



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2008)¹: BRUNEI DARUSSALAM

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, under the 2008 Annual Review (AR).		
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations (the National Chamber of Commerce and Industry, NCCI) and workers' organizations (the Brunei Oilfield Workers Union, BOWU) by means of consultation and communication of a copy of the Government's report and country baseline.		
OBSERVATIONS BY THE SOCIAL PARTNERS EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Employers' organizations	2008 AR: Observations by the NCCI and its three affiliates		
	Workers' organizations	2008 AR: Observations by the BOWU.		
	Ratification	Ratification status	Brunei Darussalam has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).	
		Ratification intention	Under consideration for C.100 and C.111, in consultation with the employers' and workers' organizations. 2008 AR: The Government stated that it is considering the possibility to ratify C.100 and C.111, in consultation with the employers' and workers' organizations. The NCCI and the BOWU supported the ratification of both C.100 and C.111.	
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NO		
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy 2008 AR: According to the Government: The elimination of discrimination in respect of employment and occupation is recognized in both aspects (elimination of discrimination in employment and occupation and equality of opportunity and treatment, including in the field of remuneration). National policy on the principle and right is guided by His Majesty's declarations (Titah) concerning the elimination of discrimination in employment and occupation. There is also a National Scheme of Service for the public sector that recognizes the principle and right.		

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, 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

			<p>• Legislation</p> <p>2008 AR: According to the Government: No national laws have specifically dealt with the elimination of discrimination in employment and occupation. Only section 19.2 of the Trade Union Act (CAP 128) prohibits discrimination based on union affiliation, and provides for sanction in case of contravention.</p>
		Basic legal provisions	NO. However, the Trade Union CAP 128 (section 19) deals with discrimination based on union affiliation.
		Grounds of discrimination	NO
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	NIL
		Information/Data collection and dissemination	NIL. However, the Government requested ILO assistance in this regard.
Prevention/Monitoring, enforcement and sanction mechanisms	2008 AR: According to the Government: The Labour Department is in charge of enforcing labour laws and regulations. Concerning discrimination based on union affiliation, the Trade Union Act (CAP 128), section 19, provides for penal sanctions (fines of B\$ 6,000 (about US\$ 4, 445 as of November 2007) and 6 months imprisonment) when an employer contravenes the provisions of this Act by denying freedom of association to a worker and discriminating him by reason of his being or not being a member of a trade union. According to the Government, no cases of discrimination at workplace have been reported so far to the Labour Department and judicial authorities.		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	NIL	
	Promotional activities	Institutions to promote equality	NO. 2008 AR: According to the Government: No, for the time being.
		Other activities	2008 AR: According to the Government: Officials of the Labour Department of the Ministry of Home Affairs and of the Attorney General's Office as well as representatives of employers' and workers' organizations were sensitized on the fundamental principles and rights at work and ILO fundamental Conventions during ILO's assistance in reporting issues carried out in November 2007. The NCCI stated that it promotes the relationship between these principles and rights at work, decent work and sustainable enterprises through discussions among its members and with the Government. The BOWU stated that it organizes monthly meetings to increase knowledge on ILO and fundamental principles and rights at work among its members.
	Special initiatives/Progress	NIL	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: According to the NCCI: No major problems are being encountered to realize the PR in the country. However, there are not enough women among high-ranking position officers and managers.
		Workers' organizations	2008 AR: According to the BOWU: There are no major problems of discrimination in employment and occupation in the country. The BOWU is not aware of such practice in Brunei Darussalam.
	According to the Government	(i) Lack of public awareness and/or support; (ii) Lack of information and data; (iii) legal provisions; (iv) lack of capacity of responsible government institutions; (v) lack of capacity of employers' and workers' organizations; and (vi) lack of social dialogue.	

TECHNICAL COOPERATION	Request	<p>2008 AR: According to the Government: ILO technical cooperation will be needed to facilitate the realisation of the PR in Brunei Darussalam, in particular in the following areas, by order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; awareness-raising, legal literacy and advocacy; sharing of experiences (best-practices) across countries/regions; capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; coordination between institutions (e.g. various Ministries and relevant commissions); (2) Strengthening data collection and capacity for statistical analysis; legal reform (labour law and other relevant legislation); training of other officials (e.g. police, judiciary, social workers, teachers); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; and (3) Establishing or strengthening specialized institutional machinery. In addition, social dialogue of the PR is an important step to be addressed in the country. These priorities may be satisfied through the preparation of survey/seminar to promote and realize the fundamental principles and rights at work in Brunei Darussalam, in consultation with the employers' and workers' organizations.</p> <p>The NCCI and the BOWU supported the Government's requests, including the capacity building of the employers' and workers' organizations and the preparation of a survey/seminar to promote and realise the fundamental principles and rights at work in Brunei Darussalam, in consultation with the employers' and workers' organizations.</p>
	Offer	ILO (consultations on Decent Work Country Programme and assistance in reporting under the AR) and the United Nations (CEDAW).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the first report by Brunei Darussalam in cooperation with the ILO, and the intentions expressed by most governments, including the Government of Brunei Darussalam, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 64, 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	