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Lao People's Democratic Republic (ratification: 2008)

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

Convention (n° 111) concernant la discrimination (emploi et profession), 1958

Convenio sobre la discriminación (empleo y ocupación), 1958 (núm. 111)

Written information provided by the Government

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.

Discussion by the Committee

Chairperson – I invite the Government representative of the Lao People's Democratic Republic (PDR), Deputy Director-General, Department of Labour Management, to take the floor.

Government representative – I would like to extend my heartfelt congratulation to you, Chair, on your election to the Chair of this Conference. My congratulation is also to the International Labour Organization of which Lao PDR has been a Member since 1964. Mr Chair, the comment on which the Government of Lao PDR is invited to respond today is an observation of the Committee of Experts on the application of the Convention which Lao PDR ratified in June 2008.

At the outset, the Government of Lao PDR would like to express our deep regret for mis-submission of the responses to the observation on the Convention made by the Committee of Experts. In this regard, allow me to begin with:

Observation No. 1, Protection of workers against discrimination by the legislation and its scope of application

Let me assure the Committee that Lao PDR is fully committed to promote the fair and decent employment and occupation as well as trying all efforts to ensure the decent work is in all workplaces. In 2015, the Ministerial Decision on Domestic Workers was adopted and it specifies in article 25 that prohibits any direct or indirect discrimination against domestic workers. In addition, the 2015 Law on Government Officials indicates in article 4, on state policy for public servants, that "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 on fundamental principles of management for civil servants section stating that "There is an equality between men and women and promote the advancement of women in all ethnic groups." In this connection, the Constitution of Lao (revised 2015), in article 35 provides that Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group. Article 37 also states that the citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs. Besides, the Law on Prevention and Combating Violence against Women and Children (2014) and the Law on Lao Women's Union (2013) were adopted to progressively achieve the equality of both genders.

Furthermore, any violent act against women and trafficking in women is criminalized under the Penal Law, particularly article 177 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 and political, economic, sociocultural or family activity, based on gender, shall be punished by imprisonment from one year to three years. The Law on Prevention and Combating Violence against Women and Children, article 20 also provides that 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.

Observation No. 2, Prohibition of discrimination

The Government will take the Convention into consideration for incorporating its contents into the next Labour Law revision. 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 by article 143 in regards to discrimination, while workers are prohibited by article 144 even though it does not specifically mention discrimination. According to 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 and female employees shall receive a wage equal to that of male employees.

Observation No. 3, Discrimination based on sex or sexual harassment

Currently, there are articles 86 and 143 of the Labour Law specifically set for this issue. The Government will take the Convention into consideration for incorporating it into the revision of the Labour Law. If there is a case of sexual harassment in employment and occupation it will enter a dispute resolution mechanism based on the relevant regulations and laws. Additionally, article 83 from the labour perspective, aside from protecting their interests through termination of contract, workers can refer their case to the labour management authority and the Labour Court to seek benefits and justice. Also provided in article 143, workers can protect their interests through termination of contract and receive compensation and refer their case to the labour management authority and the Labour Court to seek justice.

Observation No. 4, Additional grounds of discrimination

What the Government of Lao PDR has applied alongside the Labour Law of 2007 and 2014 is the Ministerial Decision on the Permission of Foreign Employees Working in Lao PDR (2023), article 8, the Rights of foreign employees, according to which these are legally entitled to: (1) receive payment or wage and other benefits in accordance to their work contract and the law; (2) receive protection of their rights and benefits in accordance with the laws and regulations of Lao PDR; (3) become a membership of social security scheme in accordance with the Law on Social Security; (4) enable to transfer their remittance and other belongings which are legal back to their original country; (5) have an access to the 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 make their case, concerning rights and benefits, to the relevant authorities; and (9) exercise the rights given by the relevant laws and regulations.

Observation No. 5, Activities prejudicial to the security of the state

I would like to reiterate that the Government, at all times, promotes fair and decent employment and occupation. The Constitution stipulates in article 39 that Lao citizens have the right to work and engage in occupations which are not conflicting with the law. Working people have the right to rest, to receive medical treatment in times of illness, to receive assistance in the event of incapacity or disability, in old age, and in other cases as provided by the law. Article 44 provides that Lao citizens have the right and freedom to believe or not to believe in religions. To further ensure social justice advancement and decent work promotion without any discrimination, the Government has been accelerating the implementation of the National Social Protection Strategy (NSPS). The Strategy aims at promoting and improving the implementation of social protection policies; contributing to human capital development;

contributing to the goals and objectives of other relevant sectoral and socio-economic development plans. To achieve these, the Strategy sets its vision until 2030 of achieving for Lao people access to basic social protection services, consisting of health insurance, social security, and social welfare.

Besides, the continuation of the Decent Work Country Programme for the period 2022–26 is another good work that brings sustainable benefits to workers, employers and national citizens. It also supports the implementation of decent work elements in the 9th National Socio-Economic Development Plan as well as contributing to the long-term realization of the Lao PDR's Vision 2030, the National Sustainable Development Goal Roadmap, and to relevant national laws, policies, strategies and plans. This further aligns with the ILO Global Call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient.

In conclusion, the Government of Lao PDR reaffirms its commitment to continue observing and implementing the ratified Conventions through close consultation with tripartite partners and relevant stakeholders. In this regard, Lao PDR would like to take this opportunity to request the Committee, the ILO, all international development partners and social partners to acknowledge the Government of Lao PDR's constraints and its efforts to fulfil the fair and decent employment and occupation and how to end the discrimination on employment and occupation. Let me end by expressing my sincere gratitude to the Committee in advance for its advice in these matters and assuring it of Laos' fullest cooperation so we can end the case of discrimination on employment and occupation and for all.

Employer members – I thank the Government of Lao PDR for their oral and written information on this case.

The Employer members stress the importance of States' compliance with the Convention. Convention No. 111 is one of the fundamental Conventions of the ILO and, as such, should be given special attention. This fundamental Convention aims to guarantee human dignity and equality of opportunity and treatment for all workers, by prohibiting any discrimination based on the basis of race, colour, sex, religion, political opinion, national extraction or social origin in employment or occupation.

By way of background, Lao PDR joined the ILO in 1964 and has ratified a total of 12 Conventions including seven fundamental Conventions, one governance Convention and four technical Conventions (three of which remain in force). Lao PDR ratified the Convention in 2008. We note that the Committee of Experts has provided three observations on this case, namely in 2018, 2020 and 2023.

We understand that the ILO does not currently have projects, nor technical assistance in place focused on implementing the Convention in Lao PDR. However, the ILO through the support of the United States Agency for International Development (USAID) is supporting the Government to increase net income and productive employment, amongst other things, in rural areas through the Rural Employment Project.

Today is the first time that the Committee examines the Government of Lao PDR's application of the Convention.

Turning to the issues in this case, countries that have ratified the Convention have committed to implementing a national policy of equality, with a view to eliminating discrimination in the world of work, and to report on their compliance with this important commitment.

The Committee of Experts has identified four main concerns with Lao PDR's compliance with its commitments in this case.

First, the scope of application of protections against discrimination for workers provided for under Articles 1, 2 and 3 of the Convention, namely the application of such protections to domestic workers and civil servants.

Second, the protection against discrimination in employment and occupation on all the grounds set out in Article 1(1)(a) of the Convention, namely the protected ground of sex, and relatedly, the extent of protections against sexual harassment in employment and occupation.

Three, the protections against discrimination based on additional grounds of discrimination in accordance with Article 1(1)(b) of the Convention, namely protecting against discrimination on the basis of nationality, age or socio-economic status in this case.

And four, the extent to which laws prohibiting activities considered to be prejudicial to the security of the State, including "propaganda activities", do not, in practice, result in discrimination in employment and occupation on the basis of political opinion, subject to and in line with Article 4 of the Convention.

On the first issue, the Employer members note the comments of the Committee of Experts on the apparent exclusion of civil servants from the application of Lao PDR's Labour Law of 2014. The Committee of Experts also noted that, by requiring domestic workers to "comply with the working contract", that law excludes them from protections of the Labour Law. Recalling that the principle of the Convention applies to all workers, the Committee of Experts asked the Government to indicate how civil servants and domestic workers are protected against discrimination in employment and occupation, and to identify the specific provisions that protect civil servants from discrimination in employment and occupation on the grounds set out in the Convention.

The Employer members also note the Government of Lao PDR's response, according to which the Government adopted a Ministerial Decision on Domestic Workers on 2 November 2022. The Government points to article 25 which prohibits any direct or indirect discrimination against domestic workers, though it has not identified the applicable grounds of protected discrimination.

It also points to the Law on Government Officials of 2015, article 4 which creates 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. It further points to article 5 of the Fundamental Principles of the Management for Civil Servants, section 6 of which provides for equality between men and women and promotes the advancement of women in all ethnic groups.

Furthermore, it notes that the Constitution of Lao PDR contains broad protections against discrimination for all citizens before the law and points to specific laws that prohibit violence against, and trafficking of, women, including restricting their participation in economic activities based on their gender, which it notes was adopted in order to progressively achieve equality for both genders.

The Employer members note, however, that it appears that there could remain certain gaps in coverage for civil servants and domestic workers as compared to Articles 1, 2 and 3 of the Convention. The Employers therefore ask the Government of Lao PDR to:

First, take the necessary steps to ensure that the Ministerial Decision on domestic workers is aligned with the Convention by expressly listing the grounds for prohibited discrimination

in accordance with Article 1(1)(a) and second, to take the necessary steps, in consultation with Employers' and Workers' organizations to bring its local laws into conformity with the Convention by ensuring that the various protections against discrimination extend to civil servants under local law.

On the second issue, the Committee of Experts has taken note of the Government of Lao PDR's statement that a new provision protecting gender equality in the workplace was introduced in the Labour Law of 2014, though it also notes that the Government did not provide information on the content of this new protection in its report. The Committee thus notes with concern that the Government of Lao PDR does not appear to have taken any steps to bring its legislation into conformity with the requirements of the Convention to protect against discrimination in employment on the basis of sex.

The Government has indicated in its submissions that discrimination against workers is implicitly protected by article 144 of the Labour Law. It also points to article 96 as enshrining the rights of female employees to employment and professions in every sector that do not conflict with the law, amongst other things.

Despite the indication by the Government that it intends to amend its Labour Law of 2014 through the Labour Development Plan, the Employers note that currently existing laws do not appear to provide for universal prohibition of discrimination on the basis of sex in employment and occupation.

The Employer members also take note of the concern raised by the Committee of Experts that the Government of Lao PDR did not reply to its previous requests regarding the extent of its protections against sexual harassment, instead merely indicating that it intended to amend its Labour Law.

We note that the Government, in its submissions, has said that if there are cases of sexual harassment in employment and occupation, those cases will enter a dispute resolution mechanism. It also notes that in addition to withdrawing their labour and seeking compensation, workers can refer their cases to labour management authorities and the Labour Court to seek other benefits.

The Employer members, however, urge the Government to take the necessary measures to clearly define, prevent and prohibit sexual harassment in both employment and occupation, and to ensure that protections for victims of harassment are provided for in legislation and in practice.

We also ask the Government of Lao PDR to take the necessary steps, in consultation with Employers' and Workers' organizations, to ensure that the Labour Law expressly prohibits discrimination in employment and occupation on at least all the grounds set out in Article 1(1)(a) of the Convention, including sex, and to provide the necessary information to the Committee of Experts on the progress achieved in this regard.

The Employer members also ask the Government to provide information on the application in practice of section 83(4) of the Labour Law and section 141(4) which prohibit employers from violating the personal rights of employees, including in cases of sexual harassment.

On the third issue, the Committee of Experts has previously noted that the Labour Law no longer prohibits discrimination based on nationality, age or socio-economic status – all grounds that were previously included in its Labour Law of 2007.

The Government of Lao PDR, for its part, has responded by pointing to Ministerial Decision on the permission of foreign employees working in Lao PDR which contains limited rights for foreign workers. It has not identified any applicable existing prohibitions with respect to age or socio-economic status.

The Employer members welcome the amendments introduced to ensure certain equality between foreign workers. However, we note that the Government has not provided information in respect of age and socio-economic status in employment and occupation and therefore asks the Government to take the necessary steps, in consultation with Employers' and Workers' organizations, to ensure that its domestic legislation affords equal protection against discrimination on the grounds of nationality, age and socio-economic status.

On the last issue, the Employer members observe that in 2011 the Committee of Experts noted that the Penal Law of 2005 set out broad prohibitions on activities considered to be prejudicial to the security of the State. We notice further that since then the Committee of Experts has asked for information on the practical application of such provision. We note in this year's observations, the Committee of Experts expressed concern that in response to its various requests, the Government has reiterated its statement that there is no such information.

However, the Employer members would urge the Government to collect the requested information on the practical application of the Penal Law and to provide it to the Committee of Experts.

Worker members – This is the first time that the Committee has examined the application by Lao PDR of the Convention which was ratified in 2008. Since its first comments in 2011, the Committee of Experts has been pointing out a number of shortcomings in the national legislation protecting workers against discrimination in employment and occupation. The Government has so far failed to remedy these gaps.

More specifically, the national legislation fails to give effect to the key tenets of the Convention. It does not clearly define direct and indirect discrimination and it does not expressly prohibit discrimination for each of the seven grounds set out in Article 1(1)(a). The legislation is also unclear as to whether it concerns both employment and occupation and whether it applies equally to employers and employees.

We recall the obligation of the Government under the Convention to ensure that discrimination in employment and occupation is prohibited with respect to all the grounds of discrimination laid out in Article 1(1)(a) and to adopt clear and comprehensive definitions of what constitutes discrimination.

We further note from the Committee of Experts' report that significant legislative gaps remain in the protection of workers against sexual harassment and that in the absence of information from the Government, it remains clear whether the 2014 Labour Law, which is the central piece of national legislation on the protection of workers against discrimination, fully gives effect to the Convention with regard to additional grounds of discrimination, including nationality, age and socio-economic status.

Regarding the personal scope of the 2014 Labour Law, we note that domestic workers and civil servants are excluded from it. While noting that the Government refers to specific regulatory texts which could provide the same guarantees to these two categories of workers, we note with regret that the Government fails to provide information on the content of these provisions.

In the absence of a clear legislative framework supporting equality and non-discrimination, it needs to be shown how such rights are ensured for excluded groups of workers. We recall the obligation of the Government under the Convention to ensure and promote the application of the principles of the Convention to all workers, both nationals and non-nationals, in all sectors of activity, in the public and private sectors, and in the formal and informal economy.

We are particularly concerned by the persistent failure of the Government to clarify the scope of section 117 of the 2017 Penal Law, previously section 65 of the 2005 Penal Code. Section 117 establishes a broad prohibition of activities considered to be prejudicial to the security of the State, including propaganda activities. We recall that under this provision, any person conducting propaganda activities and slandering Lao PDR, or circulating false rumors causing disorder by words, in writing through print, newspapers, motion pictures, videos, photographs, documents or electronic media, or other means which are detrimental to Lao PDR or for the purposes of undermining or weakening State authority, shall be punished by one year to five years of imprisonment and shall be fined from 5,000,000 to 20,000,000 kip.

Since 2011, the Committee of Experts have stressed the risk that this provision results in discrimination in employment and occupation on the basis of political opinion and have asked the Government to take measures to ensure that workers are protected against discrimination on the basis of political opinion. So far, the Government has failed to provide any information on this point.

This 13-year silence on this matter has done little to reduce our fears. We recall once again that under the Convention, national legislation must cover political opinion as a prohibited ground of discrimination. This implies protection of all workers in respect of the activities of expressing or demonstrating opposition to established political principles and opinions. We urge the Government to ensure that no provision in the domestic legal order can be used to discriminate against workers for their political opinion.

Finally, we note that the Government has adopted several national plans and programmes aimed at promoting gender equality, fostering equality of opportunity and treatment in education for all ethnic groups and increasing access to employment for persons with disabilities and older workers.

While these policy initiatives constitute a positive step taken by the Government to give effect to the Convention on several prohibited grounds of discrimination, we recall that under Article 2 of the Convention, the Government must declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of at least all the grounds set out in Article 1(1)(a).

We regret that the Government provides no information regarding the adoption of a comprehensive national policy and that it gives very little information on the implementation of its plans and programmes and the concrete results achieved.

We acknowledge the statement that the Government has just provided to the Committee today. However, the Government has still not provided clarification on all of the requests that were raised by the Committee of Experts.

We urge the Government to adopt and implement, in full cooperation with the social partners, a comprehensive national equality policy. We also request the Government to provide detailed information on the concrete impact of the ongoing plans and programmes on the reduction of inequalities and discrimination in employment and occupation in Lao.

Worker member, Lao People's Democratic Republic – Please accept my sincere apologies for not being able to attend the Committee in person.

Discrimination stifles opportunities, wasting the human talent needed for economic progress, and accentuates social tensions and inequalities. Combating discrimination is an essential part of promoting decent work.

I will speak on several issues as commented by the Committee of Expert in its report such as the legislation, prohibition of discrimination, penal law and our efforts to eliminate discrimination.

In Lao PDR, as in many other countries, a lack of formal protection for domestic workers has been a long-standing concern of human rights and trade union organizations; domestic work is frequently not perceived as “employment”.

Domestic workers as in many other countries endure very poor working conditions, including underpayment of wages, long working hours, inadequate privacy and lack of safety and health conditions. Furthermore, domestic workers – whether national or migrant – have limited bargaining power, and often cannot complain about abusive condition.

In this regard, we believe that Government to work in collaboration and consultation with social partners and relevant sectors to strengthen protection of domestic workers. Furthermore, we support the amendment of labour law that respect fundamental principles and rights at work derive from ILO Conventions and Recommendations, including this Convention.

The Law on Government Officials No. 74 of 2015: Article 4 on State Policy for Public Servants, Section 1, provides that: “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.”

On this matter, we share the view of the committee that specific provisions under the Law on Government officials that protect civil servants from discrimination in employment and occupation set out in the Convention are needed.

We, trade unions, will work with the Government and other sectors to continue our efforts to promote gender equality through legislation and national policies. This includes the effective implementation of the Law on Gender Equality and regular review of its impact, in consultation with the social partners, and the development, implementation and monitoring of targeted policy measures, including in the framework of the Women's Development Plan 2021–25. These measures should be designed and monitored in full consultation with the social partners.

In relation to the prohibition of discrimination, we took note that the Government will take the Convention into consideration in the next revision of the Labour Law. We urge the Government that any amendments of the Labour Law 2014 should be in conformity with the spirit and the letter of the Convention. More importantly, the social partners must be properly consulted.

The Lao Federation of Trade Unions (LFTU), as the representations of workers in the country that protect and defend workers' rights, have distributed and disseminate various documents and publication to our members, union officials and union leaders related to the elimination of discrimination in respect of employment and occupation.

We also have educated LFTU members on Lao Labour Law and its regulations, Law on Prevention and Combating Violence against Women and Children, Law on Lao Women's Union, Law on Social Security Law, Ministerial Decision on Domestic Workers, Law on Government Officials, international labour standards, etc. We also negotiated for collective bargaining for a better workers' protection in the country and ensure the elimination of discrimination in various aspects.

Apart from that abovementioned, we have worked in close collaboration with social partners to implement various activities in ensuring the respect for human and trade union rights in the country.

Concerning the implementation of the Penal Law, we believe that the Government will ensure that this provision does not result in practice in discrimination based on employment and occupation.

Finally, we support the speech of the Government and strongly believe that the Lao Government will continue its effort to eliminate discrimination in respect to employment and occupation in full consultation with social partners.

Employer member, Lao People's Democratic Republic – I speak on behalf of the Lao National Chamber of Commerce and Industry (LNCCI). I am honoured to express our strong support for the Government's Strategic Framework and National Plan of Action for the Decent Work Country Programme. We also commend the ongoing efforts to improve relevant labour laws and regulations concerned.

Tripartite collaboration, involving social and development partners alongside the Government, plays a crucial role. By actively participating in discussions and implementing strategies, plans, and activities, we can collectively strengthen decent work practices, address concerns, and disseminate best practices throughout the business sector. Effective information sharing, for instance, empowers businesses to promote better workplaces and combat workplace discrimination.

The Government's focus on promoting investment aligns with our commitment to enhancing social dialogue. We believe this dialogue is key to effectively implementing and enforcing laws and regulations related to core International Labour Organization Conventions, including this Convention.

The LNCCI recognizes its role in this process. We actively provide our members, including those operating in the informal economy, with guidance on labour law and social security regulations. This empowers them to run profitable businesses, integrate into the formal sector, and adopt best practices in business management, skills development, and social responsibility.

Employers go beyond mere tripartite participation. We play a critical role in guiding our members on labour law, social security regulations, and relevant conventions. This ensures adherence to the fundamental rights of workers, promotes equality and non-discrimination, and ultimately contributes to the well-being of workers and their families. Additionally, LNCCI collaborates with development partners to conduct training programs, strengthen our member base, and actively promote gender equality, reskilling, and upskilling within the workplace.

In closing, on behalf of the LNCCI, I extend our sincere gratitude to the ILO for its ongoing financial, technical, and other forms of support to the Lao PDR. We particularly appreciate the

focus on strengthening the tripartite mechanism and promoting social dialogue for the implementation of the Decent Work Framework.

Thank you once again for your support and collaboration with development partners. We look forward to working together toward a common goal.

Government member, Belgium – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania** and **Republic of Moldova**, and the EFTA country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection, and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and its Member States have been committed development partners of the Lao People's Democratic Republic (Lao PDR), including through the "Everything but Arms" (EBA) arrangement under the EU's General Scheme of Preferences, granting duty-free and quota-free access to the EU markets, contributing to sustained growth and job creation in the past decades. The trade benefits granted under the EBA arrangement are subject to the condition that Lao PDR respects core international principles, enshrined in core UN and the ILO Conventions.

Concerning the protection of workers against discrimination, we note the Government's adoption of a Ministerial Decision on Domestic Workers in 2022, in order to extend protection against discrimination to this category of workers. We encourage the Government to provide information on the content of the Ministerial Decision to the Committee of Experts to ascertain that the decision is fully compliant with the principles set out in the Convention. Recalling that the Labour Law of 2014 excludes civil servants from its application, we encourage the Government to provide further information on the provisions protecting civil servants from employment discrimination.

We note the inclusion of a new section in the Labour Law of 2014 that provides for equality between foreign workers and Lao workers, and we request the Government to provide more information in this regard, including the measures taken, in consultation with the social partners, to maintain the same level of protection against discrimination based on nationality, age or socio-economic status as previously contained in Labour Law of 2007.

We welcome the inclusion of a new section on gender equality in the Labour Law of 2014, and the planned amendment of the law, as indicated in the Government's Labour Development Plan 2026–2030 and in the supplementary information provided ahead of the International Labour Conference. We are however concerned that the legislation remains non-compliant with the Convention and therefore urge the Government to clearly define what constitutes discrimination under the Labour Law and explicitly prohibit discrimination on at least all the grounds set out in Article 1(1)(a) of the Convention. We also ask the Government to provide additional information on the content of the new section 96 on gender equality.

Concerning sex-based discrimination and sexual harassment, we note with concern the continuing lack of provision of information by the Government to the Committee of Experts and we urge the Government to take the necessary measures to define, prevent and prohibit sexual harassment in employment and occupation and to ensure adequate sanctions and remedies.

We also highlight that under current legislation, the sole remedy available to victims of sexual harassment is the possibility to resign. We stress that this measure is not sufficient and adequate to protect victims of sexual harassment. In line with the Committee of Experts, we call on the Government to amend the labour law accordingly. In addition, we would ask the Government to provide information on the application in practice of provisions allowing workers to end their employment in the event of sexual harassment and of provisions which prohibit employers from violating the personal rights of employees.

Lastly, we note with concern that the Penal Law of 2017 prohibits a range of activities considered to be detrimental to the security of the State, including so-defined propaganda activities. We also regret that the Government's lack of information on this matter. Recalling that the Committee of Experts has been raising this issue since 2011, we request the Government to provide information on the steps taken to ensure that this legislation does not, in practice, result in discrimination in employment and occupation based on political opinion.

Going beyond the case in point, we appreciate that Lao PDR has ratified in 2022 the two new fundamental ILO Conventions – the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and we look forward to their effective implementation.

We recall the importance of the fundamental ILO Conventions not yet ratified by Lao PDR, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Abolition of Forced Labour Convention, 1957 (No. 105), along with the Governance Convention on labour inspection, the Labour Inspection Convention, 1947 (No. 81).

The ratification and effective implementation of these Conventions together with other Conventions on human rights, environment and good governance will constitute a prerequisite for Lao PDR to apply for becoming a beneficiary of the Generalised System of Preferences Plus trade scheme with the EU once the country graduates from its LDC status.

The EU and its Member States remain committed to a joint constructive engagement with Lao PDR with the aim to strengthen the Government's capacity to address the issues raised in the Committee of Experts' report.

Government member, Indonesia, speaking on behalf of the **Association of Southeast Asian Nations (ASEAN) Member States**. We took note of the report of the Committee of Experts and the comprehensive updates by the Lao Government. ASEAN Member States commend Lao PDR's firm commitment and active engagement with the ILO supervisory mechanism, particularly in the implementation of the Convention.

We acknowledge and appreciate the progress Lao PDR has made. These notable signs of progress include comprehensive tripartite and national labour committee consultations, in enhancing its legal framework and ensuring effective implementation of relevant laws and regulations, particularly the Constitution of Lao PDR, Labour Law, Lao Women's Union Law, Government Officials Law and other related laws including the decrees related to the rights, the protection of workers against discrimination. Furthermore, the Government would also incorporate the Convention into the next revision of the Labour Law.

ASEAN members appreciate Lao PDR's efforts in promoting the rights and the protection of workers against discrimination including the critical matters related to the rights of the workers through its mechanism under the Tripartite and National Labour Management Committee which have been created from national to local level. We, ASEAN members notice the progress of Lao PDR in promoting the rule of law and implementing obligations under

ratified ILO Conventions, including the protection of workers against discrimination and related labour rights.

ASEAN members would like to commend Lao PDR for playing a leading role in working with stakeholders in the implementation of related ILO Conventions and the supported projects, the Decent Work Country Programme, and the Global Deal Initiative.

In light of the above-mentioned progress in the application of the Convention, ASEAN members call on the ILO and all international partners to support and engage with Lao PDR to further nurture an environment conducive to the exercise of protection of workers against discrimination and enrich harmonious industrial relations.

Interpretation from Russian: **Government member, Belarus** – We thank the Government of Lao PDR for the detailed information submitted on the issue under consideration. We welcome the commitment of Lao PDR to cooperation with the ILO supervisory bodies, we also welcome the progress made in implementing the Convention at national level.

We note the comprehensive insertion into the legislation of the country of provisions that are focused on eradicating all kinds of discrimination in labour and employment. In particular, we note measures that have been undertaken, taking due account of national conditions and practice, and that are intended to advance the principles of gender equality to protect the rights of women on the labour market.

Further, we commend efforts made by the country to extend equality of opportunity for elderly persons, and also those living with disabilities, when it comes to employment. We applaud the active interaction of the Government with social partners in giving effect to decent work country programmes in accordance with ILO Conventions.

We call upon the ILO supervisory bodies to take due account of progress made by Lao PDR in eradicating all types of discrimination and to reflect appropriately the work done by the Government in the conclusions of those supervisory bodies.

However, we do have to state that it is our view that the recommendations made by the ILO supervisory bodies to make changes to the Penal Law are not fully in line with the provisions of the Convention. They do not have a direct link with ensuring that labour standards are respected and they go beyond the mandate of the ILO. In fact, this is something that could be used by third parties as an attempt to interfere within the domestic affairs of Lao PDR. We call on the ILO to continue to provide technical assistance to Lao PDR in order to make further progress in protecting the rights and interests of workers.

Employer member, Cambodia – I am offering this statement to support Lao PDR and its endeavour to safeguard and advance the equality of opportunities, employment and occupation for its citizens under the purview of Convention.

Despite the constraints it is facing, it is commendable that the Government relentlessly pursues the creation and promotion of fair and decent employment and equality of opportunities for its citizens, including by embracing and continuing the executions of ILO Decent Work Country Programme (DWCP) and in partnership with the ILO and other stakeholders.

We observe that the Government of Lao PDR has expressed its intention and commitment to make necessary updates of its national labour legislation in order to bring it into better alignment with the Convention and this constructive attitude should be duly noted and welcomed by the Committee.

And we also note that Lao PDR ratified the Convention in 2008, making it one of the most recent countries, if not the latest country to have ratified the Convention. “Better late than never”, as the saying goes, and the courageous attitude of Lao PDR should be encouraged. It is important to take this fact into account and we view that a more appropriate and suitable solution that will benefit Lao PDR is the provision of expert technical support and guidance and in this respect, technical support and guidance of the ILO has played a pivotal role in strengthening and enhancing the implementation of ILO Conventions and the Recommendations by Member States. We therefore strongly support the Government of to seek the technical support and guidance from the ILO to help it achieve the desired objective.

We also view that Lao PDR will gain valuable benefits by providing reports regularly to the Committee of Experts to promote appreciation and understanding by the Committee of Experts of its national realities, the challenges and constrain it is facing as well as the progress that has been achieved.

Worker member, Republic of Korea – The Labour Law of 2014 provides gender equality at workplace in the new article 96 and equal pay for equal work between foreign and Lao workers in article 69. The Law provides protection from discrimination against pregnant women and new mothers in recruitment and termination of employment in articles 87 and 100 and prohibits direct and indirect discrimination by employers against employees based on marital status, gender discrimination or infection of HIV in article 143(2). The Law defines “Discrimination in workplace” as “all actions by the employer that hinders, is biased, or limits opportunity for promotion, and confidence on the part of the employee” in article 3(28).

As the Committee of Experts pointed out, it is still unclear whether the legislation is fully in conformity with the Convention.

First, the Law fails to expressly prohibit discrimination on at least all the grounds set out in Article 1(1)(a) of the Convention.

Secondly, “Discrimination in workplace” is defined in a narrow way and fails to encompass various types of discrimination that workers can expect to experience in the workplace, such as discrimination in wage, in-kind payment and benefits, in opportunity for reskilling and upskilling, in personnel placement, in retirement, etc.

Thirdly, due to the lack of definition of “direct” and “indirect” discrimination, it would make it difficult to introduce special measures provided in Article 5(2) of the Convention.

Without proper information on reality, it is difficult to examine how the Government enforces the Law effectively. However, according to the limited information available, gender gaps continue to persist in Lao PDR. According to the UNDP, although almost equal to men in labour market participation, women’s average monthly income is just 77 per cent of that of men, and women are over-represented in low-skill occupations and spend a disproportionate amount of time on unpaid family and care work. Just 21.9 per cent of Members of Parliament are women and the number is even lower in subnational levels. Women’s share of the labour force in the formal economy is very low, only 15 per cent according to the Labour Force Survey of 2016–2017. Many women still join the informal sector and lower skills industries such as retail and services, which makes them not entitled to relevant employment benefits and social protections.

In conclusion, I hope the Committee is able to discuss the implementation of the Convention by Lao PDR with more concrete information on how the laws are operated in practice provided by the social partners as well as the Government in the future.

Government member, Viet Nam – I would like to align myself with the statement delivered by the distinguished delegate of Indonesia on behalf of the ASEAN Members States. Viet Nam took note of the Committee of Experts' report and the comprehensive updates communicated by the Lao Government on the Application of the Convention. Viet Nam commends the commitment and progress that Lao PDR has made in the promotion of workers' rights and protection of workers against discrimination through the implementation of the Convention. Particularly, we welcome the Government of Lao PDR's continued efforts to strengthen its legislation framework to address discrimination at workplace in all grounds, including the effort to incorporate the Convention into the next revision of the Labour Law. It is also appreciated that all these efforts are conducted through comprehensive tripartite and national labour committee consultations.

We also applaud Lao PDR's efforts to enhance access to vocational and skill training for people, including through the Decent Work Country Programme supported by the ILO, forming a firm basis to prevent discrimination at workplaces.

We welcome Lao PDR's constructive engagement with the ILO supervisory mechanisms and calls on the ILO and international partners to continue their support and engagement with Lao PDR for further strengthening the protection of workers against discrimination and the implementation of the Convention.

Worker member, Singapore – On behalf of the Singapore National Trades Union Congress, I wish to address the continued discrimination based on gender still taking place in Lao PDR, and I urge the Government to strengthen their Labour Law of 2014 to address these concerns.

Based on a research conducted by the Association for Development of Women and Legal Education in 2017, involving views from workers in the garment factory, restaurants and state enterprises in Lao, women faced as high as 90 per cent chance of sexual harassment, either verbally or physically, in the workplace.

The same Association conducted another research in 2023, and it is alarming that the newer research findings showed that while over 50 per cent of the respondents of employees have experienced sexual harassment in their life, and over 30 per cent have experienced it in the workplace, most companies do not organize any form of training about sexual harassment. Needless to say, most companies also do not have workplace harassment policy, code of conduct or proper grievance handling.

We need to have very clear and substantive legislative guidance and measures at the workplaces to prevent breeding grounds for the occurrences of all types of sexual harassment such as unwelcome sharing, offensive materials and remarks, sexual comments and also invasions of personal space, overt sexual touching, unwanted non-sexual touching, following or threatening and flashing.

This is unacceptable and should be addressed immediately. We need to ensure that every worker has a safe working environment and not be subjected to such treatment.

The Lao social partners, especially the Government and employers, should join the Lao trade unions and collectively take a serious stand against sexual harassment through a range of laws that guard against various forms of sexual harassment, including workplace sexual harassment. We join the call for the Lao Government to comply with the ILO request for updated information and work with ILO to strengthen the new measures, together with the social partners.

Interpretation from Chinese: **Government member, China** – We have read the detailed presentation by the representative of the Government, and we have carefully reviewed the report of the Committee of Experts and the supplementary materials submitted by the Laos Government to the Committee.

We have noticed that the Constitution and laws have clear provisions for protecting workers from various forms of discrimination. The Government also provides to include relevant provisions of the Convention on the prohibition of employment and occupation discrimination, sex discrimination and sexual harassment in the next revision of its Labour Law.

The Government of Lao PDR also plans to deal with relevant issues through appropriate dispute resolution mechanisms with the protection of Law. We have noticed that the Laos Government has continuously strengthened its efforts to promote the implementation of the Law on Gender Equality, formulated various development plans, comprehensively protected women and children from violence and prohibited gender-based employment and occupational discrimination.

The country has resolutely prohibited ethnic discrimination, focusing on implementing national education policies and gradually narrowed the gap between different ethnic groups. The Government has continuously improved peoples' living standards, educational level and professional development ability and protected the rights and interests of the disabled and the elderly workers. The Government has earnestly complied with the Convention in light of its actual development situation and has made certain achievements and progress, so we highly recognize and appreciate these achievements.

We hope the ILO secretariat can strengthen its communication with the Lao PDR Government and provide appropriate technical support.

Worker member, New Zealand – I am the New Zealand Council of Trade Unions' representative, and I will use this opportunity to discuss the Lao PDR 2017 Penal Law and how it is used to suppress complaints of discrimination.

Section 224 of the Penal Law does provide that discrimination against women is punishable by fine, re-education and imprisonment.

Section 117 punishes with prison terms from one to five years and significant fines for anyone who is deemed to be conducting propaganda activities and slandering Lao PDR or distorting the guidelines of the Party and policies of the Government, by circulating false rumours or causing disorder by words, which are detrimental to Lao PDR or are for the purpose of undermining or weakening State authority.

Various international organizations report that the Government is stepping up its use of the powers under this legislation to punish people considered dissidents solely based on their use of social media and other outlets to publicly expose serious human right breaches.

Amnesty International Annual Report released this year, highlighted the attacks on human right defenders in Lao PDR with arbitrary detention, enforced disappearance and killings.

The US Department of State Bureau of Democracy, Human Rights and Labour 2023 Report on Human Rights Practices, found significant human rights issues and included credible reports of arbitrary or unlawful killings, including extrajudicial killings, cruel, inhuman, or degrading treatment or punishment by government officials, arbitrary arrests or detentions, serious problems with the independence of the judiciary, serious government corruption,

serious government restrictions on domestic and international human rights organizations, extensive gender-based violence, including domestic or intimate partner violence, sexual violence, and child early and forced marriage and prohibiting independent trade unions.

The report acknowledged the existence of legislation prohibiting direct or indirect discrimination by employers against employees based on sex and provided for equal rights for women and men including equal pay for equal work but stated that the Government did not enforce the law effectively, resulting in ongoing discriminatory behaviour keeping women in subordinate positions and denying them equal access to education and employment.

We are requesting that the Committee and the ILO use its supervisory mechanisms to intervene through diplomatic channels to give effect to the necessary changes to ensure the Convention is properly implemented to have genuine and effective application for the women workers without fear of retribution and retaliation.

Miembro gubernamental, República Bolivariana de Venezuela - La República Bolivariana de Venezuela ha tomado nota de lo expuesto por el distinguido representante de la República Democrática Popular Lao. Reconocemos los esfuerzos que ha realizado el Gobierno de este país para promover una política nacional de igualdad y no discriminación en el área laboral.

Somos conscientes de que la lucha contra la discriminación es ardua y compleja.

El Gobierno de la República Democrática Popular Lao ha venido desarrollando un conjunto de normas jurídicas donde se establecen herramientas que incorporan los conceptos normativos establecidos en el Convenio.

Así pues, consideramos que las recomendaciones sobre adaptar la legislación a las disposiciones de este Convenio se corresponden en este aspecto.

En este sentido, el Gobierno de la República Bolivariana de Venezuela reconoce los progresos realizados y alienta al Gobierno de la República Democrática Popular Lao a continuar desarrollando políticas sociales sólidas y exitosas en apoyo del pueblo trabajador, y a continuar fortaleciendo su marco jurídico y sus mecanismos institucionales.

Employer member, Indonesia – I am making the statement here with the support of the fellow members of the ASEAN Confederation of Employers (ACE).

Discrimination in respect of employment and occupation is a cornerstone of the decent work concept, and we join Lao PDR in re-affirming adherence and support for non-discrimination in the workplace.

Concerning Lao PDR's case on the Convention, we consider that Lao PDR has set out a strong and compelling case for its compliance, while also providing valuable contextual information. This case also underscores that the effective implementation of the law and regulation require social dialogue (bipartite and tripartite) to promote decent work and non-discrimination.

We value the effectiveness of Member States' national systems to address important issues of interest, and consensus building as it contributes to advancement of industrial peace which ultimately benefits workers, employers and economic and social development in our countries.

Interpretation from Russian: **Government member, Russian Federation** – We have carefully read the observation from the Committee of Experts with reference to the implementation by Lao PDR of the Convention. We note the substantial progress that has been

made by the Government in giving effect to obligations that are foreseen under that Convention. We highly commend the efforts focused on combatting discrimination including in terms of guaranteeing labour rights. In that context we note the work of the tripartite and National Labour Management Committee and the establishment of that committee has enabled us to see an increase in the level of social protection in the country. Also, we commend the progress made in terms of the legal regulation of labour relationships within Lao PDR. This is a positive dynamic that is shown for instance by the fact that the Government intends to incorporate provisions of the Convention directly into the national labour legislation. We are convinced that Lao PDR will continue to combat labour cooperation in close cooperation with social partners. We therefore call upon the ILO to work constructively with the tripartite partnership that exists within Lao PDR. This would include providing technical assistance to all interested parties.

Miembro gubernamental, Cuba - Agradecemos al Gobierno de la República Democrática Lao por la presentación de informaciones adicionales, y tomamos nota de que el Gobierno expresa la voluntad de continuar avanzando en el diálogo social tripartito en el país, quien trabaja con la OIT, en particular, en lo relativo a la implementación del Convenio. Dicha información y argumentos muestran la voluntad del Gobierno de honrar los compromisos asumidos en el seno de esta Organización.

El Gobierno de República Democrática Popular Lao ha informado sobre la implementación legislativa desarrollada en los últimos años enfocada en la protección de los derechos laborales y de los trabajadores contra la discriminación en el empleo. Entre las acciones se destaca la creación del Comité Tripartito Nacional de Gestión Laboral, estas son informaciones muy importantes que deben valorarse apropiadamente.

Reiteramos que deben primar los mecanismos de cooperación y de trabajo conjunto en lugar de los mecanismos de coacción. En el análisis de cualquier caso todos debemos privilegiar la vía de las negociaciones, el diálogo respetuoso, la asistencia y la cooperación.

Invitamos a la OIT a colaborar con República Democrática Popular Lao para continuar fomentando un entorno propicio para la protección de los trabajadores contra la discriminación y enriquecer las relaciones laborales en general.

Las medidas tomadas en contra de la voluntad de los Gobiernos lejos de fomentar el diálogo y la cooperación prolongan la confrontación y no tienen los resultados deseados. Por tanto, es importante mantener el apego al diálogo tripartito y la búsqueda de consenso ambos como principios fundamentales de esta Organización.

Chairperson – I can see no more requests for the floor. Now I invite the Government representative of the Lao People's Democratic Republic, for his concluding remarks.

Government representative – We listened carefully to and take note of the advice, comments, recommendations, as well as suggestions from all interventions in this session today with regard to the observation of the Committee of Experts on the Convention by Lao PDR.

It is observed that all interventions are constructive and practical in nature. The comments and recommendations are taken into account and will be further served as guidance in improving and enhancing our ongoing efforts in the realization of obligations under the Convention.

It is recognized that discrimination on employment and occupation is clearly unacceptable practices in all nations and it also needs immediate resolution. In this regard, I would like to reiterate that Lao PDR has been strictly enforcing the Labour Law, other related laws and

regulations as well as working in collaboration with social partners and stakeholders to prevent all forms of discrimination.

However, poverty eradication has long been an integral part of Lao PDR's national policies and priorities. The Government has emphasized its strong commitment and put its utmost efforts to graduate from the least developed countries status for over a decade, and the Government has recently adopted a new poverty graduation strategy titled "Lao PDR Smooth Transition Strategy for LDC Graduation in 2026 and beyond". Additionally, the country's line agencies concerned are still facing challenges and difficulties such as technical expertise, legal advice and financial resources in fulfilling our obligation under the ILO Conventions and other related instruments. We, therefore, would like to call on the ILO, international communities, social partners and stakeholders to continue providing us the assistance and support.

In this connection, I would like to assure the Committee that the Government is fully committed to the Convention and other related instruments, including at the regional level. For instance, ASEAN-labour related frameworks to ensure that fair and decent employment and occupation exist in all workplaces and assure the Committee that the discrimination on employment and occupation is eliminated or ended in all workplaces.

Last but not least, I would like to conclude by expressing my sincere appreciation to the Committee for the observations. My thanks also go to all Governments, ASEAN Member States, representatives of workers' and employers' organizations and others for their constructive interventions and supports extended to the Government of Lao PDR in this regard.

Worker members – We would like to thank the Lao People's Democratic Republic for their remarks and also thank all the speakers who took the floor.

We note that 16 years after ratifying the Convention, the Government has yet to take the necessary steps to put its legislation in conformity with the instrument. We note in this regard the Government's indication that it intends to amend the 2014 Labour Law through the Labour Development Plan 2026–30. Therefore, we urge the Government to take immediate steps to review its national legislation to: clearly define direct and indirect discrimination; expressly prohibit discrimination at least for the seven grounds set out in Article 1(1)(a); clarify whether the relevant legislation concerns both employment and occupation and whether it applies equally to employers and employees; ensure that domestic workers and civil servants enjoy the same protections and guarantees as other workers; ensure that no provision in the domestic legal order can be used to discriminate against workers for their political opinion; define, prevent and prohibit sexual harassment in employment and occupation including, both, quid pro quo, or blackmail, and hostile environment sexual harassment; and provide for adequate sanctions and remedies.

Furthermore, we urge the Government to adopt and implement, in full cooperation with the social partners, a comprehensive national policy for equality of opportunity and treatment for at least for all the grounds laid out in Article 1(1)(a) of the Convention.

While taking due note of the financial constraints of the Government, we recall that the Convention is a fundamental Convention and that the Government should make every effort to give it full effect. We also request the Government to provide detailed information on the concrete impact of the ongoing plans and programmes on the reduction of inequalities and discrimination in employment and occupation in Laos.

Employer members – The Employer members thank the various speakers who took the floor and notably the Government of Lao PDR for the information provided and for their interventions. We remind the Committee that the Convention is a fundamental Convention

which therefore requires special consideration by the ILO, Governments, Workers and Employers.

Our position in this case aligns with the recommendations of the Committee of Experts. The Employer members stand against discrimination in the field of employment and occupation. The Employer members urge the Government to take the necessary steps, in consultation with employers' and workers' organizations were applicable, to ensure its labour law and other domestic legislation and ministerial directions are aligned with the Convention:

1. Ensuring that protections against discrimination in employment and occupation on at least all the grounds set out in Article 1.1.(a) of the Convention are captured including the protected ground of sex and ensuring that these protections extend to domestic workers and civil servants;
2. Ensuring that its domestic legislation affords equal protection against discrimination on the basis of nationality, age and socio-economic status with respect to all aspects of employment and occupation; and
3. Providing information to the Committee of Experts on the progress achieved in this regard including providing information with respect to the application of such prohibitions against discrimination in practice.

The Employer members also urge the Government to collect information on the practical application of the prohibitions of activities considered to be prejudicial to the security of the state and to provide such information to the Committee of Experts to ensure that in practice such laws do not result in discrimination in employment and occupation based on political opinion.

We count on the Government to provide the requested information by 1 September and remind it that if needed it can request ILO technical assistance with the view of implementing the above-mentioned recommendations in a timely manner and ensuring full implementation of the Convention both in law and in practice.

Conclusions of the Committee

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with concern, that 16 years after the ratification the Government has yet to take the necessary steps to bring its legislation fully into conformity with the Convention.

Taking the discussion into account, the Committee urged the Government, in consultation with employers' and workers' organizations, to take effective measures to:

- **clearly define direct and indirect discrimination in law;**
- **clearly define, prevent and prohibit sexual harassment in both employment and occupation and ensure that protections and adequate remedies for victims of harassment are provided for in law and practice;**
- **ensure that the Ministerial Decision on domestic workers is aligned with Convention No. 111 by expressly listing the grounds for prohibited discrimination in accordance with Article 1(1)(a);**

- ensure that the prohibitions of discrimination contained in Article 1(1)(a) apply to civil servants and that those protections as contained in the Labour Law and related legislation cover both employment and occupation;
- amend the Labour Law (2014) to expressly prohibit discrimination in employment and occupation on at least all the grounds set out in Article 1(1)(a) of the Convention, including sex; and
- provide information on the application in practice of (i) section 83(4) of the Labour Law, which allows a worker to bring an end to the employment contract in the event of sexual harassment; and (ii) section 141(4), which prohibits employers from violating the personal rights of employees, including with respect to cases of sexual harassment.

The Committee requested the Government to provide a detailed report on the measures taken to implement the Convention in law and practice, notably the above-mentioned recommendations, and progress achieved before the deadline of 1 September 2024.

Government representative – We, the delegation of the Government of Lao People's Democratic Republic, have listened carefully to the conclusions and take note of all concluding advices, comments and recommendations made by the Committee on the Application of Standards.

It is obvious that solving the discrimination against employment and occupation is complicated and the resolution needs collective actions from relevant stakeholders, particularly social partners. In this regard, the Government of Lao People's Democratic Republic requests active and full participation and involvement of the social partners in the development of the legislation and its enforcement.

The Government, however, reaffirms the Committee that it will play its full leading roles in resolving the discrimination on employment and occupation through following up and applying the advice, comments, and recommendations provided by the Committee in the conclusion. In this connection, the Government urges the ILO, international development partners and international social partners to continue providing the assistance and support to the relevant national counterparts in resolving the discrimination on employment and occupation. We also encourage the ILO country office to play a more active role in communicating and collaborating with the Government and the tripartite institutions to provide a more effective technical guidance and advice.

Lastly, may I take this opportunity to express our sincere gratitude to the Committee for the conclusion on this case. We also would like to thank those who have contributed with their comments, advice, recommendations and suggestions on this case. We wish the Committee and colleagues to stay healthy and have a safe journey home.