

**Thirteenth sitting**

Friday, 13 June 2003, 10.15 a.m.

Presidents: Mr. Wamalwa and Mr. Wojcik

GLOBAL REPORT UNDER THE FOLLOW-UP
TO THE ILO DECLARATION
ON FUNDAMENTAL PRINCIPLES
AND RIGHTS AT WORK:
PRESENTATION AND DISCUSSION

The PRESIDENT (Mr. WAMALWA) — It is a great pleasure for me to open the thirteenth sitting of the International Labour Conference, which is dedicated to the discussion of the Global Report submitted under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, entitled *Time for equality at work*.

This is the fourth time the Conference will consider a Global Report under the follow-up. This year, the subject is the elimination of discrimination in respect of employment and occupation.

Elimination of discrimination in respect of employment and occupation is an area where several units of the ILO have moved things forward in the past, most recently with respect to HIV/AIDS. Still, the Global Report points out that there is a long way to go.

The purpose of the Global Report is to provide a dynamic global picture. This should enable us to evaluate the effectiveness of the action undertaken by the Organization. Discussion should help to determine priorities for the future in the form of an action plan for technical cooperation to be submitted to the Governing Body in November this year. The arrangements for today's discussion have been examined by the Governing Body and accepted by the Officers of the Conference. Our discussion today will take place in two sittings, with a possibility of extending the afternoon sitting into the evening, depending on the number of speakers who wish to take the floor. May I draw the attention of everybody to one important feature of this discussion. Speakers will take the floor from the seats and not come to the podium to make their statements.

This morning's sitting will comprise a general discussion, followed by a thematic discussion this afternoon organized in an interactive way that is meant to focus on the suggestions in the Global Report for future action. These arrangements are designed to achieve a greater exchange of views.

After the interactive sitting we shall revert to the general discussion until the list of speakers is exhausted.

Speaking time should be limited to a maximum of ten minutes for the groups' spokespersons and five minutes for the delegates.

I would like to draw your attention to *Provisional Record* No. 2 concerning follow-up activities of the Office under the Declaration of Fundamental

Principles and Rights at Work, freedom of association and collective bargaining, forced or compulsory labour. This document was established to respond to those who asked for up-to-date information on a regular basis with regard to activities being carried out under the Declaration.

I declare the general discussion open.

Mr. POTTER (*Employers' delegate, United States, speaking on behalf of the Employers' group*) — We welcome the Worker spokesperson, Mr. Roy Trotman, to this Global Report follow-up discussion. We hope we can continue the solid working partnership with him that we had with his predecessor. Being last in the order of the four principles encompassed by the Declaration on Fundamental Principles and Rights at Work does not make "the elimination of discrimination in respect of employment and occupation" less important. Recognizing that freedom of association and tripartism are the ILO's cornerstones, it is apparent that non-discrimination is a key prerequisite to achieving the other three principles. As former ILO Director-General, Francis Blanchard, told me 20 years ago, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) may in fact be the most important ILO Convention because the elimination of discrimination is essential to achieving freedom of association, tripartism and social dialogue.

It is important to keep in mind what the Declaration calls for. Pursuant to paragraph 2, it declares that all Members have a constitutional obligation "to respect, to promote and to realize ... the principles concerning the fundamental rights" which are the subject of the eight fundamental ILO workplace human rights Conventions.

This Global Report addresses the last principle, which is based on Convention No. 111 and the Equal Remuneration Convention, 1951 (No. 100). The governmental commitment encompasses the scope of these two Conventions without the detailed legal obligations of the two Conventions unless, of course, the member State has ratified one or both of the Conventions.

It is clear that Members have no obligations as concerns the specific provisions of the Conventions they have not ratified. Moreover, the Declaration is no wider in scope than the fundamental Conventions themselves.

Under the fourth principle, what the Declaration seeks to promote is a policy environment that seeks to eliminate discrimination over a period of time if it cannot be accomplished immediately. Divorced of all the specific legal provisions of the Conventions, this is the central policy objective of the Declaration's non-discrimination principle.

This Global Report is certainly the most well written, readable and non-legalistic of the four Global Reports. Although we do not agree with all of it, the policy intervention section in Part II is particularly well done. This is not surprising, because this is a familiar ground for the ILO, and in view of the core purpose of the ILO itself. For this, the Office is to be commended and congratulated.

With respect to access to the Report on the ILO web site, we would recommend that there be the possibility to download future Global Reports as one PDF, as is the case with other Conference reports.

We are concerned, however, with the wide-ranging nature of this Report, which addresses new forms of discrimination as well as old, without making any distinction between the policies that are specifically addressed under the Conventions, those that may be added after tripartite consultations, and those where special measures may be taken after tripartite consultations.

Similarly, one would get the impression, reading this Report, that affirmative action measures are mandatory, or at least always necessary, when, in fact, under Convention No. 111, such measures are discretionary.

Great care should be taken to keep in mind the constitutional and legal basis for the principles and rights encompassed under the Declaration. In the context of this Global Report, the failure to make these distinctions gives the Report a somewhat unfocused quality that gives the impression that every form of discrimination is within the Member's direct commitment under the Declaration.

It seems to the Employers' group that part of the value of the Global Report promotional follow-up is to clarify and prioritize the policies and implementation strategies needed to meet the Declaration's non-discrimination commitment. This should not be just a laundry list. Obviously, no form of discrimination is acceptable, but priority needs to be given to those classifications specifically enumerated in Convention No. 111, that is, any 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.

With the exception of information on gender, these other forms of discrimination that were of substantial importance in 1958 receive substantially less emphasis, if at all, in this Report.

To be clear, with one exception, the employers have no problem with this Report addressing forms of discrimination beyond those encompassed in Conventions Nos. 111 and 100, as long as the Report is clear on the scope under the Declaration. The one exception is the question of discrimination against trade unionists, which is encompassed under the first principle, "freedom of association and the effective recognition of the right to collective bargaining". Because of the negotiating history of the Declaration, this issue should be addressed in the context of the freedom of association principle.

The principle of non-discrimination adopted in the Report, in our view, is somewhat simplistic. We think the world is more complicated. Every inequity in the world is not discrimination. Every time a person in a protected classification does not get a promotion is not necessarily discrimination. As the Report does

recognize, merit and the inherent requirements of the job are valid bases for differentiating individuals.

At the same time, the Report places emphasis on statistics as an indicator of discrimination. In reality, it may or may not be. Evaluation of what is, or is not, discrimination is complex. On the other side of the equation, there is no acknowledgement in the Report of the role of voluntary employee choice in occupational selection.

In addition, we have serious reservations regarding the definition of disability in paragraph 113. It is, in effect, no definition at all because it effectively includes everyone under a highly subjective problematic standard by including both physical and social factors.

We were surprised that even when there is good news, the Report greets it with scepticism. In Part II, in the section on entry level discrimination against women, the Report notes, in paragraph 132, that the unemployment of women is lower than men in several countries, but speculates without any factual foundation, that this may be due to a variety of negative factors.

For reasons that are well understood with respect to the different description of equal pay in the English and French texts of the ILO Constitution, the Declaration does not expressly address the question of equal remuneration but it is incorporated within the elimination of discrimination principle. Thus, the principle concerning equal remuneration under the Declaration is not the definition under Convention No. 100, except in those 160 countries that have ratified the Convention.

The job-content approach taken in paragraph 156 does not recognize that the highly subjective nature of comparisons of job content can lead to very different results even in the same country. At the same time, the Report rejects objective factors such as productivity or performance which lead to consistent results. Moreover, there are a number of other non-discriminatory factors that can explain overall income and pay differences, as the Report indirectly acknowledges. These include overall hours of work, years of experience, occupation, level of education and field of study.

A minimum-wage approach is suggested in paragraphs 169-173 as a strategy to protect low-wage workers. This may be a good strategy to address that but it is not encompassed within the elimination of discrimination principle. In any event, particularly where the minimum wage is set above the productivity level of the low-wage worker, the strategy ignores the minimum wages' unemployment effects that can hurt the very worker the policy is intended to help.

What happens in the workplace is obviously important in achieving the elimination of discrimination, but is not the total solution. The workplace has an important socialization function in every society. Efforts to change how people view others, however, need to start in the family, and in the community, and in schools.

This Report gives the impression that discrimination is primarily a product of poverty — full stop. We think the Director-General's Conference Report is closer to the mark, because it recognizes that the sources of discrimination and its interaction with poverty are multifaceted. Family structure, whether both parents are wage earners, education and work ethic are important factors, for example.

Overall, the Global Report reflects a reality that, on a global basis, there does not seem to be good data and information on most areas of discrimination, except for gender discrimination. This is somewhat surprising, given the wide range of discrimination programmes administered by the ILO. This suggests that these varying programmes need to be consolidated and coordinated into one overall equality programme, so that classifications, in addition to gender, receive increased emphasis, with improved consistency across programmes.

Because of the lack of concrete information and data, as a priority matter under the Action Plan, the ILO focus should be on gathering global factual information relating to the forms of discrimination encompassed by the elimination of discrimination principle. This will provide the basis for a more accurate understanding of the various forms of discrimination. Consequently, the question of development of equality of work indicators should be postponed until concrete discrimination statistics and facts are gathered and are addressed as part of the Governing Body discussion on the overall plan of action. This is a discussion and decision that cannot and should not be resolved here as part of this Global Report discussion.

In our view, the section of the Global Report beginning on page 99, concerning what business and employer organizations are doing is not the full story. As you will hear from several of my employer colleagues during the interactive discussion this afternoon, companies and employer organizations are doing much to further equality in the workplace.

Employers, more than anyone in today's global economy, see that, as is stated in paragraph 3, "The waste of human talent and resources has a detrimental effect on productivity, competitiveness and the economy." Diversity of a workforce that is reflective of customer diversity in the market place is a competitive strength. Moreover, in some regions of the world, there are current and future labour and skill shortages that make it essential that business utilize all the talent available without distinction.

We are somewhat surprised by the section entitled "Beyond national initiatives and national actors", on page 110, which suggests several different codes of conduct as a means of furthering the elimination of discrimination principle.

There is a substantial risk, in our view, that notwithstanding the best of will and intention of the proponent of the code, they could become a substitute for national or international law and be applied in a way that is inconsistent with the Declaration and international labour standards or create confusion because of the number of applicable codes.

As *Provisional Record* No. 2 reflects there are a number of Office follow-up activities to the Declaration with respect to the first-two principles and we know there are substantial child labour activities under IPEC.

Document 286/LILS/5 from the March 2003 Governing Body provides us with a general status report on ILO action concerning discrimination in employment and occupation. In addition, there are a number of examples of ILO action in the shaded boxes throughout this Global Report. With respect to all of these activities, as well as much of the text, there is no assessment of impact that we can detect. Nor is there a prioritization of action that we can find as well.

The promotional follow-up outcomes are intended to be more concrete than this. As the Expert-Advisers

said this year in their Introduction to the Annual Review of the follow-up to the Declaration, "The Declaration follow-up was meant to be promotional, meaningful and effective ...

We must look to see what actually happens in countries, their policies, programmes, the institutions set up to implement measures in the spirit of the Declaration [...]. We might also have to point to a persistent lack of progress and draw the attention of the Governing Body in some appropriate way."

As we complete the first round of Global Reports at this Conference, an assessment needs to be made of whether the Declaration's promotional follow-up is helping ILO Members with pervasive policy failures to realize and achieve the principles concerning fundamental rights of the eight core labour Conventions.

Mr. TROTMAN (*Workers' delegate, Barbados, speaking on behalf of the Workers' group*) — Discrimination is a social disease which attacks all tissues within society. Its causes are so many and so varied that few persons escape its ravages. Its results are evident in all parts of every community and may last through several lifetimes.

Our effort today seeks to focus on discrimination in the workplace but it must be said quite clearly here, at the very outset, that the workplace is not a separate institution distant from, or unrelated to, the wider community.

An individual does not suddenly appear at the door of a workplace. That individual comes from some place where perhaps there have been obstacles. The circumstances of birth may be the first one but it goes on and thus brings one of two types of people to the gate of the workshop for the first day of work.

One type of person is the young person who has come to live with the circumstance of discrimination and will steer towards the mainstream, which will include both those people who accept their station and those who see avenues for upward mobility through a special extra effort.

The other type of person may, on the other hand, be the aggressive recruit who will be an angry dissatisfied worker, impacting negatively on the work environment from time to time so that the full productivity potential of the work station may be hampered. Notice that I said "may be".

While the worker may be so bruised by the level of discrimination before employment that he or she starts work with little spirit and no visible drivers for his or her motivation, the workplace, indeed, the entire community is given a worker and a citizen who is prepared to live and to accept mediocrity.

Our human resources departments across the world of work lament the worker and the fact that that worker is not being more helpful and more productive. We have to, instead, accept that one may not properly ask a worker to work smarter, with greater commitment, if one has raised that person from birth to feel that he or she is some mindless, unequal, undeserving beast of burden.

The Director-General is right. Discrimination erodes self-esteem and breeds a sense of frustration and powerlessness at the level of the individual. For the enterprise, it undermines productivity and saps potential. What it does for the community as a whole is to maintain the vicious circle of poverty and social exclusion.

Our Workers' group thinks that, in very great measure, it is the underlying basis for social drop-outs and for the general social destabilization which we see.

We cannot take the time here to fully explain our group's views, but we do want to make reference to the point that this is the final in the series and that we would wish to be able to see just how impactful the series has been as a whole, and would recommend such a study.

We further wish to ask you to consider the following suggestions for change that we are putting forward.

Before ever aware that everyone of us as individuals and as institutions must play a role, our first thought is that the President and the Director-General need to have a focused action plan. The obvious focus is gender discrimination and discrimination on the basis of race.

The Workers' group acknowledges that some ILO work has already been done but our group considers that there is an even more urgent need, especially now, given the recalcitrance of some communities, to address gender equality issues.

Our group also wishes to point out the increase in the number of racist ideologies in some regions and the proliferation of conflicts in others over issues of race and ethnicity, and to urge the ILO's Action Plan to take this matter on board.

The Workers' group would, secondly, put forward the issue of income inequalities. Our position is anchored firmly in the Equal Remuneration Convention, 1951 (No. 100).

Our group compliments the writers of the Report for the conclusions within that Report and supports the Office's plan for expansion of the ILO's capacity to address wage policy issues generally and pay inequalities in particular. In this connection, our group urges the ILO to provide technical assistance to governments wishing to examine the impact of their policies for setting standards, in particular a minimum wage. Such technical assistance should also be forthcoming where the aim is to reduce income inequalities and discrimination in the labour market. The ILO can thus promote a series of national or subregional high-level tripartite meetings of experts to examine strategies to promote pay equity, including minimum wages.

Still on the subject of equal pay, the Workers' group submits that the ILO should provide technical assistance to workers' organizations to aid them in formulating effective employment equity plans, which would address racism and, where applicable, the rights of indigenous people. Since, in a sense, employers' organizations should share the same objectives as workers in this area, our group feels that joint ILO-sponsored programmes should sometimes be used to make for cost-effectiveness, as well as for uniformity of action.

It is necessary here for our group to remind you that other serious areas of discrimination are to be found: workers with disabilities, workers with HIV/AIDS, workers with other illnesses, migrant workers, young workers, older workers and indigenous workers, among others.

It would be immensely helpful if the ILO would compile and disseminate a series of best practice documents for the assistance of the social partners in seeing what is the record in these areas. It should also be evident that promotional ILO campaigns relating to the Equal Remuneration Convention, 1951

(No. 100), and Discrimination (Employment and Occupation) Convention, 1958 (No. 111), would be an important part of any plan of action.

The Workers' group considers that efforts must be made worldwide with ILO guidance to promote strong, effective, pro-labour legislation, including employment equity and equal pay legislation, with the burden of proof resting with the accused employer or the accused company. This should be made to include company efforts to deny freedom of association and the right to bargain collectively and I regret that, here, I have to depart from my illustrious colleague, Mr. Potter.

What the Workers' group has put forward here relates to ILO action for its constituents. The ILO has to make sure for itself that, between the headquarters and the field, and among its hundreds of internal customers — its staff — it presents itself as a centre of excellence, leading by example. The pressures of large versus small, rich versus poor, even among illustrious colleagues, will often lead to lack of equity and fairness of distribution. In order for the ILO to reach that position of equality of opportunity, it will find itself having, like many governments, to put in place some practical, affirmative action programmes.

The Workers' group needs to say too that there is much that workers' organizations, employers' organizations and other social groups must do separately and together to rid the workplace, and, through it, the community generally, of the disease of discrimination. It all has to start with the awareness that we are all guilty. We must all make conscious efforts, first to cleanse ourselves, and then to help areas and to help others to better levels of awareness. We must strive to have new policy initiatives put in place at all levels in an effort to create that just society where there is equality of opportunity for all.

Original Arabic: Mr. AL-THANI (Minister of Civil Service Affairs and Housing, Qatar, speaking on behalf of the Gulf Cooperation Council) — It is a pleasure for me to greet you all and to address you on behalf of the Civil Service Affairs and Housing Ministry, the Gulf Cooperation Council and all its members, Bahrain, Kuwait, Qatar, the Sultanate of Oman, Saudi Arabia, in addition to the Yemen Republic.

It is a pleasure for me to express my appreciation for all the efforts of the Director-General of the ILO in preparing this Global Report, devoted to the fourth principle and the need to overcome discrimination, entitled *Time for equality at work*, thus completing a cycle of global reports that have covered the four principles of the Declaration.

We fully welcome everything in this Report that reflects a full understanding of the social and economic situation in the world and the necessary developments at work. It is a well-structured Report. We support everything that it says concerning the importance of putting an end to discrimination and we agree with the Director-General on many of the matters that appear in this Report.

Our countries are based on the lofty principles of Islam, established constitutions and laws that are fully in keeping with all the international principles defending the dignity of man and protecting him from all forms of discrimination.

We believe that this is in obedience to God who said in the Holy Book that men and women are equal.

We have worked to promote the status of women and their position in society, enabling them to obtain the necessary education, training and employment and to contribute to the labour market without any discrimination.

Affirming the position of our countries against discrimination, we have spared no effort to respect the main Conventions Nos. 100 and 111 and have adapted our legislation to this effect, in order to bring about equality of opportunity and full respect for human rights.

Concerning discrimination and equality, let me speak of the unique position of the countries of the Gulf Cooperation Council. Even though we are young countries, we receive large numbers of migrant workers from many parts of the world under contract for specific periods of time, to cover the requirements of our labour market. They represent the majority of the workers in our countries and are employed in several areas. We would like to affirm here that this manpower is imported on the basis of contracts completely devoid of discrimination and that grant their full rights to the workers.

Those workers have equal opportunities and equal wages and enjoy all possibilities of education without any discrimination of any kind on the basis of religion or race. In fact, our countries have become a centre for training where these workers train and become fully qualified enabling them to raise the standard of living of their families and reducing unemployment in their countries of origin. Their remittances also contribute to the development of those countries.

We would like to declare our full commitment to the Declaration on Fundamental Principles and Rights at Work, fully respecting the specificities and histories of the different peoples which would guarantee the sustainable development of human resources, and a fair society, and we would like to reaffirm what the Director-General has said, namely that the real challenge is poverty and unemployment and the deteriorating economic and social circumstances of many countries.

Faced with globalization, with increasing competition and political changes and new policies that are creating further gaps and differences, we also agree with the Director-General in saying that to overcome discrimination all parties have to combine their efforts and that it is not only the responsibility of the governments but also that of employers' and workers' organizations. The victims of discrimination should also struggle against such discrimination. That is why we believe that the plan of action to overcome discrimination appearing in the Report is excellent and the three strategies proposed are fully acceptable, because the plan has to be in keeping with the objectives of decent work and the strategy of decent work.

We should all work at the national level and benefit from the technical assistance and cooperation given by the Organization. Our countries also wish to continue their technical cooperation with the Organization, to improve and develop their legislative framework in order to overcome poverty, raise awareness and to overcome all kinds of discrimination.

The entire world is in need of brave and daring new strategies and the devotion of more resources, financial and otherwise, to achieve sustainable development, decent work and human dignity, stability in the world and cooperation among all peoples and to put an end to the wars that flare up everywhere.

The forward-looking policies of the Report are indeed a very important first step to promote the possibilities of decent work.

Mr. MDLADLANA (*Minister of Labour, South Africa*) — It is common knowledge that before the advent of democracy in South Africa racial and gender discrimination was entrenched by law and that it pervaded all aspects of our society. Access to basic social services such as water, sanitation, decent shelter and health facilities was an exclusive preserve of a minority. Black children were fed inferior education that condemned them into the perpetual suppliers of cheap and unskilled labour. To black workers, workplace rights were but an object of fantasy and a figment of imagination.

Following a protracted and ferocious struggle, waged against an illegitimate racist regime that oppressed and exploited our people, the majority of South Africans, black and white, wrote a new script in their history as they adopted a new Constitution underpinned by a bill of rights which guarantees the freedom and quality of all South Africans.

In terms of our Constitution, it is an offence, punishable by law, to unfairly discriminate against anyone on racial, gender or other irrational grounds. Paragraph 77 of the ILO publication, *Time for equality at work*, states that "elimination of discrimination in the workplace is strategic to combating discrimination anywhere". The Report goes on to say that "socially inclusive workplaces can pave the way for more egalitarian, democratic and coercive labour markets and societies". It correctly cites South Africa as an example of a place where systematic exclusion of members of certain groups from decent work generated serious problems of poverty and social fragmentation that constrained economic growth.

It was precisely because we wanted to take the necessary corrective action and to turn the tide in this regard, that in addition to our bill of rights, complemented by our promotion of equality legislation, we also passed in 1998, the employment equity legislation. The latter is aimed at prohibiting unfair discrimination at the workplace in particular.

As the Report observes on page 64, our legislation has also introduced measures designed to ensure that suitably qualified people from groups that were historically excluded are given an opportunity to practice a trade they were trained in or granted an opportunity to be represented in all occupational categories and levels in the workforce. In order to strengthen our workplace anti-discrimination legislation, the South African Government has, in collaboration with social partners, also developed codes of good practice to provide the necessary protection to workers and workseekers who are HIV-positive or inflicted by one or other form of disability.

In my country, HIV testing of workers or workseekers is prohibited by law unless sanctioned by the Labour Court. This is to prevent employers using the outcome of the test to discriminate against workers and workseekers. We have also developed technical guidelines to assist employers to support workers who are HIV positive. These guidelines help both employers and employees to understand their reciprocal rights and obligations in addressing the scourge at the workplace.

While the institutionalized form of unfair discrimination in my country has been buried in the grave of

shame and disgrace, the wounds inflicted are very deep and the residual impact despicably horrendous. Some of those threatened by our transformation agenda occupy strategic positions in companies and need to be transformed. They use their influence to resist change and to surreptitiously sabotage our transformation agenda.

Some accuse us of introducing through affirmative action, a so-called new form of racism. "South Africa is now free, let everyone compete on an equal basis" they pontificate. If a black person entered the race with heavy chains around his ankles and a white person entered free and was also boosted with steroids, is it fair to now say "the shackles have been removed from the ankles of black people? Let everybody continue from where they left".

It gives me a sense of pride to acknowledge that my country is already implementing instruments proposed in the ILO Reports in one form or another. Even if we are impatient about the pace of workplace transformation it is heartwarming to observe that our approach is affirmed in your outstanding Report. Of course, this is in part attributable to the fact that some of our strategies were developed in collaboration with the ILO. I was also heartened by the outcome of the Presidential Growth and Development Summit where all social partners articulated a third vision for growth and development. At that summit, captains of industry committed themselves to, *inter alia*, join forces with government and organized labour in running a campaign that would promote workplace equity.

I conclude by saying that our resolve to root out this morally violent abhorrent phenomenon of discrimination in our country remains a priority and that we shall not rest until our struggle for which many selfless sacrifices were made is won in all fronts and in particular at the workplace.

Mr. HJORT FREDERIKSEN (Minister for Employment, Denmark) — Let me start by thanking the Director-General for his excellent Global Report and congratulating him on his re-election.

The follow-up to the ILO Declaration on Fundamental Principles and Rights at Work is certainly an important field of action for the ILO. When I took office I deemed it urgent to stress and strengthen the possibility of economic independence for individuals and to make people realize the importance of such measures for the well-being of the Danish society.

Discrimination is one of the main obstacles to this development. As a staunch supporter of liberal political philosophy, I consider equal opportunities to be a cornerstone of society. I agree with the key message of the Report that the workplace is a privileged entry point from which to liberate society from discrimination.

To achieve these objectives in Denmark, we have started to apply a mainstreaming strategy. Our experiences seem to prove that effective action requires support from management, unions and employers' organizations. The Danish public employment service has been using this strategy for the last four years. It assists jobseekers and potential employers to regard their respective abilities and needs in a broad perspective. The traditional notion of women being best suited for cleaning jobs and men for collecting garbage is now being revised. In the near future, this anti-discriminatory approach will be extended and adopted by more public institutions and services.

The advantages for our society of this approach are manifold. Bottlenecks on the labour market are reduced. This helps us to prevent the economy from overheating and to secure a more stable labour market. Individual employers and employees receive better and more competent services from public institutions.

As for disabled persons, it is crucial to create simple compensation procedures that involve as few barriers as possible. In Denmark we believe that we have a good system. Nevertheless, it is a fact that relatively few disabled people are actually working. We will now improve our efforts in this field in order to give individuals fair and reasonable expectations of being treated as worthy and equal members of our community. At the moment we have tripartite groups and NGOs working on the implementation of the relevant non-legislative agreements.

Ethnic discrimination is a challenge in Denmark, as it is in many other countries. The Global Report contains many good ideas in this particular field.

Our present schemes and programmes provide for extensive compensation for employers who offer training and jobs to immigrants. It is, however, clear that compensation schemes do not suffice. There is a need for rapid, coherent action as soon as immigrants arrive in Denmark. It is vital that public employment services remain in regular, close contact with immigrants. Basically, the Danish Government considers a job to be the most effective tool for integrating immigrants into society. We are aware that the behaviour and attitude of society in general and of employers, colleagues and civil society in particular towards immigrants belonging to different ethnic groups is of major importance.

This brings me back to the Global Report and once again to thank the Director-General for his important and forward-looking Report that certainly proves timely given the current debate on this issue in Denmark and, I believe, in many other countries as well.

Mr. HASEGAWA (Government delegate, Japan) — First, I would like to thank the Director-General and the Office for having prepared such an accurate Report for this Conference.

All over the world, numerous persons are facing discrimination on grounds, *inter alia*, of sex, religion or the colour of their skin, and they are suffering serious discrimination in the workplace. We agree with the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work that discrimination is closely related to poverty and that measures to overcome poverty should go hand in hand with measures to eliminate discrimination. Furthermore, discrimination does not seem to affect any one specific sector, but occurs in several forms and therefore tends to result in multiple damages. The elimination of discrimination should be the supreme goal of human beings.

In Japan, legislation has been adopted to guarantee equality for all. Non-discrimination in the workplace is considered to be a basic right. According to article 14 of the Constitution of Japan, all people are equal and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin. The Japanese Government has also made efforts to eliminate discrimination by strengthening its labour legislation. Several measures, have been taken to ensure, in

practice, the equal treatment of men and women in the workplace, including the adoption of provisions on equal employment opportunities and on employers' obligations to prevent sexual harassment and to take positive action.

We have therefore taken action to introduce an equal employment policy. It seems that there are few misunderstandings of the Japanese situation in the Report and we will submit our comments to the secretariat in writing later.

According to a survey conducted in Japan this March, gender equality in the workplace, and in the home increases the morale of working women, and satisfies their needs in terms of permanent employment. Companies which make efforts in this area realize that equality in the workplace brings better business results. We would like to continue actively to implement an equal employment policy for both sexes in order to promote both company growth and individual happiness.

Although we have not ratified the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the principles of the Convention are widely known among the whole Japanese nation. We are currently investigating, from a technical point of view, how to bring national legislation into line with it, because the scope of the application of the Convention is so broad.

The question of human rights is currently being considered by Parliament with the objective of carrying out a fundamental reform of the human rights protection system in Japan. This has effectively helped to compensate for damages caused by human rights violations and to encourage human rights indictments. Therefore, the objective is to establish a human rights protection system under the supervision of an independent organization which is authorized to conduct active investigations.

Next, the topic of equal remuneration. In 1967, the Japanese Government had already ratified the Equal Remuneration Convention, 1951 (No. 100). Consequently, Japanese legislation had been amended to prohibit employers from treating women differently from men in terms of wages. However, when we look at the average wages actually paid to men and women in 2002, women's earnings were, on average, 65.5 per cent of those of men. Although the situation is improving, there continue to be considerable differences. The wage gap can be attributed largely to the fact that women tend to have lower levels of employment than men and are more likely to occupy short-term posts. Therefore, it is important to reduce the horizontal and vertical divide between men and women, as the Report points out, and also to improve the situation of women so that they are encouraged to continue to work.

In Japan, various measures have been adopted to encourage women to stay on the labour market and to ensure gender equality. First, efforts have been made to apply the equal opportunity law and to eliminate the discrimination of women in recruitment, allocating assignments, promotion, training and so on.

Second, administrative guidance has been offered to employers, and third, assistance has been provided in the settlement of individual disputes between female workers and employers. We are also carrying out programmes to promote equality for men and women, for example by conducting campaigns focused on this particular issue each year in June,

which has been designated as the month for equal employment opportunities between men and women. The Ministry of Health, Labour and Welfare provides a special award to companies that have made a positive commitment to positive action. In addition, a Council for the Active Advancement of Women has been established with the cooperation of the employers' organizations, where we assume an active role in making decisions on the basic policies and in implementing positive action at the national level.

Japan attaches particular importance to the ILO Declaration on Fundamental Principles and Rights at Work and has made efforts to secure international contributions in this field. An ILO/Japan/United States/Asian Regional Seminar was held on the Application of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in order to improve the implementation of the standards contained therein, to ensure proper industrial relations and to enhance the ILO Declaration. The Seminar also promoted the five-years project to improve employment opportunities for women — which will help to promote their independence and to eradicate poverty among female workers — which started in 2002. We will continue to support ILO activities in order to guarantee effective cooperation, despite restricted financial resources.

Mr. HOSSEINI (*Minister of Labour and Social Affairs, Islamic Republic of Iran*) — I would like to express my appreciation to the Director-General and the Office for their relentless efforts to protect human rights in the wide domain of employment, through the presentation of the Global Report, *Time for equality at work*.

The ILO is doing its utmost to universalize the core Conventions. This process has been slowed owing to certain national legal systems which hinder the effectiveness and inclusiveness. Governments and employers need to work together in order to ensure that recruitment criteria become more transparent in order to remove discrimination. However, we should also pay close attention to employers' concerns and sensitivities in connection with increased production costs in a competitive global market.

Globalization, and the necessity of macroeconomic reforms and adjustment policies, have led to the emergence of institutionalized discrimination. These in turn have affected the skills level of the workforce, particularly in the informal sector.

Traditions, social norms, cultures, beliefs and national values are creators of social institutions and indeed of civilizations. Hence, they ought not to be undermined or negated by new models and standards. In fact, single-dimensional attitudes create contradictions and resistance, particularly in societies where traditions and values are pre-eminent. It is therefore important that laws and regulations be drafted with due cultural and social support.

To that end, and in order to promote macroeconomic policies for dissemination, a flexible methodology consistent with political, social and economic capacities is essential for sustained development.

The implementation of Convention No. 111, in the context of religious and social beliefs, is particularly sensitive. Several interpretations, with a degree of contradiction and ambiguity, are made with regard to Article 4 of this Convention. Perhaps we should focus more on the aspect of human rights and rights of

citizenship in order to break out of the impasse of national security concerns. The Government of the Islamic Republic of Iran has set up a national committee chaired by the President, to effectively promote respect for civil rights and to eliminate discrimination in employment. This committee, which is attended by representatives of different religions, debates and adopts decisions with regard to the conditions and requirements of employment and endeavours to remove grounds for discrimination.

Social security systems today are increasingly threatened by the emergence of a disguised employment relationship which has, in some way, made a major part of the global labour force suffer from discrimination, especially in the developing world. We should strive to promote social security systems. It is appropriate that the ILO should embark on reducing the security risks involved in social protection through social dialogue and the promotion of tripartism.

Original French: Mr. VANDAMME (*Government delegate, Belgium*) — A few weeks ago in Belgium, we organized a seminar devoted to the Global Report, *Time for equality at work*, and we were struck by one of the comments that was made, namely, that one does not simply need legislation to implement the principle of equality, but above all bodies that can enforce these principles. For example, in 1989 a court of arbitration was set up in Belgium. Since then, anybody showing an interest can ask for the complete or partial abrogation of a law on the grounds of a breach of constitutional rights concerning equality and non-discrimination. This led to a considerable upheaval, not only from a legal standpoint, but above all in people's attitudes. From now on, when establishing legislation, one has to think in terms of equality first.

Although transforming the principle of equality into a legal reality is a long-term job, it should nevertheless be noted that initiatives taken to make this fundamental principle operational have increased considerably in the past few decades.

In Belgium, the adoption in 1978 of the law on equality of treatment between men and women and that of 1981 to repress certain acts of racism were a first step.

On 25 February 2003, Belgium acquired new legislation to combat discrimination based on, inter alia, gender, race, sexual orientation, age, religion or disability. This law which transposes the two European directives in this area into Belgian legislation, makes it possible, for example, to reverse the burden of proof.

Although moving from the principle of equality to a legal reality will take several generations, what about its application in daily life? As you know, the difficulty of the task ahead increases the need to take action.

Therefore, in 1993, Belgium set up a centre for equality of opportunity and the struggle against racism. This centre and our institute for equality between men and women constitute structural measures in the struggle against discrimination as this is a war to be waged on a daily basis at different levels.

Against this background of the implementation of the principle of equality in daily life, we are particularly pleased with the recommendations made in the Global Report to implement a plan of action to combat discrimination at work. The recommendations of

the Global Report will soon be implemented in Belgium. Indeed, given that equality at work is a matter of political resolve, the Government of Belgium, which was formed after the elections last May, has already come to an agreement on an essential dossier: the adoption of a long-term plan to combat discrimination at work.

Mr. SWEENEY (*Workers' adviser and substitute delegate, United States*) — It is indeed time for equality at work, because any type of discrimination deprives workers of their voices at work, diminishes employers as well as workers, increases poverty for too many and increases inequality for all.

Even with all the progress that we have made in the United States over the past 50 years, we still struggle daily against traditional forms of discrimination, even as we confront new manifestation of it. Discrimination based on sex and race compete for our vigilance against unequal treatment of workers because of health status or sexual orientation.

Those of us in the progressive community in our country find ourselves concerned by the surge of discrimination as a result of the terrorist attacks of 11 September 2001, and we are reminded of how easy it is for religious and ethnic persecution to rear their ugly heads. Discrimination impacts workers in all sorts of jobs, but workers in lower status positions and women experience greater inequality.

We have been working for years, for instance, to close the gap between what men are paid versus what women are paid, for the same work or work of equal value. It has been a slow journey. I remember 20 years ago when we were pressing for equal pay legislation and women were making 69 cents for every dollar men made. Today that has risen only to 76 cents. In the United States, minority women fare even worse. Latinas are paid 55 cents of the dollar and African-American women 67 cents.

America's working families lose a staggering US\$200 billion annually to our wage gap and that comes to an average family income loss of \$4,000. We are now trying to explain the staggering loss to the family unit to male workers and that is incredibly important, as we turn more and more to two-income wage earners in each family.

We have also been working for a long, long time to reverse pay discrimination based on race and I am sad to report that African-American men living in the United States still earn far less for doing the same work as white men. We find ourselves re-fighting old struggles over affirmative action and special considerations and protection for workers with disabilities.

I touch on these examples because, as a leading industrial nation, we should be exemplary in combatting discrimination — and we are not. It is especially hurting as we try to climb out of a long economic downturn. Unemployment among women and other abused groups of workers is always higher than average, and we are now experiencing the biggest downturn in our job markets since the Great Depression.

The Global Report helps us to focus on the urgency of our worldwide efforts to eliminate discrimination. It is just as wrong to require women workers in Mexico to take pregnancy tests when applying for jobs in export-processing zones as it is for workers in South Africa with HIV/AIDS to be fired from their jobs because of their health status. And it is absolutely

unconscionable to harass, intimidate and murder workers in Colombia for being trade unionists.

Discrimination is, of course, directly linked to poverty in any nation and we continue to work with our international counterparts to advocate changes in the policies of the International Monetary Fund, the World Trade Organization and the World Bank. We wholeheartedly support the three strategies outlined in *Time for equality at work*: knowledge, advocacy and services. It is not enough to condemn discriminatory practices. They are morally wrong, politically wrong-headed and economically self-defeating.

Next year, one of the issues before the Conference will be migration. The conclusions drawn from today's discussion should be reflected in the consideration of the migrant issue. Migrant workers face some of the worst forms of discrimination. I often remind people that discrimination in employment and poverty are bad for everyone. It is bad for business and bad for government and bad for workers.

Workers who cannot find jobs or who are paid less than they should be paid cannot spend money, save money or pay taxes. Families without adequate disposable income cannot purchase new homes or manufactured goods or all those other things that we all want to import and export.

Likewise, I remind all that workers who are self-sufficient are independent from government or charity health care, rent subsidies, child-care assistance and other tax-payer-provided benefits. Workers who do not have to work in two and three jobs can spend more time with their families and their children, giving to the greater community instead of taking from it.

For many years, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), has awaited a ratification hearing in the United States Senate. It is now time for this important ratification of a fundamental ILO Convention on non-discrimination in employment to be completed. With the support of the American employers, I call upon our Government to support ratification of Convention No. 111.

We believe, of course, that workers who are able to freely join or form unions can protect themselves against discrimination, negotiate pensions and health insurance and bargain for the kind of wages it takes to lift themselves up. That is why the first priority of unions around the world is to ensure that workers have the freedom to win union representation. It is good for business, it is good for workers and it is good for governments.

Original Spanish: Ms. FRANCO (*Government adviser and substitute delegate, Mexico*) — The Government of Mexico welcomes the Global Report, *Time for equality at work*, which allows us to observe once again the parallels between the fundamentals of Mexican labour policy and the principles which guide the work of the ILO.

We welcome the consideration of two subjects at this Conference, namely, the eradication of poverty through work and the elimination of discrimination. The Government of Mexico has implemented and reinforced a number of programmes to ensure that Mexicans can find work, which is the greatest asset of individuals and families. As the Secretary of Labour without discrimination have a right to work, be they young people, women, older people, migrant workers, indigenous people or disabled peoples, and the poor

have to have opportunities to find work in conditions of equity and justice.

I would like to talk briefly about HIV/AIDS as a stigma and a cause of discrimination in the workplace. The Global Report refers to a study published in 1998 which refers to Mexico as one of the countries where confidentiality of medical files on HIV/AIDS is violated. In our social security system, documents, data and reports relating to individual workers are strictly confidential and cannot be passed on to third parties. Any testing for HIV/AIDS is governed by criteria of informed consent and confidentiality, so that anyone who subjects themselves to such testing does so on the basis of informed consent, voluntarily and by giving that explicit authorization.

Mexico has medical authorities and human rights authorities to which people can complain if they feel that their rights have been infringed. We have alerted the competent authorities to the contents of the Report and they will naturally be grateful for any evidence which the Office may have of any instances of this illegal practice in Mexico, so that they may take appropriate actions.

Ms. AYIKWEI KOFIE (*Workers' adviser, Ghana*) — Every person, female or male, black, brown, white or yellow, whether born in the north or the south, in the east or the west, into a rich or a poor family, arrives on this earth with dignity from the Creator.

Elimination of discrimination in employment constitutes one of the major bedrocks that informed the founding of the ILO in 1919, more than eight decades ago. In 2003, 84 years on, and notwithstanding the tremendous technological advancement and other discoveries of this scientific age, we are still grappling with the issue of discrimination in its varied forms and degrees. Discrimination is evil. It robs people of their dignity and denies them the ability to develop their skills and full potential, it dehumanizes the victims and renders them powerless, afraid and voiceless.

For the trade unions of Ghana, Africa and the world, discrimination constitutes a gross infringement of the fundamental rights of the human person and therefore, an affront to social justice. The elimination of discrimination in all its forms is a priority of the trade union movement.

Today's corporate-led globalization, coupled with the "one-fits-all" prescriptions of the Bretton Woods institutions have deepened inequalities at the workplace. Privatization, downsizing, casualization and contract work, underemployment and rising unemployment have driven many workers into the informal economy. This is especially true in the developing and transitional countries.

Workers in the informal economy, the majority of whom are women, are most vulnerable. They are not protected by social and labour legislation; their jobs are precarious, of poor quality, often dangerous, dirty and degrading. In short, not decent work at all. Indeed the implementation of the Decent Work Agenda and the poverty reduction strategy of the ILO, must be central to addressing the question of discrimination at the workplace and in the labour market.

We agree with the ILO Director-General's Report in its conclusion that while progress has been made toward eliminating discrimination, much more work is still to be done. One area I would like to bring to your attention is pay equity, which for many women still remains a mirage. Many governments and

employers, especially from those countries which purport to have achieved a certain degree of gender equality at the workplace, are actually in a state of denial, when it comes to the issue of pay equity. Worldwide, women earn anything from 30 to 60 per cent less than men. In the United Kingdom, for example, statistics have shown that a female floor cleaner in hospitals earns 45 per cent less than a male wall cleaner. A woman with similar qualifications as a man still has to work at least twice as hard to merit promotion to a higher position and yet take less pay.

Employers still prefer males over females for skill development and other training opportunities that enhance incomes and advancement on the job.

The trade unions believe that governments have a major role to play in eliminating the incidence of discrimination against women. Equality legislation is an important factor, but only if the laws are effectively implemented and monitored. Providing basic services including water and sanitation, health and education, have profound positive impacts on the situation of women. Quality public services, accessible and affordable to all, are core for achieving equality at work.

Trade unions have applied various successful strategies in fighting gender discrimination at the workplace and in the labour market, including incorporating the gender dimension in collective bargaining and mainstreaming gender into all our policies, programmes and activities. We firmly believe that the trade union movement is the best vehicle for workers to fight for their rights, to eliminate discrimination and to promote equality at the workplace. We are also making our unions more inclusive and more diverse, adapting our structures accordingly, ensuring that these reflect the diversity of our membership.

Representation of equity-seeking groups on decision-making bodies is, as the Report stresses, crucial, if we are to address effectively the issue of discrimination. And here I would like to point out that we are far from achieving our objective of proper representation of women in the ILO structures and activities. You need only to look at the figures of those present here and consider the gender balance, or rather imbalance. The Action Plan must address this issue as a priority.

What the trade union movement wants to see in the Action Plan has been mentioned by the Chair of the Workers' group, Brother Roy Trotman: support for capacity building, for both workers' organizations and within a tripartite framework which should be combined with information, education and awareness creation with and by the social partners; assistance to workers' and employers' organizations to develop and attain equity and diversity goals in recruitment, training and promotion of workers; provision of resources for the ILO to strengthen its promotional campaign for the ratification and implementation in practice of the ILO Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in keeping with the successful campaign to promote ratification of the ILO on the Worst Forms of Child Labour Convention, 1999 (No. 182).

In conclusion, it is important that, at this point in time, all social partners in cooperation with the ILO take a proactive time-bound, rights-based approach to detecting and eliminating all forms of discrimination. The time to act is now.

Mr. SARWAR (*Government delegate, Pakistan*) — I would like to begin by congratulating the Director-General of the ILO for presenting the Global Report entitled *Time for equality at work*. The Report is correct that discrimination at work deprives people of their full participation, thus undermining justice and fair play in the workplace. The elimination of discrimination is essential so that all individuals, irrespective of their physical or cultural traits and beliefs are able to choose freely the direction of their profession, to develop their capabilities and to be rewarded according to these capabilities. At present, discrimination at work affects every country and every economic order. Hence, its formal condemnation is a necessity at the universal level. Governments, employers and workers have a major responsibility to strive for the elimination of discrimination in the workplace.

The Constitution of Pakistan refutes all forms of discrimination and exploitation. Article 3 of our Constitution relates to equality of treatment at work. In this regard, it states "the State shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability to each according to his work". The Constitution of Pakistan also states that the principle of equal pay for work of equal value has to be adopted to promote gender equality in terms of the pay and wage system. This is a clear manifestation of strong commitment on the part of our country to the elimination of discrimination at work. The labour policy of Pakistan announced last September lays emphasis on the elimination of all forms of discrimination at work. It especially seeks to improve the work environment so as to make it conducive for women workers. Although the existing labour laws do not allow any kind of discrimination at work, we are trying to pass new laws which will have a greater focus on the subject.

The elimination of discrimination requires consistent efforts and policies by all parties concerned over a sustained period of time. It is the obligation not only of governments but of all stakeholders to play a role, in achieving equality at work. Some of the facts and figures about equality at work in Pakistan include the ratification of the Equal Remuneration Convention, 1951 (No. 100) by the Government of Pakistan, which has removed obstacles relating to gender bias in remuneration. This will now provide the necessary boost to legal and institutional efforts to bring about equality of remuneration. The Pakistan Government has also moved swiftly to remove gender disparity in public offices by having up to 50 per cent representation of females in local bodies. This alone is a milestone in the history of female struggles for employment in Pakistan. The Government of Punjab, which is the biggest province of Pakistan, is actively considering the induction of female labour officers as there is a considerable number of women in the industrial sector.

In the Constitution of Pakistan, the principle of equal pay for work of equal value has been adopted to promote gender equality in terms of the pay and wage system. The Minimum Wage Ordinance has recently been passed for all establishments to ensure strict implementation of the law.

Pakistan has ratified seven out of the eight core Conventions. It shows the commitment of the Government of Pakistan at the highest levels to

the observance of international labour standards. The implementation of Convention No. 100 will not only rectify injustice to women workers in terms of payment of wages, it will also encourage women workers to enter the labour market. The ILO has been helping the Government of Pakistan in addressing various issues and in relating to different disciplines of labour, such as employment promotion, human resource development, improvement of working conditions, management development, occupational safety and health, and the elimination of child and bonded labour. We look forward to more help from the ILO in our efforts to ensure equality at work without any discrimination.

Mr. VIDNES (*Government delegate, Norway*) — Human rights apply to everyone, irrespective of their sex, religion or colour, whether or not they have a disability and regardless of their sexual orientation. Promoting human rights is an integral part of the Norwegian Government's policy programme and value base. The Government therefore believes international development cooperation should be rights-based to a greater extent. Through our rights-based approach, we wish to contribute towards realizing the fundamental human rights of poor people. We therefore highly support one of the central arguments of the Global Report, namely that eliminating discrimination in the workplace yields results that go beyond the individual and extend to the economy and society at large. When workers enjoy equal treatment and opportunities, human resources and diverse talents can be used more efficiently. This is an indispensable component of any strategy for poverty reduction and sustainable development.

I would like to commend the Director-General and his staff for having produced such an interesting and well-written report on this important and highly relevant matter. The Norwegian Government has for decades based its development assistance on a strong belief that development cannot be sustainable unless women participate fully in all aspects of this process and share in the benefits of progress. Norway therefore seeks to ensure that its development assistance contributes to women's participation in economic development on an equal footing with men. Another principle for our development assistance is to support the development of trade and industrial policies in which women take part, and to help direct attention towards women's work and their use of time.

However, if the process of establishing equal rights for women and men in the workplace is to succeed, it will require political will and a long-term perspective. A society needs to utilize the knowledge and experience of both women and men. Gender equality is thus a national concern, and not just a matter of women's rights.

Persons with disabilities are often among the poorest in any society, and this also applies to developing countries. In our joint efforts to combat poverty, it is therefore highly relevant to focus on the complete social inclusion of persons with disabilities. Other vulnerable groups that deserve special attention are minorities, indigenous peoples and immigrants.

We support the proposed elements of an Action Plan as they are described in the Report. We agree on the need to improve our knowledge on this issue. I would also like to underline the importance of the education sector. A number of studies show that

investing in education, especially women's education, is the single investment that yields the highest social return. Educated women have fewer children, whose overall health is better, and who are more likely to receive an education themselves.

The social partners, of course, also have a crucial role to play in information and awareness-raising efforts relating to promoting equality at work. The plan proposes to strengthen traditional ILO assistance in drafting and revising legislation relating to equality. It also seeks to strengthen national capacity to enforce this legislation. The plan proposes the establishment of a new facility to assist in the establishment and operation of national institutions. We support these proposals and regard this as a field in which it is crucial that the ILO cooperate with all the international agencies, such as the United Nations Development Programme (UNDP).

Original Arabic: Ms. AL-JABI (*Minister of Social Affairs and Labour, Syrian Arab Republic*) — This important Report, *Time for equality at work*, which the Director-General has submitted to us, is the first Global Report devoted to the elimination of discrimination in employment and at work, and is part of the effort that the Director-General has made and by which he has distinguished himself. We have been following all of the reports of the Organization on this subject, as well as those on the relevant Conventions. I should like to say that this Report will have a considerable positive effect.

Working out of poverty and *Time for equality at work*, the two Reports at this 91st Session of the International Labour Conference, will have a very positive effect. I believe that they are the result of a belief that these two subjects are closely related, because it is important to combat discrimination so as to ensure equality at work. So far the strategies have not dealt with discrimination and its relation to poverty, and we now have to admit that poverty engenders discrimination, many types of discrimination, based on physical features or other traits in the members of society. We have to stress here, as indicated in the Report, that discrimination in employment is entrenched in poverty but also generates poverty.

Through our study of this important Report, we would like to stress the following. First, ratifying the relevant Conventions is extremely important, as well as the follow-up for the implementation of these Conventions. Cooperation between the International Labour Organization and women's organizations throughout the world is also important because it will benefit the women's organizations, will give an impetus to equality between men and women, and will be positive at many levels.

We should also pay special attention to women workers in the agricultural sector, especially those working without pay. It is important to study the plight of migrant workers and workers under occupation. These deserve priority.

The subject of workers in the information sector is also very important and deserves our attention. It is good that the Organization had taken up this subject last year, and we believe that the result of the report that was submitted last year on the informal sector will affect our work this year, because in this way we will be aware of the importance of training at all levels for both sexes, in order to achieve equality at work.

When we speak of training, we would like to focus on the training of girls and women, who are underprivileged in this respect for many reasons (I shall not go into them now). Education is extremely important for equality at work, and any strategy to combat poverty cannot be successful without relying on education and equality. We have to be careful that globalization does not lead to the opposite effects in the world.

When we talk of education, we stress that education is a very important tool for non-discrimination, and here we have to mention the awareness of people of their rights because education will make them aware of their rights, as the Director-General mentioned in the Report.

Equality at work is a shared responsibility which the three parties ought to bear, and here we should also mention the importance of work for the disabled. In Syria, we have legislation which is considered advanced in this respect. We believe that legislation is at least a first step forward towards equality at work. Legislation is the spine of the whole structure. In the Syrian Arab Republic, we are keen to achieve equality at work. We have ratified Conventions Nos. 100 and 111, and we pay special attention to social security for women.

The Director-General says that we have to listen to all workers and all employers who have been subjected to discrimination, especially workers in the informal sector.

The principle of sharing is always positive because it will lead to a real knowledge of what is happening on the ground. We have to be fully aware of the work of children, and we have to make it known to the media.

In conclusion, I should like to say that in the Report on equality at work, we notice for the first time — the countries of "North Africa" and the "Middle East" — instead of "the group of Arab countries".

Mr. LEVINE (Government delegate, United States)
— The United States would like to express its appreciation to the Director-General, and the ILO secretariat, for the immense effort that has gone into this Report and the excellent results.

Implementing the principles of the Declaration is one of the central purposes of this Organization, and this Report serves as an important tool in helping us attain this goal.

We, in the United States, are proud of our achievements in combating discrimination in all its forms. For example, with regard to gender discrimination, Secretary of Labour Chaos recently noted that women hold nearly half of executive and managerial jobs in the United States. Today, women are at the forefront of entrepreneurship, creating millions of new jobs and building our nation's economic security.

President Bush has placed great importance on creating opportunities for people with disabilities and has implemented his new freedoms initiative to address the continuing challenges faced by those with disabilities.

The United States Department of Labor has devoted a great deal of effort to examining the relationships between work and the family, promoting entrepreneurship for all of our people and fighting to eliminate the last vestiges of discrimination in the workplace, wherever they may be.

The annual report, together with the Global Report, have laid a strong foundation for the imple-

mentation of the Declaration through its geographical and thematic reviews. These reports have been invaluable in developing an inventory for use by all of us as we seek to continue to bring about greater compliance with the principles.

As we look ahead towards a second cycle of reviews, we should take some time to seriously consider new approaches and new strategies for implementing the principles embodied in the Declaration. Our task, under the terms of the Declaration, is to conduct a promotional follow-up which is meaningful and effective. The reports of the last four years have certainly accomplished this by presenting us with a very complete picture of the state of workers' rights. It is largely due to these efforts that the number of ratifications has increased dramatically.

The question I put to this group is this: Can we do more to be meaningful and effective? The annual reports and the Global Reports certainly lead us to realize that implementing the Declaration requires much more concerted action by all of us. We as a group, and as individual members, need to set our sights on the next level of implementation.

Again, I thank the Director-General and his staff for an excellent Report and hope that we can redouble our efforts to make progress in this important mission.

Mr. PENNEY (Government adviser and substitute delegate, United Kingdom) — The United Kingdom welcomes this important Report on ending discrimination at work submitted under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. The United Kingdom fully supports the Declaration and the universal ratification of all the ILO core Conventions on which it is based.

The United Kingdom ratified the Equal Remuneration Convention, 1951 (No. 100), in 1971, and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in 1999.

This Report is a timely reminder that, despite recognition of the major forms of discrimination, and moves to eliminate them, much remains to be done. An ever-changing world can, if unchecked, provide opportunities for new forms of discrimination to develop.

As the Report points out, we cannot expect discrimination to somehow decline or disappear if we just ignore it; or that the market will address the issue on its own. We fully agree with the Report's assessment that all the players involved, including governments, employers' and workers' organizations and the ILO, need to be fully and continually engaged in order to combat discrimination at work.

On gender, we agree with the Report's observations that stereotypical perceptions of what constitutes "women's work", maternity costs and the effect of family commitments on absenteeism can all lead to women being discriminated against in the labour market. We want to overturn these views and make gender equality a reality.

This has involved establishing a Women and Equality Unit within our Government, overseen by a dedicated minister, to bring about improvements in the position of women and to promote equality for all.

Further measures include our National Childcare Strategy, the introduction of the national minimum wage, improving and extending our range of in-work

benefits to ensure that work pays and making it easier to take up equal pay claims.

We are equally committed to tackling all forms of racial discrimination.

People from ethnic minority backgrounds have a consistently higher rate of unemployment in the United Kingdom than that of white people. We acknowledge that more needs to be done to end this inequality and have introduced a number of initiatives, including our "New Deal" programmes, which are designed to help disadvantaged groups into work, and the Employment Zones and Action Teams initiatives, which are working in some of the United Kingdom's most deprived areas.

A recent United Kingdom report on ethnic minorities in the labour market showed that action was needed to better promote equal opportunities in the workplace and to raise the educational attainment and skills of people from ethnic minorities. A task force has now been set up to ensure that these actions are taken forward and race equality is mainstreamed in policy development.

We are pleased to note the attention the Report gives to discrimination against people with disabilities in the labour market. We welcome the ILO code of practice on managing disability in the workplace, which provides clear, practical guidance.

Our legislation already provides significant protection against discrimination for disabled people in the area of employment and access to goods, services and facilities.

We have also signed up to the European Union Employment Directive and regulations have been laid before Parliament. The net effect will be to bring within the scope of the Act a further 1 million small employers and an additional 7 million jobs in which 600,000 disabled people already work.

We have established a Disability Rights Commission, which advises Government and works to eliminate discrimination against disabled people in practical ways, including providing a help line, legal services and a conciliation service.

As we are all aware, an Ad Hoc Committee has been established to consider proposals for a United Nations convention to protect the rights of people with disabilities. The proposed convention was the subject of an interesting Conference side event last week. We have also read with interest the ILO's submission to the Ad Hoc Committee, which welcomes the proposal to develop a convention. The United Kingdom also supports calls for a new United Nations convention and we will continue to play an active role in the work of the Ad Hoc Committee.

With regard to ageing, we have a number of initiatives aimed at supporting older workers in the workforce and ending discrimination. They are based on three approaches: changing employers' attitudes to older workers, providing incentives to older workers to remain in, or to rejoin, the workforce, and introducing legislation to outlaw age discrimination in employment. This will include the implementation of age legislation under the European Union Employment Directive in December 2006.

We participated fully in last year's World Assembly on Ageing and the United Nations Economic Commission for Europe Ministerial Conference on Ageing, helping to ensure that the outcomes of both events included substantial commitments on the employment of older people.

In conclusion, the United Kingdom welcomes this year's Global Report as a major contribution to our understanding of the nature of discrimination at work, and for suggesting effective measures to combat it. We welcome the inclusion of a range of forms of discrimination, including new ones such as HIV/AIDS and ageism.

The Report is an authoritative source of international information on discrimination at work and should be consolidated and built upon.

For instance, whilst there has been much focus on discrimination in employment in high-and middle-income countries, less is known about its manifestation in low-income countries, mainly because of the small size of their formal sector. Discrimination within the informal sector and in family enterprises needs to be documented and addressed.

Like Mr. Sweeney, we also welcome the three-pronged strategy — knowledge, advocacy and services — and monitoring these three dimensions will be necessary to achieve equality at work.

Finally, we were interested to read of the proposals for the ILO to further help member States to deal with discrimination in work and to mainstream equality work in other ILO programmes. We look forward to further information on these proposals.

Original French: Mr. ELMIGER (*Government delegate, Switzerland*) — "Joy can only abound among people who feel that they are equal"; if this quote from Honoré de Balzac is true, there should not be much joy in our world, because too many people must feel unequal when they make comparisons on the basis of the Global Report.

The Report shows that discrimination is a common phenomenon within the world of work, and even though some forms of discrimination have long received the attention of the international community, such as, discrimination against women, they still persist. Discrimination no longer takes the blatant form it once did and has become more subtle. New forms of discrimination have come into being, for instance, discrimination against those infected with HIV/AIDS, or discrimination against disabled people.

Switzerland would like to pay tribute to the important work done by the Office in drafting this Global Report and we would also like to commend the detailed and comprehensive information contained therein. Unfortunately, it contains so much information that equates to an increase in the volume of reports and, to my mind, that does not necessarily make it easier for us to attain the goal that we have set ourselves. I believe that, with that in mind, we must recognize that we are at a critical level and we must ensure it is a level that is not exceeded in future.

I would also like to highlight the linkage that the Report notes between discrimination and poverty. The challenge is a major one. If we wish to eradicate poverty, then we must also be prepared to get to grips with discrimination.

Discrimination exists, it is not just a report. What we see described on each and every page of this Report is the suffering of those who are discriminated against.

During the time we spend discussing these matters here, how many people will have lost their job because of the colour of their skin? How many women will be refused promotion for no reason, or

will have to keep a family on a lower salary than a male colleague? How many disabled people will be dismissed because they can no longer keep up with the work rate? How many workers living with HIV/AIDS will be sidelined and ultimately dismissed because of the fear that they inspire? How many older workers will give up all hope of finding a job? As these examples illustrate, there may well come a day when any one of us can fall foul of discrimination. We are all affected.

An increase in discrimination also poses a challenge to the creation of a real social dimension to globalization. I would also, therefore, call upon the World Commission on the Social Dimension of Globalization to look at the Global Report and to find inspiration within it for its own report that is scheduled for next year.

So what can we do today to make people more equal? The world of work is a wonderful opportunity to bring different people together, as the Report reiterates, dispelling prejudices and stereotypes. That being so, equality at work can serve as a lever to make all of society more equal.

Based on a pragmatic approach and guiding field programmes, in an appropriate manner the Report provides an excellent tool for action. It is important to continue to collect data, particularly with reference to multiple discrimination and new forms of discrimination, such as for instance, ageism or discrimination related to illness, on which little information is as yet available.

The commitment of the social partners is critical in this respect and stress must be laid on the fact that discrimination works to the detriment, not only of those who are discriminated against, but also the employers, because productivity falls as a result of discrimination. The State also has a role to play. It has to establish a framework — in particular a legal framework — making it possible to penalize instances of discrimination at work. Switzerland intends to take on that role in full.

Switzerland would also like to express support for the Action Plan that is elaborated within the Report, but there is one point upon which further clarification is required. What does the Office mean when it refers to the possible establishment of — and I quote — “a facility in the ILO [to provide] assistance in these complex institutional matters”, namely problems relating to “governmental, bipartite, tripartite or other [institutions]”? All of this is referred to in paragraphs 366-367 of the Report. If what this means is establishing a new structure at a time when we already have such a structure within the ILO, it seems to me that this approach would be counter-productive. Rather we should be seeking to improve and enhance the efficiency and effectiveness of existing bodies.

“When societies move from ignorance or denial of different forms of discrimination to awareness of them, they seek to remedy the situation,” the Report states. Respecting the spirit of the Declaration on Fundamental Principles and Rights at Work, the Report does not seek to condemn, but advocates technical cooperation, targeted assistance, cooperation of all with and within the framework of the ILO and this is a major step forward towards the awareness raising that is required. But everyone at all levels — the state, employers, workers and individuals — must stand up and be counted, must reject discrimination in any form and then, I am convinced, Balzac’s vision that I

quoted at the beginning of my statement can be realized.

Mr. ANAND (*Employers’ adviser delegate, India*) — Mr. Potter has spoken for the Employers’ group. We are solidly behind his considered presentation, which does not warrant repetitive emphasis. The International Organisation of Employers has somewhat critically, but constructively, analysed the fourth Global Report under the follow-up to the Declaration, and I hope their strenuous and well-researched labours will receive your due attention, both for curative and for preventive action, as well as for *genuine* (and I underline the word *genuine*) equality at work.

My intervention is the reflection of a somewhat troubled mind in regard to the role the ILO can play and the end purpose and consequences of the four Global Reports under the Declaration presented to this august house from 1999 to 2003. As you must know, I was somewhat connected, although remotely, in a very humble way, to the evolution of the Declaration itself.

I have tried to link up the common factor in the ILO objectives in all four reports and have felt encouraged that this aspect is emphasized to some extent in this Report in the chapter entitled “The way forward”. In fact, paragraphs 353 and 356 have the seeds of a much deeper thought process for all societal obligations. It states and I quote, “when societies move from ignorance or denial [...] to awareness of them, they seek to remedy the situations that they have identified. Societies identify discrimination through the prism of their conceptual framework, based on knowledge available to them and on prevailing attitudes. To remedy it, they use the institutions and mechanisms available” — and I emphasize the words institutions and mechanisms — “and they harness political will” — and this is also important — “and social mobilization to provide the necessary impetus to reach the target ...” I quote further: “there is a need to recognize that poverty is experienced and reproduced in different ways, depending on the personal and social traits of the individuals concerned” (and groups). “People who suffer multiple discrimination also experience multiple disadvantages.” Poverty is a root cause. “So far, anti-poverty programmes and strategies have not automatically addressed the link”, between all the disabilities and the deficits, including the lack of equality at work.

From the idea that “poverty anywhere constitutes a danger to prosperity everywhere”, enshrined in the Declaration of Philadelphia in 1944, we have travelled through the World Employment Programme in 1975 and, ultimately, via the Copenhagen Declaration in 1995, which — I recall with nostalgia — was inspired by the conviction and commitment of Juan Somavia, as Chairman of the Steering Committee. The ILO took upon itself, under his inspiring and dedicated leadership, the eradication of poverty, of course progressively, within a timeframe — there is no magic wand!

The ILO Declaration on Fundamental Principles and Rights at Work was a concept pioneered at the employers initiative, and I feel somewhat proud to have been involved in the evolution of the text at the time. It has truly served to damp-proof anti-poverty social structures through these four Global Reports.

I would submit, however, that ILO management should reflect on the impact and the outcome on the

ground, in the light of the seven component elements of the preamble to the Declaration, in fact, in the regions where the shoe pinches most, such as South Asia, most parts of Africa and not only in Latin America but in many parts of industrial Europe as well, as indicated by the German employers only yesterday at a social get-together.

I humbly submit, as already suggested in the concluding sentence of our group's statement by Mr. Potter, that the next four-year period should also examine the issues which hamper action and concentrate on the action to be accelerated, in all four core aspects with emphasis on the preamble, as well at the micro-level rather than, as many of us observe, the middle management of the ILO being contented with literature, publicity material and media presentation, and marketing of documents at the macro-level in the upper strata or four and five-star metropolitan environment.

Unless you do that, and get into the hinterland — how do you reach into the informal economies to bring them into the mainstream, into a community of decent work based on social justice, in pursuit of poverty eradication? Instances of initiatives in this field are there, but the task is too big, resources are meagre and the speed of performance is slow.

I know we are all committed to gender equality at work, and enterprises and institutions are promoting it. May I submit in conclusion, that, to us in India, it has been part — both mythologically and historically — of our cultural ethos. Indian history is replete with outstanding examples of warriors and stateswomen who played a distinctive role over long periods, and their memorials stand in remembrance of them over the centuries as monuments of recognition.

Equality is written in capital letters in our Indian Constitution and administrative regulations. Woman-kind is represented in the three symbols of knowledge, power and wealth, and women are objects of universal worship.

I would like to make it clear that I do not imply that in a globalized world, we, as employers, have no social responsibility; we do, but we have to support our common objectives in a practical, lasting and successfully operational way, but not confine ourselves to mere populism or lip service.

Original Chinese: Mr. LIU (*Government adviser and substitute delegate, China*) — We have carefully read the Global Report, *Time for equality at work*. The Government of China thinks that the Report has elaborated on various forms of discrimination at work, from theory to practice — really it is a valuable research result.

Like other social ills, discrimination at work is banned by all governments in civilized societies, but it is pervasive in various forms, in both developed and developing countries. Therefore, the international community lists the elimination of discrimination in the ILO Declaration on Fundamental Principles and Rights at Work, and in its follow-up measures, as one of the four fundamental principles and rights.

Discrimination at work and in employment are not static indicators. Some blatant forms of discrimination are now rare. However, political, economic and cultural progress has led to a structural change in the labour market. As a result, some new forms of discrimination have emerged. These are the problems and challenges that should draw our special attention.

That is why the ILO should readjust its research and technical cooperation orientation so as to provide the necessary protection for all workers in the world.

The Government of China has been committing itself to employment and occupation equality by taking positive legislative and administrative modern measures. China has the largest population in the world and is faced with the greatest pressure of employment in the world. Given the persistent oversupply and competition in the labour market, jobseekers—especially women, the disabled, ethnic minorities, rural surplus labour forces and other special groups — count on the Government to take the relevant measures to create favourable employment conditions, increase opportunities and guarantee equality in employment and occupation.

At the same time, the Government of China has also tried economic, administrative and legislative means to ensure that all people, including the special groups, will not be subjected to discrimination at work or while seeking work. However, in the real world, there are still some forms of discrimination that are directly, or indirectly, related to employment and occupation.

To address these problems requires a joint effort from the Government and all the social partners as well as relevant assistance from the ILO. Of course, persistent efforts will raise equality in employment and occupation in China to a new level.

China has ratified the Equal Remuneration Convention, 1951 (No. 100), and will continue to work with the ILO to ratify the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), at an early date.

Original German: Ms. ENGELEN-KEFER (*Workers' delegate, Germany*) — First of all I would like to express my appreciation of the objectivity and the comprehensive nature of the Global Report dealing with discrimination in the work place because, I think, that this is something we are all familiar with, both those of us who encounter discrimination in our daily lives and those of us who have to try and overcome it. Discrimination cannot be banished overnight either by magic or by a show of strength. The Report makes the point that the process of attaining full equality will require a protracted effort that goes to the roots of the problem.

In our various discussions, we have heard which groups of the population and which sections of society are most affected by the issue. I am not going to repeat them. In my country, however, there is increasing discrimination against the elderly. I think that more action is needed at the national and international levels to counter this, because it is precisely in those countries where the size of the working population is shrinking that older people have a great contribution to make. Their know-how, expertise and skills are a great asset to these countries, but it is lost if older workers are discriminated against, forced to take early retirement or thrown out of work. I would therefore like to draw the attention of the International Labour Office to this particular group of people.

Secondly, if we want to fight discrimination, it is necessary to ensure that those who are discriminated against are given a right to speak out and to stand up for themselves, to gain influence and to join organizations. This is true in all countries, including the so-called prosperous, industrially developed countries.

Various forms of discrimination are to be found all over the world. They need to be identified and analysed and the appropriate measures need to be taken to end them.

Democratic rights, free trade unions and free media — these are the necessary preconditions if we are to overcome discrimination. I say this in particular, because, every year, the Governing Body's Committee on Freedom of Association receives about 100 complaints concerning infringements of workers' rights to collective bargaining. Yet these rights are a precondition for the protection of other rights which must be respected, if discrimination is to be overcome.

I have one last comment. I think it is not enough for us merely to discuss the eradication of discrimination. We must also consider fundamental human rights and indeed there has been much discussion of them in previous years. What is decisive, is that fundamental workers' and human rights are respected and included in the agreements of other international organizations. Here I am thinking in particular of the IMF, the World Bank and the World Trade Organization, because if these organizations cannot increase their awareness of the need to overcome, discrimination, then it will be very difficult successfully to pursue a development policy created on human beings. I think that that is the ultimate objective we all share.

Finally, I would recommend that the Government constituents of the ILO strengthen the financial, political and legal basis of the organization so that it can help its members to implement reforms, in order to bring us closer to the goals of equal opportunities and decent work. It needs to be strengthened politically so that it can safeguard the most important rights and has the necessary influence to ensure that they are implemented and legal so that it can influence the bilateral or multilateral agreements of other organizations before they come into force so as to make sure that they effectively serve to counter discrimination and promote equal opportunities.

Mr. GANGWAR (Minister of State for Labour, India) — I congratulate the ILO and its secretariat and especially the Director-General for bringing out a comprehensive Global Report this year, which effectively deals with the various forms and facets of discrimination, and the steps taken by member States and the ILO in combating all the recognized forms of discrimination around the globe.

In India, the importance of this complex issue was recognized by our founding fathers and the framers of our Constitution. The right to equality has been enshrined in our Constitution as a fundamental right. Our Constitution prohibits all forms of discrimination and it also provides for equal remuneration for men and women, just and humane conditions of work and maternity relief. We have also ratified the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), that directly concern discrimination.

We firmly believe that the workplace is a strategic entry point to eliminate discrimination elsewhere. My Government has made concerted efforts to follow a positive and proactive policy in tackling the problem of discrimination through constitutional, legal, statutory and developmental measures. The Government has enacted almost a dozen Acts to safeguard our

workers and has initiated effective implementation machinery to enforce these Acts.

We have a very active judiciary free press and a vibrant civil society, which act as watchdogs, continuously monitoring the implementation of these various statutes and acts. The Supreme Court of India has also laid down certain guidelines and norms to be observed by employers and other responsible persons or institutions, to ensure the prevention of sexual harassment of women in the workplace. Concerted efforts have been made to give effect to these guidelines and norms throughout the country.

In a vast country like ours, where 92 per cent of the workforce are engaged in the unorganized sector, effective implementation of the existing statutes and acts is a real challenge, which has to be met. Therefore, extra efforts are needed to strengthen enforcement machinery. My country is committed to transferring workers from the informal to the formal sector, within the limits of our resources. We believe that the ILO itself can play an important role in mobilizing resources from the developed world to help developing countries transfer workers from the informal to the formal economy and in rendering technical assistance to complement national efforts when requested by the country concerned. We feel however, that the strengths of the informal sector and the prevailing national, social and economic conditions have to be seen in the right perspective.

Women's empowerment is critical to the socio-economic progress of the community and, therefore, bringing women into the mainstream of development is a major concern for the Government. The seventy-third amendment to the Constitution provides for 33 per cent reservation of elective posts for women at all three tiers of Panchayati Raj institutions. With the objective of creating an environment for the empowerment of women, the Government has initiated a number of development programmes. Grants-in-aid of women are also provided to voluntary organizations for the creation of awareness among women workers, so that they may be educated about their rights, the provisions of existing schemes, programmes, etc. These programmes have borne fruitful results towards eliminating the multiple discrimination faced by rural women.

We feel that education is the key to women's empowerment. Recognizing this fact, the Government has initiated various schemes for improving the literacy standard of women. Our Constitution provides for free and compulsory education for all children in the age group of 6-14 years.

My Government has also taken initiatives to ensure social justice and empowerment of the vulnerable, disadvantaged and marginalized sections of society with the objective of bringing these groups into the mainstream of national life through their educational, economic and social development, so as to make them self-reliant.

We agree with the view expressed in the Report that there is a strong correlation between poverty and discrimination. To combat poverty, micro finance is being provided through women's self-help groups in various parts of the country. There is a distinct shift from wage employment to self-employment and therefore the quality of income, as well as the quality of employment, has been improved.

We agree that governments, employers and workers have a common responsibility to work towards

eliminating the various forms of discrimination in the workplace. We consider that social dialogue is extremely important in defining a positive consensus for social, economic and political development.

We endorse the view taken in the Report that the knowledge-base of the ILO needs to be strengthened so as to develop "equality at work" indicators that would assist the government in drawing up road maps towards the elimination of discrimination. However, the ILO should keep in mind that the national situation should dictate the pace of strategies to achieve the goal of elimination of discrimination.

Mr. PERONE (Government delegate, Italy) — The Italian Government welcomes with appreciation the document prepared by the Office, which provides an in-depth analysis of the issue of discrimination from different angles: from the description of the phenomenon in both its traditional and its new forms to the review of national and international efforts to tackle the problem under the prevailing conditions of weak public policies. Finally, there are suggested measures to increase the effectiveness of ILO action to combat discrimination in the framework of the Decent Work Agenda.

The Report points out that the workplace is an entry point to eliminate discrimination and to promote equality. We believe that, in the workplace, discrimination can be tackled effectively. The Organization, through its technical cooperation programmes, can contribute a great deal to the solution of the problem, aiming at specific target groups.

Within the framework set by the ILO standards, as well as within the European Union regulations, Italy, in cooperation with workers' and employers' organizations, who are key partners in achieving equality, is currently fighting against discrimination. For this purpose, we are following an integrated approach which combines prohibitions with positive actions such as affirmative measures for gender equality and instruments for better reconciliation between work and family responsibilities.

At the same time, we encourage the ILO to continue, together with the social partners and in close collaboration with the other international organizations, its rights-based approach to combat poverty and to promote better social and economic living conditions for all, in order to avoid the disastrous effects of discrimination and social injustice on social cohesion, political stability, democracy and growth.

Mr. JESTIN (Government delegate, Ireland) — I am pleased to have this opportunity to participate in the discussion on the Director-General's excellent Global Report, *Time for equality at work*.

At the outset, I would like to outline current developments in Ireland in relation to equality. The 1998 Employment Equality Act prohibits discrimination in employment on nine distinct grounds — gender, marital status, family status, sexual orientation, religious belief, age, disability, race, and membership of the traveller community. Such legislation has continually proved its relevance and will be further strengthened by the implementation of the new European Union directives on race, employment and gender later this year.

I note the emphasis placed in the Report on the importance of having adequately resourced enforcement bodies and courts. The Irish Government has

put in place a comprehensive infrastructure to deal with the equality legislation. The Equality Authority, which was established under the Employment Equality Act, has a double mandate — to work towards the elimination of discrimination and to promote equality of opportunity. It has an influential role in the preparation of codes of practice which provide practical guidance in relation to the provisions of the legislation and can also carry out equality reviews and prepare action plans.

When discrimination is felt to have occurred, the availability of different types of dispute resolution systems is vital. Parties in disputes frequently succeed in settling their dispute by direct negotiation. If this does not succeed, they may seek the assistance of a neutral third party or arbitrator to conciliate or mediate. Of course, if that does not work, there is always recourse to the judicial system. In order to ensure the availability of redress, our employment equality legislation provides for such a system through quasi-judicial bodies, the Office of the Director of Equality Investigations, known as the equality tribunal, and the Labour Court.

The principle role of the tribunal is the investigation and mediation of claims of discrimination. Mediation means that parties can seek to arrive at a solution through mutual agreement, rather than through a formal investigation. If either party to a dispute does not wish to avail itself of mediation, or if mediation is not successful, the equality officers of the tribunal can investigate the case and issue legally binding decisions.

The Labour Court, an industrial relations tribunal, has similar powers and functions as the equality tribunal in respect of appeals from the equality tribunal and cases involving the dismissal of an employee.

The Act also permits positive action in favour of particular sections of society, including women, people with disabilities, people aged 50 or over and members of the traveller community, in order to assist integration into employment. Positive action is a key part of a broader equality strategy which aims to turn legal rights into practical realities. In particular, the 3 per cent target for the employment of people with disabilities in the public service is a long-established Government-led positive action measure intended to create a properly inclusive work environment for people with disabilities. The commitment to the 3 per cent target has been restated in the most recent social partnership agreement, "Sustaining Progress". Through this agreement, the Irish Government is also committed to a package of legislation, codes and programmes in relation to workplace relations and environment. This package of measures aims to protect employee rights, ensure greater equality, promote health and safety and bring about a better work/life balance.

The proposed improvements to our maternity protection legislation provide further clear evidence of the Government's commitment to achieving a better work/life balance.

As regards pay, recent statistics indicate that the gap between male and female average hourly earnings in Ireland is 14.7 per cent. The Consultative Group on Male Female Wage Differentials, set up under social partner structures, is finalizing proposals for further actions to address this gender pay gap. In the Irish case, the lack of quality childcare can also be a huge barrier to the career development of women.

In response, the Government is not only supporting the introduction of work/life balance initiatives, but is also investing in the development of childcare facilities.

The supply side issues of childcare are being addressed through the Equal Opportunities Childcare Programme 2000-06, which has been allocated nearly £437 million in European Union and national funding. The principal aims of the Programme are to improve the quality of childcare; to maintain and increase the number of childcare facilities and places; and to introduce a coordinated approach to the delivery of childcare services.

These measures will help parents to take advantage of employment, training and educational opportunities thus impacting favourably on equality issues and promoting a balance between work and family life, particularly for women.

Much emphasis has been placed in the Report on ways to combat discrimination on grounds of race and indeed racism in the workplace must be a key focus in any discussion of equality at work. The Government has launched a national anti-racism awareness programme entitled "Know Racism". Its aim is to stimulate an awareness of racism and a respect for cultural diversity. The programme's activities include national advertising campaigns, publicity events, support for local anti-racism awareness initiatives, partnership ventures and research.

Other measures in place to combat racism include the National Consultative Committee on Racism and Interculturalism (NCCRI) established in 1998, an expert advisory body which provides advice and develops initiatives linked to racism and promoting interculturalism. The NCCRI operates a training unit which has provided anti-racism awareness training to government departments and statutory agencies, national media organizations, trade unions and employer and community organizations.

It is a reality that where discrimination is present in the workplace, it requires concentrated and direct efforts to eradicate it. Such efforts should combine strong legislation outlawing discrimination in all its forms with well resourced bodies to promote equal treatment and offer real redress, which acts as a forceful deterrent to future acts of discrimination.

For those of us who wish to see discrimination eliminated, the ILO report, *Time for equality at work*, is a worthwhile and enlightening document. I commend it and hope that it will have a positive impact on the working lives of employees.

Original Arabic: Ms. GABR (*Government delegate, Egypt*) — One of the worst types of assault on human dignity is for a person to be a victim of discrimination, which leads to social exclusion and marginalization. That is why the Declaration of Philadelphia underscored the importance of the principle of non-discrimination, and the Constitution of this Organization very clearly stresses the principle of equal remuneration for work of equal value. Despite what humanity has achieved in terms of progress, discrimination still remains on the basis of race, gender, religion, political opinion, national extraction, social origin, disability and age, which has a negative impact on the principle of equal opportunities.

The Global Report mentioned women's work in Egypt. It should have been more precise in its handling of the subject, and particularly in the selection of the examples given.

My country spares no effort whatsoever to guarantee the human rights enshrined in international Conventions and laws and in the Declaration of Principles, and Egypt has ratified the eight Conventions on which the Declaration is based.

We firmly believe that all citizens are equal in their rights and obligations, and that is why the fundamental rights in Egypt are not only guaranteed by laws, but are also enshrined in the Egyptian Constitution. Throughout Egypt's long history, women have worked side by side with men assuming the responsibility of building and progress. They have occupied very important positions, such as those of ministers, ambassadors, members of Parliament, judges, and representing their country at international conferences. New mechanisms have been set up in order to coordinate the promotion of the status of Egyptian women, the latest being the establishment of the National Council for Women, in 2000.

The concept of the empowerment of women and enhancing their position in society and the achievement of the principle of equality is not confined to the promulgation of laws, but also needs the efforts of the employers and the workers, and Egypt welcomes the fact that gender equality has become a main element in all the work of the Organization and we fully encourage such efforts.

We note increasing immigration, and that is why an effort should be made throughout the world to improve the situation of all the migrant workers and to guarantee their rights and their dignity. In some regions, we find differences in wages, not only between the wages of the national workers and those of migrant workers, but also between the migrant workers themselves.

Such treatment is in contradiction with the Universal Declaration of Human Rights, which states that everyone, without any discrimination, has the right to equal pay for equal work. It is also in contradiction with the standards which appear very clearly in the Conventions of the ILO dealing with the situation of migrant workers. We call upon the Organization to redouble its efforts to improve those standards for the protection of migrant workers, to guarantee their rights, to guarantee non-discrimination between them and national workers, to facilitate their finding employment, facilitate their vocational training, guarantee health and social services and facilitate their assimilation in their host countries and reunification of their families, to guarantee the obtention of their rights and their entitlements and to redouble efforts to encourage ratification of the Conventions dealing with migrant workers.

We must also redouble our efforts to include all disabled persons in the socio-economic life, so that they can enjoy all the rights to which they are entitled. This should be done in a non-discriminatory manner with full respect and recognition for the importance of what they contribute to various aspects of social life. Any violation of the basic principle of equality or any discriminatory treatment would not be in keeping with the importance of the principle of equal opportunities for the disabled.

In conclusion, we have to stress the importance of the optimum and most efficient way of taking advantage of technical cooperation, as the most constructive way to promote fairness in employment. This would be achieved through the active participation of all the constituent parties of the Organization and intensifica-

tion of cooperation between it and other members of the United Nations family, as the right way to achieve sustainable development and respect for decent work.

Original German: Mr. WILLERS (*Government adviser and substitute delegate, Germany*) — We have before us the fourth Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. With this Report, we reach the last of the four areas of fundamental principles and rights and have come full circle.

The childhood diseases that were occasionally referred to in the first Report have gradually receded into the background. I think the Report has matured but there are, however, still a number of weak points: paragraph 134, and the table that goes with it, create the impression that part-time work is a form of discrimination. I believe that, given developments in the worldwide labour market, this condition causes some difficulties. In the third chapter of the first part, which talks about the changing face of discrimination, in paragraph 91 of the introduction, discrimination on the basis of sexual orientation is briefly mentioned but in the following paragraphs, where the various forms of discrimination are explained, it does not receive any further attention. I think it should have done.

Discrimination on the grounds of sexual orientation, this is my belief, should be generally reflected in the concept of gender equality and in the future, if we want to extend the provisions of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), to include further grounds of discrimination, I believe that this would be an appropriate topic to extend it to.

Now to address what I believe are the positive points. Firstly, regarding paragraphs 78, 337 and elsewhere in the Report, we see the observation that there are positive effects of a workplace which is free of discrimination. I think it is very important that we recognize that discrimination is not just something that businesses have to fight against because that is what is prescribed by the law but rather because discrimination in the workplace saps the motivation of workers and its elimination can improve productivity. This is something that is particularly important for small and medium-sized enterprises and I believe that the ILO should continue its research in this area.

That brings me on to another point which is the role of employers' and workers' organizations, from paragraph 302 onwards. We have often heard that the legal measures which are taken to combat discrimination are not sufficient; it is up to individuals to fight it. It is a question of individuals changing their mindset.

Finally, two points that I think are very important: the question of HIV/AIDS in the workplace. The productivity and the competitiveness of someone infected with HIV do not diminish if they have not developed full-blown AIDS. The Termination of Employment Recommendation, 1982 (No. 166), provides an excellent basis for reference. It is also very important that the issue of bullying in the workplace, including sexual harassment, has been given a place in the Report although this should be expanded. All forms of harassment in the workplace constitute discrimination at work, these need to be combated but also prevented before they actually appear. Conflicts in the workplace are difficult to avoid completely but

day-to-day clashes in the form of harassment are something that can be avoided.

These are the points which I would like to raise after having read the Report and I would like to thank the Director-General and his team for this highly readable and very important Report.

Original French: Ms. DIALLO (*Workers' delegate, Guinea*) — There are many cases of discrimination in the world of work, just as there are many groups which suffer from discrimination because of their sex, ethnic origin, religious beliefs or for some other reason. In recent years, women have moved on mass into the labour market, both in the formal economy and in the informal sector but, at the same time, we have been witness to an increasing deterioration in the living and working conditions of women, and inequality between men and women has become further entrenched. Women were the first to suffer from the negative fall-out of globalization. The majority of unemployed, and underemployed people are women; when women are employed, they often do unskilled jobs, and fail to receive equal pay for equal work. On top of that, women have to face a whole host of other problems in the course of their working lives, which result from discriminatory policies against them. For instance, sexual and psychological harassment, and the lack of childcare facilities, are just some of the problems I could mention.

We congratulate the ILO, of course, on the many programmes it has implemented as part of its gender equality programme, but the scale of the problem is such that it is going to have to redouble its efforts, and above all, ensure that existing legal instruments concerning gender parity are effectively implemented. The development of the informal economy is one of the main features of the globalized world economy and it has had a number of consequences on the living and working conditions of both men and women.

Africa has been very severely affected by this; the informal economy is the major source of work and income on which families depend for their survival. In spite of this, existing labour standards either do not apply to the informal economy or are conspicuous by their absence, particularly when it comes to matters such as the minimum wage, working hours, safety, pensions and, of course, maternity protection. In the last's year session of the International Labour Conference, a general discussion was held on this vital issue, coming to some very interesting conclusions. We urge the ILO to implement the Plan Of Action which was decided upon and to involve all workers' organizations in it. Many of them are already putting in a great deal of effort on these issues and it would help them if we considered more closely the real possibility of applying existing standards in the informal economy.

Africa has also been hardest hit by AIDS, which brings with it a number of associated problems. Besides the obvious medical issue, AIDS also leads to economic and social difficulties, because workers are subject to various types of discrimination, with regard to job offers, dismissal, loss of income, and so on. The consequences for individuals have often been catastrophic. We know that the ILO is endeavouring to deal with this issue but, here again, more effort needs to be made to fight against the discrimination to which workers infected with HIV are subjected.

As a workers' organization, we are also concerned by the problem of migration. We know that this is

increasing and that it mainly involves women, as the poverty in which they live increases and as a result of the unequal distribution of wealth between the different regions of the world. International migrants are particularly susceptible to various forms of discrimination because of their status as migrant workers and because they are not citizens in their host countries. These problems include poor working conditions, illegal recruitment, occupational health and safety issues, lack of social welfare coverage, sexual harassment, wasted qualification, the break up of families, social and psychological breakdown, and various economic difficulties. Furthermore, in many host countries for migrant labour, there has been an appalling increase in racism and xenophobia. Something has to be done to deal with this. Of course, we need information, research and awareness-raising campaigns on the issue but, at the same time, the ILO must help workers' organizations to cooperate more closely with each other in both host countries and countries of origin. On the issue of racism and ethnic minorities, we regret to say that very little has thus far been done to deal with the

associated discrimination. We therefore urge that the ILO make substantial efforts to increase understanding of the discrimination against ethnic minorities. This could be done by increased awareness-building campaigns and the establishment of an institutional framework designed to curb such discrimination and punish those responsible. I must emphasize that if we are to fight against poverty — including discrimination, vulnerable groups must be the subject of our close attention, and must be remembered when we draw up Conventions and Recommendations. We need to specifically define who these groups are so that they are not left behind.

In conclusion, let me say that as well as direct discrimination, there is discrimination by omission, which results from action which does not take into account the existence of differences. Discrimination exists when different policies are applied to those who are equal, but it also exists when the same policies are applied to people who are different from one another.

(The Conference adjourned at 1.10 p.m.)

Fifteenth sitting

Friday, 13 June 2003, 5.15 p.m.

President: Mr. Noakes

RATIFICATION OF INTERNATIONAL LABOUR CONVENTIONS BY BULGARIA

The PRESIDENT — I give the floor to the Clerk of the Conference for an announcement.

Original French: The CLERK OF THE CONFERENCE — It is a great pleasure for me to announce to the Conference that on 12 June 2003, the Director-General accepted the ratification by Bulgaria of the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146) and the Recruitment and Placement of Seafarers Convention, 1996 (No. 179).

GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK: DISCUSSION (*concl.*)

The PRESIDENT — We shall now resume the general discussion on the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, *Time for equality at work*.

Mr. HOSSAIN (*Government delegate, Bangladesh*) — I would like to begin by thanking the Director-General and the Office for presenting us with the Report *Time for equality at work*, submitted under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

This will serve as a useful reference in addressing this critical issue, which continues to challenge our constraints and undermine real achievement made in establishing labour rights in general.

Discrimination at work undermines social justice and stability. Over 160 countries have ratified the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The objective of both Conventions was the elimination of discrimination in employment and occupation. Much, however, remains to be done. Discriminatory practices in varying form, magnitude and dimension continue to plague workplaces in our countries.

Bangladesh has signed and ratified both ILO Conventions Nos. 100 and 111. Our Constitution guarantees freedom at work and prohibits discrimination against any person on the basis of race, gender, faith or religion. Special measures have been taken to address gender discrimination at work. Affirmative actions are in place to promote and protect the rights of women, minorities and other disadvantaged groups in public sector employment.

Discrimination in any form and manifestation is a cause of concern for any conscientious society. In

some cases, such as gender discrimination, it may be more visible, while in others, the subtleness of discriminatory practices may defeat any attempt to eliminate the menace, even if it is identified.

It is imperative that we address discrimination and seek pragmatic and realistic solutions with genuine commitment. We have to move beyond rhetoric and Conventions to real and practical actions. This would require the genuine collaborative efforts of all concerned: the government, the employers and the workers.

Gender discrimination regrettably remains endemic in our work culture and practices. Globally, women are unemployed in greater numbers, get less pay for comparable work, face more difficulties at every stage of employment. Likewise, there has been increasing manifestations of racism and xenophobia.

An alarming revelation in the Report was the issue of the rise in discrimination based on religion and ethnicity. Moslems in different parts of the world have been subjected to various kinds of discrimination on the pretext of security concerns. Though this phenomenon may be related to some extent to the current global political climate, much of it has to do with the perceptions and attitudes of societies towards different religions and religious groups. This trend must be reversed if we want to ensure social justice and universal and lasting peace.

As a major labour-exporting country, my delegation remains particularly concerned about the increasing discrimination faced by migrant workers. Against heightened security concerns, this has assumed an alarming dimension. Discriminatory and restrictive migration policies of governments, inequality of pay and working conditions among migrant workers from different countries, increasing manifestations of racism, xenophobia and inhuman treatment of migrant workers are increasing significantly.

These discriminatory practices have to be addressed with urgency. We welcome the inclusion of the issue of migrant workers in the agenda of the next session of the International Labour Conference. We would like to have from the Director-General a comprehensive and detailed study on the situation of migrant workers, particularly in the context of the discrimination they face in terms of working conditions and pay, as well as the racial and ethnic dimensions of the problem.

It is widely recognized that legislation provides an important and essential tool for eliminating discrimination and ensuring equality at work. The experience of various countries attests to this. Legal mechanisms should be backed by effective enforcement. No matter how good a law is, it is of little use if it cannot be

enforced. Affirmative action in favour of disadvantaged groups, we believe, is a useful policy measure to redress the situation.

In short, what is essentially required is the right mix of policy and legislative action drawn up by the State, depending on the nature, form and extent of discrimination.

There should be tripartite consultations among all concerned: the State, the employers and the workers, to identify areas of discrimination and to see what collective action should be taken to rectify the situation. In this regard, the experiences of different countries could be disseminated to raise greater awareness.

We believe that the public support we have is a promising start. The Office would need to build its work plan, based on past experience, taking into consideration the dynamic of each country and society. We agree with the recommendation that any plan of action for elimination of discrimination must come under decent work.

The Office has recommended three main lines of action, that is, extending knowledge-based awareness, through advocacy, and providing support services for the elimination of discrimination. This appears to be in line with the strategic objective of creating decent work.

In conclusion, ILO work to eliminate discrimination at work and to promote equality over the past 50 years has been noteworthy. Through a variety of Conventions and programmes, the Organization has greatly contributed to creating a system of labour rights globally. It is essential that the ILO technical cooperation programmes permit the promotion and implementation of fundamental principles and rights of work as standard.

We are convinced that the ILO remains the central body to engage its tripartite constituency, in waging a final war against all forms of discrimination and in establishing equality at work for all.

Mr. ODOYO (Assistant Minister for Labour and Human Resource Development, Kenya) — I thank you for giving me the opportunity to say a few words on behalf of the Government of Kenya.

First, we very much welcome the discussions on the Global Report, *Time for equality at work*. This agenda indeed forms an important follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

The Global Report is particularly pertinent as it illustrates and illuminates discrimination in work in various parts of the world. The Report indeed reaffirms that work is a privileged entry point from which human dignity can be achieved by eliminating discrimination. Kenya endorses the view that it is wrong to discriminate on the basis of race, colour, sex, nationality, social origin, religion, political opinion, age and disability.

Many millions of people throughout the world continue to be denied jobs for which they qualify. Many millions of people are perpetually confined to certain occupations that offer low pay. Such discrimination deprives many people of their voice at work and denies them full participation in society. At the broader level, it undermines democracy and justice in the workplace and within the nation.

The Kenya delegation wishes to acknowledge the excellent work done by the ILO in addressing discrimination at work through its various core labour

standards as part of the Organization's wider campaign to achieve the Decent Work Agenda.

In our efforts to eliminate discrimination in the workplace, the Government of Kenya has ratified both ILO Convention No. 100 and Convention No. 111 on non-discrimination and equality in employment and occupation. These efforts are supported by our country's constitution, which prohibits all forms of discrimination at work.

We have by no means eliminated discrimination as there exists large gender disparity between men and women, especially among the women folk in the attainment of education levels. Whereas enrolment at primary school level for girls and boys is almost at par, significant differences emerge at the secondary and higher educational level. This is largely due to the higher drop out and low completion rates among girls. These early education, socio-cultural and economic factors lead to discrimination at a later stage at the workplace.

For this reason, the Government of Kenya has, beginning this year, begun to address the problem by granting free and compulsory primary education as a priority input to address the gender bias. Furthermore, the Government has established a new Ministry of Gender to ensure full commitment on development and implementation of the national policy.

What, however, is now important is for us as a Conference, as an international body, to deliberate on the way forward?

The Kenya delegation believes that the way forward should take cognisance of the need for the development of a long-term plan of action focusing on building information, advocacy and vigilance.

We also propose that the ILO should develop its institutional capacity to build, expand, update and disseminate the knowledge base on discrimination and equality of opportunity. In fact we would like to take note of, with full appreciation, the invitation of the President of South Africa and the King of Jordan. The two leaders represent communities whose workers have suffered one of the most highest levels of discrimination.

The Kenya Government also believes the sharing of knowledge among the member States, which focuses on institutionalised forms of discrimination will also go a long way in supporting initiatives by member States.

There are many covert and overt types of discrimination. We have to go after covert discrimination as much as we identify the overt.

Equally, there is a need to increase the awareness of those groups who are discriminated against, by sharing views on how they themselves can peacefully combat discrimination.

As member countries of the ILO, we should each of us audit our legislative and regulatory framework to ensure that discrimination is duly recognized when it occurs and appropriate penalties are imposed.

Finally, there is a need for all of us to establish and strengthen our traditional labour market watchdogs and to support institutions, such as employment agencies, labour inspection services, vocational training and social protection schemes, so as to address equality concerns on a continuous and informed basis.

In conclusion, the Kenya delegation firmly believes that while condemnation of discrimination at work has generally been universal, it is now for all governments, employers and workers and their organiza-

tions, to take concerted action on its elimination and reduction.

We thank the ILO and the Director-General for the detailed information contained in the Global Report as it has stimulated and renewed our commitment to the elimination of discrimination at work and remains the sure way of achieving the ILO's Decent Work Agenda. In short we say: "Time for equality at work is now". Just do it, just now.

Mr. SOODHUN (*Minister of Labour and Industrial Relations, Mauritius*) — I associate myself with the previous speakers in congratulating the ILO for the comprehensive and well-prepared Global Report, *Time for equality at work*. I wish to thank the Director-General for bringing up this theme for discussion and allowing us to explore possible areas of policy intervention for the elimination of discrimination at the workplace.

We fully endorse the Director-General's proposal for an action plan for the elimination of discrimination, which would be in line with the strategy objectives of decent work. We also appreciate the commitment of the ILO to assist member States in developing their action plan.

In my own country, which has a multicultural population of people who trace their origins back to Africa, Europe, China and India, different cultures, religions and languages co-exist in harmony and peace. The history of my country has shown that opportunity and non-discrimination are essential for the preservation of social peace and stability. The Constitution of my country prohibits all forms of discrimination, while legislation on education prohibits discrimination in access to education. Mauritius has ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women and its accompanying Protocol. The Government recently enacted a Sex Discrimination Act and set up an independent Sex Discrimination Division to deal with all cases of sex discrimination, including sexual harassment at the work place.

In December 2002, the Government ratified ILO Convention No. 111. The intention is now to conduct a review of all job classifications, based on gender, prepare a code on the prevention of sexual harassment, carry out an educational awareness-raising programme on gender equality in employment and in capacity building in order to increase women's participation in trade unions.

In the same context, with the support of the ILO, a study has been conducted on work and the family and an action plan has been elaborated providing for the development of policies which will particularly address issues relating to discrimination based on sex, family responsibilities, pregnancy, and maternity, among others. A multifaceted communication strategy including a series of continuous national information and communication campaigns on work and family issues will be developed. Awareness-raising is being carried out among employers and trade unions on how to address family issues in negotiated agreements.

Research could be carried out on sectors in which working time is problematic, and where changes might be beneficial to employers and employees. The Government will shortly ratify the Workers with Family Responsibilities Convention, 1981 (No. 156). In the same context, the rights and fundamental

freedoms of the migrant workers are protected on the same basis as local citizens. A special unit has been set up in the Ministry of Labour and Industrial Relations to ensure that inspection visits are carried out and information is disseminated to workers on a regular basis, through talks and brochures produced in different languages.

Last year "Migrant Workers" day was organized to facilitate the social integration of migrant workers. Discrimination is indeed a matter of human rights and social justice; it is a practice that cannot be accepted, whether at the work place or elsewhere.

I wish here to reiterate the sincere and strong commitment of the Government of my country to working along the strategy objectives of decent work and to prepare a national policy on equality at the workplace together with an action plan on the elimination of discrimination at work.

Mr. RACHMAN (*Employers' delegate, Indonesia*) — It is a great pleasure for me that, in this highly respected gathering, I can participate in the general discussion on the Global Report, *Time for equality at work*. As you may be aware, Indonesia, by nature is an archipelagic state that is comprised of no less than 13,000 islands. This is a huge number and those of you who do not believe me should come to my country and count them for yourselves. Of course, not all of the islands are inhabited, but around 220 millions people inhabit some hundred islands. The people of Indonesia, who are spread throughout the islands, originally had their own specific cultures which differed from the cultures of the other islands, and different languages, different skin colours, different beliefs, religions, family and community structures, and different political views.

Bearing in mind those differences, the youths from various islands held a gathering in Jakarta on 28 October 1928, and pledged that all people in the archipelago should unite, so that the struggle for freedom from colonialism would become stronger. The pledge states first, that the young people of Indonesia recognize one country and that is the country of Indonesia; second, that the young people of Indonesia recognize one nation, and that is the nation of Indonesia; and third, that the young people of Indonesia recognize one language, and that is the language of Indonesia.

On the basis of the above pledge, there is no inequality on grounds of ethnic group, religion, race, sex or colour of skin. All of those living in Indonesia are Indonesian. This means that the Indonesian community recognizes all people as being equal, in all activities. People know only Indonesian, rather than Sumatranese, Javanese, Sundanese or Ambonese. The coat of arms of the Republic of Indonesia bears a picture of a Garuda bird and the words "Unity and diversity".

Equality of work forms part of daily life at individual and company levels. It is regrettable that the Report, *Time for equality at work*, indicates in paragraph 93 that people of Chinese descent in Indonesia suffer racial discrimination. I should like to ask the Director-General to remove the reference to such racial discrimination, because there is no such discrimination.

If anybody paid a visit to enterprises, factories or organizations in Indonesia, she or he will immediately notice that the people working there are a mix of Javanese, Balinese, Ambonese, Batak, Chinese and

other ethnic groups. They work side by side without prejudice of race, colour or religion. The President of my organization, the Employers' Association of Indonesia is Chinese, as are some of the members of the National Board of Directors.

In conclusion, those differences which I mentioned above are created by nature. Human beings cannot change their skin colour, or change black hair into other colours. However, if there are any inequalities among these people at work, it is because they have different skills, knowledge or competencies. To overcome these problems, education, training, retraining and upgrading their competencies will help to narrow down inequality.

My delegation confirms that we have to be careful in sustaining equality because it is a very delicate matter. Promoting good relations among the various groups of people, and their togetherness, dialogue and any communication between them is the responsibility of institutions, the Government or independent organizations.

Ms. STEFFENS (*Government adviser, New Zealand*) — The New Zealand Minister of Labour, the Honourable Margaret Wilson, has asked me to offer her greetings and express her regret that she could not remain here to present this speech.

New Zealand commends the ILO for bringing the problems associated with discrimination in the world of work into the international spotlight and for highlighting the important links between discrimination and poverty. The New Zealand Government is committed to ensuring that the real advantages of an increasingly diverse workforce are recognized and maximized by both employers and employees in our country.

In this, the Government strongly supports the ILO in calling for national labour market processes and institutions to address equality concerns on a continuous, structured basis and for national institutions dedicated to promoting and monitoring equality to be established or strengthened (paragraph 365 of the Global Report).

At the national level, my Government is putting in place comprehensive mechanisms to ensure the elimination of discrimination. The Human Rights Act and the Employment Relations Act are the foundations of our legislative framework in this regard and, in particular, collective bargaining is considered an important means of achieving equality.

The newly established Equal Employment Opportunities Commissioner, the National Disability Strategy and the Human Rights National Plan of Action are but a few of the ongoing national initiatives dedicated to promoting and monitoring equality.

My Government applauds the ILO for its proactive stance on ensuring women workers' rights to work and equal pay as a global priority. There has also been significant focus in New Zealand on issues relating to equal pay for work of equal value. The New Zealand Government has recently established a Pay and Employment Equity Task Force that will progress pay and employment equity between women and men in the public service and in the public health and education sectors.

The Task Force will analyse how effective efforts have been to influence pay and employment equity in those sectors and develop a five-year plan of action to address them. The lessons learnt can then be applied and move the issue forward on a wider basis.

The information in this report in relation to equal pay for work of equal value is timely and will be helpful in terms of assisting both the Government and the Task Force in considering these issues in the light of international experience.

I would particularly like to acknowledge the valuable contribution that our social partners play in ensuring that individuals and groups are treated equally in our labour market. Not only do Business New Zealand and the New Zealand Council of Trade Unions provide advice and input to ongoing government processes, but they also have a series of successful initiatives that complement the Government's work in this area. My Government would like to stress the importance of such partnerships to ensure that decent work is achieved, not just within New Zealand, but also internationally.

New Zealand particularly values its partnership with the International Labour Organization. We share the Director-General's vision of fundamental rights at work and have ratified both the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

New Zealand was pleased to see the acknowledgement, in paragraph 367 of the Global Report, that the International Labour Organization is considering the establishment of a single facility that will coordinate activities aimed at achieving equality at work within the ILO and would facilitate coordination between institutions and States.

New Zealand would value the ILO's contribution to ensuring that member States are able to share best practices in developing and maintaining institutional frameworks dedicated to promoting and monitoring equality. We wonder, however, whether the Organization's Policy Integration Department, which plays a key coordination role within the ILO, might not usefully take on the functions outlined in paragraph 367.

In addition, we urge the ILO to develop stronger communication and coordination structures between headquarters and the field and between the field and Members to support this area of ILO activity.

New Zealand agrees that in future the International Labour Organization and its Members need to address such sensitive areas of discrimination as race, political opinion, sexual preference and religion, as outlined in paragraph 361 of the Report.

It may be that a clear framework agreed upon by the Governing Body is required to ensure that the ILO attains its constituents' buy-in before any sufficiently "bold and innovative measures" are undertaken by the ILO in this area.

When the New Zealand Government spoke last year on the Global Report, we referred to the fact that poverty is a major factor in child labour and called for practical programmes to alleviate poverty to be a major goal for future ILO action. In this report, we see that discrimination is a major cause of poverty. Therefore, it is imperative that the ILO and member States focus on overcoming discrimination in employment as a priority for poverty reduction.

In conclusion, we encourage the ILO and its constituents to continue to work in partnership to ensure equality in the world of work.

Ms. BYERS (*Workers' delegate, Canada*) — Canadian workers support the Director-General's Global

Report, *Time for equality at work*, and we welcome the opportunity to speak about it today.

This Report builds on previous work — work carried out within the context of the Decent Work Agenda of course — but also on work reaching out to the broader context of the rest of the United Nations system. Indeed, the 1995 World Summit for Social Development and most of the United Nations conferences since then — from Beijing to Durban and from Johannesburg to this session of the International Labour Conference — have all attempted to come to grips with various aspects and forms of inequality.

The challenges presented here are personal, political and organizational. As the Report states “The elimination of discrimination requires deliberate, focused and consistent efforts and policies by all parties concerned, over a sustained period of time.”

Work is a privileged entry point from which to liberate society from discrimination. Discrimination is felt by individuals and groups, but we all pay the price in our workplaces, homes, and communities, and it reaches across all national boundaries. Where individuals face discrimination by oppression and exclusion from workplaces, we are all poorer — economically and socially. No society, no country, no world can ever prosper where there is discrimination.

The Canadian trade union movement is proud of the work we do to eliminate discrimination. We know that our organizations become stronger and more representative every time we take up this struggle. As with many organizations, women led and continue to lead our struggle against sexism.

Workers of colour have seen the improvements gained when we work together on a coherent programme of action and demanded action against racism.

Aboriginal workers, who face tremendous discrimination in the land that they shared with us, are demanding a voice in the workplace and the opportunity to contribute in a meaningful way.

Disability activists want us to do more — mobilize, organize, represent and educate — on disability rights issues.

We have also expanded our work to ensure that we eliminate discrimination against young, gay, lesbian, bisexual or transgender workers, and we are all learning important lessons about being better allies.

Each time we have given a voice to those who were excluded, we have provided opportunities for the workplace to benefit from efficiency, productivity and diverse skills and abilities.

This Report challenges us to move beyond awareness to remedial action and systemic change; this will not be easy.

In Canada, we face challenges regarding changing demographics: an ageing workforce and an aboriginal baby boom. There are demographic challenges like these all around the world.

The challenge for governments in all regions will be to act truly on what they claim to be their policies. No government should presume that they can come to the ILO and say one thing, while their actions at home speak of very different policies. They must ratify and implement at home the international Conventions they have signed through the United Nations system.

Governments need to remember that the war on poverty will be lost so long as there is discrimination in our workplaces.

Employers face a particular challenge. In many ways, the corporate-led globalization they normally promote is fundamentally inconsistent with the goals of this Report. Essentially, their globalization promotes discrimination and excludes people from contributing to workplace, their communities and the economy.

It is important that the Report proposes expanding the ILO's capacity to address wage policies in general and pay inequalities in particular. We can never have equality as long as the work of women is undervalued and they face discrimination every time they receive their pay packet. Yet there is a strong business case for the elimination of discrimination in the workplace.

Workers' organizations also face strong challenges. We need to ensure that equality rights are not seen as being separate from collective agreements. Instead, they must be integrated into all of our work. We must apply an “equality lens” to our programmes, policies and structures to ensure that workers have a voice not only in the workplace, but also in their unions and labour centrals.

Canadian workers support a call for action that is disciplined, determined and deliberate; an action plan that is aligned with the strategic objectives of the promotion of decent work; poverty reduction strategies that will truly eliminate discrimination in our workplaces; and we promote working together to create a just and equal world which gives a voice to all citizens. We believe that a better world *is* possible.

Original Spanish: Ms. LAU VALDES (*Government delegate, Cuba*) —The Global Report presented under the Declaration, *Time for equality at work*, deals with a topic of great importance for human development. Guaranteeing the principle of equality is closely linked to the dignity of human beings and deserves special attention.

In seeking solutions which will do away with discrimination in the world of work, we need to consider a number of factors, from opportunities for finding work to the conditions under which work takes place, security, stability and so on. The aspects mentioned in the Report include the possible causes which give rise to the existence of humiliated and excluded individuals, even in this day and age. In a world where there is inequality between the rich and powerful countries and the poor countries, which are subjugated financially and politically, it is no wonder that conditions of inequality also exist within the world of work. The struggle for genuine equality cannot avoid these differences.

Within the general context we are considering in the Global Report, in order to achieve equality in work we need a society that is fair, not only in its laws but also in its practice, towards all people, and offers opportunities for decent work, opportunity equally to men and women, to those who are excluded socially, to persons with disabilities, AIDS sufferers, to older people, in fact to everyone. We agree that respecting and guaranteeing certain values are crucial to achieving concrete results, but so are the political will of governments and the system of relationships on which society is based.

This analysis places the right to work and the other labour rights at the forefront of our concerns when we discuss equality in employment .

In Cuba, a country which has been blockaded for over 40 years, employment is crucial in planning

economic and social development. Legislation establishes the principle of equality in access to employment, education and other areas, and prohibits discrimination as damaging to human dignity, for all the reasons set out in the ILO Conventions.

This active employment promotion policy is implemented through national, regional and local programmes, and programmes covering different segments of the population. The basic elements of our policy of full employment are based on a number of principles. To give you just one example, 33.5 per cent of managers in Cuba are women, 66.1 per cent of technicians are women, 43.5 per cent of technical and teaching graduates are women, 66.3 per cent of university graduates are women, 71.1 per cent of teachers in schools are women and 55 per cent of doctors are women.

The maternity law for working women offers protection to women and their children and guarantees education and other services which make it possible for women to work. As for older workers, there is nothing in our employment system which could be considered discriminatory.

The basic assumption of the Cuban concept of social security, which provides 100 per cent coverage for workers and accounts for 25 per cent of the national budget, is that employment is the cornerstone of social security and thus the main source of material and spiritual wealth.

With regard to the disabled, our policy has been to promote full employment for people with disabilities who seek work. Because of the intensification of the national plan of action, we have developed a number of programmes covering special education centres, access to sport, culture, health, social benefits and employment.

Workers who have AIDS or carry the related virus also have the right to reinstatement at work. All this is consistent with the principles on which the Cuban Revolution has always been based.

In considering this issue of equality, we should not forget to ensure that the principle is observed in this very Organization, and my delegation requests that we take into account the criteria which have been established in the procedures of the Committee on the Application of Standards. This delegation believes that there is still much to be done, and the technical and financial assistance which the developed countries and the ILO can offer is very important and would be greatly appreciated.

Ms. VALKONEN (*Workers' delegate, Finland*) — I would like to concentrate on the role of the social partners in promoting equality at work and the experiences of Finnish trade unions. Eighty per cent of all employees are organized in trade unions and 53 per cent of all trade union members are women in Finland.

Finland ratified the Equal Remuneration Convention, 1951 (No. 100), back in 1962. The United Nations Convention on Discrimination was ratified in 1970. An enormous effort has been made over the years to promote equality in working life in Finland. The results have included many extensive reforms yet, especially as regards remuneration, a lot remains to be done. The pay gap between women and men is about 20 per cent in Finland. As a rule, women and men receive equal pay for equal work, but the goal of equal pay for equal work has not yet been achieved.

Men and women work in different sectors and different occupations which partly explains the differences in pay. The pay gap cannot be explained by the level of education, for women are better educated than men in Finland. In order to reduce the pay gap, various methods of job evaluation have been developed.

In Finland, tripartite comprehensive incomes policy settlements have diminished the gender pay gap and these incomes policy settlements have also included agreements on many issues which have promoted the gainful employment of women and improved their status in working life, for example, longer maternity/paternity leave, expansion of day-care arrangements and the introduction of flexible working hours in order to make it easier to reconcile work and family life. Even at the level of individual workplaces, the social partners in Finland have also cooperated in development projects, such as the "good and equal workplace project", which is based on win-win principles – an equal workplace is a productive workplace. Equality improves well-being and motivation and the workplace is better and produces better results.

I wish to stress that the social partners hold a key role in the implementing of equality in working life. The promotion of equality must be included in the agenda of collective bargaining and it is important that negotiators on both sides of the table include more women than it is the case now. To promote equality and eliminate discrimination, fundamental trade union rights must be implemented everywhere. A strong and independent trade union movement, capable of defending the rights of all employees, is a particularly important actor when it comes to promoting equality. The ILO's activities for the promotion of equality must be strengthened and the action plan is really urgent. Through various development projects, the ILO can enhance the expertise and the capacity of the social partners to promote equality and eliminate discrimination.

In conclusion, I would also like to stress that free, compulsory, basic education is an absolute requirement for development and that, in particular, investments must be made in women's and girls' education.

Mr. MUSEKA (*Government delegate, Zimbabwe*) — I join other delegates in congratulating the Director-General and his staff on producing a well thought-out Global Report, focusing on issues of discrimination at workplaces. I am particularly delighted by some of the conclusions which related to the fact that strategies to deal with discrimination at workplaces should not be pursued in isolation of the poverty alleviation framework, including the fight against HIV/AIDS, which, as was observed by the Office, are indeed some of the sources of modern discriminatory practices both in society and at workplaces.

It is in this respect that in Zimbabwe issues of poverty alleviation and the fight against HIV/AIDS have taken centre stage. The land redistribution programme, which was accelerated at the turn of the century is essentially about economic empowerment of the majority of Zimbabweans who, for a century, had no access to land under successive colonial regimes. Again, in the context of an agro-based economy, it is politically correct to pursue poverty alleviation through equitable redistribution of land. To us, land is the economy and the economy is land. To this end, land is central to poverty alleviation.

With regard to HIV/AIDS, it is a social discrimination, as rightly pointed out in the Global Report. In Zimbabwe, apart from putting in place labour regulations which indeed make unfair labour practices an offence, to discriminate against a worker on the basis of his or her HIV/AIDS status, there are several initiatives dealing with the problem within the realm of the National AIDS Council. Through the HIV/AIDS levy, introduced in the year 2000, all formal sector workers contribute to the programmes and projects which are undertaken by the National AIDS Council. The programmes also include those carried out at workplaces by organizations which include those of organized labour and business. Workplace-based HIV and AIDS programmes are therefore not divorced from those which are generic in nature and are being carried out in the communities.

Finally, I wish to point out that the global picture on workplace discrimination provides us with ideas and experiences which, in my delegation's view, are useful if we are to strengthen our national policies which focus on workplace discrimination, particularly in the informal sectors of our economies where working conditions are still deplorable.

Mr. MATHESON (*Workers' delegate, Australia*) — Australian workers congratulate the staff of the ILO who, with the assistance of the Director-General, have produced the survey. We welcome the survey. We believe that it provides a framework for a plan of action. We believe it provides a challenge to move from words to action. Other colleagues on this side of the house will set out in detail some directions which we believe should be inserted in the plan of action. I want to focus on one or two particular parts of the plan of action — first to raise the role of the national institutions dedicated to the elimination of discrimination in any plan of action developed by the ILO.

Workers on this side support the effective operation of national institutions. We strongly and specifically recommend that such national institutions be firmly based on the 1993 Paris Principles. These Principles provide for the role, composition, status and function of national institutions, dedicated to human rights, equality and the elimination of discrimination. These Principles emphasize the need for independence, the provision of adequate resources, the requirement for an inclusive mandate. But be warned an effective, independent national institution committed actively to the elimination of discrimination, will nearly always be the target of ill-informed, immature, ideologically determined governments. It will demand a commitment by the social partners, employers and workers, to ensure the continuing effectiveness of such national institutions. In Australia, the Government continues to mount a sustained attack on our national institution, the Human Rights and Equal Opportunity Commission. The attack comes in two fundamental forms — an attack on its independence and a refusal to adequately fund the programme of the commission, and it is this commission that is responsible for ILO Convention No. 111. Employers and workers in meetings convened by the commission proposed a national plan of action to eliminate discrimination in the workplace. They proposed a national tripartite advisory committee, together with representative non-governmental organizations. The Government first ignored the proposal and has since

refused to participate in future discussions on the operation of such a plan.

Secondly, there are groups of workers who struggle to get disability in the programmes to combat discrimination in the workforce — people with disabilities in particular, and gay and lesbian workers. At the second Gay and Lesbian International Workers' Conference in Sydney in 2002, an opening speaker stood up and said "I am a worker, I am a trade unionist, I am gay and I am being discriminated against". It is therefore disappointing and regretful for a survey which has much that is positive, attempts to look into the future, proposes new ideas, has overlooked these invisible workers. There are three actions that the ILO can take. Conditions of work digests should be produced to highlight effective programmes and policies to defend the rights of gay and lesbian workers.

Secondly, the ILO should creatively use their web page — create a page highlighting the dilemmas confronted by gay and lesbian workers and employers and government public servants.

Then, an evaluation of the International Training Centre of the ILO to ensure that they are gender identity inclusive would be a step forward.

Finally, a regionally based culturally sensitive exploration with social partners would contribute much to developing strategies for these workers. It would contribute to the integrity and the power and the influence of the ILO.

This is a sensitive issue for some regions, and we believe that the ILO could well take a creative approach to enabling the social partners to come together to explore such an issue.

Mr. GAMMAMPILA (*Government delegate, Sri Lanka*) — The Sri Lanka delegation would like to congratulate the International Labour Organization on having produced the Global Report, *Time for equality at work*, addressing the principle of the elimination of discrimination in respect of employment and occupation. This year's Report is significant in that it not only fulfils a requirement under the follow-up to the Declaration on Fundamental Principles and Rights at Work, but also completes the full cycle of reports on the four principles.

The two ILO core Conventions, Nos. 111 and 100, had received 160 and 150 ratifications, respectively, by January 2003, and are two of the highest ratified ILO Conventions. This per se exemplifies the consensus among the international community in condemnation of discrimination and its commitment to the elimination of discrimination relating to employment and occupation. Nevertheless, many gaps have been identified across the globe when giving effect to these principles.

Sri Lanka welcomes the efforts of the ILO in drawing the attention of the international committee to various forms of discrimination in employment and occupation, including the more recent concerns, based on age, disability, HIV/AIDS status and nationality. However, as the ILO has rightly identified, some forms of discrimination are difficult to combat as they are invisible and take the form of indirect discrimination.

In Part II of the Report, we note the acknowledgement of the ILO of the lack of dependable information in areas of discrimination other than gender-based discrimination, that actually occurs in workplaces. Whilst accepting the fact that gender is an important

area, we emphasize the need for the ILO to lead the member States in examining and collecting information on other forms of discrimination in the workplaces in their respective countries. Such information is essential in formulating appropriate policy initiatives as well as implementing programmes.

Sri Lanka is committed to the elimination of all forms of discrimination at the workplace and has ratified Conventions Nos. 111 and 100. Equal opportunity and treatment are enshrined in the constitution of Sri Lanka, which provides that no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds.

The constitution also guarantees freedom to engage in any lawful occupation, profession, trade, business or enterprise as a fundamental right. In the case of infringement or imminent infringement of the fundamental right, by executive or administrative action, every person is entitled to apply to the supreme court. With regard to the private individual or body corporate, they can seek redress at the civil courts.

Sri Lanka has demonstrated its commitment, both in policy and practice, in complying with the Decent Work Agenda of the ILO. It has included in its newly formulated national employment policy and the national productivity policy the chapters on decent work.

Sri Lanka is also mindful of the effects of the vicious cycle of discrimination and inequality and accordingly the decent work strategic objectives have been incorporated into the poverty reduction strategy which was introduced recently.

Given the concerns of the principle of elimination of discrimination in having access to employment, the setting up of a user-friendly sourcing and delivery system under the national employment policy, which is known as Jobs Net, is a significant step taken by my Government recently. This single national network of a computerized interactive database of information for those seeking employment, training, retraining, pensions, other social support, self-employment, entrepreneurial services, etc., will extend its services purely on merits and thereby will be able to minimize discrimination.

Over the years, the proportion of economically active women in Sri Lanka has shown a rapid growth. The female labour force participation rate has grown at a much faster rate than the main labour force in response to the rising educational level of women, in addition to economic pressures in their families. Recent statistics have shown a trend of a rising proportion of women in certain professional categories and managerial positions in the private sector as well as the public sector. Programmes are being implemented by the Ministry of Employment and Labour and the Ministry of Women's Affairs in empowering women both socially and economically. The gap in gender inequalities is rapidly narrowing.

As correctly identified by the International Labour Organization, we have witnessed many other forms of discrimination. We could achieve this only through building up a partnership among the social partners. I am confident that, with the support of employers' and workers' organizations, we could determine and implement policies that would ensure equality in employment and occupations. In these endeavours, the ILO could facilitate the member countries in

breaking the vicious circle of discrimination and inequality through technical cooperation.

Mr. SOEMARNO (Government technical adviser, Indonesia) — Indonesia would like to join others in conveying appreciation to the ILO for compiling an excellent Global Report. We would like to commend this Report, which comprehensively examines the various aspects and dimensions of the theme "equality at work".

Indonesia's national plan of action for the period 1998-2003, focuses, among other things, on efforts and measures to eradicate all forms of discrimination and, in particular, to comply with the International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified by Indonesia some years ago. The current national plan of action will be completed this year, and will be succeeded by a new plan of action for the next five-year period.

My delegation would like to provide additional information with respect to equality at work. Indonesia has ratified the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and this is already reflected in the Annex to the Global Report. Furthermore, the Government has enacted Law No. 13 this year on labour matters. The principles of equality at work and non-discrimination are accommodated in this law, which includes provisions to cover both areas. The Law has been disseminated to labour officials, especially those in supervisory positions around the country. The Government has also disseminated it among workers' and employers' organizations in Indonesia.

Currently we are in the process of preparing studies on discriminatory practices in the workplace, such as those based on gender, in order to have a more accurate assessment of the scope of the problem in our country. In turn, these ideas will be used as a basis for future action on this issue.

The purpose of the Global Report is ultimately to formulate action plans for technical cooperation. In this connection, I am glad that the Director-General has also said that the Report is the basis for future work and that we have already finished an interactive session.

In this connection, we take it that the ILO will use its resources for the benefit of technical cooperation projects geared towards eradicating discrimination in the workplace, including in Indonesia, in line with the mandate of the Global Report.

Indonesia hopes that that will be the future work of the ILO, since it may benefit all of us, including Indonesia.

Original French: Mr. PRINCE (Workers' delegate, Switzerland) — First of all, let me congratulate the president on his election, on behalf of the workers of Switzerland, whose dedication to the International Labour Organization is well known, with its standard-setting activity, based on tripartism, its support for the principles of freedom of association, equality of opportunity and treatment and the abolition of forced labour and all forms of discrimination.

The creation of the ILO in 1919 was based on the conviction that social justice was essential to ensuring universal and durable peace. Its achievements in the promotion of human rights and the development of working relations are enormous.

In countless fields, it is thanks to the ILO and its invaluable standard-setting activities that progress has been achieved with regard to conditions of employment and work through dialogue between governments, employers and workers.

The ILO has also used enormous energy in guaranteeing human rights at work. In 1993 at the World Conference on Human Rights held in Vienna, it was recognized that the fundamental standards of the ILO are an integral part of human rights. The universality of the principles of the Declaration of Philadelphia has thus been reinforced, as was also the case in 1998, when the ILO Declaration on Fundamental Principles and Rights at Work was adopted, the follow-up of which is the subject of our present discussion.

Can we really reasonably have faith in this "universality" of human rights and standards at work when we know that the rallying theme of the 1 May 2003, here in Geneva, was to stand up for rights at work in the international organizations.

One of the aims of the ILO is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equality, safety and human dignity.

The objective of eliminating all forms of discrimination in employment is an obligation upon the Members of the ILO, even when they have not ratified the relevant Conventions. The Declaration on Fundamental Principles and Rights at Work adopted in 1998 recognizes the ILO's obligation to help its Members to achieve this objective.

A press release from New Wood, published at our last Conference on 3 June 2002, was entitled "the shoemaker's children were the poorest shod".

The new union of the United Nations in Geneva, which is called New Wood, underlines that the United Nations does not practice what it preaches and that it refuses to recognize human rights, including international labour standards in its own organization on the pretext that they concern only member countries.

In 2003, the Committee on the Application of Standards, which meets in the framework of this Conference, confirmed that the United Nations staff of about 50,000 people around the world did not benefit of the standards adopted by the ILO. We do not believe, however, that this staff can be considered to be akin to a police force or to the armed forces.

The "universality" of human rights at work was undermined further still when on 31 January 1999, whilst launching the Global Compact at Davos, the Secretary-General of the United Nations, Mr. Kofi Annan, requested the directors and managers of the major companies in the world, both collectively and individually, "To embrace, support and enact a set of core values in the area of human rights, labour standards, and environmental practices because they are the areas in which universal values have already been ... defined by international agreements, including the Universal Declaration [and] the International Labour Organization's Declarations on Fundamental Principles and Rights at Work."

Two out of five employees in the UN system are based in Geneva and we are concerned about their situation, particularly since the two headquarters agreements concluded between the Federal Council of Switzerland and the United Nations with regard to the various related institutions that are part of the so-called "common" system and stipulate that the organizations shall cooperate at all times with the

Swiss authorities in order to ensure sound administration of justice.

As delegates representing the workers in Switzerland, we cannot ignore the attempts to undermine the universality of human rights at work.

These practices, which are surrounded by a guilty silence, result in thousands of officials working here in the Geneva area finding themselves in a very precarious position, which causes major moral and physical suffering, resulting in health, financial and family problems for those who are victims of these difficulties.

In total, the intergovernmental organizations based in Geneva employ 23,000 staff of which 12,300 are permanent and 10,700 have a different status – which can mean being on long-term temporary contracts or can mean interns.

This equates to a discriminatory system characterized by extraordinary precariousness, which is difficult to imagine in the light of the international labour standards on the one hand, and the qualifications of their incumbents on the other. There are almost a dozen different types of contract. There are fixed-term contracts, short-term contracts, external collaborators, daily contracts and interns who do not even earn salaries or have any kind of social protection.

These contracts which regulate the employment of 10,700 international civil servants in precarious positions in Geneva are open to all kinds of manipulation, often preventing those under these contracts from enjoying proper social security coverage or have any serious career prospects or a future for their family, considering that they have to start over from scratch with each new contract.

Some people can have as many as 25 contracts over a period of five years. Thirty years ago, a precarious contract was the exception in the international organizations. Today, it has become the rule.

The World Health Organization at the end of 2001 only had 3,600 long-term contracts and 4,700 short-term contracts, whereas the actual workload was increasing.

The chains of successive contracts could serve to enslave those who are robbed of their voices by their precarious situation. It is not difficult to imagine the damage resulting from this discriminatory situation. No one would dispute that all forms of moral, physical and sexual harassment and bullying are widespread within the international organizations.

The morale of international civil servants is very, very low, which is bad for them and their families as well as for the organization which employs them. It affects productivity, medical expenses and complaints leading to internal procedures, retirement due to ill health and too many other points to mention. Even the most backward-looking boss will have realized the need for change. If you want to know more you should read some of the bulletins of the international civil servants' organizations, as well as a book by Jean-Loup Izambert called "Human Violations in the UN".

The development of areas where rights do not apply is unacceptable. In cases of litigation, even those relating to equality and discrimination, only the internal rules of procedure of the employer organisation apply, which excludes all international labour standards, including in the ILO, which was frequently the Organization that established such standards.

Why do certain international organizations refuse to allow their mediation office the necessary funds for it to be able to carry out its job correctly at headquarters and in the field? Why are the recommendations of that office regarding harassment by high-level officials often not pursued or not dealt with promptly? Why were attempts made to dismantle a mediation system, instead of improving it?

Recognized by 40 other international organizations, the ILO Administrative Tribunal is, according to Geoffrey Robertson, one of the most respected members of the Bar in London, specialized in human rights, a dinosaur. In his legal opinion, the Tribunal is violating the provisions of the European Convention on Human Rights.

It is lamentable that the reform of this Tribunal has been postponed once again. If everything goes according to plan, they will happen in 2004, even if the Administrative Tribunal of the United Nations is even less well equipped in the matter of the reforms, which have at least already been agreed within the ILO.

Geneva should not become the Guantanamo Bay of international civil servants who are victims of blatant inequality in their treatment. Various trade unions and organizations of international civil servants have put forward proposals so that we can put an end to the heresy. Why don't we follow this up?

In conclusion, the inscription "abandon hope all ye who enter here" that Dante placed above the doors of hell in his Divine Comedy should not have any place either within the international organizations, or in Switzerland.

But let me rather conclude on a positive note. At least within the ILO, the practice of collective bargaining has been established and we would dare to believe that the Governing Body will take the necessary steps in order to ensure that what the Director-General has set out in the Report under discussion should be applied as quickly as possible within the international organizations, because the time has come for them also to have equality at work, as it says in the title of the document.

Mr. OWUOR (*Employers' delegate, Kenya*) — The objective of the Declaration on Fundamental Principles and Rights at Work was of a promotional nature. It was not to be used for protectionist trade purposes or to call into question the comparative advantage of any member States. You are also aware that it is governments and not employers who ratify ILO Conventions.

So far the Kenyan Government has not ratified the Maternity Protection Convention, 2000 (No. 183), which provides for three months' paid maternity leave, providing that such maternity benefits are met through public insurance schemes and are not to be a cost to individual employers, unless they voluntarily accept such a responsibility.

Kenya is currently working on converting its National Provident Fund into a social pension scheme, which will incorporate maternity benefits, as part of its provision. In the meantime, our workers are provided with two months' maternity leave, paid for by the employers and not by the government insurance scheme.

Most workers in our horticultural industry are women. The industry is also seasonal and depends entirely on seasonal labour. However, the livelihood

of most of these women is jeopardised and employers will now be forced to discriminate against these women and recruit men because of the activities of some consumer organizations in Europe. According to their ethical trade initiative codes, our horticultural sector throughout the entire supply chain is not only required to observe and apply strict sanitary standards, which we fully support, but must also comply with additional labour standards, inconsistent with article 5 of the Declaration. They have also added other conditions, including the need to provide permanent employment — how permanent employment can be provided in a seasonal industry, I do not know! On top of which, our employers must provide three months' paid maternity leave, at their own expense. They are also demanding that NGOs be involved in collective bargaining and negotiations, contrary to our tripartite agreement, which gives trade unions the right to be the sole negotiators or negotiating bodies for determining the terms and conditions of employment of their members.

As a developing country, we need ILO assistance in order to overcome the problem facing thousands of our women, who are likely to be laid off because of these unnecessary conditions.

Original Arabic: Ms. BAHWAN (Employers' adviser and substitute delegate, Oman) — In the name of God the Merciful, the Compassionate! I take great pleasure in my own name and on behalf of the employers in the Sultanate of Oman in congratulating the President on his election as President of this Session of the International Labour Conference. We are confident that his election will contribute actively to the success of the objectives of the Conference.

I would like to extend our congratulations to the Director-General of the International Labour Office, who has been re-elected as the head of the organization, and we would also like to congratulate the Governing Body on submitting this unique and valuable Report, which is the first Global Report on the elimination of discrimination in employment and occupation.

I am pleased to commend the strategy of the ILO, that has committed itself to the elimination of discrimination, in order to preserve the dignity of the individual and uphold international law.

In the process of its current reform, the Sultanate of Oman has endeavoured to establish the rules of participation. Thus, the government and the private sector, together with national local committees and individual initiatives, have joined forces to develop mechanisms for participation compatible with the nature of Omani society and culture. The institutions of civil society, the professional and vocational unions and associations and others, working to reinforce the strategy of joint responsibility in furtherance of Oman's development ambitions.

The Ministry of Manpower in the Sultanate of Oman has undertaken responsibility for practical training and theoretical qualification without gender discrimination, through continuous planning and the systematic implementation of the Sanad programme, aiming at motivating young people and investing their energies economically, culturally and developmentally.

The labour law issued on 26 April 2003 makes the different categories of labour equal, whereby expatriates and citizens work freely on an equal basis without discrimination.

Men and women are brother and sister, the word "shaqqiq" in our linguistic culture signifying equal and equivalent rights and duties, with mutual responsibility in the sense of being one's brother's keeper. It is a culture of equality and partnership and of non-discrimination between builders of civilization, be they men or women.

Oman has assimilated this fact and women have become identical to men with regards to all civil rights, including education, training and work. Women in the Sultanate of Oman have assumed high-ranking political positions, they have become ministers, ambassadors and under-secretaries, members of the State Council and also elected members of the Shura (Consultative) Council. They have been active in various economic and business sectors.

Women in Oman have headed banks and companies, and have managed important economic enterprises. They have also joined the military, the police, and the security services.

Women have shown great interest and skill in the field of information technology and considerable expertise in planning and creation.

Some of them have become experts and investors. If you take a quick look at the statistics on the status of women, you will see that 18 per cent of the workforce in the field of information technology in South Africa are women; 20 per cent of the workforce in software systems are women;

30 per cent of the workforce in the Malaysian information technology sector are women, and 22 per cent of the workforce in programming in the private sector in Jordan are women.

These figures confirm the status of women and the importance of their role in the economy and in development. There is no doubt that there are various fields that are open to women in the services, business, and information technology markets.

Women are equal partners of men and if given the opportunity they will certainly devote all their energy and skills to the building of a bright future, God willing.

Ms. ATHREYA (representative, Social Alert) — Allow me to thank the International Labour Conference for giving me the opportunity to speak about this important subject today, and to commend the staff of the International Labour Office for the insightful Report on discrimination in the workplace.

Recently, I have been involved with a research project on the issues affecting women workers in the formal sector worldwide, and particularly in developing countries. In my remarks today, I want to highlight the nearly invisible, but nevertheless epidemic, problem of sexual harassment and sexual violence in the workplace. In a study conducted by international and local NGOs in Kenya, we found that as many as 90 per cent of the women workers in Kenya's export-processing industries, which include agriculture, were harassed by their supervisors as a condition of keeping their jobs. We found that this harassment took the form of what in many countries we would define as rape. Women workers were forced to submit to the sexual assaults of their supervisors merely to obtain their paychecks each pay period. Equally troubling, we found in our survey that as many as 70 per cent of the men interviewed regarded the abuse suffered by women workers as "normal" or "natural" behaviour. We also found that neither Kenyan law nor private employer codes of conduct addressed sexual harass-

ment. Consequently, women felt they could not reveal or report the harassment for fear of losing their jobs.

Similarly, we recently concluded a study in the Dominican Republic focused on women in the export-processing zones. Fully 49 per cent of the women interviewed for this study admitted that they had been victims of sexual harassment. The research found that in the Dominican Republic women who do not submit to the wishes of the sexual aggressors are fired, threatened with dismissal, demoted or have their pay arbitrarily reduced. Women are moreover stigmatized for admitting that they have been victimized, and thus hardly ever come forward to admit that they have suffered such abuse.

Other preliminary research we have conducted with local partners in Mexico, Thailand and Indonesia suggests that the problem is widespread throughout the developing world. In all these countries, women make up the majority of the workforce in light manufacturing, and a significant percentage of the workforce in commercial agriculture. Many of the women in the light manufacturing sector are young, recent migrants from the countryside, and thus are particularly vulnerable to exploitation. In commercial agriculture, women are often obliged to live on the plantations where they work and thus are rendered more vulnerable to abuse by plantation management after the working day ends. It is nearly always the case that local laws do not provide sufficient remedies for such abuses, and, moreover, even where laws are available, social stigma and fear of job loss are so great that the crimes are almost never reported. We found anecdotally that, in many cases, even husbands are not told by their wives when they are victimized, for fear of domestic repercussions. Thus, we believe the problem of sexual harassment and, to state it more plainly, sexual violence in the workplace, is indeed a silent epidemic.

The Global Report *Time for equality at work* is extremely helpful in clarifying the recognition of the ILO that sexual harassment is a form of workplace discrimination and that governments should take action to combat and prevent harassment within the context of promoting gender equality, as part of their commitment to the implementation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). While this is extremely useful, it must be noted that for the purposes of accountability, Convention No. 111 is not sufficient in and of itself to address this problem, since it does not prescribe specific principles or general rules pertaining directly to sexual harassment. A specific instrument is needed, for the sake of clarifying to governments worldwide exactly what constitutes an acceptable international definition of harassment, and what appropriate measures to address the problem might be.

We therefore appeal to the ILO Governing Body to convene a meeting of experts to develop a code of practice on sexual harassment. This would be a very important measure towards developing a clear definition and clear guidance on this topic. Ultimately, we call on the ILO to consider a new Convention on the topic of sexual harassment, which is so clearly in need of further illumination worldwide.

We conclude by noting that the ILO itself has stated that fully 50 per cent of all working women worldwide will experience sexual harassment at some time during their employment and will have to grapple with its devastating effects on their bodies and their lives. *Time for equality at work* provides an

important opening so that this issue, so clearly a violation of working women's rights, yet so little discussed or defined as such, can be more fully addressed in the future. We urge the ILO to do so.

Original Arabic: Mr. ASADALLAH (*Workers' delegate, Oman*) — In the name of God, the Merciful, the Compassionate! I would like in turn to congratulate the President upon his election to preside over this 91st session of the International Labour Conference. We hope that thanks to his experience and his wisdom the Conference will successfully conclude its work and that the outcomes will be beneficial to all three social partners. I would also like to congratulate the Vice-Presidents.

We congratulate the Director-General for his Report, which deals with all forms of discrimination based on race, colour, sex or religion. Furthermore, we feel that the ILO, since its inception in 1919, has continued to strive to reaffirm the principles of pay and equal opportunity.

The principles of equality are reflected in the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). They promote equality and the struggle to eliminate discrimination.

I would also like to refer to the Vocational Rehabilitation and Employment Promotion (Disabled Persons) Convention, 1983 (No. 159), and the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), referring to providing assistance to the disabled so that they can be treated on an equal basis with regard to other workers. Equality of treatment is also referred to in the Conventions relating to the elimination of discrimination against the disabled.

We have spoken about equality and yet many workers are victims of inequality. We must not forget these workers and the Organization must continue to work for them.

Our brothers in Iraq are suffering from inequality. Iraqis are not represented at this session of the Conference and this is a blatant example of the inequality which is applied to their case as regards the other workers who have come from all the world to attend the conference.

We attach great importance to equality in order to create an enabling environment, for labour and productivity. That is why the three constituents, government, employers and workers, have taken part in fruitful dialogue and, thanks to that dialogue, we have been able to reach an agreement which has enabled us to adopt a new Labour Code in Oman. This code of labour was adopted and it promotes equality between men and women with regard to right and obligations. It guarantees the right of workers to social security and thus they do not pay any of the costs of health care, which is provided for them. The most important part of this code is that workers have the right to form representative committees in all their enterprises that ensure that their interests and their rights are respected.

We the workers of Oman, are proud of these achievements. They are a step forward on the path towards development and the rights of workers in my country.

I would like to thank you for your attention and may the peace of God be upon you.

Mr. POTTER (*Employers' delegate, United States, speaking on behalf of the Employers' group*) — This discussion today really has two aspects. Of course, the central and most important aspect is the issue of the elimination of discrimination, but it also is a completion of the first round of the Global Reports and, in my country, when you want to praise something you sometimes say: "you have come a long way baby" and in this case I would also say "baby you have a long way to go".

Clearly, discrimination is a significant problem across the world and we would say that the Declaration covers a wide channel, but not the whole ocean. We cannot help but observe that the plenary hall, even at the beginning today, was not as full as in previous years. We hope that this is not an indication of a lack of commitment. Certainly, the speeches did not indicate that and it may be simply a matter of the day in the week in which the Global Report was discussed this year being a little bit later in the week. As a consequence, a lot of ministers who might have spoken, were not able to speak here today.

In any event, we are poised at a stage where we really can do a four-year assessment of how this Global Report has functioned and where we will go in the future. At least in terms of what took place today, both in terms of the general discussion and the interactive discussion, I think it was even clear from the intuitive comments on the part of the Director-General, that the greater definition, concreteness and vitality of this discussion today occurred in the interactive. Not to say there were not some very important speeches, as part of the general discussion. In any event, this all has to be evaluated and assessed, going forward.

Finally, I would just make the summary comment that if I listen to Sir Roy Trotman there is a great deal of overlap in direction, particularly with respect to the area of discrimination that is of interest to both the Employers' groups and the Workers' groups. With that we would conclude our comments.

Mr. TROTMAN (*Workers' delegate, Barbados; speaking on behalf of the Workers' Group*) — We would wish to thank you and all of those persons who contributed to the debate. We agree with Mr. Potter that we have now completed the first cycle of these reports. We think it is a step in the right direction and we agree that there is still some significant road to travel, and this can be found in the number of suggestions which have been made for ways in which the report can be enhanced and made more friendly towards the people who intend to use it.

But one thing that the Director-General and the Office should be aware of is that the Workers' group and workers around the world and other organizations which have spoken here, make it clear that they find the Report to be a useful instrument to help them in their work and that they recognize what they have to do with respect to fundamental principles and rights at work and generally in the uplifting of human standards around the world.

I think Mr. Potter is right that there is hardly any divide between the Employers and ourselves on a number of the issues and the Governments too have found themselves in a situation where we are saying that nobody wants discrimination. Everybody is opposed to discrimination, and yet we have the very real fact that discrimination is alive and doing very well

and growing at tremendously large proportions in relation to what anything else grows at. That is a contradiction in terms which I think that the Office and the Governing Body will have to look at. But I do not think that anybody who has been in this room and has been involved in these debates should wait for the Governing Body to look at it.

Each country should endeavour at the tripartite level to come to grips with the subject and to stop pretending that there is no discrimination. I think it is regrettable that it is possible for us to find situations where the people who come here and speak in all honesty, speak to the extent of their knowledge of what takes place in their country, but that outside of their knowledge there are large areas of discrimination taking place that people have to come to grips with.

I do not expect Ministers of Labour or employers of the institutions that come here to know about all of these things, because by and large the people who come here are people who are committed to the principles of the International Labour Organization. But there cannot be any doubt that in many parts of the world, even the so-called good parts of the world, discrimination is taking place in a manner that scares us significantly.

That perhaps is one of the areas that I took issue with Mr. Potter, although I agreed with much of what he said otherwise. His intention was to suggest that we separate Conventions Nos. 87 and 98 and the discrimination taking place therein.

But our view in the Workers' group is that there is a certain degree of significant overlapping in matters of this sort. If Mr. Potter would agree, we might be able to continue such a discussion. How does one treat the situation where a private sector employer, and I am not referring to the government which we can bring before the Governing Body, but a private sector employer who has a body of workers – a couple of hundred – he has a union contract and he is systematically, or she – let us be balanced in this because the employer can be either male or female – and that employer decides systematically to remove every single worker who is an active member of a trade union and make it very clear that that is the basis for the removal. I can tell you that even in my beautiful country we have it. Or to decide that a person who is a shop steward cannot vie for a job promotion because the person has contaminated him or herself by being a shop steward in an environment where there is collective agreement. These things are alive and well all around the world.

Some of those countries that speak strongest, some of those countries that contribute most to the well-being of the ILO are countries which have very living examples of those kinds of discrimination. It would seem to us that there is reason for us to look at the possibility of cross cutting issues, to use the word that the ILO is using very much nowadays, and to recognize that somebody is able to make a claim under one Convention, that it is equally possible for that claim to be seen to be equally valid under another instrument, and in that regard it might be useful if the Office were to start looking at how exactly the various departments in the house utilize the skills, talents, energies and the information that they have. Sometimes one gets the impression that we have independent countries within the house, and it might be useful – I do not know if you do it now – if there were occasions, maybe once every three months, where people look at

issues in staff meetings to see the extent to which the same issue in one form or the other is showing itself across the country and touching on the various departments within the International Labour Office. On those occasions, and in that manner, it is not then possible to have three or four separate departments converge on the subject, coalesce as it were on that particular idea, bringing efficiencies of cost, but at the same time making sure that the job is done even more effectively than we know it is being done at the moment? I say that not as a criticism, but as a possible means by which we can recognize that there are areas which might be being addressed in some departments that could as easily be addressed in others, but where the cost could easily then be passed on to other very demanding areas where the ILO is being called upon to do work for its constituents. I could go on but I think it is almost morning. I do not think I should be the one to detain us. I would like to thank our own side for the number of persons who made very positive suggestions for change. We thank the Officers for their contributions.

Original French: Mr. DE PURY (representative, World Organization Against Torture) — Equality, or non-discrimination, is the central theme of the Global Report under discussion during this session of the International Labour Conference. It is such an important issue, and its implications so great, that besides the relevant ILO Conventions, there are two related international Conventions, against racial discrimination and discrimination against women, respectively, not to mention explicit references to the right to equality in most international human rights instruments.

For its part, the World Organization Against Torture considers that discrimination is also one of the root causes of torture and other cruel, inhumane or degrading treatment inflicted by some persons upon others. Over a number of years, in our daily work, either in dealing with urgent appeals or in the research and country reports we prepare for discussion by the treaty of monitoring bodies, especially those relating to children, women, and social, economic and cultural rights, we have seen how discrimination uses the slightest differences in order to marginalize people and groups.

Discrimination is often founded on race, culture, origin, ancestry, caste or social class. Or it may be founded on gender or handicap, which generally cuts across all groups and therefore creates a double discrimination for those who are victims. The most direct, effective discrimination is nearly always seen in employment, for instance by refusing work to certain people, by keeping them in jobs which are considered inferior, or by paying them poorer wages for equal work. States are always responsible for discriminatory practices which exist in their societies, but governments have varying degrees of guilt depending on their attitude to discrimination. There are those which do nothing, believing that discrimination is in some way justified, and those which refuse to sign treaties, or which sign them and fail to implement them. There are those which do sign treaties, them begin to implement them, by amending their legislation and setting up institutions or programmes, but fail to get to the heart of the matter and to bring those responsible for violations of anti-discrimination laws to justice.

Finally, there are those which do try to address the root of the problem, despite underlying prejudice and discriminatory cultural practices. In the examples we will refer to, there are States which come under all three of these categories. In Europe, apart from cases of discrimination against immigrant workers in general, the most widespread case of racial and cultural segregation concerns the Roma people: We pointed it out in the reports we submitted to the Committee on the Rights of the Child, concerning Ukraine, Hungary, Spain, the Czech Republic and Italy, and we mentioned it in urgent appeals concerning the Balkans and Greece in particular.

In the Middle East, we find the situation of the Turkish Kurds, where the State consistently denies the cultural and political rights of these people and imposes social and economic discrimination on them. This is highlighted in our report on the rights of the child.

In some of the countries that were taken into consideration, it is the indigenous peoples who face discrimination. This happens in Latin American countries, regardless of whether these populations are the majority or the minority. There are cases concerning Mexico, Colombia, Brazil and Argentina. But we also see this in India, with the bloody repression of the Adivasis, massacred because they had illegally occupied the land of an ecological reserve, but only after the Government had failed to keep its promises to

give them land. When we speak of India, we cannot fail to mention the persistent segregation of the Dalit Caste, also known as the untouchables, who are condemned to occupy degrading posts.

A similar situation, but to a lesser degree, exists in Japan where the Buraku are confined to specific neighbourhoods. Although the Japanese Government has dealt with this issue, and has even built quality new housing for the Buraku, there is a risk that this will only lead to increased resentment towards them, because they are effectively being kept in ghettos.

Discrimination continues to be one of the major causes of suffering among human beings throughout the world. In the world of work, it is the cause of poverty, and even misery. In the social sphere, it leads to marginalization, oppression and even war. The ILO's fight against discrimination and for equality at work is indispensable in the struggle against discrimination and in the struggle for justice and peace in the world.

The PRESIDENT — This concludes our general discussion and I want to thank you for the way in which you have participated in the discussion. I particularly thank the Workers and Employers spokespersons for their contributions.

(The Conference adjourned at 7.10 p.m.)

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