



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: BAHRAIN**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, but no change reports for the 2004 and 2005 Annual Reviews (ARs).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) through written consultations.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> Observations by the BCCI.	
	<b>Workers' organizations</b>	<b>2007 AR:</b> Observations by the GFBTU. <b>2006 AR:</b> Observations by the GFBTU. <b>2003 AR:</b> Observations by the ICFTU. <b>2001 AR:</b> Observations by the ICFTU.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Bahrain ratified in 2000 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b>
		<b>Ratification intention</b>	<b>YES, in 2002 for the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>  <b>2007 AR:</b> According to the Government: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.100. According to the BCCI and the GFBTU: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.100. This Convention should be ratified by Bahrain to eliminate discrimination at work.  <b>2006 AR:</b> According to the GFBTU: The Government should ratify C.100, as well as other ILO fundamental Conventions so that Bahrain can fit with social globalization.  <b>2002 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government was examining C.100 with a view to ratifying it.

<sup>1</sup> 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 the ILO Governing Body.

	<b>Recognition of the principle and right (prospect(s), means of action, main legal provisions)</b>	<b>Constitution</b>	<b>YES</b> The 2002 Constitution (articles 4, 8, 14, 16 and 18) provides that equality and equal opportunity between all citizens are guaranteed.
		<b>Policy/Legislation and/or Regulations</b>	<ul style="list-style-type: none"> <li><b>Policy</b></li> </ul> <b>2001 AR:</b> According to the Government: The Government's policy is set out in the Bahrain Labour Law, 1976, and the Employment Law that adopt the same principles as those set out in the Constitution.
		<b>Basic legal provisions</b>	(i) The Constitution (articles 4, 8, 14, 16 and 18); (ii) the Bahrain Labour Law, 1976 (employment of women, disabled persons and young persons); and (iii) the Employment Law.
		<b>Grounds of discrimination</b>	<b>2002 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of language, origin, and religion.
		<b>Judicial decisions</b>	NIL
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2003 AR:</b> According to the Government: Specific measures have been implemented to respect, promote, and realize the principle and right (PR), for the following categories of workers: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; (iv) agricultural workers; (v) workers engaged in domestic work; (vi) workers in EPZs and (vii) migrant workers.  <b>2000 AR:</b> According to the Government: Women and the disabled.
		<b>Information/Data collection and dissemination</b>	NIL
	<b>Monitoring, enforcement and sanctions mechanisms</b>	<b>2000-2005 ARs:</b> According to the Government: The Constitution and the national legal system contain principles and rules that guarantee the realization of the PR.  <b>2000 AR:</b> According to the Government: Under section 155 of the Labour Law amended by Decree No. 14 of 1993, domestic servants have the right to lodge complaints with the Minister for Labour and Social Affairs, and can take the dispute to the courts if it is not resolved at the Ministry level.	
	<b>Involvement of the social partners</b>	NIL	
	<b>Promotional activities</b>	<b>2007 AR:</b> The Government, the BCCI and the GBFTU referred to their participation in the Fourth ILO/GCC Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.	
	<b>Special initiatives</b>	NIL	
<b>CHALLENGES IN REALIZING THE</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> The BCCI shared the GBFTU's view that equal representation between men and women should be promoted in training seminars.

<b>PRINCIPLE AND RIGHT</b>		<b>Workers' organizations</b>	<p><b>2007 AR:</b> The GBFTU observed that equal representation between men and women should be promoted in training seminars.</p> <p><b>2006 AR:</b> According to the GFBTU: Persisting forms of wage discrimination exist in Bahrain.</p> <p><b>2001 AR:</b> According to the ICFTU: (i) there is no recognition of the concept of equal pay for work of equal value; (ii) there is increasing discrimination at the workplace, including lower age and denial of promotion; and (iii) illiteracy rate is higher among women.</p>
	<b>According to the Government</b>		<p><b>2007 AR:</b> The Government shares the GBFTU's view that equal representation between men and women should be promoted in training seminars.</p> <p><b>2003 AR:</b> In response to the ICFTU's observations, the Government stated that the Bahraini 1976 Labour Law prohibits: (i) discrimination on grounds of sex and nationality in respect of employment and occupation, and education; and (iii) provides for equal pay for work of equal value.</p>
<b>TECHNICAL COOPERATION</b>	<b>Request</b>		<p><b>2007 AR:</b> The BCCI requested ILO technical cooperation for capacity building, enterprise development, organizational management and productivity in relation with the PR. The GBFTU requested ILO technical cooperation to sensitize its members on discrimination issues.</p> <p><b>2006 AR:</b> According to the GFBTU: ILO technical cooperation would be necessary in organizing a national tripartite workshop on ILO fundamental Conventions in Bahrain, so as to identify challenges and solutions and pave the way to ratification.</p> <p><b>2003 AR:</b> According to the Government: A need for ILO technical cooperation to facilitate the realization of the PR in Bahrain exists in the following priority areas: (i) establishing or strengthening specialized institutional machinery; (ii) data collection and information analysis.</p>
	<b>Offer</b>		ILO
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>AR 2004:</b> The IDEAs noted that the GCC States were providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (paragraph 85 of the 2005 Annual Review Introduction).</p> <p><b>2003 AR:</b> The IDEAs commended Bahrain and other GCC States for their continuing dialogue with the Office through the annual review process (paragraph 4 of the 2003 annual Review Introduction).</p> <p><b>2001 AR:</b> The IDEAs hoped in particular that the governments of GCC countries will continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (paragraph 77 of the 2001 Annual Review Introduction).</p>		
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL		



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: JAPAN**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, since the start of the Annual Review (AR) in 2000.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Japan Business Federation (Nippon Keidanren) (JBF) and the Japanese Trade Union Confederation (JTUC-RENGO) through consultations and communication of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2001 AR:</b> Observations by the JBF.	
	<b>Workers' organizations</b>	<b>2007 AR:</b> Observations by the JTUC-RENGO <b>2006 AR:</b> Observations by the JTUC-RENGO <b>2006 AR:</b> Observations by the International Confederation of Free Trade Unions (ICFTU) <b>2006 AR:</b> Observations by the JTUC-RENGO <b>2005 AR:</b> Observations by the JTUC-RENGO <b>2004 AR:</b> Observations by the JTUC-RENGO <b>2003 AR:</b> Observations by the ICFTU <b>2002 AR:</b> Observations by the JTUC-RENGO <b>2001 AR:</b> Observations by the JTUC-RENGO <b>2001 AR:</b> Observations by the ICFTU <b>2000 AR:</b> Observations by the JTUC-RENGO	
<b>EFFORTS AND PROGRESS</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Japan ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100) in 1967.</b>

<sup>1</sup>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 the ILO Governing Body.

<b>MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>		<b>Ratification intention</b>	<p><b>YES, since 2004, for C.111</b></p> <p><b>2000-2006 ARs:</b> According to the Government: Further study is needed in view of, for instance, the relations between the provisions of C.111 and national laws and regulations.</p> <p><b>2000 AR:</b> According to the JTUC-RENGO: The Government should ratify C.111 as soon as possible.</p> <p><b>2001 AR:</b> According to NIKKEIREN: Japan should ratify C.111. Tripartite consultations should be established in order to assess difficulties and obstacles as regards the ratification of this Convention and appropriate measures in order to address them.</p>
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<p><b>YES</b></p> <p>Under the 1947 Constitution (article 14, paragraph 1), "... all people are equal under the law and in political, economic or social relations. There shall be no discrimination on the basis of race, creed, sex, social status or family origin. (Excerpt.)". Discriminatory measures in contravention of the constitutional provisions in laws and/or regulations are prohibited, and in fact, no such laws or regulations and/or administrative measures exist. The Constitution (article 22) guarantees free choice to individuals for any jobs.</p>
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Legislation, regulations and/or policy</b>	<ul style="list-style-type: none"> <li><b>Policy: 2001 and 2006 ARs</b></li> </ul> <p>According to the Government: The Equal Employment Opportunity Law was revised in June 1997 and entered into force in April 1999. Major revisions include: (i) prohibiting discrimination against women workers; (ii) introducing a monitoring and control system for enterprises; (iii) improving a mediation system at the workplace; (iv) abolishing restrictions on overtime and holiday work and night work to women workers; (v) assisting employers in addressing various issues, including sexual harassment at workplaces.</p>
		<b>Basic legal provisions</b>	<p>(i) the Constitution of Japan and Mariners Law (Law No. 100 of 1947) (sections 14 and 22)  (ii) Labour Standards Law (Law No. 49 of 1947), sections 3, 4, and 119  (iii) Mariners Law (Law 100 of 1947), section 6  (iv) National Public Service Law (Law 120 of 1947), sections 27 and 109  (v) Employment Security Law (Law 141 of 1947), sections 2, 3 and 22  (vi) Mariners Employment Security Law (Law 130 of 1948), sections 2 and 4  (vii) Local Public Service Law (Law 261 of 1950), sections 13 and 60  (viii) Equal Employment Opportunity Law (Law 113 of 1972), section 1</p>
		<b>Grounds of discrimination</b>	<b>2004 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.
		<b>Judicial decisions</b>	NIL
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	NIL
		<b>Information/Data collection and dissemination</b>	<b>2005 AR:</b> According to the Government: Relevant statistics on the realization of the principle and right (PR) are regularly kept by the Government.

	<b>Prevention/Monitoring, enforcement and sanctions mechanisms</b>	<p><b>2000-2007 ARs:</b> According to the Government: The Equal Employment Opportunity Department of the Prefectural Labour Bureau visits offices in a planned manner and grasps the employment management system of each enterprise in order to ensure the enforcement of the Equal Employment Opportunity Law. Administrative guidance is implemented in case of violation of this Law.</p> <p><b>2000-2002 ARs:</b> According to the Government: Inspection Offices are established as local branches, and the proper number of necessary personnel is allocated for the monitoring and enforcement of the legal provisions. Dispute settlement is provided through advice, guidance and recommendation or mediation at the request of one or both parties concerned.</p>		
	<b>Involvement of the social partners</b>	<p><b>2005 AR:</b> According to the Government: Employers' and workers' organizations have been involved in the development and implementation of governmental measures regarding the PR. Indeed, representative of workers and employers were involved in the revision of the Labour Standards Bill (sections 3 and 4) and the Law on Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment.</p>		
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	According to the Government: the Ministry of Health, Labour and Welfare.	
		<b>Other activities:</b>	<p><b>2001 and 2007 ARs:</b> According to the Government: Other programmes include: (i) recruitment and screening; (ii) distribution of various educational materials; (iii) educational activities via media; (iv) training for human rights promoters on fair recruitment and screening; and (v) training for businesspersons.</p>	
<b>Special initiatives/Progress</b>	<p><b>2001 and 2007 ARs:</b> According to the Government: Educational activities are implemented throughout the year to promote effective employment management in accordance with the Equal Employment Opportunity Law. June is considered as the "One Month Campaign on Equal Employment Opportunity between Men and Women".</p>			
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	NIL	

		<p><b>Workers' organizations</b></p>	<p><b>2007 AR:</b> According to the JTUC-RENGO: The Equal Employment Opportunity Law was revised in 2006. However, its amendment was insufficient in terms of prohibition of indirect discrimination. Amendment of the Law for achieving gender equality and equal treatment between full-time and part-time workers has not been realized so far. The Government should revise the labour legislation in order to achieve gender equality and equal treatment between full-time and part-time workers.</p> <p><b>2006 AR:</b> According to the JTUC-RENGO: The Government should revise the labour legislation in order to achieve gender equality and equal treatment between full-time and part-time workers. According to the ICFTU: (i) women are under-represented in managerial track; (ii) persistent discrimination based on retirement age especially against women; (iii) persisting sexual harassment at workplace; (iv) discrimination on grounds of social origin in recruitment; (v) discrimination against foreign residents in national and local public services; (vi) disabled people are under-represented in private companies.</p> <p><b>2005 AR:</b> According to the JTUC-RENGO: (i) no improvement in wage disparities between men and women; (ii) lack of labour legislation review.</p> <p><b>2003 AR:</b> According to the ICFTU: (i) discretionary choice given to the employer at recruitment; (ii) persisting discrimination against women workers; (iii) lack of penalty and sanction measures to address sexual harassment at workplace; (iv) persisting discrimination against migrant workers; (vi) increasing vulnerability of disabled people in the labour market.</p> <p><b>2002 AR:</b> According to the JTUC-RENGO: (i) persisting discrimination in employment and occupation; (ii) lack of understanding of C.111.</p> <p><b>2001 AR:</b> According to the ICFTU: (i) persisting discrimination against women workers; (ii) higher concentration of women in temporary jobs and increasing female unemployment, especially young women; (iii) managerial-track jobs as a male domain in most companies; (iv) lack of effective prohibition of discrimination; (v) lack of effective sanction measures as regard sexual harassment at workplace; (vii) Japanese nationality as a requirement for employment in national and local public services and the private sectors, (viii) migrant workers subject to abuses.</p>
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	<p><b>According to the Government</b></p>	<p><b>2007 AR:</b> According to the Government: The Equal Employment Opportunity Law (Law No. 113 of 1972) was revised in 2006 with a view to promoting further equal opportunity and treatment between men and women in employment.</p> <p>The Government replies to the aforementioned comments are as follows: According to the Government in order to promote equal opportunity between men and women, the Ministry of Health, Labour and Welfare submitted to the diet at its 164<sup>th</sup> session a revised bill of Equal Employment Opportunity Law and related laws, which included provisions such as prohibition of discrimination against both men and women, and prohibition of indirect discrimination. The bill was approved in June 2006.</p> <p>The Government further states that with regards to the structure of the provision prohibiting indirect discrimination, the bill stipulates that the ministerial ordinance of the Ministry of Health, Labour and Welfare should specify 3 kinds of cases, and that these would be considered illegal when there are no legitimate reasons. It was decided to adopt this structure on the grounds that the Labour Policy Council, consisting of intellectuals, representatives of employers and employees (all employees' members are representatives of JTUC-RENGO or its affiliated groups), concluded that it would be appropriate to adopt a legal framework in which these 3 cases activities would be considered indirect discrimination, and that the scope of prohibition could be revised to include other cases if needed, taking the trend of judgments of the court into consideration.</p> <p>Therefore, according to the Government, JTUC-RENGO's observation that the amendment was insufficient misses the point, because the amendment covers sufficient matters, and it was based on the tripartite consensus.</p> <p>Additionally, in July 2006 the Ministry of Health, Labour and Welfare started a discussion on a policy concerning part-time work in the Equal Employment Subcommittee of the Labour Policy Council, consisting of intellectuals, representatives of employers and employees, and it is scheduled to compile a final conclusion at the end of this year. The Ministry of Health, Labour and Welfare intends to take appropriate action based on the conclusion.</p> <p><b>2005 AR:</b> In its response to the JTUC-RENGO's observations, the Government made the following comments: (i) a panel has been held in relation to the PR; (ii) the Minister of Health, Labour and Welfare will take appropriate measures as a follow up of discussions initiated by the Equal Employment Subcommittee of the Labour Policy Council since September 2004; (iii) it is necessary to reach an agreement on the issue of strengthening regulations to ensure equal treatment in working conditions for part-time workers and to implement adequate measures based on a national consensus.</p>
<p><b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>According to the Government</b></p>	<p><b>2000-2001 ARs:</b> In its response to the JTUC-RENGO's comments, the Government made the following observations: (i) comments made by the JTUC-RENGO on ratified Conventions should not be reflected in the compilation of the annual report; (ii) the follow-up should not lead to the establishment of new supervisory machinery and to the duplication of the reporting system on non-ratified Conventions already established in the Constitution.</p>
<p><b>TECHNICAL COOPERATION</b></p>	<p><b>Request</b></p>	<p><b>2005-2007 ARs:</b> According to the Government: ILO technical cooperation will be necessary to facilitate the realization of the PR in Japan in the following areas: (i) assessing the national situation as regard this PR and discussing it in a national seminar on the 1998 ILO Declaration, so as to adopt an action plan to combat discrimination.</p>
	<p><b>Offer</b></p>	<p>ILO (technical assistance in the labour law review process).</p>

<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: KIRIBATI**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, except for the 2000, 2001 and 2004 Annual Reviews (ARs).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Kiribati Chamber of Commerce (KCC) and, the Botakin Karikirakean Aroia Taan Murakuri (BKATM); the Bank of Kiribati Union (BOKU); the Betio Ports and Stevedoring Union (BPSU); the Housing Workers' Union (HWU); the Kiribati Islands Overseas Seafarers' Union (KIOSU); the Kiribati Nursing Association (KNA); the Kiribati National Union of Teachers (KNUT); the Kiribati Overseas Fishermen Union (KOFU); the NANOTASI Garment Union (NGU); the Postal Services Union (PSU); and the Kiribati Trade Union Congress (KTUC) through consultations and communication of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> Observations by the KCC. <b>2006 AR:</b> Observations by the KCC. <b>2005 AR:</b> Observations by the KCC. <b>2003 AR:</b> Observations by the KCC.	
	<b>Workers' organizations</b>	<b>2007 AR:</b> Observations by the KTUC and its affiliates. <b>2006 AR:</b> Observations by the BKATM; Observations by the BOKU; Observations by the BPSU; Observations by the HWU; Observations by the KIOSU; Observations by the KNA; Observations by the KNUT; Observations by the KOFU; Observations by the NGU; Observations by the PSU; and Observations by the KTUC. <b>2005 AR:</b> Observations by the KTUC. <b>2003 AR:</b> Observations by the KTUC.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Kiribati has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100), nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b>

<sup>1</sup> 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 the ILO Governing Body.

<b>PRINCIPLE AND RIGHT</b>		<b>Ratification intention</b>	<p><b>YES, since 2002, for both C.100 and C.111.</b></p> <p><b>2007 AR:</b> During the Celebration of the ILO 50 years' Presence in the Pacific Region held in Suva, Fiji in December 2005 the Government expressed its intention to ratify C.100 and C.111. The KCC expressed its strong support for ratification of C.100 and C.111 by Kiribati. The KTUC expressed its appreciation for the Government's intention to ratify the remaining ILO fundamental Conventions, and hoped that this ratification would take place very soon.</p> <p><b>2006 AR:</b> According to the Government: The national tripartite Decent Work Agenda Steering Committee will consider ratification of C.100 and C.111, following a national survey on cost/benefit analysis on ratification of these instruments, in collaboration. The Government appreciates KCC and KTUC support for the ratification of C.100 and C.111.</p> <p>According to the KCC: There is no reason for Kiribati not to ratify C.100 and C.111, as the PR is recognized in the Constitution and Kiribati has ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The KCC strongly supports ratification of C.100 and C.111 by Kiribati.</p> <p><b>2005 AR:</b> The Government stated that it had initiated a ratification process for both C.100 and C.111.</p> <p><b>2002 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111. The Government reported that C.111 was being translated into the I-Kiribati to improve national understanding of the Convention and facilitate ratification of C.100 and C.111 in the near future.</p>
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<p><b>YES</b></p> <p>Under article 15.2 of the 1979 Constitution, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority. Discrimination is defined in this section as follows: "Affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed, whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description."</p>
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Policy, legislation and/or regulations</b>	<p><b>2006 AR:</b> According to the Government: National laws are being reviewed in cooperation with the ILO to ensure compliance with the provisions of C.100 and C.111.</p> <p><b>2005 AR:</b> According to the Government: A labour law review process has been carried out in cooperation with the ILO, and has led to the integration of the provisions of C.100 and C.111.</p>
		<b>Basic legal provisions</b>	(i) The Constitution, 1979 (article 15.2); and (ii) Part VIII of the Employment Ordinance, 1965.
		<b>Grounds of discrimination</b>	<b>2003 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.
		<b>Judicial decisions</b>	NIL

	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2000-2003 ARs:</b> According to the Government: Women.
		<b>Information/Data collection and dissemination</b>	<b>2006 AR:</b> According to the Government: Further information and data are expected in the forthcoming Government report under the CEDAW.  <b>2002 AR:</b> The Government provided statistical data on formal employment by occupation (1978-1985). It also indicated that the Pilot National Employment Survey provides basic statistical data; and the National Development Strategies 2000 displays information that may allow a better assessment of the situation in Kiribati (structural, economic, demographic, training and educational factors, etc.).
	<b>Prevention, monitoring, enforcement and/or sanction mechanisms</b>	<b>2002-2003 ARs:</b> According to the Government: The judiciary and church groups play a monitoring and defence role for the realization of the principle and right (PR).	
	<b>Involvement of the social partners</b>	<p><b>2006 AR:</b> According to the KCC: Active participation in the discussions and decisions of the national tripartite Decent Work Agenda Steering Committee, which also includes discrimination and equality issues.</p> <p>According to the KTUC and its affiliates: Active participation in the discussions and decision-making process of the national tripartite Decent Work Agenda Steering Committee that also considers discrimination and equality issues.</p> <p><b>2005 AR:</b> According to the KCC: Participation in the labour law review process to integrate the provisions of C.100 and C .111.</p> <p><b>2005 AR:</b> According to the KTUC: Participation in the labour law review process to integrate the provisions of C.100 and C .111.</p> <p><b>2002 AR:</b> According to the Government: Major Church groups play an important role in promoting the PR.</p>	
<b>Promotional activities</b>	<b>Institutions to promote equality</b>	According to the Government: the National Council of Women’s Federations and major church groups.	
	<b>Other activities</b>	<p><b>2007 AR:</b> The Government published a booklet on the ILO fundamental Conventions, in cooperation with the ILO. Moreover, it participated in the activities concerning the promotion of the ILO Declaration during the Celebration of the 50 years of ILO’s Presence in the Pacific Region (Fiji, Suva, December 2005). The KCC and the KCTU indicated that they were taking part in the labour law revision process that would hopefully integrate the provisions of ILO fundamental Conventions into national laws. They also mentioned their participation in the activities concerning the promotion of the ILO Declaration of the ILO Declaration during the Celebration of the 50 years of ILO’s Presence in the Pacific Region (Fiji, Suva, December 2005). The KTUC further indicated that it was also working on discrimination affecting people infected with HIV/AIDS.</p> <p><b>2005 AR:</b> According to the Government, workshops have been organized in view of promoting labour changes through new Bills. The Government welcome the implementation of a national Declaration Programme in order to promote the PR.</p> <p><b>2003 AR:</b> According to the Government: Workshops and seminars on gender issues.</p>	

	<b>Special initiatives/Progress</b>	<b>2006 AR:</b> According to the Government: A National Tripartite Decent Work Agenda Steering Committee was established in cooperation with the ILO in January 2005. Tripartite consultations were held on decent work issues, including discrimination and equality.	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> According to the KCC: Efforts should be made to integrate people infected with HIV/AIDS in the workplace.  <b>2006 AR:</b> The KCC supported Government's views concerning challenges to realize the PR in the country (see below).
		<b>Workers' organizations</b>	<b>2006 AR:</b> According to the KTUC and affiliates: (i) revision and amendment of labour laws in compliance with the PR; (ii) persisting discrimination against women in employment and decision-making processes for cultural reason (" <i>Te Mwaneaba</i> ").
	<b>According to the Government</b>	<b>2006 AR:</b> According to the Government: The challenges listed under the 2003 AR are yet to be met. However, national laws are under review in cooperation with the ILO, with a view to ensuring compliance with the PR.  <b>2003 AR:</b> According to the Government, 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 employers' organizations; (vi) lack of capacity of workers' organizations; (vii) lack of social dialogue on this principle; and (viii) lack of skill, knowledge and training by the Ministry's staff in this field; lack of national policy concerning the PR.	
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2007 AR:</b> According to the Government: The ILO should continue its assistance in revising labour laws in Kiribati, including provisions relating to the PR. The requests made by the KCC and KTUC should be followed up by the ILO. According to the KCC: ILO's assistance on labour law revision should continue. ILO's strong support is needed to assist KCC in promoting and realizing the PR and capacity building. According to the KTUC: Discrimination against women in employment and decision making processes for cultural reasons ("<i>Te Mwaneaba</i>") still persists, and the ILO should assist Kiribati in solving this problem.</p> <p><b>2006 AR:</b> The Government wishes that the technical cooperation requests expressed in 2005 be carried out under a Declaration Programme for Kiribati. Priority needs for technical cooperation include: survey, recommendations, national tripartite workshop, plan of action, national policy, labour law reform, promotional activities, etc. The Government hopes that a Declaration Programme – that is also requested by the KCC and the KTUC – will be implemented in Kiribati in order to combat all forms of discrimination at work and realize the PR.</p> <p>According to the KCC: ILO technical cooperation would be necessary in raising awareness on discrimination and equality issues among its members. The KCC supports the Government's request for the implementation of an ILO Declaration Programme in Kiribati.</p> <p>According to the KTUC and its affiliates: ILO technical cooperation would be necessary to facilitate the realization of the PR in the following areas: (i) labour law reform and enforcement; (ii) public awareness raising; and (iii) capacity building of government institutions, employers' and workers' organizations and other stakeholders. The KTUC and its affiliates strongly support Government's request for ILO technical cooperation under a Declaration Programme for Kiribati.</p> <p><b>2005 AR:</b> According to the Government: There is a need for ILO technical cooperation in the following areas: (i) assessment of the national situation regarding the PR and; (ii) its consideration during a national seminar on the 1998 ILO Declaration, with a view to adopting an action plan to combat discrimination.</p>	

	<b>Offer</b>	ILO (Decent Work Agenda, international labour standards, labour law reform, reporting and technical advice concerning on cost/benefit implications of ratification of C.100 and C.111).
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	

**COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: KUWAIT**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, since the start of the Annual Review (AR) in 2000.		
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Kuwait Chamber of Commerce and Industry (KCCI) and the Kuwait General Confederation of Trade Unions (KGCTU through consultations and communication of Government's reports.		
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> Observation by the KCCI.		
	<b>Workers' organizations</b>	<b>2007 AR:</b> Observation by the KGCTU. <b>2006 AR:</b> Observations by the KGCTU.		
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Kuwait ratified in 1966 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>	
		<b>Ratification intention</b>	<b>YES since 2002 for the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>  <b>2007 AR:</b> According to the Government: Ratification of C.100 is still under consideration, despite divergences in points of view.  <b>2002 AR:</b> According to the Government: a study has been undertaken in order to compare the provisions of C.100 with national legislation, with a view to ratifying this Convention.  Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100.	
	<b>Recognition of the principle and right (prospect(s), means of action, basic provisions)</b>	<b>Constitution</b>	NIL	
		<b>Policy, Legislation and/or regulations</b>	: According to the Government: (i) section 27 of the Labour Law; (ii) section 10 of the Labour Code for Private Sector, No. 38 of 1964; (iii) section 90 of 1964 Labour Act; (iv) section 92 of the same Act; (v) section 78 of Act No. 38 (1964); (vi) Ministerial Decision No. 110 of 1995.	
		<b>Basic legal provisions</b>	Labour Act	

<sup>1</sup>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 the ILO Governing Body.

		<b>Grounds of discrimination</b>	<b>2003 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.	
		<b>Judicial decisions</b>	<b>2001-2002 ARs:</b> Courts of law had made decisions on the PR in cases examined by the said courts on the basis of obligations specified in contracts, rules and domestic regulations concerning employers, but not on the implementation of the Convention in question which the State of Kuwait had not yet ratified.	
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	NIL	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Exercise of the principle and right</b>	<b>Information/Data collection and dissemination</b>	<b>2002 AR:</b> The Government stated that it did not collect statistics and information relevant to the principle and right (PR) on a regular basis, but planned to do so.	
	<b>Monitoring, enforcement and sanctions mechanisms</b>	<b>2000-2001 ARs:</b> According to the Government: The Ministry of Labour and Social Affairs is in charge of the implementation of legislative and administrative provisions concerning the PR. Measures for assessing rates of remuneration, and methods to ensure the application of the PR include monitoring the extent to which employers are complying with the labour law, through labour inspection, the review and endorsement of work contracts, the issuing of work permits and the adoption of domestic rules and regulations relating to employers.		
	<b>Involvement of the social partners</b>	<b>2001-2002 ARs:</b> According to the Government: Employers' and workers' organizations have been involved in discussions regarding the implementation of national legislation, labour standards and international labour Conventions within a high level consultative committee established by Decree N° 41/1995 for this purpose). They have provided suggestions and recommendations on these issues.		
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	<b>2000, 2001 and 2004 ARs:</b> According to the Government: the Ministry of Labour and Social Affairs.	
		<b>Other activities:</b>	<b>2007 AR:</b> According to the Government: A Committee to strengthen national efforts in promoting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up has been established. Furthermore, a seminar on future visions towards implementing the new labour code in the framework of ILO Conventions was held in Kuwait (10-12 January 2004). Kuwait was the host country for the Fourth ILO/GCC Regional Workshop on the ILO Declaration and International Labour Standards (Kuwait City, April 2006). The Government, the KCCI and KGCTU participated in this workshop. The Government, the KCCI and KGCTU agreed to organize tripartite consultations on the distribution of social allowances to married persons.  <b>2000-2001 ARs:</b> According to the Government: Consultations were held with the social partners with respect to state legislation, international labour standards and other international conventions.	
	<b>Special initiatives/Progress</b>	<b>2007 AR:</b> According to the Government, the KCCI and the KGCTU: A tripartite committee to promote and realize the ILO Declaration was set up in 2004. It has organized several promotional activities on the ILO Declaration.  <b>2004 AR:</b> According to the Government: Successful example in relation to the PR: The issuance of Ministerial Decree No. 142/2002 concerning the obligation for employers to transfer the remuneration of their workers to their bank accounts with no discrimination.		
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> According to the KCCI: The major obstacle in realizing this PR in Kuwait is the lack of education/understanding of ILO's role and the Declaration principles and rights.	
		<b>Workers' organizations</b>	<b>2007 AR:</b> The KGCTU shared the KCCI's view concerning the major obstacle to the realization of the PR in Kuwait (i.e., lack of education/understanding of ILO's role and the Declaration principles and rights).	

	<b>According to the Government</b>	<b>2007 AR:</b> According to the Government: Kuwait has not ratified C.100 because of: (i) divergences in points of view; and (ii) lack of education/understanding of ILO's role and the Declaration principles and rights.
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2007 AR:</b> According to the Government, the KCCI and the KGCTU: A national workshop on how to better understand and realize the ILO Declaration should be organized by the ILO. The KCCI further requested special training for employers on the Declaration's follow-up.</p> <p><b>2006 AR:</b> According to KGCTU: ILO technical cooperation is necessary to sensitize Government officials on C. 100 and other FPRW, in particular their relations with other economic and social issues.</p> <p><b>2005 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization the PR in Kuwait, in the following areas, in order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle, strengthening data collection and capacity for statistical collection and analysis, legal reform (labour law and other relevant legislation), capacity building of responsible Government institutions, developing labour market policies that promote equality of opportunity, developing policies regarding equal remuneration; (2) sharing of experiences across countries/regions, training of other officials (e.g. police, judiciary, social workers, teachers), strengthening capacity of workers' organizations, establishing or strengthening specialized institutional machinery, coordination between institutions (e.g. various ministries and relevant commissions); (3) awareness-raising, legal literacy and advocacy, strengthening capacity of employers' organizations.</p>
	<b>Offer</b>	ILO
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<b>2005 AR:</b> The ILO Declaration Expert-Advisers listed Kuwait among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (paragraph 13 of the 2005 AR Introduction).	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	

**BASE DE REFERENCE AU TITRE DE L'EXAMEN ANNUEL DE LA DECLARATION DE L'OIT (2000-2007)<sup>1</sup>: REPUBLIQUE DEMOCRATIQUE POPULAIRE LAO**

***ELIMINATION DE LA DISCRIMINATION EN MATIERE D'EMPLOI ET DE PROFESSION (DISC)***

<b>SOUMISSION DES RAPPORTS</b>	<b>Accomplissement par le Gouvernement des obligations de rapport</b>	<b>OUI</b> Mais seulement pour l'Examen annuel (EA) de 2005.	
	<b>Implication des organisations d'employeurs et de travailleurs dans l'élaboration des rapports</b>	<b>OUI</b> Selon le Gouvernement: Implication de la Chambre Nationale de Commerce et d'Industrie (CNCI) et de la Fédération des Syndicats du Lao (FSL) à travers la communication des rapports gouvernementaux et les consultations tripartites sur les aspects du rapport annuel.	
<b>OBSERVATIONS DES PARTENAIRES SOCIAUX</b>	<b>Organisations d'employeurs</b>	<b>EA 2006</b> : Observations soumises par la CNCI.	
	<b>Organisations de travailleurs</b>	<b>EA 2006</b> : Observations soumises par la FSL.	
<b>EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT</b>	<b>Ratification</b>	<b>État des ratifications</b>	La République démocratique populaire (RDP) lao n'a ratifié ni la convention (n° 100) sur l'égalité de rémunération, 1951 (C.100), ni la convention (n° 111) concernant la discrimination (emploi et profession), 1958 (C.111).
		<b>Intention de ratifications</b>	<p><b>OUI, depuis 2004 pour la C.100 et la C.111.</b></p> <p><b>EA 2006</b> : <b>OUI</b> Le Gouvernement souhaite ratifier la C.100 et la C.111 dans un proche avenir.</p> <p>La CNCI soutient la ratification de toutes les conventions fondamentales par la RDP lao, y compris la C.100 et la C.111.</p> <p>La FSL soutient la ratification de toutes les Conventions fondamentales par la RDP lao, y compris la C.100 et la C.111.</p> <p><b>EA 2002</b> : Selon les informations contenues dans les documents GB.282/LILS/7 (Nov. 2001) et GB.282/8/2 (Nov. 2001), le Gouvernement avait l'intention de ratifier la C.100 et la C.111.</p>

<sup>1</sup> Les bases de référence par pays contenues dans la Revue annuelle de la Déclaration sont basées sur les éléments suivants: les rapports des gouvernements, les observations des organisations d'employeurs et de travailleurs, les études de cas préparées par les États et le BIT, et les observations/recommandations faites par les experts-conseillers de la Déclaration et le Conseil d'administration.

	<b>Reconnaissance du principe et droit (perspectives, moyens d'action, dispositions juridiques principales)</b>	<b>Constitution</b>	<b>OUI</b>  La Constitution promulguée en 1991 (article 6) garantit les libertés et les droits démocratiques inviolables de tous les citoyens et dispose que les lois nationales doivent s'appliquer sans discrimination fondée sur le sexe.  <b>EA 2006:</b> Selon le gouvernement : Le principe et droit (PED) est reconnu dans la Constitution et le Code du Travail qui interdisent toutes formes de discrimination, y compris en matière d'emploi et d'occupation.	
		<b>Législation, réglementation et/ou politiques</b>	<b>EA 2005: Législation:</b> Le Code du Travail proscrit la discrimination en matière d'emploi et de profession.	
		<b>Motifs de discrimination</b>	Selon l'article 2 du Code du Travail, aucun travailleur ne devra faire l'objet de discrimination en matière d'emploi fondée sur les motifs suivants : race, couleur, nationalité, sexe, croyance religieuse, opinion politique et ou origine sociale.	
		<b>Décisions judiciaires</b>	RAS	
		<b>Attention spéciale à des situations particulières</b>	<b>OUI</b>  <b>EA 2005 :</b> Le Gouvernement envisage des mesures pour protéger certaines catégories de travailleurs de toute forme de discrimination.	
		<b>Données statistiques</b>	RAS	
	<b>Mécanismes de contrôle, mise en œuvre et/ou sanctions</b>	<b>EA 2005:</b> Selon le Gouvernement: En cas de non-respect du PED, la loi est appliquée par les autorités locales et des sanctions allant de l'avertissement à l'amende sont prévues.		
<b>EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT</b>	<b>Implication des partenaires sociaux</b>	RAS		
	<b>Activités promotionnelles</b>	<b>Institutions visant à promouvoir l'égalité</b>	RAS	
		<b>Autres activités</b>	<b>EA 2006 :</b> Selon le Gouvernement : Organisation de divers séminaires nationaux relatifs aux conventions nos.100 et 111 et autres conventions fondamentales en collaboration avec le BIT.  <b>EA 2006 :</b> Selon la CNCI: Depuis 2003, des activités de sensibilisation avec le soutien du BIT et de la Chambre australienne de Commerce sont entreprises. Depuis 2004, des activités de sensibilisation des membres sur les lois nationales et les normes internationales du travail ont également été menées.	
	<b>Initiatives spéciales/Progrès</b>			

<b>DIFFICULTES DANS LA REALISATION DU PRINCIPE ET DROIT</b>	<b>Selon les partenaires sociaux</b>	<b>Organisations d'employeurs</b>	RAS
		<b>Organisations de travailleurs</b>	RAS
	<b>Selon le gouvernement</b>	<b>EA 2005:</b> Selon le gouvernement : Les principales difficultés rencontrées dans la réalisation du PED sont les suivantes : (i) manque de sensibilisation du public ou de soutien ; (ii) manque d'informations et de données ; (iii) valeurs sociales, traditions culturelles ; (iv) situation politique et dispositions législatives.	
<b>COOPERATION TECHNIQUE</b>	<b>Demande</b>	<p><b>EA 2006 :</b> Selon le gouvernement : Une coopération technique avec l'OIT est nécessaire pour faciliter la réalisation des principes et droits fondamentaux du travail et des Conventions fondamentales de l'OIT.</p> <p><b>EA 2006:</b> Selon la CNCI : Une coopération technique avec l'OIT est nécessaire pour le renforcement de ses activités de sensibilisation sur les lois nationales et les normes internationales du travail.</p> <p><b>EA 2006 :</b> Selon la FSL : Une coopération technique avec l'OIT est nécessaire pour la promotion des principes et droits fondamentaux du travail des travailleurs.</p> <p><b>EA 2005:</b> Selon le gouvernement : Une coopération technique avec l'OIT est nécessaire pour faciliter la réalisation du PED, notamment dans les domaines suivants: (1) oeuvre de sensibilisation; initiation juridique et mobilisation; collecte et analyse des données; réforme des instruments juridiques; échanges d'expériences entre pays et régions; développement de politiques de marché du travail qui favorisent l'égalité des chances; renforcement de la capacité des organisations d'employeurs et travailleurs; formation d'autres fonctionnaires (police, pouvoir judiciaire, travailleurs sociaux, enseignants); (2) renforcement des capacités, par exemple inspection et administration du travail.</p>	
	<b>Offre</b>	OIT/IPEC, ONGs.	
<b>OBSERVATIONS/ RECOMMANDATIONS DES EXPERTS -CONSEILLERS</b>	<p><b>EA 2005 :</b> Les Experts-Conseillers se félicitent que la RDP Lao ait accordé une attention spéciale à des catégories particulières de travailleurs ou d'entreprises et encouragent ce pays à redoubler d'efforts pour réduire et éliminer ce type de discrimination.</p> <p><b>EA 2004 :</b> Les Experts-Conseillers notent que des pays comme la RDP qui ne sont en mesure de remplir leur obligation de rapport au titre de l'examen annuel de la Déclaration que d'une manière irrégulière devrait être davantage soutenue.</p> <p><b>EA 2003 :</b> Les Experts-Conseillers notent que la RDP Lao présente des rapports irrégulièrement.</p> <p><b>EA 2001:</b> Les Experts-Conseillers recommandent au Conseil d'administration d'entamer un dialogue avec le Gouvernement de la RDP Lao qui n'a pas encore fourni de rapports dans le cadre du suivi de la Déclaration.</p>		
<b>OBSERVATIONS/ RECOMMANDATIONS DU CONSEIL D'ADMINISTRATION</b>	RAS		



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: LIBERIA**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	<b>YES</b> , except for the 2000, 2002, 2003 and 2004 Annual Reviews (ARs).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<p><b>YES</b></p> <p>According to the Government: Involvement of the Cemenco Liberia Cement Corporation (CLCC), the Monrovia Breweries (MB), the Rubber Planters Association of Liberia (RPAL), the Liberian Agriculture Company (LAC), Firestone Liberia (FL), the Confederation of National Trade Unions of Liberia (CONATUL), the Federation of Road Transport Unions of Liberia (FRTUL), the United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL-LFLU), the General Agriculture and Allied Unions (GAAWUL), the Federation of Agriculture Workers' of Liberia (FAWUL) and the Press Union of Liberia (PUL) through communication of the baseline reports.</p> <p><b>2007 AR:</b> The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the creation of an employers' organization in Liberia.</p>	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<p><b>2007 AR:</b> Observations by the LAC. Observations by the RPAL. Observations by the CLCC. Observations by the MB. Observations by FL.</p>	
	<b>Workers' organizations</b>	<p><b>2007 AR:</b> Observations by the CONATUL and its 19 affiliates Observations by the FRTUL and its 15 affiliates Observations by the USPOGUL-LFLU and its 14 affiliates Observations by the GAAWUL and its 8 affiliates Observations by the FAWUL. Observations by the PUL.</p> <p><b>2006 AR:</b> Observations by the USPOGUL-LFLU. <b>2005 AR:</b> Observations by the USPOGUL-LFLU.</p>	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Liberia ratified in 1959 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>

<sup>1</sup> 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 the ILO Governing Body.

<b>PRINCIPLE AND RIGHT</b>		<b>Ratification intention</b>	<p><b>YES since 2005 for C.100.</b></p> <p><b>2007 AR:</b> The Government reiterated its intention to ratify C.100. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended ratification of C.100 by Liberia. The CLLCC, the RPAL, the LAC, the USPOGUL-LFLU, the CONATUL, the FRTUL, the GAAWUL and the PUL requested the Government to take immediate action to ratify this Convention in cooperation with ILO.</p> <p><b>2006 AR:</b> According to the Government: C.100 is still in the ratification process and some positive developments are expected before the end of 2005 in this respect.</p> <p><b>2005 AR:</b> The new Government stated that it was committed to ratify C.100 in the near future.</p>	
	<b>Recognition of the principle and right (prospect(s), means of action, basic provisions)</b>	<b>Constitution</b>	<p><b>YES</b></p> <p>The 1991 Constitution, under its articles 8, 11 and 18, provides for equal opportunity and treatment. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that article 18 of the Liberia Constitution, 1991, which refers to “equal pay for equal work” be amended to read “equal pay for work of equal value”.</p>	
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul> <p><b>2007 AR:</b> The case study and the tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that the Government adopt a national policy on discrimination issues.</p> <ul style="list-style-type: none"> <li>• <b>Legislation</b></li> </ul> <p><b>2007 AR:</b> The case study and the tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that legal loopholes on discrimination and equality at the minimum age in Liberia be solved in cooperation with the ILO.</p> <p><b>2006 AR:</b> According to the Government: The 1974 Labour Law also guarantees the principle of equal remuneration between men and women for work of equal value.</p>	
		<b>Basic legal provisions</b>	<b>The Constitution, 1991 (articles 8, 11 and 18); and (ii) the Labour Law, 1974.</b>	
		<b>Grounds of discrimination</b>	<b>C.111 is ratified.</b>	
		<b>Judicial decisions</b>	NIL	
		<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2007 AR:</b> According to the CONATUL and the LFLU: workers in the informal economy.
	<b>Information/Data collection and dissemination</b>		<b>2007 AR:</b> According to the GAAWUL: There is a lack of data collection on the principle and right (PR) in Liberia	

	<b>Monitoring, enforcement and sanctions mechanisms</b>	<b>2007 AR:</b> The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the establishment of a Commission on Discrimination at Workplace.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Involvement of the social partners</b>	<b>2007 AR:</b> According to the Government: The case study and the workshop on the Humanization of Liberia Labour Force were carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended, <i>inter alia</i> , the creation of an employers' organization in Liberia, the reactivation of various tripartite committees and the establishment of a Commission on Discrimination at Workplace. The USPOGUL-LFLU indicated that the Government had consulted the social partners before the amendment of the Labour Law.	
	<b>Promotional activities</b>	<b>2007 AR:</b> According to the Government: A case study and a workshop on the Humanization of Liberia Labour Force were carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO. The workshop adopted a tripartite resolution on this issue, including recommendations on discrimination at workplace. The USPOGUL-LFLU stated that it had provided special assistance to labour unions to print promotional materials and encourage awareness raising programmes on the PR. The CONATUL, the GAAWUL and the CLCC referred to their participation in training and consultation activities on the PR.	
	<b>Special initiatives/Progress</b>	<b>2007 AR:</b> According to the Government: A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. This exercise concluded on a tripartite resolution on the Humanization of Liberia Labour Force that includes a request for technical cooperation for the better realization of the PR in the country.  <b>2006 AR:</b> According to the Government: A Bill has been submitted to the National Assembly to amend the existing labour laws, which contain discriminatory clauses against workers. A project on HIV/AIDS at the workplace is being implemented in collaboration with the UNFPA.	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. Employers made a significant contribution in this exercise.
		<b>Workers' organizations</b>	<b>2007 AR:</b> A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. Workers' organizations made a significant contribution in this exercise. According to the USPOGUL-LFLU and the GAAWUL: Labour laws need to be revised.  <b>2005 AR:</b> According to the USPOGUL-LFLU: There is no gender equity and women are underrepresented in leadership positions (ministers, deputies, trade unions).
	<b>According to the Government</b>	<b>2007 AR:</b> A tripartite identification of realities and challenges faced in realizing the PR in the country was carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. The Ministry of Labour and other technical ministries made a significant contribution in this exercise.  <b>2005 AR:</b> In response to the USPOGUL-LFLU's comments, the Government stated that following the Accra Peace Accord (2003), it had no control over the appointment of officials, who were selected by various signatories to the Peace Agreement. It also indicated that it was giving due consideration to gender equity where it had authority to appoint.  <b>2001 AR:</b> According to the Government: The main difficulty encountered in realizing the PR was the lack of technical support during the Liberian civil war.	

<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2007 AR:</b> Following a case study and a workshop on the Humanization of Liberia Labour Force, carried out in September and October 2006 in cooperation with the ILO, a tripartite resolution on this issue was adopted, including recommendations for technical cooperation on the PR. The Government, the employers and trade unions called for a special ILO§ action to help implement this resolution and realize the fundamental principles and rights at work in Liberia. In particular, the CLCC requested training on the PR. The USPOGUL-LFLU requested ILO technical cooperation to reform national labour laws. The CONATUL mentioned the need for ILO technical cooperation to organize workers' education workshops on the PR. The GAAWUL called for ILO technical cooperation to realize the PR in the following areas: (i) capacity-building; and (ii) material support.</p> <p><b>2005-2006 ARs:</b> According to the Government: ILO technical and financial assistance would be necessary for the follow-up of all Fundamental Principles and Rights at Work (FPRW) in the country. The first step should be assessing the priority needs through a National Tripartite Seminar on International Labour Standards and the Declaration. The USPOGUL-LFLU requested ILO technical and financial assistance on gender issues for trade unions so as to fight against general discrimination in the world of work. It observed that it was not involved in the national programme on HIV/AIDS at workplace run by the Government and the UNFPA. Therefore, it stressed the need for the involvement of the social partners and the ILO in this national programme on HIV/AIDS at the workplace, and requested that a national tripartite workshop be organized on this issue. The Government supported the USPOGUL-LFLU's request for technical cooperation.</p>
	<b>Offer</b>	ILO, UNICEF, UNMIL, UNDP, UNDAF, USDOL, NGOs.
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	

**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: MALAYSIA**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, since the start of the Annual Review (AR) in 2000. But no change report under the 2007 AR.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Malaysian Employers' Federation (MEF) and the Malaysian Trades Union Congress (MTUC) through consultations and communication of government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> Observations by the Malaysian Employers' Federation (MEF)	
	<b>Workers' organizations</b>	<b>2007 AR:</b> Observations by the International Confederation of Free Trade Unions (ICFTU) (late observation for the 2006 AR).	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Malaysia ratified in 1997 the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>
		<b>Ratification intention</b>	NIL
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<p><b>YES</b>  <b>2007 AR:</b> According to the ICFTU: In 2001, the Malaysian Parliament has approved a constitutional amendment outlawing sexual discrimination.</p> <p>The 1957 Malaysian Federal Constitution amended in 1963 clearly prohibits inclusion in any law provisions that would appear discriminatory in respect of employment and occupation. Article 8 of this text defines non-discrimination as «no discrimination against citizens on the ground only of religion, race and descent, place of birth or gender except as expressly authorised by the Constitution». This indicates that all persons are equal before the law and entitled to the equal protection of the law. The Federal Constitution, Article 136, also states that all persons whatever race, in the same grade in the service of the Federation shall, subject to the terms and conditions of their employment, be treated impartially. Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the grounds only of religion, race, descent or place of birth, in any law, or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.</p>

<sup>1</sup>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 the ILO Governing Body

		<b>Policy, legislation and/or regulations</b>	<b>Policy: 2000-2002 ARs:</b> The Government stated that its objectives were as follows: (i) ensure industrial harmony; (ii) create a favourable investment climate; (iii) enhance employment opportunities for all; and (iv) promote the economic development of the country.
		<b>Basic legal provisions</b>	(i) the Constitution (Articles 8 and 136); the Employment Act 1955 (section 60 L 1-4); and (ii) the Industrial Relation Act (section 17).
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Grounds of discrimination</b>	<b>2003-2005 ARs:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.
		<b>Judicial decisions</b>	<b>2007 AR:</b> According to the ICFTU: A ruling by the Federal Court of Malaysia which rejected a Malaysian Airlines (MAS) stewardess' application against a discrimination retirement age, has raised doubts about the newly imposed constitutional safeguard. Furthermore, statistical information provided by the Government shows that only six women in comparison with 297 men, receive earnings above 5001 RM in the State Administrative service.
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	According to the Government: Women.
		<b>Information/Data collection and dissemination</b>	NIL
	<b>Prevention/Monitoring, enforcement and sanctions mechanisms</b>	<b>2003-2005:</b> According to Government: The labour Department plays a monitoring/inspection, enforcement and defence role for the realization of the PR.	
	<b>Involvement of the social partners</b>	<b>2006 AR:</b> According to the Government: The spirit of tripartism is being implemented between the Government, employers' and workers' organizations through the formulation of and the development of industrial relations.  <b>2003- 2005 ARs:</b> According to the Government: The employers' and workers' organizations have been involved in the development and implementation of governmental measures in relation to the PR, in particular in the elaboration of amendments of national labour policies and laws. In this respect, national labour policies and amendments to labour legislations are elaborated after consultations with the social partners, in particular within the National Labour Advisory Council.	
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	According to the Government: The Department of Labour.
		<b>Other activities</b>	<b>2006 AR:</b> According to the Government: the Ministry of Women, Family and Community Development, Malaysia formulates the National Policy Women to address gender inequality in employment and increase female participation in the labour force.  <b>2003-2005 ARs:</b> According to the Government: The Ministry of Human Resources organizes labour education programmes to create awareness among employers and to enforce the legal provisions in relation to the PR.
	<b>Special initiatives/Progress</b>	NIL	

<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> According to the Malaysian Employers' Federation (MEF): In practice there is no discrimination in remuneration based on gender or other criteria. The employers pay equal remuneration for work of equal value to all employees. Some private sector employers implement payment based on performance of the individual employee and/or company. Objective performance criteria are established by employers to determine performance of individual employees.
		<b>Workers' organizations</b>	<b>2007 AR:</b> According to the ICFTU: A ruling by the Federal Court of Malaysia which rejected a Malaysian Airlines (MAS) stewardess' application against a discrimination retirement age, has raised doubts about the newly imposed constitutional safeguard. Furthermore, statistical information provided by the Government shows that only six women in comparison with 297 men, receive earnings above 5001 RM in the State Administrative service.
	<b>According to the Government</b>	NIL	
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<b>2007 AR:</b> According to the Malaysian Employers' Federation (MEF): ILO should review the convention to incorporate the elements of performance/productivity linked to wages.	
	<b>Offer</b>	ILO technical assistance in the labour law review process.	
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	NIL		
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL		

**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: MYANMAR**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, since the start of the Annual Review (AR) in 2000. No change report under the 2007 AR.		
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the most representative employers' and workers' organizations (the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the Workers' Welfare Association (WWA)) by means of consultations and communication of Government's report.		
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	NIL		
	<b>Workers' organizations</b>	NIL		
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Myanmar has ratified neither the Equal Remuneration Convention, 1951(No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b>	
		<b>Ratification intention</b>	NIL	
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	NIL	
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li><b>Policy: 2002 AR:</b> According to the Government: There is a national policy concerning the principle and right (PR).</li> </ul> <b>Legislation:</b> The "Law Defining the Fundamental Rights and Responsibilities of the People's Workers" (1964) covers all workers who are using their physical or mental capacities in order to earn their living.	
		<b>Basic legal provisions</b>	The 1964 "Law Defining the Fundamental Rights and Responsibilities of the People's Workers".	
		<b>Grounds of discrimination</b>	<b>2004 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of: race/colour; sex; religion; political opinion; national extraction; and social origin.	
<b>Judicial decisions</b>	NIL			

<sup>1</sup> 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 the ILO Governing Body.

<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2002 AR:</b> According to the Government: Specific measures have been implemented to respect, promote and realize the PR for the following categories of workers: (i) all categories of workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; agricultural workers; (iv) workers engaged in domestic work; (v) workers in EPZs; (vi) migrant workers and (vii) workers in the informal economy.	
		<b>Information/Data collection and dissemination</b>	<b>2005 AR:</b> According to the Government: Statistics and information relevant to the PR are collected on a regular basis.	
	<b>Prevention/Monitoring, enforcement and/or sanction mechanisms</b>	<b>2005 AR:</b> According to the Government: The PR is implemented through monitoring bodies.		
		<b>2003 AR:</b> According to the Government: In case of violation of the PR, sanctions include dismissal, fines, or imprisonment up to two years.		
	<b>Involvement of the social partners</b>	NIL		
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	The National Women's Committee (NWC).	
		<b>Other activities</b>	NIL	
<b>Special initiatives/Progress</b>	NIL			
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	NIL	
		<b>Workers' organizations</b>	NIL	
	<b>According to the Government</b>	NIL		
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	NIL		
	<b>Offer</b>	NIL		
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<b>2005 AR:</b> The ILO Expert-Advisers noted that the regular supervisory system was closely following the national situation Myanmar concerning a variety of violations under different principles and rights, including this PR (paragraph 22 of the 2005 Annual Review Introduction).			
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL			



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: NAMIBIA**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, but no change reports under the 2002 and 2005 Annual Reviews (ARs).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>YES</b> According to the Government: Involvement of the Namibia Employers Federation (NEF) and the National Union of Namibian Workers (NUNW) and the Public Service Union of Namibia (PSUN) through communication of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> Observations by the NEF.	
	<b>Workers' organizations</b>	<b>2007 AR:</b> Observations by the NUNW.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Namibia ratified in 2001 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b>
		<b>Ratification intention</b>	<b>YES in 2002 for the Equal Remuneration Convention, 1951 (No. 100) (C.100)</b>  <b>2007 AR:</b> The Government reiterated that it was not considering ratification of C.100. The NEF indicated that the Tripartite Namibian Labour Advisory Council recommended the ratification of C.100, but the Cabinet decided that Namibia was not totally ready to take that action. The NEF also expressed its support to the overall aims of the ILO's Decent Work Programme and all Conventions and Recommendations related to this Programme. The NUNW supported ratification of C.100.  <b>2005-2006 ARs:</b> The Government stated that the ratification process of C.100 was not being considered at that stage.  <b>2002 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111.

<sup>1</sup>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 the ILO Governing Body.

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p><b>YES</b></p> <p>The 1990 Constitution (article 10) deals with equality and freedom from discrimination. It prohibits discrimination on the basis of; inter alia, social economic status, sex, race, colour, ethnic origin, religion and creed. Article 23 of the same text refers to apartheid and affirmative action.</p>
		Policy, legislation and/or regulations	<p><b>YES</b></p> <ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul> <p><b>2000-2004 ARs:</b> According to the Government: Affirmative Action Plans have been adopted for the public and the private sectors, and are implemented through a Tripartite Equity Commission.</p> <ul style="list-style-type: none"> <li>• <b>Legislation</b></li> </ul> <p><b>2007 AR:</b> According to the Government: A legislative review might be considered to ensure that the relevant national laws comply with the provisions of C.100.</p> <p>According to the NEF: the Labour Act contains some very clear provisions that prohibit discrimination of any sort.</p> <p><b>2000 AR:</b> The 1992 Labour Act (No. 6) (Part XIII, section 107) deals with unfair discrimination or harassment in employment. It also refers to discrimination on grounds of sex, race, colour, ethnic origin, religion, creed, social or economic status, political opinion or marital status or sexual orientation, family responsibilities or disabilities</p>
		Basic legal provisions	According to the Government: (i) the 1992 Labour Act (No. 6), Part XIII, section 107; (ii) the Affirmative Action (Employment) Act, No. 29 of 1998; (iii) the Married Persons' Equality Act (No. 1 of 1996); and (iv) the Racial Discrimination Prohibition Act (No. 26 of 1991).
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Grounds of discrimination	Namibia ratified Convention No. 111.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	<b>2003-2004 ARs:</b> According to the Government: (i) women; (ii) workers in the public service; (iii) workers in establishments of a certain size; (iv); workers in a particular type of employment; (v) agricultural workers; (vi) workers engaged in domestic work; (vii) workers in export processing zones; (viii) migrant workers; and (ix) workers in the informal economy.
		Information/Data collection and dissemination	<p><b>2004 AR:</b> According to the Government: Statistics and information relevant to the principle and right (PR) are kept on a regular basis through the Ministry of Labour.</p> <p><b>2003 AR:</b> According to the Government: Statistics and information relevant to the PR are kept on a regular basis through the Employment Equity Commission.</p>

	<b>Prevention/Monitoring, enforcement and sanctions mechanisms</b>	<b>2004 AR:</b> According to the Government: In case of non-compliance with the PR, the Government refers to the labour courts.		
	<b>Involvement of the social partners</b>	<b>2003-2004 ARs:</b> According to the Government: Employers' and workers' organizations are involved in the Employment Equity Commission, which deals with issues related to the PR.		
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	<b>2000-2004 ARs:</b> According to the Government: These promotional institutions are: the Namibian Employment Equity Commission and the National Council of Women's Federations.	
		<b>Other activities</b>	<b>2007 AR:</b> According to the Government: The Employment Equity Commission conducts promotional activities with relevant employers' organisations on a fairly regular basis in order to improve compliance with the submission of Affirmative Action Reports as required by the Affirmative Action Act.  <b>2000-2002 ARs:</b> According to the Government: (i) policy advocacy; (ii) promotion of the PR among tripartite bodies, employers' and workers' organizations; and (iii) the Ministry of Justice.	
	<b>Special initiatives/Progress</b>	<b>2004 AR:</b> According to the Government: The enactment of the 1995 Affirmative Action Act.		
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	NIL	
		<b>Workers' organizations</b>	NIL	
	<b>According to the Government</b>	2004 AR: According to the Government: The main difficulties encountered in realizing the PR in Namibia are as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' organizations; (x) lack of capacity of workers' organizations; and (xi) lack of social dialogue on this PR.		
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<b>2007 AR:</b> The NUNW requested ILO technical cooperation for capacity building on the PR. In the same vein, the NEF requested mentioned that it had very limited capacity and welcomes any support that can be given.  <b>2004 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Namibia, in particular in: (1) strengthening the capacity of workers' organizations, (2) sharing of experiences across countries/regions, and (3) strengthening data collection and capacity for statistical collection and analysis.		
	<b>Offer</b>	ILO technical assistance in: (i) the development of legislation; (ii) the establishment of Commissions (such as the Employment Equality Commission); (iii) training of Commissioners; and (iv) training of Review Officers.		
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	NIL			
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL			

**COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: OMAN**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, except for the 2000 Annual Review (AR)	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the Omani Chamber of Commerce and Industry (OCCI), the Main Omani Workers' Committee (MOWC) and the Board of Employers' and Workers' Organizations (the Oman Oil Company; Port Qaboos; the Dhafar Omani French Bank; and the Gralfor Group of Companies) through communication of Government reports and tripartite meetings on reporting issues.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	2007 AR: Observations by the OCCI.	
	<b>Workers' organizations</b>	2007 AR: Observations by the MOWC. 2006 AR: Observations submitted by the Main Omani Workers' Committee.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Oman has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100), nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b>
		<b>Ratification intention</b>	<b>2007 AR:</b> The Government, the OCCI and the MOWC mentioned the need for tripartite discussions and ILO support for ratification of all ILO fundamental Conventions by Oman.
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<b>2007 AR:</b> According to the Government: Article 17 of the Basic Law stipulates that "All citizens are equal before the law, and they are equal in public rights and duties. There shall be no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile, or social status." Articles 18, 25, 26, 28, 29, 30, 31, 32, 33, and 34 of the said law include the same concept about discrimination.

<sup>1</sup> 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 the ILO Governing Body.

		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul> <p><b>2005 AR:</b> The Labour Ministry has developed the SANAD Programme to provide employment opportunities for young persons and to encourage initiatives for self-employment.</p> <p><b>2004 AR:</b> According to the Government: Following the adoption of the new Omani Labour Law in 2003, a series of activities have been implemented in line with the Declaration on Fundamental Principles and Rights at Work.</p> <ul style="list-style-type: none"> <li>• <b>Legislation:</b> The Labour Law, 1973.</li> <li>• <b>Regulations:</b> Ministerial Order No. 19/74.</li> </ul>
		<b>Basic legal provisions</b>	According to the Government: The Basic Law (articles 12, 17, 18, 25, 26, 28-34); the Labour Law, 1973; Ministerial Order No. 19/74.
		<b>Grounds of discrimination</b>	<b>2003-2004 ARs:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction.
		<b>Judicial decisions</b>	<b>2007 AR:</b> According to the Government: Judicial decisions are made by independent courts and are regulated by articles 59-71 of the Basic Law.
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2001 AR:</b> According to the Government: Women and handicapped persons.
		<b>Information/Data collection and dissemination</b>	<b>2007 AR:</b> According to the Government: The Department of Labour Affairs in the Ministry of Manpower collects data on the issue of PR.
	<b>Prevention/Monitoring, enforcement and sanctions mechanisms</b>	<b>2001-2002 ARs:</b> According to the Government: Prevention/monitoring and sanctions are implemented through the Basic Statute of the State, laws and regulations for the realization of the principle and right (PR).	
	<b>Involvement of the social partners</b>	<b>2003 AR:</b> According to the Government: Employers' and workers' organizations have been involved in the development and implementation of governmental measures in relation to the PR, including the revision of the 1973 Labour Law.	
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	<b>2007 AR:</b> According to the Government: The Ministry of Manpower.

		<b>Other activities</b>	<p><b>2007 AR:</b> The Government, the OCCI and the MOWC referred to their participation in the Fourth ILO/Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006. Moreover, tripartite activities were organized in Oman with the support of the Arab Labour Organization (ALO).</p> <p><b>2005 AR:</b> According to the Government: (i) training and awareness programme related to the PR, (ii) dissemination of the new Omani Labour Law and its provisions, including on discrimination in employment, (iii) various activities of the Ministry of Manpower such as the organization of training programmes and symposia, and publication of public information pamphlets, including on women's employment, work practices and the publication a manual on small project management in 2004.</p>
	<b>Special initiatives/Progress</b>		<b>2005 AR:</b> According to the Government: Publication of public information pamphlets, including on women's employment and work practices.
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> The OCCI mentioned its lack of capacity building and training on the ILO Declaration and its follow-up.
		<b>Workers' organizations</b>	<b>2007 AR:</b> The MOWC also mentioned its lack of capacity building and training on the ILO Declaration and its follow-up.
	<b>According to the Government</b>		<b>2007 AR:</b> According to the Government: Further awareness programmes are required.
<b>TECHNICAL COOPERATION</b>	<b>Request</b>		<p><b>2007 AR:</b> According to the Government, the OCCI and the MOWC: ILO technical cooperation would be needed to organize in Oman a national tripartite workshop on International Labour Standards and the ILO Declaration. Moreover, employers' and workers' organizations need special training on their roles in the Declaration's follow-up. The Government stated that there should be continuous dialogue between the Ministry of Manpower, the ILO and the social partners.</p> <p><i><b>2006 AR:</b> According to the Main Omani Workers' Committee: ILO technical cooperation would be necessary in establishing Workers' Committees and raising awareness on their role in promoting the PR and other ILO fundamental principles and rights at work (FPRW) in Oman.</i></p>
	<b>Offer</b>		ILO (Decent Work Country Programme (2004-2005) ILO/GCC Joint Plan of Activities; ALO.
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>			<p><b>2005 AR:</b> The ILO Declaration Expert-Advisers noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (paragraph 148 of the 2005 Annual Review Introduction).</p> <p><b>2003 AR:</b> The ILO Declaration Expert-Advisers stated that they commend Oman for its continuing dialogue with the Office (paragraph 4 of the 2003 Annual Review Introduction).</p> <p><b>2002 AR:</b> The ILO Declaration Expert-Advisers stated that they acknowledged in particular the high level dialogue and agreement on a plan of activities between the Office and the Government of Oman (paragraph 82 of the 2002 Annual Review Introduction)</p> <p><b>2001 AR:</b> The ILO Declaration Expert-Advisers hoped that the Government of Oman would continue a dialogue with the Office regarding the ways in which the principle and right could be achieved.</p>

<b>GOVERNING BODY OBSERVATIONS RECOMMENDATIONS</b>	NIL
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**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: QATAR**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	<b>YES</b> , since the start of the Annual Reviews (AR) in 2000.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>YES</b> , according to the Government: Involvement of the Qatar Chamber of Commerce and Industry (QCCI) and the Qatar Petroleum Workers' Committee (QPWC) through consultations and communication of government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>AR 2007:</b> Observations by the QCCI	
	<b>Workers' organizations</b>	<b>AR 2007:</b> Observations by the QPWC  <b>2006 AR:</b> Observations by the QPWC Observations by the International Confederation of Free Trade Unions (ICFTU).	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Qatar ratified in 1976 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>
		<b>Ratification intention</b>	<b>YES, since 2002 for the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>  <b>2007 AR:</b> According to the Government: The "ambiguity" of the text of C. 100 is deemed to be an obstacle to ratification of C.100. Despite this fact, the Government intends to meet the conditions that would allow for its ratification.  <b>2006 AR:</b> The Government stated the following: the Government endorses that it endorses ILO Fundamental Principles and Rights. C.100 is in the process of ratification. The Government expects some positive developments by the end of 2005 in this regard.  <b>2002 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100.

<sup>1</sup> 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 the ILO Governing Body

	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	NIL
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy: 2003-2005 ARs:</b> According to the Government, there is a national policy concerning the elimination of discrimination in employment and occupation through the amendment of the provisional basic law.</li> <li>• <b>Legislation:</b> (i) Labour Law No. 3, (ii) the Public Service Law; and (iii) the Civil Service Act, 1967.</li> <li>• <b>Regulations:</b> The Executive Regulations of the Public Service Law.</li> <li>• .</li> </ul>
		<b>Basic legal provisions</b>	(i) the Labour Law No. 3 (sections 2 and 28); (ii) the Public Service Law and its Executive Regulations; and (iii) the Civil Service Act, 1967
		<b>Grounds of discrimination</b>	<b>2003 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.
		<b>Judicial decisions</b>	NIL
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2003-2005 ARs:</b> According to the Government: (i) all categories of workers in the public service; (ii) workers in particular types of employment; (iii) agricultural workers; (iv) workers engaged in domestic work; (v) workers in EPZs; (vi) migrant workers; and (vii) workers in the informal economy.
		<b>Information/Data collection and dissemination</b>	<b>2002 AR:</b> According to the Government: Questionnaires and requests for information addressed to companies and enterprises confirm the non-existence of discrimination.
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Prevention/Monitoring, enforcement and sanctions mechanisms</b>	<p><b>2007 AR:</b> According to the Government: The new Labour Code provides that women workers shall be granted equal remuneration to that of a male worker for work of equal value. Thus, the Labour Department ensures, through labour inspectors and by legalizing labour contracts, that undertakings and companies comply with the law, and hence pay the female worker the same remuneration they pay to the male worker for work of equal value.</p> <p><b>2002-2005 ARs:</b> According to the Government: The realization of the principle and right (PR) is ensured through the inspection and supervision of enterprises.</p>	
	<b>Involvement of the social partners</b>	<p><b>2004 AR:</b> According to the Government: Workers' and employers' organizations have been involved in the development and implementation of governmental measures regarding the PR.</p> <p><b>2002 AR:</b> According to the Government: The Labour Department cooperates closely with employers in realizing the PR. A national training scheme had been set up to prepare Qatari for employment after consultations were held with the private and public sectors.</p>	
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	<b>2003-2005 ARs:</b> The Government stated that it would consider establishing such machinery, if necessary.

		<b>Other activities:</b>	<p><b>2007 AR:</b> The Government, the QCCI and the QPWC referred to their participation in the Fourth ILO/Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.</p> <p><b>2002 AR:</b> According to the Government: A committee had been established to study the Declaration and to define the position of the State of Qatar vis-à-vis the PR and obligations contained therein.</p>
	<b>Special initiatives/Progress</b>	NIL	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> According to the QCCI: There is a lack of social dialogue on the PR. Tripartite discussions should be organized with a view to understanding better how to respect, promote and realize the ILO Declaration in Qatar.
		<b>Workers' organizations</b>	<p><b>2007 AR:</b> According to the QPWC: There is a lack of social dialogue on the PR. As has been mentioned by the QCCI, tripartite discussions should be organized with a view to better understanding how to respect, promote and realize the ILO Declaration in Qatar.</p> <p><b>2006 AR:</b> According to the ICFTU: challenges in realizing the PR in Qatar are as follows: (i) lack of ratification of C.100; and (ii) the vulnerability of migrant workers and domestic workers.</p>
	<b>According to the Government</b>	<p><b>2007 AR:</b> According to the Government: No challenges worth mentioning, as most of the companies adopt regulations that defines remuneration on the basis of occupation or job, regardless of whether the candidate is a man or a woman. However, some employers, in particular those in small enterprises, need to have clarifications regarding allowances and premiums falling under the concept of salary. Thus, specialists in labour administration are available to give answers to their inquiries on this matter.</p> <p><b>2003 AR:</b> According to the Government: There is no statistical or information collection.</p>	
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2007 AR:</b> According to the Government: In the framework of the Plan of Joint Activities signed in 2001 between the Council of Ministers of Labour and Social Affairs in the Gulf Cooperation Council (GCC) and its Executive Bureau and the ILO, an activity should be dedicated to explaining the text of C.100, and in particular what is meant by work of equal value, and the practical mechanism to follow up this matter in regulations and practice.</p> <p>Moreover, according to the Government, the QCCI and the QPWC, the ILO technical cooperation is needed to promote a better understanding of the ILO Declaration in Qatar.</p> <p><b>2006 AR:</b> According to the Qatar Petroleum Workers' Committee: ILO technical cooperation will be needed soon to facilitate the realization of the PR and other fundamental principles and rights at work when the Workers' Committees are generalized in the country.</p> <p><b>2005 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR, in the following areas in order of priority: (1) assessment of the difficulties identified and their implications; and (2) training of other officials (e.g. police, judiciary, social workers, teachers).</p>	
	<b>Offer</b>	ILO, GCC, NGOs and bilateral donors.	

<p><b>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p><b>2005 AR:</b> The ILO Declaration Expert-Advisers noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (paragraph 148 of the 2005 Annual Review Introduction).</p> <p><b>2003 AR:</b> The ILO Declaration Expert-Advisers stated that they commend Qatar for their continuing dialogue with the Office.</p> <p><b>2002 AR:</b> The ILO Declaration Expert-Advisers stated that they acknowledged in particular the high-level dialogue and agreement on a plan of activities between the Office and the Government of Qatar (paragraph 82 of the 2002 Annual Review Introduction).</p> <p><b>2001 AR:</b> The Expert-Advisers hoped that the Government of Qatar would continue a dialogue with the Office regarding the ways in which the PR could be achieved (paragraph 77 of the 2001 Annual Review Introduction).</p>
<p><b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p><b>2007 AR:</b> It should be recalled that the Constitution of the State of Qatar has guaranteed the right of equality to all in article 35: “All people are equal before the law. There shall be no discrimination on account of sex, origin, language, or religion.</p>

**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: SAMOA**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, under the 2006 Annual Review (AR). Samoa became an ILO member State in 2005.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the employers' organizations (the Samoa Association of Manufacturers and Exporters (SAME); and the Samoa Chamber of Commerce and Industry (CCI)) and workers' organizations (the Samoa Public Service Association (PSA); the Yazaki Employees' Association (YEA); and the Polynesian Airlines Staff Association (PASA) by means of consultation and communication of a copy of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2006 AR:</b> Observations by the SAME Observations by the CCI.	
	<b>Workers' organizations</b>	<b>2006 AR:</b> Observations by the PSA Observations by the YEA Observations by the PASA	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Samoa has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b> However, Samoa ratified in 1992 the United Nations Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW).
		<b>Ratification intention</b>	<b>Under consideration for both C.100 and C.111.</b> <b>2006 AR:</b> The Government enjoyed the employers' and workers' organizations' (CCI, SAME, PSA, YEA and PASA) support for ratification of all ILO fundamental Conventions by Samoa.
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<b>YES</b> , the national Constitution, Article 15, prohibits discrimination in employment and occupation.
<b>Policy, legislation and/or regulations</b>		<ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul> <b>2006-2007 ARs:</b> According to Government: There is a national policy on the elimination of discrimination in employment and occupation.	
<b>Basic legal provisions:</b>		(i) The national Constitution, article 15.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>			

<sup>1</sup> 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 the ILO Governing Body.

		<b>Grounds of discrimination</b>	<b>2006 AR:</b> 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, language, place of birth and disability.
		<b>Judicial decisions</b>	According to the SAME: There have been some judicial decisions to enforce the principle and right (PR), mainly with respect to pay and working conditions.
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	NIL
		<b>Information/Data collection and dissemination</b>	<b>2006 AR:</b> No, but the Government requested the ILO assistance for the collection of statistics and information relevant to the elimination of discrimination in employment and occupation.
	<b>Prevention/Monitoring, enforcement and sanction mechanisms</b>	<b>2006 AR:</b> According to Government: Specific measures have been implemented or are envisaged to respect, promote and realize the PR. In instances where the Government finds that the principle has not been respected, the Government provides advice to the offending party and a mutual agreement is found.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Involvement of the social partners</b>	NO	
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	NO <b>2006 AR:</b> According to the Government: There is no special machinery or body in relation to the PR, and the Government does not need ILO assistance to design such machinery.
		<b>Other activities</b>	NIL
	<b>Special initiatives/Progress</b>	NIL	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	<b>2006 AR:</b> According to the SAME: The main difficulties encountered in Samoa in realizing the PR are as follows: (i) lack of information and data; (ii) social values; (iii) social and economic circumstances, and (v) there are technically no discriminations against women in Samoa, except for senior positions where women are underrepresented.  According to the CCI: The main difficulties encountered in Samoa in realizing the principle and right are as follows: (i) social values, cultural traditions (interference of Samoan cultural patterns in the labour relations schemes: for instance, a person with a Matai title might be reluctant to follow the instructions given by his senior who is titleless); (ii) lack of public awareness and support; (iii) legislation; and (iv) enforcement mechanisms.
		<b>Workers' organizations</b>	<b>2006 AR:</b> According to the YEA: The main difficulties encountered in Samoa in realizing the PR are as follows: (i) lack of information and data; (ii) social values, cultural traditions; and (iii) lack of public awareness and support.  According to the PASA: The main difficulties encountered in Samoa in realizing the PR are as follows: (i) lack of information and data; (ii) social values; and (iii) social and economic circumstances.

	<b>According to the Government</b>	<b>2006 AR:</b> In response to the employers' and workers' organizations observations, the Government mentioned the following: Compared to other Pacific countries, Samoa has the highest rate of female Chief Executive Officers (30%). There is, of course, room for progress. In this respect, the Government supports the CCI stand on the need for appropriate legislation and greater public awareness on the principle and right and the need to highlight the benefits/positive aspects of each principle and right from both the workers' and the employers' viewpoints.
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2006 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Samoa, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (2) Awareness-raising, legal literacy and advocacy; and (3) Strengthening data collection and capacity for statistical analysis; sharing of experiences across countries/regions; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; strengthening social dialogue; training of other officials (police, judiciary, social workers, teachers). These priorities may be satisfied through the preparation (survey and validation seminar) and launch of a national Declaration Programme for Samoa.</p> <p>All employers' and workers' organizations supported the Government's request for ILO technical cooperation, including the launch of an ILO Declaration Programme to facilitate the promotion and realization of the fundamental principles and rights at work in Samoa.</p> <p>According to the SAME: There is a need to fight against discrimination in Samoa.</p> <p>According to the CCI: The ILO technical cooperation would be necessary to assist in the realization of this PR in Samoa in the following areas: (i) greater public awareness on the PR as well as on the relevant legislation, including a focus on benefits/positives aspects of the principle and right from workers' and employers' viewpoints; (ii) labour law reform; (iii) enforcement mechanisms; and (iv) launch of an ILO Declaration Programme to facilitate the realization of the fundamental principles and rights at work.</p> <p>According to the PSA and the PASA: The ILO technical cooperation would be necessary to facilitate the realization of this PR in Samoa, especially in sensitizing workers, and the public in general.</p> <p>According to the YEA: The ILO technical cooperation would be necessary to facilitate the realization of this principle and right in Samoa in the following areas: (i) legislative reform and adequate protection against the adverse effects of globalization; and (iii) awareness raising and tripartite consultations on the PR; and (iv) launch of an ILO Declaration Programme to facilitate the realization of the fundamental principles and rights at work.</p> <p>The Government agreed with the views expressed by PASA, PSA, SAME and YEA. It also supported the CCI stand on the need to highlight the benefits/positive aspects of each PR from both the workers' and the employers' viewpoints.</p>
	<b>Offer</b>	ILO (including assistance in reporting under the 2006 AR), and CEDAW Programme (UNDP, UNIFEM, national NGOs, etc).
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: SINGAPORE**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, since the start of the Annual Reviews (ARs) in 2000.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of Singapore National Employers' Federation (SNEF) and the Singapore National Trades Union Congress (SNTUC) by means of consultations and communication of government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> Observations by the SNEF.	
	<b>Workers' organizations</b>	<b>2005 AR:</b> Observations by the SNTUC and its affiliates. <b>2001 AR:</b> Observations by the International Confederation of Free Trade Unions (ICFTU).	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Singapore ratified in 2002 the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>
		<b>Ratification intention</b>	NIL
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<b>YES</b> Although Singapore has no legislative provisions or established bodies to ensure equality in employment and occupation, the principle and right (PR) is firmly entrenched in the Constitution. The 1965 Constitution has amended article 12(1) which provides that "all persons are equal before the law and entitled to the equal protection of the law".

<sup>1</sup>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 the ILO Governing Body.

		<p><b>Legislation, regulations and/or policy</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy:</b></li> </ul> <p><b>2005 AR:</b> According to the Government: In 2005, the Tripartite Committee on Employability of Older Workers was established to review, among other issues, discrimination against older workers in employment and to strengthen existing measures, codes and guidelines such as the Code of Responsible Employment Practices and the Guidelines on Non-Discriminatory Job Advertisements. This Tripartite Committee is also looking at formulating a broad strategy to change perceptions of employers, employees and customers on the employability of older workers.</p> <p><b>2000 AR:</b> Since 1962: Institutionalization of the principle of equal remuneration.</p>
		<p><b>Basic legal provisions</b></p>	<p>According to the Government: The 1965 Constitution as amended (article 12(1)); Employment Act (section 14(2)).</p>
		<p><b>Grounds of discrimination</b></p>	<p><b>2000-2003 ARs:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, religion, sex, descent or origin.</p>
		<p><b>Judicial decisions</b></p>	<p>NIL</p>
	<p><b>Exercise of the principle and right</b></p>	<p><b>Special attention to particular situations</b></p>	<p>NIL</p>
		<p><b>Information/Data collection and dissemination</b></p>	<p>NIL</p>
	<p><b>Prevention/Monitoring, enforcement and sanctions mechanisms</b></p>	<p><b>2005 AR:</b> The Government stated that the Executive Mediation Unit in the Ministry of Manpower looks into complaints and disputes on unfair employment practices such as disputes on maternity leave. It also acts on companies with unfair and discriminatory recruitment practices, e.g., recruitment ads with specific race requirements.</p> <p><b>2002-2003 ARs:</b> According to the Government: Investigations are held after complaints received by the Ministry against employers for alleged discrimination. Sanctions and fines are provided correspondingly.</p>	

<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Involvement of the social partners</b>	<p><b>2007 AR:</b> According to the SNTUC: the SNTUC Women’s Committee forwarded a proposal to the Ministry of Manpower in September 2005 suggesting amendments to the law to give better protection to pregnant employees. This Committee is also currently working with the social partners and voluntary welfare organisations to help older women and homemakers re-integrate the labour market.</p> <p><b>2000-2005 ARs:</b> According to the Government: The Guidelines on Non-Discriminatory Job Advertisements issued in 1999 were drawn up through the joint effort of the Ministry of Manpower, the SNEF and the SNTUC.</p> <p><b>2001 AR:</b> According to the Government: The SNTUC has initiated information technology (IT) and computer training courses and skills re-development programme for union members.</p> <p><b>2000 AR:</b> According to the Government: Employers’ and workers’ organizations have been involved in the launch of the tripartite “Back to Work” Programme.</p>	
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	According to the Government: The Ministry of Manpower.
		<b>Other activities</b>	<p><b>2007 AR:</b> According to the Government: The Tripartite Committee on Employability of Older Workers released its interim report and a range of recommendations to enhance the employability of older workers in January 2006. One of the recommendations was to set up the Tripartite Alliance for Fair Employment Practices (TAFEP) to shift mindsets among employers, employees and the general public towards fair and responsible employment practices for all workers. The TAFEP was formed in May 2006 and is co-chaired by the SNEF and the SNTUC, with participation from the Government. On the proposed changes to the labour laws, the Government conducts reviews of the law regularly, and will take into account inputs from both the workers and the employers.</p> <p><b>2005 AR:</b> According to the Government: The Tripartite Committee on Employability of Older Workers under the Minister of Manpower seeks to encourage the adoption of measures and guidelines through promotion and incentives.</p> <p><b>2001-2003 ARs:</b> According to the Government: Under the Employment Act, paid maternity leave had been extended to working mothers in order to give them time to bond with their new baby without suffering a loss in wages and also to avoid a cost burden on employers. It also indicated that a budget of \$200 million had been allocated for a five-year Manpower Development Assistance Scheme (MDAS) project for skills development.</p> <p><b>2001 AR:</b> According to the Government: In September 1996, the tripartite “Back to Work” Programme for homemakers and older persons aged 55 years and above was launched by the Ministry of Manpower in collaboration with the Singapore Productivity and Standards Board (PSB), the SNTUC and the SNEF. The Employment (Part-Time Employees) Regulations was also implemented.</p>
	<b>Special initiatives/Progress</b>	NIL	

<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	According to the SNEF: The existing employment laws are adequate in protecting the rights and well-being of workers. However, where there is need for review and proposed changes are not to undermine business, the employers' organisation would be receptive in considering the changes.
		<b>Workers' organizations</b>	<b>2005 AR:</b> According to the SNTUC: There is persisting discrimination against older and female workers. More stringent enforcement of the laws against those who violate them and legal literacy and educational activities for employers are necessary to address discrimination against pregnant employees.
	<b>According to the Government</b>	NIL	
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	NIL	
	<b>Offer</b>	NIL	
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<b>2004 AR:</b> The ILO Expert-Advisers urged the Government to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process.		
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL		



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: SOLOMON ISLANDS**

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

*Note: This draft baseline is waiting for Government's approval*

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, but ONLY ONCE under the 2006 Annual Review (AR).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to Government: Involvement of the employers' organizations (the Solomon Islands Chamber of Commerce and Industry (SICCI); the Solomon Islands Chinese Association (SICA); the Solomon Islands Indigenous Business Association (SIIBA); the Solomon Islands Women in Business Association (SIWIB); the Association of Solomon Islands Manufacturers (ASIM); the Solomon Forestry Association (SFA)) and workers' organizations (the Solomon Islands Council of Trade Unions (SICTU); the Solomon Islands Public Employees Union (SIPEU); the Solomon Islands National Union of Workers (SINUW); and the Solomon Islands National Teachers' Association (SINTA) by means of consultation and communication of a copy of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2006 AR:</b> Observations by SCCI, SICA, SIIBA, SIWIB, ASIM and SFA.	
	<b>Workers' organizations</b>	<b>2006 AR:</b> Observations by SICTU, SIPEU, SINUW and SINTA.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Solomon Islands has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b> However, Solomon Islands ratified in 2000 the United Nations convention of the Elimination of All Forms of Discrimination Against Women (CEDAW).
		<b>Ratification intention</b>	<b>YES, for both C.100 and C.111.</b> <b>2006 AR:</b> The Government indicated that it had the intention to ratify C.100 and C.111, and that it was initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance national laws with the principle and right (PR). It also appreciated the employers' and workers' organizations' (ASIM, SFA, SICCI, SIIBA, SIWIB, SICA, SICTU, SINUW, SINTA and SIPEU) support for the ratification of all ILO fundamental Conventions not ratified by Solomon Islands. In this respect, it requested ILO technical assistance on the Declaration and standard-related issues and for capacity building in reporting.

<sup>1</sup> 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 the ILO Governing Body.

	<p><b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b></p>	<p><b>Constitution</b></p>	<p><b>YES</b> As a general principle, the Preamble of the national Constitution, 1978, provides for human dignity, equality, social justice, and equity for the people of Solomon Islands. Furthermore, under Article 15 of the Constitution, no law shall make any provision that is discriminatory either of itself or in its effect. Moreover, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.</p>
<p><b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b></p>		<p><b>Policy, legislation and/or regulations</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy:</b> 2006 AR: According to Government: There is no national policy concerning the principle and right (PR). However, the Government intends to do so, and would welcome any ILO assistance in this respect.</li> </ul> <p><b>2006 AR:</b> According to Government: There is a national policy on the elimination of discrimination in employment and occupation.</p> <ul style="list-style-type: none"> <li>• <b>Legislation</b></li> </ul> <p>Parts III and IV of the Trade Unions’ Act (CAP 76), 1970 (as revised in 1998), provides for the registration and the rights and liabilities of trade unions. Freedom of association of employees shall not be subject to employers’ interference under Section 60 of the same Act. In addition, the Solomon Islands ratified in 1985 the Right of Association (Agriculture) Convention, 1921 (No. 11).</p> <p>Although there is no explicit reference to the right to collective bargaining in national laws and rules, this right is recognized under Section 26 of the Trade Unions Act, which provides that every trade union shall be liable on any contract entered into it or by an agent acting on its behalf, and under Section 59 which refers to agreements. Furthermore, this right is recognized in practice, and many collective bargaining agreements are currently in force in the country.</p> <p><b>Basic legal provisions:</b> (i) The national Constitution, 1978 (Articles 3(b) and 13); (ii) the Trade Unions’ Act (CAP 76), 1970 (as revised in 1998), Parts III and IV, and Sections 26 and 59; and the Trade Unions Act (CAP 161), 1983).</p> <ul style="list-style-type: none"> <li>• <b>Basic legal provisions:</b> (i) The national Constitution, Article 15.</li> </ul>
		<p><b>Basic legal provisions</b></p>	<p>(i) The Preamble of the Constitution; (ii) The Constitution, Articles 15, 17 and 18; and (iii) Collective agreements.</p>
		<p><b>Grounds of discrimination</b></p>	<p><b>2006 AR:</b> According to Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion and place of birth and disability. Under section 15(4) of the national Constitution, the expression “discriminatory” means affording different treatment to different persons, including persons subject to disabilities and restrictions, and excluding them from privileges or advantages on grounds of race, place of origin, political opinions, colour, creed or sex.</p>

		<b>Judicial decisions</b>	NIL
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	NIL
		<b>Information/Data collection and dissemination</b>	<b>2006 AR:</b> The Government mentioned that a National Analysis on Women, Youth and Children had been finalized in 2004. It, however, requested the ILO assistance for the collection of statistics and information relevant to the elimination of discrimination in employment and occupation.
	<b>Prevention/Monitoring, enforcement and sanction mechanisms</b>	<b>2006 AR:</b> According to Government: Specific measures have been implemented or are envisaged to respect, promote and realize the PR. In instances where the Government finds that the principle has not been respected, the Government provides advice to the offending party and a mutual agreement is found.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Involvement of the social partners</b>	<b>YES</b> <b>2006 AR:</b> According to Government: A labour law reform is being initiated in association with the social partners.	
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	<b>NO, however:</b> <b>2006 AR:</b> According to Government: There is no special machinery or body in relation to the PR. However, the Government requested ILO assistance in designing such machinery.
		<b>Other activities</b>	<b>2006 AR:</b> Specific measures have been implemented or are envisaged to respect, promote and realize this PR in the country. The PR is realized in a number of collective agreements, both in public and private sectors. In addition, a National Situation Analysis on Women, Youth and Children has been finalized in 2004. In instances where the Government finds that the principle has not been respected, measures are being taken in accordance of the Constitution, sections 17 and 18. Under the Constitution, any person whose fundamental rights or freedoms has been contravened may apply to High Court for redress and shall be entitled to compensation for the contravention thereof from the person or authority which contravened it.
	<b>Special initiatives/Progress</b>	<b>2006 AR:</b> According to Government: (i) the Government intends to ratify C.100 and C.111; and (iii) the Government is currently initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance of national laws with the provisions of C. 100 and C.111.	

<p><b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>According to the social partners</b></p>	<p><b>Employers' organizations</b></p>	<p><b>2006 AR:</b> According to the employers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>SFA: There is a concern as the realization of the PR in Solomon Islands, due to ethnicity, and other discriminations on grounds of race, sex and religion. The main difficulties encountered in realizing the PR in Solomon Islands are as follows: (i) lack of employment opportunities; (ii) lack of social dialogue; (iii) inadequate labour laws; and (iv) lack of public awareness.</p> <p>SICA: (i) lack of adequate legislation; (ii) lack of information and data; (iii) lack of public awareness-raising on the PR; and (iv) lack of ILO support and technical cooperation programmes;</p> <p>SIWIB: (i) lack of information and data; (ii) social and economic circumstances; and (iii) forms of discrimination on grounds of race, religion and ethnicity;</p> <p>SICCI: (i) forms of discrimination at workplace on grounds of gender; (ii) lack of adequate legislation; (iii) lack of information and data; lack of public awareness-raising on the PR; and (iv) lack of ILO support and technical cooperation programmes;</p> <p>ASIM: (i) cultural discrimination; and (ii) lack of consistent and permanent education.</p> <p>SIIBA: (i) discrimination is common in practice in this country, especially on grounds of ethnicity (the "one Tok system"), race and religion. inadequate legislation; (ii) inadequate legislation; (iii) inadequate enforcement of the legislation; (iv) lack of expertise and resources in the Labour Division; (v) lack of information and data collection; and (vi) lack of ILO support and technical cooperation programmes.</p>
		<p><b>Workers' organizations</b></p>	<p><b>2006 AR:</b> According to the workers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>SIPEU: (i) inadequate legislation; (ii) lack of information and data; (iii) lack of capacity of Government, employers' and workers' organizations; (iv) lack of social dialogue; and (v) lack of ratification of C.100 and C.111;</p> <p>SINTA: (i) ethnicity, and other discriminations on grounds of race, sex and religion; (ii) social, cultural values and traditions; (iii) gender bias; (iv) inadequate legislation; (v) lack of information and data; (vi) lack of capacity of Government, employers, and workers, organizations; (vii) lack of social dialogue; and (viii) lack of public awareness on the PR;</p> <p>SICTU and SINUW: (i) discrimination need to be enforced in laws, practice and regulations; (ii) lack of information and data; (iii) social values (in particular discrimination based on sex and barriers to women's employment); (iv) social and economic circumstances; and (v) there are reported cases of discrimination based on race, creed, following ethnic conflicts.</p>

	<p><b>According to Government</b></p>	<p><b>2006 AR:</b> The main difficulties encountered in realizing the PR in the Solomon Islands are as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vi) prevailing employment practices; (vii) lack of capacity of responsible government institutions (labour inspection, in particular); (viii) lack of capacity of employers' organizations; (ix) lack of capacity of workers' organizations; and (x) lack of social dialogue on the PR. Moreover, there is a need to address the issue of domestic workers and women workers that are vulnerable and subject to discrimination, especially in access to employment.</p>
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<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2006 AR:</b> According to Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Solomon Islands, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; strengthening data collection and capacity for statistical analysis; legal reform (labour law and other relevant legislation); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration;(2) Awareness-raising, legal literacy and advocacy; capacity building of responsible government institutions; Strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; establishing or strengthening specialized institutional machinery; cooperation between institutions (e.g. various ministries and relevant commissions); (3) Sharing of experiences across countries/regions.</p> <p>In addition, social dialogue, legal reform, monitoring and implementation of the Principle and Right are important steps to be addressed in Solomon Islands as soon as possible. ILO technical assistance would be welcomed in this respect, especially in the preparation (survey and validation seminar) and launching of a national Declaration Programme for Solomon Islands.</p> <p>All employers' and workers' organizations supported the Government's request for ILO technical cooperation, including the launch of an ILO Declaration Programme to facilitate the promotion and realization of the fundamental principles and rights at work in Solomon Islands.</p> <p>According to the employers' organizations, the ILO technical cooperation would be necessary to assist in the realization of the PR in Solomon Islands in the following areas:</p> <p>SFA: (i) labour law reform; (ii) strengthening of social dialogue; and (iii) public awareness-raising campaign to targeted groups and decision makers;</p> <p>SICA and SICCI: (i) legal reform; (ii) data collection; and (iii) public awareness-raising on the PR;</p> <p>SIWIB: (i) education programmes; (ii) capacity building; and (iii) adequate coordination among social partners concerning the promotion and realization of the PR;</p> <p>ASIM: (i) public awareness-raising on the PR;</p> <p>SIIBA: (i) legal reform; (ii) strengthening of the capacity building of Government and social partners; and (iii) public awareness raising;</p> <p>SIPEU: (i) information and data collection; (ii) capacity building of employers' and workers' organizations on the PR; (iii) strengthening of social dialogue; and (vi) awareness-raising of the public on the PR and the negative aspects of child labour and its worst forms;</p> <p>SINTA: (i) legal reform; (ii) information and data collection; (iii) capacity building of employers' and workers' organizations on the PR; (iv) strengthening of social dialogue; and (v) awareness-raising of targeted groups and decision makers;</p> <p>SICTU and SINUW: (i) fighting against all forms of discrimination in employment and occupation.</p>
	<b>Offer</b>	<p>ILO (including labour law reform and assistance in reporting under the 2006 AR), and CEDAW Programme (UNDP, UNIFEM, national NGOs, etc).</p>
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2006 AR:</b> The ILO Declaration Expert-Advisers noted that the close relationship between free, available and adequate schooling and decreasing child labour was also evident from the reports and from other information available. In this connection, they expressed concern that in Solomon Islands and two other reporting countries there was no compulsory schooling (paragraph 58 of the 2006 Annual Review Introduction).</p>	

<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL
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**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: SOMALIA**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, since the 2006 Annual Review (AR).No change report under the 2007 AR (national crisis).		
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>NO (there are no employers' and workers' organizations in Somalia).</b> According to the Government: A process is being developed with a view to establishing in the country new employers' and workers' organizations.		
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	NIL.		
	<b>Workers' organizations</b>	NIL		
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Somalia ratified in 1961 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not yet ratified Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>	
		<b>Ratification intention</b>	<b>Under consideration for C.100 since 2006.</b> <b>2006 AR:</b> According to the Government: With a view to considering ratification of all ILO fundamental Conventions, the Government would appreciate receiving ILO technical assistance in organizing a national workshop on labour standards and the Declaration on Fundamental Principles and Rights at Work.	
	<b>Recognition of the principle and right (prospect(s), means of</b>	<b>Constitution</b>	<b>YES</b> , articles 15 and 18.1 a) of the 2004 Somali Transitional Federal Charter (STFC) prohibit all forms of discrimination.	
		<b>Policy, legislation</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul>	

<sup>1</sup> 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 the ILO Governing Body.

<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>action, basic legal provisions)</b>	<b>and/or regulations</b>	<p><b>No, however:</b></p> <p><b>2006 AR:</b> The Government intended to adopt a national policy on the PR.</p> <ul style="list-style-type: none"> <li><b>Legislation</b></li> </ul> <p>The PR is recognized under PartI.3 of the Labour Code, Law no. 65 of 1972 that prohibits all forms of discrimination. Article 70 of the same text provides that equal remuneration shall be given for equal value, efficiency and duration.</p>	
		<b>Basic legal provisions</b>	(i) The 2004 Somali Transitional Federal Charter (STFC) (Articles 15 and 18.1 a); and (ii) The Labour Code, 1972 (Part 1.3 and section 70).	
		<b>Grounds of discrimination</b>	<b>C.111 is ratified.</b>	
		<b>Judicial decisions</b>	NIL	
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	NO	
		<b>Information/Data collection and dissemination</b>	NO.	
	<b>Prevention/Monitoring, enforcement and sanction mechanisms</b>	NO		
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Involvement of the social partners</b>	NO		
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	NO	
		<b>Other activities</b>	NIL	
	<b>Special initiatives/Progress</b>	NIL		
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	NIL	
		<b>Workers' organizations</b>	NIL	

	<b>According to the Government</b>	<p><b>2007 AR:</b> The Government reported no change because of national difficult circumstances.</p> <p><b>2006 AR:</b> The main difficulties encountered in realizing the PR in Somalia were as follows: (i) lack of public awareness and support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vi) prevailing employment practices; (vii) lack of capacity of responsible government institutions; (viii) lack of capacity of employers' organizations; and (ix) lack of capacity of workers' organizations.</p> <p>Moreover, there is a need to implement new national labour administration, new tripartite institutions and to ensure compliance of national laws and practice with the ILO Conventions following the national reconstruction process. Declaration, with ILO technical assistance.</p>
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2006 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Somalia, 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> <p>Furthermore, after 15 years of civil war and political turmoil, in 2004, a Transitional Federal Parliament and Transitional Federal Government were formed in Nairobi, Kenya. The Government has launched a programme with the view to establish a new labour administration, new employers' and workers' organizations, new tripartite institutions, revised labour laws and new labour courts.</p> <p>In this historical and instrumental process for national peace, stability and reconstruction, the ILO assistance is most needed to enable the Government to apply the Convention in law and practice, and report accordingly. In view of considering the ratification of all ILO fundamental Labour Conventions, the Government requests the organization of a national workshop on these standards and the Declaration, with ILO technical assistance.</p>
	<b>Offer</b>	ILO (including assistance in reporting under the 2006 AR).
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>		<p><b>2006 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) encouraged the Government of Somalia that had provided its first report under the Declaration to follow up and had expressed its willingness to ratify C.87 and C.98 (Cf. paragraph 34 of the 2006 Annual Review Introduction).</p> <p><b>2005 AR:</b> The IDEAs looked forward to receiving a first reply from the Somalia and other countries that had never reported under the Declaration Annual Review (Cf. paragraph 8 of the 2005 Annual Review Introduction).</p> <p><b>2003-2004 ARs:</b> The IDEAs expressed concern that several countries, including Somalia, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Somalia and other countries that had never reported under the Declaration Annual Review (Cf. paragraph 9 of the 2003 Annual Review Introduction and paragraph 16 of the 2004 Annual Review Introduction).</p>
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	

**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: SURINAME**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, except for the 2002 Annual Review (AR).	
	<b>Involvement of Employers' and Workers organizations in the reporting process</b>	YES, according to the Government: In preparing the reports, consultations were held with the most representative employers' and workers' organizations.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	NIL	
	<b>Workers' organizations</b>	NIL	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Suriname has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C. 111).</b>
		<b>Ratification intention</b>	<b>YES, since 2002 for C.100 and C.111.</b> <b>2003 AR:</b> According to the Government: Ratification of C.100 and C.111 was envisaged <b>2002 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100 and C.111.
	<b>Recognition of the principle and right (prospect(s), means of action, basic provisions)</b>	<b>Constitution</b>	<b>YES</b> Under article 8, paragraph 2 of the 1987 Constitution of Suriname, discrimination on grounds of birth, sex, race, language, religion; education, political beliefs, economic position or any other status is prohibited. The Constitution (article 27, Paragraph 1(c)) also provides for the right to work maximally by guaranteeing equal opportunity in the choice of profession and type of work and forbidding that access to any function or profession be prevented on grounds sex. Moreover, article 28 of the Constitution guarantees to all employees, irrespective of age, sex, race, nationality, religion or political opinion, the right to: - Remuneration for their work corresponding to quantity, type, quality and experience on the basis of equal pay for equal work; - The performance of their task under humane conditions; - Safe and healthy working conditions; and - Sufficient rest and recreation.

<sup>1</sup>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 the ILO Governing Body.

<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Recognition of the principle and right (prospect(s), means of action, basic provisions)</b>	<b>Policy, legislation and/or regulations</b>	<p><b>YES</b> The PR is recognized, but not defined in legislation. However, clauses in collective bargaining agreements provide for non-discrimination.</p> <ul style="list-style-type: none"> <li>• <b>Policy: 2003 AR:</b> There is a national policy concerning the elimination of discrimination in respect of employment and occupation, which aimed at ensuring equality of life for everyone, through a continuing reform of the current legal system.</li> <li>• <b>Legislation:</b> Article 12, paragraph 1 of the General Decree A-11 (S.B. 1982, No. 53) provides for equal remuneration of workers, regardless of race.</li> <li>• <b>Regulations:</b> the General Decree A-11 of 1982.</li> </ul>
		<b>Basic legal provisions</b>	(i) The Constitution, 1987 (articles, 8, 27 and 28); (ii) the Labour Law; and (iii) the General Decree A-11 of 1982.
		<b>Grounds of discrimination</b>	<b>2003 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race/colour, sex, religion, political opinion, national extraction and social origin.
		<b>Judicial decisions</b>	<b>NO</b> According to the Government: The principle and right (PR) is recognized, but not defined in judicial decisions.
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	NIL
		<b>Information/Data collection and dissemination</b>	<b>2003-2005 ARs:</b> According to the Government: There is no information and data on the PR. However, any ILO assistance in this respect would be appreciated.
	<b>Monitoring, enforcement and sanctions mechanisms</b>	<b>2003-2005 ARs:</b> According to the Government: The PR is implemented through the activities of the Gender Bureau of the Ministry of Internal Affairs. The Bureau is used as machinery to combat discrimination against women and perform monitoring and consultative tasks. The following committees also have a role to play: (i) Committee on the Elimination of Discrimination Against Women which deals with the rights of women workers; (ii) the Foundation “Stop Violence Against Women” and other women’s organizations; and (iii) the Organization for Haitians which focuses on migrant workers.	
	<b>Involvement of the social partners</b>	<b>2004 AR:</b> According to the Government: Employers’ and workers’ organizations have been involved in the development and implementation of governmental measures in relation to the elimination of discrimination in employment and occupation. In this respect, within the Labour Advisory Board, the representatives of the employers’ and workers’ organizations had the possibility of making suggestions. In its policy-making, the Government kept these suggestions in mind and applied them, where necessary. Furthermore, activities have been organized by women’s employers and workers’ organizations, and workers education activities have been conducted at the Suriname Labour College sponsored by the social partners.	

		<p><b>Institutions to promote equality:</b> According to the Government: (i) The Gender Bureau of the Ministry of Home Affairs; (ii) the Commission on Gender Regulations (established in 2000) with the main objective of screening of the labour legislation on issues that concern discriminatory conditions against women; and (iii) the Labour Advisory Board</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	<p><b>Other activities:</b> <b>2004 AR:</b> According to the Government: A Commission on Gender Regulations had been established with the main objective of screening of labour legislation on issues that concern discriminatory conditions against women.</p> <p><b>2000 AR:</b> According to the Government: The policy of the Government was aimed at guaranteeing equal quality of life for everyone, especially women. In addition, information was disseminated to the public through the Labour Inspection arm of the Ministry of Labour; literacy programmes were introduced by the Government, and there was continuing reform of the educational system to reduce and remove social inequality. Measures taken to promote respect for this PR include vocational training and the provision of public information by the Ministry of Labour.</p>	
	Special initiatives/Progress	<p><b>2006 AR:</b> The Government of Suriname reported that it was considering the possibility of setting up a system of minimum wages in collaboration with the social partners.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	NIL
	According to the Government	<p><b>2003-2005 ARs:</b> According to the Government: The main difficulties encountered in relation to this PR are as follows: ((1) social and economic circumstances (bureaucracy, small budget of the Ministry of Labour, Technological Development and Environment); (2) lack of information and data (there is insufficient data on women workers in rural areas and in the informal sector regarding wages and unemployment); (3) legal provisions (modernization of the labour laws); and (4) lack of social dialogue on this principle (within the Labour Advisory Board, the Government and social partners have not yet fully discussed this issue).</p>	
TECHNICAL COOPERATION	Request	<p><b>2003-2005 ARs:</b> According to the Government, ILO technical cooperation was needed to facilitate the realization of the principle of non-discrimination, in the following order of priority: (1) developing policies regarding equal remuneration; (2) developing labour market policies that promote equality of opportunity; and (3) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR.</p>	
	Offer	NIL	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL		

**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: THAILAND**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	<b>YES</b> , since the start of the Annual Review (AR) in 2000.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>YES</b> , according to Government: Involvement of the Employers' Confederation of Thailand (ECOT); Employers' Confederation of Thai Trade (ECONTHAI) and Industry; Labour Congress of Thailand; and The National Congress of Thai Labour (NCTL) through consultations and communication of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2007 AR:</b> Observations by the ECOT. <b>2004 AR:</b> Observations by the ECONTHAI. <b>2003 AR:</b> Observations by the ECOT.	
	<b>Workers' organizations</b>	<b>2007 AR:</b> Observations by the NCTL. <b>2005 AR:</b> Observations by the NCTL. <b>2002 AR:</b> Observations by the NCTL. <b>2001 AR:</b> Observations by the World Confederation of Labour (WCL).	
	<b>Ratification</b>	<b>Ratification status</b>	<b>Thailand ratified in 1999 the Equal Remuneration Convention, 1951 (No. 100) (C.100).</b>

<sup>1</sup>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 the ILO Governing Body

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT		Ratification intention	<p><b>YES, since 2002, for the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b></p> <p><b>2007 AR:</b> The ECOT expressed its support for ratification of C.111 by Thailand.</p> <p><b>2004 AR:</b> According to Government: The major duties of the Department of Labour Protection and Welfare are to develop national labour standards in accordance with international labour standards, including the principle and right (PR).</p> <p><b>2002 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.111.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p><b>YES</b></p> <p>The 1997 Constitution (article 30) provides that all persons are equal before the law and shall enjoy equal protection under the law, irrespective of their sex. Article 80 of the Constitution states that the State shall protect and develop children and youth, promote gender equality, and sustain families and communities.</p>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Policy, legislation and/or regulations	<ul style="list-style-type: none"> <li>• <b>Policy:</b></li> </ul> <p><b>2004 AR:</b> According to Government: The Ministry of Labour, through the Department of Labour Protection and Welfare, intends to eliminate discrimination in respect of employment and occupation.</p> <p><b>2003 AR:</b> According to Government: A set of policies in relation to the PR has been implemented. These include urgent policies, income generating policies, labour development policies, gender issues, etc.</p> <p><b>2001- 2002 ARs:</b> According to Government: The Department of Labour Protection and Welfare (DLPW) had established the Result-Based Labour Inspection programme in order to address discrimination in employment and occupation. Policies had been set up for rural areas, disabled people, tribal people, elderly people, migrant workers, and women.</p> <p><b>2000 AR:</b> According to Government: The 8th National Economic and Social Development Plan has been established, the objectives of which included combating discrimination in employment and occupation.</p> <ul style="list-style-type: none"> <li>• <b>Legislation</b></li> </ul> <p>The Labour Protection Act B.E 2541 (1998) addresses the PR, and includes human rights principles (Chapter 8, Sections 199- 200). The Disabled Act of 1991 also deals with the PR.</p>
		Basic legal provisions	(i) The 1997 Constitution (article 30); (ii) the Labour Protection Act B.E 2541 (1998), Chapter 8, sections 199-200; (iii) the Disabled Act of 1991.
		Grounds of discrimination	<b>2003 AR:</b> According to Government: Discrimination in respect of employment and occupation is prohibited on grounds of sex, religion, political opinion, national extraction and social origin.

		<b>Judicial decisions</b>	NIL
<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2000-2003 ARs:</b> According to Government: Women.	
	<b>Information/Data collection and dissemination</b>	NIL	
<b>Prevention/Monitoring, enforcement and sanctions mechanisms</b>	<p><b>2006 AR:</b> According to Government: Employment services provided to the public by the Department of Employment, Ministry of Labour are free of charge and without discrimination. In providing such services, the department will consider job seekers' education level and experience to match the employers' requirements for job vacancies. However, the success of job placement depends on the satisfaction of employers upon the applicants' qualifications. As regard self-employment promotion, the services provided by the Department of Employment is on an equal basis, with the objective of enhancing employability and entrepreneurial skills.</p> <p><b>2003 AR:</b> According to Government: The Labour Department plays a monitoring/inspection, enforcement and defence role for the realization of this PR.</p>		
<b>Involvement of the social partners</b>	<b>2003 AR:</b> According to Government: The employers' and workers' organizations have been involved in the establishment of a Remuneration Committee.		
<b>Promotional activities</b>	<b>Institutions to promote equality</b>	<p><b>2007 AR:</b> According to Government: The Ministry of Social Development and Human Security has taken the following steps:</p> <ul style="list-style-type: none"> <li>• Drafting the Bill of "Promoting Equal Opportunity" to eliminate discrimination against women. The Bill aims to protect not only women, but also all target groups specified in the Constitutional Law of Thailand B.E.2540 (1997), who suffer from inequality of opportunity at work, education, training and access to public facilities or services. Moreover, it defines the word "discrimination" and sets up a procedure of legal complaint, an authority of concerned agencies and discrimination remedy fund. As a result, active discrimination against women and other target groups will be eliminated and they will have equal opportunity to obtain the necessary development and live with human dignity. At the moment, the Draft Bill is undergoing the legislative procedure; and</li> <li>• Drafting the Women Development Plan in accordance with the 10<sup>th</sup> National Economic and Social Development Plan (2007-2011) to create social equality and eliminate all unequal treatment, including employment, for women. Consequently, women and men will be treated equally. For instance, women will be able to have access to available benefits and developments to the same extent as men and with the same human dignity. This Draft Plan is also undergoing the legislative procedure.</li> </ul> <p>The Ministry of Labour and Social Welfare and the Offices of Women's Affairs and Family Development are the institutions that are promoting the PR in the country.</p>	

		<b>Other activities:</b>	<p><b>2007 AR:</b> According to the ECOT: Some training courses have been developed on the PR in Thailand.</p> <p><b>2003-2005 ARs:</b> According to Government: The Ministry of Labour and Social Welfare undertakes labour education programmes to create awareness among employers and to enforce the legal provisions in relation to the PR. The Offices of Women’s Affairs and Family Development is responsible of addressing the gender aspects of discrimination in employment and occupation. According to the ECOT: The PR applies to all categories of workers, including migrant workers. The Commission on Women’s Affairs (NCWA) is responsible for promoting gender equality.</p> <p><b>2002 AR:</b> According to Government: The Department of Labour Protection and Welfare (DLPW), aims at promoting equal treatment between men and women in the field of remuneration and strives to empower women.</p> <p><b>2001 AR:</b> According to Government: The Ministry of Labour and Social Welfare had a range of programmes and services as regards promoting employment, labour inspection and welfare of women workers.</p>
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Special initiatives/Progress</b>		<p><b>2005 AR:</b> According to the Government: The adoption of the practical guidelines on the Prevention and Management of AIDS in the establishments in 2004.</p> <p><b>2004 AR:</b> According to the Government: The introduction of “Advisers for Woman Employees at the Workplace” in the Thai Labour Standard (Voluntary Measure) in April 2003.</p> <p><b>2003 AR:</b> According to the Government: An action plan was adopted in November 2001 to promote labour standards in export processing zones, awareness raising activities and vocational training programmes for women. According to the ECOT: Campaigns aimed at encouraging women’s participation in the village fund program can be considered as a successful initiative in relation to the PR.</p>
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers’ organizations</b>	<b>2007 AR:</b> According to the ECOT: There is a lack of data on the PR.
		<b>Workers’ organizations</b>	<p><b>2007 AR:</b> According to the NCTL: Sex discrimination still exists as far as retirement age and promotion are concerned. Furthermore, sexual harassment is still present in the private and public sectors.</p> <p><b>2002 AR:</b> According to the NCTL: Persisting gender inequalities in the labour market.</p> <p><b>2001 AR:</b> According to the WCL: (i) discriminatory barriers; (ii) large proportion of less educated; (iii) large concentration in lower qualified and under-paid jobs; (iv) lack of legal protection; (iv) outsourcing as a means to avoid the provisions of minimum wage; (v) absence of sanctions in case of violation of the right to maternity leave.</p>

	<b>According to the Government</b>	<p><b>2004 AR:</b> According to Government: (i) lack of public awareness and/or support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' and workers' organizations; and (x) lack of social dialogue on this PR.</p> <p><b>2002 AR:</b> In response to the NCTL's observations, the Government indicated that national laws and regulations should be endorsed in order to achieve equality in employment and occupation in accordance with the Constitution of 1997 and the Labour Relations Act of 1998.</p>
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2007 AR:</b> According to the ECOT: ILO's technical and material support is needed for training on non-discrimination at the workplace.</p> <p><b>2005 AR:</b> According to Government: A need for ILO technical cooperation to facilitate the realization of the PR in Thailand exists in the following priority areas: (1) sharing of experiences across countries/regions; (2) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; awareness-raising, legal literacy and advocacy; strengthening data collection and capacity for statistical collection and analysis; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; training of other officials (e.g. police, judiciary, social workers, teachers); strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; establishing or strengthening specialized institutional machinery; coordination between institutions (e.g. various ministries and relevant commissions).</p> <p>According to the NCTL: ILO cooperation would be needed in order to strengthen the capacity of workers' organizations at both enterprise and national levels.</p> <p><b>2003 AR:</b> According to the ECOT: Technical cooperation is needed, especially in strengthening capacity of employers' organizations and developing fair labour market policies.</p>
	<b>Offer</b>	ILO (labour law review).
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2005 AR:</b> The ILO Expert-Advisers complimented Thailand for its efforts in terms of research, advocacy activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms, and/or ratification.</p> <p><b>2004 AR:</b> The ILO Expert-Advisers noted that despite receiving very late reports or observations, it had been possible to compile them so as to enable Thailand to be taken into account in this annual review. They nevertheless urged the country to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process.</p> <p><b>2001 AR:</b> The Expert-Advisers appreciated efforts that Thailand made, compared to previous year's review, with regard to the provision of more factual information, particularly in respect to sex-based discrimination.</p>	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	

**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: TIMOR-LESTE**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, since the 2006 Annual Review (AR). Timor-Leste joined the ILO in 2003.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	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.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	NIL	
	<b>Workers' organizations</b>	NIL	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>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).</b>
		<b>Ratification intention</b>	<b>NIL</b> 2006 AR: There are no indications in the Government's report.
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	NIL
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul> <p>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.</p> <ul style="list-style-type: none"> <li>• <b>Legislation</b></li> </ul> <p>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 definition of "equal treatment" in the field of remuneration.</p>
		<b>Basic legal provisions</b>	The Labour Code, 2002 (sections 2 and 9).

<sup>1</sup> 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 the ILO Governing Body.

		<b>Grounds of discrimination</b>	<b>2006 AR:</b> 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.
		<b>Judicial decisions</b>	NIL
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2006 AR:</b> 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.
		<b>Information/Data collection and dissemination</b>	<b>2006 AR:</b> 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.
	<b>Prevention/Monitoring, enforcement and sanction mechanisms</b>	<b>2006 AR:</b> 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.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Involvement of the social partners</b>	<b>YES</b> <b>2006 AR:</b> 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.	
	<b>Promotional activities</b>	<b>Institutions to promote equality</b>	NO
		<b>Other activities</b>	<b>2007 AR:</b> According to Government: Workshops and conferences were organized for the employers' and workers' representatives.
	<b>Special initiatives/Progress</b>	NIL	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	NIL
		<b>Workers' organizations</b>	NIL

	<b>According to Government</b>	<p><b>2007 AR:</b> According to the Government: The military crisis has affected the country in the last few months.</p> <p><b>2006 AR:</b> 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>
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2007 AR:</b> According to the Government: There is a need for ILO advice and training for the officials and staff on the PR.</p> <p><b>2006 AR:</b> 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>
	<b>Offer</b>	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.
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)<sup>1</sup>: UNITED STATES**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES, but no changes to report for the 2001, 2002, 2004, 2005 and 2006 Annual Reviews (ARs).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the United States Council for International Business (USCIB), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) by means of consultation and communication of the government's reports. The updated report under the 2007 AR had been communicated to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the Change to Win Federation, and the U.S. Council of International Business. In addition, in keeping with longstanding practice, as well as U.S. obligations under Convention 144, the draft report was reviewed by members of the Tripartite Advisory Panel on International Labor Standards, a subgroup of the President's Committee on the ILO.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	No separate observations have been made by the employers' organizations	
	<b>Workers' organizations</b>	<b>2005 AR:</b> Observations by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Observations by the International Confederation of Free Trade Unions (ICFTU). <b>2004 AR:</b> : Observations by the AFL-CIO.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>The United States has ratified neither the Equal Remuneration Convention, 1951 (No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111).</b>
		<b>Ratification intention</b>	- C. 111 was submitted to the Senate in 1998 for its advice and consent for ratification. - Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The government is not actively considering ratification of C. 100.
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal</b>	<b>Constitution</b>	<b>YES,</b> The U.S. Constitution recognizes the principle and right of non-discrimination in the Equal Protection Clause of the Fourteenth Amendment and the Due Process Clause of the Fifth Amendment. Additionally, the Equal Protection Clause precludes any state from denying its citizens "the equal protection of the laws".

<sup>1</sup> 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 the ILO Governing Body.

	provisions)		<p><b>Policy, legislation and/or regulations</b></p> <p><b>Policy: 2003 AR:</b> According to the Government: the United States has a clear national policy supporting the elimination of discrimination in employment and occupation, expressed in the U.S. Constitution, numerous federal and state laws and regulations, and Executive Orders. The general principle of this national policy is reflected in Title VII of the Civil Rights Act of 1964. Executive Order 11478 states that “it is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons,” and requires that all executive agencies “establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment” in accordance with the equal opportunity policy”.</p>
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>		<p><b>Legislation:</b> According to the Government: several legislative acts protect citizens against discrimination, primarily Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963.</p>
		<b>Basic legal provisions</b>	(i) the Civil Rights Act of 1991; (ii) the Civil Service Reform Act of 1978; (iii) the Women’s Educational Equity Act of 2001; (iv) Executive Order 11478; (v) Executive Order 11590; (vi) the Classification Act; (vii) the Wagner-Peyser Act; (viii) the Workforce Investment Act; (ix) the Carl D. Perkins Vocational and Technical Education Act; (x) the Age Discrimination in Employment Act; and (xi) the Americans with Disabilities Act (ADA).
		<b>Grounds of discrimination</b>	<b>2000-2005 ARs:</b> According to the Government: Discrimination with respect to employment and occupation is prohibited on grounds of race, colour, religion, sex, national origin, political opinion, social origin, age and disability.
		<b>Judicial decisions</b>	<b>2000 AR:</b> <i>Equal Pay Act cases -Brennan v. Prince William Hospital Corp.</i> , 503 F.2d 282, 285, 291 (4th Cir. 1974), cert. denied, 420 U.S. 972 (1975); <i>Shultz v. Wheaton Glass Co.</i> , 421 F.2d 259 (3d. Cir.), cert. denied, 398 U.S. 905 (1970).
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>2003 AR:</b> According to the Government: (i) workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment (part-time, full-time, temporary, and contingent); (iv) agricultural workers; (v) workers engaged in domestic work; (vi) migrant workers; and (vii) workers in the informal economy are provided with statutory protections against discrimination in employment
		<b>Information/Data collection and dissemination</b>	<b>2007 AR:</b> According to the Government: the Equal Employment Opportunity Commission (EEOC) filed 417 lawsuits in Fiscal Year 2005. It obtained US\$ 107.7 million in FY 2005 in monetary benefits for employees. These statistics may be found on the EEOC’s website at <a href="http://www.eeoc.gov/stats/enforcement.html">www.eeoc.gov/stats/enforcement.html</a>
			<b>2003-2005 ARs:</b> According to the Government: the EEOC compiles statistical data concerning various topics, including the number of individual employment discrimination charge filings. Such data are compiled by the Office of Research, Information, and Planning from the EEOC’s Charge Data System -EEOC filed 415 lawsuits in fiscal year (FY) 2004, up from 393 in FY 2003. In pre-litigation administrative enforcement, it obtained \$236.2 million in FY 2003, and \$251.7 million in FY 2004 -The Office of Federal Contract Compliance Programs (OFCCP), a component of the Department of Labor, compiles certain information relating to discrimination in employment and occupation concerning federal contractors and subcontractors.
			<b>2000 AR:</b> The Government stated that the Department of Labor, Women’s Bureau had conducted a series of studies concerning the impact of various federal employment laws on working women.

	<p><b>Prevention/Monitoring, enforcement and/or sanction mechanisms</b></p>	<p><b>2007 AR:</b> The Equal Employment Opportunity Commission (EEOC) filed 417 lawsuits in Fiscal Year 2005. It obtained \$107.7 million in FY2005 in monetary benefits for employees. These statistics may be found on the EEOC's web site at <a href="http://www.eeoc.gov/stats/enforcement.html">www.eeoc.gov/stats/enforcement.html</a></p> <p><b>2000-2005 ARs:</b> According to the Government: the Civil Rights Division of the Department of Justice has principal responsibility for effective enforcement of federal civil rights laws</p> <p>The United States Office of Special Counsel (OSC), an independent federal investigative and prosecutorial agency, is responsible for enforcing section 2302(b) of the Civil Service Reform Act (CSRA) and investigating allegations of prohibited personnel practices and other improper employment practices within its jurisdiction (generally speaking the Executive Branch).</p> <p>-When a person is discriminated against by an employer, labour union or employment agency when applying for a job or while on the job, that person may file a charge of discrimination with the EEOC.</p> <p>-The Board of the Office of Compliance is authorized to investigate complaints of alleged violations involving the Legislative Branch and may order certain awards provided under Title VII of the Civil Rights Act of 1964.</p>	
<p><b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>Involvement of the social partners</b></p>	<p><b>2003-2005 ARs:</b> According to the Government: In FY 2001, the EEOC directed the development of a National Enforcement Plan identifying priority issues and setting out a plan for administrative enforcement. This necessitated a broad range of consultations with dozens of employers and workers organizations.</p> <p>-Numerous federal agencies, including the EEOC, have undertaken to seek the cooperation of employers' and workers' organizations to realize the elimination of discrimination in employment and occupation.</p> <p>-The United States Department of Justice involves workers' and employers' organizations in the development and implementation of measures regarding the elimination of discrimination by educating such organizations.</p> <p>-The OSC involves government employees, employee representatives and other interested parties in the development and implementation of governmental measures regarding the elimination of discrimination in employment and occupation through outreach programs.</p>	
		<p><b>Institutions to promote equality</b></p>	<p>-The EEOC, through the operations of 51 field offices nationwide, coordinates all federal equal employment opportunity regulations, practices, and policies.</p> <p>-The Justice Department's Community Relations Service is a vital component of the agency's mission to eradicate employment and occupation discrimination.</p> <p>-The OSC protects federal employees and applicants from prohibited personnel practices, which include employment discrimination.</p>
	<p><b>Promotional activities</b></p>	<p><b>Other activities</b></p>	<p>-To promote the principle regarding the elimination of discrimination in employment and occupation, the EEOC directed the development of a National Enforcement Plan identifying priority issues and setting out a plan for administrative enforcement and litigation of the laws within its jurisdiction.</p> <p>-Executive Order 11246 requires any employer who has a contract with the federal Government to take affirmative action to ensure that applicants are employed, and employees are treated during their employment, without regard to race, colour, religion, sex, or national origin.</p> <p>-The Government, consistent with the ADA, has introduced the New Freedom Initiative, as part of a nationwide effort to remove barriers to community living for people with disabilities. In an effort to move toward full integration of individuals with disabilities into the workforce, the New Freedom Initiative promotes compliance with the ADA by small businesses and provides resources annually for technical assistance to help small business to comply with the Act.</p>

	<b>Special initiatives/Progress</b>	NIL	
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	NIL
		<b>Workers' organizations</b>	<p><b>2002 AR:</b> The ICFTU highlighted the number of sexual harassment cases, the wage gap between sexes and races, and lack of protection for migrant workers.</p> <p><b>2004-2005 ARs:</b> The AFL-CIO strongly disagreed with the draft update to the report on the principle of the elimination of discrimination in employment and occupation.</p> <p><b>2005 AR:</b> According to the ICFTU: discrimination is prohibited by law but does occur in practice: there is still a wage gap between men and women and between different ethnic groups; large differences exist between states with regard to labour legislation and enforcement.</p>
	<b>According to the Government</b>	<p><b>2000-2005 ARs:</b> The Government has stated that while immigration laws continue to be enforced, anti-discrimination laws will apply to unauthorized migrant workers. The EEOC has issued new guidance that provides basic remedies to this group, stating that such laws apply to all employees in the United States, regardless of citizenship or work status. Similarly, the National Labor Relations Board (NLRB) continues to treat all statutory employees as protected from unfair labour practices and entitled to vote in NLRB elections, without regard to their immigration status. The Department of Labor has also continued to apply legal protections to employees regardless of immigration status.</p>	

<b>TECHNICAL COOPERATION</b>	<b>Request</b>	NIL
	<b>Offer</b>	NIL
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2005 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) listed the United States among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (paragraph 13 of the 2005 AR Introduction). They also considered that the example of regular and constructive contributions by AFL-CIO should be expanded upon, in particular among other national workers' organizations, as well as employers' organizations (paragraph 190 of the 2005 Annual Review Introduction).</p>	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	



## **GENERAL OBSERVATION BY THE INTERNATIONAL ORGANIZATION OF EMPLOYERS (IOE) UNDER THE 2007 ANNUAL REVIEW<sup>1</sup>**

The International Organisation of Employers (“IOE”) continues to support the process of the Annual Follow-up concerning Non-Ratified Fundamental Conventions (“the Annual Review”) under the Declaration on Fundamental Principles and Rights at Work (the “Declaration”).

### **1. The IOE’s efforts to support the Declaration**

The IOE takes this opportunity to reaffirm its strong commitment to the Declaration. The Declaration was created out of the employers’ initiative and the IOE remains firmly committed to ensuring its success. We have been involved in promoting and supporting the Declaration and the following are some examples of the ways in which our commitment was translated into action.

#### *1. The IOE and the Organisation of American States (OAS) in the Summit of the Americas:*

The IOE coordinates the involvement of its American members through the Business Technical Advisory Committee on Labour Affairs (CEATAL), one of the advisory bodies of the Inter-American Conference of Ministers of Labour (IACML).

In 2005, the XIV IACML adopted a Ministerial Declaration and a Plan of Action for the next biennium. The Declaration of Mexico recognizes that “the promotion and strengthening of democracy requires the full and effective exercise of workers’ rights and application of core labour standards, as recognized in the Declaration on Fundamental Principles and Rights at Work” (paragraph 3). In paragraph 4, it reaffirms the commitment to respect, promote and realize the principles of the ILO Declaration, as the basis for sustainable economic growth with social justice. For example, paragraphs 24, 25 and 26 recognize the fundamental importance of the principle of equality and non-discrimination in employment and encourages the coordination of policies that combat all forms of discrimination and seek for equality of opportunities at work. The effective abolition of child labour is specifically addressed on paragraph 27, reconfirming the commitment to protect children and adolescents from economic exploitation.

The plan of Action of Mexico is based on the Declaration of Mexico and one of its strategic objectives is to “promote the respect and provide for the effective application of the core international labour standards contained in the Declaration on the Fundamental Principles and Rights at Work of the International Labour Organization and its Follow-up of 1998.”

During the XIV IACML, workers (COSATE) and employers (CEATAL) once again issued a joint Declaration, addressed to their governments, highlighting the importance of involving the social partners in the process of addressing social and labour challenges deriving from the Summit Process. It reaffirms the importance of promoting the ILO Declaration of Fundamental Principles and Rights at Work (1998) and its Follow-up, as the framework of the social dimension of regional integration.

#### *2. IOE position paper on the Declaration on Fundamental Principles and Rights at Work*

The ILO Declaration on Fundamental Principles and Rights at Work has taken on a new importance for enterprises in recent years and has become a reference in the context of different debates, specifically on Corporate Social Responsibility (CSR) and international framework agreements. The IOE, aware of this importance, released the IOE Position Paper on the ILO Declaration on Fundamental Principles and Rights at Work at the beginning of this year [2006].

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<sup>1</sup>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 the ILO Governing Body.

The document provides general background information about the Declaration and its Follow-up, addresses the views of employers on the important aspect of the Declaration and addresses how employers' organizations can play a role in ensuring that the profile and credibility of the Declaration remain high.

### *3. The Global Report and ILC Discussions:*

The Global Report and its ILC discussions continue to be viewed by the IOE as effective promotional tools for the Declaration. These discussions represent an excellent opportunity for employers' organizations to become actively engaged in the Declaration since the issues that are addressed in the Report directly affect many of them.

The IOE, as the employers' group secretariat at the ILC, coordinated the participation of employer delegates in this year's debate [2006], worked closely with the employers' spokesperson and the speakers in order to present the views, positions and concerns of employers.

### *4. Corporate Social Responsibility (CSR):*

The prominence and importance of CSR continue to increase, as did the significance of the Declaration as a useful reference point in the debate.

The IOE, through its CSR Working Group, continues to provide guidance to its members about how to apply and support the Declaration in this context.

At its annual European members' meeting, an update was provided to participants about recent trends on the different options available for engagement. Documents were provided by the IOE Secretariat, which are available on the IOE website.

The IOE coordinates the participation of its members in the International Standardization Organization (ISO) Working Group on Social Responsibility. We have been advised that the fourth Working Group meeting will be held in Sydney, Australia next year [2007]. Information about this meeting has been sent to all IOE members and the IOE will be also represented at the meeting.

### *5. The Global Compact:*

The Global Compact's labour principles are drawn from the ILO Declaration. The IOE continues to be actively involved in the promotion of the Global Compact. In addition, we continue to be involved in country launches and regional initiatives.

Last summer [2005], the United Nations Global Compact Board convened its inaugural meeting in New York. The IOE was present at the Board through its Secretary-General.

The IOE has been asked to be part of the SME international expert team to draft a "UN Global Compact Operational Guide for SMEs" to assist in understanding the 10 principles and their relation to their daily operations. The team will meet later in the year [2006] to begin its work.

## **II. IOE initiatives in relation to the Four Fundamental Principles**

In addition to our involvement in the promotion of the Declaration, we actively promote and support each of the four fundamental principles. Below you will find some of our promotional efforts through the year [2006].

- *Freedom of Association and the effective recognition of the right to collective bargaining*

Our main means of engagement in relation to freedom of association remains the Committee on Freedom of the Association (“CFA”). The IOE continues to work closely with the employer members of the CFA to ensure that the work of the Committee remains relevant to employers.

The IOE was actively involved in the ILO publication on the CFA for employers, which was released last year. The publication is intended to provide employers with useful information about how the CFA can serve their interests. As part of the follow-up activities, in which the IOE has been actively involved, a sub-regional workshop took place in Panama at the beginning of 2006. On the same lines, in collaboration with the ILO International Training Centre (Turin), the ILO Standards department and the IOE, the Federation of Employers of Ukraine hosted a workshop with a special focus on freedom of association.

- *The elimination of all forms of forced or compulsory labour*

The IOE actively coordinates the participation of employers in activities concerning the elimination of all forms of forced or compulsory labour. The final meeting within the ILO/AGIS project “Combating the forced labour outcomes of human trafficking” was held in Lisbon last June [2006]. The IOE coordinated the participation of an employer representative who has participated in different activities on the subject.

- *The effective abolition of child labour*

This year’s [2006] Global Report addressed the abolition of child labour: “The end of child labour: Within reach”. In the debate, the employers’ group highlighted its satisfaction with the worldwide decline of child labour, especially in the region of South America and the Caribbean. The employers’ group, however, expressed its serious concerns about the fact that the positive lessons learned in regions that had experienced a decline were not reflected in the Report as good practices and helpful examples to other regions and countries.

Recognizing that there are currently no practical guides specifically drafted for employers to address child labour within their workplaces or their supply chain, the IOE and ACT/EMP, are working on a Kit for employers. Work on this kit is gathering pace and it is expected to be available in the coming months.

- *The elimination of discrimination in respect of employment and occupation*

The IOE is actively involved both directly and indirectly in addressing various forms of discrimination. The following are key examples of our involvement:

Understanding the challenges faced by migrant workers, the IOE played an active role in the drafting of the ILO Multilateral Framework on Labour Migration.

The IOE has prepared a guidance note on Labour Migration as a reference for its members. The IOE also actively participated in the UN Preparatory Meeting for the High Level Dialogue on International Labour Migration held in Turin.

The XVII annual meeting of Iberoamerican Presidents of Business Organizations will take place in November [2006] in Uruguay. One of the main topics of discussion will be the migration trend. In preparation to this debate, the IOE prepared a questionnaire on the subject and sent it out to all its member federations of Latin America, Spain and Portugal. The results of this questionnaire will be used as the basis for the employers’ position. The main objective of the meeting is to reflect on and adopt a common statement to be submitted to the Heads of State Summit meeting that will also take place in Uruguay.

The IOE continues to be actively involved in addressing the issue of HIV/AIDS, which is a critical issue with potentially grave consequences for the world of work. It is important to tackle it in regions that are currently severely affected, but HIV/AIDS must also be addressed in regions where it has not yet reached dramatic proportions but has the potential to do so. In that spirit, the IOE was invited to the Sixteenth International AIDS Conference in Toronto to share the initiatives on HIV/AIDS in a number of panels.

Youth Employment continues to be a key feature of the work of the IOE. The IOE note on Youth Employment released last year [2005] remains a useful document on the subject. The IOE has participated in numerous meetings aimed at increasing job opportunities for young people. The subject of youth employment will be another important topic of debate during the XVII Meeting of Iberoamerican Presidents of Business Organizations, co-hosted by the IOE.

The IOE recognizes the importance of promoting women entrepreneurship in both developed and developing countries. In its publication “Approaches and Policies to Foster Entrepreneurship: A guide for Employers’ Organizations”, the IOE specifically addresses women’s business groups, stating the barriers that limit the potential of women entrepreneurs to develop and expand their business and how the employers’ organizations can provide better organization, increased representation, as well as support services.

During the second Business Membership Organization (BMO) Conference, hosted by Business Unity South Africa, the IOE participated actively in the debates. The Conference identified seven priority areas and women entrepreneurship was one of them.

During the UN Economic and Social Council (ECOSOC), the IOE was represented in different panels, one of them being “Innovative Strategy for Developing Women Entrepreneurship and Gender Equality in Nepal”. This intervention has been posted on the IOE website for easy access and promotion within our member federations.

The IOE participated in a conference entitled “Combating Discrimination and Promoting Equality for Decent Work” organised by the ILO, the Global Compact Office and the London Development Agency. The IOE’s discrimination expert presented the employers’ views on the role of the social partners in addressing discrimination.

### **III. Areas of concern**

Our support for the Declaration, its Follow-up and the four fundamental principles remain clear through our activities. However, as we have done in previous years, we take this opportunity to highlight particular concerns to employers in relation to the Declaration and its Follow-up.

#### *1. National Baselines Analysis*

We support the baseline approach since it represents a creative and innovative way to use the information gathered through the Annual Review. However, it is important that this analysis not be allowed to turn into a ranking tool between countries. The baselines should be continued as a useful tool to track the advancement of the efforts of member States over time - not against externally imposed standards - but against their own progress. Consistent with the spirit and intent of the Declaration, each member State must be allowed to give effect to the four fundamental principles in a manner that is nationally appropriate.

It remains to be seen what impact these analyses have. The IOE would like to take this opportunity to commend the Office for its openness to new ways of working.

#### *2. The obligations created under the Declaration*

The assessment under the Annual Review should focus on the steps taken by member States to give effect to the fundamental principles. This assessment should not involve a discussion of law and practice. The employers repeatedly raise the fact that the Declaration and its Follow-up is a political track, not a legal track like the ILO’s regular supervisory machinery. The political obligations required to promote, achieve and realize the principles under the Declaration must remain distinct from the specific legal obligations undertaken through the ratification of a Convention.

### *3. Capacity building of employers' organizations and technical cooperation*

The Declaration can only be effectively promoted within strong constituents. Attention must be paid to using the Declaration follow-up to build the capacity of employers' organizations to help improve the voice of business and strengthen the spirit of tripartism and social dialogue.

Resources should be set aside for the development of technical cooperation programmes that specifically target employers' organisations. Donors should also be encouraged to devote a portion of their funding towards the capacity building of the social partners.

### *4. Employers and Freedom of Association*

Much progress in the promotion of this principle remains to be made, which relates to employers. Some employers' organizations still do not fully enjoy freedom of association. Though we are grateful to the Office for its support in ensuring that employers are aware of the ILO supervisory mechanisms, we look forward to continued efforts to ensure that the ILO remains a place to protect the rights of both workers' and employers' organisations.

In particular, we would highlight once again the fact that in a number of transition economies, the fees paid by enterprises to employers' organisations are frequently not tax exempted as are the fees paid by workers to trade unions. This undermines the development of employers' organisations and their ability to effectively represent their members. This issue has been repeatedly raised in many forums.

### *5. Looking ahead*

With every passing year since the adoption of the ILO Declaration in 1998, we continue to learn more about what aspects of its follow-ups are useful and effective in achieving their aims and which aspects demonstrate room for improvement.

The upcoming 10th anniversary of the ILO Declaration in 2008 may present a useful opportunity to address the follow-ups with a view to finding ways to strengthen them. Using what has been learned over the past 10 years may help us to refine the follow-ups to ensure that they remain relevant. For its part, the employers' group would greatly welcome an opportunity to engage in such a discussion.

The Declaration remains an outstanding example of how the ILO should and can react to pressing social issues through its unique process of consensus building. We appreciate this opportunity to provide feedback and remain available to answer any questions arising from this document.