

COOK ISLANDS (2016-2018)<sup>1</sup>

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	2016 and 2018 ARs: YES, according to the Government: Involvement of the employers' organizations (Chamber of Commerce), and the workers' organizations (Worker's Association) by means of consultation and communication of a copy of the Government's report.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>		
	<b>Workers' organizations</b>		
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	Cook Islands has ratified neither the <b>Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111)</b> nor the <b>Equal Remuneration Convention, 1951 (No. 100) (C.100)</b> .
		<b>Ratification intention</b>	2018 AR: The Government reported that C.100 and C.111 are unlikely to be ratified. 2016 – 2017 ARs: The Government reported that it is in favour of ratifying C.100 and C.111.
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	NO.
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li><b>Policy</b> According to the Government: There is a policy concerning the elimination of discrimination in employment and occupation. National Gender Policy and National Policy on Disability.</li> <li><b>Legislation</b> The principle of the elimination of discrimination in respect of employment and occupation is recognized through the Relation Act 2012 (Part 5 of Employment).</li> </ul>
		<b>Basic legal provisions</b>	
		<b>Judicial decisions</b>	NIL.
		<b>Grounds of discrimination</b>	2016 AR: According to the Government: Discrimination on the basis of age, disability, health status and maternity are prohibited in Cook Islands. Cook Islands recognize equality of opportunity and treatment and add that equal treatment in the field of remuneration is a fair and reasonable rate that is normally paid to workers for the same or similar work.
		<b>Judicial decisions</b>	NIL.
		<b>Special attention</b>	

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

	<b>Exercise of the principle and right</b>	<b>to particular situations</b>	
		<b>Information/ Data collection and dissemination</b>	<b>2016 AR:</b> According to the Government: Cook Islands does not collect statistics and information on a regular basis in regard to the elimination of discrimination in employment and occupation, however, plan to do so in 2017.
	<b>Prevention/Monitoring, enforcement and sanctions mechanisms</b>	<b>2016 AR:</b> According to the Government: Cook Islands intend to establish special body or institutional machinery in relation to the elimination of discrimination in employment and occupation and in equal treatment in the field of remuneration in 2017. In case the principle concerning the elimination of discrimination in employment and occupation is not respected, parties to an agreement can raise a personal grievance on issues of discrimination.	
	<b>Involvement of the social partners</b>	<b>2016 AR:</b> According to the Government: No social partner was involved in the process of completing the Government's report.	
	<b>Promotional activities</b>		
	<b>Special initiatives/Progress</b>	<b>2016 AR:</b> According to the Government: The Government works with the Secretariat of the Pacific Community for assistance on gender issues.	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	
		<b>Workers' organizations</b>	
	<b>According to the Government</b>	<b>2016 – 2018 ARs:</b> According to the Government: Cook Islands face the following challenges: a) Lack of information and data; b) Social and economic circumstances; c) Legal provisions; d) Prevailing employment practices; e) Lack of capacity of responsible government institutions; f) Lack of capacity of employers' organizations; g) Lack of capacity of workers' organizations; h) Lack of social dialogue on this principle, and i) Lack of public awareness and/or support.	
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<b>2016 – 2018 ARs:</b> According to the Government: Cook Islands requires ILO technical cooperation in the following areas: a) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; b) Awareness-raising, legal literacy and advocacy; c) Strengthening data collection and capacity for statistical collection and analysis; d) Legal reform (labour law and other relevant legislation); e) Capacity building of responsible government institutions; f) Training of other officials (e.g. police, judiciary, social workers, teachers); g) Strengthening capacity of employers' organizations; h) Strengthening capacity of workers' organizations; i) Developing labour market policies that promote equality of opportunity; j) Developing policies regarding equal remuneration; k) Establishing or strengthening specialized institutional machinery; and l) Coordination between institutions (e.g. various ministries and relevant commissions).	
	<b>Offer</b>		
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	NIL		
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL		
<b>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</b>	NIL.		