

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

**L'élimination de la discrimination en matière d'emploi
et de profession**

**La eliminación de la discriminación en materia de empleo
y ocupación**



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: BAHRAIN

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

REPORTING	Fulfilment of government's reporting obligations	YES , except for the 2011 Annual Review (AR). No change reports for the 2004, 2005 and 2009-2010 Annual Reviews (ARs).
	Involvement of employers' and workers' organizations in the reporting process	YES , according to the Government: Involvement of the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) through written consultations.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the BCCI. 2008 AR: Observations by the BCCI. 2007 AR: Observations by the BCCI.
	Workers' organizations	2012 AR: Observations by the GFBTU. 2011 AR: Observations by the GFBTU. 2010 AR: Observations by the GFBTU. 2009 AR: Observations by the GFBTU. 2008 AR: Observations by the GFBTU. 2007 AR: Observations by the GFBTU. 2006 AR: Observations by the GFBTU. 2003 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU.

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

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Bahrain ratified in 2000 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	<p>Under consideration, since 2011, for C.100 (YES, earlier).</p> <p>2012 AR: According to the Government: At this stage, the Cabinet has not formed a common position regarding ratification of C.100, but it has emphasized that a more enabling environment is created for realizing the principle and right (PR). The BCCI indicated that the ratification of C.100 has not yet been considered. The GFBTU stated that ratification of C.100 should be dealt with a priority.</p> <p>2009 AR: The GFBTU stated its support to the ratification of C.100.</p> <p>2008 AR: According to the Government: It is planning to establish a Tripartite Committee that would deal with the ratification of the remaining ILO fundamental conventions. The BCCI hopes that the Tripartite Committee is set up very shortly. The GFBTU supported the ratification of C.100.</p> <p>2007 AR: According to the Government: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.100. According to the BCCI and the GFBTU: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.100. This Convention should be ratified by Bahrain to eliminate discrimination at work.</p> <p>2006 AR: According to the GFBTU: The Government should ratify C.100, as well as other ILO fundamental Conventions so that Bahrain can fit with social globalization.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government was examining C.100 with a view to ratifying it.</p>
	Recognition of the principle and right (prospect(s), means of action, main legal provisions)	Constitution	YES. The 2002 Constitution (articles 4, 8, 14, 16 and 18) provides that equality and equal opportunity between all citizens are guaranteed.
		Policy/Legislation and/or Regulations	<ul style="list-style-type: none"> Policy: <p>2001 AR: According to the Government: The Government's policy is set out in the Bahrain Labour Law, 1976, and the Employment Law that adopts the same principles as those set out in the Constitution.</p>
		Basic legal provisions	(i) The Constitution (articles 4, 8, 14, 16 and 18); (ii) the Bahrain Labour Law, 1976 (employment of women, disabled persons and young persons); and (iii) the Employment Law.
		Grounds of discrimination	2002 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of language, origin, and religion.
		Judicial decisions	NIL.

	Exercise of the principle and right	Special attention to particular situations	<p>2003 AR: According to the Government: Specific measures have been implemented to respect, promote, and realize the PR, for the following categories of workers: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; (iv) agricultural workers; (v) workers engaged in domestic work; (vi) workers in EPZs; and (vii) migrant workers.</p> <p>2000 AR: According to the Government: Women and the disabled.</p>
		Information/ Data collection and dissemination	<p>2008 AR: According to the Government: Statistics on Bahraini Women were published in 2007.</p>
	Prevention/monitoring, enforcement and sanctions mechanisms	<p>2000-2005 ARs: According to the Government: The Constitution and the national legal system contain principles and rules that guarantee the realization of the PR.</p> <p>2000 AR: According to the Government: Under section 155 of the Labour Law amended by Decree No. 14 of 1993, domestic servants have the right to lodge complaints with the Minister for Labour and Social Affairs, and can take the dispute to the courts if it is not resolved at the Ministry level.</p>	
	Involvement of the social partners	<p>NIL.</p>	
	Promotional activities	<p>2011 AR: The GFBTU mentioned its participation in the Kuwait Regional Workshop on Migrant Workers' Rights organized in July 2010 in cooperation with AFL-CIO and the ILO. Issue pertaining to the PR were discussed during this activity.</p> <p>2010 AR: According to GFBTU: In 2009, many activities were conducted as part of GFBTU's promotional initiatives for the ratification of C.100 by Bahrain, including several training activities. Moreover, the Labour Day has been organized with intensive participation of all the trade unions and civil societies, and during the afternoon demonstration slogans urged the Government to ratify C.100, among others.</p> <p>2009 AR: The GFBTU indicated that it was carrying out public awareness-raising activities on C.100.</p> <p>2008 AR: The Government indicated that it had promoted Bahraini books on women in Bahrain. It added that along with the BCCI and the GFBTU, it had participated in the 5th ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labour Standards in Oman. On this occasion, FOA and collective bargaining had been discussed. It added that two workshops were organized in March and May 2007 in collaboration with the International Trade Union Confederation (ITUC), one supporting the involvement of women in trade unions and the second on the right to employment and occupation of women.</p> <p>2007 AR: The Government, the BCCI and the GFBTU referred to their participation in the Fourth ILO/GCC Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.</p>	
Special initiatives	<p>2012 AR: According to the Government: Measures are being taken to allow migrant workers to benefit from a minimum wage.</p> <p>2010 AR: The GFBTU indicated that it had issued an official letter to the Parliament in April 2008 highlighting the importance of ratification of these two fundamental Conventions and urging the Members of Parliament to press the Government accordingly.</p>		

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: The BCCI shared the GBFTU's view that equal representation between men and women should be promoted in training seminars.
		Workers' organizations	2012 AR: According to GFBTU: The main challenge preventing the ratification of C.100 is the absence of the Executive's will to adopt new laws. 2008 AR: The GBFTU indicated that a specific chapter of the Labour Law dealing with women was amended during the review without consultation with employers' and workers' organizations. 2007 AR: The GBFTU observed that equal representation between men and women should be promoted in training seminars. 2006 AR: According to the GFBTU: Forms of wage discrimination persist in Bahrain. 2001 AR: According to the ICFTU: (i) there is no recognition of the concept of "equal pay for work of equal value"; (ii) there is increasing discrimination at the workplace, including lower age and denial of promotion; and (iii) illiteracy rate is higher among women.
	According to the Government		2007 AR: The Government shares the GBFTU's view that equal representation between men and women should be promoted in training seminars. 2003 AR: In response to the ICFTU's observations, the Government stated that the Bahraini 1976 Labour Law prohibits: (i) discrimination on grounds of sex and nationality in respect of employment and occupation, and education; and (ii) provides for equal pay for work of equal value.
TECHNICAL COOPERATION	Request		2012 AR: The GFBTU requested ILO technical support to advocacy for the ratification of C.100. 2010 AR: According to the GFBTU: All members of the relevant tripartite Committees should participate in workshops on the 1998 ILO Declaration and its follow-up, including issues concerning equal pay for work of equal value. This training activity is necessary, as Bahrain was selected by the ILO as a model country within the Decent Work Agenda. 2009 AR: The GFBTU indicated that the ILO's cooperation was needed in the area of cooperation with other countries on the methods of institutionalization of C.100. 2007 AR: The BCCI requested ILO technical cooperation for capacity building, enterprise development, organizational management and productivity in relation with the PR. The GBFTU requested ILO technical cooperation to sensitize its members on discrimination issues. 2006 AR: According to the GFBTU: ILO technical cooperation would be necessary in organizing a national tripartite workshop on ILO Fundamental Conventions in Bahrain, so as to identify challenges and solutions and pave the way to ratification. 2003 AR: According to the Government: A need for ILO technical cooperation to facilitate the realization of the PR in Bahrain exists in the following priority areas: (i) establishing or strengthening specialized institutional machinery; (ii) data collection and information analysis.
	Offer		ILO

<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Bahrain, to ratify or consider ratification of Conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (cf. paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (cf. paragraph 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (cf. paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Bahrain and other GCC States for their continuing dialogue with the Office through the annual review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (cf. paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (cf. paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2008-2012)¹: BRUNEI DARUSSALAM

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

REPORTING	Fulfilment of government's reporting obligations	YES, since the 2008 Annual Review (AR). Brunei Darussalam joined the ILO in 2007.	
	Involvement of employers' and workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations (the National Chamber of Commerce and Industry, NCCI) and workers' organizations (the Brunei Oilfield Workers Union, BOWU) by means of consultation and communication of a copy of the Government's report and country baseline.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the NCCI. 2010 AR: Observations by the NCCI 2008 AR: Observations by the NCCI and its three affiliates.	
	Workers' organizations	2012 AR: Observations by the BOWU. 2010 AR: Observations by the BOWU 2008 AR: Observations by the BOWU	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Brunei Darussalam has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	Under consideration, since 2007, for C.100 and C.111, in consultation with the employers' and workers' organizations. 2009-2012 ARs: The Government indicated that it was still reviewing the possibility to ratify C.100 and C.111 in consultation with the employers' and workers' organizations. 2008 AR: The Government stated that it was considering the possibility to ratify C.100 and C.111, in consultation with the employers' and workers' organizations. The NCCI and the BOWU supported the ratification of both C.100 and C.111 by Brunei Darussalam.

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

Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NO.
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2008 AR: According to the Government: The elimination of discrimination in respect of employment and occupation is recognized in both aspects (elimination of discrimination in employment and occupation and equality of opportunity and treatment, including in the field of remuneration). National policy on the principle and right is guided by His Majesty's declarations (Titah) concerning the elimination of discrimination in employment and occupation. There is also a National Scheme of Service for the public sector that recognizes the principle and right. • Legislation: 2008 AR: According to the Government: No national laws have specifically dealt with the elimination of discrimination in employment and occupation. Only section 19.2 of the Trade Union Act (Cap. 128) prohibits discrimination based on union affiliation, and provides for sanction in case of contravention.
	Basic legal provisions	The Employment Order 2009; The Trade Union (Cap. 128), section 19, deals with discrimination based on union affiliation.
	Grounds of discrimination	NO.
	Judicial decisions	NIL.
Exercise of the principle and right	Special attention to particular situations	NIL.
	Information/ Data collection and dissemination	NIL. However, the Government requested ILO assistance in this regard.
Prevention/monitoring, enforcement and sanction mechanisms	2008 AR: According to the Government: The Labour Department is in charge of enforcing labour laws and regulations. Concerning discrimination based on union affiliation, the Trade Union Act (Cap. 128), section 19, provides for penal sanctions (fines of B\$6,000 (about US\$4,445 as of November 2007) and 6 months imprisonment) when an employer contravenes the provisions of this Act by denying freedom of association to a worker and discriminating him by reason of his being or not being a member of a trade union. According to the Government, no cases of discrimination at workplace have been reported so far to the Labour Department and judicial authorities.	
Involvement of the social partners	2009 AR: According to the Government: The employers' and workers' organizations are being involved in the ratification process of the ILO fundamental Conventions.	
Promotional activities	Institutions to promote equality	NO. 2008 AR: According to the Government: For the time being, there are no institutions to promote equality in the country.

		Other activities	<p>2010 AR: According to the Government: Two officers have participated in the Core Labour Standards Workshop held in Singapore in September 2008. The Labour Day on in May 2009 for the third time, with a theme emphasizing on Health and Safety at Work, as well as a walkathon with the participation of the social partners. Other government initiatives also include presentation on the Labour Act (Cap. 93) to Permanent Missions in Brunei Darussalam.</p> <p>2009 AR: The Government indicated that one of its senior officers participated in the May 2008 Turin Course on International Labour Standards and the 1998 ILO Declaration.</p> <p>2008 AR: According to the Government: Officials of the Labour Department of the Ministry of Home Affairs and of the Attorney General's Office as well as representatives of employers' and workers' organizations were sensitized on the fundamental principles and rights at work and ILO fundamental Conventions during ILO's assistance in reporting issues carried out in November 2007. The NCCI stated that it promotes the relationship between these principles and rights at work, decent work and sustainable enterprises through discussions among its members and with the Government.</p> <p>The BOWU stated that it organizes monthly meetings to increase knowledge on ILO and fundamental principles and rights at work among its members.</p>
	Special initiatives /Progress		<p>2012 AR: The Government, the NCCI and the BOWU indicated that the celebration of Labour Day in 2011 was for the first time initiated by employers and workers and supported by the Government.</p> <p>2009 AR: The Government stated that it had celebrated the Labour Day on 3 May 2008, including ILO's participation on Decent Work issues, and a walkathon.</p>
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: According to the NCCI: No major problems are being encountered to realize the PR in the country. However, there are not enough women among high-ranking position officers and managers.
		Workers' organizations	2008 AR: According to the BOWU: There are no major problems of discrimination in employment and occupation in the country. The BOWU is not aware of such practice in Brunei Darussalam.
	According to the Government		<p>2012 AR: The Government reiterated the same challenges as in the 2008 AR: (i) Lack of public awareness and/or support; (ii) lack of information and data; (iii) legal provisions; (iv) lack of capacity of responsible government institutions; (v) lack of capacity of employers' and workers' organizations; and (vi) lack of social dialogue on the principle and right (PR).</p> <p>2009 AR: The Government reiterated the challenges indicated under the 2008 AR.</p> <p>2008 AR: (i) Lack of public awareness and/or support; (ii) Lack of information and data; (iii) legal provisions; (iv) lack of capacity of responsible government institutions; (v) lack of capacity of employers' and workers' organizations; and (vi) lack of social dialogue.</p>

TECHNICAL COOPERATION	Request	<p>2008-2012 ARs: According to the Government: ILO technical cooperation will be needed to facilitate the realization of the PR in Brunei Darussalam, in particular in the following areas, by order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; awareness-raising, legal literacy and advocacy; sharing of experiences (best-practices) across countries/regions; capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; coordination between institutions (e.g. various ministries and relevant commissions); (2) strengthening data collection and capacity for statistical analysis; legal reform (labour law and other relevant legislation); training of other officials (e.g. police, judiciary, social workers, teachers); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; and (3) establishing or strengthening specialized institutional machinery. In addition, social dialogue of the PR is an important step to be addressed in the country. These priorities may be satisfied through the preparation of survey/seminar to promote and realize the fundamental principles and rights at work in Brunei Darussalam, in consultation with the employers' and workers' organizations.</p> <p>2008-2012 ARs: The NCCI and the BOWU supported the Government's requests, including the capacity building of the employers' and workers' organizations and the preparation of a survey/seminar to promote and realize the fundamental principles and rights at work in Brunei Darussalam, in consultation with the employers' and workers' organizations.</p>
	Offer	ILO (consultations on Decent Work Country Programme and assistance in reporting under the AR) and the United Nations (CEDAW).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the first report by Brunei Darussalam in cooperation with the ILO, and the intentions expressed by most governments, including the Government of Brunei Darussalam, to ratify or consider ratification of Conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 64, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: JAPAN

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

REPORTING	Fulfilment of government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000, but “no change” report under the 2010 AR.
	Involvement of employers' and workers' organizations in the reporting process	YES , according to the Government: Involvement of Japan Business Federation (KEIDANREN (former NIKKEIREN) and the Japanese Trade Union Confederation (JTUC-RENGO) through consultations and communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2001 AR: Observations by the JBF.
	Workers' organizations	<p>2010 AR: Observations by the JTUC-RENGO.</p> <p>2010 AR: Observations by the JTUC-RENGO.</p> <p>2007 AR: Observations by the JTUC-RENGO.</p> <p>Observations by the International Trade Union Confederation (ITUC).</p> <p>2006 AR: Observations by the JTUC-RENGO.</p> <p>2006 AR: Observations by the International Confederation of Free Trade Unions (ICFTU).</p> <p>2006 AR: Observations by the JTUC-RENGO.</p> <p>2005 AR: Observations by the JTUC-RENGO.</p> <p>2004 AR: Observations by the JTUC-RENGO.</p> <p>2003 AR: Observations by the ICFTU.</p> <p>2002 AR: Observations by the JTUC-RENGO.</p> <p>2001 AR: Observations by the JTUC-RENGO.</p> <p>2001 AR: Observations by the ICFTU.</p> <p>2000 AR: Observations by the JTUC-RENGO.</p>

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

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Japan ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100) in 1967. However, it has not yet ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).	
		Ratification intention	<p>Under consideration for C.111.</p> <p>2009-2012 ARs: According to the Government: No change.</p> <p>According to the JTUC-RENGO: The Government should ratify C.111. In this regard, the JTUC-RENGO believes it is necessary for the Government to strengthen its efforts to promote Diet Members' understanding of the importance of ratification of core C.111 so as to activate discussion at the Diet toward ratification of this Convention (for instance, the Government can make thorough explanation about the purport and background of the Convention, and importance of ratifying core Conventions, etc.).</p> <p>2000-2006 ARs: According to the Government: Further study is needed in view of, for instance, the relations between the provisions of C.111 and national laws and regulations.</p> <p>2000 AR: According to the JTUC-RENGO: The Government should ratify C.111 as soon as possible.</p> <p>2001 AR: According to NIKKEIREN: Japan should ratify C.111. Tripartite consultations should be established in order to assess difficulties and obstacles as regards the ratification of this Convention and appropriate measures in order to address them.</p>	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES.	Under the 1947 Constitution (article 14, paragraph 1), "...all people are equal under the law and in political, economic or social relations. There shall be no discrimination on the basis of race, creed, sex, social status or family origin. (Excerpt.)". Discriminatory measures in contravention of the constitutional provisions in laws and/or regulations are prohibited, and in fact, no such laws or regulations and/or administrative measures exist. The Constitution (article 22) guarantees free choice to individuals for any jobs.
		Policy/Legislation and/or Regulations	<ul style="list-style-type: none"> Policy: <p>2008AR: According to the Government: In order to promote equal opportunity between men and women, the Ministry of Health, Labour and Welfare submitted to the diet at its 164th session a revised Bill of Equal Employment Opportunity Law and related laws, which included provisions such as prohibition of discrimination against both men and women, and prohibition of indirect discrimination. The Bill was approved in June 2006 and entered in force in April 2007.</p>	

			<p>• Legislation:</p> <p>2012 AR: According to the Law on Persons With Disabilities was amended in 2011. It contains new provisions to prohibit discrimination against persons with disabilities and removes various existing obstacles encouraging equal rights and benefits for persons with disabilities.</p> <p>2011 AR: According to the Government: A Bill on new human rights remedy system is under review in order to realize more effective relief for victims of human rights infringements which include discrimination in respect of employment and occupation.</p> <p>2001 and 2006 ARs: According to the Government: The Equal Employment Opportunity Law was revised in June 1997 and entered into force in April 1999. Major revisions include: (i) prohibiting discrimination against women workers; (ii) introducing a monitoring and control system for enterprises; (iii) improving a mediation system at the workplace; (iv) abolishing restrictions on overtime and holiday work and night work to women workers; and (v) assisting employers in addressing various issues, including sexual harassment at workplaces.</p>
		Basic legal provisions:	<p>(i) Constitution of Japan, articles 14, 22;</p> <p>(ii) Labour Standards Law (Law No. 49 of 1947), sections 3, 4, 119;</p> <p>(iii) Mariners Law (Law No. 100 of 1947), section 6;</p> <p>(iv) National Public Service Law (Law No. 120 of 1947), sections 27, 109;</p> <p>(v) Employment Security Law (Law No. 141 of 1947), sections 2, 3, 22;</p> <p>(vi) Mariners Employment Security Law (Law No. 130 of 1948), sections 2 and 4;</p> <p>(vii) Local Public Service Law (Law No. 261 of 1950), sections 13 and 60;</p> <p>(viii) Equal Employment Opportunity Law (Law No. 113 of 1972), section 1;</p> <p>(ix) Part-Time Law (Revised in 2007);</p> <p>(x) Basic Law for Persons With Disabilities (Act No. 84 of 1970), section 3, paragraph 3;</p> <p>(xi) Law for Employment Promotion, etc. of Persons With Disabilities (Act No. 123 of 1960), sections 5, 10.S.s</p>
		Grounds of discrimination	<p>2008 AR: According to the ITUC: Discrimination is prohibited on grounds of race, gender, disability, language and social status (late observations under the 2007 AR).</p> <p>2004 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.</p>
		Judicial decisions	NIL.
	Exercise of the principle and right	Special attention to particular situations	NIL.
		Information/ Data collection and dissemination	2005 AR: According to the Government: Relevant statistics on the realization of the principle and right (PR) are regularly kept by the Government.

	Prevention/monitoring, enforcement and sanctions mechanisms	<p>2000-2007 ARs: According to the Government: The Equal Employment Opportunity Department of the Prefectural Labour Bureau visits offices in a planned manner and grasps the employment management system of each enterprise in order to ensure the enforcement of the Equal Employment Opportunity Law. Administrative guidance is implemented in case of violation of this Law.</p> <p>2000-2002 ARs: According to the Government: Inspection Offices are established as local branches, and the proper number of necessary personnel is allocated for the monitoring and enforcement of the legal provisions. Dispute settlement is provided through advice, guidance and recommendation or mediation at the request of one or both parties concerned.</p>		
	Involvement of the social partners	<p>2005 AR: According to the Government: Employers' and workers' organizations have been involved in the development and implementation of governmental measures regarding the PR. Indeed, representative of workers and employers were involved in the revision of the Labour Standards Bill (sections 3 and 4) and the Law on Securing, etc of Equal Opportunity and Treatment between Men and Women in Employment.</p>		
	Promotional activities	Institutions to promote equality	According to the Government: The Ministry of Health, Labour and Welfare.	
		Other activities:	<p>2001 and 2007 ARs: According to the Government: Other programmes include: (i) recruitment and screening; (ii) distribution of various educational materials; (iii) educational activities via media; (iv) training for human rights promoters on fair recruitment and screening; and (v) training for businesspersons.</p>	
	Special initiatives/Progress	<p>2012 AR: According to the Government: The Law on Persons With Disabilities was amended in 2011. It contains new provisions to prohibit discrimination against persons with disabilities and removes various existing obstacles encouraging equal rights and benefits for persons with disabilities.</p> <p>2009 AR: According to the Government: Part-Time Work Law was revised in 2007 so as to correct unreasonable treatment against workers with part-time employment contract.</p> <p>2001 and 2007 ARs: According to the Government: Educational activities are implemented throughout the year to promote effective employment management in accordance with the Equal Employment Opportunity Law. June is considered as the "One Month Campaign on Equal Employment Opportunity between Men and Women".</p>		
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL.	
		Workers' organizations	<p>2010-2012 ARs: The JTUC-RENGO reiterated its appeal to the Government to ratify C.111, and regretted that no progress was made in this regard. It believed that it would be necessary for the Government to promote Diet Members' understanding of the importance of a core Convention such as C.111 so as to activate discussion at the Diet toward ratification of this instrument (for instance, the Government could make thorough explanation of the purport and background of the Convention, the importance of ratifying core Conventions, etc.).</p>	

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

			<p>2001 AR: According to the ICFTU: (i) persisting discrimination against women workers; (ii) higher concentration of women in temporary jobs and increasing female unemployment, especially young women; (iii) managerial-track jobs as a male domain in most companies; (iv) lack of effective prohibition of discrimination; (v) lack of effective sanction measures as regard sexual harassment at workplace; (vi) Japanese nationality as a requirement for employment in national and local public services and the private sector; (vii) migrants workers subject to abuses.</p>
	<p>According to the Government</p>	<p>2009 AR: According to the Government: Part-Time Work Law was revised in 2007 so as to correct unreasonable treatment against workers with part-time employment contract.</p>	<p>In response to the ITUC's observations recorded under the 2008 AR, the Government indicated the following: The revised Equal Employment Opportunity Law between Men and Women provides that employers shall establish necessary measures in terms of employment management to give advice to workers and cope with problems of worker, and take other necessary measures so that workers they employ do not suffer disadvantages in their working conditions by reason of workers' responses to sexual harassment in the workplace, or so that their working environments are not harmed by sexual harassment utterance. For this revision, it clearly states that employers have an obligation to take a certain action in their employment management, and sexual harassment to men was also added as this law's object. Such measures as advice, guidance and recommendation can be taken by prefecture Labour Bureau for employers' violating the provisions of the law. Furthermore, the public announcement system about the name of the company is applied to sexual harassment. When the employer does not obey the recommendation, the company's name will be disclosed to the public as a counter-measure under the Law. Both employees and employers became able to use the mediation procedure made by prefectural Labor Bureau. These actions will surely work more effectively to prevent sexual harassment. Regarding prohibition of employment discrimination against Persons With Disabilities, the Basic Law for Persons With Disabilities (Act No. 84 of 1970) stipulates in its section 3, paragraph 3, that "No one shall be allowed to discriminate against persons with disabilities or violate their rights and benefits on the basis of disability". In addition, the Law for Employment Promotion, etc. of Persons With Disabilities (LEPPD) (Act No. 123 of 1960) stipulates employers' obligation to maintain appropriate employment management (section 5). The Basic Policy on Measures of Employment for persons with disabilities elaborates on this stipulation: employers must ensure appropriate management when taking steps such as assignment of persons with disabilities, improvement of working environment, training, and health and safety measures; employers must accordingly endeavour to realize a workplace where persons with disabilities can work along with non-disabled persons with a sense of fulfilment in life, according to their aptitude and capabilities, as well as to improve the quality of their working lives (Part 3 of the Basic Policy). There are various other measures to secure opportunities of open employment for persons with disabilities. For example, Public Employment Security Offices may refuse a job advertisement which requires, on no reasonable ground, the condition that the applicant does not have disabilities (section 10), LEPPD). The Government also provides guidance and advice to, and collects levies from, employers who do not meet the statutory employment rate of persons with disabilities. Meanwhile, the UN Convention on the Rights of Persons With Disabilities adopted in 2006 prohibits discrimination on the basis of disability (article 27-1(a)). The Government is currently making efforts to ratify the Convention at an early date.</p>

		<p>2007 AR: According to the Government: The Equal Employment Opportunity Law (Law No. 113 of 1972) was revised in 2006 with a view to promoting further equal opportunity and treatment between men and women in employment.</p> <p>In response to the JTUC-RENGO's, the Government indicated the following: In order to promote equal opportunity between men and women, the Ministry of Health, Labour and Welfare submitted to the diet at its 164th Session a revised Bill of Equal Employment Opportunity Law and related laws, which included provisions such as prohibition of discrimination against both men and women, and prohibition of indirect discrimination. The Bill was approved in June 2006. With regard to the structure of the provision prohibiting indirect discrimination, the Bill stipulates that the ministerial ordinance of the Ministry of Health, Labour and Welfare should specify 3 kinds of cases, and that these would be considered illegal when there are no legitimate reasons. It was decided to adopt this structure on the grounds that the Labour Policy Council, consisting of intellectuals, representatives of employers and employees (all employees' members are representatives of JTUC-RENGO or its affiliated groups), concluded that it would be appropriate to adopt a legal framework in which these 3 cases activities would be considered indirect discrimination, and that the scope of prohibition could be revised to include other cases if needed, taking the trend of judgments of the court into consideration. Therefore, the JTUC-RENGO's observation that the amendment was insufficient misses the point, because the amendment covers sufficient matters, and it was based on the tripartite consensus. Additionally, in July 2006 the Ministry of Health, Labour and Welfare started a discussion on a policy concerning part-time work in the Equal Employment Subcommittee of the Labour Policy Council, consisting of intellectuals, representatives of employers and employees, and it is scheduled to compile a final conclusion at the end of this year. The Ministry of Health, Labour and Welfare intends to take appropriate action based on the conclusion.</p> <p>2005 AR: In response to the JTUC-RENGO's observations, the Government made the following comments: (i) a panel has been held in relation to the PR; (ii) the Minister of Health, Labour and Welfare will take appropriate measures as a follow up of discussions initiated by the Equal Employment Subcommittee of the Labour Policy Council since September 2004; (iii) it is necessary to reach an agreement on the issue of strengthening regulations to ensure equal treatment in working conditions for part-time workers and to implement adequate measures based on a national consensus.</p> <p>2000-2001 ARs: In its response to the JTUC-RENGO's comments, the Government made the following observations: (i) comments made by the JTUC-RENGO on ratified Conventions should not be reflected in the compilation of the annual report; (ii) the follow-up should not lead to the establishment of new supervisory machinery and to the duplication of the reporting system on non-ratified Conventions already established in the Constitution.</p>
TECHNICAL COOPERATION	Request	2009 and 2012 ARs: According to the JTUC-RENGO: ILO technical cooperation is needed in order to ensure consistency between C.111 and the national laws. Also, if ILO expert(s) could visit Japan and illustrate the importance of ratification of this Convention to the members of Diet, the situation toward ratification will be very much improved.
	Offer	ILO (technical assistance in the labour law review process).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Japan, to ratify or consider ratification of conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3)	

<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: KUWAIT

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

REPORTING	Fulfilment of government's reporting obligations	YES , except under the 2009 and 2011 Annual Review (ARs).	
	Involvement of employers' and workers' organizations in the reporting process	YES , according to the Government: Involvement of the Kuwait Chamber of Commerce and Industry (KCCI) and the Kuwait Trade Union Federation (KTUF) through consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the KCCI. 2007 AR: Observations by the KCCI.	
	Workers' organizations	2012 AR: Observations by the KTUF. 2008 AR: Observations by the KTUF. 2007 AR: Observation by the KTUF. 2006 AR: Observations by the KTUF.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Kuwait ratified in 1966 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).

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

		Ratification intention	<p>YES, since 2002, for C.100.</p> <p>2012 AR: According to the Government: Ratification of C.100 is yet pending before the Council of Ministers for approval and formal submission to Parliament.</p> <p>The KCCI and the KTUF expressed their support to the ratification of C.100 by Kuwait.</p> <p>2010 AR: According to the Government: The Government intends to ratify C.100 so as to complete the ratification of all the ILO fundamental Conventions. This ratification process has been discussed between the Ministry of Labour and Social Affairs and the employers' and workers' organizations. Ratification of C.100 needs now to be submitted to the Council of Ministers and the Parliament.</p> <p>2008 AR: The KTUF hoped that the Government would soon ratify C.100 and noted that in practice, equal pay for work of equal value is already being applied on workers.</p> <p>2007 AR: According to the Government: Ratification of C.100 is still under consideration, despite divergences in points of view.</p> <p>2001 AR: According to the Government: a study has been undertaken in order to compare the provisions of C.100 with national legislation, with a view to ratifying this Convention.</p> <p>Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100.</p>
Recognition of the principle and right (prospect(s), means of action, basic provisions)	Constitution	NIL.	
	Policy, Legislation and/or regulations	According to the Government: (i) the New Private Sector Labour Law of Kuwait, No. 6 of 2010; (ii) section 27 of the Labour Law; (iii) section 10 of the Labour Code for Private Sector, No. 38 of 1964; (iv) section 90 of 1964 Labour Act; (v) section 92 of the same Act; (vi) section 78 of Act No. 38 (1964); (vii) Ministerial Decision No. 110 of 1995.	
	Basic legal provisions	Labour Act.	
	Grounds of discrimination	2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.	
	Judicial decisions	2001-2002 ARs: Courts of law had made decisions on the PR in cases examined by the said courts on the basis of obligations specified in contracts, rules and domestic regulations concerning employers, but not on the implementation of the Convention in question which the State of Kuwait had not yet ratified.	
Exercise of the principle and right	Special attention to particular situations	NIL.	

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Information/ Data collection and dissemination	2002 AR: The Government stated that it did not collect statistics and information relevant to the principle and right (PR) on a regular basis, but planned to do so.	
	Prevention/monitoring, enforcement and sanctions mechanisms	2000-2001 ARs: According to the Government: The Ministry of Labour and Social Affairs is in charge of the implementation of legislative and administrative provisions concerning the PR. Measures for assessing rates of remuneration, and methods to ensure the application of the PR include monitoring the extent to which employers are complying with the labour law, through labour inspection, the review and endorsement of work contracts, the issuing of work permits and the adoption of domestic rules and regulations relating to employers.		
	Involvement of the social partners	2001-2002 ARs: According to the Government: Employers' and workers' organizations have been involved in discussions regarding the implementation of national legislation, labour standards and international labour Conventions within a high level consultative committee established by Decree No. 41/1995 for this purpose). They have provided suggestions and recommendations on these issues.		
	Promotional activities	Institutions to promote equality	2000, 2001 and 2004 ARs: According to the Government: the Ministry of Labour and Social Affairs.	
		Other activities	<p>2012 AR: According to the Government, the KCCI and the KTUF: Tripartite workshops on Fundamental Principles and Rights at Work have been organized in 2011.</p> <p>2010 AR: According to the Government: Labour law reform is being undertaken in consultation with the employers' and workers' organizations. A new law that integrates, among others, the provisions of C.100 will be submitted to the new Parliament soon. Employers' and workers' organizations are being sensitized on the Declaration's principles and rights, in cooperation with the ILO.</p> <p>2008 AR: The Government indicated that it would organize an International Forum on rights and obligations for workers from GCC sending and receiving countries.</p> <p>2007 AR: According to the Government: A Committee to strengthen national efforts in promoting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up has been established. Furthermore, a seminar on future visions towards implementing the new labour code in the framework of ILO Conventions was held in Kuwait (10-12 January 2004). Kuwait was the host country for the Fourth ILO/GCC Regional Workshop on the ILO Declaration and International Labour Standards (Kuwait City, April 2006). The Government, the KCCI and KTUF participated in this workshop.</p> <p>The Government, the KCCI and KTUF agreed to organize tripartite consultations on the distribution of social allowances to married persons.</p> <p>2000-2001 ARs: According to the Government: Consultations were held with the social partners with respect to state legislation, international labour standards and other international conventions.</p>	
Special initiatives/Progress	<p>The KCCI and the KTUF expressed their support to the ratification of C.100 by Kuwait.</p> <p>2007 AR: According to the Government, the KCCI and the KTUF: A tripartite committee to promote and realize the ILO Declaration was set up in 2004. It has organized several promotional activities on the ILO Declaration.</p> <p>2004 AR: According to the Government: Successful example in relation to the PR: The issuance of Ministerial Decree No. 142/2002 concerning the obligation for employers to transfer the remuneration of their workers to their bank accounts with no discrimination.</p>			

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: According to the KCCI: The major obstacle in realizing this PR in Kuwait is the lack of education/understanding of ILO's role and the Declaration principles and rights.
		Workers' organizations	2007 AR: The KTUF shared the KCCI's view concerning the major obstacle to the realization of the PR in Kuwait (i.e., lack of education/understanding of ILO's role and the Declaration principles and rights).
	According to the Government	<p>2012 AR: According to the Government: Discrimination on wages exists between national and migrant workers.</p> <p>2007 AR: According to the Government: Kuwait has not ratified C.100 because of: (i) divergences in points of view; and (ii) lack of education/understanding of ILO's role and the Declaration principles and rights.</p>	
TECHNICAL COOPERATION	Request	<p>2012 AR: The Government, the KCCI and the KTUF requested ILO technical support to organize a workshop on discrimination at work, with a special focus on C.100.</p> <p>2010 AR: The Government welcomes ILO technical support in the ratification process of C.100, reporting issues and labour law reform.</p> <p>2008 AR: The KTUF indicated that social dialogue on the FPRW is needed, particularly on the importance of ratification of the fundamental conventions by Kuwait.</p> <p>2007 AR: According to the Government, the KCCI and the KTUF: A national workshop on how to better understand and realize the ILO Declaration should be organized by the ILO. The KCCI further requested special training for employers on the Declaration's follow-up.</p> <p>2006 AR: According to KTUF: ILO technical cooperation is necessary to sensitise Government officials on C.100 and other FPRW, in particular their relations with other economic and social issues.</p> <p>2005 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization the PR in Kuwait, in the following areas, in order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle, strengthening data collection and capacity for statistical collection and analysis, legal reform (labour law and other relevant legislation), capacity building of responsible Government institutions, developing labour market policies that promote equality of opportunity, developing policies regarding equal remuneration; (2) sharing of experiences across countries/regions, training of other officials (e.g. police, judiciary, social workers, teachers), strengthening capacity of workers' organizations, establishing or strengthening specialized institutional machinery, coordination between institutions (e.g. various ministries and relevant commissions); (3) awareness-raising, legal literacy and advocacy, strengthening capacity of employers' organizations.</p>	
	Offer	ILO.	

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Kuwait, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (cf. paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council. They listed Kuwait among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (cf. paragraphs 13 and 148 of the 2005 Annual Review Introduction – ILO: GB.292/4)</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (cf. paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Kuwait and other GCC States for their continuing dialogue with the Office through the annual review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (cf. paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (cf. paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: LIBERIA

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

REPORTING	Fulfilment of government's reporting obligations	YES , except for the 2000, 2002 – 2004, and 2011 Annual Reviews (ARs).
	Involvement of employers' and workers' organizations in the reporting process	<p>YES.</p> <p>According to the Government: Involvement of the Liberia Chamber of Commerce (LCC), the Cemenco Liberia Cement Corporation (CLCC), the Monrovia Breweries (MB), the Rubber Planters Association of Liberia (RPAL), the Liberian Agriculture Company (LAC), Firestone Liberia (FL), <i>the Confederation of National Trade Unions of Liberia (CONATUL) no longer exists</i>), the United Workers Union of Liberia (UWUL) combination of CONATU and Liberia Labour Federation)the Federation of Road Transport Unions of Liberia (FRTUL), the United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL-LFLU), the General Agriculture and Allied Unions (GAAWUL), the Firestone Agricultural Workers' of Liberia (FAWUL), the Press Union of Liberia (PUL) and the Liberia Labour Congress (LLC) through communication of the baseline reports.</p> <p>2007 AR: The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the creation of an employers' organization in Liberia. Hence, the Liberia Chamber of Commerce (LCC) was created in early 2008.</p>
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2012 AR: Observations by FL.</p> <p>2010 AR: Observations by the LCC</p> <p>2007 AR: Observations by the LAC.</p> <p>Observations by the RPAL.</p> <p>Observations by the CLCC.</p> <p>Observations by the MB.</p> <p>Observations by FL.</p>

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

	Workers' organizations	<p>2012 AR: Observations by the FAWUL. Observations by the UWUL.</p> <p>2010 AR: Observations by the LLC.</p> <p>2009 AR: Observations by the LLC.</p> <p>2008 AR: Observations by the USPOGUL-LFLU.</p> <p>2007 AR: Observations by the CONATUL and its 19 affiliates. Observations by the FRTUL and its 15 affiliates. Observations by the USPOGUL-LFLU and its 14 affiliates. Observations by the GAAWUL and its 8 affiliates. Observations by the FAWUL. Observations by the PUL.</p> <p>2006 AR: Observations by the USPOGUL-LFLU.</p> <p>2005 AR: Observations by the USPOGUL-LFLU.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Liberia ratified in 1959 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	<p>YES, since 2005, for C.100.</p> <p>2012 AR: The Government reiterated its intention to ratify C.100. The process of labour law reform is still pending before the lower House of Representatives, and the approval by the upper House of Senate is needed afterwards. FL expressed its full support to the ratification of C.100 and further added that on a general basis equal pay for work of equal value is not part of the gender issue in Liberia, although it might occur in few instances. The FAWUL and the UWUL expressed their full support toward ratification of C.100.</p> <p>2010 AR: According to the Government: Ratification of C.100 is in process. The national revised labour law has been submitted to the House of Senate and is actually being studied for a future ratification of C.100. The LCC expressed its full support to the ratification of C.100 by Liberia and requested that the Government take the necessary measures for an immediate ratification of this instrument. The LLC stated its support to the ratification of C.100 by Liberia.</p> <p>2009 AR: The Government reiterated its support to the ratification of C.100 and all ILO fundamental Conventions, and indicated that the adoption of new laws was ongoing towards the ratification of this Convention. The LLC mentioned its support to the ratification of C.100.</p> <p>2008 AR: The Government indicated that due to the recent change within the Liberian Government, the ratification process has been slowed down but added that the document was currently before the Committee on Labour of the Senate for approval. The USPOGUL-LFLU indicated that C.100 was currently before the Committee on Labour of the Senate for approval.</p>

			<p>2007 AR: The Government reiterated its intention to ratify C.100.</p> <p>The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended ratification of C.100 by Liberia.</p> <p>The CLLCC, the RPAL, the LAC, the USPOGUL-LFLU, the CONATUL, the FRTUL, the GAAWUL and the PUL requested the Government to take immediate action to ratify this Convention in cooperation with ILO.</p> <p>2006 AR: According to the Government: C.100 is still in the ratification process and some positive developments are expected before the end of 2005 in this respect.</p> <p>2005 AR: The new Government stated that it was committed to ratify C.100 in the near future.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic provisions)</p>	<p>Constitution</p>	<p>YES.</p> <p>The 1991 Constitution, under its articles 8, 11 and 18, provides for equal opportunity and treatment. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that article 18 of the Liberia Constitution, 1991, which refers to “equal pay for equal work” be amended to read “equal pay for work of equal value”.</p>	
	<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: <p>2007 AR: The case study and the tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that the Government adopt a national policy on discrimination issues.</p> <ul style="list-style-type: none"> • Legislation: <p>2012 AR: The Government indicated that a first public hearing was held in May 2011 on tripartite basis concerning the drafting of the Decent Work Bill which makes provisions on the fundamental principles and rights at work (FPRW)</p> <p>2008 AR: According to the Government: a national tripartite Conference will be organized in October 2007 in order to review labour legislations in Liberia. It added that there is currently no specific legislation covering the issue of equal remuneration.</p> <p>2007 AR: The case study and the tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that legal loopholes on discrimination and equality at the minimum age in Liberia be solved in cooperation with the ILO.</p> <p>2006 AR: According to the Government: The 1974 Labour Law also guarantees the principle of equal remuneration between men and women for work of equal value.</p>	
	<p>Basic legal provisions</p>	<p>(i) The Constitution, 1991 (articles 8, 11 and 18); and (ii) the Labour Law, 1974.</p>	
	<p>Grounds of discrimination</p>	<p>C.111 is ratified.</p>	
	<p>Judicial decisions</p>	<p>NIL.</p>	

	Exercise of the principle and right	Special attention to particular situations	<p>2012 AR: According to FL: Gender equality has been promoted in jobs advertisings in newspapers to encourage female applications.</p> <p>According to FAWUL: In early 2000, workers' wages in Firestone plantations were at US\$3.38 and were based on a daily rate of 750 trees per worker. However, this wage was still higher than the country minimum wage of \$2/day. In 2011, Firestone raised the minimum wage at US\$4.42/day. Today, workers in Firestone tap an average of 300-500 trees/day.</p> <p>2007 AR: According to the CONATUL and the LFLU: workers in the informal economy.</p>
		Information/ Data collection and dissemination	<p>2007 AR: According to the GAAWUL: There is a lack of data collection on the principle and right (PR) in Liberia.</p>
	Prevention/monitoring, enforcement and sanctions mechanisms	<p>2012 AR: According to the Government: The Ministry of Labour has set up a Commission to help monitor plantations and improve labour conditions.</p> <p>2007 AR: The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the establishment of a Commission on Discrimination at Workplace.</p>	
	Involvement of the social partners	<p>2012 AR: According to the Government: There has been a tripartite consultation on the Decent Work Bill, which includes issues on the PR.</p> <p>2007 AR: According to the Government: The case study and the workshop on the Humanization of Liberia Labour Force were carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO.</p> <p>The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended, <i>inter alia</i>, the creation of an employers' organization in Liberia, the reactivation of various tripartite committees and the establishment of a Commission on Discrimination at Workplace.</p> <p>The USPOGUL-LFLU indicated that the Government had consulted the social partners before the amendment of the Labour Law.</p>	
	Promotional activities	<p>2010 AR: According to the Government: A Child Labour Commission (CLC) has been set up on a tripartite basis to speed up the process of ratification of C.100 and facilitate the realisation of the PR in Liberia. In addition, workshops are organised to sensitize Members of the Parliament and the House of Senate to the need to ratify C.100.</p> <p>2009 AR: The Government indicated that it had organized awareness raising activities with the participation of employers' and workers' organizations and the civil society to discuss discrimination issues.</p> <p>The LLC stated that it had convened a tripartite committee meeting on labour laws that focused on discrimination.</p> <p>2008 AR: The Government indicated that a tripartite national conference should be held in October 2007 in order to review labour laws.</p> <p>The USPOGUL-LFLU indicated that it would be interested in participating actively in the national conference that will be held in October 2007.</p> <p>2007 AR: According to the Government: A case study and a workshop on the Humanization of Liberia Labour Force were carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO. The workshop adopted a tripartite resolution on this issue, including recommendations on discrimination at workplace.</p> <p>The USPOGUL-LFLU stated that it had provided special assistance to labour unions to print promotional materials and encourage awareness raising programmes on the PR.</p> <p>The CONATUL, the GAAWUL and the CLCC referred to their participation in training and consultation activities on the PR.</p>	

	Special initiatives/Progress	<p>2012 AR: According to the Government: There has been a tripartite consultation on the Decent Work Bill, which includes issues on the PR.</p> <p>According to FL: Companies in Liberia have two reporting obligations concerning their employees: (i) A quarterly reporting obligation for the Ministry of Finance that emphasize (starting salary, present salary, taxes paid, overtime done and overtime paid, etc.); and (ii) A monthly reporting obligation to the Ministry of Labour on information concerning workers (for example, contract type, job title, etc.).</p> <p>2007 AR: According to the Government: A tripartite identification of the realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. This exercise concluded on a tripartite resolution on the Humanization of Liberia Labour Force that included a request for technical cooperation for the better realization of the PR in the country.</p> <p>2006 AR: According to the Government: A Bill has been submitted to the National Assembly to amend the existing labour laws, which contain discriminatory clauses against workers. A project on HIV/AIDS at the workplace is being implemented in collaboration with the UNFPA.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2012 AR: According to FL: The main challenge faced by Liberia in realizing the PR is the lack of capacity of responsible public institutions in particular the labour inspectorate.</p> <p>2010 AR: According to the LCC: The main challenge for Liberia to realise the PR is the reluctance of foreign investors who believe that ratification of C.100 would entail an increase in local salaries and hence make their products not competitive on the international market. Foreign investors press the Government not to ratify C.100.</p> <p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. Employers made a significant contribution in this exercise.</p>
		Workers' organizations	<p>2012 AR: According to FAWUL and UWUL: Challenges in realizing the PR are as follows: (i) Unemployment; (ii) lack of adequate resources for families; and (iii) socio-economic factors.</p> <p>2010 AR: The LLC considered that one of the challenges to realise and implement the PR in Liberia was the absence of educated workers and the lack of understanding of ILO's 1998 Declaration and its principles.</p> <p>2008 AR: According to the USPOGUL-LFLU: There are important challenges, namely: (i) logistical problems persist; and (ii) capacity building needs to be enhanced.</p> <p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. Workers' organizations made a significant contribution in this exercise.</p> <p>According to the USPOGUL-LFLU and the GAAWUL: Labour laws need to be revised.</p> <p>2005 AR: According to the USPOGUL-LFLU: There is no gender equity and women are underrepresented in leadership positions (ministers, deputies, trade unions).</p>

	<p>According to the Government</p>	<p>2012 AR: According to the Government: The main difficulties encountered in realizing the PR are as follows: (i) high unemployment rate; (ii) lack of resources to encourage job creation; (iii) lack of capacity of responsible government institutions; and (iv) a lack of education and training among workers' organizations.</p> <p>2010 AR: The Government indicated that the main obstacle that had been encountered in Liberia in realizing the PR were as follows: (i) improvement of the dialogue between the members of the political society and the tripartite partners; (ii) better understanding of the PR by the members of the parliament and House of Senate; (iii) implementation's difficulties of the PR; (iv) informal economy.</p> <p>2008 AR: According to the Government: enactment and enforcement of labour legislations are yet to be realized. The issue of accountability is also important, as the unions are usually owned by individuals without any form of membership. The Government indicated some of the challenges put forward by the USPOGUL-LFLU that are: (i) capacity building; and (ii) a lack of education and training among the employers' and workers' organizations.</p> <p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. The Ministry of Labour and other technical ministries made a significant contribution in this exercise.</p> <p>2005 AR: In response to the USPOGUL-LFLU's comments, the Government stated that following the Accra Peace Accord (2003), it had no control over the appointment of officials, who were selected by various signatories to the Peace Agreement. It also indicated that it was giving due consideration to gender equity where it had authority to appoint.</p> <p>2001 AR: According to the Government: The main difficulty encountered in realizing the PR was the lack of technical support during the Liberian civil war.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2012 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Liberia in particular in the following areas: (i) awareness-raising campaign.; (ii) strengthening Government capacity with logistics; (iii) strengthening the labour inspectorate; and (iv) strengthening the capacity of employers and workers organizations.</p> <p>According to FL: ILO technical assistance is needed to strengthen the capacity building for labour inspectors as well as the employers' and workers' organizations in promoting and realizing the PR.</p> <p>According to UWUL: ILO technical cooperation is required to organize training activities and workshops to sensitize all workers on the PR.</p> <p>2010 AR: The Government indicated that collective endeavour was needed to realise the PR. It added that specific needs for Liberia should be determined with ILO's expert.</p> <p>According to the LCC: There is a need for ILO technical cooperation to facilitate the realization of the PR in Liberia, in particular in the following areas: (i) capacity building of the Government enforcement institutions; (ii) sensitization campaign; (iii) strengthening capacity of the workers' and employers' organisations.</p> <p>The LLC mentioned that ILO's technical cooperation was needed to train, educate and help workers to better understand the PR.</p> <p>2009 AR: According to the Government: The ILO's technical cooperation was needed to strengthen the capacity of Government and employers' and workers' institutions on the PR, but also in the ratification process of C.100.</p> <p>The LLC indicated that the ILO's technical support was needed in the labour law revision process.</p>

		<p>2008 AR: The Government and the USPOGUL-LFLU reiterated the same requests indicated in the 2007 AR and called for special assistance of ILO in educational programme for women staff.</p> <p>The Government also wishes to participate at the ILO training courses in Turin in October/November 2007 on Participatory Labour law making. The USPOGUL-LFLU added that social dialogue should be strengthened with the Ministry of Labour and that ILO should assist the workers' associations in the merging into one single trade union, like undertaken in Ghana.</p> <p>2007 AR: Following a case study and a workshop on the Humanization of Liberia Labour Force, carried out in September and October 2006 in cooperation with the ILO, a tripartite resolution on this issue was adopted, including recommendations for technical cooperation on the PR. The Government, the employers and trade unions called for a special ILO action to help implement this resolution and realize the FPRW in Liberia.</p> <p>In particular, the CLCC requested training on the PR.</p> <p>The USPOGUL-LFLU requested ILO technical cooperation to reform national labour laws.</p> <p>The CONATUL mentioned the need for ILO technical cooperation to organize workers' education workshops on the PR.</p> <p>The GAAWUL called for ILO technical cooperation to realize the PR in the following areas: (i) capacity-building; and (ii) material support.</p> <p>2005-2006 ARs: According to the Government: ILO technical and financial assistance would be necessary for the Follow-up of all FPRW in the country. The first step should be assessing the priority needs through a National Tripartite Seminar on International Labour Standards (ILS) and the Declaration.</p> <p>The USPOGUL-LFLU requested ILO technical and financial assistance on gender issues for trade unions so as to fight against general discrimination in the world of work. It observed that it was not involved in the national programme on HIV/AIDS at workplace run by the Government and the UNFPA. Therefore, it stressed the need for the involvement of the social partners and the ILO in this national programme on HIV/AIDS at the workplace, and requested that a national tripartite workshop be organized on this issue.</p> <p>The Government supported the USPOGUL-LFLU's request for technical cooperation.</p>
	Offer	ILO, UNICEF, UNMIL, UNDP, UNDAF, USDOL, NGOs.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Liberia, to ratify or consider ratification of Conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: MALAYSIA

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

REPORTING	Fulfilment of government's reporting obligations	YES, since the start of the Annual Review (AR) in 2000. But no change reports under the 2007, 2008 and 2011 ARs.	
	Involvement of employers' and workers' organizations in the reporting process	YES, according to the Government: Involvement of the Malaysian Employers' Federation (MEF) and the Malaysian Trades Union Congress (MTUC) through consultations and communication of government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the MEF. 2009 AR: Observations by the MEF. 2007 AR: Observations by the MEF.	
	Workers' organizations	2012 AR: Observations by the MTUC. 2007 AR: Observations by the International Confederation of Free Trade Unions (ICFTU) (late observation for the 2006 AR).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Malaysia ratified in 1997 the Equal Remuneration Convention, 1951 (No. 100) (C.100). However, it has not ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	Under consideration for C.111. 2012 AR: The Government indicated, taking into account the support to ratification of C.111 by the social partners, it would organize consultations with the MEF and MTUC to consider to which extent this ratification could be considered. The MEF reiterated its support to the ratification of C.111 by Malaysia. The MTUC expressed its full support for the ratification of C.111 by Malaysia. 2009-2010 ARs: According to the Government: As of now, the Ministry of Human Resources is in the opinion that so much needs to be done before Malaysia is ready to ratify C.111. Malaysia's stand is that it would prefer to comply with the spirit of C.111 through administrative measures, which allow greater flexibility, rather than ratifying the Convention. The MEF expressed its support to the ratification of C.111 by Malaysia.

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

Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>2009 AR: According to the MEC, the Malaysian Federal Constitution was amended in 2006 to promote the principle and right (PR).</p> <p>2007 AR: According to the ICFTU: In 2001, the Malaysian Parliament has approved a constitutional amendment outlawing sexual discrimination.</p> <p>The 1957 Malaysian Federal Constitution amended in 1963 clearly prohibits inclusion in any law provisions that would appear discriminatory in respect of employment and occupation. Article 8 of this text defines non-discrimination as “no discrimination against citizens on the ground only of religion, race and descent, place of birth or gender except as expressly authorised by the Constitution”. This indicates that all persons are equal before the law and entitled to the equal protection of the law. The Federal Constitution, article 136, also states that all persons whatever race, in the same grade in the service of the Federation shall, subject to the terms and conditions of their employment, be treated impartially. Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the grounds only of religion, race, descent or place of birth, in any law, or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.</p>
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: <p>2009 AR: According to the Government: Malaysia’s social policies are deigned to contribute overall economic prosperity by eradicating poverty, ensuring fairer income distribution, promoting racial harmony as well as preserving political stability. The national policy of the Government envisages that every citizen has equal access to employment and that employment in all occupations shall be for Malaysian citizens. However, employment of non-citizen is permitted in sectors where citizens are not available under appropriate arrangements as and when policy considerations and employment needs so dictate. In accordance with the Government’s national policies, employment should also reflect the racial composition of the country, in all occupations and at all levels of employment. Generally, the trust of Malaysia’s national development and labour policy is to restructure the imbalances of socio-economic status among the main ethnic groups in the country. These policies may be seen by some quarters as a form of racial discrimination. However, the objectives of these policies are only to create a more balanced workforce reflecting the ethnic composition of the country. It is envisaged that the correction of these imbalances would lead to a more equitable and fair society in Malaysia.</p> <p>2000-2002 ARs: The Government stated that its objectives were as follows: (i) ensure industrial harmony; (ii) create a favourable investment climate; (iii) enhance employment opportunities for all; and (iv) promote the economic development of the country.</p> <ul style="list-style-type: none"> • Legislation: <p>(i) The Employment Act 1955; and (ii) The Industrial Relation Act (section 17).</p>
	Basic legal provisions	<p>(i) The Constitution (articles 8 and 136); (ii) The Employment Act 1955 (section 60 L 1-4); and (iii) The Industrial Relation Act (section 17).</p>
	Grounds of discrimination	<p>2003-2005 ARs: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.</p>

	Judicial decisions	2007 AR: According to the ICFTU: A ruling by the Federal Court of Malaysia which rejected a Malaysian Airlines (MAS) stewardess' application against a discrimination retirement age, has raised doubts about the newly imposed constitutional safeguard. Furthermore, statistical information provided by the government shows that only six women in comparison with 297 men receive earnings above 5001 RM in the State Administrative service.
Exercise of the principle and right	Special attention to particular situations	2009 AR: According to the Government: Women and migrant workers. The Employment Act 1955 gives equal protection to men and women in terms of its coverage, but there are certain provisions that give special protection to women. These special protective provisions in the Act should not be construed as a form of discrimination but should be viewed as a protection for women workers who are generally more vulnerable to exploitation when compared to men. As regards migrant workers, to date, the Government has allowed the employment of migrant workers on a selected basis, mainly in the critical sectors.
	Information/ Data collection and dissemination	NIL.
Prevention/monitoring, enforcement and sanctions mechanisms	2003-2005: According to Government: The labour Department plays a monitoring/inspection, enforcement and defence role for the realization of the PR.	
Involvement of the social partners	2006 AR: According to the Government: The spirit of tripartism is being implemented between the Government, employers' and workers' organisation through the formulation of and the development of industrial relations. 2003-2005 ARs: According to the Government: The employers' and workers' organizations have been involved in the development and implementation of governmental measures in relation to the PR, in particular in the elaboration of amendments of national labour policies and laws. In this respect, national labour policies and amendments to labour legislations are elaborated after consultations with the social partners, in particular within the National Labour Advisory Council.	
Promotional activities	Institutions to promote equality	According to the Government: The Department of Labour.
	Other activities	2006 AR: According to the Government: the Ministry of Women, Family and Community Development, Malaysia formulates the National Policy on Women to address gender inequality in employment and increase female participation in the labour force. 2003-2005 ARs: According to the Government: The Ministry of Human Resources organizes labour education programmes to create awareness among employers and to enforce the legal provisions in relation to the PR.
Special initiatives/Progress	2012 AR: The Government indicated that it would cooperate with ILO in ensuring equal treatment between migrant and national workers through the extension of the social security scheme coverage to migrant workers. MTUC: The remuneration between men and women is no longer an issue of discrimination. A constitutional amendment was made already in 2001 to protect women against all forms of labour related discrimination, covering both the private and public sectors. Additionally, migrants were previously not covered by the social security schemes but thanks to the involvement of the ILO the Government has now rectified the problem.	

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: According to the MEF: In practice there is no discrimination in remuneration based on gender or other criteria. The employers pay equal remuneration for work of equal value to all employees. Some private sector employers implement payment based on performance of the individual employee and/or company. Objective performance criteria are established by employers to determine performance of individual employees. In this regard, the ILO should review C.111 to incorporate the elements of performance/productivity linked to wages.
		Workers' organizations	2012 AR: According to the MTUC: The two main challenges to the ratification of C.111 are: (i) Discrimination caused by the governmental Affirmative Action Programme; and (ii) discrimination issues facing the migrant domestic workers. 2007 AR: According to the ICFTU: A ruling by the Federal Court of Malaysia which rejected a Malaysian Airlines (MAS) stewardess' application against a discrimination retirement age, has raised doubts about the newly imposed constitutional safeguard.
	According to the Government		2010 AR: According to the Government: There are no important problems of discrimination in Malaysia. Therefore, discrimination issues are not a challenge to the country. 2009 AR: According to the Government: The special protective provisions in the Employment Act 1955 should not be construed as a form of discrimination but should be viewed as a protection for women workers who are generally more vulnerable to exploitation when compared to men. In a late response to the ICFTU's observations under the 2007 AR, the Government indicated that the issues on discrimination concerning the age of retirement were being dealt with by the Industrial Court and were not yet settled.
TECHNICAL COOPERATION	Request		2012 AR: The Government requested ILO support in organizing a workshop on the Declaration and its follow-up, with a particular focus on unratified fundamental Conventions. The MTUC requested ILO technical support to help the Government in finding a fair solution to end the Affirmative Action Programme, so as to fully implement and realize the principle and right in the country. 2007 AR: According to the MEF: The ILO should review C.111 to incorporate the elements of performance/productivity linked to wages.
	Offer		ILO (technical assistance in the labour law review process; ILO/TURIN Centre Training on International Labour Standards and the 1998 ILO Declaration).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS			2008 AR: The IDEAs noted that Malaysia (and another country) had not yet expressed their intentions concerning ratification of C.111 (cf. paragraph 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS			2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION			2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: MALDIVES

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

REPORTING	Fulfilment of government's reporting obligations	YES, under the 2011 Annual Review (AR).	
	Involvement of employers' and workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations (the Maldives National Chamber of Commerce and Industry (MNCCI), the Maldivian Association of Construction Industry (MATI), the Restaurant Association and Liveaboard) and workers' organizations (the Maldives Labour Union (MLU), Dhivehi Seafarers and Labour Union (DSL), the Maldives Civil Servants Association (MCSA), Tourism Employees' Association of Maldives (TEAM), Teachers' Association (TA), the Maldives Journalists' Association (MJA), the Maldives Medical Association (MMA), the Maldives Nurses' Association (MNA), the Maldives Airports Employees' Union (MAEU), the Maldives Fishermen's Union (MFU) and the Maldives Association of Travel Agents and Tours Operators (MATATO)) by means of consultation and communication of a copy of the Government's report. However, the involvement of the employers' and workers' organizations in the reporting process was very poor.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the MATATO.	
	Workers' organizations	2012 AR: Observations by the DSLU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Maldives has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	Yes for C.100 and C.111. 2012 AR: According to the Government: Ratification of the eight core Conventions has been submitted to the Parliament and should be adopted by September 2011. In 2010, the political instability had made the ratification process difficult. The MATATO and the DSLU expressed their support and involvement in the ratification process of the eight core Conventions. 2011 AR: The Government indicated that the eight Core Conventions of the ILO would be submitted to the Cabinet and the Parliament for ratification by September 2010.

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

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES. 2011 AR: The Government stated that according to the Constitution, chapter 2, 37.b, everyone is entitled to equal remuneration for work of equal value.
		Policy/ Legislation and/or Regulations	<ul style="list-style-type: none"> • Policy: 2011 AR: The Government expressed its intention to adopt a national policy on the principle and right (PR). • Legislation: 2011 AR: According to the Government: Employment Act, chapter 2.4.a) prohibits discrimination amongst persons carrying out equal work either in the granting of employment, determination of remuneration, increase in remuneration, provisions of training, determination of conditions and manner of employment, dismissal from employment or resolution of other employment related matters, based on race, color, social standing, religion, opinion, political beliefs or affiliation with any political party, sex, marital status, family obligations, on age, age mental or disability, property, birth or other status, or native island.
		Basic legal provisions	(i) The Constitution, chapter 2, 37.b; and (ii) The Employment Act, chapter 2, 4.a).
		Grounds of discrimination	2011 AR: According to the Government: Equal treatment in the field of Remuneration is not exactly defined. However, the Employment Act, chapter 2.4.a) prohibits discrimination amongst persons carrying out equal work either in the granting of employment, determination of remuneration, increase in remuneration, provisions of training, determination of conditions and manner of employment, dismissal from employment or resolution of other employment related matters, based on race, colour, social standing, religion, opinion, political beliefs or affiliation with any political party, sex, marital status, family obligations, on age, age mental or disability, property, birth or other status, or native island.
		Judicial decisions	NIL.
	Exercise of the principle and right	Special attention to particular situations	NIL.
	Information/ Data collection and dissemination	2011 AR: The Government expressed its intention to collect relevant statistics concerning the PR by 2011.	
	Prevention/monitoring, enforcement and sanctions mechanisms	2011 AR: According to the Government: The LRA and the Employment Tribunal have been established under the Employment Act, 2008, to ensure compliance with the Act.	

	Involvement of the social partners	<p>2012 AR: According to the Government, the MATATO and the DSLU: A Tripartite consultation has been organised in relation to the ratification of the eight core Conventions.</p> <p>2011 AR: According to the Government, the employers' and workers' organizations are being involved in the ratification process of the ILO fundamental Conventions. Moreover, the Ministry of Human Resources, Youth and Sports held a meeting, inviting all the employers and employees associations and relevant government authorities, to introduce the reports and also to discuss and come to a decision about how to complete the report. After the meeting, the reports were emailed to associations and relevant government authorities who were requested to fill the relevant parts.</p>	
	Promotional activities	Institutions to promote equality	<p>2011 AR: According to the Government: The Labour Relations Authority (LRA) has established under the Employment Act, 2008, as the national body to deal with equal treatment in the field of remuneration as well as the elimination of discrimination in employment and occupation.</p>
		Other activities:	<p>2012 AR: According to the Government, the MATATO and the DSLU: A Tripartite consultation was organized in relation to C.29 and C.105.</p> <p>2011 AR: According to the Government: In order to submit the eight ILO core Conventions to the Cabinet and the Parliament by September 2010., the Ministry of Human Resources, Youth and Sports is in the process of translating the conventions into the local language Dhivehi. Moreover measures are envisaged to promote and realize the PR.</p>
	Special initiatives/Progress		
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL.
		Workers' organizations	NIL.
	According to the Government	<p>2012 AR: The Government indicated that 2010 political instability had made the ratification of the eight core Conventions impossible.</p> <p>2011 AR: According to the Government: The main challenges in realizing the PR are as follows: (i) lack of public awareness and/or support; (ii) lack of information and data; (iii) social and economic circumstances; (iv) legal provisions; (v) prevailing employment practices; (vi) lack of capacity of responsible government institutions; (vii) lack of capacity of employers' and workers' organizations; and (viii) lack of social dialogue. The Government underscored its impossibility to formulate any adequate policies for the elimination of discrimination in respect of employment and occupation due to unqualified staff and lack of data for assessing the situation of discrimination in respect of employment and occupation through labour force survey and Labour Market Information System (LMIS).</p>	
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: ILO's support is needed hopefully by August 2011 for tripartite and parliamentary awareness raising as regards reporting procedures and the implementation of the eight core Conventions.</p> <p>2011 AR: According to the Government: ILO technical cooperation will be needed to facilitate the realization of the PR in Maldives, in particular in the following areas, by order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (2) capacity building of responsible government institutions; (3) strengthening data collection and capacity for statistical analysis; (4) developing policies regarding equal remuneration; and (5) establishing or strengthening specialized institutional machinery.</p>	
	Offer	ILO (technical assistance in the labour law review process).	

EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2009-2012) ¹: MARSHALL ISLANDS

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

REPORTING	Fulfillment of Government's reporting obligations	YES, for the first time under the 2012 Annual Review (AR), but not under the previous reviews (i.e. 2009-2011 ARs). Marshall Islands joined the ILO in 2007.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations (the Marshall Chamber of Commerce (MICC)) and workers' organizations (Marshall Islands Teachers' Union (MITU)) by means of consultation and communication of a copy of the government reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by MICC.	
	Workers' organizations	2012 AR: Observations by MITU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Marshall Islands has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in March 2006.
		Ratification intention	YES, since 2011, for both C.100 and C.111. 2012 AR: The Government mentioned its intention to ratify C.100 and C.111, and make relevant legal reform, in consultation with national stakeholders, with ILO technical support. In this regard, tripartite capacities on ILO issues should be strengthened, including on fundamental principles and rights at work and international labour standards. According to MICC: It is critical to have C.100 and C.111 ratified by the Republic of the Marshall Islands (RMI), as "RMI needs to have a good business community in a good playing field". According to MITU: As a matter of human rights and the right equal protection and freedom from discrimination guaranteed by the Bill of Rights in the RMI Constitution, the MITU supports the ratification of all ILO fundamental Conventions by RMI, including C.100 and C.111.

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

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES , the Constitution of the Republic of the Marshall Islands (RMI), 1979, article II (Bill of Rights), section 12, recognizes the right to equal protection and freedom from discrimination. It provides that: (1) All persons are equal under the law and are entitled to the equal protection of the laws; (2) No law and no executive or judicial action shall, either expressly, or in its practical application, discriminate against any person on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent; and (3) Nothing in this section shall be deemed to preclude non-arbitrary preferences for citizens pursuant to law.
		Policy, legislation and/or regulations	NIL.
		Basic legal provisions	The Constitution, 1979, article II, section 12.
		Grounds of discrimination	Under the Marshall Islands Constitution, 1979, article 2, section 12 (gender, race, colour, language, religion, political or other opinion, national or social origin, place of birth, family status or descent.
		Judicial decisions	NIL.
	Exercise of the principle and right	Special attention to particular situations	NIL.
		Information/ Data collection and dissemination	NIL. However, the Government requested ILO assistance in this regard.
	Prevention/monitoring, enforcement and sanction mechanisms	2012 AR: According to the Government: The Labor Division is in charge of monitoring, enforcing and providing sanctions in case of infringement to the legal provisions concerning discrimination. These cases may also be referred to courts for the same purposes. No cases of infringements have been recorded so far in this regard.	
	EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	2012 AR: The Government indicated that the MICC and the MITU had been involved in the current process of formulation of the DWCP (including the fundamental principles and rights at work), in cooperation with ILO.
Promotional activities		Institutions to promote equality	NO. 2012 AR: In response to the MICC and MITU's comments' the Government indicated that it had no objections to set up national body to assess and monitor possible discrimination and equality issues. ILO's assistance is welcomed in this regard. According to the MICC: There is a need to create an Employment Center in the Labor Division so as to allow the assessment of discrimination and equality at work in the country. According to the MITU: Discrimination and equality issues need to be monitored by a special commission of representatives of all sectors of the society, or by an Ombudsperson.

		Other activities	<p>2012 AR: According to the Government: The Government, the MICC and the MITU participated in the High Level Tripartite Meeting on Decent Work for Sustainable Development in the Pacific held in Port Vila, Vanuatu in February 2010 where the fundamental principles and rights have been promoted. Moreover, the labour officers of the Labor Division of the Ministry of Foreign Affairs, were trained, among others, on the fundamental principles and rights at work and International Labour Standards during ILO's assistance in reporting issues carried out in October 2011.</p> <p>The MICC and the MITU confirmed their participation in such activities and indicated that they had been sensitized on the same issues during this October 2011 ILO Mission.</p>
	Special initiatives/Progress	NIL.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	(i) Lack of public awareness and/or support; (ii) Lack of information and data; (iii) legal provisions (no specific sanction provisions); (iv) lack of capacity of responsible government institutions; (v) lack of capacity of employers' and workers' organizations; (vi) lack of social dialogue.	
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Marshall Islands, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; awareness-raising, legal literacy and advocacy; capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; legal reform (labour law and other relevant legislation); (2) Strengthening data collection and capacity for statistical analysis; developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; and (3) Sharing of experiences (best-practices) across countries/regions; training of other officials (e.g. police, judiciary, social workers, teachers).</p> <p>The MICC and MITU supported the government's request for ILO technical cooperation, and in particular the strengthening of their capacity building on the fundamental principles and rights at work. The MICC further requested a permanent ILO presence in RMI. The MITU stressed the need for a holistic approach on the fundamental principles and rights at work and labour law reform.</p>	
	Offer	(i) ILO: Decent Work Country Programme; (ii) Assistance in reporting under the AR; and (iii) The United Nations (CEDAW).	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL.		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>		

**INTERNATIONAL LABOUR
CONFERENCE RESOLUTION**

2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: MYANMAR

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

REPORTING	Fulfilment of government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000. No change report under the 2007 AR.	
	Involvement of employers' and workers' organizations in the reporting process	YES , according to the Government: Involvement of the most representative employers' and workers' organizations (the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the Workers' Welfare Association (WWA)) by means of consultations and communication of Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the UMFCCI. 2008 AR: Observations by the UMFCCI.	
	Workers' organizations	NIL	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Myanmar has ratified neither the Equal Remuneration Convention, 1951(No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	YES, since 2008, for both C.100 and C.111. 2010-2011 ARs: According to the Government: The new Constitution was adopted by the referendum held in May 2008, and the ILO should cooperate with Myanmar for the ratification of all ILO fundamental Conventions in appropriate time. 2008 AR: The Government indicated that it would consider the ratification of C.100 and C.111 once the new Constitution is promulgated.

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

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	2010 AR: The Government indicated that the new States Constitution was adopted in May 2008. 2008 AR: The Government indicated that it was currently reviewing the Constitution in order to include the principle and right (PR).
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2002 AR: According to the Government: There is a national policy concerning the PR. • Legislation: The “Law Defining the Fundamental Rights and Responsibilities of the People’s Workers” (1964) covers all workers who are using their physical or mental capacities in order to earn their living. 2011 AR: According to the Government: The Employment and Training Act, 1950 is being amended to include the provisions of employment exchanges, employment contract, skill training, and skill recognition of workers to enhance discipline and efficiency.
		Basic legal provisions	The 1964 “Law Defining the Fundamental Rights and Responsibilities of the People’s Workers”.
		Grounds of discrimination	<p>2009 and 2011 ARs: According to the Government: There is no discrimination either in employment and occupation or in any other field, and people have equal rights in economic, political, social, administration and judicial spheres in accordance with the laws.</p> <p>2008 AR: According to the Government: There is no discrimination in respect of employment and occupation, in equal opportunity in race/colour, sex, religion, political opinion, national extraction and social origin.</p> <p>2004 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of: race/colour; sex; religion; political opinion; national extraction; and social origin.</p>
		Judicial decisions	NIL.
	Exercise of the principle and right	Special attention to particular situations	2002 AR: According to the Government: Specific measures have been implemented to respect, promote and realize the PR for the following categories of workers: (i) all categories of workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; agricultural workers; (iv) workers engaged in domestic work; (v) workers in EPZs; (vi) migrant workers and (vii) workers in the informal economy.
		Information/ Data collection and dissemination	<p>2011 AR: According to the Government: Statistics and information are collected on a regular basis. The Ministry of Labour has issued the Handbook on Human Resources Development Indicators in 2007.</p> <p>2005 AR: According to the Government: Statistics and information relevant to the PR are collected on a regular basis.</p>
	Prevention/Monitoring, enforcement and/or sanction mechanisms	<p>2011 AR: According to the Government: The Department of Labour and Factories and the General Labour Laws Inspection Department have been strengthened to better enforce the application of the PR.</p> <p>2005 AR: According to the Government: The PR is implemented through monitoring bodies.</p> <p>2003 AR: According to the Government: In case of violation of the PR, sanctions include dismissal, fines, or imprisonment up to two years.</p>	

	Involvement of the social partners	2011 AR: According to the Government: The Government is planning to initiate a tripartite technical cooperation programme that includes the realization of the PR in the sector.	
	Promotional activities	Institutions to promote equality	2008 AR: The National Women's Committee (NWC) was formed on 3 July 1996 and the focal point is the Ministry of Social Welfare Relief and Resettlement. Moreover, the Myanmar Women's Affairs Federation (MWWAF) was constituted on 20 December 2003 as an NGO. The Myanmar Women Entrepreneur Association was also established on 12 February 1995.
		Other activities	2008 AR: According to the Government: Activities were held within the NWC, namely developing protective measures for women and health, and HIV/AIDS. It also attended the 8 th Global Conference of Women Entrepreneurs, held in Bali in 2003. Finally, the ARCPPT-Asia Regional Cooperation to fight against trafficking was set up on 20 December 2003.
	Special initiatives/Progress	2012 AR: According to the Government: The Ministry of Labour is redrafting the Employment and Training Act, 1950, with a view to including the provisions of the PR.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: According to the UMFCCI, the economic conjuncture is very fragile due to the embargos and economic sanctions placed on Myanmar by several Western countries.
		Workers' organizations	NIL.
	According to the Government	NIL.	
TECHNICAL COOPERATION	Request	2012 AR: The UMFCCI requested ILO's support for capacity building of employers, in particular in training of trainers (TOT) on the fundamental principles and rights at work. 2011 AR: According to the Government: Training courses should be provided by the ILO for the capacity building of the responsible governmental institutions (i.e., labour inspection and administration).	
	Offer	UNICEF supporting the Women and Child Health Development Project and Prevention of HIV/AIDS, Prevention of Mothers to Child Transmission.	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Myanmar, to ratify or consider ratification of Conventions Nos 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The ILO Expert-Advisers noted that the regular supervisory system was closely following the national situation Myanmar concerning a variety of violations under different principles and rights, including this one (cf. paragraph 22 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>		

GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: OMAN

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

REPORTING	Fulfilment of government's reporting obligations	YES, except for the 2000 Annual Review (AR).	
	Involvement of employers' and workers' organizations in the reporting process	YES, according to the Government: Involvement of the Omani Chamber of Commerce and Industry (OCCI), The General Federation of Oman Trade Unions (GFOTU) and the Board of Employers' and Workers' Organizations (the Oman Oil Company; Khimji Ramdas, Oman Oil Company, Ahmed and Mohammed Khunji, W.J. Towel and Baqir Salman) through communication of Government reports and tripartite meetings on reporting issues.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2009 AR: Observations by the OCCI and the GFOTU. 2007 AR: Observations by the OCCI.	
	Workers' organizations	2012 AR: Observations by the GFOTU. 2008 AR: Observations by the General Federation of Oman Trade Unions (GFOTU) that substituted the Main Omani Workers' Committee (MOWC). 2007 AR: Observations by the MOWC. 2006 AR: Observations submitted by the Main Omani Workers' Committee.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Oman has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100), nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, Oman ratified the Convention on the Elimination of All Forms of Discrimination Against Women Convention (CEDAW) in February 2006
		Ratification intention	YES, since 2008 for both C.100 and C.111. 2012 AR: The Government indicated that the ratification of C.100 and C.111 would be done after the implementation of the Decent Work Country Programme (DWCP) and the adoption of new laws in line with the PR.

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

			<p>The GFOTU expressed its supports to the ratification of C.100 and C.111, and emphasized its anti-discrimination position, both between men and women workers, and between national and foreign workers.</p> <p>2010-2011 ARs: The Government reiterated its statement under the 2009 AR, and further mentioned that the process of ratification of C.100 and C.111 would be initiated.</p> <p>2009 AR: The Government indicated that it was strongly supporting the ratification of C.100 and C.111, however, national laws needed to be reviewed to incorporate the provisions of those Conventions.</p> <p>The OCCI and the GFOTU stated their support to the ratification of C.100 and C.111.</p> <p>2008 AR: The Government reiterated its support to the ratification of C.100 and C.111 and added that once national labour laws come in line with international standards, the process of ratification will be initiated.</p> <p>The GFOTU expressed its support to the ratification of C.100 and C.111.</p> <p>2007 AR: The Government, the OCCI and the MOWC mentioned the need for tripartite discussions and ILO support for ratification of all ILO Fundamental Conventions by Oman.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES.</p>	<p>2007 AR: According to the Government: article 17 of the Basic Law stipulates “All citizens are equal before the law, and they are equal in public rights and duties. There shall be no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile, or social status.” Articles 18, 25, 26, 28, 29, 30, 31, 32, 33, and 34 of the said law include the same concept about discrimination.</p>
	<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: 	<p>2005 AR: The Labour Ministry has developed the SANAD Programme to provide employment opportunities for young persons and to encourage initiatives for self-employment.</p> <p>2004 AR: According to the Government: Following the adoption of the new Omani Labour Law in 2003 and its amendments, a series of activities have been implemented in line with the Declaration on Fundamental Principles and Rights at Work.</p> <ul style="list-style-type: none"> • Legislation: The Labour Law, 2003 and its amendments. • Regulations: Ministerial Order No. 19/74.
	<p>Basic legal provisions</p>		<p>According to the Government: The Basic Law (articles 12, 17, 18, 25, 26, 28-34); the Labour Law, 1973; Ministerial Order No. 19/74.</p>
	<p>Grounds of discrimination</p>		<p>2003-2004 ARs: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction.</p>
	<p>Judicial decisions</p>		<p>2007 AR: According to the Government: Judicial decisions are made by independent courts and are regulated by articles 59-71 of the Basic Law.</p>

	Exercise of the principle and right	Special attention to particular situations	2001 AR: According to the Government: Women and handicapped persons.
		Information/ Data collection and dissemination	2012 AR: The Government indicated that it was planning to collect further data on the PR under the Labour Market Information Programme of the DWCP for Oman. 2007 AR: According to the Government: The Department of Labour Affairs in the Ministry of Manpower collects data on the issue of PR.
	Prevention/monitoring, enforcement and sanctions mechanisms	2010 AR: According to the Government: sixty (60) new labour inspectors have been recruited by the Ministry of Labour. 2001-2002 ARs: According to the Government: Prevention/monitoring and sanctions are implemented through the Basic Statute of the State, laws and regulations for the realization of the PR.	
	Involvement of the social partners	2008 AR: The GFOTU indicated that it also reviewed Ministerial Resolution concerning minimum wages for workers in the private sector. 2003 AR: According to the Government: Employers' and workers' organizations have been involved in the development and implementation of governmental measures in relation to the PR, including the revision of the 2003 Labour Law.	
Promotional activities	Institutions to promote equality	2011 AR: According to the Government: A tripartite delegation of Oman participated in an ILO/Gulf Cooperation Council (GCC) Regional Seminar on Reporting Issues in October 2010 in Beirut. During this activity, Core labour standards were reviewed and discussed among other topics. 2009 AR: The Government stated that it had sent a representative to the ILO Turin Centre for training on gender issues. 2008 AR: The GFOTU indicated that it participated in a number of tripartite activities organized by the Arab Labour Organization (ALO). 2007 AR: According to the Government: The Ministry of Manpower.	
	Other activities	2012 AR: The Government indicated that an official of the Ministry of Labour had participated in the ILO/TURIN Pre-Conference Course on International Labour Standards (ILS) in May-June 2011 where issues concerning the PR were addressed. 2010 AR: The Government indicated that capacity building activities on the PR were undertaken in cooperation with the ILO. 2008 AR: The Government indicated that several tripartite seminars and trainings have been organized in collaboration with ILO, in particular the 5 th Regional Seminar on ILO Declaration on Fundamental Principles and Rights at Work (FPRW). 2007 AR: The Government, the OCCI and the MOWC referred to their participation in the Fourth ILO/Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards (ILS) held in Kuwait City in April 2006. Moreover, tripartite activities were organized in Oman with the support of the Arab Labour Organization (ALO).	

			<p>2005 AR: According to the Government: (i) training and awareness programme related to the PR; (ii) dissemination of the new Omani Labour Law and its provisions, including on discrimination in employment; (iii) various activities of the Ministry of Manpower such as the organization of training programmes and symposia, and publication of public information pamphlets, including on women's employment, work practices and the publication of a manual on small project management in 2004.</p>
	<p>Special initiatives/Progress</p>	<p>2012 AR: According to the Government: A Social Dialogue Committee was established to strengthen social dialogue among tripartite partners and to study new developments on ILS. Moreover, reforms are being made to the labour relations so that they will be in line with ILS. In addition the Ministry of Labour issued new regulations governing the recruitment of migrant workers in respect of the PR.</p> <p>According to the GFOTU: A major step forward in the implementation and realization of the PR in Oman was the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women Convention (CEDAW).</p> <p>2010 AR: According to the Government: sixty (60) new labour inspectors have been recruited for the Ministry of Labour.</p> <p>2005 AR: According to the Government: Publication of public information pamphlets, including on women's employment and work practices.</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2007 AR: The OCCI mentioned its lack of capacity building and training on the ILO Declaration and its follow-up.</p>
		<p>Workers' organizations</p>	<p>2007 AR: The MOWC also mentioned its lack of capacity building and training on the ILO Declaration and its follow-up.</p>
	<p>According to the Government</p>	<p>2012: According to the Government: The current functioning of the labour relations, based on the KAFEEL-system, is operating in contradiction to the PR. The whole employment system, and in particular the discriminatory employment situation against migrant workers, needs to be changed. Nationals Laws need to be amended for the future ratification of C.100 and C.111.</p> <p>The GFOTU mentioned that the main challenge is the existing poor social dialogue in the country.</p> <p>2010 AR: According to the Government: The main challenge for Oman is the lack of capacity building.</p> <p>2009 AR: According to the Government: The need to adapt national laws to the requirements of C.100 and C.111 is a major challenge.</p> <p>2008 AR: The Government indicated that it had not encountered serious challenges in realizing the PR.</p> <p>2007 AR: According to the Government: Further awareness programmes are required.</p>	

TECHNICAL COOPERATION	Request	<p>2012 AR: The Government requested ILO technical and material support to develop an information system for storing, monitoring and analysing labour market data, so as to equip the Government with the proper tools for reporting once the ratification process has been completed.</p> <p>The GFOTU required ILO technical assistance to: (i) strengthen social dialogue; and (ii) organize workshops on the ratification process.</p> <p>2010-2011 ARs: The Government requested ILO's technical cooperation in the following areas: (i) training of the 60 new labour inspectors on the PR; (ii) strengthening capacity building; and (iii) awareness raising campaign on the PR.</p> <p>2009 AR: The Government indicated that the ILO's cooperation was needed for the training of civil servants in identifying discrimination issues: Moreover, the ILO Decent Work Country Programme should be continued.</p> <p>2008 AR: The Government reiterated the same requests mentioned in the 2007 AR.</p> <p>According to the GFOTU: ILO technical support is needed for the elaboration of workshops and seminars to raise awareness on the trade union's role in promoting equality at work and other ILO FPRW.</p> <p>2007 AR: According to the Government, the OCCI and the MOWC: ILO technical cooperation would be needed to organize in Oman a national tripartite workshop on ILS and the ILO Declaration. Moreover, employers' and workers' organizations need special training on their roles in the Declaration's Follow-up.</p> <p>The Government stated that there should be continuous dialogue between the Ministry of Manpower, the ILO and the social partners.</p> <p>2006 AR: According to the Main Omani Workers' Committee: ILO technical cooperation would be necessary in establishing Workers' Committees and raising awareness on their role in promoting the PR and other ILO Fundamental Principles and Rights at Work (FPRW) in Oman.</p>
	Offer	<p>ILO (Decent Work Country Programme (2004-2005) and capacity building activities) ILO/GCC Joint Plan of Activities; ALO.</p>
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Oman, to ratify or consider ratification of Conventions Nos100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (cf. paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (cf. paragraph 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (cf. paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Oman and other GCC States for their continuing dialogue with the Office through the annual review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (cf. paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (cf. paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	

<p>GOVERNING BODY OBSERVATIONS RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: QATAR

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

REPORTING	Fulfilment of government's reporting obligations	YES , since the start of the Annual Reviews (AR) in 2000. No change reports under the 2009 and 2010/2011 ARs.	
	Involvement of employers' and workers' organizations in the reporting process	YES , according to the Government: Involvement of the Qatar Chamber of Commerce and Industry (QCCI) and the Qatar Petroleum Workers' Committee (QPWC) through consultations and communication of government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the QCCI. 2007 AR: Observations by the QCCI.	
	Workers' organizations	2008 AR: Observations by the QPWC. 2007 AR: Observations by the QPWC. 2006 AR: Observations by the QPWC. Observations by the International Confederation of Free Trade Unions (ICFTU).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Qatar ratified in 1976 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	YES, since 2002, but unable to ratify at this time. 2012 AR: According to the QCCI: National legislation already provides for protection against discrimination and recognize that no obstacle prevents the ratification of C.100. The QCCI expressed its strong support for the equality between men and women in the work place. 2007 AR: According to the Government: The "ambiguity" of the text of C.100 is deemed to be an obstacle to ratification of C.100. Despite this fact, the Government intends to meet the conditions that would allow for its ratification. 2006 AR: The Government stated the following: the Government endorses the ILO Fundamental Principles and Rights. C.100 is in the process of ratification and the Government expects some positive developments by the end of 2005 in this regard. 2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100.

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

Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	2007 AR: According to the Government: the Constitution of the State of Qatar has guaranteed the right of equality to all in article 35: "All people are equal before the law. There shall be no discrimination on account of sex, origin, language, or religion.
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> Policy: 2003-2005 ARs: According to the Government, there is a national policy concerning the elimination of discrimination in employment and occupation through the amendment of the provisional basic law. Legislation: (i) Labour Law No. 3; (ii) the Public Service Law; and (iii) the Civil Service Act, 1967. Regulations: <ul style="list-style-type: none"> The Executive Regulations of the Public Service Law.
	Basic legal provisions	(i) the Labour Law No. 3 (sections 2 and 28); (ii) the Public Service Law and its Executive Regulations; and (iii) the Civil Service Act, 1967
	Grounds of discrimination	2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.
	Judicial decisions	NIL.
Exercise of the principle and right	Special attention to particular situations	2003-2005 ARs: According to the Government: (i) all categories of workers in the public service; (ii) workers in particular types of employment; (iii) agricultural workers; (iv) workers engaged in domestic work; (v) workers in EPZs; (vi) migrant workers; and (vii) workers in the informal economy.
	Information/ Data collection and dissemination	2002 AR: According to the Government: Questionnaires and requests for information addressed to companies and enterprises confirm the non-existence of discrimination.
Prevention/monitoring, enforcement and sanctions mechanisms	<p>2007 AR: According to the Government: The new Labour Code provides that women workers shall be granted equal remuneration to that of male workers for work of equal value. Thus, the Labour Department ensures, through labour inspectors and by legalizing labour contracts that undertakings and companies comply with the law, and hence pay a female worker an equal remuneration as a male worker for work of equal value.</p> <p>2002-2005 ARs: According to the Government: The realization of the principle and right (PR) is ensured through the inspection and supervision of enterprises.</p>	
Involvement of the social partners	<p>2004 AR: According to the Government: Workers' and employers' organizations have been involved in the development and implementation of governmental measures regarding the PR.</p> <p>2002 AR: According to the Government: The Labour Department cooperates closely with employers in realizing the PR. A national training scheme had been set up to prepare Qatari for employment after consultations were held with the private and public sectors.</p>	

	Promotional activities	Institutions to promote equality	2003-2005 ARs: The Government stated that it would consider establishing such machinery, if necessary.
		Other activities:	2012 AR: The Government indicated that an official of the Ministry of Labour and Social Affairs had participated in the ILO/TURIN Pre-Conference Course on International Labour Standards in May-June 2011 where issues concerning the PR were addressed. 2008 AR: The QPWC participated in the 5 th ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labour Standards (ILS) in Oman. 2007 AR: The Government, the QCCI and the QPWC referred to their participation in the Fourth ILO/Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006. 2002 AR: According to the Government: A committee had been established to study the Declaration and to define the position of the State of Qatar vis-à-vis the PR and obligations contained therein.
	Special initiatives/Progress	NIL.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2012 AR: The QCCI emphasized that discrimination is not a widespread problem in the country, and there is a broad participation of women at all levels of the society, in the political sphere as well as in the public and private sectors. 2007 AR: According to the QCCI: There is a lack of social dialogue on the PR. Tripartite discussions should be organized in view of a better understanding of the ILO Declaration in Qatar.
		Workers' organizations	2007 AR: According to the QPWC: There is a lack of social dialogue on the PR. As has been mentioned by the QCCI, tripartite discussions should be organized in view of a better understanding of the ILO Declaration in Qatar. 2006 AR: According to the ICFTU: challenges in realizing the PR in Qatar are as follows: (i) lack of ratification of C.100; and (ii) the vulnerability of migrant workers and domestic workers.
	According to the Government	2007 AR: According to the Government: No challenges are worth mentioning, as most of the companies adopt regulations that define remuneration on the basis of occupation or job, regardless of whether the candidate is a man or a woman. However, some employers, in particular those in small enterprises, need to have clarifications regarding allowances and premiums falling under the concept of salary. Thus, specialists in labour administration are available to give answers to their inquiries on this matter. 2003 AR: According to the Government: There is no statistical or information collection.	

TECHNICAL COOPERATION	Request	<p>2008 AR: The QPWC reiterated the same request mentioned in the 2007 AR regarding a better understanding of the ILO Declaration in Qatar.</p> <p>2007 AR: According to the Government: In the framework of the Plan of Joint Activities signed in 2001 between the Council of Ministers of Labour and Social Affairs in the Gulf Cooperation Council (GCC) and its Executive Bureau and the ILO, an activity should be dedicated to explaining the text of C.100, and in particular what is meant by work of equal value, and the practical mechanism to follow up this matter in regulations and practice.</p> <p>Moreover, according to the Government, the QCCI and the QPWC, the ILO technical cooperation is needed to promote a better understanding of the ILO Declaration in Qatar.</p> <p>2006 AR: According to the Qatar Petroleum Workers' Committee: ILO technical cooperation would be needed soon to facilitate the realization of the PR and other fundamental principles and rights at work when the Workers' Committees will be located across the country.</p> <p>2005 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR, in the following areas in order of priority: (1) assessment of the difficulties identified and their implications; and (2) training of other officials (e.g. police, judiciary, social workers, teachers).</p>
	Offer	ILO, GCC, NGOs and bilateral donors.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Qatar, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (cf. paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation. They further complimented the Government of Qatar (and four other governments) for having given special attention to specific categories of workers or enterprises and encouraged the country to enhance its efforts in reducing and eliminating this type of discrimination (cf. paragraphs 48 and 270 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (cf. paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Qatar and other GCC States for their continuing dialogue with the Office through the annual review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (cf. paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (cf. paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	

<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: SINGAPORE

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

REPORTING	Fulfilment of government's reporting obligations	YES, since the start of the Annual Reviews (ARs) in 2000.	
	Involvement of employers' and workers' organizations in the reporting process	YES, according to the Government: Involvement of Singapore National Employers' Federation (SNEF) and the Singapore National Trade Union Congress (SNTUC) by means of consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2012 AR: Observations by the SNEF.</p> <p>Over the years, the Tripartite Alliance for Fair Employment Practices (TAFEP) has been effective in changing employers' mindsets and bringing about the adoption of fair employment practices. Many employers have signed the fair employment pledge. The total number of employers that are Pledge-Signers to Fair Employment Practices have reached 1.770. By pledging, there is a public commitment to cease from carrying out any form of discrimination in employment.</p> <p>2009 AR: Observations by the SNEF.</p> <p>2007 AR: Observations by the SNEF.</p>	
	Workers' organizations	<p>2012 AR: Observations by the SNTUC.</p> <p>2009 AR: Observations by the SNTUC.</p> <p>2005 AR: Observations by the SNTUC and its affiliates.</p> <p>2001 AR: Observations by the International Confederation of Free Trade Unions (ICFTU).</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Singapore ratified in 2002 the Equal Remuneration Convention, 1951 (No. 100) (C.100). However, it has not yet ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).

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

		<p>Ratification intention</p>	<p>Under consideration, since 2008, for C.111.</p> <p>2011 AR: According to SNEF: Fair employment practice through promotional rather than legislative approach, will be more effective, harmonious and sustainable to better implement the PR in the country. It strongly support the work and efforts of TAFEP in ensuring employer-members adopt and exercise fair employment practices.</p> <p>According to the SNTUC: Instead of introducing anti-discrimination legislation, the SNTUC is prepared to work with the employers and government to tackle discrimination issues through promotional means to change the mindset of employers and to adopt fair employment practices based on tripartite guidelines.</p> <p>2010 AR: According to the Government: Further to the meeting the Government had with the Bangkok Regional Office in September 2008 to discuss the requirements of C.111, the Government met the Office met with the Office on the sidelines of the November 2008 Governing Body session for further discussions on the same topic. Base on the existing interpretation of C.111, it would appear that the ILO might not be able to accommodate Singapore’s promotional approach in dealing with discrimination at work. That said, the ILO clarified that having a clause in some legislation to specify non-discrimination on various grounds may be sufficient. Singapore notes the provisions of C.111 and will take into consideration the inputs given by the ILO and continue to consult the Office in its review of C.111.</p> <p>2009 AR: The Government indicated that it met, in September 2008, with ILO Regional Office in Bangkok to discuss the requirements of C.111. It further mentioned that it would continue to study this Convention and review its position accordingly.</p> <p>The SNTUC expressed its support to the ratification of C.111 while mentioning that the Government should consider it as a priority.</p>
	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES.</p> <p>The principle and right (PR) is firmly entrenched in the Constitution. The 1965 Constitution has amended article 12(1) which provides that “all persons are equal before the law and entitled to the equal protection of the law”.</p>
		<p>Legislation, regulations and/or policy</p>	<p>• Legislation:</p> <p>2011 AR: According to the Government: The Retirement and Re-employment Act has been enacted to take effect from 1 January 2012 to enable more people to continue working beyond the current statutory retirement age of 62, up to 65. Singapore’s employment legislation also provides recourse for workers who feel they have been unfairly dismissed, including dismissal on the grounds of their minority status, age and gender. They may appeal to the Minister for Manpower for reinstatement to their former employment.</p>

			<ul style="list-style-type: none"> • Policy: <p>2012 AR: According to the Government: Leveraging on Singapore's unique tripartite framework, the Tripartite Alliance for Fair Employment Practices (TAFEP) works in partnership with employer organisations, unions and the government to create awareness and facilitate the adoption of fair, responsible and merit-based employment practices. TAFEP provides tools and resources, including training workshops, advisory services, and educational materials, to help organisations implement fair employment practices.</p> <p>2005 AR: According to the Government: In 2005, the Tripartite Committee on Employability of Older Workers was established to review, among other issues, discrimination against older workers in employment and to strengthen existing measures, codes and guidelines such as the Code of Responsible Employment Practices and the Guidelines on Non-Discriminatory Job Advertisements. This Tripartite Committee is also implementing a broad strategy to shape positive perceptions of employers, employees and customers on the employability of older workers.</p> <p>2000 AR: Since 1962: Institutionalization of the principle of equal remuneration.</p>
		Basic legal provisions	According to the Government: The 1965 Constitution as amended (article 12(1)); Employment Act (section 14(2)).
		Grounds of discrimination	2000-2003 ARs: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, religion, sex, descent or origin.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	NIL
		Information/ Data collection and dissemination	<p>2012 AR: According to the SNEF: The total number of employers that are Pledge-Signers to Fair Employment Practices have reached 1.770.</p> <p>According to NTUC: In 2010, TAFEP handled 115 workplace discrimination cases.</p> <p>2009 AR: The SNTUC referred to a recent survey concerning employers' recruitment preference.</p>
	Prevention/monitoring, enforcement and sanctions mechanisms	<p>2012 AR: According to the Government, the SNEF and the SNTUC: The TAFEP provide advice and assistance for both employers and workers who have concerns relating to fair employment and workplace discrimination. The TAFEP has been effective in changing employers' mindsets and bringing about the adoption of fair employment practices and help to better implement the PR. Many employers have signed the fair employment pledge and took a public commitment to cease from carrying out any form of discrimination in employment.</p>	

		<p>2008 AR: According to the Government: A Tripartite Committee on Employability of Older Workers published its final report in May 2007, with extensive recommendations to enhance the employability of older workers. These recommendations include: (i) the expansion of employment opportunities for older workers; (ii) the enhancement of the cost competitiveness of older workers; (iii) the improvement of skills of older workers; and (iv) positive shaping of perceptions towards implementing the various tripartite guidelines. Moreover, the Tripartite Alliance for Fair Employment Practices (TAFEP) was formed in May 2006 to encourage the adoption of fair employment practices at the workplace. With a view to facilitating this process, a new Tripartite Centre for Fair Employment, led by employers' and workers' representatives with the support of the Government, was also established in September 2007. This Centre should develop training programmes and toolkits to assist employers, and institute a national award to recognize companies for implementing fair employment practices.</p> <p>2005 AR: The Government stated that the Executive Mediation Unit in the Ministry of Manpower looks into complaints and disputes on unfair employment practices such as disputes on maternity leave. It also acts on companies with unfair and discriminatory recruitment practices, e.g. recruitment ads with specific race requirements.</p> <p>2002-2003 ARs: According to the Government: Investigations are held after complaints received by the Ministry against employers for alleged discrimination. Sanctions and fines are meted out as appropriate.</p>
	<p>Involvement of the social partners</p>	<p>2011-2012 ARs: According to the Government: The TAFEP has continued to promote the Tripartite Guidelines on Fair Employment Practices one of the key principles of which states that "employers should reward employees fairly based on their ability, experience, contribution and experience." Moreover, the Government has continued to work with its tripartite partners to promote re-employment and age friendly practices to prepare employers and workers for the upcoming re-employment legislation and to better address the issue of the ageing workforce.</p> <p>2010 AR: The Government indicated that it was working closely with employers and unions in continuing to encourage employers to implement re-employment and other age-friendly practices, in preparation for the enactment of re-employment legislation.</p> <p>2009 AR: According to the Government: The Singapore Government adopts a promotional and educational approach, with the support of unions and employers' associations, to encourage companies to implement fair employment practices. This is in addition to general provisions in the law to check against unfair dismissal on the grounds of discriminatory practices. The Government believes that a combination of such approaches is more effective in changing mindsets to support fair employment in the long term. Furthermore, a new Tripartite Centre for Fair Employment, led by employers' and workers' representatives with the support of the Government, was also established in September 2007.</p> <p>The SNEF indicated that it had been working very closely with the tripartite partners concerning the PR.</p> <p>The SNTUC indicated that it was managing together with the SNEF the Flexi-Works Fund.</p> <p>2007 AR: According to the SNTUC: the SNTUC Women's Committee forwarded a proposal to the Ministry of Manpower in September 2005 suggesting amendments to the law to give better protection to pregnant employees. This Committee is also currently working with the Government and employers, to help older women and homemakers re-integrate the labour market.</p> <p>2000-2005 ARs: According to the Government: The Guidelines on Non-Discriminatory Job Advertisements issued in 1999 were drawn up through the joint effort of the Ministry of Manpower, the SNEF and the SNTUC.</p> <p>2001 AR: According to the Government: The SNTUC has initiated information technology (IT) and computer training courses and skills re-development programme for union members.</p> <p>2000 AR: According to the Government: Employers' and workers' organizations have been involved in the launch of the tripartite "Back to Work" Programme.</p>

	Promotional activities	Institutions to promote equality	According to the Government: The Ministry of Manpower.
		Other activities	<p>2012 AR: According to the Government: The TAFEP has promoted the Tripartite Guidelines on Fair Employment Practices and organised various promotional activities include training sessions, seminars, conferences, on-site visits and advisory services. In addition, it has organised training on fair hiring highlighting the importance of objective job descriptions and evaluations. In April 2010, the TAFEP has coordinated a conference on fair employment, where international and local speakers discussed ways to better harness the economic potential of women. Moreover, the TAFEP also collaborates closely with social partners such as Singapore Corporation of Rehabilitative Enterprise (SCORE), Enabling Employers Network (EEN) and Society for the Physically Disabled (SPD) on several projects to reach out to more employers to champion and advance the employment opportunities for persons with either a past criminal record or disabilities. In 2010, the TAFEP, together with Hong Kong-based NGO, community Business, launched a related Asia-wide study on the impact of ageing on companies in Asia and provided more information on the leading practices for the effective management of mature workers.</p> <p>According to the SNTUC: The Marriage and Parenthood package announced in 2008, ensures that working mothers are well protected from errant or unfair employers. Employers who dismiss pregnant employees without sufficient cause during the last 6 months of pregnancy are now required to compensate the employee with the payment of the maternity leave benefits that she would have been entitled to if not for the dismissal. In addition, an employer who retrenches a pregnant employee within the last 3 months of her pregnancy will also be required to compensate her with the payment of maternity leave benefits, on top of any other retrenchment benefit that the employee is entitled to.</p> <p>2010 AR: The Government indicated that it was working closely with employers and unions in continuing to encourage employers to implement re-employment and other age-friendly practices, in preparation for the enactment of re-employment legislation.</p> <p>2009 AR: According to the Government: The following activities organized: (i) in November 2007 the Tripartite Centre for Fair Employment was launched. The Centre has provided advice to jobseekers, employees and employers on matters relating to alleged discrimination at the workplace and the adoption of fair employment practices. As of July 2008, more than 800 organizations have pledged their commitment to fair employment by signing the Employers' Pledge of Fair Employment Practices; (ii) in April 2008 the Tripartite Implementation Work Group (TIWG) released the Tripartite Advisory on Re-employment of Older Workers to help companies adopt re-employment early, ahead of its legislation by 2012; and (iii) the Singapore Workforce Development Agency (WDA) has introduced a new "Step Out For Change Programme" to reach out to economically inactive women and encourage them to re-enter the workforce.</p> <p>The SNEF stated that it had organized several activities to promote the PR, including: (i) encouraging more members to incorporate the Equal Remuneration Clause (ILO Convention No. 100) in collective agreements and memorandums on wage increases; (ii) educating and promoting members to comply with the Guidelines on Non-Discriminatory Job Advertisements; (iii) persuading more than 700 of its members to sign and implement the Employers' Pledge of Fair Employment Practices; and (iv) actively supporting the work of the Tripartite Centre for Fair Employment.</p>

		<p>The SNTUC indicated that it had convened a tripartite Committee and labour meetings to discuss the PR, and that it was managing together with the SNEF the Flexi-Works Fund that was a new initiative by the Singapore Workforce Development Agency (WDA) to encourage companies to hire new workers, especially women, on part-time or flexible work arrangements.</p> <p>2008 AR: The Tripartite Centre for Fair Employment, which will be set up in September 2007, will roll out training programmes and tool kits to assist employers, and institute a national award to recognize companies for implementing fair employment practices.</p> <p>The SNEF has been promoting the elimination of discriminatory practices by: (i) encouraging its members to comply with the Guidelines on Non-Discriminatory Job Advertisements; (ii) persuading more employers to sign and implement the Employers' Pledge of Fair Employment Practices; and (iii) endorsing more employers to incorporate the Equal Remuneration Clause in collective agreements and memos on wage increases.</p> <p>According to the SNTUC: The SNTC Women's Committee has developed the two following key projects for 2007 include: (i) "Women back to Work", which aims to get more women into the workforce by encouraging more employers to offer part-time and flexi-work schemes to women, as well as to encourage women to take up the various subsidized schemes available to upgrade their skills and take up higher paying jobs; and (ii) "Work Life Initiative", which looks into the provision of benefits such as childcare leave, lactation room and flexi-work arrangements to help women balance better their work and family commitments.</p> <p>2007 AR: According to the Government: The Tripartite Committee on Employability of Older Workers released its interim report and a range of recommendations to enhance the employability of older workers in January 2006. One of the recommendations was to set up the Tripartite Alliance for Fair Employment Practices (TAFEP) to shift mindsets among employers, employees and the general public towards fair and responsible employment practices for all workers. The TAFEP was formed in May 2006 and is co-chaired by the SNEF and the SNTUC, with participation from the Government. On the proposed changes to the labour laws, the Government conducts reviews of the law regularly, and will take into account inputs from both the workers and the employers.</p> <p>2005 AR: According to the Government: The Tripartite Committee on Employability of Older Workers set up by the Ministry of Manpower seeks to encourage the adoption of measures and guidelines through promotion and incentives.</p> <p>2001-2003 ARs: According to the Government: Under the Employment Act, paid maternity leave had been extended to working mothers in order to give them time to bond with their new baby without suffering a loss in wages. It also indicated that a budget of \$200 million had been allocated for a five-year Manpower Development Assistance Scheme (MDAS) project for skills development.</p> <p>2001 AR: According to the Government: In September 1996, the tripartite "Back to Work" Programme for homemakers and older persons aged 55 years and above was launched by the Ministry of Manpower in collaboration with the Singapore Productivity and Standards Board (PSB), the SNTUC and the SNEF. The Employment (Part-Time Employees) Regulations was also implemented.</p>
--	--	---

Special initiatives/Progress

2012 AR: According to the Government: Leveraging on previous years' efforts, TAFEP continued to build on the strong momentum achieved through its educational and promotional approach. In 2010, TAFEP's took on a more holistic approach in promoting fair and responsible employment practices, with an emphasis on raising employer awareness on Singapore's key employment legislation – the Employment Act. In light of Singapore's ageing workforce, TAFEP also placed added attention on encouraging mindsets that support the employment and employability of older workers through educational collateral, events, television, radio, print and online channels. As part of efforts to raise employer awareness on the Employment Act, the TAFEP launched a new E-Learning Programme in November 2010. And produced a variety of educational literature, ranging from handbooks to research publications such as the "Guide on Employment Laws for Employers" in 4 languages and the "Fair Grievance Handling Handbook". With the spotlight in Singapore's ageing workforce, TAFEP also commissioned two research studies to help employers better understand how to manage the age diversity, so as to develop appropriate strategies to address challenges and harness the potential of the diverse workforce. These studies provided insights and recommended strategies and practices to maximise inter-generational collaboration to raise employee engagement, organisational productivity as well as harness the potential of the diverse workforce.

2011 AR: According to the Government: As of April 2010, more than 1,300 employers have signed the Employers' Pledge of Fair Employment Practices as a sign of Commitment to Fair Employment Practices. Recently, the TAFEP also recognized exemplary organisations that have effectively implemented progressive and Fair employment practices through the TAFEP Exemplary Employer Award. Moreover, the tripartite partners issued a set of Guidelines on the Re-employment of older employees to help guide employers and workers in adopting re-employment measures. Both these Guidelines and the upcoming legislation (to be enacted in early 2011 and to enter into force in January 2012) were formulated incorporating feedback gathered from public consultation. Partly as a result of this effort the employment rate for older residents rose to a 59 per cent high.

2010 AR: According to the Government: The TAFEP launched an advertising campaign in October 2008 to build on earlier awareness programmes and reinforce the mindset that hiring should be based on skill and ability. The campaign targeted at employers and hiring managers, with the tagline "Hire on Merit. Be Fair Employer". Moreover, TAFEP's other initiatives included monthly briefings on fair employment and regular joint awareness and networking sessions with partners, as well as advisory services to companies and company visits, where constructive recommendations on fair recruitment practices are provided. The number of organizations that have signed the Employer's Pledge of Fair Employment Practices has increased from over 800 organizations to more than 1,000 as of September 2009. In February 2009, TAFEP organized the inaugural Conference on Fair Employment Practices in partnership with the Singapore Tripartite Forum with the theme "Managing Employment issues in Challenging Times" The event brought together 500 business leaders and HR Practitioners to share practical and sustainable strategies to create fair and inclusive workplaces. In addition, the Conference launched the Leading Fair Employment Practices" handbook, which showcased how these organizations have implemented fair employment practices that cater to their diverse workforce and benefit their business. In July 2009, TAFEP launched a "What does fair employment practices mean to me?" photo competition to engage the public and encourage individuals to think about fair employment and build a greater appreciation for merit-based employment practices.

2009 AR: According to the Government: A new Tripartite Centre for Fair Employment, led by employers' and workers' representatives with the support of the Government, was also established in September 2007. This Centre should develop training programmes and tool kits to assist employers, and institute a national award to recognize companies for implementing fair employment practices. Moreover, the Singapore Workforce Development Agency (WDA) has introduced a new "Step Out For Change Programme" to reach out to economically inactive women and encourage them to re-enter the workforce. Furthermore, in April 2008 the Tripartite Implementation Work Group (TIWG) released the Tripartite Advisory on Re-employment of Older Workers to help companies adopt re-employment early, ahead of its legislation by 2012. Finally, the Singapore Workforce Development Agency (WDA) has introduced a new "Step Out For Change Programme" to reach out to economically inactive women and encourage them to re-enter the workforce.

		<p>The SNEF mentioned that it had persuaded more than 700 of its members to sign the Employers' Pledge for Fair Employment Practices (according to the Government: the number of employers' signatures to this document reached 800 as of July 2008).</p> <p>According to the SNTUC: The SNTUC is managing together with the SNEF the Flexi-Works Fund that is a new initiative by the Singapore Workforce Development Agency (WDA) to encourage companies to hire new workers, especially women, on part-time or flexible work arrangements. This programme was offering a grant up to \$100,000 (i.e., about US\$ 78,000) to support a company's effort in the recruitment of older workers on part-time or flexible work arrangements. Moreover the SNTC Women's Committee has developed the two following key projects for 2007 include: (i) "Women back to Work", which aims to get more women into the workforce by encouraging more employers to offer part-time and flexi-work schemes to women, as well as to encourage women to take up the various subsidized schemes available to upgrade their skills and take up higher paying jobs; and (ii) "Work Life Initiative", which looks into the provision of benefits such as childcare leave, lactation room and flexi-work arrangements to help women balance better their work and family commitments.</p> <p>2008 AR: The Government indicated that the new Tripartite Guidelines on Fair Employment Practices were published in May 2007. In this respect, five hundred employers have already publicly pledged to be fair employers by adhering to these guidelines.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2009 AR: According to the SNEF: The existing employment laws are adequate in protecting the rights and well-being of workers. However, where there is need for review and proposed changes are not to undermine business, the employers' organization would be receptive in considering the changes.
		Workers' organizations	2009 AR: According to the SNTUC: The Employment Act is likely to be amended at the end of 2008, as a part of the labour movement proposal to better protect pregnant employees. 2005 AR: According to the SNTUC: There is persisting discrimination against older and female workers. More stringent enforcement of the laws against those who violate them and legal literacy and educational activities for employers are necessary to address discrimination against pregnant employees.
	According to the Government	2009 AR: The Government indicated that the ageing population was a challenge that was tackled by a series of measures.	
TECHNICAL COOPERATION	Request	2009 AR: The Government indicated that, even though it wanted to ensure the requirements of C.111 were formally and fully met in Singapore, it would be seeking advice from the ILO on these requirements in due course.	
	Offer	ILO (technical advice).	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The IDEAs noted that Singapore (and another country) had not yet expressed their intentions concerning ratification of C.111 (cf. paragraph 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2004 AR: The IDEAs urged the Government of Singapore (and four other governments) to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process (cf. paragraph 21 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.		

**INTERNATIONAL LABOUR
CONFERENCE RESOLUTION**

2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.



BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: SOLOMON ISLANDS

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

REPORTING	Fulfillment of Government's reporting obligations	YES, but only under the 2006 and the 2008 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations: the Solomon Islands Chamber of Commerce and Industry (SICCI); the Solomon Islands Chinese Association (SICA); the Solomon Islands Indigenous Business Association (SIIBA); the Solomon Islands Women in Business Association (SIWIBA); the Association of Solomon Islands Manufacturers (ASIM); the Solomon Forestry Association (SFA) and workers' organizations: the Solomon Islands Council of Trade Unions (SICTU); the Solomon Islands Public Employees Union (SIPEU); the Solomon Islands National Union of Workers (SINUW); and the Solomon Islands National Teachers' Association (SINTA) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the SICCI, the SICA, the SIIBA, the SIWIBA, the ASIM and the SFA. 2008 AR: Observations by the SICCI. 2006 AR: Observations by SCCI, SICA, SIIBA, SIWIBA, ASIM and SFA.	
	Workers' organizations	2012 AR: Observations by the SICTU, the SIPEU, the SINUW and its affiliates, and the SINTA 2009 AR: Observations by the SICTU. 2008 AR: Observations by the SICTU, SINUW and its 10 affiliates. 2006 AR: Observations by SICTU, SIPEU, SINUW and SINTA.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Solomon Islands has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2000.

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

		<p>Ratification intention</p>	<p>YES, in process since 2007, for both C.100 and C.111.</p> <p>2012 AR: According the Government: As previously mentioned by the Government, ratification of all unratified ILO fundamental Conventions (7 out of 8), including C.105, has been approved by Cabinet since 17 May 2007. Since Cabinet is the National Authority to approve ratification, the Government will process soon the instruments along with other necessary documents to ILO for final registration.</p> <p>The representative employers' organizations (i.e., the SICCI, the SICA, the SIIBA, the SIWIBA, the ASIM and the SFA) and workers' organizations (i.e., the SICTU, the SIPEU, the SINUW and the SINTA) made a common pledge to urge the Government to speed up the communication process of these ratifications to the ILO.</p> <p>2009 AR: According to the Government: Ratification of C.100 and C.111 is to be discussed by Parliament.</p> <p>The SICTU indicated its support to the ratification of these instruments by Solomon Islands.</p> <p>2008 AR: According to the Government: As a result of ILO technical assistance in 2005 to hold consultations with employer's and worker's organizations, the Cabinet approved the ratification of C.100 and C.111 together with other unratified ILO fundamental Conventions on 17 May 2007, as a result of ILO technical assistance in 2005. Therefore, the Government intends to bring national legislation into compliance with the ILO fundamental Conventions, in consultation with the employers' and workers' organizations and in cooperation with the ILO.</p> <p>According the SICTU: The Letter of Intent concerning the ratification of the remaining 7 unratified ILO fundamental Conventions was presented by the Government during the Celebration of the 30th years of ILO Presence in the Pacific in Suva (Fiji). The Government should thus finalize this ratification process in cooperation with the ILO.</p> <p>The SICCI and the SICTU expressed their support to the ratification of C.100 and C.111.</p> <p>2006 AR: The Government indicated its intention to ratify C.100 and C.111, and that it was initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance national laws with the principle and right (PR). It also appreciated the employers' and workers' organizations' (ASIM, SFA, SICCI, SIIBA, SIWIBA, SICA, SICTU, SINUW, SINTA and SIPEU) support for the ratification of all ILO Fundamental Conventions not ratified by Solomon Islands. In this respect, it requested ILO technical assistance on the Declaration and standard-related issues and for capacity building in reporting.</p>
	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES.</p> <p>As a general principle, the Preamble of the national Constitution, 1978, provides for human dignity, equality, social justice, and equity for the people of Solomon Islands. Furthermore, under article 15 of the Constitution, no law shall make any provision that is discriminatory either of itself or in its effect. Moreover, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.</p>

		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2006 AR: According to the Government: There is no national policy concerning the principle and right (PR). However, the Government intends to do so, and would welcome any ILO assistance in this respect. 2006 AR: According to the Government: There is a national policy on the elimination of discrimination in employment and occupation. • Legislation: Labour legislation is being revised in cooperation with ILO.
		Basic legal provisions	(i) The Preamble of the Constitution; (ii) The Constitution, articles 15, 17 and 18; and (iii) Collective agreements.
		Grounds of discrimination	2006 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/color, sex, religion, political opinion and place of birth and disability. Under section 15(4) of the national Constitution, the expression "discriminatory" means affording different treatment to different persons, including persons subject to disabilities and restrictions, and excluding them from privileges or advantages on grounds of race, place of origin, political opinions, colour, creed or sex.
		Judicial decisions	NIL.
	Exercise of the principle and right	Special attention to particular situations	NIL.
		Information/ Data collection and dissemination	2006 AR: The Government mentioned that a National Analysis on Women, Youth and Children had been finalized in 2004. It, however, requested the ILO assistance for the collection of statistics and information relevant to the elimination of discrimination in employment and occupation.
	Prevention/monitoring, enforcement and sanction mechanisms	2012 AR: The Government indicated that labour inspections were being carried out to monitor the implementation of the PR, but no cases of discrimination were reported. 2009 AR: According to the Government: A Principal Labour Officer has just been recruited by the Ministry of Labour. He is in charge of following up the application of international labour standards, including issues pertaining to the PR. 2006 AR: According to Government: Specific measures have been implemented or are envisaged to respect, promote and realize the PR. In instances where the Government finds that the principle has not been respected, the Government provides advice to the offending party and a mutual agreement is found.	

	Involvement of the social partners	<p>YES.</p> <p>2012 AR: The Government indicated that employers' and workers' organizations were involved in the labour law reform process.</p> <p>2006 AR: According to the Government: A labour law reform is being initiated in association with the social partners.</p>	
	Promotional activities	Institutions to promote equality	<p>2008 AR: According to the Government and the SICCI: A new Ministry of Women, Youth and Children Affairs has been established.</p> <p>2006 AR: According to the Government: There is no special machinery or body in relation to the PR. However, the Government requested ILO assistance in designing such machinery.</p>
		Other activities	<p>2012 AR: According to the Government: A tripartite National Labour Advisory Board (NLAB) has been set up since 2010, and will be operational by 2012 as it is also a government priority. National laws are currently being reviewed, in consultation with the employers' and workers' organizations, together with ILO's technical support, so as to bring them into compliance with the Declaration's principles and rights. In terms of operational activities, weekly government awareness-raising radio programmes (15 minutes) on labour standards, including the fundamental principles and rights at work (FPRW) are being organized by the Government since 2009, except for 2011, due to budget constraints. Awareness raising activities are also organized on May 1st, in cooperation with employers' and workers' organizations. In terms of training, the Labour Department and the employers' and workers' organizations have been sensitized on the FPRW and reporting issues during a mission of an ILO official in September 2011.</p> <p>2009 AR: According to the Government: A Principal Labour Officer has just been recruited by the Ministry of Labour. He is in charge of following up the application of international labour standards, including issues pertaining to the PR.</p> <p>The SICTU indicated that it had organized different workshops in support of the ratification of C.100 and C.111.</p> <p>2008 AR: The SICCI stated that Labour Day celebrations are organized and awareness-raising campaigns are carried out on a regular basis through radio broadcasting.</p> <p>2006 AR: According to the Government: Specific measures have been implemented or are envisaged to respect, promote and realize this PR in the country. The PR is realized in a number of collective agreements, both in public and private sectors. In addition, a National Situation Analysis on Women, Youth and Children has been finalized in 2004. In instances where the Government finds that the principle has not been respected, measures are being taken in accordance of the Constitution, sections 17 and 18. Under the Constitution, any person whose fundamental rights or freedoms has been contravened may apply to High Court for redress and shall be entitled to compensation for the contravention thereof from the person or authority which contravened it.</p>
	Special initiatives/Progress	<p>2008 AR: The Government provided financial assistance for the national celebration of Labour Day. These activities included awareness-raising on the FPRW, including radio broadcasting. Furthermore, a weekly radio programme on the FPRW is organized.</p> <p>2006 AR: According to the Government: (i) the Government intends to ratify C.100 and C.111; and (ii) the Government is currently initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance of national laws with the provisions of C.100 and C.111.</p>	

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2012 AR: The representative employers' organizations (i.e., the SICCI, the SICA, the SIIBA, the SIWIBA, the ASIM and the SFA) mentioned a lack of tripartite capacity on standard-related issues (international and national labour standards and the FPRW).</p> <p>2008 AR: The SICCI indicated that the Government lacked capacity in the monitoring and enforcement of the law.</p> <p>2006 AR: According to the employers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <ul style="list-style-type: none"> – SFA: There is a concern as the realization of the PR in Solomon Islands, due to ethnicity, and other discriminations on grounds of race, sex and religion. The main difficulties encountered in realizing the PR in Solomon Islands are as follows: (i) lack of employment opportunities; (ii) lack of social dialogue; (iii) inadequate labour laws; and (iv) lack of public awareness. – SICA: (i) lack of adequate legislation; (ii) lack of information and data; (iii) lack of public awareness-raising on the PR; and (iv) lack of ILO support and technical cooperation programmes; – SIWIBA: (i) lack of information and data; (ii) social and economic circumstances; and (iii) forms of discrimination on grounds of race, religion and ethnicity; – SICCI: (i) forms of discrimination at workplace on grounds of gender; (ii) lack of adequate legislation; (iii) lack of information and data; lack of public awareness-raising on the PR; and (iv) lack of ILO support and technical cooperation programmes; – ASIM: (i) cultural discrimination; and (ii) lack of consistent and permanent education. – SIIBA: (i) discrimination is common in practice in this country, especially on grounds of ethnicity (the "one Tok system"), race and religion, inadequate legislation; (ii) inadequate legislation; (iii) inadequate enforcement of the legislation; (iv) lack of expertise and resources in the Labour Division; (v) lack of information and data collection; and (vi) lack of ILO support and technical cooperation programmes.
		Workers' organizations	<p>2012 AR: The representative workers' organizations (i.e., the SICTU, the SIPEU, the SINUW and the SINTA) mentioned a lack of tripartite capacity on standard-related issues (international and national labour standards and the FPRW).</p> <p>2009 AR: According to the SICTU: The ratification of C.100 and C.111 requires the review of the existing legislation.</p> <p>2008 AR: According to the SICTU and SINUW, the Solomon Islands faced ethnic conflicts from 1999 to 2004, which affected the whole country. Although this conflict is currently non-apparent, it still remains and needs to be addressed to improve the realization of the PR in the Solomon Islands.</p> <p>2006 AR: According to the workers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <ul style="list-style-type: none"> – SIPEU: (i) inadequate legislation; (ii) lack of information and data; (iii) lack of capacity of Government, employers' and workers' organizations; (iv) lack of social dialogue; and (v) lack of ratification of C.100 and C.111; – SINTA: (i) ethnicity, and other discriminations on grounds of race, sex and religion; (ii) social, cultural values and traditions; (iii) gender bias; (iv) inadequate legislation; (v) lack of information and data; (vi) lack of capacity of Government, employers' and workers' organizations; (vii) lack of social dialogue; and (viii) lack of public awareness on the PR;

	According to the Government	<ul style="list-style-type: none"> - SICTU and SINUW: (i) discrimination needs to be enforced in laws, practice and regulations; (ii) lack of information and data; (iii) social values (in particular discrimination based on sex and barriers to women’s employment); (iv) social and economic circumstances; and (v) there are reported cases of discrimination based on race, creed, following the ethnic conflicts. 	<p>2012 AR: The Government reiterated that the Labour Division lacked capacity to carry out its monitoring role, sensitize the employers’ and workers’ organizations and the public on the PR, and report effectively to the ILO.</p> <p>2008 AR: The Government reiterated the same challenges mentioned under the 2006 AR. Furthermore, there is a need to address the issue of domestic workers and women workers that are vulnerable and subject to discrimination, especially in access to employment). It further specifies that the Labour Division lacks the capacity to carry out its monitoring role, operate and report to the ILO.</p> <p>2006 AR: The main difficulties encountered in realizing the PR in the Solomon Islands are as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions (labour inspection, in particular); (ix) lack of capacity of employers’ organizations; (x) lack of capacity of workers’ organizations; and (xi) lack of social dialogue on the PR. Moreover, there is a need to address the issue of domestic workers and women workers that are vulnerable and subject to discrimination, especially in access to employment.</p>
TECHNICAL COOPERATION	Request		<p>2012 AR: The Government reiterated its request for ILO’s technical cooperation to strengthen the capacity of the Labour Division and employers’ and workers’ organizations on international labour standards and the FPRW. Public awareness raising should also be strengthened in this regard.</p> <p>The representative employers’ organizations (i.e., the SICCI, the SICA, the SIIBA, the SIWIBA, the ASIM and the SFA) and workers’ organizations (i.e., the SICTU, the SIPEU, the SINUW and the SINTA) made a common pledge to support the Government’s request and mentioned the following: There is a need for capacity building of the Labour Department and the employers’ and workers’ organizations on labour standard-related issues (international and national labour standards and the FPRW) in terms of content and effective application, taking into account the employers’ and workers’ rights.</p> <p>2009 AR: According to the Government, the ASIM and the SICTU: The ILO’s cooperation is needed to promote and realize the PR.</p> <p>2008 AR: According to the Government: The requests made under the 2006 AR remain valid. The Government again requests ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW. This will allow the Government and the employers’ and workers’ organization to draw a national plan of action to better realize the PR in Solomon Islands.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Solomon Islands, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; strengthening data collection and capacity for statistical analysis; legal reform (labour law and other relevant legislation); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration;(2) Awareness-raising, legal literacy and advocacy; capacity building of responsible government institutions; Strengthening capacity of employers’ organizations; strengthening capacity of workers’ organizations; establishing or strengthening specialized institutional machinery; cooperation between institutions (e.g. various ministries and relevant commissions); (3) Sharing of experiences across countries/regions.</p> <p>In addition, social dialogue, legal reform, monitoring and implementation of the PR are important steps to be addressed in Solomon Islands as soon as possible. ILO technical assistance would be welcomed in this respect, especially in the preparation (survey and validation seminar) and launching of a national Declaration Programme for Solomon Islands.</p>

		<p>All employers' and workers' organizations supported the Government's request for ILO technical cooperation, including the launch of an ILO Declaration Programme to facilitate the promotion and realization of the FPRW in Solomon Islands.</p> <p>According to the employers' organizations, the ILO technical cooperation would be necessary to assist in the realization of the PR in Solomon Islands in the following areas:</p> <ul style="list-style-type: none"> - SFA: (i) labour law reform; (ii) strengthening of social dialogue and (iii) public awareness-raising campaign to targeted groups and decision makers; - SICA and SICCI: (i) legal reform; (ii) data collection; and (iii) public awareness-raising on the PR; - SIWIBA: (i) education programmes; (ii) capacity building; and (iii) adequate coordination among social partners concerning the promotion and realization of the PR; - ASIM: public awareness-raising on the PR; - SIIBA: (i) legal reform; (ii) strengthening of the capacity building of Government and social partners; and (iii) public awareness raising; - SIPEU: (i) information and data collection; (ii) capacity building of employers' and workers' organizations on the PR; (iii) strengthening of social dialogue; and (iv) awareness-raising of the public on the PR and the negative aspects of child labour and its worst forms; - SINTA: (i) legal reform; (ii) information and data collection; (iii) capacity building of employers' and workers' organizations on the PR; (iv) strengthening of social dialogue; and (v) awareness-raising of targeted groups and decision makers; - SICTU and SINUW: fighting against all forms of discrimination in employment and occupation.
	Offer	ILO (including labour law reform and assistance in reporting under the 2006 AR), and CEDAW Programme (UNDP, UNIFEM, national NGOs, etc).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also noted the new report by Solomon Islands in cooperation with the ILO, and the intentions expressed by most governments, including the Government of Solomon Islands, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 12, 64, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from the Solomon Islands (and few other countries) that had never reported under the Declaration Annual Review (cf. paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Solomon Islands, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Solomon Islands and other countries that had never reported under the Declaration Annual Review (cf. paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4, and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	

**INTERNATIONAL LABOUR
CONFERENCE RESOLUTION**

2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: SOMALIA

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

REPORTING	Fulfilment of government's reporting obligations	YES, since the 2006 Annual Review (AR). But no change reports under the 2007 AR (national crisis) and the 2011 AR.	
	Involvement of employers' and workers' organizations in the reporting process	According to the Government: The Somalia Chamber of Commerce and Industry (SCCI has been established in January 2007. and the Somali Federation of Trade Union (SOFETU), composed by 16 trade unions, has been recognized by the Government in 2010. These social partners have been involved in the reporting process after their creation.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2010 AR: Observations by the SCCI.	
	Workers' organizations	2012 AR: Observations by the FESTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Somalia ratified in 1961 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not yet ratified Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	YES, since 2007, for C.100. 2012 AR: According to the Government: In view of easing ratification, a comprehensive review of labour laws will be undertaken once the country is out of the current crisis. The FESTU strongly supported the ratification of C.100, and recognized the current obstacles preventing the realization of the principle and right in the country. Ratification of C.100 is one of the main priorities of FETSU, as they recognize discrimination of women in Somalia as being serious and widespread. 2010 AR: The Government indicated its intention to ratify ILO Core conventions but only when the country is in a peaceful process and that new laws can be adopted. The SCCI supported fully the ratification of all core Conventions by Somalia and shared the Government's opinion that the ratification of any convention was difficult because of the political instability of the country.

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

		<p>2009 AR: The Government confirmed its intention to ratify all the ILO fundamental Conventions, including C.100, as soon as possible and with ILO's technical support.</p> <p>2008 AR: According to the Government: it is yet to receive the ILO technical assistance, which was requested in 2005. Once this technical guidance is received, the Government will start the ratification process in consultation with employers' and workers' organizations. The Government intends to ratify the ILO Fundamental Conventions, but lacks technical capacities.</p> <p>2006 AR: According to the Government: With a view to considering ratification of all ILO fundamental Conventions, the Government would appreciate receiving ILO technical assistance in organizing a national workshop on labour standards and the Declaration on Fundamental Principles and Rights at Work.</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES , articles 15 and 18.1 a) of the 2004 Somali Transitional Federal Charter (STFC) prohibit all forms of discrimination.
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> Policy: No, however: 2006 AR: The Government intended to adopt a national policy on the PR. Legislation: 2005 AR: The PR is recognized under Part I.3 of the Labour Code, Law no. 65 of 1972 that prohibits all forms of discrimination. Article 70 of the same text provides that equal remuneration shall be given for equal value, efficiency and duration.
	Basic legal provisions	(i) The 2004 Somali Transitional Federal Charter (STFC) (articles 15 and 18.1 a); and (ii) The Labour Code, 1972 (Part I.3 and section 70).
	Grounds of discrimination	C.111 is ratified.
	Judicial decisions	NIL.
Exercise of the principle and right	Special attention to particular situations	NO.
	Information/ Data collection and dissemination	NO.
Prevention/monitoring, enforcement and sanction mechanisms	NO.	
Involvement of the social partners	NIL.	

	Promotional activities	Institutions to promote equality	2008 AR: According to the Government: a Ministry of Women Affairs was created in 2005 with the intention of promoting gender equality.
		Other activities	2008 AR: A government official was trained on international labour standards and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre.
	Special initiatives/Progress	2012 AR: The Government indicated that equal employment opportunity for all was encouraged.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2010 AR: According to the SCCI: Peace and capacity challenges made it difficult to implement the PR in the country.
		Workers' organizations	2012 AR: The FESTU indicated challenges in the following areas: (i) lack of political will; (ii) lack of awareness campaign; and (iii) the political instability.
	According to the Government	<p>2012 AR: According to the Government: The political crisis, lack of skilled workers and low capacity of social partners make it difficult to realize the PR.</p> <p>2009-2010 ARs: The Government reiterated that peace and capacity challenges made it difficult to realize the PR in the country.</p> <p>2008 AR: According to the Government: The Government is endeavouring to establish total peace in the country. As a result of a long period of instability, the Government has no record for reference purpose. There is also a lack of technical personnel and financial means. This also goes for the employer's and worker's organizations that need training and capacity building. As regards the PR in particular, the Government reiterates the same challenges raised under the 2006 AR.</p> <p>2007 AR: The Government reported no change because of national difficult circumstances.</p> <p>2006 AR: The main difficulties encountered in realizing the PR in Somalia were as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' organizations; and (x) lack of capacity of workers' organizations.</p> <p>Moreover, there is a need to implement new national labour administration, new tripartite institutions and to ensure compliance of national laws and practice with the ILO Conventions following the national reconstruction process.</p>	
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: The ILO is needed for labour Laws reform and capacity building of tripartite partners.</p> <p>The FESTU requested the following technical support by the ILO: (i) build up the capacity building of government officials, employers and workers organizations; (ii) conduct awareness raising campaign and literacy; and (iii) training and sensitization workshops.</p> <p>2010 AR: According to the Government: ILO's technical assistance will be needed to train the responsible government institutions and strengthen government's building capacity when peace time comes. However, the ILO should maintain its activities in the country despite the war.</p> <p>The SCCI supported the Government's views and requested ILO's support in capacity building.</p> <p>2009 AR: The Government reiterated the requests for ILO technical cooperation made since the 2006 AR and expressed its interest in having an ILO Decent Work Country Programme developed in Somalia when national situation allows it.</p> <p>2008 AR: The Government reiterated the request for ILO technical cooperation made under the 2006 AR. It further reiterated its request for urgent ILO assistance for the realization of a country assessment followed by a national tripartite workshop on labour standards and the Declaration Follow-up.</p>	

		<p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Somalia, in particular in the following areas, in order of priority: (1) Capacity building of responsible government institutions; (2) Strengthening capacity of employers' organizations; (3) Strengthening capacity of workers' organizations; (4) Legal reform (labour law and other relevant legislation); (5) Strengthening data collection and capacity for statistical analysis; (6) Awareness-raising, legal literacy and advocacy; (7) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (8) Developing labour market policies that promote equality of opportunity; (9) Training of other officials (police, judiciary, social workers, teachers); (10) Developing policies regarding equal remuneration; (11) Establishing or strengthening specialized institutional machinery; (12) Cooperation between institutions (e.g. various ministries and relevant commissions); and (13) Sharing of experiences across countries/regions.</p> <p>Furthermore, after 15 years of civil war and political turmoil, in 2004, a Transitional Federal Parliament and Transitional Federal Government were formed in Nairobi, Kenya. The Government has launched a programme with the view to establish a new labour administration, new employers' and workers' organizations, new tripartite institutions, revised labour laws and new labour courts.</p> <p>In this historical and instrumental process for national peace, stability and reconstruction, the ILO assistance is most needed to enable the Government to apply the Convention in law and practice, and report accordingly. In view of considering the ratification of all ILO Fundamental Labour Conventions, the Government requests the organization of a national workshop on these standards and the Declaration, with ILO technical assistance.</p>
	Offer	ILO (including assistance in reporting under the 2006 AR).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Somalia, to ratify or consider ratification of Conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2006 AR: The IDEAs encouraged the Government of Somalia that had provided its first report under the Declaration to follow up and had expressed its willingness to ratify C.87 and C.98 (cf. paragraph 34 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from Somalia (and few other countries) that had never reported under the Declaration Annual Review (cf. paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Somalia, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Somalia and other countries that had never reported under the Declaration Annual Review (cf. paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4 and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: SURINAME

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

REPORTING	Fulfilment of government's reporting obligations	YES, except for the 2002 and 2011 Annual Reviews (ARs).	
	Involvement of employers' and workers organizations in the reporting process	YES, according to the Government: Involvement of employers' organizations (the Vereniging Surinaams Bedrijfsleven (VSB); the Associatie van Surinaamse Fabrikanten (ASFA) and workers' organizations (the Federation of Labour Unions in Suriname (RAVAKSUR); the Centrale van Landsdienaren Organisatie (CLO); the Federatie van Agrariërs en Landarbeiders (FAL); the Progressieve Werknemers Organisatie (PWO); the Organisatie van Samenwerkende Autonome Vakbonden (OSAV); the Progressieve Vkcentrale C-47 (C-47); and the Algemeen Verbond Van. Vakverenigingen in Suriname (AVVS) by means of consultations and communication of the Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	2012 AR: Observations by the CLO. Observations by the RAVAKSUR. 2010 AR: Observations by the AVVS. 2009 AR: Observations by the RAVAKSUR. 2008 AR: Observations by the CLO.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Suriname has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	YES, since 2002, for C.100 and C.111. 2012 AR: According to the Government: There is a strong consensus among the tripartite partners for the ratification of all none ratified fundamental Conventions by Suriname, including C.100 and C.111. The CLO mentioned that there was no need for legislation or ratification of C.100 and C.111, as it has not identified discrimination as a problem in labour market activities in Suriname. 2009 AR: The Government indicated its support to the ratification of C.100 and C.111 and stated that a reform of the national laws was needed. The RAVAKSUR stated its support to the ratification of these instruments.

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

		<p>2008 AR: The Government indicated that once the labour law review on job classification and minimum wage is completed, the Council of Ministers would review the previous memos regarding the ratification of C.100 and C.111.</p> <p>The CLO expressed its support to the ratification of C.100.</p> <p>2003 AR: According to the Government: Ratification of C.100 and C.111 were being envisaged.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic provisions)</p>	<p>Constitution</p>	<p>Under article 8, paragraph 2, of the 1987 Constitution of Suriname, discrimination on grounds of birth, sex, race, language, religion, education, political beliefs, economic position or any other status is prohibited. The Constitution (article 27, paragraph 1(c)) also provides for the right to work maximally by guaranteeing equal opportunity in the choice of profession and type of work and forbidding that access to any function or profession be prevented on grounds sex. Moreover, article 28 of the Constitution guarantees to all employees, irrespective of age, sex, race, nationality, religion or political opinion, the right to: (i) Remuneration for their work corresponding to quantity, type, quality and experience on the basis of equal pay for equal work; (ii) The performance of their task under humane conditions; (iii) Safe and healthy working conditions; and (iv) Sufficient rest and recreation.</p>
	<p>Policy, legislation and/or regulations</p>	<p>YES.</p> <p>The PR is recognized, but not defined in legislation. However, clauses in collective bargaining agreements provide for non-discrimination.</p> <ul style="list-style-type: none"> • Policy: 2003 AR: There is a national policy concerning the elimination of discrimination in respect of employment and occupation, which aimed at ensuring equality of life for everyone, through a continuing reform of the current legal system. • Legislation: section 12, paragraph 1, of the General Decree A-11 (S.B. 1982, No. 53) provides for equal remuneration of workers, regardless of race. • Regulations: the General Decree A-11 of 1982.
	<p>Basic legal provisions</p>	<p>(i) The Constitution, 1987 (articles 8, 27 and 28); (ii) the Labour Law; and (iii) the General Decree A-11 of 1982.</p>
	<p>Grounds of discrimination</p>	<p>2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.</p>
	<p>Judicial decisions</p>	<p>NO.</p> <p>According to the Government: The principle and right (PR) is recognized, but not defined in judicial decisions.</p>
<p>Exercise of the principle and right</p>	<p>Special attention to particular situations</p>	<p>NIL.</p>

		Information/ Data collection and dissemination	2003-2005 ARs: According to the Government: There is no information and data on the PR. However, any ILO assistance in this respect would be appreciated.
	Prevention/monitoring, enforcement and sanctions mechanisms	<p>2008 AR: According to the Government: Labour inspections are being undertaken and complaint procedures have also been made available. Moreover, a minimum wage system will be set up shortly with the aim to eradicate poverty and achieve equality of treatment between men and women.</p> <p>2003-2005 ARs: According to the Government: The PR is implemented through the Gender Bureau of the Ministry of Internal Affairs' activities. The Bureau is used as machinery to combat discrimination against women and perform monitoring and consultative tasks. The following committees also have a role to play: (i) Committee on the Elimination of Discrimination Against Women which deals with the rights of women workers; (ii) the Foundation "Stop Violence Against Women" and other women's organizations; and (iii) the Organization for Haitians, which focuses on migrant workers.</p>	
	Involvement of the social partners	<p>2012 AR: The CLO and the RAVAKSUR indicated that employers' and workers' organizations had participated, within the Labour Advice Group and the Social Economic Advice Group, in the implementation and realization of the principle and right in Suriname.</p> <p>2004 AR: According to the Government: Employers' and workers' organizations have been involved in the development and implementation of governmental measures in relation to the elimination of discrimination in employment and occupation. In this respect, the representatives of the employers' and workers' organizations had the possibility of making suggestions within the Labour Advisory Board. In its policy-making, the Government kept these suggestions in mind and applied them, where necessary.</p> <p>Furthermore, activities sponsored by the social partners have been organized by women's employers and workers' organizations, and workers education activities have been conducted at the Suriname Labour College.</p>	
	Promotional activities	Institutions to promote equality:	According to the Government: (i) The Gender Bureau of the Ministry of Home Affairs; (ii) the Commission on Gender Regulations (established in 2000) with the main objective of screening of the labour legislation on issues that concern discriminatory conditions against women; and (iii) the Labour Advisory Board.
		Other activities:	<p>2012 AR: According to the Government: A national tripartite seminar on sexual harassment, equality of treatment and decent work was organized in March/April 2011.</p> <p>2010 AR: According to the Government: A seminar on the elaboration OF THE Minimum Wage System was held in March 2009 in collaboration with the ILO. A Senior Officer of the Ministry of Labour participated for the first time in the March 2009 ILO/Turin Course on International Labour Standards during which issues concerning the Declaration and its follow-up had been addressed, including those relating to C.100 and C.111. In addition, a tripartite committee on the minimum wage has been set up in February 2009. Its conclusions have been submitted to the Minister of Labour, but no clear cut solution has been established.</p> <p>The AVVS indicated that awareness raising campaigns on the PR were organized across the country.</p> <p>2009 AR: The Government stated that it had supported the awareness-raising campaign on sexual harassment organized by RAVAKSUR and NGOs.</p> <p>The RAVAKSUR confirmed that it had organized, together with NGOs, an awareness-raising campaign supported by the Government.</p>

			<p>2008 AR: The Government indicated that a seminar would be organized in August 2007 in collaboration with the ILO Caribbean Office in Trinidad in order to assist Suriname in the elaboration of the Minimum Wage System.</p> <p>The CLO indicated that it had organized several workshops in order to train the workers in the agricultural sector.</p> <p>2004 AR: According to the Government: A Commission on Gender Regulations had been established with the main objective of screening of labour legislation on issues that concern discriminatory conditions against women.</p> <p>2000 AR: According to the Government: The policy of the Government was aimed at guaranteeing equal quality of life for everyone, especially women. In addition, information was disseminated to the public through the Labour Inspection arm of the Ministry of Labour, the Government introduced literacy programmes, and there has been continuing reform of the educational system to reduce and remove social inequality. Measures taken to promote respect for this PR include vocational training and the provision of public information by the Ministry of Labour.</p>
	Special initiatives/Progress		2006 AR: The Government of Suriname reported that it was considering the possibility of setting up a system of minimum wages in collaboration with the social partners.
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL.
		Workers' organizations	<p>2010 AR: According to the AVVVS: The main challenge for Suriname is the lack of capacity of the employers' and workers' organisations, in particular for the Social Economic Advisory Group.</p> <p>2009 AR: The RAVAKSUR indicated that recent changes in the law made it difficult for the implementation of C.100 and C.111 in the informal economy.</p>
	According to the Government	<p>2012 AR: According to the Government: The lack of minimum wage system makes it difficult to realize the PR in Suriname.</p> <p>2010 AR: According to the Government: The main challenge for Suriname is the need to implement a minimum wage policy and to determine a clear classification of the salaries in the country. Moreover, the understanding of the technical aspect of the C.100 (job evaluation mechanism) is another challenge for the Government.</p> <p>2009 AR: According to the Government: The legislation needs revision to include sexual harassment as a component of discrimination, and equality in remuneration and job classification are essential for the implementation of C.100 and C.111.</p> <p>2008 AR: According to the Government: Women are still not sufficiently aware about the issue of discrimination in respect of employment and remuneration. Comprehensive policies should therefore be elaborated in this respect.</p> <p>2003-2005 ARs: According to the Government: The main difficulties encountered in relation to this PR are as follows: (1) social and economic circumstances (bureaucracy, small budget of the Ministry of Labour, Technological Development and Environment); (2) lack of information and data (there is insufficient data on women workers in rural areas and in the informal sector regarding wages and unemployment); (3) legal provisions (modernization of the labour laws); and (4) lack of social dialogue on this principle (within the Labour Advisory Board, the Government and social partners have not yet fully discussed this issue).</p>	

TECHNICAL COOPERATION	Request	<p>2010 AR: The Government requests urgently the ILO to organize a workshop on the Declaration's follow-up in Suriname so as to help facilitate the ratification process of C.100 and C.111.</p> <p>2010 AR: According to the Government: There is a need for ILO's technical cooperation in the following areas: (i) capacity building of responsible Government's institutions; (ii) legal reform; (iii) developing policies regarding the minimum wage; (iii) implementation of the minimum wage and a job analysis mechanism; (iv) awareness-raising campaign.</p> <p>The AVVS stated that ILO's technical cooperation is needed in the following areas: (i) capacity building of the employers' and workers' organizations; (ii) training of the responsible government institutions on the PR; (iii) poverty eradication with the help of ILO and other UN organisations; and (iv) awareness raising campaign on the PR.</p> <p>2009 AR: The Government indicated that ILO's technical cooperation was needed in the review of labour laws regarding discrimination.</p> <p>The RAVAKSUR stated that ILO's technical cooperation was needed to develop structures that reflect the issues of discrimination in compliance with C.100 and C.111.</p> <p>2008 AR: The Government requested ILO technical assistance for a country assessment on the Declaration Follow-up and in providing training for women in the workplace.</p> <p>The CLO stated that ILO support was needed for awareness-raising campaigns and examples of best practices.</p> <p>2003-2005 ARs: According to the Government, ILO technical cooperation was needed to facilitate the realization of the principle of non-discrimination, in the following order of priority: (1) developing policies regarding equal remuneration; (2) developing labour market policies that promote equality of opportunity; and (3) assessment in collaboration with the ILO regarding the difficulties identified and their implications for realizing the PR.</p>
	Offer	NIL.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Suriname, to ratify or consider ratification of Conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: THAILAND

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

REPORTING	Fulfilment of government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000.
	Involvement of employers' and workers' organizations in the reporting process	YES , according to Government: Involvement of the employers' (Employers' Confederation of Thailand (ECOT); the Employers' Confederation of Thai Trade and Industry (ECONTHAI); Confederation of Thai International Employers (CTIE)) and workers' organizations (the Confederation of Thai Labour (CTL); the National Congress of Thai Labour (NCTL); the Labour Congress of Thailand (LCT); the National Free Labour Union Congress (NFLUC); the State Enterprise Workers' Federation of Thailand (SEWFOT); the State Enterprises Workers' Relations Confederation (SERC); and Thai Trade Union Congress (TTUC)) through consultations and communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the ECOT. 2010 AR: Observations by the CTIE. 2008 AR: Observations by the ECONTHAI. 2007 AR: Observations by the ECOT. 2004 AR: Observations by the ECONTHAI. 2003 AR: Observations by the ECOT.

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

	Workers' organizations	<p>2012 AR: Observations by the NCTL. Observations by the SERC. Observations by the CTL. Observations by the TTUC.</p> <p>2011 AR: Observations by the NCTL.</p> <p>2010 AR: Observations by the NCTL. Observations by the NFLUC. Observations by the SEWFOT.</p> <p>2009 AR: Observations by the NCTL.</p> <p>2008 AR: Observations by the NCTL.</p> <p>2007 AR: Observations by the NCTL.</p> <p>2005 AR: Observations by the NCTL.</p> <p>2002 AR: Observations by the NCTL.</p> <p>2001 AR: Observations by the World Confederation of Labour (WCL).</p>	
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Ratification</p>	<p>Ratification status</p>	<p>Thailand ratified in 1999 the Equal Remuneration Convention, 1951 (No. 100) (C.100). However, it has not yet ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</p>
		<p>Ratification intention</p>	<p>Under consideration since 2009 for C.111.</p> <p>The ECOT expressed their support to the ratification of C.111.</p> <p>The NCTL, the SERC, the CTL and the TTUC jointly indicated their support to the ratification of C.111.</p> <p>2011 AR: According to the Government: The ILO must be involved in working on the preliminary research on the feasibility of C.111.</p> <p>According to the NCTL: The Government should support more research on C.111</p> <p>2010 AR: According to the Government: A tripartite committee has been set up to study the feasibility of C.111 by Thailand. Furthermore, the establishment of a Decent Work Country Programme can accelerate the ratification process through ILO's expertise.</p> <p>The NFLUC and the SEWFOT expressed their full support to the ratification of C.111 by Thailand. However, they considered that Thailand need time to ratify this instrument because of the large numbers of unskilled workers.</p> <p>2009 AR: The NCTL reiterated its support to the ratification of C.111 by Thailand.</p> <p>2008 AR: The ECONTHAI and the NCTL indicated their support to ratification of C.111 by Thailand.</p> <p>2007 AR: The ECOT expressed its support for ratification of C.111 by Thailand.</p> <p>2004 AR: According to the Government: The major duties of the Department of Labour Protection and Welfare are to develop national labour standards in accordance with International Labour Standards (ILS), including the principle and right (PR).</p> <p>2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.111.</p>

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES.</p> <p>The Constitution of the Kingdom of Thailand B.E. 2550 (2007), Part II, article 30, provides that all persons are equal before the law and shall enjoy equal protection under the law, irrespective of their sex. Moreover, Part IV, article 80(1), of the same text provides that the State shall protect and develop children and youth, promote gender equality, and sustain families and communities.</p>
		Policy/Legislation and/or Regulations	<ul style="list-style-type: none"> • Policy: <p>2012 AR: According to the Government: A Sub-Committee of the Elimination of Discrimination against Persons with Disabilities (SCEDPD) has been created regarding the elimination of discrimination in the following fields: (i) employment and vocation; (ii) education products and services; (iii) building facility and transportation; (iv) social services; (v) membership of association, club, group and access to policy, plan and program; (vi) access to information and technology; and (vii) violation of rights or inaccessibility to rights in general. In addition, the Merit Protection Commission (MSPC) has been established to deal with matters concerning the preservation of the merit system.</p> <p>2011 AR: According to the Government: The Government is implementing a Four-Year Plan (B.E. 2551-2554) which includes measures and activities regarding the elimination of discrimination such as: (i) regular support and consistent training to broaden knowledge and skills of concerned personnel; (ii) campaign to promote the rights of women workers; (iii) project promotion and development of network protection; (iv) labour inspection’s monitoring in establishments hiring migrant workers; and publication of brochures on the rights and duties of employers and workers under the Labour Protection Act B.E. 2541 in Thai and foreign languages (English, Burmese, Laos and Cambodian). Furthermore, the National Commission on the Promotion and Coordination of Women’s Affairs has been restructured from the Thai National Commission on Women’s Affairs and Family Development. This Commission deals with policies, strategies and national plans on the promotion and coordination of women’s affairs and its decisions are submitted directly to the Cabinet for approval.</p> <p>2010 AR: According to the Government: The Strategic Plan concerning Women’s Development under the Tenth National Economic and Social Development Plan (2007-2011) has been formulated and seeks to focus on changing attitudes of Thai Society towards gender equality, while continuing to build women’s capacity. This strategic plan is used as a guideline to promote gender equality and women’s advancement in all line ministries.</p> <ul style="list-style-type: none"> • Legislation: <p>(i) The Labour Protection Acts No.1 B.E. 2541 (1998) and Nos. 2 and 3 B.E. 2551 (2008) include human rights principles and intend to eliminate discrimination in respect of employment and occupation, including issues regarding migrant workers, and address the PR and (chapter 8, sections 199-200); (ii) The Promotion and Quality of Disabled Life Development Act B.E 2550 (2007) also contains provisions (sections 20 and 33 concerning disabled persons) in relation with C.111; (iii) A Bill on “Equal Opportunity Promotion” is undergoing the legislative procedure; (iv) A Bill on Gender Equality has been approved by the Cabinet and is being reviewed by the Legal Office; (v) The Civil Service Act, B.E.2551 (2008) section 42, deals with discrimination in the public service; and (vi) The Persons with Disabilities’ Empowerment Act B.E. 2550 (A.D. 2007)</p>

		<ul style="list-style-type: none"> • Regulations: 2011 AR: According to the Government: The Cabinet approved the Draft Ministerial Regulation proposed by the Ministry of Labour to increase the quota of employees with disabilities in workplaces from 0.5 per cent (200:1) to 1 per cent (100:1). The Regulation will be effective within 180 days after the day it is announced in the Royal Gazette in order to allow employees, entrepreneurs and government agencies some time to adapt their workplace setting to become accessible for persons with disabilities. Moreover, on June 11th, 2009, the National Committee for Empowerment of Persons with Disabilities issued a Regulation concerning sign language interpretation services, which, inter alia, has entitled persons with hearing impairment to have access to sign language interpretation services in respect of job application and occupational coordination. 	
	Basic legal provisions	(i) The 2007 Constitution (article 30); (ii) the Labour Protection Act B.E 2541 (1998), chapter 8, sections 199-200; (iii) the Disabled Act of 1991.	
	Grounds of discrimination	<p>AR 2011: According to the Government: The Gender Equality Bill that has been drafted since 2006 and has been approved by the Cabinet is currently being reviewed by the Legal Office. This Bill defines the word “discrimination” and aims at protecting those who suffer from inequality in employment, occupation, education, training and access to public facilities or services. It further establishes legal procedure, committee on hearing the complaint, as well as remedy fund.</p> <p>2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of sex, religion, political opinion, national extraction and social origin.</p>	
	Judicial decisions	NIL.	
	Exercise of the principle and right	Special attention to particular situations	<p>2011 AR: According to the Government: Since September 28th 2009, the Civil Servants’ Regulations on Sexual Harassment have been enforced. The Government has initiated various activities such as E-training system and community distance learning centres to promote women’s capacity to cope with the changing economy, in particular through their skill development. Furthermore, a special fund has been devoted to protect and empower people with disabilities and promoted related welfare services.</p> <p>2000-2003 ARs: According to the Government: Women.</p>
		Information/ Data collection and dissemination	NIL.
	Prevention/monitoring, enforcement and sanctions mechanisms	<p>2012 AR: According to the Government: The Ministry of Labour has a new policy to eliminate discrimination against illegal migrant workers by legalizing the present illegal migrants. The registration process allow these workers to work temporarily in Thailand and be treated equally under the Thai labour law without being discriminated.</p> <p>2011 AR: According to the Government: The Government has issued the Labour Inspection Guidelines in order to prevent and protect workers operating in establishment involving occupational risks such as those hiring migrant workers or contract labourers, but also construction industries as well as some types of business and certain small establishments.</p>	

			<p>2006 AR: According to the Government: Employment services provided to the public by the Department of Employment, Ministry of Labour are free of charge and without discrimination. In providing such services, the department will consider job seekers' education level and experience to match the employers' requirements for job vacancies. However, the success of job placement depends on the satisfaction of employers upon the applicants' qualifications. As regard self-employment promotion, the services provided by the Department of Employment is on an equal basis, with the objective of enhancing employability and entrepreneurial skills.</p> <p>2003 AR: According to the Government: The Labour Department plays a monitoring/inspection, enforcement and defence role for the realization of this PR.</p>
	<p>Involvement of the social partners</p>		<p>2003 AR: According to Government: The employers' and workers' organizations have been involved in the establishment of a Remuneration Committee.</p>
	<p>Promotional activities</p>	<p>Institutions to promote equality</p>	<p>2012 AR: According to the Government: A Sub-Committee of the Elimination of Discrimination against Persons with Disabilities (SCEDPD) has been created. Its members are designated by the Prime Minister and the Disability Discrimination Petition Center. The SCEDPD main aim is to coordinate with concerned entities to eliminate discrimination in the following fields: (i) employment and vocation; (ii) education products and services; (iii) building facility and transportation; (iv) social services; (v) membership of association, club, group and access to policy, plan and program; (vi) access to information and technology; and (vii) violation of rights or inaccessibility to rights in general. In addition, the Merit Protection Commission (MSPC) has been established to deal with matters concerning the preservation of the merit system and submit proposal to the Civil Service Commission regarding appeals, complaints and appointment of qualified persons. Moreover, the National Office for Employment of Disabled People (NEP) has participated in the implementation of measures concerning employment for persons with disabilities.</p> <p>2010 AR: According to the Government: The National Commission on the Promotion and Coordination of Women's Affairs (NCPCWA) has been restructured from the Thai national Commission on Women's Affairs and Family Development. This Committee is chaired by the Prime Minister, or Deputy prime Minister designated by the Prime Minister and has 15 subcommittees and 11 experts in the fields of economics, social sciences, culture, protection of women's human rights, gender equality promotion, communication, healthcare and law. Policies, strategies and national plans on the promotion and coordination of women's affairs considered by the NCPCWA are to be submitted directly to the Cabinet for approval.</p> <p>2009 AR: According to the Government: A tripartite committee has been established to protect labour, equality and welfare of workers.</p>

		<p>2007 AR: According to the Government: The Ministry of Social Development and Human Security has taken the following steps:</p> <ul style="list-style-type: none"> • Drafting the Bill of “Promoting Equal Opportunity” to eliminate discrimination against women. The Bill aims to protect not only women, but also all target groups specified in the Constitutional Law of Thailand B.E.2540 (1997), who suffer from inequality of opportunity at work, education, training and access to public facilities or services. Moreover, it defines the word “discrimination” and sets up a procedure of legal complaint, an authority of concerned agencies and discrimination remedy fund. As a result, active discrimination against women and other target groups will be eliminated and they will have equal opportunity to obtain the necessary development and live with human dignity. At the moment, the Draft Bill is undergoing the legislative procedure; and • Drafting the Women Development Plan in accordance with the 10th National Economic and Social Development Plan (2007-2011) to create social equality and eliminate all unequal treatment, including employment, for women. Consequently, women and men will be treated equally. For instance, women will be able to have access to available benefits and developments to the same extent as men and with the same human dignity. This Draft Plan is also undergoing the legislative procedure. <p>The Ministry of Labour and Social Welfare and the Offices of Women’s Affairs and Family Development are the institutions responsible for the promotion of the PR in the country.</p>	
		<p>Other activities:</p>	<p>2011 AR: According to the Government: Various government trainings have been conducted for officials, civil society, and specific target groups on equal rights, gender and integrating gender into their work. In addition, the promotion of employment for people in all sectors and vulnerable groups, including woman and disabled, has been developed.</p> <p>2010 AR: According to the Government: The Office of Women’s Affairs and Family Development of the Ministry of Social development and Human Security has taken the following steps: (i) 2009 Restructuring of the National Commission to promote gender equality; (ii) 2007 and 2008: Formulation of Strategic Plans for Women’s Development under the Tenth National Economic and Social development Plan (2007-2011). These plans focus on changing attitudes of Thai society towards gender equality, while continuing to strengthen women’s capacity so as to enable them to develop their full potentials as actors and beneficiaries of national development. They aim at mobilize all stakeholders in: (i) achieving better respect for human integrity and gender equality among children, youth, women and men; (ii) increasing the number of women in administration and politics; (iii) improving women’s participation in health policy formulation and promoting access to quality health care and reproductive health services; (iv) decreasing significantly the cases of violence against women, while improving access to resources and services when such cases occur; and (v) creating enabling conditions for improved participation of women in the economy and benefit sharing.</p> <p>The NCTL mentioned that it has provided lawyers for workers who are discriminated in their working places, and had brought cases to labour courts.</p> <p>2009 AR: According to the Government: (i) companies are encouraged to employ preferentially individuals with special needs; and (ii) migrant workers are encouraged to develop their skills using the education system that is free and reflects their labour needs.</p>

			<p>2008 AR: According to the NCTL: It has launched a campaign to claim an equal remuneration of both wages and allowances between workers employed in contracting enterprises and workers operating in sub-contracting enterprises. It also indicates that several activities were organized in each of the 76 provinces of the country and that labour inspections are carried out on a regular basis.</p> <p>2007 AR: According to the ECOT: Some training courses have been developed on the PR in Thailand.</p> <p>2003-2005 ARs: According to the Government: The Ministry of Labour and Social Welfare undertakes labour education programmes to create awareness among employers and to enforce the legal provisions in relation to the PR. The Offices of Women’s Affairs and Family Development is responsible of the gender aspects of discrimination in employment and occupation.</p> <p>According to the ECOT: The PR applies to all categories of workers, including migrant workers. The Commission on Women's Affairs (NCWA) is responsible for promoting gender equality.</p> <p>2002 AR: According to the Government: The Department of Labour Protection and Welfare (DLPW) aims at promoting equal treatment between men and women in the field of remuneration and strives to empower women.</p> <p>2001 AR: According to Government: The Ministry of Labour and Social Welfare had a range of programmes and services as regards promoting employment, labour inspection and welfare of women workers.</p>
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Special initiatives/Progress</p>		<p>2011 AR: According to the Government: The line ministries and the Office of Women’s Affairs and Family Development (OWAFD) have combined their effort to strengthen for the capacity building of their officials in terms of knowledge on reproductive gender, women’s rights and reproductive health so as to prohibit and eliminate unfair treatment. Moreover, the Fund for the Empowerment of Persons With Disabilities has been established to serve as a fund for expenditure on protection and empowerment of persons with disabilities and promotion of welfare services. Self-employed persons with disabilities or those who would like to become an entrepreneur are entitled to an interest-free loan of up to 40,000 baht (i.e. US\$1,310 as of 15/01/2011)/person with a five-year payback period. In 2010, the total budget of 185,570,562 baht (i.e. US\$6,086,400 as of 15/01/2011) was allocated from the Fund to support 6,722 disabled clients.</p> <p>2010 AR: According to the Government: Since 2004, focal points are being established for gender equality together with monitoring mechanisms to measure progress in implementation and capacity building for gender mainstreaming. In this regard, Chiefs for Gender Equality Promotion (CGEP) at the ministerial level and Gender Focal Points (GFPs) at the departmental level have been created in all line ministries in Thailand, in accordance with a Cabinet Resolution of 31st July 2009. At present, 131 CGEPs and GFPs have been appointed to promote gender equality in the public sector by means of developing a relevant master plan, while the Office for Women’s Affairs and Family Development (OWAFD) of the Ministry of Social development and Human Security functions as the focal point to promote coordination within the implementation of the Plan. Success in the in gender equality has been achieved by means of promoting sound knowledge for CGEPs and GFPs, especially in respect of gender analysis, gender integration, collection of aggregated data on sex, and promoting women’s participation and new issues such as gender budgeting.</p> <p>2005 AR: According to the Government: The adoption of the practical guidelines on the Prevention and Management of AIDS in the establishments in 2004.</p> <p>2004 AR: According to the Government: The introduction of “Advisers for Woman Employees at the Workplace” in the Thai Labour Standard (Voluntary Measure) in April 2003.</p> <p>2003 AR: According to the Government: An action plan was adopted in November 2001 to promote labour standards in the export processing zones, awareness-raising activities and vocational training programmes for women.</p> <p>According to the ECOT: Campaigns aimed at encouraging women’s participation in the village fund program can be considered as a successful initiative in relation to the PR.</p>

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2012 AR: According to the ECOT: Ratification of C.111 has been off the table during a period of time, and there are currently no ongoing discussions on a national level about the ratification.</p> <p>2010 AR: The CTIE mentioned the lack of skilled and educated workers in the country.</p> <p>2008 AR: The ECONTHAI indicated that discrimination can only be observed in small enterprises.</p> <p>2007 AR: According to the ECOT: There is a lack of data on the PR.</p>
		Workers' organizations	<p>2012 AR: The NCTL, the SERC, the CTL and the TTUC jointly expressed a lack of adequate knowledge about the content of the C.111, hampering them to move ahead with the ratification process.</p> <p>2011 AR: According to the NCTL: The problem of migrant workers should be solved, especially as regards the issues of unfair treatment and discrimination. Also, further research needs to be carried out on gender equality, sexual harassment, disability, and aging society, with government support under budget year 2011.</p> <p>2010 AR: The NFLUC and the SEWFOT also mentioned the lack of skilled and educated workers in the country.</p> <p>According to the NCTL: More cases of discrimination are noted at the workplace, especially on sexual harassment, and there are no official experts from the Government to handle the cases.</p> <p>2008 AR: The NCTL indicated that the issue of discrimination in employment and occupation is not a serious matter in Thailand. Some cases can be found in small enterprises (less than 50 workers) or in family enterprises.</p> <p>2007 AR: According to the NCTL: Sex discrimination still exists as far as retirement age and promotion are concerned. Furthermore, sexual harassment is still present in the private and public sectors.</p> <p>2002 AR: According to the NCTL: Gender inequalities persist in the labour market.</p> <p>2001 AR: According to the WCL: (i) discriminatory barriers; (ii) large proportion of less educated; (iii) large concentration in lower qualified and under-paid jobs; (iv) lack of legal protection; (v) outsourcing as a means to avoid the provisions of minimum wage; (vi) absence of sanctions in case of violation of the right to maternity leave.</p>
	According to the Government		<p>2011 AR: According to the Government: Lack of public awareness is main challenge to realizing the PR in the country, in particular with attitudes and stereotype towards women. Even though, women are more welcome and face less difficulty in employment and occupation, the number of women in high position is still low. Therefore, Thailand has made a serious attempt to change attitude and promote gender equality such as the objectives of the Tenth Women's Development Plan. Charity based attitudes are still experienced in some sectors in Thailand, which is reflected in some policies and measures in respect of employment and occupation for persons with disabilities. Thus, campaigns to raise public awareness should be conducted to promote active participation of persons with disabilities and facilitate paradigm shift towards a rights-based approach.</p> <p>2010 AR: According to the Government: The challenge for the Government of Thailand is a better understanding of the PR and the interpretation of the different articles of the C.111.</p>

		<p>2004 AR: According to the Government: (i) lack of public awareness and/or support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' and workers' organizations; and (x) lack of social dialogue on this PR.</p> <p>2002 AR: In response to the NCTL's observations, the Government indicated that national laws and regulations should be endorsed in order to achieve equality in employment and occupation in accordance with the Constitution of 1997 and the 1998 Labour Relations Act.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2012 AR: The ECOT expressed the need for sensitization on the PR and sharing of experiences across countries/regions to better foresee the impact of the ratification of C.111 might have on the Thai labour market and labour relations.</p> <p>The NCTL, the SERC, the CTL and the TTUC jointly requested ILO technical cooperation in: (i) strengthening the capacity building of the tripartite partners; and (ii) organize workshops to help tripartite partners to better understand the principle and right and its ratification process.</p> <p>2011 AR: According to the Government: ILO assistance is needed in: (i) Conducting research on the implementation of C.111 including the analysis on the strength and weakness of the country; and (ii) Providing technical support in the area of gender integration into labour policies, plans and practices.</p> <p>2010 AR: The Government indicated that needs for technical cooperation to facilitate the realization of the PR in Thailand exist in the following area: (i) strengthening capacity of workers' organizations; (ii) strengthening tripartite social dialogue; (iii) legal reform (labour law and other relevant legislation); (iv) comparative study of Thailand's law and the ILS to know what kind of changes to be made; (v) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; and (vi) training of trainers.</p> <p>The NCTL requested ILO training on sexual harassment issues.</p> <p>According to the NFLUC and the SEWFOT: ILO's technical assistance is needed to help the country to organize the training of unskilled workers and increase economic efficiency.</p> <p>2009 AR: The Government indicated that the ILO's cooperation was needed on reporting procedures and obligations.</p> <p>2008 AR: The NCTL requested ILO technical support for the elaboration of training and awareness-raising programmes on the PR for workers.</p> <p>2007 AR: According to the ECOT: ILO technical and material support is needed for training on non-discrimination at the workplace.</p> <p>2005 AR: According to the Government: A need for ILO technical cooperation to facilitate the realization of the PR in Thailand exists in the following priority areas: (1) sharing of experiences across countries/regions; (2) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; awareness-raising, legal literacy and advocacy; strengthening data collection and capacity for statistical collection and analysis; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; training of other officials (e.g. police, judiciary, social workers, teachers); strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; establishing or strengthening specialized institutional machinery; coordination between institutions (e.g. various ministries and relevant commissions).</p> <p>According to the NCTL: ILO cooperation would be needed in order to strengthen the capacity of workers' organizations at both enterprise and national levels.</p> <p>2003 AR: According to the ECOT: Technical cooperation is needed, especially in strengthening capacity of employers' organizations and developing fair labour market policies.</p>

	Offer	ILO (labour law review).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Thailand, to ratify or consider ratification of Conventions Nos. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs complimented Thailand for its efforts in terms of research, advocacy activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms, and/or ratification, but in having (along with other four governments) given special attention to specific categories of workers or enterprises and encouraged the country to enhance its efforts in reducing and eliminating this type of discrimination (cf. paragraphs 13 and 270 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that despite receiving very late reports or observations, it had been possible to compile them so as to allow Thailand to be taken into account in this annual review. They nevertheless urged the country to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process (cf. paragraph 21 of the 2008 Annual Review Introduction – ILO: GB.289/4).</p> <p>2001 AR: The IDEAs appreciated efforts that Thailand made, compared to the previous year's review, with regard to the provision of more factual information, particularly in respect to sex-based discrimination (cf. paragraph 114 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2004-2012) ¹: TIMOR-LESTE

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

REPORTING	Fulfilment of government's reporting obligations	YES , since the 2006 Annual Review (AR), except under the 2007 AR. Timor-Leste joined the ILO in 2003.	
	Involvement of employers' and workers' organizations in the reporting process	YES , according to the Government: Involvement of Chamber of Commerce and Industry of Timor-Leste (CCI-TL), the Fórum dos Empresários/Câmara do Comércio de Timor-Leste (Employer's Forum/Chamber of Commerce of Timor-Leste. Employer's organization – resulted of the fusion of the main organizations in the country), the Konfederasaun dos Sindikatu de Timor-Leste (KSTL) (Timor-Leste Confederation of Trade Unions) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	NIL.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Timor-Leste has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, It ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in December 2002.
		Ratification intention	YES, in process since 2008 for both C.100 and C.111. 2012 AR: According to the Government: ILO technical support would be needed to develop the ratification process for C.100 and C.111. 2011 AR: The Government stated that it would pursue the initialization of the process for ratification of C.100 and C.111. However, it is likely to need the ILO technical support in this process. 2010 AR: The Government reiterated that it had developed a Plan for the ratification of the ILO fundamental Conventions, including C.100 and C.111. 2008-2009 ARs: According to the Government: ILO technical assistance is needed in order to understand better international labour standards (ILS) and the Declaration and a labour law review before the process of ratification of C.100 and C.111 can be initiated in Timor-Leste. However, a plan for ratification of the Core ILO Convention within the next 5 years has been developed. 2006 AR: There are no indications in the Government's report.

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

	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES. 2008-2009 ARs: The Government indicated the Part II of its Constitution entitled “Fundamental Rights, Duties, Freedoms and Guarantees” including the principle of non-discrimination in respect of employment and occupation. In its article 16, paragraphs 1 and 2, is foreseen: “1. <i>All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties.</i> 2. <i>No one shall be discriminated against on grounds of colour, race, marital status, gender, ethnical origin, language, social or economic status, political or ideological convictions, religion, education and physical or mental condition.</i>” Article 17 of the Timorese Constitution foresees also that “<i>Women and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life.</i>”</p>
		<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: 2006 AR: According to the Government: The national policy concerning the principle and right (PR) in Timor-Leste is set out under section 2 of the Labour Code. • Legislation: 2012 AR: According to the Government: The draft Labour Code approved by the Government in 2010, is currently before Parliament for a final approval expected in 2012, together with its promulgation by the President of the Republic. 2011 AR: According to the Government: The draft Labour Code approved by the Government in 2010, contains the main principles and rights foreseen in the C.100 and C.111 and promotes a non-discriminative attitude in respect of employment and occupation. Moreover, following the approval of the Decree-Law 19/2010 that established the General Labour Inspectorate, the Government has reaffirmed its philosophy by introducing the need of gender balance in recruitment of government officials. 2009 AR: According to the Government: The Labour Code (Regulation No. 2002/5), section 2, prohibits discrimination in employment and occupation defining that “Discrimination means any distinction, exclusion or preference based on race, colour, national extraction, sex, sexual orientation, maternity, family responsibility, religion, political opinion, social origin, health status including HIV and AIDS, disability, language or age which directly or indirectly nullifies or hinders equality of opportunity or treatment in access to training, access to jobs and terms and conditions of employment, but does not include specific requirements based on the inherent nature of the particular job;”. Section 9.4 states “<i>Discrimination in employment and occupation, in particular as regards equal Remuneration between women and men for work of equal value is hereby prohibited.</i>” However, there is no definition of “equal treatment” in the field of remuneration. Section 11.5 provides that “<i>Discrimination against workers carrying or perceived to be carrying the HIV or affected by AIDS shall be prohibited.</i>” Section 11.18 prescribes that “<i>Special measures may be taken by the Department to overcome discriminatory practices and perceptions that hinder the equal opportunities and treatment in access to training, access to jobs and terms and conditions of employment of any of the above categories of workers. Such measures shall be deemed not to be discriminatory.</i>” Moreover, the Decree-Law 29/2008 on the Employment and Vocational Training Fund (FEFOP) provides for the mandatory gender balance for the composition of the Administrative Council of FEFOP (section 6 (3)), and prohibits any discrimination on the grounds of <i>color, race, marital status gender, national extraction, language, social position or economic capacity, ideological or political opinion, religion and physical or mental condition.</i> And the Decree-Law 08/2008 on the Development of the Labour Force Institute (INDMO) provides for the mandatory gender balance of the composition of the Executive Commission of INDMO (section 4(2)).

		Basic legal provisions	The Labour Code, 2002 (sections 2, 9.4, 11.5 and 11.18).
		Grounds of discrimination	<p>2006 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction, social origin, and others (sexual orientation, maternity, family responsibility, health status – HIV/AIDS and disabled persons – language and age).</p> <p>Moreover, under section 2 of the Labour Code, discrimination means any distinction, exclusion or preference based on race, colour, national extraction, sex, sexual orientation, maternity, family responsibility, religion, political opinion, social origin, health status including HIV/AIDS, disability, language or age which directly or indirectly nullifies or hinders equality of opportunity or treatment in access to training, access to jobs and terms and conditions of employment, but does not include specific requirements based on the inherent nature of the particular job.</p>
		Judicial decisions	NIL.
Exercise of the principle and right		Special attention to particular situations	<p>2008-2009 ARs: Timor-Leste has two ethnic groups known as Lorosa'e (people from the East) and Loromonu (people from the West). The military crisis of 2006 was started due to accusations of discriminative practices against Loromonu people within the army forces. Therefore, since then a special attention has been taken to balance the implementation of programs to benefit both ethnics with job opportunities and participation in workshops and Seminars.</p> <p>2006 AR: According to the Government: Specific measures have been implemented or are envisaged to respect, promote and realize this principle and right in Timor-Leste, for the following category of workers: (i) workers in establishments of a certain size; (ii) workers in particular types of employment (for example, part-time, temporary); (iii) agricultural workers; (iv) workers in EPZs; and (v) migrant workers. Further similar measures are envisaged.</p> <p>Correcting the information reported in 2006, the Democratic Republic of Timor-Leste doesn't have any export processing zone (EPZ). Therefore, such information shall not be considered.</p>
		Information/ Data collection and dissemination	2006 AR: According to the Government: The Government collects statistics and information on a regular basis relevant to the elimination of discrimination in employment and occupation. Data on remuneration for women and men workers are gathered by labour inspectors from the Ministry of Labour.
		Prevention/monitoring, enforcement and sanction mechanisms	<p>2011 AR: According to the Government: Decree-Law 19/2010 has established the General Labour Inspectorate that has the mandate to monitor and enforce the application of the Labour Law.</p> <p>2006 AR: According to the Government: A National Labour Board has been established. Specific measures are envisaged to respect, promote and realize the PR.</p> <p>The Government has yet to find cases where the principle and right (PR) has not been respected.</p>
	Involvement of the social partners	YES.	2006 AR: According to the Government: There is a tripartite examination of issues. Employers' and workers' organizations have been involved in the development and implementation of government measures through their participation in the National Labour Board, which is the responsible Government institution for <i>inter alia</i> , policy advice and dispute settlement.

	Promotional activities	Institutions to promote equality	2009 AR: With the establishment of the IV Constitutional Government a Secretariat of State for Equality Promotion was created and many different actions has been taken by that Government Institution to promote equality in every sector of activity.
		Other activities	<p>2011 AR: According to the Government: The Government, through the Secretariat of State for Vocational Training and Employment (SEFOPE), has promoted a culture of non-discrimination on labour related legislation. Gender has been the main issue addressed in the legislation and recently, upon approval of the Decree-Law 19/2010 that established the General Labour Inspectorate, the Government has reaffirmed its philosophy by introducing the need of gender balance on recruiting staffs for this new Inspectorate as well as for the recruiting of new labour inspectors.</p> <p>2010 AR: According to the Government: A Senior Officer of the Ministry of Labour participated for the first time in the May 2009 ILO/Turin Course on International Labour Standards during which issues concerning the Declaration and its follow-up had been addressed, including those relating to C.100 and C.111.</p> <p>2009 AR: According to the Government: With Assistance of the ILO, a Seminar on “International Labour Standards” and on the “Declaration of Fundamental Principles and Rights at Work” was carried out in Timor-Leste from 29 to 31 October 2008. The Seminar had a massive participation of Government, Employers and Workers representatives.</p> <p>2008 AR: The Government indicated that a government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre.</p> <p>2007 AR: According to Government: Workshops and conferences were organized for the employers’ and workers’ representatives.</p>
	Special initiatives/Progress	<p>2012 AR: According to the Government: Special scholarship programmes are in place to support women’s higher education. Moreover, the Government is fighting against the inclusion of specific requirements in job advertisement which could involve indirect discrimination against women (for example, the requirement to wear pants at workplace).</p> <p>2011 AR: According to the Government: As mentioned above, the establishment of the new General Labour Inspectorate has resulted in an increase from 12.5 per cent to 22.22 per cent of women working as labour inspectors as a result of government initiative to promote gender balance in its departments and institutions.</p> <p>2010 AR: The Government stated that it had seriously tackled gender issues within the legal framework approved by the Council of Ministers and the National Parliament, and in particular through: (i) Decree-Law 29/2008 on the Employment and Vocational Training Fund (FEFOP) which provides for the mandatory gender balance for the composition of the Administrative Council of FEFOP (section 6 (3)), and prohibits any discrimination on the grounds of <i>color, race, marital status gender, national extraction, language, social position or economic capacity, ideological or political opinion, religion and physical or mental condition</i>; and (ii) Decree-Law 08/2008 on the Development of the Labour Force Institute (INDMO) which provides for the mandatory gender balance of the composition of the Executive Commission of INDMO (section 4(2)).</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers’ organizations	NIL.
		Workers’ organizations	NIL.

	According to the Government	<p>2012 AR: The recent national labour forces survey of 2011 has shown disparities in the high number of male workers as compared to female workers.</p> <p>2011 AR: According to the Government: Low training skills, human resources development and facilities are for the time being the main challenges faced in realization the PR in the country.</p> <p>2010 AR: According to the Government: There is a general weakness of national labour laws in relation to all the Declaration's principles and rights.</p> <p>2008 AR: The Government indicated the following challenges: (i) legal provisions; (ii) lack of public awareness; (iii) capacity building; and (iv) labour inspection services are weak.</p> <p>2007 AR: According to the Government: The military crisis has affected the country in the last few months.</p> <p>2006 AR: The main difficulties encountered in realizing the PR are as follows: (i) lack of information and data; (ii) social values, cultural traditions; (iii) social and economic circumstances; (iv) legal provisions; (v) lack of capacity of responsible government institutions (labour inspection, in particular); (vi) lack of capacity of employers' organizations; (vii) lack of capacity of workers' organizations prevailing employment practices; (viii) lack of social dialogue.</p>
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: ILO technical support would be needed in the ratification for C.100 and C.111.</p> <p>2011 AR: According to the Government: The Government would very much welcome any ILO support to the newly established General Labour Inspectorate so that it better monitor and enforce the application of labour laws.</p> <p>2010 AR: According to the Government: More training and policy advice to tripartite partners concerning the PR, with specific capacity building for the National Division of Labour Relations and the National Division of Labour Inspection so that they can better help promote and realize the Fundamental Principles and Rights at Work (FPRW) in the country. Moreover, ILO technical support would be instrumental in the revision process of national labour laws that include these PRs. Finally, ILO technical cooperation is requested in the process of ratification of other fundamental Conventions and for the development of an Action Plan for the implementation of ratified Conventions, in particular through tripartite workshops/seminars.</p> <p>2008 AR: The Government request ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW.</p> <p>2007 AR: According to the Government: There is a need for ILO advice and training for the officials and staff on the PR.</p> <p>2006 AR: According to Government: There is a need for ILO technical cooperation to facilitate the realization of this principle and right (PR) in Timor-Leste, in particular in the following areas, in order of priority: (1) Capacity building of responsible government institutions; (2) strengthening capacity of employers' organizations; (3) strengthening capacity of workers' organizations; (4) legal reform (labour law and other relevant legislation); (5) strengthening data collection and capacity for statistical analysis; (6) awareness-raising, legal literacy and advocacy; (7) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (8) developing labour market policies that promote equality of opportunity; (9) training of other officials (police, judiciary, social workers, teachers); (10) developing policies regarding equal remuneration; (11) establishing or strengthening specialized institutional machinery; (12) cooperation between institutions (e.g. various ministries and relevant commissions); and (13) sharing of experiences across countries/regions.</p>

	Offer	ILO (including labour law reform and assistance in reporting under the 2006 AR). The Government also works with multilateral agencies, donors bilaterally and/or non-governmental organizations at the multilateral level in relation to the elimination of discrimination in employment and occupation. With the Assistance of the ILO the Government implemented the Serbisu ba Dame (Work for Peace) a project creating 45.569 employment opportunities and 606.300 working days of employment in all 13 Districts of Timor-Leste balanced between the two ethnics groups Lorosa'e (Eastern regions) and Loromonu (Western regions).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS		<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Timor-Leste, to ratify or consider ratification of Conventions Nos100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from Timor-Leste (and few other countries) that had never reported under the Declaration Annual Review (cf. paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS		2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION		2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2009-2012)¹: TUVALU

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

REPORTING	Fulfillment of Government's reporting obligations	YES , for the first time under the 2012 Annual Review (AR), but not under the previous reviews (i.e. 2009-2011 ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the employers' organizations (the Tuvalu National Private Sector Organization, TNPSO) and workers' organizations (the Tuvalu Overseas Seafarers' Union, TOSU) by means of consultation and communication of a copy of the government reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the TNPSO.	
	Workers' organizations	2012 AR: Observations by the TOSU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Tuvalu has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
		Ratification intention	YES, since 2011, for both C.100 and C.111. 2012 AR: According to the Government: Following consultations with TNPSO and TOSU, the Government has expressed its intention to ratify soon C.100 and C.111 and all other fundamental Conventions under the Decent Work Country Programme (DWCP) 2010-2012 being currently implemented. This intention was subsequently confirmed during the High Level Tripartite Meeting on Decent Work for Sustainable Development in the Pacific held in Port Vila, Vanuatu in February 2010, and during the First National Tripartite Workshop on Tuvalu and ILO held in Funafuti, and where a tripartite call was also made for a prompt ratification of these 8 instruments by Tuvalu. The TNPSO expressed its full support to the ratification of all ILO fundamental Conventions by Tuvalu, including C.100 and C.111, taking especially into consideration the maritime and fishing industry which is so globalized and so important in Tuvalu.

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

			The TOSU supported the ratification of all the 8 ILO fundamental Conventions by Tuvalu, including C.100 and C.111 for the same reasons expressed by TNPSO. It further recalled that the Government had expressed its wish to ratify these fundamental Conventions on three occasions, at least: (i) in the current DWCP; (ii) during the High Level Tripartite Meeting on Decent Work for Sustainable Development in the Pacific held in Port Vila, Vanuatu in February 2010, and (iii) during the First National Tripartite Workshop on Tuvalu and ILO held in Funafuti, and where a tripartite call was also made for a prompt ratification of these 8 instruments by Tuvalu.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES , the Tuvalu Constitution, Cap. 1.02, 1978 (Revised 2008), section 27 (1) defines discrimination as referring to the treatment of different people in different ways wholly or mainly because of their different – (a) races; or (b) places of origin; or (c) political opinions; or (d) colours; or (e) religious beliefs or lack of religious beliefs, in such a way that one such person is for some such reason given more favourable treatment or less favourable treatment than another such person.	
		Policy, legislation and/or regulations	NIL.	
		Basic legal provisions	Tuvalu Constitution, Cap. 1.02, 1978 (Revised 2008), section 27 (1).	
		Grounds of discrimination	Under Tuvalu Constitution, Cap. 1.02, 1978 (Revised 2008), section 27 (1): (a) races; or (b) places of origin; or (c) political opinions; or (d) colours; or (e) religious beliefs or lack of religious beliefs.	
		Judicial decisions	NIL.	
	Exercise of the principle and right	Special attention to particular situations	NIL.	
		Information/ Data collection and dissemination	NIL. However, the Government requested ILO assistance in this regard.	
	Prevention/monitoring, enforcement and sanction mechanisms	2012 AR: According to the Government: The Labour Department is in charge of enforcing discrimination provisions enshrined in Tuvalu Constitution, Cap. 1.02, 1978 (Revised 2008), section 27 (1). No cases of discrimination at workplace have been reported so far to the Labour Department and judicial authorities.		
	EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	2012 AR: The Government indicated that the TNPSO and the TOSU were involved in the formulation of the DWCP, in cooperation with ILO.	
		Promotional activities	Institutions to promote equality	NO. 2012 AR: According to the Government: There is no need for such institutions in Tuvalu for the time being.

		Other activities	<p>2012 AR: According to the Government: The Officer of the Labour Department was trained in the ILO/TURIN May-June 2009 Course on International Labour Standards and the Declaration. Moreover, the Government, the TNPSO and the TOSU participated in the High Level Tripartite Meeting on Decent Work for Sustainable Development in the Pacific held in Port Vila, Vanuatu in February 2010 where the fundamental principles and rights have been promoted. Moreover, The new Officer of the Labour Department of the Ministry of Foreign Affairs, Trade, Tourism, Environment and Labour was trained, among others, on the fundamental principles and rights at work and International Labour Standards during ILO's assistance in reporting issues carried out in September 2011. On the same occasion, a first national tripartite workshop on Tuvalu and the ILO was organized where the fundamental principles and rights at work and the Decent Work Country Programme were addressed.</p> <p>The TNSPO and the TOSU confirmed their participation in such activities and indicated that they had been sensitized on the same issues during this September 2011 ILO Mission.</p>
	Special initiatives/Progress		According to the Government, the TNPSO and the TOSU: The reporting exercise and the workshop on Tuvalu and the ILO, supported by the Office were a first successful experience of tripartite activity in Tuvalu. This interesting exercise should continue in the country.
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2012 AR: According to the TNPSO: No major problems are encountered concerning discrimination issues in the country.
		Workers' organizations	2012 AR: TOSU supported NTPSO's views in this regard, i.e. no major discrimination problem has been encountered in Tuvalu.
	According to the Government	(i) Lack of public awareness and/or support; (ii) Lack of information and data; (iii) legal provisions (no specific sanction provisions); (iv) lack of capacity of responsible government institutions; (v) lack of capacity of employers' and workers' organizations; (vi) lack of social dialogue. Moreover, although the Constitution, section 5, provides that masculine gender includes feminine gender and reciprocally, many, the wording in many legislative provisions are not gender friendly (ex: "workmen, male worker, boys).	
TECHNICAL COOPERATION	Request	<p>2011 AR: According to the Government, TNPSO and TOSU: There is a need for ILO technical cooperation to facilitate the realization of this PR in Tuvalu, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; awareness-raising, legal literacy and advocacy; capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; legal reform (labour law and other relevant legislation); (2) strengthening data collection and capacity for statistical analysis;); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration, and; (3) sharing of experiences (best-practices) across countries/regions; training of other officials (e.g. police, judiciary, social workers, teachers).</p> <p>In addition, tripartite partners expressed their appreciation regarding the organization of the First National Tripartite Workshop on Tuvalu and ILO, in September 2011, in cooperation with ILO, but also their hope that this first very interesting and fruitful experience of tripartism and social dialogue in Tuvalu would continue, with ILO support.</p>	
	Offer	(i) ILO: Decent Work Country Programme; Assistance in reporting under the AR; First National Tripartite on Tuvalu and the ILO; and (ii) The United Nations (CEDAW).	

EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL.
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: UNITED STATES

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

REPORTING	Fulfilment of government's reporting obligations	YES, but no change to reports for the 2001, 2002, 2004, 2005 and 2006 Annual Reviews (ARs).	
	Involvement of employers' and workers' organizations in the reporting process	YES, according to the Government: Involvement of the United States Council for International Business (USCIB), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the Change to Win Federation, by means of consultation and communication of the government's reports. In addition, in keeping with longstanding practice, as well as US obligations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the draft report was reviewed by members of the Tripartite Advisory Panel on International Labor Standards, a subgroup of the President's Committee on the ILO.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No separate observations have been made by the employers' organizations.	
	Workers' organizations	2005 AR: Observations by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Observations by the International Confederation of Free Trade Unions (ICFTU). 2004 AR: Observations by the AFL-CIO.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	The United States has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).
		Ratification intention	Yes, for, since 2010, for C.111. However, there are no immediate plans to address the ratification of C.100. 2012 AR: According to the Government: As noted in last year's report, the President Committee on the ILO met in May 2010 and pledge to work toward the successful completion of the ratification process for C.111. At the present time, through the Committee's Tripartite Advisory on International Labor standards, work is proceeding on updating the previous statement of law and practice with regard to C.111 to ensure that it remains up to date. Moreover, there is no corresponding plan concerning the potential ratification of C.100.

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

			<p>2011 AR: According to the Government: On May 4, 2010, Secretary of Labor Hilda Solis convened and chaired the first meeting of the President’s Committee on the ILO (PC/ILO) in ten years. The main purpose of the May 4 meeting was to formally reactivate the PC/ILO. The focus of the discussion was overwhelmingly on ratification of ILO Conventions and approval of a plan of work for the Tripartite Advisory Panel on International Labor Standards (TAPILS), which had ultimately been unable to function while the PC/ILO was inactive. The outcome of the meeting was a set of conclusions, drafted on the basis of tripartite consensus and endorsed unanimously by the PC/ILO, which will serve to guide US policy on ILO issues. One of the Committee conclusions was a pledge to work toward the successful completion of the ratification process for C.111. A little more than two weeks after the PC/ILO meeting, on May 20, 2010, TAPILS was convened for the first time since 2005. Taking as its point of departure the conclusions of the PC/ILO, TAPILS held a preliminary discussion aimed at initiating work on the tasks with which it was charged. First among these tasks is to review the original statement of US law and practice, with regard to C.111 to ensure that it is up to date. As a consequence of this meeting, work is proceeding to update the law and practice report for US Senate consideration in the ratification process.</p> <p>There are no immediate plans to address the ratification of C.100.</p> <p>2007-2010 ARs: According the Government: No change</p> <p>2006 AR: C.111 was submitted to the Senate in 1998 for its advice and consent for ratification. Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government is not actively considering ratification of C.100.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>		<p>YES, The US Constitution recognizes the principle and right of non-discrimination in the Equal Protection Clause of the Fourteenth Amendment and the Due Process Clause of the Fifth Amendment.</p> <p>Additionally, the Equal Protection Clause precludes any state from denying its citizens “the equal protection of the laws”.</p>
	<p>Policy, legislation and/or regulations</p>		<ul style="list-style-type: none"> • Policy: <p>2003 AR: According to the Government: the United States has a clear national policy supporting the elimination of discrimination in employment and occupation, expressed in the US Constitution, numerous federal and state laws and regulations, and Executive Orders (EO). The general principle of this national policy is reflected in Title VII of the Civil Rights Act of 1964. EO 11478 states that “it is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons,” and requires that all executive agencies “establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment” in accordance with the equal opportunity policy”.</p> <ul style="list-style-type: none"> • Legislation: <p>2003 AR: According to the Government: According to the Government: several legislative acts protect citizens against discrimination, primarily Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963.</p>

			<ul style="list-style-type: none"> • Regulations: <p>2012 AR: According to the Government: On March 25, 2011, the Equal Employment Opportunity Commission (EEOC) issued a Final Rule (effective May 24, 2011) revising its Americans with Disabilities Act (ADA) regulations, 29 CFR Part 1630, to reflect the changes made by the ADA Amendments Act of 2008. The revised regulations implement Congress’s intent to set forth predictable, consistent, and workable standards by adopting “rules of construction” to use when determining if an individual is substantially limited in performing a major life activity. These changes will make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the law. On April 12, 2011, S.788, the Fair Pay Act of 2011, was introduced in the U.S. Senate. The Bill would prohibit wage discrimination by covered employers on the basis of sex, race, or national origin, for work performed in equivalent jobs.</p> <p>2011 AR: According to the Government: On November 9, 2010, the Equal Employment Opportunity Commission issued final regulations implementing Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq. (Title II of GINA). The purposes of the final rule are to: (1) prohibit use of genetic information in employment decision-making; (2) restrict employers and other entities subject to Title II of GINA from requesting, requiring, or purchasing genetic information; (3) require that genetic information be maintained as a confidential medical record, and place strict limits on disclosure of genetic information; and (4) provide remedies for individuals whose genetic information is acquired, used, or disclosed in violation of its protections.</p> <p>See http://www.federalregister.gov/articles/2010/11/09/2010-28011/regulations-under-the-genetic-information-nondiscrimination-act-of-2008.</p> <p>On July 26, 2010, the President signed E.O. 13548, entitled Increasing Federal Employment of Individuals with Disabilities. The E.O. requires key agencies to design model recruitment and hiring strategies for all agencies seeking to increase their employment of people with disabilities and develop mandatory training programs for both human resources personnel and hiring managers on the employment of individuals with disabilities. The E.O. also requires federal agencies to implement strategies for retaining federal workers with disabilities in federal employment including, but not limited to, training, using centralized funds to provide reasonable accommodations, increasing access to appropriate accessible technologies, and ensuring the accessibility of physical and virtual workspaces.</p>
		Basic legal provisions	(i) US Constitution; (ii) the Civil Rights Act, 1964; (iii) the Equal Pay Act, 1963; (iv) the Civil Rights Act of 1991; (v) the Civil Service Reform Act of 1978; (vi) the Women’s Educational Equity Act of 2001; (vii) EO 11478; (viii) EO 11590; (ix) the Classification Act; (x) the Wagner-Peyser Act; (xi) the Workforce Investment Act; (xii) the Carl D. Perkins Vocational and Technical Education Act; (xiii) the Age Discrimination in Employment Act (ADEA), 1967; (xiv) the Americans with Disabilities Act (ADA); (xv) the Americans with Disabilities Amendments Act (ADAAA), 2008, Pub. L. No. 110-325; (xvi) the Genetic Information Non-discrimination Act of 2008 (GINA), May 2008, Pub. L. No. 110-233, codified at 42 U.S.C. 2000ff <i>et seq.</i> ; and (xvii) the Lilly Ledbetter Fair Pay Act, January 2009, Pub. L. No. 111-2.
		Grounds of discrimination	2000-2005 ARs: According to the Government: Discrimination with respect to employment and occupation is prohibited on grounds of race, color, religion, sex, national origin, political opinion, social origin, age and disability.

		<p>Judicial decisions</p>	<p>2012 AR: According to the Government: A decision issued by the U.S. Supreme Court on January 24, 2011, advances employees’ rights under Title VII by holding that third-parties may pursue retaliation claims under the law. <i>Thompson v. North American Stainless LP</i>, 131 S.Ct. 863 (2011). Specifically, a male employee who claims he was fired because his fiancée filed a sex discrimination charge against their mutual employer may pursue a retaliation claim under Title VII of the 1964 Civil Rights Act. Moreover, on March 1, 2011, the U.S. Supreme Court issued a decision concerning employer liability under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. § 4301 <i>et seq.</i> <i>Staub v. Proctor Hosp.</i>, 131 S.Ct. 1186 (2011). USERRA prohibits employer denial of “employment, reemployment, retention in employment, promotion, or any benefit of employment” based on a person’s “membership” in or “obligation to perform service in a uniformed service,” 38 U.S.C. § 4311(a), and provides that liability is established “if the person’s membership... is a motivating factor in the employer’s action,” 38 U.S.C. § 4311(c). In <i>Staub</i>, the Supreme Court held that if “a supervisor performs an act motivated by antimilitary animus that is intended by the supervisor to cause an adverse employment action, and if that act is a proximate cause of the ultimate employment action, then the employer is liable under USERRA.”</p> <p>2010 AR: According to the Government: A series of recent Supreme Court decisions affected the rights of parties alleging employment discrimination. In <i>Ricci, et al. v. DeStefano, et al.</i>, 556 U.S. ___, 129 S.Ct. 2658 (2009), the Court held that the City of New Haven violated Title VII of the Civil Rights Act by throwing out the results of a promotion examination after white candidates scored significantly better than minority candidates. According to the Court, the City’s decision to discard the test results, even if well-intentioned, constituted intentional race discrimination because it was clearly based on the racial breakdown of the test results. In <i>Gross v. FBL Financial Services</i>, 556 U.S. ___, 129 S.Ct. 2343 (2009), the Court held that “mixed motive” jury instructions applicable to cases under Title VII may not be given in discrimination cases brought under the ADEA. In <i>Crawford v. Metro Gov’t of Nashville & Davidson County, Tenn.</i>, 555 U.S. ___, 129 S.Ct. 846 (2009), the Court unanimously ruled that Title VII prohibits retaliation against an employee for disclosing a supervisor’s alleged sexual harassment in response to the employer’s internal investigation. In <i>14 Penn Plaza LLC v. Pyett</i>, 556 U.S. ___, 129 S.Ct. 1456 (2009), the Court held that a collective bargaining agreement that clearly and unmistakably requires union members to arbitrate claims arising under the ADEA is enforceable. Finally, in <i>AT&T Corp. v. Hulteen</i>, 556 U.S. ___, 129 S.Ct. 1962 (2009), the Court ruled that AT&T did not violate the Pregnancy Discrimination Act (PDA) by giving less credit for maternity leave taken before the PDA took effect than for other medical leave, in calculating pension benefits.</p> <p>2009 AR: According to the Government: The United States Supreme Court issued two decisions interpreting key anti-discrimination laws – 42 USC § 1981, which bars racial discrimination in employment, and 29 USC § 633a(a), the section of the Age Discrimination in Employment Act that protects federal sector employees – to include protection against employer retaliation. <i>CBOCS West Inc. v. Humphries</i>, 128 S.Ct. 1951 (U.S. May 27, 2008) (No. 06-1431); <i>Gómez-Pérez v. Potter</i>, 128 S.Ct. 1931 (U.S. May 27, 2008) (No. 06-1321). The Supreme Court also ruled that if an employer claims that a “reasonable factor other than age” accounts for the disproportionately negative impact that a layoff or other action has on older workers, it is up to the employer to prove it, rather than up to the employees to disprove the validity of the defence. <i>Meacham v. Knolls Atomic Power Laboratory</i>, 128 S.Ct. 2895 (U.S. June 19, 2008) (No. 06-1505). The Supreme Court also ruled that a worker’s allegations that co-workers had suffered discriminatory treatment by different managers could be admitted as evidence in an appropriate case. <i>Sprint/United Management Company v. Mendelsohn</i>, 128 S.Ct. 1140 (U.S. Feb. 26, 2008) (No. 06-1221).</p>
--	--	----------------------------------	---

			<p>2008 AR: According to the Government: The United States Supreme Court, in the decision of <i>Burlington Northern & Santa Fe Railway v. White</i>, 126 S.Ct. 2405 (2006), announced a broad reading of the anti-retaliation provision of Title VII, 42 U.S.C. § 2000e-3(a), the principal employment discrimination law. Under the decision, a cause of action for retaliatory employer conduct can be sustained for harms suffered that are not workplace or employment-related, if the harm is such that a reasonable person would be dissuaded from bringing a charge of employer discrimination.</p> <p>2000 AR: <i>Equal Pay Act cases -Brennan v. Prince William Hospital Corp.</i>, 503 F.2d 282, 285, 291 (4th ir. 1974), cert. denied, 420 U.S. 972 (1975); <i>Shultz v. Wheaton Glass Co.</i>, 421 F.2d 259 (3rd. Cir.), cert. denied, 398 U.S. 905 (1970).</p>
	<p>Exercise of the principle and right</p>	<p>Special attention to particular situations</p>	<p>2012 AR: In addition, on April 26, 2011, the Office of Federal Contract Compliance (OFCCP) published a Notice of Proposed Rulemaking (NPRM) seeking public comment on a proposal to strengthen affirmative action requirements of federal contractors and subcontractors for veterans protected under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974. The OFCCP issued the proposal because increasing numbers of veterans are returning from duty in Iraq, Afghanistan and elsewhere around the world and face substantial obstacles in finding employment. On July 23, 2010 the OFCCP also published an Advance Notice of Proposed Rulemaking (ANPRM) seeking public comment on a series of questions intended to identify potential ways to strengthen the affirmative action regulations that apply to federal contractors and subcontractors pursuant to section 503 of the Rehabilitation Act. The framework articulating contractors' section 503 responsibilities has been in place since the 1970's. However, both the unemployment rate of working age individuals with disabilities and the percentage of working age individuals with disabilities that are not in the labor force remain significantly higher than for those without disabilities. Strengthening section 503 regulations is an important step toward reducing barriers to equal employment opportunity for individuals with disabilities. Furthermore, OFCCP proposes revising these regulations to incorporate changes to the law made by the ADA Amendments Act of 2008 (ADAAA). On October 28, 2010, DOL announced the availability of a new online toolkit to guide employers through the process for hiring veterans. The free toolkit is designed to assist and educate employers who have made the proactive decision to include veterans and wounded warriors in their recruitment and hiring initiatives. Developed as part of the Department's "America's Heroes at Work" initiative, the Veterans Hiring Toolkit features a straightforward six-step process pinpointing helpful tools for a business to design a veterans hiring initiative. These steps include creating an educated and welcoming environment for veteran employees; actively recruiting veterans, wounded warriors and military spouses; learning how to accommodate qualified veterans and wounded warriors in the workplace; and promoting an inclusive workplace to help retain veteran employees.</p>

			<p>2011 AR: According to the Government: On October 19, 2010, the settlement was announced of a class action lawsuit brought by Native American farmers and ranchers against the US Department of Agriculture (USDA) for unfair treatment in the Department's farm loan program. As a result of the settlement the class plaintiffs will receive \$760 million in monetary relief, and reforms will be instituted in the Department's farm loan program. The case was originally filed in 1999 by Native American farmers alleging discrimination in access to and participation in USDA's farm loan programs. The settlement provides a broad range of programmatic relief, including creation of a new Federal Advisory Council for Native American farmers and ranchers that will include Native American representation from around the country and senior USDA officials. A new ombudsman position will be created to address farm program issues relating to Native American farmers and ranchers, as well as all other socially disadvantaged farmers and ranchers. The USDA will also offer Native American farmers enhanced technical assistance services.</p> <p>2003 AR: According to the Government: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment (part-time, full-time, temporary, and contingent); (iv) agricultural workers; (v) workers engaged in domestic work; (vi) migrant workers; and (vii) workers in the informal economy are provided with statutory protections against discrimination in employment.</p>
		<p>Information/ Data collection and dissemination</p>	<p>2012 AR: According to the Government: On August 10, 2011, the U.S. Department of Labor's (DOL) OFCCP issued an Advance Notice of Proposed Rulemaking (ANPRM) seeking public comment on the development of a new data tool to collect information on salaries, wages and other benefits paid to employees of federal contractors and subcontractors. The tool would improve OFCCP's ability to gather data that could be analyzed for indicators of discrimination, such as disparities faced by female and minority workers. In addition to providing the OFCCP investigators with insight into potential pay discrimination warranting further review, the proposed tool would provide a self-assessment element to help employers evaluate the effects of their compensation practices. Moreover, the U.S. Census Bureau maintains the Census 2000 Special EEO file for the use of Federal agencies responsible for monitoring employment practices and enforcing civil rights laws in the workforce, and for all employers so they can measure their compliance under equal employment opportunity laws. The Census 2000 Special EEO Tabulation serves as the primary benchmark for conducting comparisons between the racial, ethnic, and sex composition of each employer's workforce to its available labor market. The datasets on the Census 2000 Special EEO Tabulation provide data on race and ethnicity cross-tabulated by other variables such as detailed occupations, occupational groups, sex, worksite geography, residence geography, education, age, and industry.</p> <p>2003-2011 ARs: According to the Government: Statistics concerning lawsuits filed by the EEOC, monetary benefits for employees and unlawful employment discriminations are available on the EEOC's website at www.eeoc.gov/stats/enforcement.html and the OFCCP's website at http://www.dol.gov/esa/ofccp/enforc08.pdf.</p> <p>2000 AR: The Government stated that the Department of Labor, Women's Bureau had conducted a series of studies concerning the impact of various federal employment laws on working women.</p>

Prevention/monitoring, enforcement and/or sanction mechanisms

2012 AR: According to the Government: The EEOC hired nearly 200 new investigators, trial attorneys, and support staff to enhance its ability to enforce federal anti-discrimination laws. This hiring initiative built upon previous efforts begun in 2009, including the hiring of additional front-line staff, a significant agency-wide training initiative, and a renewed emphasis on pre-charge counseling, and identifying, sharing, and implementing best practices in charge handling. As a consequence of these efforts, the EEOC's private sector national mediation program secured 9,370 resolutions, the highest number in the history of the program. On the enforcement side, the EEOC field legal units filed 250 merits lawsuits in federal courts challenging a wide variety of discriminatory practices, as well as 21 subpoena enforcements and other actions. Of the new merit filings, 154 were individual suits, 96 were multiple victim suits and 20 were systemic cases expected to directly impact large numbers of individuals. The EEOC legal staff resolved 285 merits lawsuits for a total monetary recovery of over \$85 million, achieving a favorable outcome in 92 per cent of all lawsuit resolutions. In Fiscal Year (FY) 2010, the EEOC continued its effort to build a strong national systemic enforcement program. At the end of the FY, 465 systemic investigations, involving more than 2,000 charges, were being undertaken, and the EEOC field offices completed work on 165 systemic investigations resulting in 29 settlements or conciliation agreements, recovering \$6.7 million. Additionally, by participating in 3,766 training and outreach events, the Agency educated approximately 250,000 persons in FY 2010. Moreover, the Employment Litigation Section of the U.S. Department of Justice's Civil Rights Division also enforces laws prohibiting discrimination in the workplace, including discrimination on the basis of race, color, national origin, sex, pregnancy, and military status. Further, the section enforces laws prohibiting an employer from retaliating against a person because he or she has opposed a discriminatory employment practice (e.g., race discrimination, military status discrimination), has complained about discrimination, or has assisted in the investigation of a complaint of discrimination. A summary of major enforcement actions undertaken in 2010 by the section is available at <http://www.justice.gov/crt/about/emp/>. Furthermore, in FY 2011, the OFCCP conducted over 4,000 compliance reviews, completed 144 complaint investigations alleging discrimination, recovered more than \$12 million in back pay and obtained job opportunities for 1,446 victims of discrimination. The OFCCP reached financial settlements in 134 discrimination cases in FY 2011 alone, an increase of 38 per cent compared to the financial settlements reach in FY 2010 (97) and 43 per cent compared to 2009 (94). In addition, the OFCCP successfully debarred a non-compliant federal contractor for the first time in 8 years; resolved a multi-establishment corporate-wide case resulting in \$2.25 million in back wages, interest and benefits to 1,650 qualified female job applicants; and successfully resolved a difficult and protracted compensation case resulting in \$250,938 to 124 women subjected to pay discrimination.

2010 AR: According to the Government: The OFCCP administers and ensures compliance with one EO and two equal employment opportunity laws that prohibit Federal contractors and subcontractors from discriminating on the basis of race, color, religion, sex, national origin, disability, and protected veterans' status. In FY 2008, OFCCP completed 4,333 compliance evaluations, of which 78 were classified as having systemic violations. Further, OFCCP conducted 949 compliance assistance events for small contractors, mega-projects and construction contractors, Industrial Liaison Group events, and linkage meetings. In FY 2008, the EEOC filed 325 lawsuits and obtained a total of \$376.4 million in monetary benefits for employees. These statistics are available on the EEOC's website at www.eeoc.gov/stats/enforcement.html. In FY 2008, the OFCCP recovered a record \$67,510,982 for a record 24,508 American workers who had been subjected to unlawful employment discrimination. Of that record recovery, 99 per cent were collected in cases of systemic discrimination – those involving a significant number of workers or applicants subjected to discrimination because of an unlawful employment practice or policy. The recovery amount reflects a 133 per cent increase over financial remedies obtained in FY 2001. These statistics are on OFCCP's website at <http://www.dol.gov/esa/ofccp/enforc08.pdf>.

2008 AR: According to the Government: The OFCCP annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In fiscal year 2005, legal staff from the Equal Employment Opportunity Commission participated in almost 900 outreach events educating more than 60,000 individuals about the laws prohibiting employment discrimination.

		<p>2007 AR: According to the Government: The EEOC filed 417 lawsuits in Fiscal Year 2005. It obtained \$107.7 million in FY2005 in monetary benefits for employees. These statistics may be found on the EEOC's website at www.eeoc.gov/stats/enforcement.html.</p> <p>2000-2006 ARs: According to the Government: the Civil Rights Division of the Department of Justice has principal responsibility for effective enforcement of federal civil rights laws. The United States Office of Special Counsel (OSC), an independent federal investigative and prosecutorial agency, is responsible for enforcing section 2302(b) of the Civil Service Reform Act (CSRA) and investigating allegations of prohibited personnel practices and other improper employment practices within its jurisdiction (generally speaking the Executive Branch). When a person is discriminated against by an employer, labor union or employment agency when applying for a job or while on the job, that person may file a charge of discrimination with the EEOC. The Board of the Office of Compliance is authorized to investigate complaints of alleged violations involving the Legislative Branch and may order certain awards provided under Title VII of the Civil Rights Act of 1964.</p>		
	<p>Involvement of the social partners</p>	<p>2003-2005 ARs: According to the Government: In FY 2001, the EEOC directed the development of a National Enforcement Plan identifying priority issues and setting out a plan for administrative enforcement. This necessitated a broad range of consultations with dozens of employers and workers organizations.</p> <ul style="list-style-type: none"> - Numerous federal agencies, including the EEOC, have undertaken to seek the cooperation of employers' and workers' organizations to realize the elimination of discrimination in employment and occupation. - The United States Department of Justice involves workers' and employers' organizations in the development and implementation of measures regarding the elimination of discrimination by educating such organizations. - The OSC involves government employees, employee representatives and other interested parties in the development and implementation of governmental measures regarding the elimination of discrimination in employment and occupation through outreach programs. 		
	<p>Promotional activities</p>	<table border="1" style="width: 100%;"> <tr> <td data-bbox="853 836 1120 1219"> <p>Institutions to promote equality</p> </td> <td data-bbox="1120 836 2098 1219"> <p>2012 AR: According to the Government: During FY 2010, the EEOC was achieving a consent decree resolving a case against a nationwide restaurant chain in which the Agency had alleged that the company engaged in a pattern or practice of discrimination against women by failing to hire and promote them into management positions and by providing them inferior job assignments, fewer training opportunities, and less opportunity for advancement. The consent decree provides a \$19 million settlement fund for approximately 3,000 class members, and requires the company to adopt objective promotion procedures to ensure that selections for the positions are gender neutral. The EEOC also successfully resolved three Title VII lawsuits against a national grocery chain, involving discrimination on the bases of race, color, national origin, and retaliation at the company's distribution center in Colorado. The parties entered into a four-year consent decree resolving the cases for \$8.9 million, to be distributed to 168 eligible class members. Other significant recent enforcement decisions and decrees obtained by the EEOC may be accessed online at http://www.eeoc.gov/eeoc/initiatives/e-race/caselist.cfm.</p> </td> </tr> </table>	<p>Institutions to promote equality</p>	<p>2012 AR: According to the Government: During FY 2010, the EEOC was achieving a consent decree resolving a case against a nationwide restaurant chain in which the Agency had alleged that the company engaged in a pattern or practice of discrimination against women by failing to hire and promote them into management positions and by providing them inferior job assignments, fewer training opportunities, and less opportunity for advancement. The consent decree provides a \$19 million settlement fund for approximately 3,000 class members, and requires the company to adopt objective promotion procedures to ensure that selections for the positions are gender neutral. The EEOC also successfully resolved three Title VII lawsuits against a national grocery chain, involving discrimination on the bases of race, color, national origin, and retaliation at the company's distribution center in Colorado. The parties entered into a four-year consent decree resolving the cases for \$8.9 million, to be distributed to 168 eligible class members. Other significant recent enforcement decisions and decrees obtained by the EEOC may be accessed online at http://www.eeoc.gov/eeoc/initiatives/e-race/caselist.cfm.</p>
<p>Institutions to promote equality</p>	<p>2012 AR: According to the Government: During FY 2010, the EEOC was achieving a consent decree resolving a case against a nationwide restaurant chain in which the Agency had alleged that the company engaged in a pattern or practice of discrimination against women by failing to hire and promote them into management positions and by providing them inferior job assignments, fewer training opportunities, and less opportunity for advancement. The consent decree provides a \$19 million settlement fund for approximately 3,000 class members, and requires the company to adopt objective promotion procedures to ensure that selections for the positions are gender neutral. The EEOC also successfully resolved three Title VII lawsuits against a national grocery chain, involving discrimination on the bases of race, color, national origin, and retaliation at the company's distribution center in Colorado. The parties entered into a four-year consent decree resolving the cases for \$8.9 million, to be distributed to 168 eligible class members. Other significant recent enforcement decisions and decrees obtained by the EEOC may be accessed online at http://www.eeoc.gov/eeoc/initiatives/e-race/caselist.cfm.</p>			

			<p>2011 AR: According to the Government: On February 18, 2010, the EEOC published a Notice of Proposed Rulemaking (NPRM) on the definition of “reasonable factors other than age” (RFOA) under the Age Discrimination in Employment Act of 1967 (ADEA). The ADEA prohibits age-based employment discrimination against individuals who are 40 or older. The NPRM follows up on an earlier EEOC NPRM and the Supreme Court decision in <i>Smith v. City of Jackson</i>, 544 U.S. 228 (2005), which held that an employment practice that has a disparate impact on older workers is discriminatory unless the practice is justified by a reasonable factor other than age. The current proposed rule emphasizes the need for an individualized, case-by-case approach to determining whether an employment practice is based on reasonable factors other than age, and clarifies that the employer bears the burden of proving the RFOA defense. Also in February 2010, the President announced the establishment of a National Equal Pay Enforcement Task Force “to improve compliance, public education, and enforcement of equal pay laws.” The Task Force, consisting of the EEOC, the Department of Justice Civil Rights Division, the Department of Labor, and the Office of Personnel Management, are tasked with enhancing the enforcement of federal equal pay laws, improving public education on wage discrimination, and gathering statistics to better understand the scope of the gender pay gap and target enforcement efforts.</p> <p>2010 AR: According to the Government: In September 2008, the Americans with Disabilities Amendments Act (ADA), Pub. L. No. 110-325, was signed into law, overturning a series of Supreme Court decisions that interpreted the Americans with Disabilities of 1990 (ADA) in a way that made it difficult to prove that an impairment is a “disability.” The new law emphasizes that the definition of disability should be construed in favour of broad coverage of individuals to the maximum extent permitted by the terms of the ADA. It also greatly enhances legal protections in employment for persons with disabilities by: broadening the definition of “disability” and prohibiting consideration of the ameliorative effects of “mitigating measures” when assessing whether an impairment substantially limits a person’s major life activities. In other legislative developments, the Genetic Information Non-discrimination Act of 2008 (GINA) was signed into law in May 2008. Pub. L. No. 110-233, codified at 42 U.S.C. 2000ff <i>et seq.</i> GINA includes two titles. Title I addresses the use of genetic information in health insurance, generally prohibits discrimination in group premiums based on genetic information and the use of genetic information as a basis for determining eligibility or setting premiums in the individual and Medigap insurance markets, and places limitations on genetic testing and the collection of genetic information in group health plan coverage, the individual insurance market, and the Medigap insurance market. The Departments of Health and Human Services, Labor and Treasury issued interim and proposed rules implementing Title I on October 7, 2009. <i>See</i> 74 Fed. Reg. 51664. Title II prohibits the use of genetic information in employment, prohibits the intentional acquisition of genetic information about applicants and employees, and imposes strict confidentiality requirements. GINA requires the Equal Employment Opportunity Commission (EEOC) to issue regulations implementing Title II of the Act, and a Notice of Proposed Rulemaking (NPRM) has been published under that authority. <i>See</i> 74 Fed.Reg. 9056-01 (Mar. 2, 2009). In addition, the Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, was signed into law in January 2009. The law amends the civil rights laws by providing that the 180-day statute of limitations for filing an equal pay lawsuit regarding pay discrimination resets with the issuance of each new discriminatory paycheck. The law was a response to <i>Ledbetter v. Goodyear Tire & Rubber Co.</i>, 550 U.S. 618 (2007), a Supreme Court decision holding that the statute of limitations for presenting an equal pay lawsuit begins at the date the pay was agreed upon, not at the date of the most recent paycheck, as a lower court had ruled.</p>
--	--	--	--

			<p>The new law restores the pre-<i>Ledbetter</i> position of the EEOC that each paycheck that delivers discriminatory compensation is a wrong, actionable under the federal EEO statutes regardless of when the discrimination began. Under the law, an individual subjected to compensation discrimination under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), or the ADA may file a charge within 180 days (or 300 days, if the discrimination occurred in a place that has a state or local anti-discrimination law) of any of the following: when a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; when the individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or, when the individual's compensation is affected by the application of a discriminatory compensation decision or other discriminatory practice, including each time the individual receives compensation that is based in whole or part on such compensation decision or other practice.</p> <p>2009 AR: According to the Government: The US Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In Fiscal Year 2007, the OFCCP implemented new policy initiatives and directives to provide clearer guidance for employers and more enforceable standards for OFCCP, including by clarifying the standards for investigating potential systemic compensation discrimination and expanding the categories of veterans protected by the affirmative action provisions of the Vietnam Era Veteran's Readjustment Assistance Act of 1974. In July 2008 the US EEOC issued a new compliance manual section about workplace discrimination on the basis of religion. The new section includes a comprehensive review of the relevant provisions of Title VII of the Civil Rights Act of 1964 and the EEOC's policies regarding religious discrimination, harassment and accommodation. The EEOC also issued a companion question-and-answer fact sheet and best practices booklet. All three documents are on the EEOC's website at www.eeoc.gov.</p> <p>2008 AR: According to the Government: The US Department of Labor's OFCCP annually recognizes federal contractor employers who have implemented exemplary programs to eliminate discrimination in the workplace. In fiscal year 2005, legal staff from the Equal Employment Opportunity Commission participated in almost 900 outreach events educating more than 60,000 individuals about the laws prohibiting employment discrimination. The EEOC, through the operations of 51 field offices nationwide, coordinates all federal equal employment opportunity regulations, practices, and policies. The Justice Department's Community Relations Service is a vital component of the agency's mission to eradicate employment and occupation discrimination. The OSC protects federal employees and applicants from prohibited personnel practices, which include employment discrimination.</p>
		<p>Other activities</p>	<p>2012 AR: On April 26, 2011, the OFCCP published a Notice of Proposed Rulemaking (NPRM) seeking public comment on a proposal to strengthen affirmative action requirements of federal contractors and subcontractors for veterans protected under the Vietnam Era Veterans.</p> <p>2011 AR: According to the Government: In December 2010, the Women's Bureau (WB) of the Department of Labor (DOL) hosted an Equal Pay Research Summit bringing together some of the foremost experts to discuss the best approaches to data collection to better understand the scope of the pay gap and to improve enforcement efforts.</p>

		<p>2000-2005 ARs: According to the Government: To promote the principle regarding the elimination of discrimination in employment and occupation, the EEOC directed the development of a National Enforcement Plan identifying priority issues and setting out a plan for administrative enforcement and litigation of the laws within its jurisdiction. EO 11246 requires any employer who has a contract with the federal Government to take affirmative action to ensure that applicants are employed, and employees are treated during their employment, without regard to race, color, religion, sex, or national origin. The Government, consistent with the ADA, has introduced the New Freedom Initiative, as part of a nationwide effort to remove barriers to community living for people with disabilities. In an effort to move toward full integration of individuals with disabilities into the workforce, the New Freedom Initiative promotes compliance with the ADA by small businesses and provides resources annually for technical assistance to help small business to comply with the Act.</p>
	<p>Special initiatives/Progress</p>	<p>2012 AR: According to the Government: The Director of the Office of Personnel Management (OPM), in consultation with the Secretary of Labor, the Chair of the EEOC, and the Director of the Office of Management and Budget (OMB), designed model recruitment and hiring strategies for agencies to facilitate employment of people with disabilities. A memorandum issued on November 8, 2010, provides recruitment, hiring, and retention strategies to assist agencies in increasing the number of individuals with disabilities in the Federal workforce through compliance with EO 13163 (issued on July 26, 2010). On May 27, 2011, OPM issued "Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace." It is the policy of the Federal Government to treat all of its employees with dignity and respect and to provide a workplace that is free from discrimination whether that discrimination is based on race, color, religion, sex (including gender identity or pregnancy), national origin, disability, political affiliation, marital status, membership in an employee organization, age, sexual orientation, or other non-merit factors. The document provides guidance to Federal agencies to help ensure that they afford a non-discriminatory working environment to employees irrespective of their gender identity or perceived gender non-conformity.</p> <p>2011 AR: According to the Government: As a consequence of the PC/ILO meeting of May 2010, work is proceeding to update the law and practice report for US Senate consideration in the ratification process.</p> <p>Moreover, the EEOC continues to implement its five-year E-RACE initiative (Eradicating Racism and Colorism from Employment). The five main goals of E-RACE, to be achieved by FY 2013, are to (1) improve data collection and data analysis in order to identify, track, investigate and prosecute allegations of discrimination; (2) improve quality and consistency in EEOC's charge processing and litigation program, and improve federal sector systems; (3) develop strategies, legal theories, and training modules to address emerging issues of race and color discrimination; (4) enhance visibility of EEOC's enforcement efforts in eradicating race and color discrimination; and (5) engage the public, employers, and stakeholders to promote voluntary compliance to eradicate race and color discrimination. See http://www.eeoc.gov/eeoc/initiatives/e-race/goals.cfm. The EEOC also continues to implement a separate initiative to address the declining number of employees with targeted disabilities in the federal workforce. The goal for this initiative is to significantly increase the population of individuals with severe disabilities employed by the federal government, in part by educating federal hiring officials and applicants about how to use special hiring authorities for disabled workers, and increasing awareness of programs that provide assistive technology and services to people with disabilities throughout the federal government. See http://www.eeoc.gov/eeoc/initiatives/lead/index.cfm.</p>

		<p>Finally, Green jobs are a key driver for America's economic recovery and its sustained economic stability. They are mostly in male-dominated occupations where wages are higher than in jobs where women are now clustered. DOL's WB is working to ensure that women have access to these high-paying, high-demand green jobs. The WB commissioned Why Green Is Your Color: A Woman's Guide to a Sustainable Career, to give women the information and resources they need to succeed in the developing green economy. In conjunction with the development of the guide, which will become available in early 2011, the WB conducted seven national teleconferences in 2010 to educate organizations and workforce development professionals so they can better assist women to find green jobs training and employment. The WB also funded nine green jobs training projects around the country. Each project was to either increase the number of women in existing green jobs training programs or add a green jobs training component to existing job training programs, and the projects serve as models for preparing women for high-growth and emerging green jobs over the next decade.</p> <p>2010 AR: Adoption of new Acts concerning the principle and right (PR), such as: (i) the Americans with Disabilities Amendments Act (ADAAA), 2008; Pub. L. No. 110-325; and (ii) the Genetic Information Non-discrimination Act of 2008 (GINA), May 2008, Pub. L. No. 110-233, codified at 42 U.S.C. 2000ff et seq.; and (xvi) the Lilly Ledbetter Fair Pay Act, January 2009, Pub. L. No. 111-2.</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>NIL.</p>
		<p>Workers' organizations</p>	<p>2002 AR: The ICFTU highlighted the number of sexual harassment cases, the wage gap between sexes and races, and lack of protection for migrant workers.</p> <p>2004-2005 ARs: The AFL-CIO strongly disagreed with the draft update to the report on the principle of the elimination of discrimination in employment and occupation.</p> <p>2005 AR: According to the ICFTU: discrimination is prohibited by law but does occur in practice: there is still a wage gap between men and women and between different ethnic groups; large differences exist between states with regard to labour legislation and enforcement.</p>
	<p>According to the Government</p>	<p>2012 AR: According to the Government: The United states pursues the elimination of discrimination in respect of employment and occupation through a combination of law enforcement, administrative action and public outreach. For example, during Fiscal Year 2010, the EEOC field legal units filed 250 merits lawsuits in federal courts challenging a wide variety of discriminatory practices, as well as 21 subpoena enforcements and other actions. Of the new merit filings, 154 were individual suits, 96 were multiple victim suits and 20 were systemic cases expected to directly impact large numbers of individuals. The EEOC legal staff resolved 285 merits lawsuits for a total monetary recovery of over \$85 million, achieving a favorable outcome in 92 per cent of all lawsuit resolutions. The EEOC's private sector national mediation program secured 9,370 resolutions, the highest number in the history of the program, and a record \$142 million in monetary benefits. Additionally, by participating in 3,766 training and outreach events, the Agency educated approximately 250,000 persons in FY 2010.</p> <p>2011 AR: According to the Government: Discrimination in the workplace is often addressed through agency enforcement actions. For example, in Fiscal Year (FY) 2009, the US Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) recovered \$9,314,978 in back pay, and provided relief from unlawful employment discrimination for more than 21,839 workers. The OFCCP also negotiated settlements that provided 2,249 new job opportunities for affected workers. These statistics are available at http://www.dol.gov/dol/budget/2011/PDF/CBJ-2011-V2-04.pdf or www.ofccp.blogspot.com/2010/02/dol-releases-ofccp-fy-2009-enforcement.html.</p>	

		<p>In FY 2010, the EEOC received the highest number of charges in its 45-year history – a total of 99,922 charges. This surge in charge receipts is due in part to the expanded statutory authorities that the EEOC has been given with the ADA Amendments Act (ADAAA) of 2008, the Genetic Information Nondiscrimination Act (GINA) of 2008, and the Lily Ledbetter Fair Pay Act of 2009 (the Ledbetter Act). Also in FY 2010, the EEOC, through its private sector administrative enforcement activities, secured more than \$319.3 million in monetary benefits, the highest level of monetary relief ever obtained by the Commission through the administrative process. Overall, the agency secured both monetary and non-monetary benefits for more than 18,898 people through administrative enforcement activities – mediation, settlements, conciliations and withdrawals with benefits. The EEOC’s private sector national mediation program secured a total of 9,362 resolutions, the highest number of resolutions in the history of the program, obtaining a record \$141.9 million in monetary benefits for complainants from mediation resolutions. In FY 2010, EEOC field legal units filed 250 merits lawsuits including 159 individual suits and 92 multiple-victim suits. (“Merits” lawsuits include direct suits and interventions alleging violations of the substantive provisions of the statutes enforced by the Commission and suits to enforce administrative settlements.) Of these new filings, 192 contained claims under Title VII of the Civil Rights Act of 1964; 40 contained Americans with Disabilities Act claims; 28 contained Age Discrimination in Employment Act claims; and 2 contained Equal Pay Act claims. Legal staff resolved 285 merits lawsuits for a total monetary recovery of \$85 million. Overall, EEOC recovered \$73.9 million in Title VII resolutions, \$5.2 million in ADEA resolutions, \$2.8 million in ADA resolutions, and \$2.9 million in resolutions involving more than one statute. These statistics are available on the agency’s website at http://www.eeoc.gov/eeoc/plan/2010par.cfm.</p> <p>2008 AR: In Fiscal Year 2006, OFCCP recovered a record \$ 51,525,235 for a record 15,273 American workers who had been subjected to unlawful employment discrimination. Of that record recovery, 88 per cent was collected in cases of systemic discrimination – those involving a significant number of workers or applicants subjected to discrimination because of an unlawful employment practice or policy. The \$51.5 million reflects a 14 per cent increase over recoveries in Fiscal Year 2005 and a 78 per cent increase over Fiscal Year 2001.</p> <p>2000-2005 ARs: While immigration laws continue to be enforced, anti-discrimination laws will apply to unauthorized migrant workers. The EEOC has issued new guidance that provides basic remedies to this group, stating that such laws apply to all employees in the United States, regardless of citizenship or work status. Similarly, the National Labor Relations Board (NLRB) continues to treat all statutory employees as protected from unfair labor practices and entitled to vote in NLRB elections, without regard to their immigration status. The Department of Labor has also continued to apply legal protections to employees regardless of immigration status.</p>
TECHNICAL COOPERATION	Request	NIL.
	Offer	NIL.
EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of the United States, to ratify or consider ratification of Conventions No. 100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. However, the IDEAs noted that the United States was the only country that reports that it was not actively considering ratification of Convention No. 100. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs listed the United States among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labor law reform, preventive, enforcement and sanctions mechanisms and/or ratification. They also considered that the example of regular and constructive contributions by AFL-CIO should be expanded upon, in particular among other national workers’ organizations, as well as employers’ organizations (cf. paragraphs 13 and 190 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>	

	<p>2004 AR: The IDEAs noted that despite receiving very late reports or observations, it had been possible to compile them so as to allow the United States to be taken into account in this annual review. They nevertheless urged the country to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process (cf. paragraph 21 of the 2008 Annual Review Introduction – ILO: GB.289/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



**GENERAL OBSERVATION BY THE INTERNATIONAL ORGANISATION
OF EMPLOYERS (IOE) UNDER THE 2012 ANNUAL REVIEW**¹

As in the 2011 Annual Review, the IOE sent a statement outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced here in extenso².

The International Organisation of Employers (IOE) gives the highest priority and continues to fully support the ILO Declaration on Fundamental Principles and Rights at work and its follow up, and [it] again thanks the Office for giving [IOE] an opportunity to give our views under the Annual Follow-up concerning Non-Ratified Fundamental Conventions.

The IOE believes strongly in the Office having the resources allocated to both promote the Declaration as a whole but also to be able, through ACTEMP, to resource technical co-operation activities for Employers. [It] noticed for some years now that such resources are no longer being allocated sufficiently to allow the IOE to support promotional activities based on the 4 principles. [IOE] hope is that this should soon be corrected.

Below are some of the most important activities undertaken by the IOE in its efforts to promote the Declaration and its four principles (for a better explanation, comments are divided into three parts):

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

I. IOE efforts to support the Declaration

1. The IOE position paper

The IOE used its updated position paper on the Declaration as a guide for the Employers Group 2010 debate on the future of the follow up. The Employers Group believes it is incumbent on the Office to take the consensus conclusions of that discussion forward as part of its efforts to ensure that the Declaration maintains its visibility and usefulness to Member States.

2. The Global Report. ILC Discussions

The IOE continues its role of supporting the Employers Group in the discussions of the Global Report during the annual International Labour Conference. This debate should be seen as the premier means of promoting the Declaration to the assembled constituents. However, problems persist with the nature of the ILC debate and (IOE) continue to look for ways of working with the Office, Governments and Workers to ensure the Declaration discussion is as dynamic and as useful as possible. The IOE sees the Office as having an important role in realizing this shared constituent objective.

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

² With some light editing by the Office.

3. *Corporate Social Responsibility*

The IOE through its member Employers' Organisations, continues to work to ensure the proper use of the Declaration within CSR activities, recognizing that the Declaration is itself a call to member States to promote the Principles.

The IOE continues to support members in the use of ISO 26000 as a guidance standard that incorporate the principles of the Declaration within its text.

Through ACTEMP TURIN, the IOE was involved in a series of seminars across Europe on Transnational Company Agreements, hosted by Business Europe, BDA, CEOE, MEDEF, FEB, VNO NCW that looked at developments surrounding European and International agreements where the Declaration is often a reference text to the parties concluding such agreements. Further seminars in London and Copenhagen will be undertaken by the end of this year.

In 2011, the IOE Guide for Employers on International Framework Agreements (IFA's) was again revised.

The IOE also continued to work closely with Prof. John Ruggie in the lead up to the UN Council for Human Rights adoption on the Guiding Principles on Business and Human Rights that includes a reference to the Declaration as a tool for companies to be cognisant of in this area. The IOE is developing resource material for its members on the Principles and will continue to ensure the clear identification of the labour rights aspects of the Declaration in conformity with the intent and purpose behind its creation. The IOE expects the Office to be vigilant to its efforts to also ensure the Declaration is used correctly by all actors in the wide human rights debate

4. *Global Compact*

The IOE is fully active in the support to the Global Compact. The IOE Secretary General is a standing member of the Global Compact Advisory Board as well as co-chair of the Global Compact Labour Group that continues to look for ways to promote the 4 labour principles in a manner consistent with the activities and political decisions of the ILO with regards to the promotion of the Declaration itself. The ILO, mainly through IPEC, MNE & ACTEMP, extensively collaborates in the delivery of the Global Compact.

Many IOE members are active regionally and lead the local network offices of the Global Compact.

A guide on the labour principles has been created in conjunction with the ITUC to give practical guidance to Global Compact companies on the 4 labour principles.

II. IOE efforts to promote the four Fundamental Principles

■ *Freedom of Association and the effective recognition of the rights to collective bargaining*

[Reference is made to IOE's position in the Committee on Freedom of Association and in the Governing Body.]. It is important that the ILO itself, in its promotion efforts, recognizes that this principle does not only pertains to Workers' Organisations and that Employers can expect the same levels of ILO engagement and support when their Freedom of Association is infringed.

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

Political events in the Arab region prevented an initiative of the Employers on this principle taking place this year. Notwithstanding this, the IOE continues to promote the joint ILO/IOE publication "Combating Forced Labour: A Handbook for Employers and Business" along with the complementary IOE guide "Forced Labour: Why is it an issue for Employers

■ *The effective abolition of child labour*

The IOE continues to follow the outcomes of the Global Conference on Child labour held in the Hague last year and to work to ensure consistency in work arising from the action plan and the IPEC work programme.

IOE is working with IPEC on a special project concerning the application of due diligence tools to child labour consequent to the adoption of the Guiding Principles on Business and Human Rights.

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

IOE's long standing work on HIV/AIDS continues and will work closely with the Office on the follow up to the ILC Recommendation adopted in 2010.

The IOE worked with ACTEMP on an initiative to establish two disability networks in the US and Africa to help with the exchange of good practice amongst Employer's Organisations and companies.

Youth unemployment persists and is in fact further deteriorating. IOE and the Employer Group see this as a priority area for IOE action and were pleased to see its proposal for a discussion on youth employment to be included in the ILC agenda of 2012.

III. Areas of concern

The IOE sees the 1998 Declaration as an indispensable tool for the realization of the values of the ILO. It recognizes that this realization can come about regardless of the ratification of the Conventions from which the principles are drawn. Capturing these innovative steps are an important information resource for constituents and the Office to draw upon in their own promotional work.

However, such efforts require the Declaration department and the sections dealing with the 4 principles to have the means to do so, including resources to help Employers and the IOE in their own promotional work.

[IOE] remains ready as [it] always have to work with the Office in delivering Employers' needs with regards to the Declaration and welcome any Office initiative to reach out and better understand what the Employers Group need and expect from the Office with regard to its activities going forward.

This Declaration as a solemn consensus statement of the constituents needs to continue to be seen as a valuable and well supported instrument both within and outside the ILO.