Peru*, following two seminars held in 2002 on the inter-linkages between labour market discrimination against indigenous peoples, indigent poverty, and new forms of debt bondage, research was launched in mid-2003 to acquire a clearer understanding of the phenomenon and to devise practical interventions. Regarding trafficking for sexual and labour exploitation, rapid assessment studies conducted in more than ten countries in Western, Central and Eastern Europe have demonstrated that groups subject to labour market discrimination in countries of origin are more likely to fall prey to traffickers or eventually to become traffickers themselves. This affects young women, ethnic minorities and men from very poor families. Forced labour, including sexual exploitation, is facilitated by discrimination against migrant workers in destination countries. The Office therefore stresses awareness-raising activities targeting social partners, especially trade unions, to address discrimination as one key cause of human trafficking.
7. Discrimination issues are increasingly taken into consideration in the work of all parts of the Office. For example, the fact that child labour takes place predominantly among the most vulnerable socio-economic groups, including indigenous and tribal peoples, migrant workers, and lower classes and castes, has continued to be at the basis of all activities of

the InFocus Programme on Child Labour (IPEC). The *Time-bound programme manual for action planning* (TBP MAP) contains the *Guidelines for strengthening legislation, enforcement and overall legal framework*, which depict the importance of enhancing anti-discrimination laws for the effective elimination of child labour. Another example in this regard is the recently issued *Guide to mainstreaming gender into technical cooperation projects on social dialogue*.

II. Specific areas

A. Gender equality

8. For the first time, gender equality was adopted as one of the Organization's operational objectives in the Programme and Budget proposals for 2004-05. Indicators for this objective aim to measure the progress of constituents in taking positive action to increase gender equality in the world of work. They focus on the ratification and application of four key international labour Conventions for gender equality (discrimination, equal remuneration, maternity protection and workers with family responsibilities), as well as balanced representation of women and men at decision-making levels, including in ILO governance institutions, meetings and training activities.
9. The ILO interregional project Enhancing the Gender Mainstreaming Capacity of ILO Constituents has led to efforts to design strategies to promote gender equality in national and organizational contexts. Additional resources have been allocated to assist governments, and employers' and workers' organizations, to develop and implement their own gender policies and strategies. In *Indonesia*, following assistance provided by the ILO, the Government established a committee to move forward on developing an equal opportunities policy for the private sector. Efforts are also being made to strengthen the gender dimension in Poverty Reduction Strategy Papers (PRSPs). An easy-to-use guide to serve as a tool in promoting equitable participation of women and men in these processes was developed. Concerning the United Nations Millennium Development Goals, the ILO is responsible for providing data and analysis on the indicator on women in non-agricultural paid employment. Within the ILO, the second round of gender audits has been launched.
10. The Office continued working to expand income opportunities for women entrepreneurs by improving their business skills and access to resources. The ILO Gender, Poverty and Employment (GPE) programme is designed to build capacity to analyse the relationships between these issues and to incorporate them into poverty alleviation strategies. In *Bangladesh*, within the framework of the project Women's Empowerment through Employment and Health under the Declaration, agreements were negotiated and concluded in 2003 with all key stakeholders in the tea plantation sector to encourage their participation and increase their capacity to provide services to the primary target group of the project. Through these agreements about 13,000 workers – predominantly female – in the tea plantation sector are being covered. Training provided under the project has enhanced women entrepreneurs' exposure to markets and their assertiveness in bargaining with "middlemen" and traders.
11. In November 2003, the third Discussion Forum on Pay Equity, jointly convened by the ILO and Public Services International (PSI), brought together the global union federations and the units of the ILO working on gender issues and pay equity in particular. The participants were able to share updates on work on pay equity by the ILO and the global unions; review and make recommendations to the pay equity component of the follow-up

action plan on the elimination of discrimination under the Declaration; and plan strategies to raise the profile of pay equity issues on the global trade unions' agendas.

12. IPEC has continued its gender mainstreaming initiative, including through gender training for its staff members and various new publications, such as *Gender, child labour and the media in MERCOSUR countries* and *Good practices: Gender mainstreaming in actions against child labour*. Qualitative research on the gender dimensions of indigenous child labour is currently being carried out in several indigenous communities in Peru.

B. Racial, ethnic, religious, and social origin discrimination

13. In *Brazil*, a technical cooperation project under the Declaration, financed by the Government of the Netherlands, was launched in November 2003 to assist the recently established Special Secretariat to Foster Racial Equality and the Ministry of Labour in the development and implementation of a national policy to prevent and combat racism in the labour market. An ILO study assessing the effectiveness and impact of several *núcleos* that comprise the Ministry's programme on the fight against discrimination in employment has resulted in the programme being upgraded, and major changes in the priorities and methodology of the programme have been envisaged.

14. The ILO has continued to cooperate with the Office of the United Nations High Commissioner for Human Rights with regard to the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including by holding a panel discussion on equality and diversity at work during the 2003 session of the United Nations Sub-Commission on the Promotion and Protection of Human Rights, and issuing an accompanying fact sheet. The ILO Committee of Experts has continued to address the situation of Roma in relevant countries and the Office participated in meetings organized by the Organization for Security and Co-operation in Europe and the World Bank on the Roma, highlighting the need to address their employment situation from an equality perspective. The ILO has also expanded its knowledge base on caste discrimination through the commissioning of a study on the Dalits in *Nepal*. Its efforts have contributed to the inclusion of a chapter on caste discrimination in Nepal's tenth development plan. In *India*, findings from an ILO project on bonded labour highlighted the nexus between occupational division of activities and social origin based on caste, and the issue of wage discrimination on the basis of caste is being studied. ILO initiatives in the *Philippines* with regard to the situation of the Muslim communities in Mindanao and their participation in development are geared towards increasing these communities' skills and access to employment and self-employment.

C. Discrimination and migrant workers

15. The Office has continued its activities to support the establishment of national frameworks for the prevention of discrimination. New legislation on work permits for foreigners entered into force in *Turkey* in 2003, taking into account the recommendations made by a 2002 ILO advisory mission. In Asia, various promotional and advisory activities concerning ILO standards on migrant workers contributed to raising the profile of migration for employment and trafficking and created further opportunities for dialogue on the relevant standards. An information guide entitled *Preventing discrimination, exploitation and abuse of women migrant workers* has been published. As preparation for the general discussion at the International Labour Conference in June 2004, the Office held a series of regional and subregional consultations on labour migration, commissioned case

studies on the law and practice on labour migration in seven countries and collected and reviewed information on this issue through a questionnaire.

D. Discrimination and workers with disabilities

16. The ILO continued to enhance the capacity of governments in selected countries in East Africa and Asia and the Pacific to implement effective legislation on the employment of people with disabilities. It has worked in collaboration with the United Nations Economic and Social Commission for Asia and the Pacific and constituents to draft the employment and training sections of the Biwako Millennium Framework of Action that guides the Asian and Pacific Decade of Disabled Persons, 2003-12. As a result, targets and actions urge governments to examine and ratify the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) and to adopt a rights-based approach and non-discrimination legislation for people with disabilities and to do so with the participation of the social partners.
17. The ILO has also conducted 14 country-level studies, held a technical consultation in January 2003 that addressed issues of equal treatment and equal opportunity for workers with disabilities, presented ILO principles at other regional forums, translated non-discrimination and employment promotion materials and legislation into various languages, published examples of good practices related to training and employment, provided policy advice on the country level, and taken part in the process aimed at the adoption of a new United Nations Convention on Promotion and Protection of the Rights and Dignity of Persons with Disabilities. Employers in *Cambodia, Ethiopia, Ghana, Mongolia, Sri Lanka, Thailand* and *Uganda* have taken active steps to promote the ILO principles of hiring disabled persons, and one government has requested a meeting to review Convention No. 159 with the intention of ratification.

E. Discrimination and workers with HIV/AIDS

18. Non-discrimination is one of the key principles of the ILO code of practice on HIV/AIDS in the world of work and was selected as the theme for World AIDS Day 2003. The ILO has continued to address discrimination and stigmatization through its expanding project work and promotional activities, leading to an enhanced understanding of the nexus between non-discrimination and prevention. A modular training manual to complement the code of practice, to widen its reach and to strengthen its applicability was produced. The outcome of the ILO/IPEC Tripartite Workshop on the Impact of HIV/AIDS on Child Labour in sub-Saharan Africa (Lusaka, 6-8 May 2003) showed the significant threat of the HIV/AIDS-induced child labour problem and provided guidance to constituents on this challenge.

F. Discrimination and indigenous and tribal peoples

19. During 2003, the Interregional Programme to Support Self-Reliance of Indigenous and Tribal Communities through Cooperatives and other Self-Help Organizations (INDISCO) continued its work on projects in Africa and Asia. Community-level empowerment schemes have contributed to the elimination of discrimination against indigenous and tribal peoples, particularly in terms of access to employment and income generation, micro-credits, health and education, ancestral domains and policy-making processes. For example, in *India*, efforts for the socio-economic empowerment of tribal people in Orissa continued. This project has had a considerable impact on the participation of tribal women and has generally decreased discrimination against the tribal communities through

institutional strengthening of their organizations, employment and income-generation schemes and education and training.

20. In *Suriname*, a National Workshop on the Indigenous and Tribal Peoples Convention, 1989 (No. 169), started a process of education and information on the Convention that will include village consultations and a national consultation on ratification. Follow-up work has begun to support the village consultations. The workshop resulted in better understanding of the Convention and its implications for Suriname.

G. Discrimination and workers of the occupied Arab territories

21. In 2003, the ILO again fielded a high-level mission to examine the situation of workers of the occupied Arab territories and the Director-General presented the regular report on the issue to the Conference. The ILO continued to take steps to strengthen its technical cooperation programme aimed at creating sustainable jobs and future employment opportunities and reforming labour institutions, and it continues to seek to facilitate social dialogue among constituents from both sides of the conflict.

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