



## FOURTH ITEM ON THE AGENDA

**Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Technical cooperation priorities and action plans regarding the elimination of discrimination in employment and occupation****Introduction**

1. The Office has given effect to the 1998 Declaration on Fundamental Principles and Rights at Work through general promotional efforts, annual reviews, Global Reports and by the Governing Body drawing conclusions regarding priorities and plans of action for technical cooperation to be implemented for the following four-year period. At its current session, the Governing Body is called upon to consider technical cooperation priorities and an action plan regarding the elimination of discrimination in employment and occupation. It should be recalled that at its March 2005 session, the Governing Body recommended that all ILO technical cooperation programmes and projects systematically mainstream gender throughout the project cycle.

**Key areas of concern**

2. *Equality at work: Tackling the challenges*, the second Global Report on discrimination under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work highlighted the fact that despite encouraging developments in the fight against traditional forms of discrimination at the workplace, problems still persisted. To exacerbate the issue, other forms based on factors such as age, disability, xenophobia, HIV/AIDS status, sexual orientation, genetic predisposition and unhealthy lifestyles have become more evident. In an effort to be more effective in the fight against all forms of discrimination at the workplace, the report advocated, among other things, better enforcement of legislation, non-regulatory initiatives by governments and enterprises, and capacity building of social partners. A lively debate on the report at the International Labour Conference in June 2007 showed that participants were primarily concerned with the lack of capacity of governments and social partners to effectively combat all forms of discrimination. They emphasized, in particular, the enforcement of legislation, equal remuneration between the sexes and racism.

## Main issues

3. While most delegations at the Conference reported the adoption of national policies and programmes to ensure equality at work and equal opportunities, as well as the incorporation of anti-discrimination measures into national legislation, they also confirmed that the elimination of discrimination and the promotion of equality remained a challenge. Although essential, it was clear that legislation was only part of the solution, and that compliance needed to be ensured through effective enforcement and institutional mechanisms, including sound labour inspection and administration systems. In addition, non-regulatory measures should be implemented to complement and enhance the impact of both national and international laws.
4. On the issue of equal remuneration between the sexes, several countries reported efforts to reduce the gender pay gap, ranging from disseminating information to implementing equal remuneration programmes. However, some countries still experienced wage discrimination between men and women, in spite of the advances made by women in educational attainments relative to men. The discussion clearly showed that although the gender pay gap has narrowed in some countries, women continue to work, on average, for lower pay than their male counterparts. Constituents noted that the introduction and enforcement of equal remuneration legislation needed to be complemented by suitable job evaluation methods free from gender bias, equal pay reviews and equal remuneration commissions.
5. Delegations confirmed that although the employment rate for racial and ethnic minorities had risen over the years in many countries, serious barriers remained in terms of recruitment and promotion. Despite the introduction of anti-racism policies and workplace strategies, aimed at raising awareness about employment equality and non-discrimination laws, racial discrimination and xenophobia continued to be a problem. National laws against racial discrimination and for equality of treatment needed to be enforced, national institutions capable of playing both an advisory and monitoring role needed to be established, and indicators should be created to measure the impact of policies and programmes.

## Past and ongoing ILO action

6. The Office has pursued different strategies and activities in accordance with the 2003 action plan, which contributed to the achievement of considerable progress at the national level in several countries. The 2003 action plan focused on two thematic priorities: the gender pay gap and racial/ethnic equality and its gender dimensions.
7. Regarding the gender pay gap, the ILO focused its activities on: (a) generating knowledge on the costs and benefits of promoting pay equity, trends in the gender pay gap and its underlying causes; (b) networking and cooperation with Global Union federations; and (c) providing technical assistance at the country level. Country fact sheets were prepared for Africa, Latin America and Europe on (i) trends in the gender pay gap by sector and occupation; (ii) relevant national institutional regulatory frameworks; and (iii) comments of the Committee of Experts on the Application of Conventions and Recommendations. A similar initiative is currently ongoing in East Asia. A study assessing the cost benefits of pay equity and a guide on how to carry out job evaluations free from gender bias were produced. In collaboration with the ILO Training Centre in Turin, training workshops on job evaluations free from gender bias have been implemented. A technical cooperation project in Portugal focused on the under-valuation of professions in the restaurant and beverages sectors through the development of job evaluation methods free from gender bias with the sectoral employers' and workers' organizations. The project, funded by the European Commission, also aimed to modernize the sector's occupational classifications

systems and establish remuneration systems based on transparent and gender-neutral criteria and procedures.

8. On the subject of racial/ethnic equality and its gender dimensions, the ILO provided technical assistance to governments on the development of employment and social policies to promote racial equality and inclusion. An ethnic audit was undertaken of World Bank and IMF-driven Poverty Reduction Strategy Papers in 14 countries and its results disseminated and discussed. The audit attracted extra-budgetary funding from the Government of Sweden for follow-up activities in Bolivia, Peru and Paraguay to address labour market discrimination issues that affect indigenous peoples. Within the framework of another project to promote, protect and monitor respect for the rights of indigenous and tribal peoples, the ILO undertook research in tandem with the African Commission on Human and People's Rights on the legal protection of indigenous communities in Africa, promoted the rights of indigenous and tribal peoples in South Asia, and developed national legislation in Cambodia, Cameroon and Congo. The ILO provided training for judges and lawyers on international labour law and on how to handle discrimination cases. It also implemented other technical assistance projects including one in Brazil on promoting equal opportunities and fighting discrimination in employment and occupation, and provided advice to ministries of labour on the design and implementation of national employment policies in Bolivia, Ecuador, Colombia and Peru. Regarding integration of migrants, the ILO developed a "good practice" database, training tool kits and a web site for social partners in Europe. Employment discrimination testing was conducted in France, Italy and Sweden.

## Action plan regarding the elimination of discrimination in employment and occupation

9. The work to date, often based on RBTC and limited extra-budgetary seed resources, carried out in close collaboration with different field and headquarters units, will serve as a platform for expanded work relating to discrimination. The plan of action to combat discrimination will rely on the combination of resources and coordinated strategies across the Office, building on and consolidating existing activities and the experiences of the past four years. Lessons learned from research already initiated under the first action plan will be drawn upon in shaping future operational activities at the national and workplace levels.
10. In response to concerns voiced by most of the Conference delegates, the Office will give priority to **better enforcement of legislation and equal remuneration between the sexes**, drawing on inputs from all relevant headquarters and field units, including the Turin Centre. Initiatives at the country level will be integrated and mainstreamed into Decent Work Country Programmes (DWCPs). Activities will be designed and carried out in close cooperation with the Bureaux for Employers' and Workers' Activities.
11. The Office's 2008–09 programme and budget proposal designates the advancement of gender equality in the world of work as a cross-cutting theme with a joint immediate outcome. The ILO Action Plan for Gender Equality (GB.300/5) charts a course for realizing this objective. The Action Plan for Gender Equality is aligned with the proposed action plan on the elimination of discrimination in employment and occupation and will be one avenue for working towards the elimination of gender-based discrimination in the world of work. The International Labour Conference 2009 general discussion on gender equality at the heart of decent work will be an opportunity to provide information on progress in this area.
12. Follow-up action on the elimination of discrimination in employment and occupation will also need to include awareness raising through educational campaigns, sharing of

information and further research initiatives within the ILO and through external bodies. Another important area will be capacity building for governments and social partners to help ensure that they are equipped to measure up to the challenges of promoting equality in the workplace, given the multiple dimensions of discrimination and its complexity and persistence. Such capacity-building initiatives on discrimination issues will also be one response to earlier Governing Body recommendations to increase, through technical cooperation, the capacity of ILO constituents to promote gender equality in the world of work.

## **Capacity building for social partners**

13. Employers' and workers' organizations are key actors in the elimination of discrimination and the promotion of equality at work. The social partners are well placed to contribute by addressing any discriminatory practices within their organizations, the type of services that they provide to their members, and their involvement in bipartite and tripartite processes and institutions. For this, they require training and knowledge. The ILO will review collective agreements in a number of countries, the results of which will be shared with the social partners to promote greater attention to equality issues in collective bargaining agreements. In addition, it will compile and share information on the experiences, scope, content and impact of existing workplace initiatives, and will develop model codes of conduct or guidelines to promote equal treatment and opportunities for all. Contingent upon specific requests, capacity building will also be provided where initiatives of this type have been launched and need to be consolidated.

## **Decent Work Country Programmes (DWCPs)**

14. The ILO's country programming is increasingly focused on DWCPs. To ensure that non-discrimination and equality issues are effectively addressed at the national level, it is essential that DWCPs fully reflect these concerns. It is important that all the components and related activities of DWCPs take into account the specific rights, needs and circumstances of different groups based on their gender, race or ethnicity, religion, national extraction and abilities so that all can benefit equally from emerging opportunities. The Action Plan proposes specific efforts to integrate equality concerns into the DWCPs.

## **Better enforcement**

15. It is essential that provisions guaranteeing equality be incorporated into labour legislation. However, the adoption of legislation alone does not result in equality at the workplace. Where comprehensive anti-discrimination provisions exist, greater importance must be paid to enforcement, through labour administration services, equality commissions and the judiciary. To this end, the ILO will promote the establishment of equality commissions, and provide training in this respect. The ILO will embark upon awareness-raising campaigns, prepare a compendium of good practices and produce checklists, guidelines and training to assist labour administration services in tracing and preventing discrimination in employment practices.

## **Non-regulatory frameworks**

16. While a sound regulatory framework, backed up by a well-qualified and resourced labour inspectorate, is critical in eliminating discrimination, non-regulatory initiatives can complement and enhance the impact of both national and international laws. Non-regulatory measures can range from government purchasing policies to corporate social responsibility (CSR) initiatives and codes of conduct. The ILO will document promising

practices that are consistent with the ILO principles of tripartism based on international labour standards.

## Equal remuneration between the sexes

17. The gender pay gap has many causes. The ILO can play a key role in promoting a better understanding, acceptance and realization of equal remuneration. Specifically, the ILO will provide technical support to trade unions to enable them to better participate in negotiating for equal remuneration in their collective agreements, and in the development of relevant institutional mechanisms or bodies such as equal remuneration commissions. Regarding information and good practices on job evaluation methods, it will organize a technical workshop with the objective of encouraging a collaborative discussion among experts, and the ILO's tripartite constituency, to strategize on capacity-building programmes for equal remuneration. This consultation would also serve as appropriate follow-up to the June 2004 International Labour Conference resolution concerning the promotion of gender equality, equal remuneration between the sexes and maternity protection, and could also be an important input into the general discussion on gender equality in 2009.

## Racial discrimination

18. Racial, ethnic and xenophobic discrimination in the labour market often leads to marginalization and social exclusion. It is important therefore that workplace strategies be developed and implemented to prevent these forms of discrimination. These strategies should include awareness raising about more equitable workplaces, and should provide information and training to employers and governments on employment equity, non-discrimination laws, and inclusion based on colour, race, national extraction, religion or a combination of these. The ILO's future programme will reinforce the work already started with trade unions on the elaboration and dissemination of strategies, tools and training materials. This needs to be complemented by work with employers at the enterprise level. The Office will undertake case studies and provide a forum for the exchange of good practices and dissemination of information in 2008, and future technical meetings to share lessons learned.

## Conclusion

19. The successful implementation of proposed activities, integrated into the DWCPs, requires considerable extra-budgetary support to complement existing regular budget resources. The Office appeals to donors to make the necessary investment to ensure sustained progress in the elimination of discrimination in the workplace.
20. *The Governing Body may wish to endorse this second plan of action on the principle and right of non-discrimination, and request that it be kept informed, through the Committee on Technical Cooperation, of the implementation of the activities proposed.*

Geneva, 27 September 2007.

*Point for decision:* Paragraph 20.