



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: TIMOR-LESTE

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

REPORTING	Fulfillment of Government's reporting obligations	YES, since the 2006 Annual Review (AR). Timor-Leste joined the ILO in 2003.		
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the União Nacional de Pequenas Empresas (UNAPE) (National Union of Small Enterprises), the Associação Empresários Timor Loro Sa'e (ASSET LORO SA'E) (Employers' Association of Timor Leste), the Serikat Bekerja Sosialist Timorese (SBST) (Socialist Timorese Trade Union); and the Konfederasaun Sindikatu Timor-Leste (KSTL) (Timor-Leste Confederation of Trade Unions) by means of consultation and communication of a copy of Government's reports.		
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL		
	Workers' organizations	NIL		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Timor-Leste 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	2008 AR: According to the Government: ILO technical assistance is needed in order to understand better international labour standards (ILS) and the Declaration and a labour law review before the process of ratification of C.100 and C.111 can be initiated in Timor-Leste. 2006 AR: There are no indications in the Government's report.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	2008 AR: The Government indicated that Articles 16 and 17 of Part II of its Constitution entitled «Fundamental Rights, Duties, Freedoms and Guarantees» include the principle of non-discrimination in respect of employment and occupation.	
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy 2006 AR: According to the Government: The national policy concerning the principle and right (PR) in Timor-Leste is set out under Section 2 of the Labour Code. • Legislation The Labour Code (Regulation No.2002/5), section 2, prohibits discrimination in employment and occupation). Section 9 of the same text prohibits unequal treatment in remuneration; however, there is no 	
EFFORTS AND PROGRESS MADE IN REALIZING 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

			definition of «equal treatment» in the field of remuneration.
		Basic legal provisions	The Labour Code, 2002 (sections 2 and 9).
		Grounds of discrimination	2006 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction, social origin, and others (sexual orientation, maternity, family responsibility, health status – HIV/AIDS and disabled persons – language and age). Moreover, under Section of the Labour Code, discrimination means any distinction, exclusion or preference based on race, colour, national extraction, sex, sexual orientation, maternity, family responsibility, religion, political opinion, social origin, health status including HIV/AIDS, disability, language or age which directly or indirectly nullifies or hinders equality of opportunity or treatment in access to training, access to jobs and terms and conditions of employment, but does not include specific requirements based on the inherent nature of the particular job.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	2006 AR: According to the Government: Specific measures have been implemented or are envisaged to respect, promote and realize this principle and right in Timor-Leste, for the following category of workers: (i) workers in establishments of a certain size; (ii) workers in particular types of employment (for example, part-time, temporary); (iii) agricultural workers; (iv) workers in EPZs, and (v) migrant workers. Further similar measures are envisaged.
		Information/Data collection and dissemination	2006 AR: According to the Government: The Government collects statistics and information on a regular basis relevant to the elimination of discrimination in employment and occupation. Data on remuneration for women and men workers are gathered by labour inspectors from the Ministry of Labour.
	Prevention/Monitoring, enforcement and sanction mechanisms	2006 AR: According to the Government: A National Labour Board has been established. Specific measures are envisaged to respect, promote and realize the PR. The Government has yet to find cases where the principle and right (PR) has not been respected.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	YES 2006 AR: According to the Government: There is a tripartite examination of issues. Employers' and workers' organizations have been involved in the development and implementation of government measures through their participation in the National Labour Board, which is the responsible Government institution for <i>inter alia</i> , policy advice and dispute settlement.	
	Promotional activities	Institutions to promote equality	NO
		Other activities	2008 AR: The Government indicated that a government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre. 2007 AR: According to Government: Workshops and conferences were organized for the employers' and workers' representatives.
Special initiatives/Progress	NIL		
CHALLENGES IN REALIZING THE	According to the social partners	Employers' organizations	NIL

PRINCIPLE AND RIGHT		Workers' organizations	NIL
	According to the Government	<p>2008 AR: The Government indicated the following challenges: (i) legal provisions; (ii) lack of public awareness; (iii) capacity building and (iv) labour inspection services are weak.</p> <p>2007 AR: According to the Government: The military crisis has affected the country in the last few months.</p> <p>2006 AR: The main difficulties encountered in realizing the PR are as follows: (i) lack of information and data; (ii) social values, cultural traditions; (iii) social and economic circumstances; (iv) legal provisions; (v)) lack of capacity of responsible government institutions (labour inspection, in particular); (vi)) lack of capacity of employers' organizations; (vii) lack of capacity of workers' organizations prevailing employment practices; (viii) lack of social dialogue.</p>	
TECHNICAL COOPERATION	Request	<p>2008 AR: The Government request ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW.</p> <p>2007 AR: According to the Government: There is a need for ILO advice and training for the officials and staff on the PR.</p> <p>2006 AR: According to Government: There is a need for ILO technical cooperation to facilitate the realization of this principle and right (PR) in Timor-Leste, in particular in the following areas, in order of priority: (1) Capacity building of responsible government institutions; (2) strengthening capacity of employers' organizations; (3) strengthening capacity of workers' organizations; (4) legal reform (labour law and other relevant legislation); (5) strengthening data collection and capacity for statistical analysis; (6) awareness-raising, legal literacy and advocacy; (7) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (8) developing labour market policies that promote equality of opportunity; (9) training of other officials (police, judiciary, social workers, teachers); (10) developing policies regarding equal remuneration; (11) establishing or strengthening specialized institutional machinery; (12) cooperation between institutions (e.g. various ministries and relevant commissions); and (13) sharing of experiences across countries/regions.</p>	
	Offer	ILO (including labour law reform and assistance in reporting under the 2006 AR). The Government also works with multilateral agencies, donors bilaterally and/or non-governmental organizations at the multilateral level in relation to the elimination of discrimination in employment and occupation.	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Timor-Leste, 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 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from Timor-Leste (and few other countries) that had never reported under the Declaration Annual Review (Cf. Paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL		