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President: Mr. Wamalwa

GLOBAL REPORT UNDER THE FOLLOW-UP
TO THE ILO DECLARATION ON FUNDAMENTAL
PRINCIPLES AND RIGHTS AT WORK:
INTERACTIVE SESSION ON SUGGESTIONS
FOR FUTURE ACTION

The PRESIDENT — We now come to the second stage of our discussion of the Global Report, *Time for equality at work*.

At its 286th Session in March 2003, the Governing Body adopted a certain number of ad hoc arrangements pertaining to the discussion of the Global Report at this session of the Conference. The aim was to make this discussion as intensive as possible.

As I indicated this morning, it was agreed that the Conference would proceed first to a general discussion and would then, in the afternoon, embark upon a thematic discussion of around two hours. Once the thematic discussion has come to an end, the general discussion will resume to enable delegates who did not have an opportunity to speak during this morning's sitting to take the floor.

For the purposes of our thematic discussion, the Governing Body has made a certain number of changes to the procedures that are followed by the Conference, and it has invited the Officers of the Conference to specify the modalities of these changes.

First, the Director-General will conduct the thematic discussion. Second, when he addresses questions to the delegations, the Director-General will not be bound by the provisions of article 14, paragraph 2, of the Standing Orders of the Conference, which means that he will be able to put his questions in the order that is most appropriate for an interactive discussions. Third, delegations can take the floor during the interactive discussion, even if they are representatives of a particular group — for example the Minister or the person appointed to speak on behalf of a country — have already made statements during the morning sitting, or will speak when the general discussion resumes later this afternoon.

The maximum duration of five minutes for speeches also applies to the thematic discussion. This may be reduced to three minutes if the time scheduled for the interactive discussion turns out to be short. This is the general context in which we will conduct this afternoon's thematic discussion.

I now call upon the Secretary-General, Mr. Juan Somavia, to take the floor.

The SECRETARY-GENERAL — Let me first thank you for what you have said about the Report. It is an old practice here at the ILO that you always thank the Director-General, and sometimes I feel a

little bit uncomfortable about it, because I am getting thanked for the fantastic work that is done by ILO staff, so I just want to say that the main author of this Report is Manuela Tomei, who is here with us at the podium, with a team that worked with her under the direction of Zafar Shaheed, who is also here. So there are many very good people throughout the house behind this Report, and I want to thank them and transmit to them the thanks that you have given to me.

I have been asked to make a brief summary, or rather, a sort of synthesis, of this morning's discussion. I shall then go into some of the issues that appear to have emerged from these discussions. First, I think that almost everybody, or many people, said that it was useful to link *Time for equality at work*, the Report that we are now discussing, with *Working out of poverty*. There is also a link with the fact that next year, we are going to discuss migration during the Conference. I think that the mere mention of the linkage between these Reports gives us an idea as to how to look at the issues clearly, given that poverty is at the heart of both debates.

There are different dimensions to consider. Discrimination needs to be reduced and eradicated, but has to be approached from different angles — human rights, civic rights and so on. This is enshrined in the constitutions of many countries, in law, in ILO Conventions Nos. 100 and 111, in the Declaration, and so forth. So there is a very strong legal background.

Wherever you care to look, discrimination is something which legal systems have sought to oppose. There are plenty of points to choose from where you can anchor, so to speak your anti-discrimination struggle.

Another issue is equality of opportunity, not merely as a legal issue but as a practical matter. To what extent does discrimination before you even get to work affect discrimination at work? This is a very important dimension, and came across clearly this morning.

Another point on which people agreed was that discrimination is bad for business. To put it another way non-discrimination is good for everybody: good for business, good for the atmosphere of the workplace, good for efficiency at the workplace, good for the individual who does suffer discrimination. It enables everyone to move into other areas in which discrimination, of course, still has to be fought through legislation, but also in practice, through the concrete procedures by which things get done in an enterprise. It may be a matter of business policy, or the result of social dialogue. There are different ways

in which the world of work can tackle discrimination issues, and the conclusion must be that combating discrimination is good for everyone. So you can get beyond the letter of the law.

Now also in that framework, combating discrimination is everybody's responsibility. This is another very important dimension that was mentioned by everyone. Since it is good for everybody, we need to find ways of involving everyone.

It is also true that key issues of gender are seen from various perspectives. I would say that gender comes on top, in terms of the concern that is aroused, the action that is being taken, but of course many examples show that much remains to be done.

The general conclusion is that, even though we have these legal institutions, even though we have a lot of practical procedures for resolving problems, at the enterprise level and at the community level, even though we know we have advanced, there is an enormous amount left to do. This is far from a problem of which we can say, look, it has been dealt with. It is being tackled, but it is still there, and it is still there in a number of dimensions — gender, on top, but race, ethnicity, migrants, disabilities, the young, the old, indigenous people, and so on.

The problem can also be viewed from the point of view, not of the person involved, but in terms of conditions. One such aspect that was mentioned frequently was wage inequality and income inequality. This was mentioned repeatedly during the morning as one of the priority areas for action.

Then again, the informal economy poses major problems of its own, partly because it is difficult to really fathom every aspect of it, to understand how the formal economy relates to the informal economy.

Issues relating to the actors, the people subject to discrimination, the issues of inequality and remuneration all were touched on this morning in the context of the informal economy.

I do not propose to go into the detail of all this. There is much information on what is being done at the country level, very important information on things that are going on. There are issues on which not everyone agrees, specific points in the Report on which specific comments should be taken into account by the Office as it moves forward, but none of them affect the general thrust of the Report, which was considered to be a good basis for action by the Office.

So I would say that there are other areas of possible future action — the question of data was mentioned, campaigns, best practices, affirmative action programmes, Conventions, to mention just some of the possible future areas of action.

The idea of this interactive discussion is to try to deepen our discussion as much as possible on concrete matters which it is either good to be knowledgeable about, to help orient the Office in the direction in which one would like to see the Office go.

I see from this morning's debate two more general issues and two more specific issues and I would just like to mention them to you and then open up the discussion to the floor.

The general one is that there was a lot of interest in getting to know the good practices of other countries, employers or workers in different areas, best practices, if there are any, in this general area, which you might like to share with us.

Another issue was the follow-up to all these reports by the Office or the Governing Body and eventually,

the Conference. So there are two general issues — better practices, follow-up — and two more specific issues relating to data. This again came up in different places. We need to know more about some specific questions. We can deal with them in a legal or a practical way, but the fact is that we don't have enough data on some of these questions.

I will come back later to the question of equal remuneration or wage inequality, because it was very much present as an issue this morning. If there is anything in connection with these questions that you would like to discuss, best practices, follow-up and data, equal treatment in remuneration, and the more specific questions then please do so. I thought that I would just mention some of them in order to help structure the discussion. I don't think that we need to proceed issue by issue, so please just go ahead and talk about the ones that you are interested in. We will try to summarize the outcomes of our discussion later.

So, now I offer the floor to those who would like to begin the interactive discussion.

Ms. SANUI (*Employers' adviser delegate, Japan*) — I would like to share with the participants here one of the best practices of Japanese companies to promote gender equality, which shows that a proactive attitude of companies does really bring about changes in the workplace.

The case I am going to take up is a cosmetics company called Shiseido; it has approximately 25,000 employees in its corporate group and 70 per cent of them are women.

The company started its approach to gender equality with measures to assist female employees to reconcile their work life and family responsibilities so that they could work without constraint. Since 1988 it has introduced various measures and programmes, one after another, including a flex-time programme, a childcare leave programme, childcare time, nursing care leave, nursing care time and an internet connected system to provide company information to the employees on childcare leave. Each of these measures surpasses by far the legal requirements in our country.

In January 2000 the company moved on to the second phase to promote a gender-free work environment. Behind these efforts there is a conviction that gender consciousness hinders employees from fully exercising their capabilities and that eliminating this mindset will vitalize the entire corporate organization as well as positively affect marketing and other activities and get the support of the stakeholders, including customers, business partners, shareholders and the society. Five concrete objectives of the positive action were set.

The first one is an awareness campaign. For this purpose, the company conducts seminars and makes use of its in-house channels and the corporate internet. It also publishes annually a "Gender-free Book" to show behavioural guidelines to maintain a gender-free workplace and distributes it to all employees.

The second is the action targeting managers. In manager training programmes the company encourages managers to take gender-free approaches in their daily duties such as nurturing capable female employees by providing them with challenging duties, conducting fair appraisals in accordance with career evaluation standards, and so on.

Thirdly, the company also holds awareness-raising seminars, targeting women. It tries to correct the

somewhat passive attitude on the part of female employees and instil in them the perception and sense of duty that they are the main actors of the company.

Fourthly, a new personnel system was introduced based on gender-free approaches. Job positions and career tracks were revised in a way that every employee can maximize his or her capabilities and have a sense of fulfilment.

The fifth is great commitment to developing female employees and promoting individuals fairly and proactively according to their motivation and capabilities.

The results of these efforts have come out in various ways. The workforce structure has changed. More and more female workers do not leave the company due to giving birth to, or rearing, children. The average length of service of the female employees has increased and a growing number of talented female university graduates are applying for positions in the firm.

At the general meetings of shareholders attendance by female shareholders has become more common. An in-house survey shows that the percentage of employees who responded that their workplace has become free of gender bias rose from 26.5 per cent in 2001 to 38.2 per cent in 2002. The ratio of women managers rose from 3.9 per cent in 1998 to 8.2 per cent in 2002. Well, the number is still low but certainly is increasing.

What kind of implication can we get from this case?

First, the efforts made were proactive based on the company's internal strong motive and they were not reactive. There was a strong conviction that a gender-free environment was a must for the company's competitiveness. To recognize the necessity by oneself is the most stable and strong driving force to make things happen.

Second, equality at work is a leadership issue. The efforts of the company were encouraged by the strong commitment of its top executive officers.

Third, there is a perception that people are precious resources. It is really necessary to allow individuals to realise their full potential, in order to revitalise companies.

Fourth, companies, are bodies to create value added. This value is not necessarily a monetary one. If the society gives value to gender equality, companies do want to produce such value to seek support from stakeholders. It is quite simple, if companies need capable persons they naturally offer what the prospective employees require.

I think these aspects should be fully taken into consideration when we pursue real equality at work.

Original Spanish: Mr. MAILHOS (Employers' delegate, Uruguay) — I would like to take the opportunity, as this is the first time I address this session of the Conference, to congratulate the Director-General on his re-election and I would also like to congratulate the President of the Conference on his election.

I have requested the floor to make a few brief comments about the Uruguayan experience in eliminating discrimination at the workplace.

The Uruguayan employers' sector is working actively to promote equality in employment of men and women. We have a tripartite committee that functions within the Ministry of Labour and Social Security in my country. This has worked informally since 1997, but we now have specific rules, as from 1999, laid down in Decree No. 365.

It is important to point out that this tripartite committee reflects the strategy of the ILO. The committee comprises government representatives, not only from the Ministry of Labour but also from the National Institute for Family and Women's Affairs of the Ministry of Education and Culture. This reflects the importance of education in gender issues. Moreover, the employers' sector is represented by the chambers of trade and industry and the workers by the trade union confederation PIT-CNT.

This tripartite committee advises the Ministry of Labour and Social Security on gender issues in a very specific way, including training those responsible for carrying out inspections for the Ministry. Moreover, by having institutionalized gender, it has been possible to exchange experiences with other tripartite committees which work together with our committee in the Southern Cone region. We have had seminars and technical meetings with tripartite committees from Argentina, Brazil, Chile and Paraguay.

I would briefly like to tell you about a women's seminar held in 2001 and sponsored by the ILO where we dealt with three very important issues: labour costs, division of labour and the difference in wages between men and women. The results of the seminar showed that the labour costs of women are not significantly higher than those of men in our country.

In another area, I would like to comment on the following points. My country is setting up a national plan for gender equality in employment. The business sector is playing an active role in the development of this plan and it is also looking at the specific issue of equality of opportunity. Several studies are going to be made into the situation in Uruguay, because there is greater unemployment amongst women than men: women have greater difficulty in obtaining and keeping their jobs, there are fewer women in positions of responsibility, and women normally work in sectors where wages are lowest.

The tripartite committee in the future will be trying to decentralize its activities and will seek to operate in the interior of the country and apply its activities at the local level.

Finally, our committee will be working with the ILO, with a view to carrying out a study on gender and social security, looking at the problems of gender inequality in social security.

In my country, we have implemented a special programme for women, which seeks to promote equality of opportunities in the workplace and in vocational training activities. This is carried out through the National Employment Board and the National Directorate of Employment. The support given by the employers' sector has been very important here, and funding is being made available through the employers' and the workers' sectors, with the support of CINTERFOR.

The aim of the programme is to promote an active employment policy encouraging the training of women and recognizing the new skills required by the labour market. This programme is being implemented in rural and in urban areas.

I would like to underscore the proactive role that the employers' sector has played in my country as regards gender equality. I would also like to emphasize that no one sector by itself is going to be able to change the existing cultures in our countries. This is why we, just like the ILO, have chosen to have a

tripartite basis to establish strong foundations for working to develop equality of opportunity.

To conclude, I would like to thank the ILO for its support for these activities in my country. This support is essential to ensure success in achieving this change in culture, which is so important across our region.

Ms. THEODORSEN (*Workers' adviser and substitute delegate, Norway*) — If in Norway which, as you all know, is a rich country, pay inequalities remain between women and men, we can just imagine how it is in countries which are not so rich.

I will, therefore, offer some suggestions regarding equal remuneration.

The ILO plan of action to address discrimination should be set within an anti-poverty strategy and support for sustainable development. It is very important that the ILO expands its capacity and resources to provide technical assistance on wage-setting policies and, in particular, looks into how to overcome pay inequalities. There is also a need to support capacity building for workers' organizations to detect inequalities, particularly in relation to the frequent undervaluing of women's work.

There is a strong need for new strategies and action by the ILO to address low pay. The workers of Norway urge the ILO to value the importance of a tripartite approach in addressing discrimination and pay inequalities. The workers would request the ILO to give priority in its agenda to holding a tripartite high level meeting of experts on strategies to promote pay equity.

Original French: Ms. DIALLO (*Workers' delegate, Guinea*) — Thank you for giving me the floor. I am going to comment on two points, the first of which is women migrant workers. The rise in migration is a great source of concern to us because so many of the migrants are women. Once again, women are the first to fall victim and they find themselves in very difficult situations indeed.

Women are in a desperate situation because they have no proper status as workers and have no access to training. In addition, as a mother cannot be separated from her children, she is also responsible for their upbringing. As she is already in dire straits herself, it is virtually impossible for her to make ends meet.

It seems to me that the ILO should be able to help trade union organizations to organize major awareness-raising, training and information campaigns on the rights of migrant workers, with special emphasis on the rights of women migrant workers. They should have access to reliable statistics on this phenomenon and be able to consult those statistics easily.

It is also important to promote the ratification of the International Convention of the United Nations on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), as well as the Migrant Workers Recommendation, 1975 (No. 151).

The second issue I wish to raise is that of conflicts. I come from a country where we are surrounded by conflicts. We have noticed that, here too, the involvement of trade union organizations at the national level is only marginal. We must give full support to the trade unions so that they can become involved in

conflict prevention efforts and so that the country's life blood is not affected, and especially its women who, as I said earlier, have no access to education and training and are the first to fall victim and the most marginalized. The ILO should be able to help the trade union organizations become involved. This would be a very good thing.

Ms. BYERS (*Workers' delegate, Canada*) — I want to speak very briefly about a group of workers who may not be talked about in this forum, maybe not as much as they would be talked about in my own home country. I want to speak specifically about our aboriginal workers and the importance of this document.

My name is Barbara Byers, I am an Executive Vice-President of the Canadian Labour Congress and, as I said earlier, I want to speak very briefly about the situation of aboriginal workers. This is a huge issue in the country that I come from and, quite frankly, it is not often spoken of in other forums.

I want to give you a little bit of background, because in Canada what we are looking at is some interesting demographics. We have an ageing non-aboriginal workforce and an aboriginal baby boom and we have, as well as the demographics, to deal with a history of quite frankly massive racism at worst, or ignorance at best, in relation to aboriginal people.

Aboriginal people are excluded from education and training, although you will often hear Canadians tell people that aboriginals get free education. Aboriginal kids get streamed into education where they are going to be dead-ended at the end of their secondary education, so they cannot move on to other kinds of education. They take general maths, when other students are taking advanced maths.

We have training that is not culturally sensitive. We are making some inroads, but it is a long road. Often in the labour movement, we are quite appalled by the fact that we have a 7 per cent unemployment rate in Canada. Aboriginal people would consider that a huge success, given that many of their communities are 90 per cent unemployed and those that are employed are often seasonal workers and underemployed.

The poverty life cycle is very clearly there for aboriginal people, whether you live on reserve or whether you live off reserve. Aboriginal people are obviously excluded from the workplace and have been for a long time now and, if they are employed, they face racism, cultural and spiritual exclusion. We know as well that they face lower pay. Because I grew up in the women's movement inside the trade union movement, I know about the wage disparities between women and men. But quite clearly the wage disparities between aboriginal women and non-aboriginal women is very large as well. So there is double discrimination there.

I say that we obviously need some very strong legislation in all jurisdictions and we need policies for a representative workforce, which leads me to the example I do want to talk about very briefly. Unions in Canada have been engaging in what we call "partnership agreements", for representative workforces, which is another variation, I guess you could say, on employment equity, but much more specific to aboriginal people. These partnership agreements are not only about programmes in the workplace, but they are also about changes that we need to make in the labour movement in terms of our contracts.

We have just had one of our major unions in Canada sign representative workforce agreements that will recognize the important cultural traditions of aboriginal people. Collective agreements will recognize hunting seasons, which are very important to aboriginal people, will recognize as well that either in addition to, or instead of, the normal grievance procedure and steward procedure in the workplace, aboriginal elders will be brought in to solve workplace problems. And they are looking at healing circles inside workplaces to deal with issues around discrimination.

As well, they are dealing with a number of issues around racism, because that is a huge issue. We have had situations where we have had massive employment initiatives to get people into the workplace, only to have 70 per cent of them leave, because, quite frankly, they do not feel very safe, or very much at home. So, we desperately need anti-racism programmes.

When I look at what is being proposed, we obviously need guidelines that must be monitored — all of us have to be held to account, whether it is governments, employers or labour organizations. We have to be held to account on what we are doing to promote a workplace in which everybody feels comfortable in and to which everyone has access.

That is the last point I want to raise. I know that, as a woman, I came here and looked around and said “oooh, we have not yet got equality in these rooms”, but I tell you if I was an aboriginal person coming into this room, I would feel that even more significantly. So I look forward to the day when because of the work the ILO does, both as an institution but also with its parties, aboriginal people will be well represented inside this hall.

The SECRETARY-GENERAL — I am going to give the floor to some of the Government delegates. I noted that both the Employers and the Workers mentioned tripartism as something they believed was a useful instrument. It would be interesting to have some reactions on the part of Governments on that. On both sides the question of training and education has come up as one of the key elements in ensuring that there is awareness — and that there are capacities in order to deal with these issues. Of course, any other comment you would like to make on the other interventions would be welcome, so we can have a feeling of how you are all reacting.

Mr. SHENOY (*Labour Secretary, Government delegate, India*) — Certain issues have been drawn up for discussion. I recall that during last year's session of the conference we had an interesting interactive session during the plenary on the Global Report, *A future without child labour*. I remember thinking that an interactive and plenary session was a contradiction in terms. But it is not so; it is actually an exhilarating experience. Our culture says, “find unity in diversity”, and I find that this session is the most interesting one.

In our philosophy we believe in the saying that: “when women are worshipped the gods feel extremely happy” or that “when women are respected the gods feel very happy”. This is the philosophy in which we believe, so equality is part of our culture and belief. We have enshrined in the Constitution of India universal compulsory education for boys and girls up to 14 years of age; we go beyond this, as and when we can afford.

The Director-General mentioned two issues: education, and training. In these days of globalization and the need for multiple skills, skills development is the most important thing, so there is an urgent need to set up an international fund for skills development for women. This is very important, and if it could be achieved, the skills of women could be increased. They could become multi-skilled, have better employment opportunities and sustain the jobs they already have.

Equal opportunities can be established before job creation, while the job is being maintained and once the job no longer exists. Before women enter the field of work, their education and training are the most important elements. But these are not the only important elements. Even in the political arena, a favourable climate can be created if jobs are set aside for women, until their participation in the democratic institutions reaches decent levels, starting with the grass-roots level.

We have a five-tier democratic system in India. At the village level we have one institution. As regards groups of villages we have another institution, and there is a different institution to deal with the district level. We have an enactment which provides that one-third of the jobs at these three levels of political institutions be set aside for women. We propose to have a similar policy at the higher level of democratically elected bodies, including at the parliament level.

Also, in the system of administration, we have two departments relating to this issue. We have a department for women and child development, exclusively for the development of women and all their facets, which is part of human resource development. Unfortunately, my female colleague is busy in another committee on human resources. Otherwise, perhaps she should have spoken on this subject because, as I speak, I see on both sides of me women who are speaking on this issue. They may be asking themselves why a man is speaking on the rights of women. Well, my colleague is busy in another room, otherwise she would have spoken on this issue.

The second department is for social issues and empowerment, to ensure that discrimination on the basis of caste and creed, relating to those sections of society that have been held back is eliminated. There are special provisions in education and employment so that such groups are brought on an equal footing with the rest of society. We also have a Supreme Court dictum to prevent the sexual exploitation of women in the workplace.

These are the various types of mechanisms we have at the political, economic and judicial level, with proper effective interventions to ensure that discrimination is further reduced. This does not mean that discrimination has ended. We have started the process; we are on the highway and we have started the journey; we hope to reach the end of the journey sooner rather than later.

The SECRETARY-GENERAL — I do not think you should be worried about talking about these issues — indeed, we need more and more men actually to understand them. Of this, I am convinced. Listening to you when you described the institutional set-up, I should like to suggest, for the next interventions, that we raise a question that could be really helpful for us in understanding the design of policies. Where do you see the key obstacle? We know what we want to do;

we have set up structures; enterprises and workers are organizing. Yet clearly we are not there; in general, we have not succeeded in coming to grips with discrimination.

So, if the next speakers could address the question — examine what are the stumbling blocks and envisage where we will be speaking in the future — this might help us a lot to zero in on the policies.

Original Portuguese: Ms. GOMES DOS SANTOS (*Government delegate, Brazil*) — I am going to talk a bit about the experiences we have had in Brazil with the gender and race programme which was mentioned by our President and also Mr. Wagner when he spoke on 9 June.

Across the country we are establishing regional and subregional units within our labour organizations to address discrimination and implement proactive programmes. They are intended to deal with all aspects of social inequality, be it through organizing the placement of women in the industrial sector, recording instances of discrimination, or establishing educational programmes to ensure the implementation of policies on social equality and the elimination of all forms of discriminatory or degrading treatment. Furthermore, they serve as a point of contact for the various social partners and a forum for discussing problems, trying to solve them and, if necessary, referring them to the competent authority.

The central objectives of these units are to disseminate the content of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); to combat discriminatory practices in the workplace and promote equality of opportunity and treatment; and to handle all conflicts stemming from discrimination. Their principal strategy for achieving these objectives is to organize conferences, seminars and workshops on discrimination, in order to raise awareness of the concepts and principles underlying their activities. Their remit also extends to employment policy, and they will deal with any disagreements arising as far as they are able.

By establishing these units we hope to broaden the debate on discrimination and make real progress towards changing attitudes in society and ensuring that equality becomes a reality for all citizens.

When a complaint of discrimination is made, the relevant unit holds an inquiry which, in the majority of cases, yields a result. Some 90 to 95 per cent of cases are solved through negotiation. The companies concerned are encouraged to take formal measures to eliminate discriminatory practices. However, if negotiations fail to find a solution and all the normal avenues have been explored, the complaint can be taken higher or submitted to the appropriate legal authority.

So far, 74 such units have been established, 27 in major cities and 47 in the rest of the country, and a further 63 are planned for the next two years, to extend across the whole territory of Brazil.

The results obtained over the last three years have made it possible to organize 150 seminars, in partnership with NGOs. We have also seen an increase in the number of complaints of discrimination raised, in the order of 210 per cent between 2000 and 2001, 290 per cent between 2002 and 2003, and 25 per cent in the first two months of 2003 alone.

We have succeeded in integrating more than 30,000 disabled people into the labour market, and are also,

together with the relevant departments, addressing other issues raised in Convention No. 111. We are also examining such matters as obesity, sexual orientation and HIV/AIDS. Unfortunately, discrimination is a very pressing problem. There are many types of discrimination, and we encounter new ones every day.

Original French: Mr. SABAH (*Government adviser and substitute delegate, Israel*) — I would like to respond to what the President said when he made his opening comments, and he referred to legislative texts, which have indeed served as an inspiration for all of those who have spoken thus far.

I have taken the floor at this stage because I would like to ask you, to persuade you that consciousness raising should be undertaken, as the Report suggests, in the spirit of moral and religious values, and not just from the point of view of the laws and Conventions addressing human rights and individual freedoms.

The Bible, in the Old Testament, includes no less than 613 religious commandments and precepts. Some are referred to only once, some are reiterated several times, but the record, and there are more than 25 verses devoted to this subject, goes to the precept that there should be no discrimination against the poor, or against foreigners.

For instance, if you read the Bible, then you see that in the fourth Commandment you are told that you should: "Remember the Sabbath day, to keep it holy. Six days thou shalt labour, and do all your work; but the seventh day is a Sabbath to the Lord your God; in it you shall not do any work, you, or your son, or your daughter, your manservant, or your maidservant, or your cattle, or the sojourner who is within your gates."

Furthermore the Bible states clearly that if there is a foreigner travelling in your country then that foreigner should be considered by you as being one of your compatriots. You should love a foreigner, you should love a stranger in the same way you would love one from your own tribe or family. First and foremost then, the Bible teaches the principle that in order to respect God, you have to above all respect others.

It is in this spirit that we have to put together, in Israel, an elaborate exhibition of 18 panels, each displaying a quotation from one of the ILO Conventions, paired with a verse from the Old Testament. We have suggested to the Office that it continue with this theme by asking every major world religion to do the same, so that every year at the annual session of the Conference, one of these religions draws the same comparisons.

This very morning I remember that the representative of Qatar explained that all that we are seeking to do here is very much in line with the values of Islam, and I believe that the honourable delegate who has just spoken from India has made the same point with reference to Indian philosophy, so we look forward to the Office's response to our suggestion.

Ms. DRBALOVA (*Adviser and substitute delegate, Czech Republic*) — I am representing the biggest employers' and business organization of the Czech Republic and I would like to say a few words about our approach to the elimination of discrimination. I should like to begin by mentioning that Czech legislation was always based on the principle of non-discrimination, but changes in the world of work showed the need to incorporate this principle more

deeply and with greater visibility in the new labour and employment legislation.

Speaking on behalf of the employers, I would like to stress that our main priority is doing business in sustainable conditions, and the precondition is an effective and flexible labour market open to all categories of workers and all progressive forms of the organization of work.

The Czech employers consider their engagement in this field both as a contribution to the right and effective implementation of this new legislation, and as a part of the general framework of corporate social responsibility. On the other hand, from our point of view — and this could be a question for our discussion — strong and excessive protection of a single vulnerable group brings imbalance to the labour market and the employees affected can become victims of such strong and strict regulations.

How are the Czech employers involved in the activities focused on raising awareness in this field? The Czech employers are strongly involved in the “Equal” programme, launched by the European Commission. There are ten selected projects running in the Czech Republic and we are involved in two of them.

The first is focused on facilitating access to the labour market for those who have problems in being integrated or reintegrated into the labour market and the second is focused on reconciling professional and family life and improving the position of women in the labour market.

Last year, we were also involved in the Leonardo da Vinci programme, launched by the European Commission. The project was specifically aimed at the Roma community and its access to education and training and related issues. The main aim of the employers’ involvement in such initiatives was to raise awareness, to strengthen the principle of non-discrimination at the workplace, to assist companies to integrate this principle in their management system and to highlight the economic consequences and effects.

Finally, I would like to highlight the work of the ILO in this field and I hope that the Office will remain the platform for discussions on the subject, for benchmarking and demonstration of best practices.

Ms. TROGEN (*Employers’ adviser, Sweden*) — I would like to touch upon legislation, and whether or not it is an indispensable first step in tackling discrimination at work. But first I would like to share some of my experiences during several years of work for gender equality and anti-discrimination in Sweden.

I would like to say that there are no quick fixes here. Anti-discrimination legislation might be important for combating discrimination in society as a whole. However, it should avoid a prescriptive approach in the workplace, because considerable progress can and has been made without anti-discrimination legislation which focuses on discrimination at work.

In fact, the focus has to be on other areas of society in order to reach non-discrimination in working life. Efforts have to start elsewhere, because the roots of inequality and discrimination lie elsewhere.

My country, Sweden, is seen as having come a long way towards gender equality and non-discrimination, and the first steps were taken several decades before anti-discrimination legislation was introduced.

Employer organizations and trade unions together played an important role, with the first bilateral steps towards equal opportunities and gender equality, in society and in the workplace, already being taken in the 1940s. They then focused on training and retraining for women, in order to enable women to re-enter the labour market after a period spent at home with the children.

The next major step by employers’ organizations and trade unions was made in the 1950s, when they created the women’s labour market council, with the specific task of analysing, promoting and lobbying for labour market training, child care provision, infrastructure and transport to facilitate women’s access to work.

In 1967, after many years of good cooperation, employers’ organizations and trade unions reached national agreements on how to promote gender equality at work. Later, tax legislation was also amended, to provide women with incentives — huge in comparison to earlier amounts — to enter the workforce.

Then in 1980, when the first Act on anti-discrimination and gender equality was introduced, employers’ organizations and trade unions found that the Act was not suitable for empowering workplaces to take action on gender equality. So they adopted a new agreement, based on their earlier experiences, which remains in force to this day.

During the 1990s, Swedish legislation on gender equality was amended several times, making it increasingly prescriptive. While this reduced its usefulness for bilateral work between organizations, the agreement has still been a good platform for work on gender equality to be carried out within companies and in the workplace. Companies themselves have made major contributions to this work.

For example, during the 1980s, Volvo hired female test drivers and construction engineers to produce better cars and to promote equal opportunities in the company. Several other large, medium and small companies strive to be equal-opportunity employers and, in a study from last year, my organization found that several companies focus explicitly on flexible working time, arrangements to facilitate parental leave, both for fathers and mothers, career and training programmes for women in order to facilitate their promotion to top positions, awareness and gender-sensitivity programmes, both for employees and managers. Many companies also compensate for loss of salary during parental leave.

But, strangely enough, such policies and programmes are not good enough in the eyes of the institutes watching over anti-discrimination legislation regarding gender. They are entitled to carry out reviews of the situation regarding wage parity in particular companies, and have extensive powers to scrutinize policies and practices they consider to be important in that regard.

My colleague and I have found this prescriptive legislation, coupled with the attitude of distrust shown by institutes towards companies, highly unproductive.

Unfortunately, I find almost the same situation regarding the new legislation for non-discrimination on ethnic and similar grounds in Sweden, although I am happy to say that in this area there is very strong cooperation between employers’ organizations and trade unions.

To conclude, while general legislation on non-discrimination can be useful, it should avoid issuing prescriptions for what should be done within companies and in the workplace. If you want to promote non-discrimination and equality at work, you must work with other means. Policies, programmes, projects and the exchange of experiences and good practice are all useful in this respect and I think the ILO has an important role to play in that regard.

Original Spanish: Ms. ANDERSON (*Workers' delegate, Mexico*) — I would like to congratulate the Director-General on the ILO's policies on this very important issue — discrimination. In 1975, the first International Women's Year Conference was convened by the United Nations in Mexico City.

In our country we have eliminated all discrimination through national legislation. Article 4 of the Mexican Constitution states that men and woman are equal before the law and that has formed the basis for other reforms.

Sexual harassment has been defined as an offence in the Federal labour Act and the Penal Code. The trade unions of the CTM, my confederation, have negotiated collective wage agreements making it unlawful for firms to demand a certificate indicating that a woman is not pregnant.

I think that the ILO should continue with the programme to ensure better and more work for women that it launched three years ago in Mexico as a pilot programme designed above all for developing countries. Similarly, a more energetic campaign should be mounted for the ratification of Equal Remuneration Convention, 1951 (No. 100), and Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The ILO should devise new strategies to ensure that its programme to prevent discrimination against women is fully implemented, and they should include an instrument to combat sexual harassment at work. Since that is where women are sometimes intimidated and frightened, such an instrument is necessary.

Furthermore, government, workers' and employers' delegations should be obliged to reserve 30 per cent of the places in their delegations to these annual International Labour conferences for women, so that all the strategies worked out by the International Labour Organisation are given greater support.

There are two words which sound similar but which do not mean the same thing. But equality, which sounds like equity, is what women need right now and equity in terms of jobs of the same quality, with the same pay, at managerial level, on a par with men.

The Director-General has asked us to tell him where the obstacles lie. I am going to be so bold as to tell him about one. We carried out a survey in Mexico with a number of women working in various industries and various types of jobs, and we asked them why they earned less than the men, and 50 per cent of those women admitted that what they needed was a job, any job.

Women are not ashamed to do any kind of work to keep a family or help a brother or a husband who is studying. I think that those of us here should see to it that we act as guides and that within our trade unions we should do more to boost women's self-esteem and encourage them to be really daring.

Those of us who are here are daring. We are really women who have tried to better ourselves, but we

should encourage more women, especially young ones to take an interest in trade union issues, in politics and in questions of employment and we should try to ensure that women have real training opportunities.

I dare to say this, but it is true. We must alter the mentality of society in general and we must persuade 50 per cent of women to change their own way of thinking so that they have better jobs.

Ms. E. WONG (*Workers' adviser, Singapore*) — I would like to just address the comments made by the employer from the Czech Republic making it clear that the priority of employers is doing business; it called to mind the very clear statement made by His Excellency, President Mbeki of South Africa, to the effect that for employers the priority is to maximize profits. I think the question we are facing with globalization now and in the future, is whether we accept that in fact what we are dealing with is balancing the employers drive for maximizing profits against a corporate social responsibility to ensure that everybody benefits, and that we share a vision of a better life for everyone, for ourselves, our families today and of course for future generations.

So if we are looking at ways of progressing towards the elimination of discrimination in all its forms, I would like to call on the ILO to really encourage a very meaningful social dialogue between the social partners, within a local context as well as regionally and internationally, so that we can better understand one another and really focus on the problems that we are facing.

The questions of tripartism and skills training and retraining have been raised as two areas where we could not only share our experiences but also highlight the challenges involved. In Singapore, among many other challenges, we are facing an ageing population; it was in the mid 1980s that we recognized that the older, less-skilled workers are the most at risk. Now, through dialogue and understanding between our Government, the employers and the unions, we have put together many initiatives to help all workers, including women, the young and old, to train and retrain. We are emphasizing that life-long employment requires life-long learning, because life-long employment as we knew it, we appreciate and accept, is over. But even if we provide training for all, the next challenge is job placement. Even with regard to the training, there are difficulties. We have a national Skills Redevelopment Programme that was started in the mid 1990s, but we found that older workers were not necessarily being sent for training, and when we say older, it has to be said that the definition of older is getting younger and younger — we are talking about those aged 40 years and older and the most at risk are those who are less skilled and over 40. So our Government has now increased the subsidy for employers to take advantage of the Skills Redevelopment Programme, to 100 per cent subsidy for the cost of training for workers over 40 years of age. Even then they are not always sent, because we understand that the employers' priority is to train only where necessary. The National Trade Union Congress has therefore set up its own Education and Training Fund. We raise the funds and our Government and partnership has matched them dollar for dollar, which means that workers who cannot get sponsored by their employers can turn to the union for subsidized training; with the

national Skills Development Fund the workers are effectively paying 25 per cent of the cost of the training.

Then the next challenge is getting a job; if you are older it can be difficult, and again we are talking here about those aged 40 years and over. So we, the trade unions, have set up an employment assistance service. We are working in close collaboration with the Government, which also has an Employment Assistant Service and we are working with the employers' federation — but it really takes constant dialogue to understand the problems. What are the barriers to re-employment? I am focusing on older workers because of time restrictions, but the same goes for gender and all cases of discrimination. In what circumstances can the employers justifiably say, I am not discriminating — these factors are relevant to the job. If they really are relevant to the job then I think we want to work together to resolve that, but what we would like to do is remove the obstacles that are not relevant to the job. I hope the ILO will encourage meaningful social dialogue and allow the exchange of experiences about cases where that dialogue has brought a better understanding of the problems, and about initiatives with a tripartite effort that have actually worked.

Ms. TUCH (*Workers' delegate, Estonia*) — I serve as a legal officer at the Confederation of Estonian Trade Unions. We are from Central and Eastern European countries where very many decision-makers in governments, in trade unions, and in employers' organizations were strongly influenced by a period in which society was too embarrassed to admit the existence of a huge problem of discrimination and unequal opportunities. These are outstanding, and other problems have emerged, especially during the last ten years. I would like to address the issue of legislation, as a country that is preparing to ratify Convention No. 111, which is one of the fundamental Conventions, and the legislation, even the first steps of legislation, are most relevant. As a trade union legal officer, I receive feedback on how many issues could be decided at a workplace level by negotiations. Our legislation recognizes equal opportunities, deplores discrimination and promotes jobs for all categories of workers. These positive examples are to be found in places with an established social dialogue, where both employers and workers are ready to discuss issues. In the meantime we do not have many cases. In fact, we have practically no cases, no judicial decision on the subject matter. I would like to stress that workers have the right, all workers have the right, to decent work, to realize their potential, if both sides of industry are willing to cooperate at their workplaces. That is why the laws are only the first step on a very long road. We need not only the principles. We need sufficient procedural guarantees to deal with cases of discrimination, effective remedies, and also rules on how to tackle these: burden-of-proof rules, bans on certain behaviour in employment and in placement. We also need to push and to invest very much in capacity building and training, and this is an ongoing process to train legislators, train trade union people, train employers, to be able to develop social dialogue based on equality, to be able to develop equal opportunities by means of collective bargaining, all the different questions on pay and wages to introduce a gender-neutral wage system to be able to ensure that equality in placement, in training and retraining, in promotion, and also increase the

institutional capacity of governments to ensure that there are agencies and judicial bodies, that people have the place where they can come for a solution, a legally binding solution to their problems if they feel that they are victims of discrimination.

Ms. ROBINSON (*Government delegate, Canada*) — I would like to thank the Office for this Report. I think it is very comprehensive and revealing of the current situation with respect to non-discrimination, I would also like to thank the Director-General for his presence here as moderator of this discussion. I have been listening to all of the interventions, both this morning and this afternoon, and I would like to contribute to the discussion by describing perhaps five elements which the Government of Canada would consider to be essential in combating discrimination and provide a few examples of how we do that in Canada. I would like to indicate that these are not necessarily in order of priority, because all of them are essential in themselves.

First, I believe that there has to be a solid legislative framework prohibiting discrimination in employment in all areas of society. In Canada, we realize this through our Canadian Charter of Rights and Freedoms and in Quebec through the Québec Charter of Human Rights and Freedom. We also have human rights legislation, labour legislation and pay equity legislation and employment equity laws at the federal level. Just to give you an example, our Canadian human rights legislation prohibits discrimination on a very broad range of criteria, some of which are specified in the Charter and others which have been expanded, based on the principles in the Charter. These would include sex, age, religion, colour, national or ethnic origin, creed, sexual orientation, family status, mental disability, physical disability, criminal conviction, marital status, pregnancy and childbirth.

The second element that we would see as essential is an institutional framework which provides transparent and accessible recourse and effective remedies. In addition to the courts, in Canada we have human rights tribunals, labour tribunals and employment boards, all of which can deal with various aspects of discrimination.

Third, and a very important element, is the need for political commitment. So in Canada, for example, at the federal level we have a minister responsible for the status of women and also for multiculturalism. There are many programmes, not just at the federal level, but at each of our provincial levels, promoting awareness-raising campaigns. In addition, anti-discrimination principles are incorporated into the school curricula and, at the federal level, we have gender-based analysis policies with respect to government laws, legislation and policies.

The fourth key element would be the development of labour market policies aimed at removing barriers and increasing the participation of disadvantaged groups. In Canada, we have active labour market policies which target specific groups such as women, aboriginals, persons with disabilities and visible minorities.

Last, but certainly not least, the social partners in Canada play a very important role in supporting workplaces free of discrimination and harassment. They do this through training and awareness raising. They do it by including non-discrimination clauses in

their collective agreements, by supporting initiatives such as workplace-based childcare facilities and by facilitating the integration of vulnerable groups into the workplace.

So I would like to suggest that these are some areas where the ILO might focus its work with respect to research, information sharing and technical assistance.

Ms. TUCKER (*Employers' delegate, United States*) — I work for Nike Incorporated as the Director of corporate responsibility compliance in the Americas region. Nike, as a multinational employer with a global supply chain, takes proactive measures at several levels to promote a workplace free of discrimination. First, we seek to prevent discrimination at the time of hiring by taking a variety of steps to ensure that there is no overt or insidious discrimination in the selection of qualified job candidates.

For example, Nike's human resource policy requires that any job opening be posted on Nike's job website for a minimum of seven days specifically so that entry into the company is not restricted to insider candidates. Nike job recruiters then work with the appropriate hiring manager to constitute the most diverse shortlist of job candidates possible.

Secondly, in the interview process, Nike uses a methodology known as competency-based selection. Job candidates are typically interviewed by a panel of four to five Nike employees from various parts of the company and are led through a series of situational questions designed to assess whether the candidate possesses the necessary skills for the job competencies required.

We find that this approach helps hiring managers to get beyond any personal biases they may have in order to identify the right person for the job. Once on board, Nike employees receive ongoing training on non-discriminatory work practices. This training includes information addressing sexual harassment, and the promotion of diversity in the workplace, as well as on the appropriate steps that should be taken to identify and address any concerns related to potential discrimination claims.

Finally, and just as importantly, we address discrimination in employment through our supply chain. As you may be aware, Nike relies on contract manufacturing and currently sources from over 900 factories in 52 countries around the world. Our code of conduct explicitly requires our suppliers to practice non-discrimination in both their hiring and workplace practices. To determine whether this and other aspects of our code are being upheld, the Nike corporate responsibility compliance team, currently comprised of 86 people based around the globe, performs ongoing audits, on both an announced and an unannounced basis, of our suppliers.

With respect to non-discrimination in employment, these audits include the examination of hiring forms to ensure that questions are not asked which have no relevance to the job and that there is no discrimination in practice with regard to pay, promotions, benefits or work assignments. These audits include confidential employee interviews to gauge how the employees themselves judge their working conditions, including with respect to discrimination.

Through these audits, we have been able to identify discrimination in the workplace in many guises, including in the form of mandatory pregnancy testing, blacklisting of union members and discriminatory

wage and promotion practices. When such practices are identified in one of our contract manufacturers, we work with the factory management and, where possible, with the appropriate workers' representatives on a mandatory corrective action plan. Frequently, this corrective action plan mandates that factory management make restitution to workers who have been harmed by discriminatory practices including, for example, by requiring back payment of wages and reinstatement of employees unjustly terminated. Nike has taken these above approaches voluntarily and in the best interest of business practices.

The Workers' representative from Singapore essentially asked the question, is this really all about the money? As a business, of course we seek to be profitable, but we do not see this as in conflict with seeking to do the right thing. In fact, it is our corporate belief that the strength of the company is enhanced through diversity. Towards this aim, the company has created senior management positions that are responsible for identifying and implementing new and innovative approaches to foster diversity in the workplace.

We were also asked to comment on how the ILO could provide assistance with respect to the shared goal of promoting diverse workplaces that are free of discrimination. From our point of view, the ILO has a unique role to play in concert with those companies and employers' and workers' organizations which are actively seeking to advance these aims. ILO assistance would be particularly beneficial in areas of the world where discrimination is entrenched, and cannot be addressed by one company acting in isolation. For example, as I am sure you are aware, there are regions of the world where women are routinely required to undergo pregnancy testing prior to employment.

In addition, and although not directly related to this discussion on the fourth principle, we have witnessed cases of routine discrimination against trade union members in certain free trade zone areas. The ILO, working with companies and workers' and employers' organizations in these strategic areas, could add great value by helping to raise awareness of these institutionalised forms of discrimination and by promoting social dialogue to identify positive measures to address them.

Mr. OWUOR (*Employers' delegate, Kenya*) — Behind every pocket of poverty in a community there is discrimination. The hinge factor in the elimination of poverty, therefore, seems to rest in the elimination of discrimination, be that discrimination based on gender, religion, race or ethnicity.

When, for example, a girl child is denied access to education and training in favour of a boy child in a poor family, she will not be able to break through the glass ceiling later in life. If a girl child is denied the right of inheritance to land in a predominantly agricultural society and she decides to remain single all her life, in such a society, when she grows up, she will not be able to have property to raise credit to start her own business. In some societies, women are excluded from careers which are reserved for men, in others there are early marriages, which are arranged and which give women no choice but to accede to family pressure.

At the other extreme, women of child-bearing age sometimes opt out of employment when the children are still young with a view to resuming their careers

when the children grow up. Despite the widespread ratifications of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the true indicators of the differences in labour participation, as well as the salaries, of men and women, produced in Appendix 3, are not very encouraging. Women's participation rates in employment, as well as the rates of pay in the past decade, have shown very little gains, if any.

As far as ethnic discrimination is concerned, there is no one factor that has contributed to social upheaval in our region, but ethnic discrimination and exclusion, is manifested either by the inability of affected ethnic groups to get access to public jobs, including the armed forces, or by their being denied licenses to do business or denied access to training institutions.

Therefore, the elimination of all forms of discrimination, in our opinion, is a prerequisite to the realization of political stability in some of our areas, and, of course, you cannot eliminate this condition unless you also encourage participatory democracy and freedom of association, which will enable workers to bargain collectively and to eliminate discrimination through such agreements.

In our country, we have signed the Industrial Relations Charter, which discourages all forms of discrimination. In my own Federation of Kenya Employers, we came up with a code of conduct on HIV/AIDS in the workplace, which provided treatment for all workers living with HIV/AIDS as if they were ordinary workers, without any discrimination whatsoever. Kenya's Parliament is debating a bill that will provide equality to women and men in our society. In my own Federation, we have established a cooperative socialist responsibility programme and, in fact, a whole division; we have prepared codes of conduct for a number of industries, and we hope that equality is addressed effectively in these codes of conduct. I will just finish by mentioning that we have a code of conduct for the coffee industry and also one for the fish-processing industry.

I believe that, ultimately, countries will have to adopt affirmative action. They will have to address the issues of discrimination, such as discrimination against women, older workers or ethnic groups.

The ILO has a major role to play in providing technical assistance in training, and also providing other forms of assistance that will enable the developing countries, in particular, to eliminate pockets of discrimination.

Mr. MATHESON (*Workers' delegate, Australia*) — I would like to use the issue of gay and lesbian workers as a way to examine some of the blockages and the ways in which we could overcome them.

One of the fundamental problems with gay, lesbian, bisexual, transsexual workers is their very visibility.

As you are aware, they are invisible in the survey and that is no surprise. By and large, they are invisible in most of the work and programmes of the social partners.

The fundamental problem they are confronted with is that they are invisible; invisible to the social partners but visible to the workers with whom they work.

It would have been helpful to know from the Japanese Employers' representative the degree to which the Japanese cosmetic company addresses the issues of gay and lesbian women.

It might have been helpful to know from the Employers' representative from Uruguay the degree to which the plan of action addresses the rights of gay and lesbian workers.

We believe from the Workers' end that there are four very simple steps that the ILO could take.

First, in a very visible way the ILO's own staff policies could promote, and should promote, a clear and unambiguous statement in terms of a public commitment, in terms of discrimination.

For example, the Canadian Labour Congress requires every person applying for a position to be assessed in terms of their attitude. They should be anti-racist, they should be feminist, they should be ability inclusive and they should be queer positive. That would be a clear statement by the ILO itself.

Secondly, a recent survey of 300 major companies in America showed that 90 per cent of them had written statements barring discrimination on the grounds of sexual orientation or gender identity. It might have been helpful for the Employers' representative of the United States to give us more information on the diversity index that was used in that order. That could be the kind of information that could be included in a conditions of work digest produced by the ILO. That would be a significant step in getting the visibility of the issue up on the agenda.

Thirdly, I think some reallocation of existing resources could begin to highlight and map and evaluate policies and programmes as they relate to gay and lesbian workers in various national situations. That could well be done in a culturally sensitive way, depending on the regions.

Finally, advocacy is seen as one of the integral pillars of a policy and a plan and in the spirit of advocacy and solidarity I would hope that the Cabinet of the ILO might consider seriously being actively involved and participating in the Third International Gay and Lesbian Workers' Conference which will take place in Canada in 2004. The second one took place in Sydney last year, and perhaps the Cabinet itself, maybe the Director-General himself, might seriously consider taking the platform at such a conference and enabling the workers there to see that things like the ILO Declaration belong to those workers, to all workers.

I should finally say, Mr. Director-General, that while I approach this from a Workers' end, let there be no mistake that the issue of gay and lesbian partners within the workplace covers not only workers but management and government bureaucrats, and even ministers, I might suggest.

Ms. OKUBO (*Workers' delegate, Japan*) — I take the floor on behalf of workers in Japan. I will make this very brief. I would like to express my appreciation to Ms. Sanui, our Employers' representative of Japan, who spoke first this afternoon, for her revealing introduction of best practices in the Shiseido company.

In Japan as a whole, however, the reality is different. Employees of Shiseido are the very few lucky ones. In Japan, more and more formal workers are being replaced by our atypical workers, such as part-time workers and contract workers. More than 70 per cent of such atypical workers are women, and their working conditions, including wages, are far lower than those of formal workers.

The representative of the Government of Japan stated this morning that Japanese women workers get only 65.5 per cent of male workers' wages. This figure,

however, only reflects monthly wages. If we look at annual income the figures decrease sharply.

The disparity between women and men is actually widening, not shrinking, both because of gender and because of the forms of employment.

Japan is a leading industrialized country and ratified the Equal Remuneration Convention, 1951 (No. 100) back in 1967. The reality is as stated. I would like to ask the ILO not to hesitate to offer and provide technical assistance to countries that need help for the full implementation of ratified Conventions.

Our society is changing rapidly and we are struggling to cope with it. In this regard, the ILO's help would be much appreciated.

Ms. AYIKWEI KOFIE (*Workers' advisor, Ghana*) — In answer to the question about key obstacles to eliminating discrimination, I refer to the statement I made this morning that corporate-led globalization, especially through WTO and the Bretton Woods institutions, has accentuated inequalities in the workplace. Privatization, downsizing, retrenchment and rising unemployment among young persons entering the labour market have together driven millions into the informal economy, leading to an increase in inequalities within and between countries.

Addressing the issue of inequality requires the political will to adopt and implement positive measures.

Remarkable progress has been made when conscious efforts have been made in this direction.

As part of the ILO plan of action, it is important that deliberate efforts are made within a certain time frame for the recruitment, training and promotion of women in decision-making positions. The ILO will thus be setting an example of best practice that which will encourage other social partners to follow.

This should go side by side with assistance to the social partners to do the same and a request for periodic reports. Here, I am referring to a kind of peer-review mechanism within the ILO and its constituents. This will help towards eliminating discrimination and will also promote the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

In a knowledge-driven world, the ILO should also support lifelong learning initiatives taken by any of the constituents wishing to pursue these efforts.

Such a measure will provide a window of opportunity for workers to move into higher positions and enjoy enhanced earnings, especially in the case of women, many of whom are single heads of households.

Ms. BAKOKO BAKORU (*Minister of Gender, Labour and Social Development, Uganda*) — Discrimination widens the gap between the poor and the rich, restrict the freedom of movement of vulnerable groups, such as women, the disabled, the elderly and children, and prevents the development of a country's legal structural framework. I should like to recommend the development of tools to measure the situation of these vulnerable groups of people so that we can ensure that their rights are upheld.

We should consider our international obligations as far as the rights of these disadvantaged groups are concerned and refer to the constitution of a country and the laws that have been enacted and the programmes that have been developed to ensure that

the rights of these vulnerable people are upheld. We also have to target and change discriminatory values and mentalities.

Representatives of my country had an opportunity to visit Norway, the United States, the United Kingdom and Sweden in the past two years and personally, I have learnt a lot from these countries. We learnt about bipartism, tripartism, collective bargaining and social security reforms. And my country has risen to the challenge and now the Ministry of Gender, Labour and Social Development has appointed a transitional group, which is mapping out a number of reforms in the social security sector and is promoting bipartism and tripartism between workers and employers and between the social partners. Collective bargaining has given workers the opportunity to negotiate rather than be treated as objects or tools. Furthermore, employers no longer feel threatened because decisions are taken unanimously.

It is also important to note that our employers are actually workers themselves. Affirmative action for these different sectors of society in decision-making is very crucial at different levels and it is equally important to equip them with education and skills in order to compete for their jobs.

HIV/AIDS prevention must be promoted in the workplace. It has been reported that, young people, and girls in particular are required to produce a certificate of good health before they can get a job. At first I did not understand what these girls were talking about when they said "Honourable Minister, we are requested to produce certificates", but in the end I discovered that these girls were being sexually harassed because they were expected to sleep with their employers before being given a job. I think that this is appalling, not least because it increases the risk of contracting HIV/AIDS.

Although my country has reduced the prevalence of HIV/AIDS from 30 per cent to 6 per cent in one decade, we still feel that we should work harder to reduce HIV/AIDS through the implementation of programmes in the workplace, an initiative that has been supported by the ILO and is very crucial.

We also need to prevent the trafficking of children and women for sex, child labour, terrorism and the use of child soldiers. They all constitute indecent work and it is important to develop programmes to combat these practices.

Finally, my country earns about 3500 million per year from migrant workers' remittances. Yet, this externalized labour still force continues to face stiff discrimination in developed countries which receive workers from the Third World.

The Equal Opportunities Commission, the HIV/AIDS Commission, the National Human Rights Commission and the industrial court, are all working to promote equal rights for all. Our aim is to have a productive labour force with supportive employers and a satisfied government, where everybody sits at a round table to resolve industrial unrest.

Governments must not force employers to allow workers to form trade unions in the workplace. This, in my view, should be automatic. Workers and employers need to have confidence in each other and trust each other in bipartism.

The SECRETARY-GENERAL — Thank you so much for all your different comments. The discussion has been quite rich and it is obviously not possible to

summarize it all here. However, let me just say that I saw a number of areas in which, as we said at the beginning, the responsibility for combating discrimination belonged to everybody. This discussion clearly shows that we need political commitment, but this political commitment has to express itself in a number of areas — government policies and institutions, the constitution obviously, and legislation and regulations.

Social partners and tripartism are mentioned systematically as an area to concentrate on in order to find and to advance solutions. There were examples given of voluntary action — enterprises in Japan and the United States — labour market policies, the role of courts and conflict resolution systems, activism as an essential element to keep the issues alive, local authorities and states, activities at the local level.

Brazil gave some examples of that, training, life-long learning, education. I am just recapping some of the key things that were mentioned spontaneously in the different presentations, which make the original point that there are many different places where we need to act.

The issue of invisibility was raised by many of you, whether it is the Aborigines, the Roma or more recently the gay and lesbian communities. What has to be done for those issues to become visible and for us to be able to act?

There are also the moral and ethical dimensions to be taken into account: common interests, responsibilities of enterprises, codes of conduct — these are the key themes put forward by many. The impact of globalization, and trade and financial systems as sources of discrimination were mentioned.

It was also proposed that discrimination must be eliminated before you get to the workplace. I think that is very clear. By the time you get discrimination in the workplace, you are probably going to be discriminated against there again. It is impossible to draw a line between one dimension of people's lives and another.

There were some practical proposals, although I am not sure if I have caught them all. An international fund for skills development, oriented especially towards women, pay review mechanisms, tripartite meetings on equal remuneration, and an important comment at the end, to be directed to a tripartite audience.

Well, we are into education and life-long learning and training and such issues, but then how do you get a job? What other requirements are there and what are enterprises looking for? And are there enough job offers to justify all the investment in training?

I would like to add here, and while this is not necessarily an issue relating to the subject of discrimination, it is a fundamental issue that affects discrimination: the way the world economy is working today, it

is simply not generating enough jobs for people where they live. So, we can talk around the issue and look at employability and other things, but in the end the volume of jobs is not there. So the problem is, how do we deal with that basic question? Which maybe brings us back to the comment made at the beginning — that there is a link between the Report *Time for equality at work* which we are discussing today and the Report *Working our of poverty*, which was also presented to this session of the Conference. Unless we solve the working part, it is going to be complex to deal with the other issue.

But, as I say, this was raised as a question of how workers, governments and employers can work together and think together to devise what is the best way to carry out training on the one side and employment generation on the other. I think this is probably the key. The most important question that an organization like ours faces is how to work towards the future and how to generate work in the context of the Decent Work Agenda — work that is not just a job to get your nose above the water but something that can dignify your life, stabilize your family and permit peace in the community.

So, thank you very much for these two hours that we have just had. I think that a lot of ideas came out, and many of them need to be thought about and discussed further and developed. And maybe it also proves that this sort of more informal way of going about a discussion and thinking together is very practical. If you so feel, we can continue with this in the future, and maybe we can also use it for our other issues. The more we make this something in which we can talk freely, the easier it is going to be to find solutions to these complex problems. The more we set ourselves in speech mode, or set-position mode, the harder it will be. Maybe we have to give it a try, understanding how serious the issues are but using methods that are lighter than the classical and more well-trodden ways in which the Conference works. But that is to be thought about in the future.

So, thank you everybody. I think that we have had a very good session. Thank you very much all of you.

The PRESIDENT — We have reached the end of the time allotted for the interactive session. I am sure you would wish to join with me in thanking the Director-General for his excellent moderation, and also the whole team in charge of the Declaration.

The tripartite debate that has taken place today has given a clear indication of the importance you attach to this remarkable promotional tool that you have crafted, and the direction in which you would like to see it moving on the complex question of discrimination in employment and occupation.

(The Conference adjourned at 5.15 p.m.)

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