

**FOR DEBATE AND GUIDANCE**

SIXTH ITEM ON THE AGENDA

**General status report on ILO action
concerning discrimination in
employment and occupation****Introduction**

1. Discrimination in employment and occupation, with its broad and evolving manifestations, continues to challenge ILO constituents, resulting in numerous requests from all regions for ILO assistance. Non-discrimination and promoting equality have been, and remain, one of the fundamental principles of the ILO. It is reflected in the ILO Constitution and underpins the concept of decent work. It is also a key component for promoting poverty-reduction strategies,¹ peace-building and security,² as well as sound business practice.³ Just as the manifestations of discrimination and country contexts vary considerably, so do the approaches to combating discrimination and promoting equality in the world of work. This is reflected in the broad range of ILO work in this area, as illustrated in the following sections.
2. While distinct grounds of discrimination exist, including sex, race, colour, religion, political opinion, national extraction, social origin, disability and age, many of these are linked in practice, and there is often a cycle of cumulative disadvantage. There has also been a focus on the situation of particular groups of workers, including migrant workers, workers with disabilities, those with or perceived to have HIV/AIDS, indigenous and tribal peoples, and workers in the occupied Arab territories. The links between discrimination, poverty, forced labour and child labour have also been recognized, calling for integrated strategies.
3. Many international organizations deal with aspects of discrimination, but the ILO does so most comprehensively with a dedicated instrument on the subject, namely the

¹ See *Working out of poverty*, Report of the Director-General, Geneva, 2003.

² See *The situation of workers in the occupied Arab territories*, Appendix to the Report of the Director-General, International Labour Conference, 2005.

³ See *Employers' organizations taking the lead on gender equality: Case studies from 10 countries*, ACT/EMP paper No. 43, 2005, pp. 9-10.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111). This Convention, along with the Equal Remuneration Convention, 1951 (No. 100), and the Declaration on Fundamental Principles and Rights at Work, 1998, provide the basis for ILO action concerning discrimination and the promotion of equality. A number of other ILO instruments are also relevant, including those regarding employment policy, job creation, human resources development, maternity protection, migrant workers, workers with disabilities, workers with family responsibilities, and indigenous and tribal peoples. The 2004 Conference resolution⁴ also calls on governments, social partners and the ILO to contribute actively to the promotion of gender equality, pay equity and maternity protection.

4. While issues relating to discrimination are addressed in other Governing Body forums, including the Committee on Technical Cooperation, and in the presentation and discussion of the Global Report on equality every four years,⁵ the present report has historically had a unique and important role. Discrimination was originally discussed in the Governing Body's Committee on Discrimination, and later in the LILS Committee, following the restructuring of the Governing Body in 1993.⁶ The report provides an opportunity to review on a regular basis the ILO work in member States and across the Office, addressing all means of action.
5. This paper thus examines the strategies developed and implemented with ILO constituents to address discrimination and promote equality in employment and occupation over the past year. Given the limitations of space, the full breadth and depth of the work being undertaken cannot be fully reflected, so illustrative examples have been highlighted. This document sets out a range of strategies and approaches, guidance from the ILO supervisory system, information concerning workers in the occupied Arab territories, and reflects on challenges and opportunities.

Situation of workers of the occupied Arab territories

6. The situation of the workers of the occupied Arab territories was discussed separately by the Governing Body until March 1994, at which time the Governing Body recommended that it be entrusted to the Committee on Legal Issues and International Labour Standards.⁷ The Office has continued to examine the situation, and again sent missions to Israel, the occupied Arab territories and to the Syrian Arab Republic in 2005. The missions considered matters relating to equality of opportunity and treatment of workers of the occupied Arab territories.⁸ The report particularly highlights the persisting discrimination against Arab people in the occupied Syrian Golan.

⁴ International Labour Conference, 2004, resolution concerning the promotion of gender equality, pay equity and maternity protection.

⁵ *Time for equality at work: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, ILO, Geneva, 2003. The next report is scheduled for 2007.

⁶ GB.256/13/24. See also GB.259/LILS/6/6; GB.259/LILS/5/7.

⁷ GB.259/9/31; GB.261/LILS/5/7.

⁸ See *The situation of workers of the occupied Arab territories*, Appendix to the Report of the Director-General, International Labour Conference, 2005.

Guidance from the supervisory process

7. The ILO supervisory bodies provide valuable guidance to the Office and ILO constituents in identifying and prioritizing issues to be examined in the context of discrimination and action to be considered.
8. In 2005, the Committee of Experts on the Application of Conventions and Recommendations continued to note positive developments in the adoption of new legislation prohibiting discrimination and providing a more holistic framework for equality, including equal remuneration, in a number of countries. It also drew attention to situations where the application of the relevant Conventions in law needed to be improved, particularly where no adequate legislative protection from discrimination exists or where some categories of workers are excluded from the scope of existing protection.⁹ In several countries legal provisions on equal remuneration were found to be not fully in line with the principle set out in Convention No. 100, with particular problems noted regarding implementing the concept of “equal value”. In several instances, the Committee noted the lack of a national policy to promote equality of opportunity and treatment in employment and occupation with respect to all the grounds of discrimination covered by Convention No. 111.
9. The Committee of Experts also indicates that even where laws and policies on non-discrimination and equality have been put in place, their implementation in practice often remains a challenge. Promoting better understanding and knowledge of equality principles is frequently stressed by the Committee as crucial to ensuring practical application of equality standards. With regard to the existing pay differentials between men and women, which remain one of the most persistent forms of gender inequalities, the Committee stressed the need for the development and use of objective job evaluation systems that are free from gender bias. It also urged governments to collect and analyse appropriate statistics to determine the full extent of existing remuneration inequalities and gender-based wage differentials. In the context of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Committee has emphasized the need for inclusive mechanisms of dialogue as a means of preventing discrimination or avoiding its perpetuation.

Strategies and approaches

10. A number of strategies and approaches can be identified as a means to combat discrimination and promote equality on the basis of the information for the period under review.

Promoting ratification of relevant ILO Conventions

11. Ratification of equality Conventions, though not an end in itself, demonstrates the commitment of member States to the principles embodied in these Conventions and their application. Promoting the ratification of these Conventions is, therefore, a key strategy to encourage action to eliminate discrimination at the national level. This is being done through highlighting the importance of the principle of non-discrimination in the context of the Decent Work Agenda, facilitating tripartite consultation and consensus, assisting in the examination of national law, policy and practice, and through supporting the formal ratification process.

⁹ Such as domestic or casual workers, agricultural workers or workers employed in export processing zones.

12. Since this Committee's discussion in November 2005 of the promotion of ratification of fundamental ILO Conventions,¹⁰ China's ratification of Convention No. 111 has been registered, following a number of years of cooperation between that country and the ILO. Assistance with regard to Conventions Nos. 100 and 111 to a number of other countries is continuing.¹¹ While the number of ratifications is lower for other equality-related Conventions, assistance continues to be requested, and the process of ratification has moved forward in a number of countries in the past year.¹²
13. To achieve more balanced progress in the ratification of relevant Conventions, the design and implementation of ILO technical cooperation and assistance is central to ensuring the promotion of the principles embodied in these instruments with a view to moving towards possible ratification and improved implementation. The concerted efforts by the Office regarding the Workers with Family Responsibilities Convention, 1981 (No. 156), and the Maternity Protection Convention, 2000 (No. 183), which led to decisive moves towards ratification in several countries, appear to confirm the validity of such a strategy.¹³ The Gender Equality Partnership Fund, which supported the implementation of the gender equality objective of the ILO Programme and Budget for 2004-05, has also proven to be an effective tool for increasing constituents' awareness and capacity to promote the ratification and implementation of the four key gender equality Conventions.¹⁴

Strengthening the national legal and policy framework

14. Putting in place an appropriate legal framework concerning equality of opportunity and treatment are at the core of any strategy to eliminate discrimination. Laws establish rights and obligations in the national context, thus setting the normative basis for protection from discrimination and for the promotion of equality. The ILO supports the development of specialized non-discrimination legislation promoting equal opportunities for specific groups of workers. Likewise, the inclusion of appropriate provisions in general labour or employment legislation is important. At the core of ILO-assisted labour law review and reform is tripartite participation. The Office supports national drafting teams, commissions consultants, provides comments on draft legislation, and provides guidance on international labour standards, as well as comparative law and practice. A number of tools

¹⁰ See GB.294/LILS/5.

¹¹ Advisory services are being provided to Samoa, Vanuatu, Kiribati, Solomon Islands and the Democratic Republic of Timor-Leste, to promote and facilitate the ratification of Conventions Nos. 100 and 111, and assistance was provided to the Government of Chile concerning the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

¹² Recent ratifications include the Maternity Protection Convention, 2000 (No. 183) (Cyprus), and the Migration for Employment Convention (Revised), 1949 (No. 97) (Albania and the Republic of Moldova). In Sri Lanka, a national workshop on decent work and peoples with disabilities explored the possibility of ratifying the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

¹³ For example, the Republic of Moldova and Bulgaria decided to ratify the Workers with Family Responsibilities Convention, 1981 (No. 156), while the possible ratification of Conventions Nos. 156 and 183 was included in the Decent Work Action Plan of the Philippines.

¹⁴ Conventions Nos. 100, 111, 156 and 183.

to support legislative processes have been developed.¹⁵ Gender-sensitive drafting and gender-impact analysis of legislation was systematically promoted, including through encouraging gender-balanced composition of drafting teams.

15. In 2005, the Office provided legislative advice to some 20 countries, including regarding discrimination and equality. In many countries ILO assistance has resulted in the adoption of laws which reflect and promote the relevant standards. For instance, as confirmed by the Committee of Experts in 2005, the new Labour Code of Burkina Faso now reflects the principle of equal remuneration for men and women for work of equal value, in accordance with Convention No. 100. Tangible results were also achieved concerning the adoption of legislation to deal with HIV/AIDS, and disability, in the context of work and employment, including issues relating to discrimination.¹⁶
16. Supporting the elaboration, adoption and implementation of policies concerning non-discrimination and equality is another important strategy pursued by the Office. Policies set objectives and targets and identify means of action. The Office supported the elaboration of thematic policies, particularly on gender or racial equality, indigenous and tribal peoples, disability, HIV/AIDS and migration, but also promoted the integration of equality and discrimination issues in broader policies and strategies in areas such as employment or poverty reduction.¹⁷ For instance, in Brazil the ILO assisted the Government, and facilitated consultation with social partners and stakeholders, in developing a national policy to prevent and combat racism, including its gender dimensions, in employment and occupation. Another project resulted in the strengthening of the gender equality components of national employment policies of countries in the Balkans region. This strategy is implemented by the Office, inter alia, through awareness raising of ILO standards and policies,¹⁸ promoting social dialogue, targeted technical inputs¹⁹ and the sharing of good practices.²⁰
17. Legislative assistance and policy advice on discrimination issues are areas in which the Office has developed a recognized competence, with requests from constituents for assistance being received on a regular basis. This is also clearly an area where the work of the Office has had a measurable impact, as evidenced by the numerous cases where laws and policies on equality have been adopted. A considerable number of Office units are active in this area, while, at the same time, an increasing number of other international organizations are carrying out activities in this field. Maintaining the ILO's role as an

¹⁵ In 2005, updates to the Labour Legislation Guidelines and the accompanying Trainer's Guide have been produced. The Guidelines on achieving equal employment opportunities for people with disabilities through legislation were widely disseminated in 2005.

¹⁶ In recent years, new legislation on this issue was drafted with ILO support in Cambodia, India, Kenya, Lesotho, Madagascar, Nigeria, Swaziland, United Republic of Tanzania, Viet Nam and Zambia. In 2005, support was provided to develop comprehensive disability legislation in the United Republic of Tanzania.

¹⁷ In 2005, the ILO carried out ethnic "audits" of Poverty Reduction Strategy Papers (PRSPs) in 14 countries to ascertain whether and how these PRSPs had addressed the specific circumstances of indigenous and tribal peoples and involved them in their formulation.

¹⁸ For instance, the work of the Project on ILO Policy on Indigenous and Tribal Peoples (PRO169), which led to increased interest in ILO policies in this area in Africa and Asia.

¹⁹ For example, substantial technical input has been provided into the design of a National Plan on Affirmative Action in Employment in Brazil.

²⁰ A major tool has been the e.quality@work database.

effective service provider to support the creation of appropriate national legal and policy frameworks on equality at work relies on the continuation of the necessary technical expertise and knowledge base, as well as the coordination among units and offices. Coordination and joint action with other international actors providing legislative and policy advice on equality is also crucial.²¹

Strengthening national institutions and mechanisms

- 18.** The elimination of discrimination requires strong institutions and mechanisms to enforce equality legislation, to identify and address instances of discrimination and to promote equality in employment and occupation. To achieve this, the ILO has supported the establishment of new institutions and mechanisms, as well as the strengthening of existing institutions through capacity building, development of tools, and the fostering of networks and alliances.
- 19.** The Office has been involved in several initiatives to respond to the need for effective institutions to address issues of discrimination, including providing support for the establishment and functioning of the Tripartite Commission on Gender and Race Equality at Work in Brazil.²² The extended presence of an ILO disability adviser in Afghanistan resulted in increased attention being paid to the need to promote equal opportunities for disabled persons, and to the development of a special unit within the Ministry of Labour. The Office is further responding to requests for technical assistance from a number of Latin American countries with a view to facilitating the establishment of appropriate mechanisms of consultation with indigenous and tribal peoples, to strengthen the application of Convention No. 169.
- 20.** Comprehensive approaches to strengthening institutions and mechanisms to promote equality often include promotional activities leading to the adoption of recommendations and action plans to combat discrimination and adopt legislation. There is then a concomitant need for the development of tools and the provision of specialized training or capacity building concerning discrimination and equality. For example, in Indonesia, the Office has worked with the Government and the social partners, following the ratification of Convention No. 111, towards the adoption of legislation, the establishment of a task force on equal employment opportunity (EEO), and the development of guidelines on implementing EEO practices and promoting gender equality at the workplace for companies. Follow-up activities include training for mediators, labour inspectors and human resource managers.
- 21.** The Office also works to strengthen existing institutions and mechanisms in recognizing and addressing discrimination in their daily work. An integrated component of ILO assistance to develop and improve national labour administration systems includes audits of labour departments, involving the social partners, which verify how member States' own gender or equality policies are incorporated into the programmes and activities of labour ministries. These audits have resulted in labour ministries including gender equality issues in their own internal training.

²¹ For instance, the ILO should ensure that assistance by the United Nations system concerning policy and legislation on gender equality promotes ILO policy and standards on gender equality in employment and occupation. In Bosnia and Herzegovina, the UNDP has a coordinating role on gender equality among United Nations agencies, and has called on the ILO to provide advice to a working group regarding the implementation of the law on gender equality.

²² The internal regulations of the Commission recognize the ILO as having a permanent advisory role to the Commission.

22. Labour court judges, legal practitioners and labour inspectors have key roles in the implementation and enforcement of principles of equality and non-discrimination. Specialized training to expand their competencies in this area, therefore, remains an important element of ILO strategy to strengthen the effectiveness of institutions and mechanisms enforcing relevant legislation. An evaluation of the training courses for judges in 2005 confirmed the validity of the methodology used: an increasing number of participants are using international labour standards on equality in their work; the understanding of labour law has improved; knowledge from the training has been shared with legal colleagues; judicial decisions have been influenced.²³ The Office has continued to implement extensive training activities and develop handbooks and guidelines for labour court judges and magistrates concerning HIV/AIDS including with regard to discrimination issues, based on the ILO code of practice on HIV/AIDS and the world of work. A number of new materials have been issued in 2005, such as a handbook for labour and factory inspectors, and guidelines for labour court judges and magistrates.²⁴
23. Employers' and workers' organizations also have a central role in the application of the principles of non-discrimination and equality, particularly where commitment is combined with technical capacity. Targeted training on equality and non-discrimination for government officials, workers' and employers' representatives, and private sector employers provides substantive knowledge of equality and non-discrimination and enables participants to use this knowledge in their day-to-day work.²⁵ In this context, the Governing Body requested the Director-General to ensure gender mainstreaming in all ILO projects and "to increase, through technical cooperation, the capacity of ILO constituents and implementing partners to promote gender equality in the world of work".²⁶ The Office has provided training on gender mainstreaming for ILO constituents to build their capacity to develop gender mainstreamed policies and programmes.²⁷ The ILO gender audit expanded its sphere of impact by extending the audit methodology to its constituent members: an audit with the secretariat of the International Confederation of Free Trade Unions (ICFTU) represented the ILO's first effort in this direction at an international level. Generally, ILO gender audits and other evaluation mechanisms still point to considerable gaps and constraints hindering the implementation of a gender mainstreaming strategy. It is important to note that the mainstreaming of other equality issues, while still lagging

²³ See International Training Centre, Turin. 2005. *Evaluation d'impact des cours sur les Normes Internationales du Travail pour juges, juristes et professeurs de droit (1999-2003)*. A training manual for judges and lawyers is under preparation which will include an equality module.

²⁴ In East Africa, the Office supported capacity-building workshops on mainstreaming HIV/AIDS into labour inspection and labour administration functions.

²⁵ In Asia, the Office has undertaken a number of capacity-building activities for government and social partners. In the Philippines, for example, the ILO supported capacity building for trade unions regarding participatory, gender-neutral job evaluation programmes in both public and private sectors. In China, activities to strengthen the ability of the social partners to address disability issues included training for workers' organizations on how trade unions could address the rights of disabled workers; a training workshop with government, service providers and employers resulted in increased collaboration with private sector companies on employment of disabled workers.

²⁶ GB.292/14, para. 22.

²⁷ In Sri Lanka, for example, gender training has resulted in the Ministry of Labour and the Ministry of Women's Affairs reaching out to communities in a proactive manner with an emphasis on equality. The Gender Policy Guidelines have paved the way for employers' organizations to become proactively engaged in the ongoing activities of the ILO and to develop their own activities. As a follow-up to the gender audit carried out in 2004, gender training was also conducted for trade unions, including a training of trainers on leadership development for women trade unionists.

behind, is gradually becoming more prominent in the areas of indigenous and tribal peoples' issues, HIV/AIDS and disability, with training for staff of the ILO and other international institutions to ensure that equality issues are considered in the context of programming, project development and implementation.²⁸

24. The Office has continued to foster linkages between organizations and institutions to promote networks and alliances as important mechanisms for advocating change. Work in Brazil, Malaysia and Sri Lanka provide examples of Office activities in this area. The Office supported the Malaysian Trade Union Congress (MTUC) in convening trade unions from the main countries of emigration in the region to set up an effective mechanism to give adequate protection to the migrant workers who are working lawfully in the country.²⁹ The First International Symposium on Isolated Indigenous Peoples of the Amazon and the Gran Chaco region, co-sponsored by the ILO and the Ministry of Justice of Brazil, resulted in the establishment of the International Alliance for the Protection of Isolated Indigenous Peoples and the adoption of a declaration for action to strengthen the implementation of Convention No. 169 in the region. In Sri Lanka, the Office is working with the Employers' Federation of Ceylon in developing its Employers' Network on Disability to promote the employment of disabled workers in the business community throughout the country.³⁰
25. Governments, employers' organizations and trade unions are key actors in transferring, maintaining and upgrading the skills of the workforce as a means of expanding employment opportunities for all. Traditionally, skills training and upgrading has not reached all segments of the population equally and the Office is working to promote non-discrimination and equal opportunity in skills acquisition for all men and women. Mainstreaming of existing skills training activities of the Office is being done, for example, through the Women's Entrepreneurship Development and Gender Equality (WEDGE) initiative and through the Education in Labour, Employment and Rights of the Indigenous Peoples (ETEDPI) project. The WEDGE project works with the social partners to mainstream women entrepreneurship development and gender equality through enhancing the knowledge base and extending skills training and services. The ETEDPI has applied innovative methodologies and strategies linking literacy training, basic education, vocational and income-generation training that are adapted to the needs and values of indigenous communities.

²⁸ For example, PRO169 implemented a one-week training course on indigenous and tribal peoples' issues for ILO staff, as well as for staff from other interested multilateral organizations. In collaboration with IPEC, PRO169 has also drafted a set of guidelines for addressing indigenous issues within the context of projects to combat child labour. These initiatives will be followed up in 2006, with further staff training at the regional level, and additional testing of the guidelines in selected countries.

²⁹ The workshop produced a set of conclusions which can be consulted on the MTUC web site (<http://www.mtuc.org.my/migran%20workersworkshop05.htm>). In Thailand, support was provided to a networking workshop on migrant workers for Thai trade unions with resource inputs from trade unions from Cambodia, China (Hong Kong Special Administrative Region), Lao People's Democratic Republic, Malaysia and Singapore, as well as the Myanmar union in exile; in Turkey, a Working Women's Forum was formed as a joint project with the Confederation of Turkish Trade Unions and the United Nations Population Fund (UNFPA).

³⁰ Another striking example where the Office has been successful in supporting alliances is its support to the annual Pay Equity Discussion Forum, bringing together the global union federations and several ILO programmes working on gender equality and pay equity issues.

Promoting action in the workplace

26. It is in the daily decisions and interactions in the workplace that disadvantages accrue to members of some groups and advantages to others; the workplace, therefore, is a privileged entry point to address discrimination. The importance of promoting action at the workplace level as a key element in the ILO strategy is clear from the sheer number of initiatives and requests from employers' and workers' organizations. The Office has worked closely with the employers' organizations of several member States in developing sample workplace policies, compilations of good workplace practices,³¹ practical tool kits and pilot training for enterprises. Some of these materials target larger enterprises, while others target small and medium-sized enterprises.³² Topics range from specific guidance on areas such as HIV/AIDS,³³ ethnic diversity,³⁴ and sexual harassment, to broader guidance on potential discrimination in all aspects of workplace practices from recruitment and hiring, to promotion, training, remuneration, work-family balance, maternity protection, working conditions and sexual harassment.³⁵
27. The Office has also worked with trade unions in developing tools and information for use by shop stewards on HIV/AIDS in the workplace, for union leaders and members in understanding and promoting pay equity and developing training on bias-free job evaluation in the workplace. Tripartite training on collective bargaining seems to be a particularly effective way of bringing both international principles and national legislation to the workplace level, supporting employers and workers in understanding their relevance for improving both workplace productivity and outcomes, and working conditions and opportunities. The Office has promoted the inclusion of equality concerns in the workplace by providing training to the partners on incorporating equality provisions in collective agreements.³⁶

Expanding the knowledge base

28. Discrimination is an evolving and dynamic phenomenon, thus action to prevent and combat it will only be effective if it is based on up-to-date knowledge. Ensuring and expanding an appropriate knowledge base on discrimination issues is, therefore, indispensable, as it underpins the wide range of ILO action described in this paper. This strategy is pursued through the analysis of the extent and nature of existing and newly emerging forms of discrimination on the country, regional and global levels, as well as

³¹ *Employers' organizations taking the lead on gender equality*, op. cit.

³² The action-oriented tools developed and pilot tested under the Work Improvement in Small Enterprises (WISE) programme are an important example in this domain.

³³ A CD-ROM entitled "Employers' organizations and HIV/AIDS – Information, tools and good practice for workplace action against HIV/AIDS".

³⁴ Under the ILO project on "Promoting equality in diversity: Integration in Europe" tool kits for small and medium-sized enterprises and for trade union shop stewards have been prepared to support social partner engagement across the EU in facilitating integration of and combating discrimination against immigrants.

³⁵ Recent examples include the *Equal Employment Opportunity Manual* (and a *Trainers' Manual*) in the Philippines, which has been tested as a practical handbook for corporate managers to develop and implement workplace EEO practices. In Sri Lanka, the Office supported the development of the *Guidelines for Company Policy on Equality/Equity* by the Employers' Federation of Ceylon.

³⁶ For example, in Indonesia and the Ukraine.

statistical data development. Researching and studying anti-discrimination and equality measures with a view to sharing and replicating successful experiences has also proven to be valuable.

- 29.** In 2005, the Office initiated studies on the scope and impact of different job evaluation methods free from gender bias being used in selected countries³⁷ and a cost-benefit analysis of the impact of pay equity laws. A considerable amount of research has been carried out, or is under way, on work and family issues, maternity protection, working conditions of older workers and sexual harassment, which is reinforcing initiatives to promote ratification and application of the ILO standards and principles related to these areas. Research is currently under way to study whether informal employment serves as a buffer for formal employment and how this varies for men and women. The Office has also compiled statistics by sex on subjects that are useful to analyse gender equality in employment.³⁸ Work is also ongoing to expand the Millennium Development Goals indicator 11 on the share of women in non-agricultural paid employment.³⁹
- 30.** Based on the ILO methodology previously applied in seven other European countries, the ILO initiated national “practice testing” surveys in France and Sweden to measure levels and characteristics of discrimination against workers of immigrant origin, with the aim of leading to a strengthening of the anti-discrimination measures. In Viet Nam, support was provided for a study on the employment creation potential of ethnic minority cooperatives and self-help organizations, the results of which will be used to incorporate ethnic minority concerns in the decent work country programme. In India, a major ILO study on discrimination on the basis of social origin has recently been completed. Studies in Cambodia and Cameroon on the participation of indigenous peoples and the reflection of indigenous concerns in national poverty reduction strategy (NPRS) processes have been completed, as well as one in Nepal on indigenous peoples, poverty and conflict.
- 31.** Gender analysis remains an important tool in the identification of inequalities between men and women that need to be addressed in the context of ILO activities. Therefore, the Office has continued to look into the relationship between gender and other issues such as child labour, human trafficking and HIV/AIDS. A number of publications have been produced during this past year on gender and child labour. With respect to indigenous and tribal peoples, in Costa Rica and in Peru, studies were finalized examining the triangular relationship between gender, child labour and discrimination.
- 32.** The Office continued to make knowledge concerning equality and discrimination accessible to constituents and the wider public through the ILO web site. These initiatives include the International Labour Law Observatory, the Legislative Guidelines, the e.quality@work database, the maternity protection and working time databases, and the 100 “Practice Profiles” of initiatives by employers, trade unions, government agencies and NGOs to combat discrimination against migrant workers. Keeping these tools up to date is needed to ensure their continued relevance to the constituents and for the work of the

³⁷ This study was carried out in the context of the preparation of a manual/set of guidelines for a tripartite constituency on how to carry out a job evaluation free from gender bias, with an emphasis on the specific circumstances of small and medium-sized companies in both developing countries and economies in transition.

³⁸ These include distribution of hours of work, agricultural and non-agricultural employment by status of employment and engagement in the informal economy.

³⁹ This is one of the three indicators identified to achieve Goal 3 (Promote gender equality and empower women). See www.un.org/millenniumgoals.

Office. The Office may look into options to make knowledge on discrimination issues available on the Internet in a more consolidated manner.

Influencing the global agenda and building partnerships

- 33.** While the ILO historically had a unique role at the international level in promoting anti-discrimination in employment and occupation, various aspects of this issue are increasingly being taken up by a wide range of international actors. This is a positive development, as discrimination is a cross-cutting issue that needs to be addressed from various perspectives. As a result, collaboration is essential, with a view to promoting international policies and action that take into account ILO non-discrimination principles and standards. At present, this strategy is mainly pursued through participation in international policy-making and standard setting, as well as networking, while in some cases privileged institutionalized partnerships have been created.⁴⁰
- 34.** Influencing the policies and activities of development agencies and banks has also been a key component of this strategy. The ILO recently co-hosted the International Dialogue on Advancing Equity and Racial Inclusion (Brasilia), together with the Inter-American Development Bank (IDB), UNDP and the UK Department for International Development (DFID).⁴¹ The Office also contributed to the preparation by the World Bank's International Finance Corporation of a draft guidance note on its performance standards, which include standards on non-discrimination.
- 35.** The Office's substantive contributions to the United Nations Ad hoc Working Group preparing a Convention on the rights and dignity of persons with disabilities is a recent example of pursuing this strategy in the context of standard setting outside the ILO. Throughout 2005, the Office also continued to work with the other United Nations bodies dealing with discrimination issues, including the relevant treaty bodies, the Commission on Human Rights and its relevant subsidiary bodies and mandates, as well as the Commission on the Status of Women, and the United Nations Permanent Forum on Indigenous Issues.
- 36.** In 2005, the Office continued to ensure ILO visibility in a number of international conferences and summits leading to the adoption of action plans specifically covering non-discrimination concerns and promoting ILO principles. Following active participation of the Office in the Summit of Heads of State of the Organization of American States (Mar del Plata, Argentina), a declaration and plan of action were adopted, which envisage, inter alia, measures to eliminate discrimination and promote equal opportunities.

Challenges and opportunities

- 37.** Non-discrimination is a fundamental principle and right, but perhaps one of the most challenging to address for a number of reasons. Just some of the challenges facing ILO constituents in dealing with this area are the different levels and arenas in which discrimination operates, the strength of individual and societal attitudes and perceptions

⁴⁰ For instance ILO participation in UNAIDS and the Global Partnership Fund for Disability and Development.

⁴¹ One of the main achievements has been the creation of an informal network of resource persons and institutions across the Americas and showing the interconnectedness between racial discrimination at work and in other social spheres. As a follow-up, the Office worked with the IDB to develop a set of racial equality indicators.

about group differences and capabilities, changes in the structure and dynamics of the labour market generating new inequalities, and the difficulty in measuring the outcomes of discrimination in a precise manner. As a result, while ad hoc activities have been useful, where a multi-pronged strategy has been put into place, and workers' and employers' organizations have played a significant role, impact and sustainability tend to be more significant.

- 38.** The large number of contributions received from various ILO units and offices during the preparation of this paper has underscored how widespread is the concern of addressing discrimination and promoting equality among ILO constituents and across the Office. It is also clear that, with the considerable demand for assistance and limited human and financial resources, coordination and coherence are essential. The information in this paper could assist the Office and the constituents in determining how best to build on work already done, and the examples highlighted could provide inspiration for future work in this area. This will be particularly relevant in the elaboration and implementation of the decent work country programmes. As there is no single institutional unit in the Office coordinating work on discrimination, this paper potentially has a key role in stimulating reflection on how to improve the articulation and communication of an overall strategy. Action in the area of non-discrimination and the promotion of equality needs to be pursued as a medium-and long-term commitment, and in an increasingly integrated manner.

Geneva, 9 February 2006.

Submitted for debate and guidance.

Appendix

Selected publications and working papers

- Daza, José Luis (2005): *Informal economy, undeclared work and labour administration*, DIALOGUE Working Paper No. 9, ILO, Geneva.
- Ghellab, Yousef (2005): *Non-discrimination in employment and occupation: Meeting of the labour legislation network of South Eastern Europe*, Budapest.
- Goshesh N.S., Jr.; Lee, Sangheon; McCann, Deirdre (forthcoming): *Conditions of work and employment for older workers in industrialized countries: Understanding the issues*, ILO, Geneva.
- Hein, Catherine (2005): *Reconciling work and family responsibilities: Practical ideas from global experience*, ILO, Geneva.
- ILO (2004): *A guide on employment of older women workers in Estonia*, Series on Gender in Life Cycle, Geneva.
- (2004): *Promoting gender equality – Guide on ILO Conventions and Recommendations of particular concern to women workers*, Geneva (published in three languages).
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