

Committee on the Application of Standards

Date: 21 May 2024

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

► Information on the application of ratified Conventions supplied by governments on the list of individual cases

Lao People's Democratic Republic (ratification: 2008)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

On 17 May 2024, the Government provided the following written information:

The Government would like to express its deep regret for failing to provide responses to the questions made by the Committee of Experts under the Convention. In this regard, the Government has worked in collaboration and consultation with its tripartite partners and relevant sectors in the preparation of the report.

Articles 1, 2 and 3 of the Convention. Protection of workers against discrimination. Legislation. Scope of application.

- In the Ministerial Decision on Domestic Workers No. 4369/MOLSW, Article 25, section 5, prohibits any direct or indirect discrimination against domestic workers.
- The Law on Government Officials No. 74/NA of 2015: Article 4, State Policy for Public Servants, section 1: "The State considers the work of public servants as important and promotes through the implementation of policies as defined in the law, creating all conditions for public servants of all genders and ethnicities based on their actual abilities to receive political development, thinking, ethics, upgrading of specialized knowledge and skills"; as well as Article 5, Fundamental Principles of Management for Civil Servants, section 6: "There is equality between men and women and promotion of the advancement of women in all ethnic groups."
- The Constitution of Lao People's Democratic Republic (Lao PDR) (Revised) No. 63/NA, dated 8 December 2015, provides in:
 - Article 35. Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.
 - Article 37. Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs.

- The Law on Preventing and Combating Violence against Women and Children No. 56/NA dated 23 December 2014.
- The Law on Lao Women's Union 2013 and the Law on Preventing and Combating Violence against Women and Children 2014 were adopted to progressively achieve the equality of both genders. Furthermore, any violent act against women and trafficking in women are criminalized under the Penal Law, particularly Article 177, which stipulates that any person who discriminates against any women, or who keeps any women separate from, prevents or restricts the participation of any women in a political, economic, socio-cultural or family activity, based on gender, shall be punished by imprisonment of from one year to three years and shall be fined from 1,000,000 to 3,000,000 Lao kip.
- The Law on Preventing and Combating Violence against Women and Children 2014, Article 20, provides that the "Promotion of the advancement of women and gender equality is one of the measures of the State to ensure women and men have the same values and equal opportunities in politics, economy, education, society and culture, family affairs, national defence and security, and foreign affairs, as provided in the Constitution and laws."

Article 1(1)(a). Prohibition of discrimination.

- (i)(ii) (Now Article 143(9)). The Government will take the Convention into consideration for incorporating it into the next revision of the Labour Law.
- (iii)(i) The prohibition based on discrimination which is stated in the Labour Law concerns both employment and occupation because there are no separate definitions given. Employers are prohibited from discriminating by Article 143, while workers are covered by Article 144, even though it does not specifically mention discrimination.
- (ii) Article 96 of the Labour Law. Female employees have the right to employment and professions in every sector that do not conflict with the law, including production, business and management, and may participate in training, labour skills improvement and the provision of expertise. Female employees shall receive a salary or wages equal to those of male employees, except for some forms of work that have negative effects upon the reproductive health of women, which must be protected in every case.

Discrimination based on sex. Sexual harassment.

- (i)(ii)(iii) Currently, Articles 86 and 143 of the Labour Law specifically cover this issue. The Government will take the Convention into consideration to incorporate it into the next revision of the Labour Law.
- If there are cases of sexual harassment in employment and occupation, they go to a dispute resolution mechanism, including labour, under the relevant regulations and laws.
- (iv) Article 83(4). From the labour perspective, apart from protecting their interests through the termination of their contract, workers can refer their case to the labour management authority and the Labour Court to seek other benefits.
- (v) Article 141(4) (Now Article 143(4)). From the labour perspective, workers can protect their interests through the termination of their contract and receive compensation, and/or refer their case to the labour management authority and the Labour Court to seek justice.

Article 1(1)(b). Additional grounds of discrimination.

In addition to the Labour Law of 2007 and 2014, there is also the Ministerial Decision on the Permission of Foreign Employees Working in Lao PDR No. 3667/MoLSW, dated 27 September 2023. Under Article 8, the rights of foreign employees are the following:

1. Receive payment or wage and other benefits in accordance with their contract and the legislation;
2. Protection of their rights and benefits, in accordance with the laws and regulations of Lao PDR;
3. Become affiliated with the social security in accordance with the Law on Social Security;
4. Ability to transfer their remittances and belongings which are legal back to their country;
5. Access to relevant sources of information;
6. Travel within Lao PDR as permitted;
7. Change workplace based on the conditions and relevant regulations;
8. Seek remedy or the possibility to make their case concerning rights and benefits to the relevant authorities; and
9. Exercise the rights set out in the relevant laws and regulations.

Article 4. Activities prejudicial to the security of the State.

- The Constitution of Lao PDR (Revised) No. 63/NA, dated 8 December 2015
 - Article 39. Lao citizens have the right to work and engage in occupations which are not contrary to the laws. Working people have the right to rest, to receive medical treatment in times of illness, [and] to receive assistance in the event of incapacity or disability, in old age, and in other cases as provided by the laws.
 - Article 44 (as amended). Lao citizens have the right and freedom to believe or not to believe in religions.

This report was written in consultation and with the full agreement of the employees' representative organization (Lao Federation of Trade Unions) and the employers' representative organization (Lao National Chamber of Commerce and Industry).

On 21 May 2024, the Government provided the following supplementary information.

Article 1(2) of the Convention. Inherent requirements.

Article 33, section 3, of the Labour Law of 2014 is not intended to discriminate against foreign workers, because the reserved jobs are related to the unique art and culture of Lao PDR. The list of occupations reserved for Lao citizens is still in the process of consultation with the relevant sectors to create legislation defining the reserved list of occupations for Lao citizens. The Government has applied a list of types of businesses reserved for Lao citizens under the Lao Standard Industrial Classification of all Economic Activities No 1328/MoIC, dated 13 July 2015 (as amended).

Article 2. Equality of opportunity and treatment between men and women.

The Government has been stepping up its efforts to promote and develop relevant legislation by implementing the Law on Gender Equality No. 77/NA, dated 28 November 2019, Article 12.

- (i) The measures taken in the framework of the Women's Development Plan (2021–25) are specified in Chapter VII, sections 1 and 2, of the Implementing Guidelines for the 2nd National Action Plan to Prevent and Eliminate Violence against Women and Children over a five year period (2021–2025) No. 206/NCAWMC, dated 29 September 2021; the National Strategy for Gender Equality (2016–2025), in Section II, Chapter III; and the National Action Plan for Gender Equality, in Chapter II, section 2.3 (2016–20).
- (ii) The specific provisions which relate to the prohibition of discrimination in employment and occupation are included in Chapter II, article 8, of the Law on Gender Equality No. 77/NA, dated 28 November 2019.
- (iii) The Amending Committees of the Labour Law plan to evaluate the implementation of the Labour Law (2014) in order to improve and continue research in consultation with the relevant parties to take the issue into consideration.
- (iv) According to the third Labour Force Survey Report in Lao PDR, 2022, there are 2.475 million people employed, including 1.1 million women, in the public and private sectors; and in the informal economy, there are 2.1 million people employed, including 990,000 women. However, the data on participation in education and vocational training has not yet been provided by the related sector (Ministry of Education and Sports).

Equality of opportunity and treatment irrespective of religion and ethnicity.

In conformity with article 22 of the Constitution (amended 2015) No. 63/NA, dated 8 December 2015, the State has made great efforts to narrow the gap between ethnic groups by focusing on the implementation of the national education policy in order to strengthen the Lao people with regard to decent citizenship, qualifications, knowledge and careers, as well as to actively develop national education to improve its quality and create opportunities and conditions for people to receive education throughout the country, especially people in rural areas, ethnic groups, women, children, the underprivileged and people with disabilities. In addition, the Decree on Ethnic Groups No. 207/GoV, dated 20 March 2020, article 4, states that the State does not allow any act and behaviour which leads to any discrimination within and between ethnic groups.

Persons with disabilities and older workers.

Based on the implementation of the Law on Persons with Disabilities, the Party – Government – has applied the Decree on Endorsement and Publication of Policies, Strategy, and the National Action Plan for Persons with Disabilities No. 539/GoV, dated 12 December 2020, as well as the Strategy of Social Protection. According to the statistics on disabilities, of the total population of 6.4 million in the country in 2015 aged 5 years and older, there are 160,881 persons with disabilities, of whom 80,115 are women. The types of disabilities are visual (78,175 persons, including 40,753 women), hearing (71,667 persons, 37,826 women), physical (75,506 persons, 40,640 women), memory loss (69,743 persons, 38,891 women), self-care (63,665 persons, 35,226) and communication (54,964 persons, 29,732 women). For the resolution of discrimination in employment and occupations against persons with disabilities, the implementation is based on the Law on Employment No. 37/NA, dated 17 July 2023. Article 5 pledges that the right of access to employment and information on the labour market

and the workforce should include the disadvantaged, and persons with disabilities who are able to work.

Article 5. Special measures. Women.

The measures taken are only limited to maternity protection based on occupational safety and health risk assessments and the protection of mother and child. They do not constitute obstacles to the employment of women, or their access to posts with career prospects and responsibilities.

Enforcement.

The Government promotes equality without discrimination, as set forth in article 8 of the Constitution. The Labour Inspectorate has not found or received any complaints in regard to cases of discrimination.