

**Fifth sitting**

Friday, 8 June 2007, 10.20 a.m.

Presidents: Mr. Sulka and Mr. Blondel

The PRESIDENT

I declare open the fifth plenary sitting of the 96th Session of the International Labour Conference. Before starting the discussion I should like to give the floor to the Clerk for an announcement.

The CLERK OF THE CONFERENCE

It is my pleasure to announce that the Lao People's Democratic Republic has accepted the 1997 Instrument of Amendment to article 19 of the ILO Constitution, and that this acceptance was registered by the Director-General on 1 June 2007. This brings to 95 the total number of countries which have ratified or accepted the Instrument.

As explained in the *Daily Bulletin* Supplement No. 2, the Amendment must be ratified or accepted by 120 member States – two-thirds of the total membership. The ILO Governing Body has appealed to Members that have not yet ratified it to do so, and the Office of the Legal Adviser is available to provide further information.

The list of countries that have not yet ratified the Instrument, which appeared in the Supplement to the *Daily Bulletin*, is being revised to reflect the acceptance by the Lao People's Democratic Republic.

**FIRST REPORT OF THE CREDENTIALS COMMITTEE:
SUBMISSION AND NOTING**

The PRESIDENT

As you know, our discussion today over the morning and afternoon sittings is to be devoted to the consideration of the Director-General's Global Report: *Equality at work: Tackling the challenges*. However, before we begin the discussion we have several items on our agenda. The first item is the submission of the first report of the Credentials Committee. This has been published in *Provisional Record* No. 4B. It determines the quorum for our work. The Conference is called on to take note of this report.

(The report is noted.)

**FIRST REPORT OF THE SELECTION COMMITTEE:
SUBMISSION AND NOTING**

The PRESIDENT

The second item is the submission of the first report of the Selection Committee. I call on the Chairperson of the Committee, His Excellency Ambassador Macedo of Mexico, to present the report.

Original Spanish: Mr. MACEDO (Government, Mexico, Chairperson of the Selection Committee)

I am honoured to present to the Conference the first informal report of the Selection Committee contained in *Provisional Record* No. 2-1. The report contains a series of decisions which refer to the work of the Conference, which I will summarize subsequently.

The Committee decided that the debate of the Reports of the Chairperson of the Governing Body and the Director-General would start on 11 June at 10 a.m., and that the list of speakers would be closed this afternoon at 6 p.m. Appendix 1 of the report contains information for delegates regarding the presentation of their statements for the general discussion. In particular, speakers should only include the appropriate volume of material in their speech so that it can be delivered comfortably within the allotted five minutes, and at a reasonable speed with a view to accurate simultaneous interpretation.

Furthermore, the Committee has supported recommendations of the Governing Body regarding the discussion of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, entitled *Equality at work: Tackling the challenges*. The Committee decided that this debate should take place in two special sessions today.

The Workers' group referred to the growing frequency with which the provisions of the Conference regulations were not respected. The suspensions necessary to allow for the translation of the *Provisional Record*, into the three official languages of the ILO were due to the need to reduce expenses. The Committee took note that this group did not agree with the need to reduce expenses.

The Committee supported the tentative plan of work in Appendix III of the report, which can of course be amended over the course of the Conference.

The Selection Committee also decided to present for adoption by this Conference a resolution on the status of *Interim provisions concerning the verification of credentials*. These Interim provisions came into effect, as you will recall, at the 93rd Session of the Conference in June 2005. The aim of this resolution is to extend their validity until the end of the 97th Session of the Conference in June 2008.

The Selection Committee draws participants' attention to the suggestions aimed at facilitating the work of the Conference, especially with regard to establishing a quorum. It also recommends to the Conference that it continue with the practice of pre-

vious years regarding Government members, who should not apply for regular membership of committees if they are not at the time in question entitled to vote.

The Selection Committee also recommends that if this practice is not fully respected for any reason, the weighting coefficients in committees should be calculated on the basis of the number of Government members entitled to vote. The electronic voting system takes this request into account.

The Selection Committee also invited some international non-governmental organizations to take part in committee meetings when the agenda item under discussion is of special interest to them.

The Selection Committee also adopted a number of decisions regarding membership of the Credentials Committee and the Conference Drafting Committee.

Lastly, the Committee took note of one item presented by the Employers' group, which had the approval of the Chair. Despite the importance of the work of the Selection Committee, and its important role in guiding the work of the Conference, very few Government members participate in its work.

I would like to recommend that the Conference approve the report of the Selection Committee.

The PRESIDENT

Thank you Ambassador. May I take it that the Conference is in agreement with the proposals made by the Selection Committee in its first report?

Ms. BYERS (*Worker, Canada*)

We are a little curious here. We were not told about this report coming here, that it would be dealt with, and our colleagues who are involved in working on this are not here. We do not feel that we are in a position to agree or not, because we did not come here prepared for any of this. We were not ready for this.

The CLERK OF THE CONFERENCE

The Officers of the Selection Committee have indeed been fully informed of the intention to deal with this report at this stage. It was a decision which was taken by the Officers of the Selection Committee, and this information was supplied to the Conference through the report and also through the *Daily Bulletin*.

The PRESIDENT

For further clarification, we have been advised that this report has been approved by the Chairperson of the Workers' group and also the Worker Vice-Chairperson of the Selection Committee.

Ms. BYERS (*Worker, Canada*)

It is not an objection, but I just want to say that for this motion and for any others, we are adopting it on the same understanding that this has been agreed to by the Chairperson of the Workers' group.

(The Conference takes note of the report.)

RESOLUTION CONCERNING THE EXTENSION OF THE VALIDITY OF THE *INTERIM PROVISIONS CONCERNING THE VERIFICATION OF CREDENTIALS*: ADOPTION

The PRESIDENT

The third item on the agenda is the adoption by the Conference of the resolution concerning the extension of the validity of the *Interim provisions concerning the verification of credentials*.

I now submit the Conference resolution concerning the extension of the validity of the *Interim provisions concerning the verification of credentials*.

As the Chairperson of the Selection Committee pointed out, the purpose of this resolution is to prolong the validity of the Interim provisions which were introduced in 2005 until the 97th Session of the Conference in 2008. They would otherwise have lapsed at the end of this session, which, as they must be proposed to one session of the Conference in order to come into force at the following session, would imply that the 97th Session would return to provisions that they have replaced. The returning provisions are set out in Appendix IV of the report. The resolution to extend their validity is contained in Appendix V.

If there are no objections, may I take it that the Conference adopts the resolution concerning the extension of the validity of the *Interim provisions concerning the verification of credentials*?

(The resolution is adopted.)

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

The PRESIDENT

The fourth item on the agenda is the Global Report, *Equality at work: Tackling the challenges*. This is the eighth time the Director-General has submitted a Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

This year, the Conference returns to the fourth subject covered in the four-yearly cycle; the elimination of discrimination in employment and occupation.

The elimination of discrimination is an area in which different units at headquarters and in the field have cooperated to move things forward.

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. This is the second Global Report on this subject, which allows an assessment of the plan of action to date. Our 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 2007.

A note made available to you here provides the latest available statistics on women's labour force participation, employment and unemployment rates. These figures were released in 2006, while the Global Report data refer to 2004, statistics available at the time this Report was produced. The update also provides information on the number of countries in which these rates rose or declined in the period under review. The purpose of the latter set of data is to trace the impact of public policies on women's labour market outcomes. (This update refers to the information provided on pages 15–19 of the Report in English and pages 18–21 of the French and Spanish.)

Presenting a dynamic global picture depends on using a variety of sources in addition to official information. This year, owing to tight deadlines in completing the Report, the Office recognizes and has asked me to say that it was unable to be as rigorous as you might have liked in all instances. As a

result, some references to specific country situations may not reflect a full picture. That is why we would like to hear from everyone, to enrich the information and debate, so that we have a fuller dynamic global picture of the situation as regards discrimination at work.

Please note that the Report concludes with suggested steps for future action against discrimination and for equality. It would therefore be helpful to hear from you about what can be done concretely in this respect. I should recall, however, that this is not the place to have a discussion of specific country situations that are, or could be, dealt with elsewhere at the Conference, and in particular in the Committee on the Application of Standards.

The arrangements for today have been examined by the Governing Body and accepted by the Officers of the Conference. Our discussion will take place in two sittings, with the possibility of extending the afternoon sitting into the evening, depending on the number of speakers.

I come to an important feature of this discussion, namely interactivity. This has been a concern from the start of the process of discussion of the Global Report. We trust that being in this room, rather than in the more formal Assembly Hall, will help in this respect. In order to provide some thematic focus, suggested points for discussion have been distributed and made available on the Web. I propose that we focus on these points, especially this morning, and keep our statements short and to the point, leaving others the option of responding to a statement or taking the floor again, time permitting.

My concern is that everyone should have the time to speak. Established practice provides that those who speak on behalf of groups are accorded slightly more time than others. However, I appeal to all of you to be brief and to the point, thereby enabling to have as broad and rich a debate as possible.

Before I open the discussion, I would like to make a few points.

First, there is no formal list of speakers. You have in front of you forms that you may wish to fill out and send up to the secretariat if you wish to take the floor. Some of you have already done this.

Second, some of you have requested that we indicate to you when your time slot for addressing the floor will come up. We are not able to do this with any exactitude, as it would detract from our interactive debate, something you have desired from the start of the discussion of the Global Report. However, we shall do our best to indicate the period within which different people will be speaking. You will remember that I announced at the first sitting and confirmed, with your agreement, at the second sitting of the plenary, that these arrangements entailed the suspension of certain provisions of the Standing Orders of the Conference (article 14, paragraph 6, concerning the time limit for speeches) and, to the extent required, the provisions of article 14, paragraph 2, on the sequence in which the floor is given to speakers.

Shortly before 1 p.m. I may give the floor to the spokespersons of the Employers and Workers in case they have comments for us to reflect upon during our lunch break.

Third, those NGOs wishing to take the floor will be given a chance to speak at the end of the day, time permitting.

Finally, for the sake of the secretariat which prepares the *Provisional Record* – where you read your

different statements – please state your name, country and other affiliation clearly when you take the floor, so that we know and they know who is speaking.

Original Spanish: Mr. FUNES DE RIOJA (Employer, Argentina, speaking on behalf of the Employers' group)

I will speak to you as Employer spokesperson and Chairperson of the Employers' group. First, I would like to say that the Employers' group and the International Organisation of Employers give a lot of importance to this Declaration.

Obviously, this Declaration requires member States to respect, promote and put into practice the four fundamental principles, among which is the one that we are going to talk about more specifically today.

The Declaration gives sufficient flexibility to member States so that this is achievable, and obviously the Declaration guarantees the role that this institution, the International Labour Organization, plays within the context of globalization, free trade and interaction among States.

We would also like to state that for us it is a very important point of reference within the framework of voluntary initiatives on social and corporate responsibility. This does not involve shifting government responsibility in this area, but rather the Employers' commitment to actively participating within the framework of what we call the moral conscience of this Organization.

For us, the Declaration is the moral conscience of this Organization and, as such, it is our hope and opinion that it should be the moral conscience of globalization at a social level.

Within the follow-up mechanisms the importance of this Global Report is obvious. It allows us to evaluate the efficiency of the work of the Office itself in the area of technical cooperation, and it allows us to measure what progress we have been able to make as governments in implementing the relevant principles. We welcome the Director-General's Report, *Equality at work: Tackling the challenges*, on which we briefly share some of our thoughts.

First of all, we would like to stress that the Declaration is not a Convention or a combination of various Conventions, it is more a promotion of principles, which is obviously different from ratification. That is how we would like to keep it. We consider this follow-up mechanism to be strong and useful and it must have great relevance and impact. We therefore have to appeal for technical cooperation and this will be recognized in our statement on the Global Report.

We think that eliminating discrimination and creating equality at work are essential to fulfil other principles – the context of the principles interact – but there is no doubt whatsoever that, wherever there is lack of respect for the fundamental principles which allow human beings to express themselves, there will not be any freedom of association or negotiation and obviously it would just be deceptive to talk about eliminating forced labour or the worst forms of child labour. In any case, there is a context within which we have a network that we have to refer to specifically. That is why we think that this analysis is not very relevant.

We would also like to say that the criteria relating to discrimination which we would like to refer to are obviously taken from existing instruments, in this case Conventions, with paragraph 25 giving a clear example of the Discrimination (Employment

and Occupation) Convention, 1958 (No. 111), and its criterion on discrimination.

The first part of the Report on defining and measuring discrimination tries to do just that, but acknowledges that this task is made difficult by its diverse forms, and that there are some shortcomings. Therefore as one could understand from paragraphs 47 and 55, these attempts to measure discrimination are just that, namely attempts, and should be put into context. Paragraphs 35 and 36 describe what is not considered explicit discrimination and state that not all differences in treatment are unlawful. Those based on the actual exigencies of the job are justified of course. Therefore, I should point out that, as far as paragraph 26 is concerned we were surprised to see an example, and perhaps when further Reports are being prepared and case-by-case evaluations made, this comparison between a nurse and a technician is perhaps not the ideal comparison because it needs to be looked at in a specific context in order to determine whether this really is discrimination. This should be done by looking at the situation in each country and of each culture and specific idiosyncrasies and obviously taking into account the technical requirements of each job.

With regard to paragraph 39 on equality at work, it is not just a question of prohibiting discrimination; it is about changing the status quo and transforming the workplace to make it inclusive. We could not agree with this more and when it comes to recommendations we will mention that.

Standard-setting activities are the result of changes in the cultural situation, which shapes standards. If that does not happen, we might have an awful lot of standards, but not many results.

As for the various examples of discrimination which is dealt with in the second part of the Global Report, these range from the older forms of discrimination, the traditional ones, namely those based on race, colour, sex, religion, political opinion, national extraction or social origin, as developed in paragraphs 59 to 136 to the more recently known forms of discriminations which are not included in Convention No. 111, but which are recognized by many member States in their legislation, such as age, sexual orientation, HIV/AIDS and elements such as genetic factors and lifestyles, which obviously must be dealt with with great care. In reality, we must address the basic requirement: the principle of equality is that everybody must be treated equally. We therefore, take the principle very seriously and have to preserve it fully in order to avoid interpretations that go beyond the main meaning and distort it. It is clear that the Employers' position strongly defends the principle of equality so that it is not watered down by applying specific policies or by enlarging criteria which are not really relevant.

The Report's role is to give a true picture of this subject. Obviously we do not think that new forms of discrimination should be labelled as illegal; that is the responsibility of governments and the social partners within each country.

The Report says that globalization has increased the problem of discrimination, as stated in the executive summary and paragraphs 321, 322 and 423.

I would like to comment on this. We do not agree with this. Globalization made some things more visible, things that were underground, hidden, sometimes implicit, sometimes hidden deliberately.

Today, it is obvious that globalization has a constructive element and a conflictive element. The conflictive element is the problem it causes, like all processes of change. However, the positive, constructive element allows us to be better informed. We think that the best instrument that we have at hand to disseminate equality policies is information, communication and education. We will come back to that subject.

Paragraphs 327 to 339 might be considered controversial because they suggest that discrimination should be a condition in free trade agreements. We would like to say, once again, that we continue to respect the mandate of this institution and we will do everything necessary within the framework to defend fundamental principles at work, and we are opposed to social clauses or any other formula which might restrict free trade agreements, without prejudice to the fact that both matters have to proceed along their proper channels. The Report gives the impression that discrimination is mainly a result of poverty. It is often associated with, or expressed through, poverty, but poverty is not the only aspect; there are religious, ethnic and cultural aspects which are relevant in various social strata.

As for the third part of the Report: Institutions and policies: Trends, impact and challenges, section 2 briefly describes what the social partners have been doing in the area of discrimination. Obviously, we could say a lot on this subject. My colleagues will refer to this in-depth and give you examples from their respective regions and own experience, but I would like to say something in general terms. Many things are being done to ensure equality of rights to education and for improving living conditions which are having a positive impact on the subject that we are dealing with, and, obviously, they are not covered in this Report. However, I would like to see them covered by national plans and regional plans and I think that we can do a lot in this organization in order to stimulate and disseminate good practices, which have had positive results in several different communities.

Paragraphs 342 to 348 provide a very brief description of employers' initiatives which are not up to date. Therefore, we would hope that this can be documented more positively, and we are already prepared to enrich this debate, although this cannot be done today at this moment, but we are prepared to share through the ILO all the material we have prepared to promote good policies within employers' organizations at the country level on this subject.

Reference is also made to initiatives on corporate social responsibility, in paragraphs 375 to 381, in order to promote equality and non-discrimination. We believe that enterprises and employers' organizations have two frameworks of action. First of all, to respect the law. There is no doubt that the majority of our countries have concrete legal structures which affirm the principles of equality and, as employers' and employees' organizations, we therefore respect these laws. Then come voluntary initiatives which are supposed to promote the knowledge of good practices, but above and beyond respecting the law, which is not the subject of this debate, there are challenges on this matter and obviously we are prepared to face these challenges and we think that the ILO's technical cooperation in strengthening employers' organizations, especially in developing countries, is a very important part of this work.

In the section entitled Social partners better equipped to make equality a reality at the workplace, paragraphs 472 to 476, it is recognized that the social partners have an important role to play, and we believe that the Office, at the right moment, could also give us more information on these models of good practices which have been implemented in some workers' or employers' organizations.

I would like to conclude by stressing that the workplace, as stated in the Report, is essential, but not the only aspect. If we really want substantive changes and we really want to take advantage of globalization in order to eradicate all forms of intolerance and inequality. We have to start at the root of societies, that includes schools and education, and, of course, we are willing to cooperate with the ILO, governments and workers in order to further this work and, through social dialogue, disseminate good practices. When you go to the workplace it is already too late because behaviour leading to discriminatory practices have already taken root. The result is that they are no longer workers, they are no longer citizens, they lack human dignity as we know it. There is a cultural problem that we cannot ignore, we have to overcome this, we have to overcome any barrier that we come up against in this area, we have to be prudent and sensitive when we do this, respecting all ethnic groups, cultures and nations.

May I conclude on our proposal concerning how to do this. First and foremost, we propose campaigns to raise awareness of equality of opportunity. We think the ILO could start a campaign with governments and the social partners to raise awareness of this issue, especially equality, and that it should have a regional aspect with specific actions, because tolerance and respect for differences under the principle of equality and human dignity are obviously essential.

Secondly, I would like to address a rather delicate matter, that is the promotion of formal employment. The Report states – and we agree with this – that the informal sector may acquire more overt forms of discrimination. However, we should not persecute the informal sector; we should stimulate it to become formal. We have said this on many occasions, not only at this organization, but in ECOSOC and other regional Organizations, and we are saying the same thing in the Committee on Sustainable Enterprises. Let us promote the formal sector in order to promote formal enterprises and jobs and thus respect law and obviously ensure such monitoring, monitoring which governments must carry out, and our legal and social responsibilities as social partners. This obviously also means strengthening public institutions. Paragraph 466 states that we need a set of laws and institutions, enforcement mechanisms and public policies that are properly resourced to bring about equality at work. We are not just talking about standards, but we are talking of policies as well. Therefore, when it comes to policies, the ILO plays an important role.

We are convinced that this is a key subject, it is a difficult subject, it affects our susceptibilities and affects sensitivities. However this Organization is more than capable, and that Global Report is an essential part of our discussions in order to raise awareness; it must adopt a key role in creating the better world to which we aspire and the fair globalization in which we believe.

Ms. BYERS (*Worker, Canada, speaking on behalf of the Workers' group*)

Article 1 of the Universal Declaration of Human Rights states that "All human beings are born free and equal in dignity and rights". And yet, this Global Report reminds us of the harsh truth that billions of our fellow human beings are being discriminated against only because of their sex, their race, their social origin, their religion or their disability. We welcome the high level of ratification of Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and we call for universal ratification of these fundamental Conventions.

However, this Report draws our attention to the painful fact that ratification is good, but it is not enough. Governments must also fully implement the Conventions in law, in spirit and in practice. The trends described in this Report are a cause of deep concern to the Workers' group.

On gender discrimination, the Report paints a mixed and distressing picture. Women's participation in the labour force and in paid employment continues to increase in almost all regions. However, the working conditions of women are a very large cause of concern. More women are in paid jobs but many still work without pay. The pay gap between men and women for work of equal value persists, despite the striking advances made by women in educational attainments relative to men. The persistency of imbalances between work and family responsibilities remains a major constraint facing women because of inadequate workplace family policies.

We know that employed women are far more likely than their male counterparts to lose time from their jobs because of family responsibilities. As the Report states, "It is also difficult for women to reconcile family duties with paid work without affecting their chances of promotion or skill enhancement."

Women are still all too often concentrated in low-status and precarious jobs. Too many women are in jobs that are not recognized as work and, as such, are not covered by labour legislation. The inclusion of all workers under the Decent Work Country Programme would help to both highlight these inconsistencies as well as confer dignity to both the work and the workers.

The Workers' group also knows that, even when women are employed in well-paid jobs with benefits and have been employed in those jobs for decades, they can still fall prey to the "last-hired-first-fired" practice because women experienced gender discrimination in hiring decades before.

The Report also reminds us that racial discrimination continues to be a major problem, despite some progress realized in a few countries. We may not all experience racial discrimination; however, we are all affected by it. We also know that, where there is double discrimination, such as a woman of colour or an aboriginal woman, the racial discrimination is intensified.

According to the Report, 10 per cent of the world's population, or around 650 million people, live with a physical or mental disability. The persistence of discrimination against workers with disabilities is unacceptable to our group. Workers with disabilities are often forgotten because their representation in workplaces is so low. Technical support

by the ILO is needed for assisting trade unions to better deal with promoting the rights of workers with disabilities in negotiations and collective bargaining. As workers with disabilities have said, their disability cannot stop them; discrimination can.

Discrimination based on social origin is another area we would like to stress. The persistence of this problem and its obvious relationship to forced labour and exploitative child labour requires urgent action. The widespread discrimination faced by migrant workers because of their race, their colour, religion and sex and the resultant mistreatment and criminalization of this category of workers is a source of deep concern to our group. The ILO must retain its role as the arena for discussion on issues related to all workers. Migration policies should remain consistent with human rights' and worker rights' obligations. While trade unions from countries of origin and destination will continue to establish partnership agreements to promote and defend the right of migrant workers, the ILO needs to foster tripartite partnerships which will give an added boost to the trade union work.

We strongly regret that the Report does not really discuss discrimination on the basis of political opinion. This is deplorable because anti-union discrimination is the most rampant means used to violate trade union rights throughout the world.

The Committee on the Application of Standards deals with this type of discrimination from Zimbabwe to Colombia. We expect the Office to keep track of the evolution of this form of violation of Convention No. 111 in future reports.

We welcome efforts in this Report to draw the attention of our Organization to more widely recognized forms of discrimination. For us, "any distinction, exclusion or preference" made on whatever basis "which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation" is discriminatory. It is therefore important for us to monitor widely recognized forms of discrimination based on age, sexual orientation or HIV/AIDS status.

It is equally important for us to pre-empt emerging manifestations of discrimination based on genetic predispositions or lifestyles. We therefore welcome the inclusion of these issues in this Report. However, the work of the Office has to be focused, bearing in mind the priorities that will emerge from this discussion today.

We welcome the acknowledgement that "the need to combat discrimination at work is even more urgent in the face of a world that appears increasingly unequal, insecure and unsafe". The Workers' group feels passionately about the impact that war and militarization have on equality, on dignity, employment and on poverty.

We applaud the effort in the Report to identify a series of policy approaches to tackle discrimination in employment and occupation. We endorse the approach for stronger laws and more effective enforcement of these laws; strengthened institutional mechanisms at the national level to assist victims of discrimination, advocate equal opportunity in treatment and develop anti-discriminatory national policies; and the full inclusion of anti-discriminatory policies and public procurement policy in regional economic integration and trade agreements, as well as the work of the international financial institutions. We also endorse the importance of affirma-

tive action to help create more inclusive productive and harmonious workplaces and we endorse active and passive labour-market policies ranging from education to recruitment to skills development.

The Global Report has to help us identify areas for technical cooperation under the follow-up to the Declaration. Even though our group will address a number of issues today, ranging from gender equality, racism, disability, family responsibility, migrant workers and HIV/AIDS, we would like technical cooperation in the coming years to focus on three primary areas: pay equity, racism and capacity-building of constituents.

In terms of the first priority of pay equity, the Report reminds us that pay equity is a monumental problem throughout the world. The last Global Report on discrimination already signalled gender inequalities in pay as amongst "the most resilient features of labour markets across the world". This Report notes that, even though the gender pay gap has narrowed in some countries and stagnated in others, women continue to work, on average, for lower earnings than men.

The Report says that "equal pay for work of equal value, is one of the least understood concepts in the field of action against discrimination". We would say that the women in this room understand very clearly the concept of pay equity and wage discrimination. We feel it, and we know it every time we take a pay cheque home. This state of affairs is aggravated by the fact that women workers have to reconcile family and work responsibilities under difficult conditions and, even when they are able to this, they are still paid less than men doing the same work of equal value. This has lifelong consequences for women workers as the pensions that we receive are often determined by the level of income during our working life.

The figures are damning and I refer all of you to the Report. What is crucially important for the Office to develop is the following: the identification of the relevant policies needed to address the problem; acceleration of the development of the ILO job evaluation method and training of constituents on how to use it; assistance for the development of relevant institutional mechanisms or bodies to address this problem; strengthening of ILO advisory services to member States on this issue; ensuring input from unions in developing countries where pay equity is not considered a priority and where the linkages between pay equity and gender equality may not be understood.

Technical support needs to be extended to help build the capacities of unions to participate in research, negotiate for pay equity and take up the complaints in their courts and lodge complaints with the ILO. This will require consistency as it is counterproductive to offer programmes in a manner which raises interest only to leave the recipients without support for extended periods of time.

The second priority of work should be that of the elimination of all forms of racial discrimination. More trade unions are taking up work related to racism and xenophobia. We are working with the ILO to elaborate strategies and tools to combat discrimination and we will be seeking further support in this area.

The Report speaks about the persistence of racial and ethnic discrimination and indicates that this form of discrimination is closely linked to poverty and gives stark examples of how it affects people of

African descent, the Roma people and indigenous and tribal peoples.

This item was already identified as needing action in the technical cooperation action plan following the last Global Report.

However, very little has been done. It is therefore vital for the Office to develop a coherent programme of work around this issue in order to identify the relevant policies needed to tackle racial discrimination effectively, to provide assistance for institutional mechanisms for monitoring and tackling this problem, to develop ILO tools and materials on the subject, and to develop appropriate advisory services to constituents on the issues.

Finally, considering the multiple dimensions of discrimination and its complexity and persistence, we call for capacity building for trade unions on the subject as a matter of priority. We acknowledge work that has been carried out or that is planned. However, this needs to be reinforced. We therefore ask the Office to provide the necessary regular budget resources for this work and we also appeal to donor countries to provide additional resources, to not only focus on child labour, which, by the way, exists largely because of discrimination against the girl child, or children among equality seeking groups.

Our Constitution is very clear on our obligations in this area. It says that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”.

Let us together tackle the challenge of equality at work and make this constitutional obligation a reality in people’s lives.

Original Arabic: Mr. AL-DOSARI (Minister of Civil Service Affairs and Housing, Qatar)

I have the honour of addressing you today on behalf of the Ministers of Labour and Social Affairs Council of the Cooperation Council for the Arab States of the Gulf bringing together Bahrain, the United Arab Emirates, Saudi Arabia, Qatar, Kuwait and Yemen.

I wish to thank the Director-General of the ILO for this year’s Global Report, which is dedicated to the fourth principle of the Declaration on Fundamental Principles and Rights at Work and entitled: *Equality at work: Tackling the challenges*. We believe that this Report faithfully reflects the socio-economic conditions in different countries and their capacity to implement the necessary reforms to comply with international labour standards. We agree with the Director-General that eliminating discrimination is an ongoing challenge requiring the constant renewal of commitments, especially at the political level.

The members of the Cooperation Council for the Arab States of the Gulf, on the basis of the principles and values of Islam and our cultural heritage, have worked towards the establishment of a legislative and constitutional framework that takes account of the changes and the advancement of humanity, in accordance with international norms and conventions that promote human dignity and aim to protect the human person from all forms of discrimination. We consider these principles to be in conformity with the sacred message of the Koran.

Reiterating their commitment to fight discrimination, our countries have worked to fulfil their com-

mitments in this area, in accordance with ILO Convention No. 100 and Convention No. 111. Efforts have been made to incorporate anti-discrimination measures into legislation and programmes and to promote equal opportunities as a human rights principle. We have ratified Convention No. 111 and the majority of the Committee of Experts has welcomed our countries’ commitment to finalize the process of ratifying ILO Convention No. 100 concerning equal remuneration for men and women workers for work of equal value.

Our countries work, in particular, to promote the role of women in the political, social and economic spheres, in order to ensure that women can benefit from training, education and employment opportunities, and thus increase their participation in the labour market. Thus, we hope to enhance their participation in social, political and economic activities at the local, regional or international levels on a par with their male colleagues.

The Report refers to certain States of the Cooperation Council as being among those countries with the greatest gender-based salary gaps and views this circumstance as a sign of gender-based discrimination. Conversely, we hold that all laws and decisions pertaining to working conditions in the Cooperation Council for the Arab States of the Gulf stipulate equal remuneration irrespective of gender, national origin or religion.

The Report further holds that certain countries of the Cooperation Council tax their migrant workers. The countries concerned have officially replied to these remarks, and we wish to clarify at this point that migrant workers enjoy equal treatment and labour rights without discrimination on the basis of race, colour, gender or religion. Salaries and the free transfer or earnings are protected and there are no taxes or surcharges for migrant workers.

With regard to discrimination, justice and equality, I would like to highlight the unique status of the labour market of Coordination Council member States. These markets receive a large number of migrant workers, all of whom enter as temporary workers for pre-established periods of time. They come to work on development projects, in accordance with labour market requirements. The majority of these workers are drawn to our countries by the labour market situation. It is of utmost concern to us that these workers are employed legally, on the basis of employment contracts, and in conformity with relevant Conventions. Consequently, we safeguard the rights of these workers and protect them against exploitation, especially by employment agencies in their countries of origin. We further endeavour to strengthen dialogue with countries of origin, with a view to implementing international standards and balancing different interests.

Our countries, which have risen to the challenge of globalization, work to put into place national strategies that enhance employment opportunities for nationals and facilitate labour market integration through training programmes. To this end, we adopt policies that promote labour market opportunities for nationals, without discriminating against migrant workers. Our policies are in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination, which stipulates that the Convention “shall not apply to distinctions, exclusions, restrictions or preferences made by a State party to this Convention between citizens and non-citizens”.

We wish to affirm our commitment to respect the ILO Declaration on Fundamental Principles and Rights at Work and the independent status of the Committee of Experts. While appreciating the Committee's efforts in drafting its reports, we hope that positive aspects and recent measures adopted by Cooperation Council member States will not go unnoticed.

In this context, the member States of the Cooperation Council note with interest the observations made in the Global Report on the future of the fight against discrimination at work. We endorse ILO support policies and technical cooperation programmes.

The world and our Organization must adopt a number of strategic initiatives and mobilize greater technical and financial resources in order to ensure sustainable employment opportunities that facilitate a life in dignity and promote peace and cooperation between peoples, rather than war and conflict. We believe that it is crucial to respect all cultures, establish a dialogue between civilizations, and promote tolerance as the sole means of ensuring the future of our planet and a life in peace.

Original Arabic: Ms. ABDEL HADY (Minister of Manpower and Migration, Egypt)

We have examined the Global Report of the Director-General, entitled *Equality at work: Tackling the challenges*, within the context of the ILO Declaration on Fundamental Principles and Rights at Work.

Among the worst affronts to human dignity are discrimination and racism, which lead to marginalization and social exclusion and an increase in the rate of poverty. Any social group that is excluded from the labour market has limited opportunities for development.

This is why the World Summit for Social Development in Copenhagen in 1995 stressed the importance of eradicating poverty and discrimination.

Egypt has adopted a national policy that is based on equality at work and equal opportunities for all citizens and guarantees the human rights which are enshrined in international conventions, treaties and covenants, including, in particular, the ILO Declaration on Fundamental Principles and Rights at Work.

Egypt has ratified all eight of the fundamental ILO Conventions. The fundamental principles and rights in Egypt are enshrined in the Egyptian Constitution, which stresses the principle of citizenship with regard to the equal treatment of all Egyptians regardless of their colour, sex, religion or political beliefs. Egypt was one of the first countries to ratify the ILO Equal Remuneration Convention, 1951 (No. 100), the Equality of Treatment (Social Security) Convention, 1962 (No. 118), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The new Egyptian Labour Code of 2003 is in line with the provisions of those Conventions. It underscores the importance of equal remuneration for men and women performing work of equal value.

Throughout the long history of Egypt, all categories of society have contributed to the country's development. The Egyptian Government has introduced mechanisms to guarantee this principle of equal opportunity, which include the establishment of units in all ministries to promote gender mainstreaming and the creation in 2000 of the National Council for Women aimed at promoting the devel-

opment of women and enabling them to achieve the principle of gender equality. We must remind you that the aim of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, which is mentioned in the Global Report, is to encourage member States to deploy more efforts that will enable them to create an environment that is conducive to economic and social development. In this light, we think that the expressions used on page 32 of the Arabic version of the Report are not in line with the spirit of the Declaration in question. We regret the use, without any prior verification, of terms which are suspicious and have the potential to harm the relationship between the ILO and its Members.

The Report makes reference to discrimination against Copts in Egypt, which is in total contradiction with reality.

Allow me to clarify this point. First of all, the relationship between Muslims and Copts in Egypt is governed by law and by a long history of love and coexistence. If the Copts have problems in Egypt, they are not alone in that regard, because all Egyptians suffer from the same problems. Second, according to international data, one-third of Egypt's national wealth is owned by Copts. The main economic sectors, such as the communications, car manufacturing and the real estate sectors are in the hands of Copts. The latest Forbes Report indicates that three Copts figure among the ten richest men in the Arab world. Also, our Copt brothers occupy a number of very high-ranking posts, are trade union members and participate in collective bargaining.

Third, the representation of Copts in the Egyptian Parliament is very balanced and Copts are elected and chosen as Egyptian citizens. The constituencies in which they are elected are those with a Muslim majority.

With regard to their representation in Government, the current Cabinet includes two Copt ministers. One is the Finance Minister and the other is the Environment Minister.

Fourth, the only Egyptian to have occupied the post of Secretary-General of the United Nations is Dr. Boutros Boutros-Ghali, who is a Copt. He is currently the Chairman of the National Council for Human Rights in Egypt.

We know that we must endeavour to improve the situation of migrant workers. These workers must also have access to healthcare and to other measures to promote the social well-being of workers.

In conclusion, I would like to stress that the Global Report contains some very important information. It is essential, however, to verify the sources of that information, to avoid creating tensions between the member States and the ILO.

(Mr. Blondel takes the Chair.)

Mr. HWAN (*Government, Republic of Korea*)

Since its first publication in 2000, the Global Report concerning workers' fundamental rights has helped to spread core Conventions across the world and thereby strengthen workers' fundamental rights.

This year's Global Report provides meaningful information on the current situation of discrimination at work and in employment and related major trends.

The Report this time dealt with new forms of discrimination, discrimination against individuals with a genetic predisposition to developing particular

diseases, discrimination based on lifestyle, discrimination based on sexual orientation, discrimination based on disability and discrimination against people living with HIV/AIDS, giving an opportunity for us to think of discrimination that could emerge in a future society.

In addition, the Report introduces the ILO's various efforts to strengthen its knowledge base on maternity protection and work-life balance as part of efforts to address these challenges. The Report also notes that the Organization published working papers on reconciling work and family responsibilities in three countries: Brazil, the Republic of Korea and Japan.

Having taken into account the importance of this issue, the Republic of Korea has made active efforts to eliminate discrimination by ratifying the two Conventions concerning the elimination of discrimination: the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

In particular, gender discrimination and discrimination against migrant workers are strictly banned in the Republic of Korea.

Given that childbirth and the subsequent discontinuance of employment is a major obstacle to women's economic activities and an ultimate cause of gender inequality in employment and wages, research on maternity protection and work-life balance can be important information tools for abolishing discrimination against women.

In the belief that maternity protection and work-life balance will help women work and reconcile work and family responsibilities, the Government of the Republic of Korea has taken active support measures by planning institutional advancement. Revised legislation, which will be submitted to the National Assembly in 2007, has adopted spousal maternity leave and reduced working hours for women workers who have infants.

Finally, my delegation would like to emphasize the importance of sincere social dialogue and cooperation among workers, employers and governments in order to eliminate the various kinds of discrimination in the world of work. Once more, I would like to thank the Director-General and his staff for the efforts they have put into this Report, and to express support for the ILO's future policy focuses.

Ms. HWANG (Employer, Republic of Korea)

Thank you Chair, for giving me an opportunity to brief you about how equality at work is being promoted among employers in the Republic of Korea and what concerns we as employers have in relation to that. We strongly believe that, as is well indicated in the Global Report, making equality at work a reality at the workplace is very important to all social partners in the Republic of Korea. In an effort to combat discrimination at the workplace, especially based on gender, enterprises in the Republic of Korea are actively engaged in various activities such as compulsory educational programmes, campaigns, codes of conduct to raise awareness of employees, gender mainstreaming, the harmful effects of sexual harassment at the workplace, and their working environment.

Since the Republic of Korea is a rapidly ageing society, companies realizing the importance of the future of their businesses are tapping into the female workforce and are working hard to bring women into the world of work. An increasing number of

companies, especially in the financial and insurance industries, are hiring greater numbers of women, providing childcare facilities and introducing flexi-time schedules for their women workers.

In Korean society, where the enthusiasm for education has contributed to raising women's educational level to the same level as or a higher level than that of men, in terms of both quality and quantity, what social partners should do to promote employment of women and further help them advance to the higher level and positions in every field, is to clear the obstacles for women to work uninterruptedly throughout their working life and to develop leadership and social networking skills.

It is a challenge that companies cannot take on alone. All members of society should share the burden so that the burden does not exceed their capacity to address the related problems and eventually hamper the growth of society as a whole because the possibility of utilizing the female workforce is being lost.

The institutional framework has a great role to play to promote equality at work. However, it should not go beyond the consensus established by the members of society, which might make enterprises wary of employing women. For instance, regulations on maternity protection, which are an essential element enabling women to work, should be of a promotional nature, so that they will contribute to providing more and decent jobs for women. Korean tripartite constituents have seen certain regulations hamper progress in eliminating discrimination, such as the implementation of legislation on irregular workers. The law was introduced with the good intention of protecting women and other workers in precarious states of employment, but ended up being distorted and out of sync with reality. It sought to regulate practices, and resulted in large-scale redundancies.

When regulations are based on social consensus, they succeed. In the Republic of Korea, companies do not now include physical aptitude as a requirement for hiring workers. The rules are well understood and applied. This year's Global Report also emphasized the importance of the new human resources management practices, which incorporate equal employment at work for corporate settings.

Human resources management is indeed a main pillar in company policies, because productive and efficient human resources are among the most crucial assets of companies. Many companies in the Republic of Korea are now focusing on human resources management to be fair and reasonable, based on the accurate evaluation of the performance of the workforce. The seniority-based system, which was regarded as a benefit of being employed as a regular worker, is no longer taken for granted. It is giving way to the merit-based system under which, regardless of age, gender, background or other unwarranted factors, a worker will be evaluated on the basis of performance at work.

Equality at work indicated in ILO Conventions Nos 100 and 111 should not be confused with justifiable differences in terms of performance, which is often raised in connection with collective bargaining in my country as well as in other countries. We, the employers of the Republic of Korea will continue to make efforts to ensure that the term "equality at work" is truly incorporated by employers into everyday working life. We wish the success of ILO

activities in this area, and will lend our support to the ILO in this endeavour.

Original French: Mr. BABOU (Government, Senegal)

We read very carefully indeed the Report that has been submitted to us this year, entitled *Equality at work: Tackling the challenges*. Discrimination at work, in whatever form it may occur, is something that denies a right. And that is the case whether it is discrimination against a man, a woman, a boy, a black person or a white person; on whatever basis, discrimination in any form is a denial of a right because it violates fundamental human rights.

My country, since it became independent, has done its utmost to promote fundamental human rights in the light of the Declaration of the Rights of Man of 1789 and the Universal Declaration on Human Rights 1948. That being so, the Constitution of our country of 7 March 1963 states, and I quote, that "the people of Senegal proclaim their commitment to fundamental rights as defined in the Declaration of the Rights of Man and of the Citizen of 1789". That results in the affirmation in the first article of our Constitution of the equality of all citizens before the law without any distinction as to origin, race, sex or religion, and article 4 of the same Constitution, which prohibits any form of racial, ethnic or religious discrimination.

Recently, our new Constitution was adopted and it once again reflects the same universal principles. We are a secular, democratic country and we have no measure whatsoever that would privilege any religious or ethnic group. We strongly condemn any form of discrimination whatever its source.

Coming back now to the Report before us, in reading this Report, we noted in paragraph 120, the following. In Senegal, I quote, "Christian job applicants are required to deny their faith or to convert to Islam if they want to be employed." The source for this statement is a report by one Mr. Grimaud. Now when, in fact, we consulted this Report, we found that the basis of that assertion was not very well-founded at all. In fact, it was based on a statement made by a single person, a single employer.

Now we would like to recall here, and we say this before the whole world, that Senegal is a multi-ethnic, multi-religious State and I can give you many tangible examples of that. For instance, the first President of the Republic of Senegal was a Christian. He was elected by the people of Senegal and remained at the helm of the country for 20 years. The second President of the Republic of Senegal was married to a Christian. The third President of Senegal, who will be coming here very shortly, is married to a lady who is not a Muslim. So we in Senegal live together in harmony; all the people of Senegal make up one nation and share the same festivals no matter whether they are Muslim or Christian. And indeed, it is the President of the Republic, whom you will have the pleasure of welcoming on 12 June, who has launched a massive work in support of the Christian community, although I would remind you, we are a Muslim-majority country and we have only 5 per cent Christian and 95 per cent Muslim. President Abdullah Wade has instructed that the cathedral in Dakar be renovated, as well as two further churches in the interior of the country. So this shows the fact that Senegal is one nation, and its people live together in harmony.

We therefore request that this particular reference to Senegal be withdrawn. Now, we understand that

this is simply a misunderstanding, because the Report that this assertion was based on, was not, in fact, well-founded. It was merely an allegation made by a single individual. However, if you want to have some idea as to how a country deals with its citizens then, at least, before you make this kind of assertion, you either should get in touch with the ILO Subregional Office in Dakar or, at the very least, go into the field and talk to the authorities in the country. That did not happen in this case: a single allegation was taken on trust, although we all know that one swallow does not make a summer. This is simply a mistake; it is an erroneous assertion, because our country has very good relations with the International Labour Office, and we can say here to the whole world that we are one of the few countries that have ratified most of its Conventions, and we have always enjoyed very fruitful co-operation with the ILO and that is something that we pride ourselves on.

In conclusion, I would state once again, respectfully, that we would like this passage to be withdrawn from the Report because it does not reflect the real situation in Senegal.

Ms. EGGEN (Worker, Norway)

I will be talking on behalf on the Nordic Workers' group. We want to focus on discrimination against women in the discussion about the Global Report. Having read the Global Report, we see that there have been some positive changes when it comes to equal opportunities for women and men. At the same time, the fact is that no representative from any country can pledge that there is no discrimination against women in the world of work. There is no doubt that the ILO must continue to work in this field and even strengthen efforts to create equal opportunities for men and women.

The Global Report shows that there has been an increase in the female employment rate and that women have started to take up careers which previously were only for men. In spite of this, and in spite of the fact that more and more women obtain education, women continue to earn less than men all over the world. In addition, the unequal burden of family responsibilities places them at a disadvantage in finding full-time employment. This is a picture which we recognize also in the Nordic countries.

Even in our rich and well-developed countries, we do not have equal pay for work of equal value between women and men. Women represent about 50 per cent of the workforce in the Nordic countries. The majority of them work in female-dominated branches and sectors, which also have the lowest pay. It is very clear to us that this represents a systematic undervaluation of the work carried out by these women. The public sector does not seem to be better than the private sector in this matter. We find this unacceptable. Equal pay for men and women for work of equal value must become a reality.

The Global Report also shows us a well-known picture: namely, that an increase in the female employment rate is associated with a high rate of part-time work. Very often, women have no other choice than to work part time, partly because employers only offer part-time employment, and partly because society and family expect her to take the main responsibility for running the family. We find it necessary to raise a warning sign on this. Our experiences tell us that part-time work creates new forms

of discrimination. The result of part-time work is lower salaries, a weak connection to working life and lower pensions. Full-time work must become a right for female workers and part-time work an option both for men and women.

The lack of equality between women and men within families is one of the important obstacles to gender equality in working life. As long as women still have the main responsibility for children and family life, it limits women's opportunities for undertaking full-time work. It also makes it difficult to obtain higher education to pursue a career and to participate in working life with the same opportunities as men. It is very important for the ILO, employers, governments and trade unions to put this issue high up on the agenda and discuss measures to end this part of the gender discrimination. We have experienced that giving fathers the right to parental leave and making it partly compulsory are actually important steps forward. Ensuring affordable, high-quality child care is also of vital importance to develop the gender balance and equal opportunities within the family.

Transparency is crucial in achieving gender equality. It is essential that the ILO continues to improve the work of getting good statistics and documentation on equal opportunities for men and women. The ILO should also emphasize the need to get information from various countries on good practices in this matter which have led to results.

It is necessary to emphasize the importance of getting better female representation in the ILO at all levels. All three parties supported by the ILO must do a better job to improve female representation at the Conference. Next year there will be elections to the Governing Body. It is an important and a big challenge to ensure that there will be a better gender balance in the Governing Body after the elections than before. The ILO should also set up an action plan to improve female representation, both in the Governing Body and at the Conference, with specific targets on how to achieve this.

The ILO should support and promote the efforts made by trade unions to get more women members. The increase in female employment should be followed by an increase in female members in the unions. Trade unions need more women as members and in official positions in order to get focused on gender issues.

The ILO has done some good work on gender mainstreaming but has still some way to go. We think it is necessary to strengthen efforts to ensure that all work, all documents and all activities of the ILO undergo thorough gender mainstreaming.

Making equality between men and women in the workplace a reality is possible and also necessary to achieve the goal of having a working life in balance. We must keep up the good work and strengthen our efforts to terminate gender discrimination at work.

Mr. SRIVASTAVA (*Government, India*)

At the outset, I would like to extend my congratulations to the ILO and especially the Director-General for bringing out this comprehensive second Global Report on the theme of equality at work, which has suitably touched upon various forms, facets, emerging issues and policy research on discrimination at workplaces and outlined the efforts of the ILO and the member States in their fight against all forms of discrimination around the world.

We all know that discrimination in one form or another exists all over the world and our collective efforts have been to address all forms of discrimination, in its traditional and contemporary connotations.

We really appreciate the efforts, approach and the ILO's experience outlined in the Report regarding achieving equality in the workplace, one of the most important entry points to eliminate all forms of discrimination.

India has ratified the ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and has also ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

We would now briefly like to elaborate on the position of our country on some of the specific references which have been made in the Global Report.

India's Constitution provides for equality before the law and the prohibition of discrimination on grounds of religion, caste, race, sex and place of birth as basic fundamental rights. It also provides for equal remuneration for men and women.

To ensure equality in the workplace, the Government has enacted various laws and statutes. There have been concerted efforts to impose the relevant statutes throughout the country. We have a very active and impartial judiciary, a free and independent press and a vibrant civil society that ensure proper and effective implementation of these acts and statutes.

We note with interest and appreciation paragraph 131 of the Report, where mention has been made of the constitutional and legal measures in India to tackle the issue of discrimination. In this connection, we would also like to stress that discrimination based on gender, social origin and other factors, which is deeply entrenched in social psyche and social traditions, takes time to change and our sincere and appropriate efforts are continuously directed to address these issues.

It must be appreciated that this is an evolutionary process and we are confident that, with the measures initiated and the laws in position, we will be able to eradicate discrimination totally in due course of time.

Our ultimate goal is the creation of a harmonious and equitable society for all sections and all communities. From this perspective, we would like to request the ILO to avoid making generalized statements of the kind seen in paragraph 118 of the Report, as they appear to be based on isolated and individual instances.

The Government of India operates various schemes to enable the socially backward and marginal sections of our society to gain entry into the job market by providing them with special training and scholarships, enabling them to enhance their employability.

As regards the observations expressed in paragraphs 275 and 276 of the Report, regarding the gender dimension in respect of the implementation of our National Rural Employment Guarantee Act, 2005, a specific provision has been made in the Act to give priority to women in such a way that at least one-third of the beneficiaries shall be women. During 2006-07, out of the total employment generation of nearly 5 million, the share of women was 40 per cent. Hence this guarantee scheme is going a

long way in improving the conditions of women in the rural sector.

The Government of India has undertaken various measures to address gender inequality and to eliminate discrimination against women. The Government adopted a national policy for the empowerment of women in 2001 and is totally committed to the plan of action that is being adopted to give effect to this policy. We have also adopted and strengthened gender budgeting, the main objective of which is to mainstream a gender perspective in all sectoral policies and programmes, with a view to eliminate discrimination and create an enabling environment for gender justice and empowerment of women.

It is also significant that, by constitutional amendment, not less than one-third of elective seats in the local self-government have been reserved for women.

Development and empowerment of socially disadvantaged groups and bringing them to par with the rest of our society is our constitutional commitment. Various schemes for the educational improvement of the scheduled castes and tribes have borne encouraging results.

Here I would like to draw your attention to paragraph 132 of the Report and would say that a new scheme of self-employment for the rehabilitation of scavengers has been approved during the current year to assist these groups, who are not yet rehabilitated in a time-bound manner. The reapplication process is expected to be completed by March 2009.

As regards the welfare measures for our people with disabilities, section 41 of the Persons with Disabilities Act, 1995, stipulates that the appropriate government and local authorities shall, within the limits of their economic capacity and development, provide incentives to employers, both in public and private sectors, to ensure that at least 5 per cent of their workforce is composed of persons with disabilities. Further, the National Policy for Persons with Disabilities, which was adopted in 2006, provides for various incentives to encourage employment of persons with disabilities in the private sector.

The second phase of the National AIDS Control Programme formulated by the Government in 1999 seeks to contain the spread of HIV infection in India and to strengthen our capacity to respond to HIV/AIDS on a long-term basis. We are against discrimination in any form and we are concerned about the persons who are suffering from AIDS.

We have also taken the initiative in this regard of organizing a meeting on HIV/AIDS for labour ministers of countries of the South Asian Association for Regional Cooperation (SAARC) during the current 96th Session of the International Labour Conference in Geneva. This is to facilitate further experience sharing and to promote development of non-discriminatory practices, policies and programmes in the SAARC countries.

To sum up, Mr. Chairperson, our Government has taken various legal and policy initiatives to ensure social justice and empowerment of the vulnerable, disadvantaged and marginalized section of society, with the objective of bringing these groups into the mainstream of national life, through their educational, economic and social development, with the active involvement of our social partners.

Original Arabic: Mr. DAHLAN (Employer, Saudi Arabia)

On behalf of the employers of the Kingdom of Saudi Arabia, I would like to thank all those who have contributed to the Global Report entitled *Equality at work: Tackling the challenges*. We look forward to the implementation of the findings of this Report. All employers in Saudi Arabia are keen to implement the principles referred to in this Report, especially the rights of women in Saudi Arabia.

We want to enable women to work side by side with men. We want to ensure women CEOs contribute to the economic life of the country in the environment of work, as well enabling women from the business sector so that they can and to become members of executive boards of national companies. We also want them to participate in all commercial, industrial and other activities, in addition to being represented in delegations to the ILO and the World Trade Organization. Women also contribute to other sectors of the economy in Saudi Arabia.

We have noted that the Report refers to a definition of migrant workers in the Gulf countries. Please allow me to clarify this point. There are over 11 million migrant workers from all over the world working in Saudi Arabia, on temporary contracts that can be extended for a set period of time. However, there is a set time frame. These workers can therefore not be classified as migrant workers, because this term refers specifically to persons with clearly defined rights and duties. They are simply persons with a temporary work contract for a pre-established period of time. I therefore think that the authors of this Report should verify their sources and maybe refer to international organizations of migration to find an appropriate definition for these workers.

The Kingdom of Saudi Arabia rejects all types of discrimination, including discrimination based on religious beliefs. Millions of foreign workers work in the Kingdom of Saudi Arabia; most of them work in the private sector and belong to different faiths and religions: Christianity, Hinduism and different sects of Islam, and we do not discriminate between these workers based on their religious beliefs.

We reject all types of injustice concerning foreign or local workers, both in the public and the private sector. Ninety per cent of our labour force work in the private sector and we reject all forms of discrimination against foreign workers, against local workers and we guarantee foreign workers all their due rights, including the timely payment of their wages. This is laid down in our labour legislation, which is based on the Conventions of the ILO, and on the provisions governing decent work, safety at the workplace, occupational health, the right to paid holidays, etc.

We are willing to cooperate with the ILO, but we must stress the importance of verifying the accuracy of the information contained in the Report. We wish to cooperate with you in the preparation of future reports in order to ensure that they convey a truthful image of the situation in our countries.

Ms. PONTICELLI (Government, United States)

Diversity is one of the United States' greatest strengths and ensuring that all Americans enjoy equal employment opportunities, fair wages, posi-

tive working environments and a sense of dignity in the workplace is one of our top priorities.

We are strongly committed to fighting discrimination. We have strong and well-enforced laws that prohibit discrimination in hiring or employment decisions on the basis of race, colour, gender, religion, disability and national origin. Special laws protect the rights of veterans.

All of these laws apply to United States' citizens and nationals, as well as permanent residents, temporary residents, refugees and persons granted asylum, with work authorization.

I would like to note some of the key areas in which we have made progress and some of the areas in which we have initiated important new progress. Addressing discrimination against women has been a principal goal of the United States. Of course, there are always challenges but the record of progress made by women is astounding. Just to offer some facts, American women complete high school at higher rates than men and they are more likely to enter and graduate from college than men. The number of women holding a Bachelor's degree or higher has more than doubled in the past 20 years. Almost half of all medical school students are women, nearly 38 per cent of all MBA students and 48 per cent of all law school students are women. Businesses owned by women are growing at twice the rate of businesses owned by men. We are also proud of many innovative efforts that we have started to help women succeed in balancing work and family life. We have developed new programmes for federal workers to use compensatory time and flexitime to enable women to enjoy flexible work arrangements and we are working hard to encourage the adoption of these systems on a voluntary basis by employers and workers in the private sector. We are making an enormous effort to ensure equal treatment of minority groups. In fiscal year 2006 we recovered a record \$51.5 million for more than 15,000 American workers who had been subjected to unlawful employment discrimination. Almost 90 per cent of that record recovery was collected in cases of systemic discrimination, that is cases involving a significant number of workers or applicants subjected to discrimination because of an unlawful employment practice or policy. This represents almost an 80 per cent increase over fiscal year 2001 when this administration took office.

In recent years the United States has become home to an increasing number of people from around the world. To make our laws as accessible as possible, the Department of Labor has translated labour law materials into Chinese, Korean, Spanish and other languages. The Department has also initiated programmes to help traditionally under-served communities. We have begun a range of programmes to help those communities have greater access to many of the new opportunities being created in our economy. One example is our Hispanic worker training initiative which helps Hispanic American workers gain the skills they need to access opportunity in rapidly growing sectors of the economy. The Department has a special agency for disability that provides national leadership to increase employment opportunities for adults and youth with disabilities and seek to eliminate barriers to employment. We provide policy analysis and technical assistance, develop innovative practices and strategies and work with employers and the disabled to enhance job opportunities. We have taken

strides in many new areas. For example we are committed to prohibiting genetic discrimination in health insurance and employment. The administration strongly supports legislation barring health insurers from denying coverage to a healthy individual or charging the person higher premiums based solely on a genetic predisposition to developing a disease in the future. We are also adamantly opposed to the use by employers of individuals' genetic information when making hiring, firing, job placement or promotion decisions. We have strong policies and programmes designed to end discrimination against people living with HIV/AIDS. We have also made a special effort to target enforcement of our nation's wage and hour laws in industries that employ large numbers of vulnerable immigrant workers. We would be happy to share information about our programmes with the ILO and other countries.

In conclusion, the United States is committed to the advance of freedom and democracy, and the freedom is equal opportunity. As President Bush said just this week "... freedom is the best way to unleash the creativity and economic potential of a nation, the only ordering of a society that leads to justice, and the only way to achieve human rights".

Mr. STREINER (*Government, Canada*)

The Global Report, I think, is an excellent example of some of the best work that the ILO can do. It takes an agreed goal, one shared and endorsed by ILO Members, and objectively reports on progress being made towards that goal, showing where there are issues and challenges and barriers and good practices for moving forward. It is impartial and non-political in tone and it seeks to support the efforts of all Members and all social partners in advancing the cause of equality and non-discrimination.

Equality in the workplace is not just a matter of social justice and social protection, although it certainly is that. It is also good economic policy. Economies and enterprises cannot achieve maximum productivity if they are operating within labour markets that do not take full advantage of the talents, skills and efforts that members of all social groups and both genders are prepared to invest. Non-discrimination and equality in the workplace are also not culturally relative values. These are objectives that have been endorsed by the international community, within both the International Labour Organization and the United Nations more generally, and in this regard I note and reiterate the references made by my colleague Barbara Byers to the Universal Declaration of Human Rights and its commitment to equality. It is encouraging to see the progress towards equality noted in the Global Report but it is also a bracing reminder of the distance we have yet to cover. Fostering workplaces that are free of discrimination is no simple matter: there is no one set of recipes or prescriptions which are going to get us there but, taken together, the best practices identified from countries around the world can help us to guide our way forward.

Canadian society is one which is based upon respect for diversity and multi-culturalism and has experience in advancing equality in the workplace, which I want to share with you briefly. Not everything that Canada has done will be applicable in all environments around the world but there are certainly lessons to be learned from Canada's experi-

ence, as well as that of other countries. Within Canada we have constitutional protection for the rights of minorities and of women. The Canadian Charter of Rights and Freedoms, which was adopted in 1982, includes a section guaranteeing equality rights and also allowing for the implementation of affirmative action programmes to achieve true, substantive equality and not merely formalistic equality. Similarly, the Quebec Charter of Human Rights and Freedoms includes equality guarantees, as do the quasi-constitutions of human rights laws of both the federal Government and Canada's provinces.

Building upon these constitutional guarantees, Canada has passed a number of different laws and adopted a number of policies to cement its commitment to equality. In the area of pay equity, which receives some profile in the Global Report, we have proactive pay equity legislation, which has been implemented in a number of provinces, as well as complaints-based laws which allow for women who feel they are victims of wage discrimination to have their concerns investigated by impartial commissions on human rights or pay equity. Canada's federal Government has recently implemented a proactive pay equity programme, one which will introduce the innovation of having labour inspectors providing information and advice on pay equity and monitoring employers' success, in cooperation with bargaining agents, in achieving pay equity in their workplaces. This innovative, proactive programme which has recently been implemented may provide us with useful lessons which we would be happy to share with other countries.

Similarly, Canada's federal Government has had in place for 20 years an Employment Equity Act which guarantees that women, members of visible minorities, aboriginal peoples and people with disabilities will be able to have better and ultimately equal access to employment opportunities. Our employment equity legislation requires that employers examine the rate of representation of different disadvantaged groups in their workforce, compare that rate of representation with the availability of the same groups in the qualified labour market, and identify barriers that may be preventing full and equitable representation.

Finally, a third example, and this is of a non-legislative approach to achieving equality in the workplace. Canada's federal Government has introduced a racism-free workplace strategy, a strategy which raises awareness and achieves more equitable workplaces by providing information to employers, unions and other stakeholders about employment equity and non-discrimination laws, providing training to employers and other stakeholders that emphasizes the removal of barriers to employment and the integration of members of disadvantaged groups into the workplace, developing solutions to ensure the accommodation of new immigrants and members of visible minorities, as well as people with disabilities, into the workplace, and striving to make Canada's federal Government a model employer when it comes to the fair treatment of members of all communities.

Canada supports the course of action proposed by the Office in the Global Report and in particular proposals for compiling an inventory of best practices, integrating non-discrimination initiatives into Decent Work Country Programmes on a case-by-case basis, and the mainstreaming of gender issues. We wish to emphasize the importance of three ele-

ments to an effective action plan that will take us forward.

First, it is important that the work undertaken by the Office should reflect integration with the work of other United Nations agencies, because issues concerning discrimination in the workplace cannot be separated from issues related to education, development, trade and other matters of concern to the international community. Second, it is critical that the Office's plan of action be practical and concrete, focused on measurable progress in the real world circumstances of members of disadvantaged groups. Finally, it is important that the Office's future action reflect the engagement of all social partners. That engagement needs to be real and not just rhetorical. A commitment to equality, to social justice and to the protection and advancement of disadvantaged groups cannot be simply a matter for theoretical commitment, but must be a matter for collective action. Canada looks forward to continuing to collaborate with the ILO on these important issues and hopes that the third Global Report on non-discrimination will demonstrate significant progress in this area.

Original Arabic: Mr. LOUH (Minister for Labour and Social Security, Algeria)

The Report that we have before us for this session, reflects the progress that has been made by countries in cooperation with the ILO as they seek to fight against discrimination, whatever form it may take, both old and new. The Report rightly underscores that, while most of the ILO's Members have ratified the two fundamental Conventions on discrimination and have made a commitment to fight against it, it remains nonetheless the case that a great deal still has to be done in order to put an end to these practices that deprive groups of people of access to decent work because of, among other things, the colour of their skin, their sex, their religion, their age or their ethnic origin.

Algeria, which has also ratified both of those fundamental Conventions decided, as soon as it gained independence, that promoting the rights of individuals and protecting vulnerable groups of people would be at the heart of the country's development policies. Therefore, we see, for instance, that the country's Constitution upholds the equality of all citizens before the law, without any possibility of discrimination on the basis of birth, race, sex, opinion or any other personal or social condition or circumstance.

We need to make it clear here that the reforms that have been undertaken by the President of the Republic of Algeria, Abdelaziz Bouteflika, have made it possible for women in Algeria to pass on their nationality to their children, in the same way as men. In accordance with the Constitution, institutions in Algeria are required to ensure equal rights for all men and women by removing any barriers that may exist to individual fulfilment and to effective participation for all in the country's political, economic, social and cultural life.

The Constitution guarantees that all citizens of Algeria should enjoy equal access to employment within the State. These constitutional principles are the bedrock of our labour legislation, in particular Law No. 90-11 on labour relations, which, in several of its articles, prohibits and penalizes any form of discrimination with regard to access to work or labour relations.

Turning to the particular issue of women's employment, women are increasingly involved in the labour market in Algeria and in fact in some sectors are now in the majority. Women, who used to be employed mainly in the education and health sectors, have now moved into other sectors that were previously considered to be male preserves, for instance, the judiciary, where women currently represent more than a third of all staff. In the judiciary, jurists work on the basis of their own consciences and so the fact that women make up over a third of the judiciary sends out a very clear signal as to the importance of gender equality in our country.

Similarly, in recent years, we have seen thousands of women joining our national law enforcement agency. Women are also increasingly establishing their own businesses, and in fact we now have 5,000 self-employed women, who have been able to establish their businesses thanks to assistance from the National Microcredit Management Agency. Almost 11,000 unemployed women have been able to set up micro-enterprises thanks to support that they have received from the National Agency for Supporting Youth Employment. Almost 1,500,000 women were employed in 2006 in Algeria.

It is true that women in Algeria do not represent a very high percentage of the active population, but the number is increasing, and we have seen an increase from 933,000 in 2004 to 1,497,000 in 2006. That is an increase of more than 60.5 per cent over the three years, and is the result of the education policy that our country has been committed to since it gained independence, and which has undoubtedly greatly benefited young people in our country. In the year 2000, there were 111 women students for every 100 male students in our universities. In 2005, there were 135 women students for every 100 male students and, in the same year, women accounted for more than 60 per cent of those who gained higher-education diplomas. Young people have also recently seen that it has become easier for them to get into the labour market because of a number of fiscal and para-fiscal measures intended to encourage the recruitment of young people and, alongside that, we have seen programmes intended to improve the employability of young people and to allow them to set up their own businesses. Thus, the number of people under 25 who are in employment went up from 1,523,000 in 2004 to 1,671,000 in 2006, in other words an increase of almost 10 per cent over the period 2004–06.

Regarding access to employment of people with special needs, a law on the protection and promotion of disabled people provides, as a national obligation, for measures to be established which make it possible for disabled people to participate in the country's economic and social life, to gain access to compulsory education and vocational training and to be involved from a social and professional point of view. In this respect, the abovementioned law provided for the establishment of departmental committees with one of their tasks being that of finding and making available posts and jobs that can be occupied by disabled people.

Under that same law, no one can be rejected from a competitive exam or test of any kind on the basis of their disability, if that disability is considered to be compatible with the post for which the competitive examination is being held.

However, the appointment and confirmation of disabled people are subject to the same conditions

as for other workers and an employer is required to reclassify any workers who become disabled for any reason to enable them to find another job once they have completed a period of rehabilitation.

Promoting the employment of disabled people is also done through an obligation that is incumbent upon employers to reserve at least 1 per cent of their jobs for disabled people, that is to say, disabled people have been recognized as being able to work. If they are unable to do that, the employer has to pay a financial contribution to a special fund which is intended to finance the protection and promotion of disabled people.

Lastly, the State encourages employers who refurbish their premises to make it possible for the disabled to work by giving them subsidies through agreements reached with the State, with local communities and with social security bodies. These, then, are some of the measures that have been taken in Algeria to combat discrimination in terms of access to employment.

In conclusion, I would like to raise another point. The African Union, in its latest report on the economic and social situation in Africa, pointed out that approximately 2,800,000 people die every year in Africa because of HIV/AIDS. That is an approximate figure but we are talking about more than 2 million people in the African continent dying every year. Now, also if we look at the unemployment rates, we see that the world's highest unemployment rates are to be found in Africa. This shows that there is a real need for the international community and the ILO to focus on Africa because of the gravity of the problems there. We need to look again at North-South cooperation in that light and try to establish better cooperation, genuine cooperation, that can really enhance the job possibilities for Africa and make decent work in Africa more of a reality. All of this has to go hand in hand with an in-depth discussion of all of these important matters.

Another issue that we have to look at very particularly is that of equality and non-discrimination in the world of work. Non-discrimination in the world of work requires first and foremost that jobs be made available and that they be given to people.

Original French: Ms. GAGNON (Worker, Canada)

I am a member of the Federation of Workers of Quebec, which is affiliated with the Canadian Labour Congress, which is itself affiliated to the ITUC. It is with great emotion and hope that we have read the Global Report on discrimination, which affects more than half the world population, and we have the privilege of discussing this Report here today.

This Report is of particular relevance to all Canadian families. In Canada, we are especially proud of the progress made, and we would like to commend the efforts of employers and governments for the joint implementation of measures to combat discrimination which, as we all know, affects women in particular. These fundamental instruments have enabled the Supreme Court of Canada to affirm repeatedly the obligation for both high court and administrative courts and the work environment in respect of the right to equality illustrated in the Report.

Recently, the Government of Quebec has endowed itself with a new Council of Ministers composed of 50 per cent women, and has introduced a

policy for the members of the Governing Board of all state enterprises of Quebec.

As to other interesting initiatives, we would like to share some of the experiences that have had a positive effect on the reconciliation of work and family life in our region, especially the introduction of a system of paid parental leave, which can be shared between the parents, for a duration of 32 weeks in addition to the 18-week maternity leave.

This has already caused an unprecedented rise in the birth rate and paternity leave. The system is essentially financed by employers and salaried contributors and administered by a tripartite organization. In addition, we operate low-cost day-care centres charging \$7 dollars a day.

Similarly, our labour legislation now provides for compassionate leave to look after close relatives who are ill, who in most cases are parents left in the care of women workers. The Quebec National Assembly has recently adopted an amendment to the legislation on the rights of disabled persons. The emphasis here is on the word "person", since the disability is created by society. A governmental unit and tripartite organizations have been in place for several years to promote the employment of persons with disabilities, especially in terms of their inclusion and vocational training.

Our colleague, Mr. Steiner, has already referred to policies to combat racism complementing the Canadian Charter of Rights and Freedoms and relevant agreements at the level of Quebec and I will not comment further.

With regard to pay equity, we have affirmative action legislation and a committee tasked to ensure the implementation of plans and deadlines by all companies of Quebec that have 50 or more employees and are thus liable to make up the salary gaps.

In response to the employers, I say: yes, it is feasible to compare technicians and nurse; it is being done in Quebec and the situation has been dealt with.

I would like to add that collective bargaining is crucial. Without collective bargaining, these laws would not exist today and, in this connection, we should remember the importance of the right to trade union membership as mentioned by my colleague Ms. Byers.

The Report refers to the close link between the improvement of living conditions and the working conditions for women and trade union membership rates. It is therefore important to uphold this right in order to eradicate poverty.

But all is not well. As mentioned in the Report, the right to equality is not static and can therefore be affected by difficult socio-economic situations. Also, even in the framework of this Conference, there is a decline in the number of women in the Workers' group. We should be coherent and vigilant.

However, fundamental rights should not be dependent on the performance of the economy, because what is at stake here, as recognized by employers and governments alike, is respect and dignity.

Despite these values, the present state of the economy is cause for concern. There is a global rise in precarious employment, unemployment, longer working hours and, at the micro-economic level, management practices that place pressure on workers, including "just in time" practices, which place enormous pressure on companies and workers.

According to our data, these problems resulting from globalization increases incapacities, especially premature ageing of the workforce, and eventually illness and considerable losses for national companies.

The effects of this globalization affect vulnerable groups disproportionately and thus give rise to new forms of discrimination, as the Report shows.

The social clauses, while laudable in terms of trade agreements, are insufficient to counteract the social exclusion caused by this situation, which greatly undermines social peace in various regions. We humbly believe that this situation should be addressed by promoting the real economy (rather than the financial economy only), quality employment and sustainable development. To reach this goal, the role of the State in protecting social and labour rights in order to achieve greater social justice and decent work for all should be reaffirmed. We are ready to share our experiences with the ILO in order to facilitate an exchange on this issue.

In conclusion, I would like to share a quote by Albert Jacquard, a well-known French scientist and writer who has visited us: "Instead of trying to breed tall super-athletes to play basketball, why don't we just lower the basket?"

Original Arabic: Mr. MUKHTAR (Government, Sudan)

While we thank the Director-General and his efforts to strengthen the principles of the ILO Declaration, we would like to draw attention to what is cited in Report I(B) of the Director-General, *Equality at Work: Tackling the challenges*, paragraph 120, that in Sudan, any applicant for employment has to abandon her or his religion or convert to Islam.

The delegation of the Government of Sudan would like to emphasize that the Constitution of Sudan and the Council of Human Rights of the Sudanese Parliament and all the laws of Sudan, including the Act on the Civil Service, prohibit any form of discrimination. The allegation in the Report of the Director-General is completely untrue, and allow me to ask the Director-General to investigate this unfounded accusation in order to find out the source of the information, which is intended to harm the reputation of Sudan and destroy the image of our country. We would like this accusation taken out of the Report.

I would like to offer just one example to this meeting: the Sudanese Minister of Labour of Sudan, who has been a Minister for eight years, is a Christian. I have never heard that anyone has asked him to change his religion. I have never heard that any of the people working with him have been asked to change their religion.

Such inaccurate information in such a Report which aims to provide analyses of the situations of workers all over the world and which presents the point of view of the Director-General is unacceptable, and there is no reason for this false information to be there.

This Report is going to be an important reference resource and should not include any inaccurate information or information taken from an uncertain source.

We support Senegal's request that this information be removed from paragraph 120 and would like to emphasize our commitment to respecting the principle of equality. We reject discrimination in all its forms.

I thank you Mr. President, and I ask you to pass on our best wishes to the Director-General in his defence of the principles of this Organization, and our hope that he will be able to ensure the transparency of its sources of information.

Original Arabic: Mr. MATTAR (Employer, United Arab Emirates)

The Report of the Director-General, *Equality at work: Tackling the challenges* presented to this session of the Conference under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work is a comprehensive Report and gives an idea about the efforts the Organization makes to fight against discrimination since the adoption of the plan of the Organization in 2003, which has important information about all aspects of this topic.

First of all, we agree with the Report and the fact that it is important to remove the gap between the two sexes in terms of pay. This requires effort at a national level in all countries. Second, it is important to provide information related to equality at work and the cases of violation at work. Third, labour laws and inspection: there must be provisions in national laws that stress the importance of non-discrimination on the basis of equal pay for equal work and legislative provisions must be there to increase respect for work in all countries so that they can follow up and deal with any discrimination in this respect. Fourth, there are cultural and social dimensions which would make it difficult to establish cases of discrimination in employment and sexual harassment at work. There should be machinery at a national level to deal with these issues. Fifth, as an employer in a country which receives workers I would like to refer to some aspects of the Report related to workers who are working outside of their countries. The Report also referred to the fact that migrant workers are subject to discrimination and are working in hazardous jobs. It also inferred that most countries do not tend to give equal employment to foreign workers. However, I would like to emphasize that the Labour Law in the United Arab Emirates provides equal treatment to all workers in respect of working hours, medical care, professional safety and fringe benefits and also in terms of ways of settling disputes.

The State also tries to give workers all their rights after they finish working before they leave the country. In all cases there are sometimes workers who do not respect certain measures, who do not respect the law and stay in the country for a longer time than planned.

Nevertheless, the Council of Ministers adopted a decision this week calling for preventing violation of workers and giving them three months so that they can get their papers in order or leave the country without any punishment. And this is the third time in the last ten years that the Government allowed those workers who are violating the law the opportunity to correct their situation. It is important to mention that the concept of migrant workers does not apply to workers who work for a temporary period in the United Arab Emirates because workers who come to the United Arab Emirates are temporary workers working on the basis of temporary contracts. As a result they are not migrant workers. On the basis of this concept a Memorandum of Understanding was signed between the United Arab Emirates and Asian countries of origin like India, Sri Lanka and Bangladesh. There are also other

Asian countries with which a Memorandum of Understanding similar to this will be signed. And this Memorandum of Understanding includes clarification of the concept of temporary employment on the basis of the labour contract signed between the worker and the employer in the country of origin of the workers and the United Arab Emirates. This Memorandum of Understanding includes all the provisions which protect the rights of workers and allow the worker to send their savings to their own countries or any part of the world.

It also includes machinery for follow-up by a joint committee of representatives of the two countries, which meets regularly once in the country of origin and once in the United Arab Emirates. This kind of cooperation defends the common interests of the countries of origin and of the receiving countries according to laws which are in line with international labour standards.

To conclude, I would like to thank the International Labour Office for the valuable Report.

Original French: Ms. RAHMANI (Worker, Algeria)

You know that in Algeria the problem of equality between men and women is central to our trade union struggle. In Algeria women have been able to demand respect because they have shed their blood for their country's independence and faced down Islamic terrorism to save their country. Since education has become universal, the vast majority of women have access to schooling and can thus benefit from all the advantages that education offers. They are able to have jobs in all parts of the economy – most commonly in education, health, the media and law, and in many others previously limited to men, such as rail transport, the police, the army and the hospitality industry. Thus, women are seeking increasing involvement in the world of work and effecting a sociological sea change that is emancipating them from their traditional roles.

Nevertheless, entering the world of work is not easy for women because we have social and cultural resistances which contradict national legislation, because, while that legislation is supposed to be the rule on the ground, there are difficulties in applying it.

The world of work is riddled with discriminatory practices which we in the trade union movement define as discrete, hidden, indirect discrimination through actions and behaviours that create obstacles to equal participation by men and women.

We have in Algeria ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100). Equality of opportunities is guaranteed by the Algerian Constitution and by national legislation. But the ratification of these Conventions does not do away totally with discrimination in national law, of which the Family Code is the clearest example as, despite reforms, it still does not give equality.

What women workers suffer from is prejudice against their full participation in work life. Discrimination, here, is not about wages but about professional prospects and promotion, especially in the private sector. So even today, despite having the same diplomas and qualifications as men, women do not have the same chances, and when people are recruiting, men are preferred to women.

Access to positions of responsibility is no exception. People still think that women are not able to

lead or to direct or to manage, even though Article 4 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Algeria has ratified – albeit with reservations – requires States to take temporary measures to achieve equality. In my organization, we believe that the policy of quotas can help to accelerate the transformation of mentalities. Of course, though, as soon as the objective is attained, we agree that these measures must be temporary.

Another great difficulty is to balance family life with a job and because we lack nurseries where children can be left, this can lead to family pressures which can have a direct impact on women's careers.

Maternity can also be an obstacle to promotion. People prefer to invest in men who are more available. And you also have the problem of sexual harassment at work. This is really intolerable. It goes against the dignity of women and our organization is doing everything it can do to allow victims to be heard, break the taboo surrounding the issue and raise awareness among unionists in order to eradicate harassment. Since 2004 we have had an

amendment to the Penal Code making this an offence, but the scale of the problem requires more participation on the part of governments and employers through implementing new mechanisms such as educational campaigns, the mass media, awareness-raising campaigns and so on.

Ratification is not everything. Above and beyond legislation we must act constantly to change negative practices in real life, because how can we get rid of the traditions unless we have women participate fully in the economic life of the country?

In my organization, thanks to training, many trade unionists understand the gender approach. We are adamant that the mixing of the sexes provides complementary strengths. It is a fair social balance and helps economic effectiveness. We know that this is a hands-on, long-term project. The ILO must support us through specific programmes against prejudice and for gender integration. This is the only way to move from virtual equality to true equality.

(The Conference adjourned at 1 p.m.)

Sixth sitting

Friday, 8 June 2007, 3 p.m.

Presidents: Mr. Barde, Mr. Blondel and Mr. Sulka

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

Original French: The PRESIDENT

Ladies and gentlemen, good afternoon. I have the pleasure of declaring open the sixth sitting of the Conference. We will continue with our discussion on the Global Report of the Director-General. As you know, the subject is *Equality at work: Tackling the challenges*.

Original French: Mr. AKERMANN (Government, Switzerland)

In Switzerland we have recently reviewed our law on equality between men and women. The majority of citizens consider it to be a useful, appropriate and applicable law which has proved its worth. The number of cases brought before the court has increased considerably. Remuneration in female-dominated public sector professions has improved, although in the private sector there was hardly any reduction in the salary gap, which as before is 25 per cent. Up to 60 per cent of the difference can be explained in certain categories of professions and branches of the economy by objective factors such as age, training, years of service, and under-representation of women in high-level posts while up to 40 per cent results from discrimination based on sex.

Differences between sectors of activities can be considerable, however, and each case must be examined separately in order to identify the objective and subjective factors behind discrimination. Evaluation cannot measure the real influence of the law in achieving equality between men and women in the world of work. In spite of the progress made, a number of problems continue to exist, particularly the potential for tension within enterprises. As in the past, the fear of losing one's job is an obstacle which prevents victims from claiming their rights. Access to information is still a problem. The law still seems to be too little applied and is not well enough known. Very often, men and women workers, along with judges and lawyers, are not familiar with proposed legal instruments.

These obstacles are seen in enterprises, in employment policy and in family policy. I am thinking particularly of the promotion of part-time work in the primary sector, in terms of the segmentation of the labour market, job-sharing and home-working, sharing of high-responsibility jobs and the development of childcare structures and professional insertion programmes for women who return to the

labour market, or measures to promote employment of older workers.

In Europe, Switzerland has the highest proportion of part-time workers, male and female, after the Netherlands, with one-third of the active population and two-thirds of women working on a part-time basis. We must therefore take serious steps to promote measures which would allow us to remove these obstacles and thus meet the demands of men and women who wish to work flexible hours, but without being discriminated against in the labour market, in order to make best use of this human capital in the long term.

The coherent and global approach by the ILO at country level but also with the multilateral and bilateral systems contributes to achieving the principle of equality at work. The ILO's commitment promotes the mobilization of real political will to tackle the issue of equality at work without making it banal. The ILO mobilizes the stakeholders in order to implement integrated policies, strategies and programmes that are adjusted to meet needs. These are what bind together the international movement to ensure equality at work.

We think that the ILO should continue its work in the following areas of equality at work: firstly, strengthen information and targeted publicity activities by asking lawyers, universities and courts to promote information, professional development and expert evaluations of equality; secondly, strengthen the mechanisms to monitor the compliance with the relevant standards in practice, including in the public procurement policies; thirdly, promote the exchange of experience gained nationally and internationally; fourthly, strengthen social dialogue and collective bargaining on questions of equality at work; fifthly, mobilize governments and the social partners to make sure that the equality dimension is reflected and implemented in the policies and technical cooperation programmes, particularly in the SMEs and in the informal sector. Technical cooperation programmes attempting to promote labour markets which are more inclusive should recognize and be responsible for any exclusion based on gender. With the Factory Improvement Programme, the FIP, which Switzerland has had the opportunity to support, the ILO has a strong tool for achieving this objective.

Finally, we must raise awareness among the political decision-makers and the heads of companies regarding the importance of promoting part-time work at all levels in enterprise, in order to allow a greater equality in wages between men and women, to improve the work-life balance to reduce the sig-

nificant costs linked to professional burnout, to get men to accept part-time work, to increase the chances for women who are too often subject to part-time work, and finally, fight against the cultural conditioning which leads to a glass ceiling which has hardly changed in the last 20 years.

Switzerland would also like the ILO to strengthen its action in favour of equality at work in the context of multilateral negotiations regarding migration, economic and regional integration and free-trade agreements.

Mr. O'REILLY (*Employer, New Zealand*)

It is a real pleasure to speak very briefly to this plenary session on behalf of New Zealand employers in the context of the Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

Employers in New Zealand, as elsewhere in the world, are strong supporters of equality at work and, in that context, this latest Global Report will be of real value to us as we think through the successes of the past and the challenges of the future.

Anyone who knows about the history of social dialogue and social partnership in New Zealand will know that it is one that is robust, realistic and founded in the unique culture of New Zealand – occasionally blunt, but always based on what is right rather than who is right. In other words, no matter where we all come from, we recognize that what we are trying to achieve is a better New Zealand.

It is in that context that New Zealand employers voluntarily established the Equal Employment Opportunities Trust in 1992. Its mandate has always been to create a better employment environment for equal employment. Initially, it concentrated on women's employment, but more recently it has expanded its activities to include other groups as well.

It was always a private sector initiative and remains so. That is a critical point to note. Because it comes from the private sector, it has an unequalled capacity to speak to business in a businesslike way. This is employers talking to employers about the business case for equal employment opportunity. In that sense, it engages much more effectively than any other organization might. Its work and its publications are well respected and it clearly makes a real difference to the business environment in New Zealand.

The debate in New Zealand now is not about whether equal employment opportunity is a good thing. That is completely accepted. The debate now is about how best to bring it about and improve it in a way that contributes to business success, vitality and competitiveness and therefore to the success of the employees of enterprise and the communities in which businesses operate.

The Equal Employment Opportunities Trust is uniquely placed to contribute to this work because of its voluntary nature, its businesslike approach and the fact that this is employers talking to employers. It is a great way for New Zealand to contribute to tackling the challenge of equality at work.

Original Chinese: Mr. ZHANG, (Government, China)

The Global Report before us refers to the response to discrimination and the challenges facing the world of labour today.

The Chinese Government commends the ILO for its objective action programmes and support meas-

ures to mainstream anti-discrimination and equality into the Decent Work Country Programmes.

Equality at work concerns the fundamental rights and dignity of every one of us. Discrimination at work is prohibited by law in any civilized society because it jeopardizes fairness in employment and leads to inequality between individuals. It is an obstacle to decent work. However, as a phenomenon, discrimination at work takes different forms and evolves with the development of the structure of the labour market, which is brought about by political, economic and cultural progress. So now we have seen new forms of discrimination. The ILO should adjust and reorient its research and technical cooperation and provide due protection for labour throughout the world.

China has ratified the two ILO Conventions on discrimination. These two Conventions have become the source of legislation in China. The Chinese Government actively took positive legislative and other measures to promote this principle and to guarantee that jobseekers, including disadvantaged groups, would not be discriminated on the grounds of their ethnic background, race, gender, religious belief or social origin.

In a labour market situation where supply has exceeded demand for a very long time, and where competition on the market is very tough for jobseekers, particularly certain groups such as women, disabled people, ethnic minorities, rural surplus labour, and individuals living with HIV/AIDS, China has taken positive measures to create better employment conditions and to expand the scope of employment to guarantee equal opportunity for all people.

At the same time, the Chinese Government has made great efforts to raise public awareness through a series of cooperational programmes with the ILO on anti-discrimination at work. In the middle of last month, as we launched the Chinese version of this Global Report in China, we held a news conference and invited representatives of many government departments and various social groups and social partners from across society to pay more attention to the equality issue and to try to eradicate various forms of direct or indirect employment discrimination in reality. Here we should also be aware of the fact that eradicating discrimination is not something we can do in one day. It takes more than one country, one social group or one organization to achieve it. It is a global agenda. It requires joint long-term and persistent efforts by us all.

At the national level, member States can promote cooperation between different government departments and social partners and social groups through a series of measures to enable us to develop a comprehensive strategy on this issue at the international level, through in-depth research, policy-making, awareness raising and technical cooperation. Through all these measures, we can exchange experiences and the lessons we have learned in the past so that we can join efforts to eradicate discrimination at work.

Original French: Mr. CONSTANTINOIA (Worker, Romania)

Let me express my appreciation for the excellent work done by the Office in drafting the Report, which will, I hope, give us a clear idea of what needs to be done to ensure equal work opportunities for all workers and equal treatment for all, including for disabled persons.

In Romania, there are currently about 480,000 persons with a disability, of which 300,000 are active on the labour market.

Fortunately, the process of integration into the European Union and the requirements of the European Union have meant that the Romanian Government has taken a number of measures to pay special attention to disabled persons.

There is a legislative framework in my country, which facilitates life for the disabled. Also, there is a new law that was enacted last year to that effect.

In addition, legislative changes have been made to some of the other labour laws regarding the rights of disabled persons, but the legislative framework has not yet been concluded and the new Labour Code does not pay enough attention to access to the labour market for the disabled.

We have to say that the trade unions actively took part in the discussions on these legislative changes. There were discussions and the Government set up a new body responsible for matters relating to disabled persons with a vast programme to strengthen the rights of these persons.

But the situation still remains sensitive, because all workplaces do not have facilities for the disabled and employing a disabled person remains far from a common reality.

In addition, there are problems with reintegrating persons who became disabled as a result of their work. This is a matter which is at present being addressed by the trade union organizations in Romania.

By way of a conclusion, let me say that there is some progress but this work needs to be continued. It is very difficult for a developing country to know which priorities to set. There is a need in this respect to increase cooperation with the NGOs dealing with the disabled.

It is felt that the key to progress in this field is the continuing education of both workers and the general public, so that Convention No. 111 is better applied.

Original Arabic: Mr. ADDOUM (Government, Morocco)

The excellent Global Report submitted to us this year deals with *Equality at work: Tackling the challenges*. Discussing the principle of equality at work falls within the sphere of promoting the Declaration on Fundamental Principles and Rights at Work. I would like to seize this opportunity to take part in this debate on behalf of the Kingdom of Morocco.

Morocco does not spare any efforts in making equality at work and non-discrimination between the two sexes a reality in all fields. We also respect the principles of international Conventions. We have ratified a series of international Conventions on these issues, particularly equality, prohibiting discrimination and the protection of women, such as the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Maternity Protection Convention, 2000 (No. 183), which is being ratified at present.

On a national level, before outlining the main reforms undertaken by Morocco, I would like to highlight that the Constitution of my country enshrines the principles of equality between men and women and equal access to employment. Our Constitution also guarantees all citizens the right to education and health.

One of the most recent laws we have passed on equality is an act on the family, because we believe that it is the Family Code which enshrines the principle of equality in various spheres. Several laws have been amended in line with the principles of international Conventions which relate to the Trade Code, which grants married women the right to engage in commercial activity without the permission of their husbands. Working women are thus guaranteed this right. We also guarantee equality of opportunity in the work, the principle of equal pay for equal work, maternity protection and other such measures. The Criminal Procedure Code has been amended, providing greater protection to women.

From a practical point of view, significant reforms have been promulgated with respect to positive discrimination and the adoption of a national strategy for equity and equality between men and women. The main aim of this strategy is to integrate the "gender" approach into the socio-economic and political spheres, taking into account the distinctiveness of women so as to improve their situation. Women's representation in Parliament has jumped from 0.4 per cent to 10.2 per cent. This has happened in stages through positive discrimination and a quota system, with 30 seats given to women in Parliament. In the various ministries and government departments, women are participating more and more, with some occupying very high positions. The Committee of Experts has addressed some remarks to our country and, in response to these observations, I will say that now, in Morocco, women hold posts which were formerly the preserve of men. Women are employed in the police force, the post office, the fire department, local authorities and other spheres.

Before ending, I should like to confirm that Morocco is working and will always work to promote the fundamental rights of workers and, in particular, ensure respect for the principle of equality at work.

Mr. HOBBY (*Government, New Zealand*)

New Zealand's Minister of Labour, the Honourable Ms. Ruth Dyson, regrets she could not be here today for the session so I am speaking on her behalf. I know she would have been a keen participant in this discussion.

The New Zealand Government thinks that the Global Report, *Equality at work: Tackling the challenges* makes both heartening and sobering reading. Heartening because of the progress that has been made since the 2003 Global Report with discrimination being confronted at national and workplace levels in often impressive ways. Most Governments in the ILO have ratified the two core Conventions on discrimination and equal pay, and there has been good progress made on the overall advancement of women in terms of their employment and earnings, although gaps remain.

But it is sobering to know that, despite these efforts, discrimination seems to be an entrenched aspect of human behaviour, while almost immune from wholesale eradication. Not only do existing types of discrimination remain stubbornly present but we have even been able to invent entirely new ones. As the Report notes, the gender gap persists and racial discrimination remains an "obstinate problem" together with discrimination based on age, disability, sexual orientation and religious or political belief. We have also begun to stigmatize and shun others in the workplace, based solely on

their medical or genetic backgrounds or lifestyle choices. Surely people are nothing if not inventive.

And yet, what end does this serve because as the Report puts it, ongoing discrimination only serves to undermine social inclusion, skills mobilization and economic development. In other words, our prejudices betray our good sense and our self-interest.

If we are to rid ourselves of this impediment to progress, committed national cooperation and action is required. We therefore endorse the Report's conclusion that real progress on the elimination of workplace discrimination can only be made through a multifaceted approach and that the creation of a more equal society must be a central goal of development. We also support the promotion of Equal Employment Opportunities (EEO) through grounding anti-discrimination activities within the Decent Work Agenda.

New Zealand takes its international responsibility seriously and, although we know there is much to do in our country, we are proud of our achievements in dealing with workplace discrimination. Among other things, we have maintained our efforts to reduce the gender pay gap between men and women, we have developed an action plan for New Zealand women to promote economic sustainability, work-life balance and well-being. We have established a work programme to research the extent of flexible work practices in New Zealand and are working with businesses and governments to improve access to flexible work. We have established an Equal Employment Opportunities (EEO) commissioner within our human rights commission to advocate and promote EEO in New Zealand society. And we have established a comprehensive set of anti-discrimination laws as part of our human rights legislation.

I noted the comments from our Employers' colleague earlier and we are especially pleased that the ILO has recognized the work of the Government and its tripartite partners in the work of our Equal Employment Opportunities Trust. We remain committed to taking that sort of comprehensive approach to eliminate all forms of discriminatory practice in the workplace.

Our belief is that the exclusion of people from full participation in society and the world of work because of their gender, race, age, sexual orientation or personal belief has no true rational basis. It robs us of the potential of those we discriminate against; it divides us instead of uniting us, and ultimately we are all the poorer. New Zealand fully supports the ILO's proposed plan of action on combating workplace discrimination. Progress has been made but we must carry this further.

Mr. VAN VUUREN (*Employer, South Africa*)

In South Africa, we have had years of experiencing discrimination in its worst form. As you know, we have gone through the years of apartheid. Not only have we had to undo and to eradicate all forms of discrimination as best as possible, but we have also had to address the wrongs of the past by looking at various forms of affirmative action, and we are of the opinion that too often countries or societies think it is just easy to eradicate all forms of discrimination without looking to fixing up the ills of the past, and that is one of the areas that we need to focus on as well.

One of the key elements as to how we have managed to deal with this is through our Government embracing the principle of social dialogue at the highest levels when introducing legislation, guidelines and codes, and we are very appreciative of our Government embracing the social partners before implementing these various forms of legislation and codes and guidelines. All of this carries the full support of the employers and I think I can safely say the employees as well.

We have agreed to follow a process of zero tolerance for any form of discrimination. Although our forms of discrimination of the past were based largely along the lines of racial discrimination, we obviously have other discrimination as well. We have programmes of affirmative action that we have introduced, particularly with regard to women, black persons and persons with a disability in the workplace, and the laws have catered for this. We welcome the flexibility that our Government has introduced.

Here you will find in the Report reference to charters, and we have introduced into our industries and sectors the self-regulatory mechanism of the industries putting together charters with their social partners in order to address the various forms of discrimination that have been found in the workplace. This has enabled us to customize them according to the different sectors' interests. However, the legal framework enables us to ensure that there is a minimum standard if there is a failure to introduce a charter. We focused on four particular areas in terms of equity and ownership, management and control, so that we ensure that at the very senior levels of the companies we look at gender issues, and, in our case, black persons.

We will also look at training and development and procurement as means of addressing the discrimination of the past. It is not difficult to create a legal framework even though we spent some time negotiating with Government, but it is more difficult, as my New Zealand colleague referred, to implement and monitor that framework, and in this regard we believe that the International Labour Office can play a key role in assisting to report on successes and failures. In South Africa, we have experienced full intellectual capacity of full intellectuals buying into the laws but what we have found, 13 years after the eradication of apartheid to enter the democracy that we experience, is that there has been a lack of will to implement at the coalface, and that from the employers we recognize it within our own house and we need to rectify and redeem that. The Report that we have before us enables us also to learn from other countries in best case practice scenarios and we welcome that.

We realize that the Office – and we have heard some criticism of the Office report through inaccuracies in the Report – but, being participant in the Report, we recognize the difficulty that the Office has in obtaining information for the Report and we would urge all participants from Governments, Employers and from the Workers to give information to the Office so that we can continually update the Report to a level that we can all learn from it. We support the Report and will certainly endeavour as the South African employers to provide information on some of the practices that we have introduced that others may learn from us.

Unfortunately, Mr. Langejan was not able to attend the session, so he asked me make a statement on his behalf.

Unfortunately, discrimination is still widespread. The fight against discrimination is the joint responsibility of every citizen. It is not the sole responsibility of the Government. Social partners and the individual employer and employee have their own obligation to combat discrimination. Their efforts are as crucial as the Government's.

Discrimination, in every form and in every place, is one of the subjects that the Government of the Netherlands has set out to combat firmly. This should also be the case for companies, workers and their respective organizations. The stake is to establish joint targets for which each party can be held accountable. The Government will set the example and will pursue a balanced personnel policy. The investigation and prosecution of discrimination, for example on the labour market or in the centres of nightlife, shall be given considerably more attention.

In the combat against discrimination, it is important to follow an approach consisting of two components. One part is anti-discrimination policy, including laws and effective enforcement mechanisms, and the other is an active labour market policy. Research shows that the obstacles ethnic minorities face on the labour market are only partly caused by deliberate discrimination. Other important factors are risk aversion and built-in habits like fear of the unknown. The major reasons for lower participation on the labour market of ethnic minorities in the Netherlands are insufficient command of the Dutch language, insufficient level of education and mismatch between search and recruitment channels.

To combat discrimination, research and monitoring are of crucial importance. In the Netherlands, the Government and the social partners have agreed on a "national discrimination monitor". This monitor was started in December 2006 and is carried out by the National Bureau against Discrimination and the Social and Cultural Planning Bureau. The discrimination monitor is to map out the possible nature, extent and developments in time of discrimination on the labour market. Biannually, a monitor of discrimination on grounds of race, religion and nationality of all aspects of labour (recruitment, pay and dismissal) will be published. The purpose of the monitor is to collect signals of discrimination regarding labour and, if necessary, to set out action. In November 2007, the first results will be published.

In the Netherlands, we still have a gender pay gap, as well as an ethnic pay gap. In order to find ways to close the gap, the Ministry of Social Affairs of the Netherlands has set up a working group called "Equal pay works". In this working group, all relevant organizations, such as the social partners and the Equal Treatment Commission, were active. The working group compiled all the information and instruments of the Government and social partners on equal pay and made several recommendations to all parties concerned.

One of the policies for equal pay is researched. Biannually, the labour inspectorate examines the pay differences on a variety of non-discrimination grounds. The gender pay gap in the Netherlands is still around 7 per cent.

Another policy is the enforcement of legislation. In the Netherlands, every employee can file a complaint about unequal pay with the civil court. However, that is not the only way: employees can also go to the Equal Treatment Commission, which is a low threshold institution where legal assistance is not mandatory and the costs are low. The Equal Treatment Commission and the Ministry have developed an instrument called the "Quickscan Equal Pay" tool that can check the pay policies of an entire company and can assert on many different non-discrimination grounds whether there are pay differences between jobs of equal value that are not allowed.

Another policy is non-regulatory initiatives. One main prerequisite for equal pay is a system of gender neutral job evaluation. The Ministry has developed a handbook on gender-neutral job evaluation. This handbook is used in over more than 90 per cent of the job evaluation systems in the Netherlands. To ensure that small companies without human resource management also know about equal pay, the Ministry has developed an "Equal Pay Management" tool. This web-based instrument allows the user to compare two functions and to ensure whether the jobs are of almost equal value and if there are differences in pay. Information about equal pay and especially what employers' and employees' rights and obligations are is equally important. To enable work councils to place equal pay on the agenda we have developed what is known as the "Education Basket". The working group has also simplified the Quickscan Equal Pay tool. With the simplified version, organizations with up to 1,000 employees can check their pay policies by themselves.

The trade union, FNV, has started a project known as "CLOSE/Correction of the Pay Gap" in sectors in which six branches of industry are scrutinized for pay gaps in relation to collective agreements.

We commend the role the ILO plays in supporting countries' initiatives in combating labour-related discrimination.

Ms. TAYLOR (*Worker, United Kingdom*)

The Trades Union Congress (TUC) welcomed the Governing Body's decision in March to place on the agenda of the 2009 Conference an integrated approach general discussion on gender. We have long argued that we need to examine progress in relation to the ILO standards and the remaining gaps in existing standards and in national law and practice.

However, on HIV/AIDS, the TUC is dismayed that the Governing Body has rejected the elaboration of a new Convention on HIV/AIDS and the world of work agreeing only to discuss a non-binding autonomous Recommendation. The Global Report indicates the scale of the pandemic and its impact on individuals, on labour markets, on poverty and on sustainable development. It illustrates why the Employers' group and several governments were wrong to oppose a Convention that could have clarified the obligations of governments to individual workers, families, enterprises and sectors affected by HIV/AIDS and helped national planning for provision to combat the pandemic and deal with its effects. We were shocked at the lack of understanding that HIV/AIDS is also a labour market and a workplace issue. Rejecting all Conventions in the name of labour market flexibility and deregulation is wrong-minded in general. But in

this case it is immoral and will contribute to more deaths, more discrimination and more poverty. It contradicts the demand for a modern, relevant ILO. It is truly fiddling while Rome burns.

I am a migrant worker and spend much of my trade union activity organizing other migrant workers. The TUC welcomes the recognition in the Report of the British trade union policies and our increasing priority to organize migrant workers, who are underpinning the British economy. We stress, as we did in the Committee on the Application of Standards' debate on forced labour and trafficking, that fundamental human rights at work are universal and must not be dependent on migration status.

We are deeply concerned at the Government's proposal for birth certificate and passport checks of all workers by employers. Such checks will inevitably be concentrated in workplaces with large numbers of minority ethnic workers. Black and Asian British citizens who carry British passports will perceive such checks (and, where they have taken place now, already do), as racist, and such measures will damage industrial relations, risk introducing the new offence of seeking work while being black and Asian, and discourage employers from employing black and ethnic minority workers.

The entire British trade union movement supports the unions that represent workers with disabilities in the Remploy factories and their present campaign to stop closures and the loss of 2,500 jobs. Everyone accepts that, if there were to be equality in employment for workers with disabilities, we would not need supported employment. But employer discrimination means 50 per cent of disabled people of working age in Britain are unemployed.

Finally, I turn to another TUC priority, discrimination against lesbian, gay, bisexual and transgender workers (LGBT). We welcome the recognition in the Report of discrimination in employment and occupation on grounds of sexual orientation and gender identity. LGBT workers have always faced widespread discrimination, even in states where their orientation or identity is not outlawed. In others, where it is not recognized or being LGBT remains illegal, the situation is far worse.

In the United Kingdom in the last decade there has been a growing understanding that this discrimination is a breach of fundamental human rights and that LGBT people should be treated as equal citizens. Parliament has legislated progressively to outlaw discrimination and to establish equal rights for LGBT people.

The British trade union movement has become a leading force for equality: 30 years ago, LGBT workers began the demand that their voices be heard inside their trade unions. They have succeeded. In the workplace, trade unions negotiated equal rights for LGBT workers in all areas of employment policy, sometimes before the law itself had required it. Now, unions are working to support LGBT people in countries where they face illegal prosecution, widespread violence, murder, and imprisonment, torture and execution by state authorities.

But legal equality has not ended social exclusion and popular prejudice. Such prejudice naturally infects the workplace, but the workplace is also where it can be challenged effectively. That is the task facing the British trade union movement, the Government and employers in the United Kingdom.

Internationally, the work has begun to improve understanding of the issue in the international trade union organizations and the ILO. Our goal is to see LGBT rights recognized and established alongside other grounds of discrimination everywhere. As a good example, may I refer to Public Service International and Education International, who have established a diversity forum which seeks to share best practice and knowledge to address cases of discrimination against LGBT workers.

We recognize also that in some member States it is difficult, hazardous and even impossible to promote a public debate on equality in employment and occupation for LGBT workers. Much of this resistance stems from deep-rooted hostility and prejudice, and so we understand that we have a challenge in opening up the debate even in the tripartite ILO. Convention No. 111 is the minimum standard. Member States are free to extend legislation to cover other grounds of discrimination beyond those identified precisely in the Convention. So, in order to advance mutual understanding, we are calling on all constituents, and in particular those in countries which have adopted progressive legislation, to include detailed information about the matters in Article 22 reports on Convention No. 111. We believe in all these rights for our people.

Original Portuguese: Ms. ALBUQUERQUE (Government, Brazil)

On behalf of the Government delegation of Brazil, I would like to congratulate the ILO and its Director-General for the excellent Report on *Equality at work: Tackling the challenges* and the statement on principles and fundamental rights at work this year.

The launch of that Report in Brazil was of great satisfaction to the Brazilian Government and the actors dealing with discrimination at work. Whilst recognizing the ILO's efforts, I would also like to thank the ILO office in Brazil for publishing a supplement to the Report in the context of the situation of Brazil in this respect.

Brazil's ratification of the Equal Remuneration Convention, 1951 (No. 100), the Maternity Protection Convention (Revised), 1952 (No. 103), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), reflects the commitment of my country to respect the principles of non-discrimination at work. The federal Brazilian Constitution bans different wages for the same work done and the adoption of criteria based on gender, age, colour or the civil status of workers. The same principles are regulated in a number of laws which gives a country a clear legal context to combat discrimination at work. However, it is not enough to have good laws to achieve full equality and, whilst recognizing this fact, the Brazilian Government has recently been working on increasing the struggle against discrimination in all its manifestations. In particular, let me mention the establishment of special offices related to the President's office with a special department to promote racial equality, another for women and one for human rights. Their work greatly contributed to promoting equality in industrial relations. Unfortunately, we cannot boast of a total absence of discrimination at work. However, there has been progress. According to the ILO Report itself, since 1995, the rate of women's jobs has grown more than that of men, including in the African population. Growth has also been greater, or significantly greater in that sector of the popula-

tion than in that of the white population over the same period of time, so there is a better distribution of jobs in the Brazilian labour market even though there are still major challenges ahead if we want to promote true equality of opportunities in all sectors of the population, including the vulnerable ones.

The activities of the Brazilian Government have been based on valuable contributions from organizations, both employers and workers, in Brazil who have worked hard to reduce discrimination in the country.

One should emphasize work done in collective bargaining when dealing with issues about gender, race, disability or sexual orientation, which increasingly have been the subject of clauses to increase the rights of workers, which are already enshrined in legislation.

There have also been contributions made by the various joint initiatives of the ILO with the Government. The help of the ILO in implementing the Conventions has helped to consolidate the situation of workers, which has been welcomed by the Brazilian Government.

One example is the programme "Brazil, Gender and race: United for Equal Opportunities" which last year set up units to combat discrimination at work throughout the territory and links to the Labour Ministry.

Cross-processing of discrimination on racial grounds, programmes to formulate labour policies and technical advice from the tripartite committees are also examples of the excellent contribution of the ILO in this respect.

We also stress the role of the Decent Work Agenda launched by the Brazilian Government, with the help of the ILO, and contributions from various national initiatives in order to provide greater opportunities in the labour market for all.

This is why we are grateful for the ILO's contribution in combating discrimination at work.

Brazil recognizes that through wide and participatory social dialogue, equality at work and decent work will strengthen development and social justice, which we all seek in our country and throughout the world.

Original French: Ms. BERGEOT-NUNES (Government, France)

I am going to be brief. As we have heard since this morning, the fight against discrimination is a major struggle which concerns us all.

So as to advance in this struggle, the French Government has created the High Authority for Combating Discrimination and Promoting Equality (HALDE). This is the high authority for combating discrimination and monitoring equality. This high authority was created by a law of 30 December 2004. HALDE's objective is to fight against discrimination, which is forbidden by law, to provide any necessary information to accompany victims of discrimination, and to identify and promote good practices to produce the principle of equality.

This high authority has research powers to conduct investigations for the cases submitted to it. The HALDE is composed of an independent council and it can have all cases of discrimination referred to it, whether it is racial discrimination, or those associated with age, religion, gender, etc.

Any person who feels that he or she is a victim of discrimination can immediately call upon the high authority by post. This body examines complaints and advises applicants about their rights, if neces-

sary, and that it can characterize discrimination and can take care of the case assigned to it.

This high authority, which has now been working for the past two years, has already had many cases referred to it. The majority of these cases concern discrimination at work.

The HALDE can also express opinions and recommendations vis-à-vis the Government, the Parliament and the public authorities to combat discrimination so as to improve the legal texts and to advance the principle of equality and the state of French law in this field.

This high authority reports on activities every two years in a report which it addresses to the President of the Republic, the Prime Minister and the Parliament. The French Government is at the disposal of the ILO to provide further information regarding the functioning of this high authority.

It is also interested in obtaining information on comparable institutions and activities undertaken in other member States so as to make real progress in combating discrimination.

I would like to thank the ILO for allowing all this.

Original French: Ms. AWASSI ATSIMADJA (Employer, Gabon)

I am the representative from the Employers' Confederation of Gabon at the International Labour Conference with the International Organisation of Employers and the Committee on Employment Policies. I would like to draw your attention to the presence of Ms. Quinio, Secretary-General of our Confederation. Introducing her is of relevance, given the topic of our current debate.

I am taking the floor on this Report as the Employer member of Gabon, member of the ILO. The current exercise is being interactive, I support the comments made by the Chairperson of the Employers' group, Daniel Funes de Rioja, as a whole and will not come back on the issues he raised so eloquently in respect of position on equality at work.

I welcome the 135 pages Report entitled: *Equality at work: Tackling the challenges*, the 2007 Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work as well as its update.

The title of this Report makes me think about decent work, employability, the transferability of skills but also the need to ensure genuine employment for women and men.

I am going to be very brief to follow your recommendations and my views on certain employer initiatives and on what their organizations can do to promote equality at work. It is quite simple, we have to begin by sending more women to the ILC, this is a specific proposal. I share the idea expressed in paragraph 342 of the Report, and here I quote, "Employers, their associations and the human resources development and management policies and practices they pursue at the workplace are fundamental in overcoming discrimination at work."

A specific example is our employer confederation, whose human resources, of which I am a part, include an increasing number of women chosen in the different fields of activity, of the CPT, both nationally and internationally on the basis of the added value that these human resources represent.

Also, without interfering in the internal functioning of companies our confederation keeps recalling our status as grass-roots undertaking that seeks compliance with basic human resource management

standards, which formally prohibit all forms of discrimination.

Paragraph 346 of the Report rightly states that employers' organizations increased attention to the question of equality between men and women, as well as to means of reconciling family responsibilities and equal access to employment and possibilities for promotion. Just to talk about the continent I know best, Mr. Chairperson, I would say that more and more employers federations set an example by delegating or promoting women to take part in missions or assume decision-making posts, which improves their opportunities for equality at work. Action is certainly more persuasive than theories.

Mr. Juan Somavia, the Director-General of the ILO, has referred to a very interesting saying in his welcoming address to eminent participants at the International Labour Conference, and I paraphrase: It is neither gold nor clothing that counts, but the human being. This proverb puts the finger on the inevitable reality that is: humans in their collective environment – which naturally includes women – is at the heart of any enterprise and is the ultimate beneficiary of any development. We as employers, companies, heads of grass-roots enterprises, know and support this.

Other concrete proposals to ensure equality at work, in my opinion, are to strengthen the capacity of the informal economy by routinely eradicating all forms of child labour, women entrepreneurship, the development of the SMEs and small and medium industries. In all these areas that I have just mentioned, the ILO could continue to increase its technical assistance so that more women not only benefit from equality at work as wage earners, but also have increasing access to the business world informal economy, employers heads of enterprises or leaders of employers' organizations.

A representative of the Government of Kenya

My delegation welcomes this second comprehensive Report of the Director-General on challenges relating to equality at work. Whereas major advances have been made to fight all forms of discrimination at work, inequalities in income and opportunities still abound in many parts of the world, hence our common concern.

We have noted the emerging issues, patterns of discrimination and inequality at the workplace, as well as policy responses, ILO's experiences, achievements and challenges.

My delegation acknowledges the new forms of discrimination, which include increased unfair treatment of young and older persons, people with disabilities, workers living with HIV/AIDS and persons with genetic predisposition to developing certain diseases. These are in addition to the traditional forms of discrimination based on gender, race and religion.

The global picture indicates that the struggle to overcome discrimination has been met with success in some places but in others not so much success but failure.

In Kenya, we pursue anti-discriminatory policies which are engraved in the Kenyan Constitution, notably section 82 which outlaws discrimination of all forms. In addition, legislative measures have been taken to overcome discrimination in the workplace by our ratification of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination

(Employment and Occupation) Convention, 1958 (No. 111)

Through technical assistance from the United States Department of Labor, implemented by the ILO, a tripartite task force was established to review labour laws in Kenya. The bills which are at various stages of debate in Parliament are consistent with the principles of relevant international instruments focusing on, among other things, prevention of discrimination in employment.

After the enactment into law, the remaining challenge will be their effective enforcement. Of particular importance will be resource constraints. It is against this background that we once again call upon the ILO to consider extending further technical assistance to enable us to build a strong labour inspection and administration system.

The social partners in Kenya play an important role in fighting discrimination and the Government lauds the Federation of Kenya Employers for embracing best practices and policies on equality at work. We shall continue to encourage trade unions to incorporate in their collective bargaining agreements clauses that promote elimination of discrimination in the workplace.

Kenya appreciates the ILO's initiatives, especially the 1998 Declaration on Fundamental Principles and Rights at Work, which addressed the subject of discrimination and equality by including the two sets of Conventions which target the elimination of discrimination. The high rate of ratification of these standards demonstrates Members' commitment to overcoming discrimination in the workplace.

We also commend the ILO and its Turin Centre for the training of social partners and industrial court judges in aspects of discrimination in the workplace. We would wish to see the Centre enter into long-term cooperation with our judicial training institutions and universities in Kenya, so that they can include in their curricula the principles of these standards. Other areas that need to be considered in training are collection and assessment of information regarding this subject and trends in the labour markets. The advisory services, information generated on corporate social responsibility and mainstreaming gender in the ILO's Decent Work Country Programmes will be equally appreciated.

My delegation welcomes the move by some development financial institutions which now emphasize respect for international labour standards in employment. It is regrettable, however, that some regional economic integration and free-trade agreements do not address workplace discrimination, as is the case for Economic Partnership Agreements between the European Union and 77 African, Caribbean and Pacific countries which will come into force in the year 2008.

Mr. DE WITT (Government, United Kingdom)

Thank you for this comprehensive Report. The United Kingdom continues to fully support the aims of the two core Conventions covering discrimination and inequality. In the brief time I have I would like to highlight recent United Kingdom action in these areas.

The UK experience has shown that, while new laws and regulatory reform on equality and discrimination are important, they benefit greatly from guidance and awareness-raising initiatives which promote the benefits to workers and employers.

Work on changing workplace culture is also invaluable.

The United Kingdom has a long-term aim of an 80 per cent employment rate. To help achieve this, we are encouraging employers, as part of our age-positive initiative, to adopt more flexible approaches to employment and retirement that allow people to balance their working life with other responsibilities. Legislation is only part of the solution. The Government continues to promote to employers the business benefits of employing older workers as part of a mixed-age workforce, including through its age-positive initiative and its "Be Ready" campaign, which aims to improve the awareness and understanding of age issues.

The overall thrust of the report is fully consistent with the United Kingdom's aims of enabling all families to have genuine choices about how they balance work and family caring responsibilities.

The United Kingdom has made significant progress on work-life balance over the last few years and has introduced a comprehensive range of family-friendly employment policies. These include, for the first time, a period of two weeks' paid paternity leave and new legislation extending maternity pay.

The United Kingdom's right for certain employees to request flexible working has been very effective in enabling parents of young and disabled children to strike a better balance between their work and family responsibilities. The law has been a success because it was designed to meet the needs of both employees and employers, especially small employers. It is based on an existing good practice, is light-touch and aims to facilitate discussion to enable the employee and the employer to find a working pattern that suits them both. Following the success of the original law in 2003, we have recently extended it to cover also carers of adults.

The Report rightly states that, in the United Kingdom, black people continue to experience barriers in finding a job or seeking promotion, as do other ethnic minority groups. The United Kingdom is addressing this issue with some success. The employment rate for ethnic minorities in the United Kingdom has risen significantly recently from 57.4 per cent in the spring of 2003 to 61 per cent in the last quarter of 2006, whilst the overall employment rate has been fairly static. However, serious barriers remain for people from ethnic minority groups in both getting a job and progressing, and the Government strategy to further improve the situation is focused on areas where we can make the most impact.

One of the barriers we continue to encounter is the lack of an evidence base on the business case for equality and, in particular, for employment equality policies, so details of any relevant research planned by the Office would be welcome.

Bearing in mind the need to focus strategies where they can achieve most, the United Kingdom welcomes the identification within the Report of many forms of discrimination. We hope, and indeed expect, that the ILO will address all types of discrimination including discrimination on grounds of sexual orientation. We are also pleased that the Report did not shy away from making observations on potentially controversial areas such as the sexual abuse of disabled women. We note the concerns of the Report in respect of migrant workers, some of which are challenges faced by the United Kingdom health and safety system. In particular, our own recent research suggested that significant numbers of

migrant workers are concentrated in higher-risk sectors and our enforcement and inspection strategy for migrant workers is correspondingly geared towards these sectors. The United Kingdom strongly supports the ILO's commitment to strengthening the knowledge base and developing publications and practical information tools in the area of health and safety at work.

Later this year, the United Kingdom will open a new Commission for Equality and Human Rights bringing together the work of three existing equality commissions. This will provide statutory support for new laws outlawing discrimination on grounds of age, religion or belief and sexual orientation. It will promote and protect human rights and work to encourage good relations between groups. We are also in the process of carrying out a discrimination law review. This will inform proposals for a single Equality Bill.

We welcome the Report and the opportunity to share the United Kingdom's position and to learn from others' experiences on this important topic.

Before I finish, I would like to respond to a concern raised by my Worker colleague. United Kingdom legislation provides a duty on the UK Government to issue a code of practice to employers providing guidance on how to avoid acts of unlawful racial discrimination in seeking to comply with UK legislation prohibiting the employment of illegal migrant workers. The code and associated guidance makes clear that employers should carry out pre-recruitment document checks on all workers on a non-discriminatory basis and should not make assumptions about entitlement to work or status based on race or appearance. These provisions will be carried forward when the UK implements a new system of civil penalties for employers of illegal workers later this year. Employers who contravene the Race Relations Act lay themselves open to claims for unlimited damages from aggrieved individuals. The United Kingdom has some of the toughest anti-discrimination legislation in the world.

Ms. WINTOUR (*representative, Public Services International*)

Thank you, Mr. Chair. I am, indeed, speaking on behalf of Public Services International (PSI), the global union federation representing over 20 million largely undervalued and largely underpaid but, nevertheless, wonderful public sector workers, the great majority of whom are women.

PSI welcomes the Global Report, *Equality at work: Tackling the challenges*, a significant contribution to the debate on how to promote equality at the workplace. While the Global Report refers to the importance of national legislative frameworks and appropriate machinery to promote equality, PSI also considers that more attention should be directed at the role of the public sector in creating an enabling environment for equality and equal opportunities. PSI's own pay equity campaign is centred in a vision that paying women decent wages and properly valuing their skills and worth will strengthen the provision of quality public services, an essential tool without which societies cannot address the multi-faceted forms of discrimination and social exclusion.

PSI's pay equity campaign began in 2000 and from the outset has benefited from a partnership approach with the ILO in terms of technical cooperation, expertise and, indeed, financial resources. PSI has been encouraged by the ILO's increasing

commitment to resourcing pay equity initiatives across many of its departments and also the ILO's related work on wage setting and minimum wages.

One example on job evaluation PSI would like to share refers to the public sector in Trinidad and Tobago. The Public Service Association of Trinidad and Tobago, which has negotiating rights in 13 ministries and seven agencies, became involved in the PSI's pay equity campaign in response to the employers' proposal for a new job evaluation scheme. With the assistance of the PSI, they were able to challenge the proposed new scheme which had been drawn up by a renowned international consulting firm on the grounds that it was inherently biased against predominantly female jobs. The union was then able to reach agreement with the Chief Personnel Officer to halt the process and to carry out a modular training programme with participation from both management and the union in order to review job evaluation free of gender bias and other approaches to pay equity.

PSI would also like to emphasize the crucial importance of collective bargaining in addressing poverty and systemic discrimination resulting from the intersection of race or ethnic origin and gender.

PSI is associated with the complaint before the Committee on Freedom of Association, admitted by its affiliate United Electrical, Radio and Machine Workers of America, concerning the denial of bargaining rights in the public sector in North Carolina. The vast majority of these members are women and people of colour, who are working in low wages and typical public sector jobs. The case describes serious instances of unequal treatment for racial minorities and women in hiring, promotions and wage rates. The case argues, among other points, that through collective bargaining the union could assist in establishing objective criteria for employment decisions and practical mechanisms to address discrimination.

The Global Union looks forward, over the next four years, to strengthening their partnership with the ILO and developing a systematic and consistent programme of work on pay equity. PSI supports the proposals for the next steps in the Report which, in part, reflect recommendations from the PSI Global Union ILO Discussion Forum on Pay Equity but would invite the ILO, as mentioned by the Workers spokesperson previously, firstly to place greater emphasis on the importance of practical action and campaigns at country level to develop a sectoral approach to tripartite and bipartite dialogues and to give crucial importance to specific and long-term capacity-building programmes for trade unions.

Finally, a key component to the follow-up action plan, in our opinion, will be the proposal for a technical consultation on best practices and job evaluation free of gender bias, preferably to be held in 2008. This consultation would not only be an appropriate follow-up to the June 2004 resolution concerning the promotion of gender equality, pay equity and maternity protection, it would also be extremely important input into the general discussion on gender equality in 2009.

The specific objectives of this consultation could be to encourage a collaborative discussion among experts, employers, representatives of governments and trade unions. And the consultation would be a useful mechanism to advance towards a consensus on principles of gender-neutral job evaluation schemes, to share best practices and job evaluation

tools and methods, and to strategize on capacity-building programmes on job evaluation.

(Mr. Sulka takes the Chair.)

Mr. SALEH (*Government, Indonesia*)

Allow me, on behalf of the Government of Indonesia, to begin by expressing our thanks to the Director-General for his Global Report on the theme of *Equality at work: Tackling the challenges*. This detailed and comprehensive report which addresses all aspects of discrimination, points at both old and new problems and proposes guidelines to resolve them that should guide and inspire our work at this session.

Indeed, in his Report, the Director-General takes stock of the perennial issue of discrimination at work, revisiting its traditional forms such as discrimination based on sex, race or religion, as well as the status and plight of women and children at work. He also takes the issue beyond these longstanding ills to examine other, more recent areas of discrimination based on age, sexual orientation, HIV/AIDS status and disability, where inequalities remain high in many countries.

Indonesia is very concerned with those issues since our national Constitution states clearly that equality for every citizen entails the right to decent employment.

In the last ten years, Indonesia has made considerable progress with regard to the implementation of the ILO's 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up. The development of rights at work is emerging at a pace commensurate with our economic growth and the decentralization of government authority. Freedom of association, equal employment opportunities, the abolition of forced labour and the elimination of child labour have been the focus of strategic legislation, in line with the national development agenda.

Indonesia ratified ILO Convention No. 100 in 1957 and ILO Convention No. 111 in 1999. The substance of these Conventions is reflected in Law No. 13 of 2003 on manpower and its implementation.

As stated in the Global Report, Indonesia has developed a set of guidelines on equal employment opportunities that have received the ILO's support. In order to encourage the implementation of equal employment opportunities, these guidelines are being disseminated widely through a ministerial circular letter, distributed to local governments and social partners throughout the country.

Indonesia welcomes any international cooperation with parties that are concerned with improving stakeholders' understanding of the concept of discrimination. We feel sure that the ILO will give further support to the efforts that have been achieved by the Indonesian Government and the social partners.

Indonesia strongly endorses the view that discrimination at work should be eliminated, among others, through relevant and detailed information, as well as through communication and consultation with all social partners. Workers and employers should be given an equal understanding of the manner in which laws and regulations on these matters should be implemented.

As the Report of the Director-General attests, Indonesia is pleased to be associated with the imple-

mentation of a strong and mutually beneficial policy in the form of equal employment opportunities, including proper protection of the rights of migrant workers, that enhance the programme for grass-roots communities.

The world of work should be free from the presence of discrimination. Efforts to eliminate any form of discrimination should start at the pre-employment stage and continue throughout the employment and even the post-employment stages. To ensure the proper implementation of equal employment opportunity, the Government has made a commitment to apply law enforcement through a labour inspection approach.

Indonesia stands by its strong commitment to the values of equality and non-discrimination at work. In this spirit, we hope that the ILO will continue to support our efforts to eliminate all forms of discrimination in the world of work through the Decent Work Country Programmes.

Original French: Mr. VANDAMME (Government, Belgium)

In 2003, when we first discussed the first Global Report on equality at work, Belgium was pleased to announce that it had adopted, on 25 February 2003, new legislation seeking to combat discrimination. Only four years later, we can now announce that we want to abrogate that law and that it is to be replaced by four further acts, which will come into effect tomorrow, 9 June 2007.

You may wonder why the law was so soon amended after so much work to bring it into force. Comparing the 2003 text with those which have just been adopted by Parliament a few weeks ago reveals many technical improvements, particularly in terms of definitions, protection procedures and sanctions. The reasons for such a fundamental re-think are not to be found in the desire to improve legislation, but in an order of the Constitutional Court of 6 October 2004, which cancelled some anti-discrimination legislation, and in the political will to remedy uncertainty in this field.

Since 1989, when Belgium set up its Constitutional Court, that respect for the constitutional rights of equality and non-discrimination has been at the heart of every parliamentary debate, be it on labour or almost any other subject. In the event of a violation of these rights, any citizen who can demonstrate an interest can request that a law be annulled, in whole or in part. Once the court announces this should be done, the only solutions are to amend the law or bring it into conformity with the principles of equality and non-discrimination. The constitutional court has thus become a great asset for Belgium in attaining one of the strategic aims for the coming years as proposed by the Global Report, which is to integrate non-discrimination and equality into all policies.

A study was commissioned very recently by the European Commission with that same aim. That study recommends that Member States of the European Union ensure that equality is taken into account in all stages of the decision-making process, from inception to implementation and monitoring, and institutionalize the principles of non-discrimination and equal opportunities.

Since 2003, legislation in Belgium has been strengthened and complemented by a number of initiatives other than regulations. To give only two examples, the multicultural enterprise unit within the Ministry of Employment and Labour is coordi-

nating, in consultation with the social partners, the establishment of an equality and diversity award scheme. This covers all enterprises in all sectors. In order to receive and keep the award, companies need to embrace all enterprise culture and human resources management approaches which promote diversity. The second example concerns cooperation between the Flemish regional employment office and an NGO to set up an intercultural employment database, which has been in operation for a number of weeks now, enabling employers and jobseekers who are willing to work towards diversity in the workplace to be put in contact much more easily.

This tool will be very useful in the future. In fact, a recent study by the University of Amsterdam has shown that the economic impact of population growth in the coming years will be huge. There will be fewer young people and more older people, which means that Belgium, along with many other Member States of the Union, must invest in promoting the migration of qualified workers so as to avoid an economic crisis, otherwise Belgium will have a shortage of workers amounting to about 360,000 by 2050. Welcoming, integrating and ensuring equal opportunities for those migrant workers will be a great challenge for the future of our countries. It is for us to rise to that challenge with the aid, I am sure, of our partners within the European Union and the ILO.

Mr. PATIL (Employer, India)

The Council of Indian Employers welcomes the ILO's Global Report, *Equality at work: Tackling the challenges*. Whilst we have a long way to go to achieve equality at work, I wish to highlight what India has done and is doing currently to achieve equality at work.

The Constitution of India, which came into being in 1950, describes equality at work as a directive principle of state policy. Article 15 of the Constitution stipulates that there will be no discrimination on the basis of caste, creed, religion, descent or place of birth in matters of providing employment.

Traditionally, for generations, Indian society has been stratified into an occupation-based caste system, and, whilst the caste system is in continuous metamorphosis, it impacts on society with some inequalities.

However, post independence in 1947, India has taken several steps in the area of providing equality at work. Several initiatives have been taken to support equality. For example, women in India have the right to work on a par with men right from the beginning. There is free universal education for girls up to the age of 14. There is compulsory primary education for all, and I think these are still the very critical measures which would pave the way for equality at work. A number of successful laws have been amended to provide for an equal share of property to women as well.

The Government has adopted several items of legislation to deal with discrimination on the basis I said earlier. Along with the legislation and policies, there exists a strong infrastructure to put these policies in place. Furthermore, as part of these aforementioned policies, the Government provides for reservation of jobs for people who have been discriminated against in the past and for jobs in the public sector as well.

There is also a move to reserve some seats in the institutions of higher learning and some jobs in the

private sector. However, the private sector is more inclined to promote affirmative policies and actions to protect meritocracy and the secular character of employment in industry whilst promoting equality at work.

Accelerated skill development is critical for India's economic success, and employers' organizations, chambers of commerce and industrial associations are all actively partnering in the more serious efforts of the Government and others engaged in these efforts. There are a number of special training institutes for women in different kinds of training programmes on a national and regional basis.

Additionally, employers' organizations have been actively engaged in supporting and supported doing away with discrimination and promoting equality at work through: "equal pay for equal work", provided for in the Equal Remuneration Act of 1956; "prevention and effectively dealing with sexual harassment at the workplace", the parameters of which have been defined by the Supreme Court of India in one of its recent decisions; building awareness of AIDS with a view to preventing discrimination of HIV/AIDS-affected people in employment-related matters; and abolishing the worst forms of child labour as a precursor to abolition of child labour.

Women trade union leaders have also been involved in a social dialogue process as part of the ILO project on workplace cooperation.

With the improvement in mortality and health, there is a need for greater use of services of the elderly in economic activities. A recognition of this is beginning to take place, to begin with, in areas of skill shortages. For example, for teachers in technical institutes of higher learning, the age of retirement is raised to 70 years.

The Employers Federation of India and other constituents of the Council of Indian Employers are committed to supporting and actively promoting equality in the workplace, along with the Government, the ILO, the IOE and all of their stakeholders.

Finally, we request the ILO's continued support to India, particularly in the area of capacity building to help social partners, for them to measure up to challenges of the task.

Original Spanish: Mr. ARNAU NAVARRO (Government, Spain)

It is my pleasure to speak at this sitting of the International Labour Conference in order to make a contribution to the discussion that might serve as an experience and might be useful for the elaboration that is envisaged of the ILO's plan of action for the next four years, on the principle of the elimination of discrimination in respect of employment and occupation.

I will use as a guide the pertinent questions that we have been asked by the Office to guide the debate. I thank the Office for its suggestions and welcome the opportunity that I have been given to report that:

In Spain, the new Basic Law of 22 March 2007 regulates the effective equality between men and women and it does so in fulfilment of an electoral commitment undertaken by my Government to develop the constitutional provision that sets forth the right to equality and non-discrimination on the basis of gender.

This law applies to all people, whether physical or legal, on Spanish territory, regardless of their nationality. I am satisfied to say that this is not just another law, but is really a pioneering standard in

the field of equality. It so happens that we have just been celebrating in my country the 75th anniversary of women's right to vote, which was granted basically thanks to the efforts of an enlightened woman, Clara Campoamor and the parliamentarians that supported her struggle. I think the fact that this anniversary coincides with this law is something that is worth emphasizing on this occasion, in this debate.

Equality, apart from being a universal legal principle, is also a fundamental principle in the European Union and it is crosscutting all the policies and actions by the Union and the countries like ours that are members of it.

A declaration of rights certainly is not enough. Nevertheless, a new set of subjective rights which allow for the possibility of going to the Courts of Justice to have them recognized would, in itself, represent a real step forward.

This Law, which is called the Gender Equality Code-Law not only is, or constitutes, a framework of rights, but is also the fundamental point of reference for a forthcoming strategic plan for equal opportunities and for the immediate creation of an inter-ministerial committee for equality. Therefore, it is a general, cross-cutting framework for the adoption of affirmative action, aimed at all the public authorities.

It applies not only to the gender-balanced electoral lists, but also with certain conditions, to the boards of private enterprises. It envisages the reconciliation of personal, family and professional life, promoting the joint responsibility of men and women. For instance, the electoral lists for the most recent municipal and regional elections, that were held on 27 May in Spain, met the requirement that at least 40 per cent of the people listed had to be women. As regards reconciling family and professional life, maternity leave has been extended in cases of premature births or when the newborn baby has to be hospitalized after birth.

One of the innovations of the law is to establish paternity leave, which is 13 days. I can tell you that some women who were giving birth at the end of the day before the entry into force of the law did everything they could to make sure that their child was born after midnight, which would mean a gift of 13 days of paternity leave for the father.

Basically, I am interested in pointing out, albeit very briefly, one of the aspects of the law that is related to employment. In this respect, I would emphasize that the law includes a framework for promoting measures for collective bargaining, so that it is the social stakeholders who automatically, through negotiation, can develop its contents in their own areas.

So, enterprises with more than 250 workers are required to draw up and apply an equality plan, which, observing the contents of the law, has to be negotiated in the same way as any other collective agreement.

Small enterprises are not required to draw up such a plan. Nevertheless, consultation is required with the legal representatives of the workers, in order to establish that.

A special label of excellence will be given to enterprises that are at the forefront of measures for ensuring equal treatment and opportunities, which can be used in business for publicity purposes.

The Ministry of Labour and Social Affairs, in order to award this label, among other criteria, will

take into account the following. I will list these in order to be clear about the priorities that are established in this law: a balanced presence of men and women in the management bodies of enterprises in different groups and professional categories within the enterprise; the adoption of equality plans or other measures to promote equality; and non-sexist publicity for the products or services provided by the company.

I would like to add that these conditions which are needed in order to obtain the label have to be maintained permanently and the labels can be withdrawn if in the future they are not applied.

I will not speak at any greater length as the law can be consulted on the web site of the Ministry of Labour and Social Affairs of Spain or on that of the *Cortes Generales*, our Parliament.

So what remains to be done? This is another very relevant question that has been posed by the Office. This is a law for the present, but, above all, it is a law that looks to the future. For instance, when a woman is also an immigrant, we can see the face of double discrimination. Due attention should not simply be the result of pity or charity or compassion, but rather the application of the rights promoted by Spanish law.

Effective equality between men and women has got to go much further than the workplace. It has something to do with the actual quality of democracy as a whole and it is the best form of living together. Statistics in Spain, which obviously I will not go into, clearly indicate that progress is possible and that it is possible because, to a considerable extent, it has already been achieved.

Original French: Ms. KOUAME (Worker, Côte d'Ivoire)

I speak on behalf of the workers of Côte d'Ivoire on discrimination based on gender in the workplace.

One has to say that the situation of women in Côte d'Ivoire is confined to a traditional role within the family. Until the 1980s all sectors were occupied mostly by men. In the civil service, we have seen progress with a massive entry of women which has even brought about a feminization in certain sectors such as education, health and others. This is not a way to discriminate against women because Côte d'Ivoire has ratified the Equal Remuneration Convention, 1951 (No. 100), and the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), which stipulate that for equal work there should be equal pay.

But to make up for the imbalance between girls and boys we have given priority to education of women, which is supported by the United Nations education body. Discrimination on the grounds of gender is of course banned but, in reality, it still prevails because the employer decides on wages and on fairly murky grounds.

We have seen some progress and a number of positive aspects when it comes to the situation of women. In a traditionally male trade union context, we have to go back to the eighties to see women joining in the grass roots. Since 2005, in Côte d'Ivoire, we have 11 women in the 50 members in the executive committee, 20 out of nine on the governing board and two of the five members of the secretariat general. In the Côte d'Ivoire Government, we have four women out of 40 ministers. In the National Assembly, the Parliament, we have about ten women out of 175.

There is, therefore, some development both qualitative and quantitative but we are still lagging behind. Women in Côte d'Ivoire are facing dire situations and that is due to the war that has been prevailing since 2002 but we are coming out of that scourge.

The situation of women is becoming more precarious because they are often the first to be dismissed and sent back to a traditional role in the home. This is why we value the contribution of the ILO, which provides a real chance for member States to reduce inequalities especially those that are related to gender. In Côte d'Ivoire, we believe that all parties should contribute so that all can benefit from this and this is why we appeal to the employers to truly reconsider reducing inequality based on gender, that the workers' organizations should be more dynamic when integrating women so as to reflect the population as a whole, and the Government should look at career opportunities and release all the women to enable them to achieve professional aims. And we ask the International Labour Organization to keep to its traditional role of having Conventions ratified and ensuring that they are applied properly, thereby avoiding the need to respect forms into which our governments are confined by employing mechanisms to supervise quality and quantity of such implementation.

That is the situation of women in Côte d'Ivoire. Thank you.

Mr. MAFURATIDZE (*Government, Zimbabwe*)

I take this opportunity to join previous speakers in congratulating the Director-General and his staff for coming up with the Report on two Conventions which focus on discrimination in the workplace. The Report is indeed comprehensive and a true reflection of the situation on the ground, be it in developed or the developing countries. The Report gives us the opportunity to work collectively and to come up with sustainable ways of dealing with the scourge of discrimination at the workplace.

The fact that discrimination and inequality at the workplace has persisted to this day shows the enormity of the challenge that we must all face head-on. While discrimination based on sex, religion, culture and ethnicity still remain, to this is now added the new and more complex forms of discrimination based on factors like HIV/AIDS status.

Everywhere in Southern Africa, Zimbabwe included, HIV/AIDS is posing a new and complex challenge in labour and administration. As a response strategy, Zimbabwe has domesticated the ILO and the Southern African Development Community (SADAC) codes of good practice on HIV/AIDS in the workplace. The Zimbabwean Constitution prohibits all discrimination based on sex, race or religion. Our Labour Code also prohibits discrimination, especially on the basis of one's HIV/AIDS status.

We also have a number of instruments that deal with HIV/AIDS in areas like education, awareness, prevention and care, and support for sick employees and their families. Indeed it is important for our countries to have discrimination policies and laws in the first place. Our social partners at the industry level are also coming up with collective bargaining agreements that address HIV/AIDS issues and at the same time seek to mitigate the effects of the HIV/AIDS pandemic. To this end, the transport and mining sectors are some of those that already have

HIV/AIDS policies in place. The labour inspectorate services, although severely under-utilized and under-resourced in many of our countries, are of use in addressing the challenges posed by discrimination and inequality.

More specifically labour inspections offer an invaluable opportunity for successfully fighting discrimination at the source by providing advice to both employers and workers, enforcing anti-discrimination laws and advising the Government on the realities on the ground. However, for labour inspectors to be effective they need adequate training and material resources. It is therefore in this regard that the ILO should continue offering the needed technical assistance to its member States, particularly the developing countries.

Original Portuguese: Mr. GODOY (Employer, Brazil)

Let me say that, as a follow-up instrument to the Declaration, the present Report seems to me particularly appropriate. It is fundamental for us to have an instrument following up compliance with the principles in the Declaration as they are fundamental workers' rights, not just in the theoretical sense, but also as reflected in reality in the workplace.

The Report is therefore full of valuable information even though, in my modest opinion, it is better suited to defining and measuring – which indeed is the title of Part One of the Report – rather than explaining the root causes of this phenomenon, which I have to say, is a disgrace to humanity.

May I bring to this meeting a fairly simple and personal view as to what those causes might be? It is said that wisdom is based on simplicity but that stupidity is also based on being simplistic. I hope that the first proverb will prevail here. The main reasons for discrimination, in my view, are twofold firstly a cultural one. There is a cultural cause, as, indeed, is said in paragraphs 9 and 27 of the Report, which recognize that discrimination is as systemic phenomenon rooted in widely diverse cultures. The social and cultural conditions which induce discrimination have their worst form in what the Report calls structural discrimination – discrimination inherent in institutional structures and legal mechanisms.

There is also another source of discrimination, specifically in the context of work. This comes in seeking productivity, which is inherent to industry but which becomes more acute and exacerbated when we put it in the context of globalization, where competition is the fundamental rule and competitiveness is a requirement for those who do not want to be left behind. In the world of labour, these two sources of discrimination merge, which makes it difficult to identify solutions. What seems clear when looking at social realities is that the solution is not in standards. In the case of the cultural origin, standards can affirm and consolidate obvious cultural differences more through common law than through human rights. In other words, we must get alongside and understand the development of social circumstances and only then construct a legal framework to ratify and consolidate.

In the second case, the compulsive quest for productivity, the most effective method would be to identify the weaknesses of the various sectors of the population and attempt to overcome those weaknesses, or at least compensate for them. However, the wrong laws and unsuitable policies could lead to

negative results. Inefficacy and counterproductive effects such as (and here again I would go back to what I have observed in my own country, Brazil) the quota system which was set up to counter certain situations in certain sectors of the population or (to give you a worse example still, though it is still time) the impact of legislation which was intended to protect mothers but which is often twisted to create obstacles and hampers women's participation in the world of work.

There is another possibility which is that such laws or policies might hamper productivity in the national economy and therefore be prejudicial to competitiveness required globally. In this competitive world of ours, what one should ask companies to do would be to ensure equal opportunities. It would be beneficial to them to the extent that they would have a broader choice and greater talents to select from. There is a need for efforts to be made for a cultural development to ensure that reality, which is becoming ever more complex, incorporates the principle of equal rights, and that all discrimination is banned. The State should overcome or compensate for any disadvantages that groups may have and help them gain advantages through qualifications, so that employers can apply the same rules to all the working population.

We should also add to that the role of the social responsibility of companies: whilst maintaining the principle of subsidiarity, they can contribute, when they think they are able and willing, to the work done by the Government through their welfare systems.

In conclusion let me state the obvious, which is that any form of discrimination has its roots in society itself and that it is therefore society which must contribute to ending with such discrimination. That in turn will lead to the sustainable development we are all seeking.

Original Spanish: Ms. PEREZ (Government, Mexico)

The Mexican Government would like to state that the present Global Report under the follow-up to the 1998 ILO Declaration shows that discrimination remains a reality at the global level, although important legislative progress has been made since the publication in 2003 of the first Report entitled *Time for equality at work*. The progress made has been insufficient to eradicate it. The Report recalls that this problem has not been overcome, but that at the moment it manifests in new forms of discrimination related to age, sexual orientation, disability and health conditions, as well as insipient forms of social exclusion such as genetic factors and lifestyles.

For Mexico, progress in the eradication of discrimination and equal opportunities at work is of vital importance. Therefore, we have a legal framework to ban discriminatory distinctions and promote gender equality. The Mexican Government has been implementing policies that help to foster a culture of non-discrimination where all vulnerable groups fully exercise their rights and equal participation in the political, cultural, economic and social life of the country through bodies such as the National Council for Prevention of Discrimination, and the National Institute of Women and the Ministry of Labour and Social Provision.

My Government is encouraged by the fact that mention is made of the establishment in Mexico

of the National Council for Prevention of Discrimination (CONAPRED), as an example of good practice to combat discrimination, and which provides part of the membership of the governing board of the Ministry of Labour.

It is worthwhile pointing out that the CONAPRED strategy for combating discrimination has five aspects consistent with an editorial programme: dissemination of culture, non-discrimination at the workplace, liaison with companies, public policies, research, the harmonization of legislation, and the receipt of complaints and compensation claims.

Among the dissemination activities conducted by CONAPRED in cooperation with the Ministry of Labour and Social Provision is the campaign to reconcile work and family life, which aims at promoting equal opportunities for women to access and remain in employment through awareness raising among public and private sector employers.

In 2007, CONAPRED will introduce a model for cultural awareness and non-discrimination in companies whose programmes, practices, organizational manuals and budgets include integration policies. The aim is to encourage employers to make gradual changes to the country's labour culture. The National Institute for Women, for its part, has adopted an instrument whose success was acknowledged by the World Bank and which is entitled: "Model for Cultural Awareness and Non-Discrimination", which seeks to establish labour practices conducive to enhancing gender equality in fundamental areas such as recruitment, training and professional development and the prevention of sexual harassment.

Also, the Ministry of Labour, in addition to having a General Directorate of Equality and Gender, provides follow-up, on the basis of information obtained using a system of indicators of the quality of work and employment in Mexico, of three indicators that measure income and employment gaps and female participation in the labour market. This appraisal has shown that the employment gap between men and women has been reduced significantly. While it stood at 92.58 per cent nationally in 2000, it currently stands at 60.2 per cent, which means that there are greater employment opportunities for women. The current Government of Felipe Calderón has granted tax incentives to companies employing older and differently-abled persons. In addition, a first-job programme was introduced in order to provide incentives for creating permanent, well-paid jobs in the formal economy, together with initiatives such as support for young entrepreneurs and the promotion of small and medium-sized enterprises.

The Mexican Government is of the view that the proposals contained in paragraphs 456, 460, 468, 469 and 471 of the Global Report are a good basis for progress in the gradual reduction of social exclusion at the workplace.

The Mexican Government fully agrees with the assessment of the Director-General of the ILO, Juan Somavia, to the effect that the Organization and its mandate-holders should use their technical know-how and political will to make equality a reality at the national and international levels.

Mr. AMRANI (*Government, Israel*)

It is a pleasure to be here today, addressing this International Labour Conference on the issue of equality at work. In Israel, we try very hard to rectify any perceived imbalances in the areas of employment, and do so through a variety of laws and regulatory practices.

In Israel, there are many laws prohibiting discrimination at the workplace, but the most important are the Equal Opportunities at Work Law and the Equal Pay for Male and Female Employees Law, which compels employers to pay women the same salary paid to men for equal work, equal in principle or equivalent. Such laws are very encouraging, and statistics indicate that, over time, the power of women in the workplace has been increasing: more and more women are fulfilling senior management roles and their influence in the economic, academic and political arenas is steadily growing.

However, there is still work to be done, as there is still salary disparity between men and women and women's relative representation decreases the further up the corporate ladder we go.

The discrepancy in salaries between men and women can be attributed to some extent to their relative fields of employment. Roughly one-fifth of women who work are employed in education, which has historically had lower salaries. Additionally, some women do not agitate for higher salaries due to societal preconceptions regarding a woman's status in the family, preconceptions which are particularly prevalent in the Orthodox populations and certain sectors of the Israeli Arab population. Since 1998, the Government has addressed these inequalities through the Promotion of Women's Status Authority, which exists to monitor labour rights on behalf of women.

However, the Israeli Government is committed to reducing such preconceptions and discrepancies towards both women and minority populations. To this end, the Government has enacted several affirmative action laws, the purpose of which has been to ensure women's and minority rights by giving preference to their employment in the public service.

For example, the Governmental Companies Law mandates that the board of directors of a governmental company must have proper representation of both genders and, until such proper representation is naturally achieved, the Minister will appoint directors from the gender that is not properly represented. Similarly, the Civil Service Law mandates that there is a duty to apply affirmative action principles regarding the Arab populations representation in the civil service.

The prominent issue today with respect to equality and preventing discrimination at the workplace is not necessarily the various labour laws, most of which are being successfully implemented. Rather, it is the problem of enforcement of the employees' rights, particularly among the vulnerable, weaker populations: foreign workers (especially the illegal ones), unskilled workers, employees of manpower contractors, youth and women – groups who are largely unorganized and who have historically possessed very little bargaining power. For these groups, the difficulty of implementing their rights is all too apparent.

Thus, while authorities work to ensure that employers are respecting the employment rights of these groups, it is equally important to enhance awareness among such employees of their rights, both those deriving from the labour laws and those associated with the provisions in collective agreements and expansion orders. To this end, the Israeli Ministry of Industry, Trade and Labour has recently created an enforcement and deterrent taskforce to handle complaints and supply information on the spot at the workplace.

In the same vein, the Israeli Government is also proud to announce the creation of a Commission for Equal Opportunities in the Workplace, which will deal with both the public and private sectors and work to enforce the labour rights that I have detailed above, including equal pay for equal work, prohibition of discrimination and protection against illegal dismissal. The Commission will have investigative powers as well as administrative powers.

Additional protection now exists for Israel's large foreign worker population, through the office of the Commissioner for Foreign Workers' Rights, which works to ensure that foreign workers' rights are preserved. The Commissioner has the power to initiate an investigation of employers and can cancel employment permits granted to employers if they are found to be acting illegally. Such protection stems from the Israeli Government's belief that a liberal country must stringently protect the rights of human beings even if they are not its citizens.

In light of the processes and the considerations taking place in the world, such as globalization, the growing power of the market economy, privatizations and the cuts in the welfare budget, there is room to examine a more active labour market policy by the Government to close gaps between the haves and the have nots. There remains a need for increased dialogue between the Government, employees' organizations and employers' groups. Such dialogue can, on the one hand, guarantee market growth and integrate the Israeli economy into the globalization process and, on the other hand, will not prejudice employees' economic and social achievements but lead to an improvement in the social economic status of the weaker groups in the population. NGOs can and should play an important role in this dialogue.

To sum up I would like to address some points.

We must continue our efforts of protecting employees' rights through legal measures and regulatory schemes so as to strive for a more just society.

We must continue to creatively generate ways to advance women and disadvantaged populations within the labour market, in order to strive for equality between the population groups in the Israeli society. Such advances can include professional training schemes, vocational education, subsidizing single-parent families, or subsidizing day care facilities. Indeed, recent research studies conducted in Israel indicate that a country that actively promotes vocational training for immigrants generates substantial personal and social outcome by increasing both employment opportunities and salary.

And we must ensure that Israel does not emphasize economic advancement above the advancement of workers' rights, as both need to advance equally to ensure a just global marketplace.

Original Spanish: Ms. TRIANA ALVIS (Worker, Colombia)

We have read with great care the Report *Equality at work: Tackling the challenges*, prepared by the Director-General and we would like to thank him.

This document is very comprehensive as to its content, diagnosis, statistics and comments which, in general, we share.

We believe that there is sufficient analysis and enough documentation in general and can, therefore, say that in several places progress has been made in legislation, standards and strategies in favour of equality which, no doubt, have enabled progress to be made. Even so, these remain significant inequalities because of gender, race, belief, social status, politics or health.

It is not enough merely to ratify Convention and adopt declarations and laws; it is very urgently necessary to move to a real practice of the fulfilment of the standards, adding to this something more than just intentions and good intentions. We must truly treat each other as equals, without denying our differences.

We are convinced that if we truly see each other and accept each other as equals, it will be easier to share and to live together, but those of us who can supposedly see our roles in this most clearly need to make the first move. After all, we were involved in the drawing up of all these analyses. So it is absurd for us to expect others to do what we will not do ourselves.

First of all, we must carry out strong awareness-raising campaigns showing that, as human beings, we have the same rights irrespective of gender, race, belief, health, or political or social conditions. Therefore, we must value one another, treating each other with respect and allowing every individual the space they need to flourish. Likewise, we must implement and strengthen training and capacity building for all the social actors, giving yet more significance and achieving greater results through ensuring equal treatment and opportunities for all.

Governments should adopt incentive-making policies such as tax rebates for employers who give more opportunities to people regardless of disabilities, race, religion, belief, gender, age, socio-political condition.

It is quite clear, of course, once this has been demonstrated. For example, if we have an equal number of men and women in the management of enterprises, if we give equal participation to young people, as well as adults, etc.

International assistance for governments, employers or workers must all comply with a clear-cut transparent condition that we must respect and comply with the equal opportunities Conventions of the ILO.

Amongst trade union organizations and social organizations, where there is greater participation in organization, training and action for young people, women and migrants – indeed any of the groups which are commonly discriminated against – we should provide more technical assistance, more economic aid and greater benefits for participation in training or capacity-building activities.

We must use as a policy the creation of instruments which give a higher profile to the organiza-

tions, companies and countries where significant progress is being made in equality and fairness.

We must consolidate collective agreements with clauses for the family. We should also provide for the creation of spaces where all of us can be treated, valued and judged as equals. At the same time, we must put an end to opportunities for discrimination because of income, age, sex, race, disability and other grounds.

Finally, we should implement campaigns to denounce the continuous violations against equality, wherever this takes place, on the part of governments, employers and workers. In the case of Colombia, I must say that inequality is found in all these areas, despite the fact that we have made headway. We still have inequality in treatment and of pay and regarding access to employment.

Mr. INDRASUKHSRI (*Government, Thailand*)

The ILO Global Report on *Equality at work: Tackling the challenges* is timely and responds to the impacts entailed by globalization, which not only create employment opportunity but deepen social inequalities and personal insecurities. In this regard, all men are affected, but it is normally women, persons with disabilities, ageing people and migrant labour who suffer the most.

Thailand is dedicated to the promotion of decent work for women and men in conditions of equality at work, security and human dignity. Both men and women must have equal rights, responsibilities, opportunities for work that ensure an adequate standard of living for themselves and their families.

In order to achieve the abovementioned objectives, Thailand has undergone some organizational restructuring, strengthened mechanisms to implement and enforce labour laws, including putting in place the strategic plans to ensure effective gender equality.

Regarding the improvement of labour laws, Thailand introduced the policies of placing no distinction between working men and women in regard to the compliance and enforcement of labour laws. Both employed men and women will enjoy the same rights described by laws.

Thailand has achieved a substantial outcome in regard to the reduction of inequality at work by focusing on legal-based approaches as well as implementing multilateral approaches in order to better the employment of working women. We believe that through decent work women are in the position to gain more equal opportunities.

In 1999, Thailand supplemented the provision of working women's rights by ratifying the Equal Remuneration Convention, 1951 (No. 100). We ratified the Convention because we were ready and supported by other relevant laws and procedures. At its initial stage of implementation, both working men and women are ensured to be paid equally if they performed the same jobs.

Moreover, the promotion of better employment for working women in Thailand and the efforts to reduce the inequality at work have become a process that involved relevant social partners including employers. The introduction of the Thailand Labour Standard in 2003 is one tangible example which reflected the close cooperation among governments, employers and employees. According to this standard, the Government encourages the employers to voluntarily endorse the standard which is in favour of workers' rights. These non-binding regulations

cover procedures and rules that ensure equality and alleviate discrimination at work.

Thailand has put a lot of effort into reducing gender inequality and, despite substantial success, in promoting and creating awareness-raising. We still believe that there has been a lot done. Women still dominate occupations which are low paying and less protected. We still are not making the most of women's talents and potentials. In Thailand the coverage of social securities schemes is lower than 40 per cent of the labour force. The insecurities are still prevailing on certain groups of workers such as workers in the informal sector, persons with disabilities, migrant labourers and ageing workers.

Thailand strongly believes that in order to alleviate the rising problems and reduce inequality at work, multilateral approaches are urgently needed and implemented. The fundamental principles and rights at work need to be extended to cover all workers and cannot be separated from the elimination of discrimination on all other grounds nor from other basic rights either.

Our efforts to reduce gender inequality will be going on. Currently we are about to consider ratifying the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) so that the disabled person will be ensured of more opportunities. In promotion of this effort, we would like to take our opportunity to express our appreciation to the ILO for its continuous support in helping us make decent work a reality.

Mr. ROYE (*Worker, India*)

Inequality or discrimination at work cannot be exhaustively discussed in isolation from the prevailing inequality in society as a whole. At the same time, this vital social ill cannot be addressed superficially without targeting the basic source and causes of inequality. It has been very pertinently said that: "The main message of the Global Report is that to tackle discrimination at work, the creation of more equal societies must become a central goal of development policies. The promotion of equal opportunities for decent work for all women and men, irrespective of race, religion, disability, age or sexual orientation, is one of the means to advance in this direction." (*World of Work Magazine*, No. 59, April 2007).

The distribution of wealth is the driving agent of spreading poverty in the society. However, discrimination due to caste, sex, religion or other factors is the ingredient of the feudal societies still prevalent in many developing countries where remnants of feudalism is still in play. In this connection, the Global Report has named the countries of Africa, Asia and the Middle East. It is a matter of shame that, as indicated in the Global Report, "untouchability" or caste, remains a dominant factor in defining the economic and social status of Dalit men and women throughout the subregion. At the same time, racism, migrant workers and in some cases xenophobia are the contributions of market-driven liberalized economies under capitalist globalization. Aside from the long-term goal of change in social systems, in the current context of addressing immediate interim relief, we must turn our attention to the current policies under globalization.

Take the case of migrant labour. The rule of current globalization is characterized by double standards in the matter of movement of capital and labour. The developing countries would provide ac-

cess to their markets without a corresponding access to technology and would accept capital mobility without a corresponding provision for labour mobility. This asymmetry, particularly that between the free movement of capital and the unfree movement of labour across national boundaries, lies at the heart of inequality in the rules of the game under current globalization. The fact is that globalization has delivered disparities of employment opportunities, income and living standards of people in developing countries. It has been rightly said that the failure of globalization to create jobs where people live is a prime factor in increasing migration pressure, because when people cannot find work at home in their communities and societies, they look elsewhere. Migrant labour has become one of the major areas of inequality.

The following excerpts from the report of the World Commission on the Social Dimension of Globalization appointed by the ILO speak volumes on the question of inequality and discrimination imposed on poor countries and poor people:

“The current path of globalization must change. Too few share its benefits. Too many have no voice in its design and no influence on its course. Immense riches are being created. But the fundamental problems of poverty exclusion and inequality persist.”

It has been aptly noted in the Report that, “Although discrimination existed long before globalization, it has transformed the scope and characteristics of discrimination processes of regional economic integration among others, can determine whether globalization brings about equity and peace or fuels further inequalities and tensions.”

The cancerous growth of unemployment and underemployment all over the world is the huge source of inequality in the workplace. Without tackling this problem, it would be rather impossible to eradicate workplace inequality. The reserve army of unemployed is utilized as a tool to perpetuate inequality in the workplace in terms of pay, perks and other service conditions, and even discriminates in the matter of providing a workplace to all, irrespective of age, caste, religion and gender.

On another subject, the Report entitled *The promotion of sustainable enterprises* has noted “Given that almost half the world's population – 2.8 billion people – live on less than US\$2 a day and over a billion live on less than US\$1 a day, some commentators have identified the poor as a huge reserve of ‘resilient and creative entrepreneurs and value-conscious consumers’, representing a ‘whole new world of opportunity’.”

Casualization of employment has become the source of intense inequality in the workplace. It has become a worldwide phenomenon that regular employment is being replaced with casual employment. Now casual workers, particularly in developing countries, are paid only a small fraction of the wage paid to the regular workers, although they are doing jobs of a similar nature.

I strongly commend the assertion in the Report that effective collective bargaining is the best tool to address the problem of inequality and discrimination in service conditions. The task identified by the ILO of carrying out an audit of collective bargaining agreements in a number of countries per region, is highly appreciable. While advocating centralized bargaining, the Report noted “the more collective

bargaining is decentralized, the wider the wage disparities could enhance the gender pay gap”.

Shockingly, a World Bank report, entitled *Jobs, Poverty and Working Conditions in South Asia*, has prescribed decentralized negotiations.

It is very well said that “discrimination rooted in society's values and norms needs to be addressed and eliminated” (*World of Work Magazine*). It is our conviction that be it long-term working for desired social systems or realizing conducive political and economic policies, the trade union movement will have to travel through the essential route of unity and struggles. The instruments of immediate focus definitely include the right to employment, the right to trade unions and the right to collective bargaining.

Finally, the steps and programmes outlined in the Report to fight inequalities and discriminations are welcome. Surely a global initiative prioritizing the nations and regions which are seriously affected by this onslaught, inter alia, due to the persuasion of policies with an inherent poisonous seed of inequality, is urgently imperative.

Original Arabic: Mr. RAZZOUK (Government, Lebanon)

Our world today is witnessing a complication which is further aggravated by what takes place in many countries of the world including my country, Lebanon, which has ratified the Documentation (Employment and Occupation) Convention, 1958 (No. 111). Many countries have sought to amend the laws and Acts regarding labour in the light of these Conventions and we believe that national societies are responsible for upholding consciousness, and raising consciousness in social communities.

This Report has emphasized certain aspects by analysing the roots behind discrimination. Discrimination is not restricted to gender but has transcended that. It can have religious affiliations, political affiliations, race and migration movements without any solution. Millions of people throughout the world have been deprived of jobs which can be characterized as dignified and decent. As a result, it was essential to eliminate discrimination at work in order to deepen the dignity of people and entrench social dignity and justice. Secondly, equality at work affords opportunities which pave the way towards elimination of discrimination and this is not only limited to individuals but to society in general.

Thirdly, combating discrimination at work requires all the parties concerned to use as basis for concrete steps to be undertaken at certain limited regular periods.

Fourthly, discrimination has manifested itself in different forms and has gained the attention of the world community. Another manifestation of discrimination is gender discrimination, mainly against women. Discrimination in general terms and on the basis of gender has manifested itself in the unemployment rates and wages, particularly in jobs which are either mainly undertaken by men or women. Consequently, any progress in bridging the gender gap has led to an improvement in the rates of wages given to women and men.

Any efforts to eliminate discrimination should be based mainly on knowledge information, the provision of services, because acute discrimination is present in the deprived societies. Therefore, it is essential to undertake programmes for information and awareness raising which should proceed hand in hand and along parallel lines to provide more

opportunities and better treatment. The question which arises is what would future plans for the elimination of discrimination in work be like. We believe that the main responsibility lies on the shoulders of the ILO and this august Conference to urge progress, in this environment, in this respect. We also believe that this role in itself is the main point which should be carefully adopted and upheld. This serves as the launching pad for the declaration of the international plan of action with regard to the main lines towards employment. We believe that this should emanate from three main strategies – namely, that societies should define discrimination from their own viewpoints and the trends prevailing in their societies and the relevant institutions should harness political will and social mobilization in order to give the necessary push to attain the objective of the elimination of discrimination and to provide equality at work.

Secondly, an essential and long-term policy in information and eliminating any negative information with regard to the problems faced by marginalized groups is essential to harness and mobilize public opinion leaders as well as influential personalities.

The next point is to try to involve the services, for example, of inspection on labour as well as social services. We should examine the results closely because they should be accompanied by follow-up action.

Discrimination is a subject of condemnation throughout the world for the world has moved from denying discrimination to awareness of the existence of discrimination and taking the necessary steps.

Secondly, governments, employers and workers share equal responsibilities for efforts to eliminate discrimination at work. Thirdly, gigantic efforts are essential to eliminate discrimination on the basis of gender and to provide equality between men and women by concentrating on the elimination of barriers hindering employment.

Fourthly, we have to encourage technical assistance and cooperation through programmes and plans targeting certain groups such as women workers, migrant workers and handicapped workers. Such activities should continue to be deep rooted and entrenched in order to pave the way for the adoption of courageous and brave steps so as to eliminate certain sensitivities, particularly in dealing with cases of ethnic affiliations or religious affiliations.

Fifthly, we have to adopt the proper strategies to combat and alleviate poverty and those policies should aim at improving labour mechanisms. Such policies should be based on exerting concentrated and concerted efforts to improve labour conditions.

And finally, the prohibition of discrimination would constitute a major step, paving the way towards the actual elimination of discrimination. The main touchstone would be the proper implementation and the logical implementation of legislation and this should be effected by proper equipping of the social partners with what is required to create a suitable environment that paves the way for social dialogue leading to proper equality.

As for this Global Report, it would only be true to state that this Report, as a universal declaration of labour rights, lays down a global basis for eliminating all discrimination. This Report is rich enough to serve as an inlet to a world which would be definitely better bridging the wide gap between various

social classes. And different countries and States should accord this Report every importance when passing their own legislations and codes based on the world concept of eliminating the worst kinds of discrimination.

I thank you for your attention, and hope that this august Conference will take concrete steps to achieve equality and eliminate discrimination.

Original Spanish: Ms. SABORIO MARCHENA (Employer, Costa Rica)

We have read the Global Report with great interest, mainly because in recent years Costa Rica has made considerable progress in the implementation of one of the ILO's fundamental principles, namely the elimination of discrimination at the workplace, in particular gender discrimination. Regarding equality at work, Costa Rica has ratified the 1958 ILO Convention No. 111 concerning discrimination in respect of employment and occupation. Specific legislation on the prohibition of discrimination at the workplace has been in place since 1960. We also have a National Women's Institute (INAMU), which promotes the rights of women with a view to contributing to a more just and egalitarian society that guarantees gender equality.

INAMU's executive chairperson has ministerial rank and its policies are thus promoted by the Government. A Presidential Decree adopted in 2003 defines situations constituting discrimination at work and authorizes the labour inspectorate to investigate complaints received and take the necessary action to rectify the situation in accordance with labour regulations. There is also a telephone support service concerning labour-related issues within the Gender Equality Unit that follows up on specific cases of discrimination and sexual harassment.

I should also mention that INAMU is responsible for setting up gender desks in all public institutions, municipalities, ministries and other bodies throughout the national territory, which provide advice to women.

In this connection, and given that one of the problems arising for women at the workplace is sexual harassment, Costa Rica recently adopted legislation on sexual harassment in employment and education, which is mentioned in paragraph 61 of the Report.

A few months ago, a parliamentarian was brought before the Labour Tribunal of the Supreme Court of Justice on charges of sexual harassment of one of his advisers, despite the immunity he enjoyed.

With regard to equal remuneration, the Report mentions on page 23 the progress made in this regard in Costa Rica and the United Kingdom. However, the salary gap between men and women is still 15 per cent. Thus, although progress has been made in recent years, much remains to be done to raise awareness concerning work of equal value in the labour market.

This greater appreciation for female labour, which translates into a wage increase, runs parallel to greater regional economic integration and the conclusion of bilateral agreements that provide for effective follow-up mechanism. One example is the Agreement on Labour Cooperation between Costa Rica and Canada, which explicitly refers to non-discrimination and equal wages as principles and rights to be upheld by the contracting parties.

The TeleSec agreement negotiated between Central American countries and the United States of

America, which has already been ratified by six of the seven signatory states, provides for trade sanctions to be imposed on countries that fail to comply with their labour legislation, which in the case of Costa Rica includes the principle of non-discrimination. The Employers' Federation supported this initiative and, as an ILO constituent, we also support the programmes of the Ministry of Labour and the project to monitor compliance with labour standards.

Costa Rica is one of the most open economies on the American continent. We have signed agreements with Chile, Canada, Mexico and the Caribbean and the Central American community, are finalizing negotiations with Panama and are preparing an agreement of association with Europe.

With regard to education, I should mention that female school enrolment rates have also increased in recent years, as have their achievement rates at the primary, secondary and higher education levels. When looking at education statistics, we note that women not only stay in school longer, but are also better students than men. However, certain fundamental disparities persist. Most men are enrolled in technical and scientific studies, while women tend to enrol in educational and social science courses. Thus, although they drop out less frequently than men and have better academic achievement rates, women continue to choose primarily typically female careers, as is the case for education, which are often less valued.

The growth of certain productive sectors calls for specific qualifications that are not directly related with professions where women tend to be represented disproportionately. A few months ago, we organized a conference where we tried to establish the labour force requirements of companies, because we try to achieve a greater and better integration of women in the labour market. We did this for three productive sectors. To mention one example, ten men enrolled for every 12 women in Costa Rican state universities in 2001, according to a study on science, technology and gender. In the 1990s, university graduation rates disaggregated by gender, taking as a basis the totality of degrees awarded in science and technology, showed an overrepresentation of men, which means that there is a problem, not in terms of the length of time spent in education, but rather in terms of the career courses chosen.

Significant progress has been made in respect of school enrolment, but the Costa Rican education system still faces important challenges when it comes to eliminating gender stereotypes, especially with regard to unspoken education on gender roles, where schools continue to convey subconscious messages that reaffirm unequal power relations, rather than foster attitudinal changes towards gender equality, which has negative repercussions on citizens' status. We are therefore in urgent need of a change of cultural paradigms in Costa Rica, despite the progress, because the female unemployment rate is three percentage points above the national average.

Progress has also been made with regard to political participation. In 1996, a 40 per cent quota for women's candidature for political posts was introduced. The quota system aims at ensuring the effective integration of women in decision-making bodies of political parties and other social groups, as well as seats in elections.

A study carried out by INAMU highlights the history of women's role as local leaders, that is as heads of local government, in our country. In 1953 there were only five women leaders, in 1986 there were 29 and in 2002 there were 237 women occupying these posts. Similarly, of the 57 members of Parliament in 1958, only two were women, which accounts for 4 per cent. Their participation has steadily increased since. In 2002, 35 per cent of women held parliamentary seats and in 2006, 23 women parliamentarians were appointed to the National Assembly. One year earlier, all political parties in the National Assembly were headed by women. However, although women increasingly occupy top-level positions, more must be done. While it is not unusual to see women human resource managers or women heads of administration, it is less common to see women general managers or women presidents. However, most employers' organizations in Costa Rica are chaired by women. Gender rights in Costa Rica are upheld, although we have to address priority issues such as poverty in female-headed households, underemployment, access to credit, and the creation of more formal employment. Improvements have been seen in terms of life expectancy, net female employment rates and school enrolment. It is vital to devise specific policies to assist this important segment of the population, and we do this at the employers' organization which I have the honour of chairing.

To conclude, I would like to mention that in April 2007 legislation was adopted to criminalize gender-based violence, which had been pending for seven years. In 2005, the social partners adopted a pension reform, which retained the difference in retirement age for men and women and provides the possibility for both men and women to retire early.

The gender issue is not only a pillar of national development policies; with the opening of the markets, compliance with labour standards has become of fundamental importance. We have also evolved as a society, but much remains to be done, not only in the area of gender, but also with regard to youth employment and the employment of over-40s, which the reports refers to as new emerging forms of discrimination. Various legislative initiatives are in place to address this problem through the active participation of the private sector, because in Costa Rica nine out of every ten persons works in the private sector, which is why, as an organization, we consider this issue of vital importance.

Original Portuguese: Mr. FELICIO (Worker, Brazil)

I would like to highlight the importance of the Global Report. It is an important indicator that governments, employers and workers can all make use of to lay down policies in their countries. At the same time, on the basis of this Report, they can draw up improved laws so that the world of work is made more human. In our assessment, there still is much discrimination in the world of work with regard to women, blacks, indigenous people, gays, lesbians, youth and disabled persons, and we consider that it is natural that governments, employers and entrepreneurs should always make a more positive assessment, presenting their assessments which stress the quality of progress in their country.

However, for us in the world of work, the situation is much crueller than we hear said in this forum, so some aspects are very important for us. We have laws today and Conventions which are drawn

up by the ILO. These laws are also drawn up by countries. However, the general struggle in each country is how to apply these laws. In many cases, governments pass laws, but it is very difficult for those laws to be enforced. For us, the law is of great importance. Laws exist to protect black people, women, young people, and should not be sidelined by entering into a phase or society based on “survival of the fittest”, i.e. one in which capital earners have political clout. Laws must be complied with in each country, and in our country recently we were able to draft some laws to protect women, black people and young people by means of affirmative policies drawn up in partnership by the social partners and by the present Government of Brazil, which has successfully reduced the discrimination that there has been. I can give you an example, a case which is very important for us. With the participation of the social partners and the Brazilian Government, we prepared a project which is spreading throughout our society. It is called a family purse. Under this project, families are required to keep their children at school and they receive financial assistance from the State. I mention this because the worst thing that can happen to a young person or to a child is that they are excluded from what is fundamental, i.e. school. The excluded child will be very much discriminated against in the future, so education here is of strategic value to combat discrimination which exists in the world of work. We consider that if the child becomes a woman without proper training and education, she will be even more discriminated against. If she is a black woman she will be discriminated against still more. Education therefore has a strategic value in combating far-reaching discrimination, which exists in the world of work.

The second point I would like to look at concerns the informal market. The informal market affects women and men, but in most countries informality affects women more, and black women in particular. Disabled people and other sectors of society which are belittled are also affected. Drawing up laws which combat informal work is fundamental for us if we are to reduce the far-reaching discrimination that exists in all societies.

Finally, I would like to stress one aspect which is very important for us, that is affirmative policies. Law is important, but there is also a need for employees, employers and governments to establish affirmative partnerships so that we can humanize the world of work. In the case of my country, the present Government has created a secretariat to combat racism, a secretariat for women, for young people, which is an excellent area for partnership so that we can humanize the world of work.

Lastly, I wish to highlight what was said here by a Brazilian entrepreneur, and I hope that businessmen throughout the world and governments throughout the world will not go along with what he said, because I think that it will perpetuate discrimination. Criticizing the existence of quotas and considering maternity leave to be a privilege, but without suggesting any alternatives, will increase discrimination and should be avoided. I hope no-one will go along and support these suggestions, which in our view are not in line with the ILO's principles, nor with what the world of work needs. We want it to be more humane and we should not persist with the exploitation that is often so common in the world of work.

Original Chinese: Mr. JIANG (Worker, China)

The Reports that have been published between 2003 and today show that there is still discrimination in the world of work all over the world, as well as sexual discrimination. This year's Global Report, entitled *Equality at work: Tackling the challenges*, puts forward many suggestions as to how discrimination at work can be done away with, in legal and economic terms, and how to promote decent work, justice and social cohesion.

The right to work is a fundamental human right and the ILO promotes the Decent Work Agenda in all countries to ensure that everyone has the same opportunities and the same rights.

In the course of a country's social and economic development, it is important, in our opinion, to focus on three specific areas to eliminate discrimination and to ensure that all members of the same community are entitled to the same rights and opportunities.

First of all, employees' self-determination is not unlimited. It has to be limited by law and when this autonomy is exercised employers have to shoulder certain social responsibilities.

Secondly, the Government's role is of key importance, promoting the development of a market economy, and this should be done in such a way that economic and social rights are balanced equally, that social justice is established and that an environment is created within which equality of opportunity and treatment can be guaranteed.

Thirdly, it is important to provide a legal assistance mechanism, designed to promote the entitlement to and enjoyment of equal rights and also to promote tripartism.

In the course of the past few years, China's trade union has played an active part in drafting laws and regulations which will eliminate discrimination in a professional context and has urged the Government to ratify the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The Chinese trade union has spared no effort in promoting equal treatment and the promotion of equal rights for women at work and also the right to equal remuneration. The Chinese trade union is currently making a special effort to promote the rights and interests of the most vulnerable members of society and also to combat prejudice and discrimination in society. To a large extent, these endeavours have been crowned with success. To be more specific, first of all, cooperation has been entered into with financial institutions and, thanks to micro-financing projects, people who have lost their job have been able to work their way out of unemployment.

The trade union is also paying particular attention to employment for the disabled and their social protection. It is playing an active part in protecting the legitimate rights of the disabled members of our society and also in combating any form of discrimination perpetrated against these people.

The Chinese trade union is also working hard to raise an awareness among the public of the need to implement equality and equal rights and equal treatment for men and women. The concept of gender equality has been promoted in all areas, such as employment, the signature of collective agreements, democratic management, social protection, employment security and so forth.

Fourthly, the trade union plays an active role also in the battle against HIV/AIDS, in terms of defending the rights and interests of people afflicted with HIV/AIDS and also making efforts to build an environment where there is no discrimination against people living with HIV/AIDS so that they receive the same opportunities and the same treatment as others.

We live in a world of globalization and in this context we see new forms of discrimination emerging. It is extremely difficult to quantify the extent, or to measure the extent, of this discrimination, which is taking new and very subtle forms. The international community still needs to do a lot of work to combat discrimination. We have noted that, in the Global Report, entitled *Equality at work: Tackling the challenges*, a certain number of proposals are set out regarding the measures which could be taken in the future in certain areas. The approaches outlined in the Report are good and we believe that certain cultural elements and customs must also be taken into account because they also come into play when we are discussing equality at work.

We need to look at forms of education and training so that society as a whole is attuned to the need to combat discrimination. An atmosphere of justice, equality, tolerance and harmony, as well as respect must be put in place. This is a culture which really responds to the needs of today's modern society.

We must promote cultural and educational programmes which will help to promote this spirit and this objective and also promote exchanges among different cultural groups to prevent discrimination from arising.

The ILO has made the promotion of decent work a key instrument in pursuing and achieving these objectives. It has developed policies and reinforced technical cooperation as a means of implementing Conventions Nos 100 and 111 on the basis of tripartism.

The Chinese trade union would like to continue to play an active role in tripartism to combat all forms of discrimination.

Mr. ALAM (*Worker, Bangladesh*)

I have the honour to take the floor and speak on behalf of the working people of Bangladesh. At the very outset, I would like to express my heartfelt gratitude to you and to the distinguished delegates from different countries of the world.

I tried to go through the Global Report, especially the chapter relating to the discrimination in respect of employment and occupation, presented before the opening plenary sitting of the 96th Session of the International Labour Conference, and found it rich with all necessary aspects of the matter, such as the definition of discrimination, its causes and effects, social factors and actors responsible for its elimination, the ILO's stand on it and its commitment to eradicate it. And it is almost an impossible task to make a critical evaluation of such a volume of reports with in the allocated time of five minutes. Hence I intend to make a few comments on it.

To make some comment about discrimination in respect of occupation and employment, in violation of ILO Convention No. 111, I shall have to point out that any discrimination in a given society, whether in respect of employment or occupation or enjoyment of any fundamental social right, has a deep-down root in the very basis of the society –

that is, within the core of the socio-economic formation. We must not forget that discrimination in a society is in fact the mere manifestation or symptom of the disease, not the cause. We cannot take on an impoverished society, lacking fundamental human requirements and based on severe exploitation, with a gulf of difference between the haves and the have-nots, and make it free from discrimination. And, hence, to get rid of it or to eradicate it from society, we have to think about how to root out the basic reason. Without taking this into account all our efforts may be futile.

It is now clearly understood that discrimination in respect of employment and occupation remains in almost all of the countries of the world, though it differs in degree. Its intensity is higher in underdeveloped countries. It is in fact a drawback and a failure of humankind in such an epoch of scientific culmination. However, the ILO launched its initiative to eliminate it a few years ago, and the Report shows that there is some development in different countries, due to Decent Work Country Programmes. The ILO also has to keep in mind, in implementing Decent Work Country Programmes in any particular society, that discrimination in respect of employment and occupation cannot be eradicated independently or, if it is somehow eradicated, will not be sustainable.

Nevertheless, to promote the elimination of discrimination I would like to suggest, from the perspective of my own country, Bangladesh, only three fundamental measures to be taken: (1) the ILO should convince the constituent country to pass labour legislation in compliance with the ILO Convention; (2) it should then make the government proactive in its implementation through its inspection authority, which in fact is a formal rather than a proactive government institution in the experience of my own country; and (3) fair and free adjudication of industrial or labour disputes should be ensured by establishing a competent labour court and a specific labour adjudication system. And all these measures are to be monitored by the ILO country office. These three steps (I believe, at least) will accelerate the elimination of any discrimination in respect of employment and occupation.

(*Mr. Blondel takes the Chair.*)

Original Spanish: Ms. LAU VALDÉS (Government, Cuba)

Since we last, several years ago, looked at the equality work in this Organization, the very serious problems which we saw still persist. What is more, there are new manifestations of discrimination. Decent work is still an unachieved dream for millions of people. Although there are many international action programmes and commitments, there is also a lot of barbarism and selfishness caused by an unequal world order. This makes it all the more important to combat discrimination at work. All the measures which can be taken in order to eradicate inequality will be insufficient unless there is a political will on the part of governments and unless there are substantive change in the conditions in which societies are develop.

It is essential for there to be legal provisions guaranteeing equality, but legislation alone does not solve problems: we need the joint intervention of society and the State to eliminate discrimination in all its various forms.

It is not our intention now to go deeper into the causes of discrimination at work. However, we feel that we should point out that it is not a phenomenon exclusive to developing countries, it is also seen in many countries that are rich in resources. This can be seen in examples given to us in this Report.

In Cuba, we are not overwhelmingly concerned about work. It is a fundamental element in planning the economic and social development of the country. The continuing full employment figures show this. Just to give you an example, the participation of women in work is 44 per cent of the employed. Women comprise 33.5 per cent of managers and 66 per cent of technicians, 43.5 per cent of teachers, 66 per cent of university graduates, 71 per cent of professors in universities and 55 per cent of doctors. In order to share our Cuban experience, let us say that the policy of promoting full employment is implemented by means of the adoption of national, regional and local programmes or programmes for certain segments of the population. The question of new productive jobs, in particular in the social services, which improve the quality of life, is an essential part of policy in our country, as are the creation of jobs for women and young people, for those with disabilities, who can all be fully employed, the development of programmes, which I have already mentioned, a concept of employment through training and preparation for young people through a mixture of teaching and employment, the provisional placement of graduates at all levels, of those coming out after military service and the prisons, just to mention a few cases.

In our system there is no discrimination against the old. Social security legislation establishes an increase for the pensions of those who reach retirement age and remain at work. Those suffering from AIDS and other diseases have protection at work in accordance with the law.

Overcoming the obstacles due to the blockade with which we are all familiar, all people having a position in society means that the dignity of the person is fulfilled through many programmes to bring greater equality and social justice.

Urgent measures to radically change the unequal world we live in, measures to eradicate aggression, pressure, indebtedness and the imposition of conditions, also the achievement of equality at work. The ILO can contribute certainly to this.

Mr. GANDHI (*Employer, India*)

I would like to take this opportunity to complement the Director-General for bringing a very comprehensive Report *Equality at work: Tackling the challenges*.

The Report very clearly illustrates and comprehends the need for equality at work. Indeed, discrimination at work has no place and should have no place in today's economy. We firmly believe that discrimination at work could be removed by the collective efforts of all the social partners. Employers' organizations could make efforts to remove discrimination at work by way of affirmative action. Through affirmative action, efforts could be made to bring disadvantaged groups to the forefront and to mainstream job activities. Efforts should be made to create employability and not employment. The following activities could be undertaken and targets could be set for disadvantaged groups to give them equal opportunities for employment, namely, skills development, entrepreneurship development, schol-

arships for higher education, agreements with universities, for coaching, preparation for interviews, etc. So without taking much time to conclude, I would just like to mention that though the task at hand appears daunting, but it could be easily overcome through consultations, discussions and developing win-win partnerships between governments, trade unions and employers. This I can say with confidence, because my organization, the Confederation of Indian Industry, that is the CII, has already undertaken an ambitious programme for one of the disadvantaged groups to meet most of the aforementioned targets in a limited way.

Original Portuguese: Mr. LIMA DA COSTA (Worker, Guinea-Bissau)

It is with honour and a feeling of responsibility that I address this Conference on the subject of the elimination of discrimination in employment, a common problem in many of the countries present in this forum.

First and foremost, on behalf of the workers of Guinea-Bissau, I would like to congratulate you on the way in which this Conference is being organized, and on the words spoken by the President and by the Director-General of the ILO, which show the profound importance of the ILO in dealing with employment problems at international level.

In Guinea-Bissau, freedom of association and protection of the right to organize, resulted from the political changes which took place at the beginning of the 1990s. These rights bring together many of the rights, freedoms and guarantees recognized by the Constitution.

Indeed, the practice of this exercise is an important element in our social labour relations and it has led to a number of agreements between the Government, employers and workers over the last ten years. Tripartite partnership has been guaranteed the constitution of the partnership commission, workers are involved in matters of development and local government. Discrimination because of sex, religion or anything else, left over from the colony area, has now been abolished.

However, following the most recent political developments in the country, the practice of the full exercise of the labour rights has suffered a severe setback with the establishment of the Government headed by Aristides Gomes, which placed social dialogue, the right to strike and collective bargaining in doubt.

Fortunately, within the framework of the struggle of our workers to promote their rights, Guinea-Bissau now has a new Government which, in its first two months, has shown signs of taking steps to make a change. The steps are timid at the beginning but we consider them to be hopeful.

However, in the recent past, trade union officials were expelled and sacked and the same happened to other workers because of their political colour and not for any reason related to their professional abilities. There were cases when all the members of a trade union committee lost their jobs. As an example, the chairman of the trade union committee at a state enterprise had to make a public apology to the employers and the Government, and it was the employers who organized the relevant press conference.

During the term of office of the last Government, Mr. Gomes, without organizing any consultation with the social partners, decided to change the na-

tional working hours and this gave rise to a 57 per cent increase in the average salary in the public sector. Nothing was done about restructuring the various services and this is a violation of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Through these examples and other serious violations, we need to admit that we have very serious discrimination in terms of employment in Guinea-Bissau. Political instability and legal problems in the different institutions of the Republic are not the only problems. The country needs to return to legality in accordance with the different Conventions it has ratified. In terms of this discrimination regarding employment we need to find mechanisms at ILO level so that we can have more guarantees and better sustainability in the struggle which we are carrying out to help our workers. From the experience we have gained in recent years, we are convinced that the elimination of discrimination in employment and work in all of our countries is directly and indirectly linked to the political and economic structures in which we operate, with particular focus on gender issues for cultural reasons. In the case of Guinea-Bissau, we cannot talk of eliminating discrimination unless first we guarantee labour rights fully. Other instruments are needed to combat poverty and ensure the proper sharing of resources. It is necessary that the mechanisms of the ILO on discrimination in employment and work should be improved and adapted to the new context. I refer here to the Committee on Freedom of Association, which should be boosted to play a more active role. From our point of view, all these ideas need to take account of good governance in politics and in the economy for which the Committee on Freedom of Association lays down its principles to improve the instruments for intervening to bring about social justice and cohesion.

These are the factors which are part of our development and they can be a threat to peace and democracy in particular because of the frequent violations, abuses of power and other ills which unfortunately we see carried out with impunity in Africa. Without these mechanisms there will be continued discrimination in employment, and better dissemination of the Conventions of the ILO and improvement of its mechanisms for arbitration and monitoring could be useful and fundamental.

I think that the time has come for us to think about how to strengthen the ILO, in particular through legal mechanisms. I hope that the results already achieved will be enriched by a contribution which each of us here will give and which will serve as the basis for bringing about these achievements, so that workers and trade unions can participate in decisions which affect them. In our view, the struggle against any kind of discrimination will only be effective when poor people in our continent play a proper role, through their representatives. We need to respect democracy, human rights and labour rights, implementing the Convention Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

We also believe that the absence of individual, economic and social rights, which are fundamental guarantees for citizens and for trade union activists in particular, is the main factor which leads to discrimination in terms of the Universal Declaration of Human Rights. The lack of participation by workers in exercising power therefore, in allocating re-

sources, in the freedom of the press in social dialogue, the right to opposition, which contradicts the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the ILO and the Declaration of Philadelphia, should be combated so that we can bring about a situation which will benefit workers and labour.

(The President asks the speaker to conclude his statement.)

I was coming to the end when you interrupted me, so just to say that these are the suppositions we consider fundamental so that we may have the necessary instruments to eliminate discrimination in employment. That is to say, it is necessary to improve the mechanisms of the ILO and these mechanisms should have a positive influence on the struggle of workers so that discrimination can be eliminated and thus not simply pay lip service to a Convention which is not properly implemented.

Original Spanish: Mr. GARCÍA GRANARA (Government, Peru)

The Government of Peru would like to acknowledge the importance and opportuneness of the Global Report in identifying the progress and difficulties arising in connection with equality at work. Discrimination in all its manifestations is an obstacle to social and economic development, generates social exclusion and it fragments our societies.

In this framework, the Government of Peru would like to make three points as proposals to be added to the Global Report. The first is the need for an integrated approach, which involves cultural, educational and training aspects for our citizens, thus incorporating these concepts of the Report and the experiences compiled therein into the educational and cultural policies in our countries.

A company is not an immobile unit, nor does it exist in isolation from society. The company is a thermometer of what is occurring in our countries, and it is therefore important that concrete practices, which make it possible to articulate public policies and government action, can also have an educational and training component.

Secondly, the Government of Peru wants to make a point about paragraph 265 of the Report, which concludes by stating that there is "evidence of discriminatory practices in public employment services". The source giving rise to this conclusion is provided in box 3.9. However, a review of the notes in the box reveals that there is no reference to the formal procedures applied by Peru's public employment services which do follow international standards, nor does it refer to the results, which are known to employers only after selection has taken place.

It is in our interest to inform you also that, among the labour-related proposals and reforms being implemented in Peru, we are creating a specialized office for fundamental rights at work and an office which will certify good employers' practices.

Thirdly, and this brings me to my conclusion, we think that it is insufficient just to have standards and that good practices also can involve bad practices. Good practices should be known and made known to all players, nationally and internationally. But the negative aspects, bad practices too, should be made known, and we consider that there is a need to strengthen the judicial and labour inspection systems in order to take remedial measures in respect of bad labour practices.

It is in our interest to propose that the work of the ILO and of States should target in particular those vulnerable sectors: micro-enterprises in Peru employ almost 60 per cent of the workforce population. Work in the family, domestic work, where, as stated in the Report, there may in practice be overlapping and a lack of equality.

The Government of Peru confirms its active interest with regard to equality both in terms of standards and with regard to the implementation of preventive and remedial policies in the area of discrimination.

Mr. THOMAS (*Worker, India*)

I congratulate the Director-General in including a complaint placed by my organization, Hind Mazdoor Sabha HMS with regard to India, which generated a heated discussion in the Committee and this plenary with regard to the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100) and find that the three major issues raised are with regard to the disabled, women and HIV-affected persons. Those are weaker sections in society. In the Indian scenario, we find that there is an age-old history, the caste system. The caste system brought it and this has to be eliminated by enforcement as well as involvement. These two things have to be taken note of and, in implementing the law, legislations are adopted by parliament and, once secured by the Government, have to be implemented. During implementation they fail, and I hope the ILO will play an important role in empowering this weaker section with awareness of their human rights and also how come up with proposals on how to take action to implement them.

I am very happy that no speaker here supported discrimination. Being the last to speak, I heard all of the speakers and everyone supported the ILO Conventions and they felt that they have to be implemented in the true sense.

Apart from these three issues I would like to highlight one important front of discrimination which is taking place in the present context of globalization. That is capital already captured in the world of work. Profit is the incentive of the production apparatus and the production relations and production methods have changed, so they want to produce the maximum using any means to get profit.

Then, this aim of profit goes against the fundamental principles of human rights in giving the worker his share. This is seen in a very important sphere, especially in developing countries.

In China, in India and in Asian countries a new phase has developed of what is called special economic zones. These special economic zones are employing people far below the normal rate paid in other factories and other companies. They are sub-contracted and contracted.

There is also the system of franchise, and then there is the system of flow of multinationals going to developing nations to exploit cheap labour. When they exploit cheap labour, they discriminate against the workers from the other workers who are already there. This is an on-going practice in developing countries.

I fear that apart from the three points, which have been highlighted in the document, this is an important area in which the ILO may have to take care and the trade unions and the employers and the governments will have to come up with proper sug-

gestions and incentives to see that no worker is discriminated against in any manner, in any circumstance against another and equality may be achieved.

(Disturbance in the meeting room.)

Original French: The PRESIDENT

I apologize for this disturbance. I shall now ask the spokesperson for the Employers and the spokesperson for the Workers to quickly give us a summary of what you have noted down and the sort of general thrust you see this in, so that the Office can see what it wants to put together for the follow-up of the Governing Body.

Original Spanish: Mr. FUNES DE RIOJA (*Employer, Argentina, speaking on behalf of the Employers' group*)

I would like to make three points rather briefly.

The first is regarding a number of questions which should be clarified. I support and endorse all the statements made by my colleagues in the Employers' sector, who have given their point of view, reality and vision with a regional and local perspective. Also, I would say, in the light of some of the things I have heard, that we are in favour of a market economy, free initiative and a framework of globalization as being the right kind of framework to bring about the kind of equality we all want. We think that, within the framework of respect for these principles, the values of the Declaration, in particular where it talks about equality, are also dear.

The point then, in this context – and I go back to something which has also been said by some other speakers – is that we must give education and information a central role. With regard to information, I must say, that the speed of information and the expansion of information technology has enabled us today to know to a greater extent the evil that we should work together to combat, and that is all forms of discrimination. In that context, I would also like to clarify that for us, the content of the ILO Conventions is very clear and any further definition beyond that should be provided at the level of national circumstances, involving the social partners.

We are in favour of social dialogue as a fundamental element, not only practised in the ILO, but at the national level, to overcome these problems, and we think that we can draw some very important lessons there.

Apart from ratifying the proposals on clarification without information or education at the level of society as a whole through the media and campaigns promoted by the ILO together with governments and social actors, there is also the matter of promoting the formalization of labour, something which can also contribute to the elimination of certain abuses which may occur more easily in the informal economy because of a lack of proper controls.

The strengthening of public institutions and the promotion of public policy on the issue are topics that have been stressed during this interactive dialogue by governments and workers and we would like to add the following:

First, with regard to migration policy, and this is a central aspect in these migration policies, some things are key to avoiding violations of the principle of equality. The second thing relates to the concrete promotion of examples of good practice and inclusive policies.

I think that the ILO and the technical cooperation offices need to take note of the experiences referred to here but could also give us a list of alternatives which do not necessarily have to be applied just as they are. The Governments have taken note of them and have pointed out that sometimes experiences cannot be replicated, but in any case the trends offered by these guides on inclusive policies and good practice can be very positive.

In this sense, we are also prepared to contribute with our examples of guides of good practices which can be applied in national enterprises as well as in international or multinational ones.

We do not accept that subcontracting is a violation of equality. Far from it: we think that international companies which carry out their activities in developing countries contribute to the development of those countries. It is up to each country to make sure that the national laws are complied with. The implementation of good legal principles and control over their application is the responsibility of the states and the ILO should cooperate with them so that their labour ministries can be effective.

I would have liked, too, to have had some input from the ILO about the statements and about how it can contribute. I hope that this will take place in the Governing Body or on a later occasion, so that we can see to what extent all these suggestions and concerns which we have raised, and the experiences we have reported, can be channelled positively so that the subsequent evaluation of the task or the objective of the Global Report can lead to an improvement of the situation.

We believe that some of the statements and comments were general and although they were positive in their content, they were really no more than that. But we have also heard some other interventions where we think that there have been developments in this area that are worth highlighting.

We think that the tripartite commitment under the Declaration and its follow-up should mean that together with the ILO we can show results.

We have also considered to be highly important in the framework of these results the suggestion made for the objective and transparent information provided by the Office, that is to say statistical tables showing evolution not only of the status of the situation but also of the development itself.

We think that such objective and transparent information from the ILO would contribute to the work which we, the social parties, can do in our regional frameworks. Having said that, let me thank you for giving me and the Employers the opportunity to speak in this very interesting discussion, the development of which proves that the work which we do here has been useful and obviously we cannot just find that all our problems are solved at different latitudes. We know it does not happen from one day to the next but that developments can show that we are on the right track and that the work done under the Declaration and its Follow-up will have contributed to this.

Ms. BYERS (*Worker, Canada, speaking on behalf of the Workers' group*)

It has been a long day, but the fact is that there have been lots of very good ideas expressed. We have heard some interesting things on both gender budgets that would be worth following up. What would happen at the ILO if we had those? Family-friendly supports, equality agreements negotiated at

enterprise level, and so on. We are hopeful that as a result of today's discussions it will be possible for us to pull together some of those very good ideas that have been presented. Look at them in terms of the tools that might be there, best practices, discussions at the Governing Body about how we can move this along.

So, it has been long but it also has been very productive in lots of ways. We do want to enter into the official record that the Worker's group wishes to express its appreciation to all the Governments, many of which are not here now, which were honest in their assessments of the situations in their own countries. We believe that this is an absolute expression of political will which is a precondition to tackling discrimination, but we continue to call for firm action to realize the rights enshrined in the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). On the downside, we have very strong feelings that some countries have limited themselves to painting a picture of perfection in their countries to the point that we probably would not recognize their countries, and some have even criticized the Global Report. We do not believe that that is helpful at all.

Governments which state they have no problem with discrimination are contradicting reality. If you look up those same Governments on the list of which countries have or have not ratified the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) I question how they can say they have no problems with discrimination, claiming to be fully inclusive and yet not wanting to ratify those two Conventions.

I have to go back to something this morning that the Canadian Employer representative had to say. I was hoping actually that it might have been said just to see if I was paying attention. A comparison was made between nurses and radiologists or paramedical technicians. The reality is we do compare and need to compare, jobs in terms of skill, effort, responsibility and working conditions. It can be done, it can be done without gender bias, and it is absolutely essential and we need to move ahead on it. As I said this morning, women feel the discrimination every time they take a pay cheque home. I would also underline that, in case we think this is too difficult, people assess value for different kinds of occupations all the time albeit with less scrutiny and objectivity. However some jobs are automatically seen as being more valuable. For the sake of all those women who are earning less than their due, I would ask that we organize a tutorial for people who still have some questions about the issue.

The Employer representative from the Republic of Korea raised the question of performance-rated pay systems. I want to say at this point that that is not the direction we think that people need to go in. In fact, what you bring in is more subjectivity, more discrimination on gender, culture ability, family responsibilities and so on. Again I return to the question of how we can consider performance-rated pay systems to be viable but reject the idea of pay equity, which is a much more objective system.

I wish to point out briefly that several comments were made by representatives of Saudi Arabia and the Gulf countries about migrant workers. What was described in this room is not the life that migrant

workers living, not just in those countries but all around the world.

We also want to say that we have heard a lot of statistics about progress. That is fine, but we need to know that those statistics actually mean something and that they relate to laws that are followed up. In both spirit and practice, we know that discrimination is not going to be dismantled by numbers alone. We need to know that laws are effective and that people are actually brought before tribunals if violations occur. We need to know that people who raise complaints on discrimination do not face further discrimination because of that. For example in my country, we have laws that say you cannot be disciplined for refusing unsafe work, but the reality is that a lot of people who raise complaints about discrimination find themselves the subject of further discrimination because they have made a stand. We want to make sure that people have protection. I want to raise one concern that I overlooked this morning. Paragraph 9 states that discrimination is entrenched both in human nature and in the way institutions operate, and has been part of the community everywhere and at all times. We agree that discrimination can be found throughout our communities across the ages, but we do not believe that discrimination is part of human nature. We cannot accept that. We know that it is something that we recognize, be it discrimination on racism, on sexual orientation, on gender, on age, on ability, on any issue. We even saw it in this room this morning. It is not evident now but this morning you could clearly see gender discrimination that exists in this Organization in terms of who has the opportunity to come to gatherings such as the International Labour Conference. Gender discrimination can be seen within the Governing Body too. We do not think that is human nature, but we do think that it is up to humans to be able to create the change.

I want to close by underlining again that this morning we talked about three priority areas. They are pay equity, racism and capacity building. I wish to underline those again. That is not to say that the other issues we have discussed are not important, but we do have some priority focuses. We as workers call for action to tackle the challenges of equality at work. We want action that is disciplined, that is determined, that is deliberate, that is continuous. It is impossible to adopt a “stop–start” approach and expect to be able to move ahead. We want action that is aligned with the strategic objectives of promoting decent work, action that is going to truly eliminate discrimination from our workplaces. The Workers’ group promotes working together to create a just and equal world which gives voice and gives dignity to all citizens, and we believe that a better world is possible.

Original French: The PRESIDENT

Thank you very much for drawing those conclusions. I would like to thank all the speakers for their

contributions. Of course this debate, because it is no more than a debate, does throw up some proposals for an action plan that the Director-General will put before the Governing Body at its next session in November.

Personally, although I am not going to make a long commentary, nonetheless I would like to note two or three things.

My first point is that this is a very timely and topical discussion. No one challenged that fact. I think everyone said that this is an issue which we really need to get to grips with.

Secondly, I had the feeling that there was a number of common points. I would not go so far as to say that there was consensus. That would be going too far. But I could not help feeling that on various issues we do have a common approach and my friends who are looking after this issue have helped us by putting forward their comments. Then I also felt that there was a political will to do something about it. Governments not only felt that they needed to explain and justify what they were doing in their own country but you could really feel that there was a political determination here. And also on the part of Employers and trade unions there was a will to do something here. So I think that enhances the likelihood of success and progress. I must say that I am particularly happy with this state of affairs because we have before us a very rich and broad ranging and complex issue which raises some fundamental matters of society but of course we cannot live only with history. Nothing is ever definitive and final. If we want to be people or men of progress and peace, then what we must do now is draw the substance from what you have said here this afternoon and put that before the Governing Body in the form of proposals.

I therefore now conclude the debate on the Global Report for this year which was entitled *Equality at work: Tackling the challenges*. This debate is now ended, I wish you all a very pleasant evening.

Original French: A representative of the Government of Senegal

I am speaking on behalf of Senegal. I would like to know more about the follow-up to the statement made by the Minister from Senegal.

Original French: The PRESIDENT

We took note of the declaration made by the Minister representing the Government of Senegal and we shall draw conclusions from this for the next document we draft. It is perfectly possible that the Office will feel it opportune to get in touch with you.

(The Conference adjourned at 7.25 p.m.)

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