

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM
FOR THE
**DISCRIMINATION (EMPLOYMENT
AND OCCUPATION) CONVENTION,
1958 (No. 111)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;

- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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Article 22 of the Constitution of the ILO

Report for the period _____ to _____

made by the Government of _____

on the

DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (No. 111)

(ratification registered on _____)

- I. Please give a list of the laws and regulations, bilateral or multilateral instruments, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of such texts to the International Labour Office with this report.**

In so far as there exist measures other than legislation, administrative regulations, etc., which are relevant to the implementation of the Convention, please indicate their nature.

Please give any available information concerning the extent to which these laws, regulations and instruments have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail, for each of the following Articles of the Convention, the provisions of the abovementioned legislation, administrative regulations, instruments, etc., or other measures under which each Article is applied.**

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation.

If the Committee of Experts or the Conference Committee on the Application of Standards have requested additional information or have made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. For the purpose of this Convention the term “discrimination” includes:
 - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms “employment” and “occupation” include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Paragraph 1 (a): Please indicate whether there exist in your country any distinctions, exclusions or preferences falling within this subparagraph:

- (i) *in law or in administrative practice;*
- (ii) *in practical relationships between persons or groups of persons.*

Please supply detailed information on the actual situation in your country regarding vocational training, employment and occupation of persons according to their race, colour, sex, religion, political opinion, national extraction or social origin.

Paragraph 1 (b): Please indicate whether other kinds of distinctions, exclusions or preferences have been specified in accordance with this subparagraph, and give particulars of the consultations with representative employers' and workers' organizations and other appropriate bodies which have taken place in relation thereto. Please supply in respect of any such distinctions, exclusions or privileges the same information as that requested under paragraph 1 (a) above.

Paragraph 2: Please indicate the main cases in which a condition of race, colour, sex, religion, political opinion, national extraction or social origin is not considered in your country as discrimination, owing to the inherent requirements of the particular job. Please indicate any difficulties of application, disputes or controversies which have arisen in relation to such conditions.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Please indicate how the national policy designed to promote equality of opportunity and treatment in respect of employment and occupation has been declared, and communicate copies of all constitutional or legislative provisions, government statements, etc., relating to the declaration of this policy.

Please describe the general methods (legal procedures, practical measures, etc.) by which this policy is being implemented in respect of each of the following fields:

- (a) access to vocational training;*
- (b) access to employment and to particular occupations;*
- (c) terms and conditions of employment.*

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice:

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Paragraph (a): Please indicate the measures taken to obtain the cooperation of employers' and workers' organizations and other appropriate bodies and describe the form taken by any such cooperation.

Paragraph (b): Please indicate all legislative and other provisions designed to secure the acceptance and observance of the national policy, and describe the means by which they are applied and any relevant procedures to which the persons concerned may have recourse. Please describe the manner in which public education and information on the anti-discrimination policy are provided or promoted.

Paragraph (c): Please indicate whether any measures have been taken or are contemplated to eliminate any statutory or other provisions or administrative practices which are inconsistent with the national anti-discrimination policy.

Paragraph (d): Please describe the manner in which the policy is applied in respect of employment under the direct control of a national authority, and supply all appropriate information on the actual methods or procedures followed to this end as regards recruitment, promotion, conditions of employment, termination of employment, etc.

Paragraph (e): Please supply particulars of the measures taken to promote equality of opportunity and treatment regarding vocational training and occupational guidance under the direction of a national authority. Please supply particulars of the manner in which placement services under the direction of a national authority ensure observance of the policy mentioned in Article 2, and of the means available to these services and to those who use them to ensure such observance.

Paragraph (f): Please describe the results of the measures taken in pursuance of the national policy, and supply any information available (such as reports, studies, statistics, etc.) which may show the changes which may have occurred in regard to the vocational training, employment and conditions of employment, in the various branches of activity and at various occupational levels, of persons defined according to criteria such as those mentioned in Article 1.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Please indicate any legislative or administrative measures and national practice governing the employment or occupation of persons suspected of, or engaged in, activities prejudicial to the security of the State, and give particulars of the right of appeal available to persons concerned.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Please indicate whether it has been determined that any special measures of the type described in paragraph 2 of this Article shall not be deemed to be discrimination. If so, please give particulars of such measures and of consultations with representative employers' and workers' organizations in relation thereto. Please also state why the continuance of the measures in question is considered to be necessary.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

III. Please state to what authorities and institutions the application of the abovementioned laws, regulations, and international instruments, etc., is entrusted.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please add a general appreciation of the manner in which the Convention is applied, including, for instance extracts from official reports as well as information on any practical difficulties in the application of the Convention.

VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.¹ If copies of the report have not been communicated

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organizations concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the text of these observations, together with any comments that you consider useful.

APPENDIX

DISCRIMINATION (EMPLOYMENT AND OCCUPATION) RECOMMENDATION, 1958 (No. 111)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Discrimination (Employment and Occupation) Convention, 1958,

adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Recommendation, which may be cited as the Discrimination (Employment and Occupation) Recommendation, 1958:

The Conference recommends that each Member should apply the following provisions:

I. DEFINITIONS

1. (1) For the purpose of this Recommendation the term “discrimination” includes:

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and with other appropriate bodies.

(2) Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof is not deemed to be discrimination.

(3) For the purpose of this Recommendation the terms “employment” and “occupation” include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

II. FORMULATION AND APPLICATION OF POLICY

2. Each Member should formulate a national policy for the prevention of discrimination in employment and occupation. This policy should be applied by means of legislative measures, collective agreements between representative employers’ and workers’ organisations or in any other manner consistent with national conditions and practice, and should have regard to the following principles:

- (a) the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;
- (b) all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of:
 - (i) access to vocational guidance and placement services;
 - (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
 - (iii) advancement in accordance with their individual character, experience, ability and diligence;
 - (iv) security of tenure of employment;
 - (v) remuneration for work of equal value;
 - (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;
- (c) government agencies should apply non-discriminatory employment policies in all their activities;
- (d) employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organisation obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;
- (e) in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;

- (f) employers' and workers' organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

3. Each Member should:

- (a) ensure application of the principles of non-discrimination:
 - (i) in respect of employment under the direct control of a national authority;
 - (ii) in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (b) promote their observance, where practicable and necessary, in respect of other employment and other vocational guidance, vocational training and placement services by such methods as:
 - (i) encouraging state, provincial or local government departments or agencies and industries and undertakings operated under public ownership or control to ensure the application of the principles;
 - (ii) making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles;
 - (iii) making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles.

4. Appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies, should be established for the purpose of promoting application of the policy in all fields of public and private employment, and in particular:

- (a) to take all practicable measures to foster public understanding and acceptance of the principles of non-discrimination;
- (b) to receive, examine and investigate complaints that the policy is not being observed and, if necessary by conciliation, to secure the correction of any practices regarded as in conflict with the policy; and
- (c) to consider further any complaints which cannot be effectively settled by conciliation and to render

opinions or issue decisions concerning the manner in which discriminatory practices revealed should be corrected.

5. Each Member should repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy.

6. Application of the policy should not adversely affect special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status are generally recognised to require special protection or assistance.

7. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State should not be deemed to be discrimination, provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice.

8. With respect to immigrant workers of foreign nationality and the members of their families, regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949, relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949, relating to the lifting of restrictions on access to employment.

9. There should be continuing co-operation between the competent authorities, representatives of employers and workers and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect.

III. COORDINATION OF MEASURES FOR THE PREVENTION OF DISCRIMINATION IN ALL FIELDS

10. The authorities responsible for action against discrimination in employment and occupation should co-operate closely and continuously with the authorities responsible for action against discrimination in other fields in order that measures taken in all fields may be co-ordinated.