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Policy Development Section

POL

Employment and Social Protection Segment

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Identifying challenges and possible policy responses regarding the application of the principle of non-discrimination in the world of work

Purpose of the document

This document has been prepared to facilitate the discussion of the Governing Body under this item. The Governing Body is invited to take note of the information it contains and to provide guidance to the Office's work on the principle of non-discrimination in the world of work (see the draft decision in paragraph 44).

Relevant strategic objective: Fundamental principles and rights at work.

Main relevant outcome: Outcome 5: Gender equality and equality of treatment and opportunities for all.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: None.

Author unit: Conditions of Work and Equality Department (WORKQUALITY).

Related documents: [GB.353/PV](#).

► Introduction

1. During the discussion of the Programme and Budget proposals for 2026–27 at its 353rd Session (March 2025), the Governing Body acknowledged “the divergence of views ... on the use of the terms sexual orientation and gender identity” as grounds of discrimination. More specifically, questions were raised as to the basis for the Office undertaking work concerning discrimination based on these grounds.¹ The Governing Body also recalled “the ILO’s obligation and commitment to combat any form of discrimination and exclusion on any grounds”, affirmed that “Office country-level technical assistance is provided upon request, and having due regard to national conditions and circumstances” and decided to place on the agenda of its 355th Session (November 2025) “an item for discussion in the Policy Development Section on identifying challenges regarding the application of the principle of non-discrimination in the world of work, including divergent views as described above, and how to address them”.²
2. In June 2025, the International Labour Conference acknowledged the inclusion of the item in the agenda of the 355th Session of the Governing Body and, echoing the Governing Body’s position, recalled the Organization’s obligation and commitment to combat any form of discrimination and exclusion on any grounds.³
3. The present document was prepared with a view to facilitating the discussion under this item and has four parts. Part I recalls that discrimination is one of the root causes of inequalities in the world of work and its significant social and economic cost. Part II recalls the centrality of the principle of non-discrimination, as a fundamental principle and right at work, to the ILO’s mandate. Part III elaborates on the question of prohibited grounds of discrimination in the context of international labour standards. Part IV explores challenges in the implementation of the principle and avenues for addressing them and is followed by concluding comments.

► I. The social and economic costs of discrimination in the world of work

4. Discrimination occurs when people are treated differently because of certain characteristics, such as race, colour or sex, and this results in the impairment of equality of opportunity and treatment. Undermining the dignity of people and restricting the freedom of human beings to choose and pursue their professional and personal aspirations, discrimination entails significant costs for individuals, societies and economies. It reduces opportunities for the acquisition of skills, competencies and professional development and deprives workers of what is due to them according to merit and efforts, thereby preventing them from reaching their full potential in the world of work and improving their economic situation. For employers,

¹ Such a divergence of views had previously arisen during the discussion and adoption of the Programme and Budget for 2024–25.

² See GB.353/PV, paras 836–1091 for the discussion, and the decision para. 1092.

³ ILO, [Resolution concerning the adoption of the Programme and Budget for 2026–27 and the allocation of the budget of income among Member States](#), ILC.113/Resolution VI.

this results in a loss of productivity, competitiveness and innovation, and limits their ability to fully harness and benefit from the skills and capabilities available within the workforce.

5. Discrimination may discourage some to enter or remain in the labour market, thereby contributing to labour market inactivity. In all events, discrimination distorts the efficient functioning of labour markets, leading to a waste of human capital. Population groups vulnerable to discrimination often experience higher unemployment and lower wages,⁴ which exacerbates labour market inequalities. They are also disproportionately represented in the informal economy, where lack of protection and limited access to rights and social security further compound their disadvantage. The combination of different forms of discrimination and overlapping vulnerabilities intensifies these effects, creating cumulative disadvantages that are harder to overcome. In turn, such disparities undermine social cohesion and can contribute to social instability. Discrimination, if left unchecked, may act as a break on the reduction of poverty by perpetuating the intergenerational transmission of disadvantage. Reducing inequalities, including by eliminating discrimination, is thus an indispensable part of any viable strategy for sustainable economic growth, poverty reduction and sustainable development.⁵
6. A 2025 study from the Organisation for Economic Co-operation and Development (OECD) covering European Union countries points to significant gross domestic product (GDP) losses associated with discrimination and highlights that countries where the general population is more accepting of minority groups have higher GDP per capita.⁶ Analysing data from sub-Saharan Africa, a working paper from the International Monetary Fund (IMF) found that both income and gender inequalities are negatively associated with per capita GDP growth.⁷ An academic study covering eight Latin American countries suggested that eliminating barriers to women's labour force participation, and equalizing their access to different occupations, would reduce the incidence of poverty and promote a rise in income in all eight countries.⁸ An ILO-Asian Development Bank (ADB) study highlighted the loss of US\$42–47 billion annually due to women's limited access to employment opportunities in Asia.⁹ An ILO study using data from a selection of ten low- and middle-income countries in Asia and Africa concluded that economic

⁴ ILO, *Women and the Economy: 30 Years after the Beijing Declaration*, ILO Brief, 2025; ILO, *Global Wage Report 2024-25: Is Wage Inequality Decreasing Globally?*, 2024; Sevane Ananian and Giulia Dellaferrera, "A Study on the Employment and Wage Outcomes of People with Disabilities", ILO Working Paper 124, 2024; Lena Hassani-Nezhad, Sevane Ananian and Nick Drydakis, "A Study on the Employment and Wage Outcomes of Persons Living with a Same-sex Partner", ILO Working Paper 131, 2024; ILO, *Panorama laboral de los pueblos indígenas en América Latina: La protección social como ruta hacia una recuperación inclusiva frente a la pandemia de COVID-19*, 2022, Silas Amo-Agyei, *The Migrant Pay Gap: Understanding Wage Differences between Migrants and Nationals* (ILO, 2020).

⁵ ILO, *Time for Equality at Work: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, 2003, paras 2–3; Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, 1995, para. 54(b).

⁶ OECD, *Combating Discrimination in the European Union*, 2025, 75. A 2016 report of the Haut-Commissariat à la Stratégie et au Plan (France Stratégie) estimated that if discrimination were eliminated, GDP would increase by between 3.6 and 14.1 per cent, depending on the scenarios underlying the estimates. See France Stratégie, "Le coût économique des discriminations", 2016.

⁷ Dalia S. Hakura et al, "Inequality, Gender Gaps and Economic Growth: Comparative Evidence for Sub-Saharan Africa", IMF Working Paper WP/16/111, 2016.

⁸ Joana Costa, Elydia Silva and Fábio Vaz, "The Role of Gender Inequalities in Explaining Income Growth, Poverty and Inequality: Evidences from Latin American Countries", Working Paper No. 52, International Policy Centre for Inclusive Growth/United Nations Development Programme, 2009.

⁹ ILO and ADB, *Women and Labour Markets in Asia: Rebalancing for Gender Equality*, 2011.

losses related to disability are large and measurable, falling into a band between 3 and 7 per cent of GDP.¹⁰

► II. Non-discrimination and the ILO mandate

7. Affording everyone humane conditions of work has been among the fundamental objectives of the ILO since its creation.¹¹ The 1944 Declaration of Philadelphia, integrated into the Constitution in 1946, subsequently affirmed that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.”¹² The Declaration of Philadelphia further states that “the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy”.¹³
8. The constitutional principle of non-discrimination has been given further expression through Conventions and Recommendations that include, importantly, the fundamental Conventions, namely the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).¹⁴ The centrality of the principle to the ILO is further illustrated by the fact that between 1962 and the early 1990s, a dedicated Governing Body Committee on Discrimination discussed ways and means to advance equality and non-discrimination. It also played an important role in the ILO’s efforts to end apartheid.¹⁵
9. The 1995 Copenhagen Social Summit unequivocally acknowledged the link between non-discrimination, particularly in the world of work, and development.¹⁶ The ILO subsequently included the elimination of discrimination in the 1998 Declaration on Fundamental Principles and Rights at Work. Under the Follow-up to the Declaration, the Conference discussed three global reports on equality and non-discrimination, which provided a global dynamic picture concerning this fundamental principle and right, as called for by the Declaration.¹⁷
10. The principle of non-discrimination was further emphasized by the 2008 Declaration on Social Justice for a Fair Globalization and the related recurrent item discussions that have been held

¹⁰ Sebastian Buckup, “[The Price of Exclusion: The Economic Consequences of Excluding People with Disabilities from the World of Work](#)”, ILO Employment Working Paper No. 43, 2009.

¹¹ ILO Constitution, as in force until the entry into force of the 1946 Amendment, Preamble and section II, Article 41 (Article 427 of the Treaty of Versailles), points 7 and 8 (the 1919 rendering of the Constitution is reproduced in the [Official Bulletin](#), Vol. XXIX, No. 4, 15 November 1946).

¹² [Declaration of Philadelphia](#), Part II(a).

¹³ [Declaration of Philadelphia](#), Part II(b).

¹⁴ ILO instruments containing non-discrimination clauses, modelled after Convention No. 111, include the Conventions concerning employment policy, termination of employment, private employment agencies, maternity protection, among others. Several instruments seek to address discrimination for specific groups such as indigenous and tribal peoples, migrant workers and domestic workers. In 2019, the instruments on violence and harassment in the world of work have further strengthened the body of international labour standards for the elimination of discrimination.

¹⁵ Subsequently, an item on ILO action concerning discrimination featured on the agenda of the Legal Issues and International Labour Standards Section (LILS) until 2010.

¹⁶ [Copenhagen Declaration](#), para. 54(b).

¹⁷ ILO, [Time for Equality at Work](#); ILO, [Equality at Work: Tackling the Challenges – Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work](#), 2007; ILO, [Equality at Work: The Continuing Challenge – Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work](#), 2011. The LILS item was discontinued after 2010 taking into account that ILO action concerning discrimination at that juncture was part of the follow-up to the 1998 Declaration.

subsequently,¹⁸ and the ILO Centenary Declaration for the Future of Work in 2019. Numerous recent Conference resolutions call for action against discrimination, for example, the 2021 Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, and the 2021 resolution concerning inequalities and the world of work.

11. Several action plans or strategies approved by the Governing Body as a follow-up to related Conference resolutions are presently guiding the work of the Office concerning discrimination, including those concerning fundamental principles and rights at work (2024–30),¹⁹ decent work and the care economy (2024–30),²⁰ labour protection (2023–29),²¹ inequalities in the world of work (2022–27),²² and violence and harassment in the world of work (open-ended).²³ A dedicated institutional action plan on gender equality and a disability inclusion strategy are in place.²⁴
12. The ILO's efforts towards the elimination of discrimination, in accordance with its Constitution and mandate, contribute to the implementation of the Sustainable Development Goals and the United Nations system's broader work in promoting and protecting human rights. At the 2024 Summit of the Future, world leaders recognized that "efforts to redress injustice and to reduce inequalities within and between countries to build peaceful, just and inclusive societies cannot succeed unless we step up our efforts to promote tolerance, embrace diversity and combat all forms of discrimination".²⁵ The outcome of the Second World Summit for Social Development acknowledges the role of promoting equality and ending discrimination for achieving inclusive and sustainable growth, and calls for specific action in this regard.²⁶

► III. Grounds of discrimination in international labour standards

13. The definition of discrimination in Convention No. 111 lists seven prohibited grounds, namely race, colour, sex, religion, political opinion, national extraction or social origin (Article 1(1)(a)). The Convention also allows ratifying Members, should they so decide, to determine additional grounds for the purpose of the Convention, after consulting employers' and workers' organizations and other appropriate bodies (Article 1(1)(b)). Several other ILO instruments address discrimination based on grounds other than those listed in Article 1(1)(a) of

¹⁸ In 2012, 2017 and 2024.

¹⁹ [GB.352/INS/3/1](#).

²⁰ [GB.352/INS/3/2](#).

²¹ [GB.349/INS/3/2](#).

²² [GB.344/INS/8](#).

²³ [GB.337/INS/3/1](#).

²⁴ ILO, *ILO Action Plan for Gender Equality 2022–25*, 2022; ILO, *ILO Disability Inclusion Strategy (2024–2027)*, 2024.

²⁵ United Nations, *Pact for the Future, Global Digital Compact and Declaration on Future Generation*, Preamble.

²⁶ [Doha Political Declaration](#), Agreed text of 5 September 2025. See paras 11 and 27 of the Declaration and paras 3, 4, 11 and 12 of the call to action.

Convention No. 111, including age,²⁷ disability,²⁸ family responsibilities,²⁹ HIV status,³⁰ trade union membership,³¹ nationality³² and sexual orientation.³³

14. The ILO supervisory bodies are monitoring the application of Convention No. 111 in respect of discrimination based on both listed and additional grounds that have been determined in accordance with Article 1(1)(b).³⁴ The General Surveys regarding Convention No. 111 prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) over the years have documented legislative trends with regard to additional grounds including, but not limited to, disability, family responsibilities, age and health, including HIV status.³⁵ The adoption of national legislation addressing discrimination based on sexual orientation in employment and occupation has been noted by the CEACR since 1988, and, since 2012, it has noted prohibitions of discrimination based on gender identity.³⁶
15. The CEACR noted that the possibility to determine additional grounds in accordance with Article 1(1)(b) of Convention No. 111 “responds to the clear and widespread intention expressed during the standard-setting discussions to deal with as many forms of discrimination in employment and occupation as practicable within the conditions prevailing in each country and to be able to adapt to new grounds of discrimination that may appear in

²⁷ For instance, the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), Art. 6; Older Workers Recommendation, 1980 (No. 162), Para. 3; Termination of Employment Recommendation, 1982 (No. 166), Para. 5(a), Private Employment Agencies Recommendation, 1997 (No. 188), Para. 9; Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), Para. 7(f).

²⁸ For instance, the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), Art. 6; Convention No. 168, Art. 6; Recommendation No. 188, Para. 9; Recommendation No. 205, Para. 7(f).

²⁹ For instance, the Workers with Family Responsibilities Convention, 1981 (No. 156).

³⁰ HIV and AIDS Recommendation, 2010 (No. 200), Para. 10.

³¹ For instance, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

³² For instance, the Migration for Employment Convention (Revised), 1949 (No. 97), Art. 6, and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Art. 10.

³³ Recommendation No. 188, Para. 9; Recommendation No. 200, Para. 14(e); Recommendation No. 205, Para. 7(f).

³⁴ The [report form](#) for Convention No. 111 adopted by the Governing Body requests Members to provide the same particulars regarding the application of the Convention in relation to grounds listed in Article 1(1)(a) and any additional grounds determined in accordance with Article 1(1)(b)). While the Convention does not set out a particular mechanism for States to extend coverage of the Convention to additional grounds, the CEACR has considered that when information received from governments and workers’ and employers’ organizations indicates that legislation or policies concerning discrimination based on additional grounds have been adopted after consultation with the social partners, the Government has availed itself of the possibility envisaged under Article 1(1)(b). See ILO, *Giving Globalization a Human Face: General Survey on the Fundamental Conventions concerning Rights at Work in Light of the ILO Declaration on Social Justice for a Fair Globalization, 2008*, ILC.101/III/1B, 2012 (2012 General Survey), para. 808.

³⁵ The CEACR prepared Surveys in accordance with article 19 of the Constitution concerning Convention No. 111 in 1963, 1971, 1988 and 1996. Subsequently, Convention No. 111 was covered by the 2012 General Survey, and the General Survey on gender equality (ILO, *Achieving Gender Equality at Work: General Survey on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165) and the Maternity Protection Recommendation, 2000 (No. 191)*, General Survey on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165) and the Maternity Protection Recommendation, 2000 (No. 191), ILC.111/III(B), 2023 (2023 General Survey)).

³⁶ ILO, *Equality in Employment and Occupation: General Survey of the Reports on the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958*, International Labour Conference, 75th Session, 1988, para. 65; 2012 General Survey, para. 825; 2023 General Survey, paras 103–107.

future, thereby ensuring that the Convention and Recommendation are forward-looking instruments that remain as relevant today as they were when they were adopted".³⁷

16. Between 1997 and 2004 the possibility of extending the list of grounds in Convention No. 111 through a Protocol was under consideration by the Governing Body but the proposal was eventually not retained as preference was given to other standard-setting items at the time.³⁸

► IV. Challenges in the implementation of the principle and avenues for addressing them

17. While an exhaustive analysis of challenges in the implementation of the principle of non-discrimination is not possible here, selected areas in which critical challenges persist are discussed below, along with possible avenues for addressing them. These challenges all relate to the need to take measures that are effective in advancing equality of opportunity and treatment both in law and practice, including through protecting individuals from discrimination but also addressing its structural dimensions.

A. Discrimination is a complex and evolving phenomenon

18. A first challenge in implementing the principle of non-discrimination is that discrimination is a complex and evolving phenomenon profoundly influenced by cultural, social and political norms. Regardless of the specific ground, many of the drivers and underlying causes of discrimination are similar. They often stem from unequal power relations, deeply rooted stereotypes and biases, which can be individual, institutional and structural. They also tend to produce comparable outcomes: limiting opportunities to enter, remain and progress in the labour market, hence reinforcing inequality and perpetuating cycles of disadvantage, poverty, exclusion and marginalization.
19. While historically equality and non-discrimination law and policy has focused on addressing discrimination based on a single ground, there has been an increasing attention in research and policy debates on exploring and better understanding discrimination as a multidimensional phenomenon that often involves less favourable treatment based on multiple grounds. For example, indigenous women face compounded discrimination based on ethnicity and sex. Moreover, while direct discrimination – such as different pay scales for women and men are easier to detect and to address, identifying situations of indirect discrimination is more complex but equally important.³⁹ For example, the CEACR has noted that the exclusion of specific groups of workers from general labour legislation could amount

³⁷ 2023 General Survey, para. 48.

³⁸ This standard-setting proposal, initially put forward by the CEACR in its 1996 Special Survey, was last considered at the Governing Body's 289th Session in March 2004 (see [GB.289/2](#)). The proposal entailed two alternatives. The first was to allow States ratifying the Protocol to choose which additional grounds they would wish to accept under the Convention. The second option was adopting a list of "core" grounds that would have to be accepted when ratifying the Protocol, while allowing States to decide to accept others as well. The proposal also included adding provisions on the shifting of the burden of proof in discrimination proceedings.

³⁹ The CEACR has considered that "[i]ndirect discrimination refers to apparently neutral situations, regulations or practices which in fact result in unequal treatment of persons with certain characteristics. It occurs when the same condition, treatment or criterion is applied to everyone, but results in a disproportionately harsh impact on some persons on the basis of characteristics such as race, colour, sex or religion, and is not closely related to the inherent requirements of the job" (see 2012 General Survey, para 745).

to indirect discrimination, referring to the case of domestic workers, a majority of whom are, in many contexts, women.⁴⁰

20. As societal contexts and scientific knowledge change over time, certain rules or norms once considered appropriate are being reassessed in the light of the principle of non-discrimination. For example, the ILO's early standards regarding night and underground work provided for broad prohibitions for women to be employed in these types of work, reflecting common widespread stereotypes about women's reproductive and social roles. Reflecting a change of approach, the most recent ILO standards on these issues focus on appropriate protection of all workers, while ensuring specific protections for women workers in relation to pregnancy and maternity. The Underground Work (Women) Convention, 1935 (No. 45), which prohibited underground work for women, was classified as outdated by the Standards Review Mechanism Tripartite Working Group, noting that it was contrary to the fundamental principle of equality and non-discrimination, and later abrogated.⁴¹
21. While vocational rehabilitation has been seen as important for labour market integration of persons with disabilities, it is now also recognized that achieving this objective requires that deeply rooted stereotypes and biases surrounding disability are addressed.⁴² New forms and manifestations of discrimination may arise due to technological developments, for example discrimination based on genetic information.⁴³
22. Views regarding discrimination based on sexual orientation and gender identity have also been evolving. In a number of countries such discrimination has been identified as a driver of labour market exclusion that requires a policy or legislative response.⁴⁴ A recent academic study indicates that, as of 2023, 71 countries prohibited at least to some extent workplace discrimination based on sexual orientation, and 41 prohibited to some extent discrimination based on gender identity.⁴⁵ In some cases, such legislation was adopted as a means to strengthen legal protection from discrimination based on these grounds that had already been afforded by the courts, in practice.⁴⁶

⁴⁰ ILO, 2023 General Survey, para. 62.

⁴¹ GB.334/LILS/3, para 12 of the appendix; GB.334/decisions, 15–16; ILO, *Abrogation of Four International Labour Conventions*, ILC.112/Instruments, 2024.

⁴² According to a recent academic study, as of 2023, 164 countries provided in their legislation at least some protection from discrimination at work based on disability. See Ross L. Weistroffer et al., "Mapping Progress in Workplace Protections: A Study of Global LGBTQI+ Workplace Antidiscrimination Legislation in 2016 and 2023", *Sex Res Soc Policy* (2025).

⁴³ Genetic discrimination refers to the unequal treatment of individuals based on an aspect of their genetic code or genome, such as the risk for genetic disorder. See Carolyn Riley Chapman et al., "Genetic Discrimination: Emerging Ethical Challenges in the Context of Advancing Technology", *Journal of Law and the Biosciences* 7, No.1 (2019).

⁴⁴ Research into the size of the population concerned and their experiences, the economic costs of discrimination based on sexual orientation and gender identity, and the prevalence and type of legal protection against such discrimination has been carried out by various institutions. See, for example, Anne-Marie Urban et al., *Toward a Better Understanding of Discrimination based on Sexual Orientation and Gender Identity* (Inter-American Development Bank, 2020); World Bank, *Equality of Opportunity for Sexual and Gender Minorities 2024*, 2024.

⁴⁵ See Weistroffer et al., "Mapping Progress in Workplace Protections". Additional countries have adopted legislation prohibiting discrimination based on these grounds since 2023. For example, the definition of discrimination in section 6(1) of the Labour Act 2024, of Lesotho refers to sexual orientation as one of the prohibited grounds.

⁴⁶ For example, in Chile, Act No. 20.940 of 2016 added sexual orientation and gender identity as prohibited grounds into the non-discrimination provisions of the Labour Code providing an explicit legal basis for bring cases against such discrimination; in India, a ruling of the Supreme Court extended protection from discrimination to transgender persons, including in the employment context in 2014 (*National Legal Services Authority v. Union of India and others*) and the protection was subsequently enshrined in legislation, namely the Transgender Persons (Protection of Rights) Act, 2019.

23. Because discrimination is complex and evolving, achieving full implementation of the principle of non-discrimination requires continuing attention and action by policymakers and institutions, including those responsible for implementing relevant public policy, by social partners and at the workplace. Research plays an important role to better understand how established and emerging forms of discrimination manifest themselves, and how they operate and impact workers, employers, workplaces, labour markets and economies. Appropriate evidence and knowledge are needed to ensure that existing laws and policies can be regularly and meaningfully reviewed and assessed to ensure that they remain appropriate and effective in preventing and addressing discrimination, and promoting equal opportunities.

B. Strengthening legal protection from discrimination

24. The fact that countries across the world are granting legal rights to equality and non-discrimination attests to the law being seen as an important tool for eliminating discrimination. In at least 139 ILO Member States the labour legislation prohibits discrimination in employment and occupation, while in others, such protection is available under specialized equality and non-discrimination legislation or human rights laws.
25. Yet, another challenge in applying the principle of non-discrimination is that available legal protection from discrimination in employment and occupation is often incomplete. While 80 Member States prohibit both direct and indirect discrimination in employment and occupation in labour or other legislation, only 47 also include definitions of both forms of discrimination. In addition, the legislation may also fall short of prohibiting discrimination based on all seven grounds listed in Convention No. 111 and in respect of all dimensions of employment or occupation, from recruitment to termination. Only in some cases does the legislation address the prevention of discrimination and contain proactive measures to promote equality of opportunity and treatment.⁴⁷
26. Implementation presents a challenge, in part because the onus to take action is often on the complainant and effective access to justice can remain out of reach for individuals. Victims of discrimination may hesitate to lodge complaints and seek remedies due to a range of significant legal and practical barriers. For instance, only 50 Member States have legal provisions shifting the burden of proof in employment discrimination cases. Other factors discouraging victims from bringing complaints and thus limiting their ability to obtain remedies include criminal proceedings being the only option for redress, fear of victimization and further stigmatization, lack of support and doubts regarding the success of legal action.
27. While the supervisory bodies have provided clear guidance on the strengthening of equality and non-discrimination legislation, progress in this regard has been slow. An important step towards addressing this challenge could include stepping up efforts to develop knowledge and evidence on the impact and effectiveness of existing laws and regulations designed to eliminate discrimination in employment and occupation, and facilitating the exchange of the findings within and across countries.⁴⁸ This would need to include a specific focus on effective enforcement and access to justice for victims of discrimination in the world of work, for example by documenting lessons learned from actions taken by labour inspectorates and the work of specialized equality bodies mandated to review discrimination complaints.

⁴⁷ See paras 33–35 below.

⁴⁸ ILO, *Conclusions concerning the third recurrent discussion on fundamental principles and rights at work*, ILC.112/Resolution IV, 2024, para. 17(m).

C. Tackling structural barriers

28. Barriers to equality of opportunity and treatment in the world of work include deep-rooted stereotypes and assumptions concerning roles, capabilities and aspirations of people based on personal characteristics, such as sex, age, nationality, disability and others. Such barriers are referred to as structural because they go beyond individual situations and result in inequalities such as unequal access to education, training, skills, land and finance and unequal distribution of unpaid care work between women and men. Even when those affected do enter the labour market, they are often concentrated in lower-paying jobs and sectors, face undervaluation of their work, are exposed to violence and harassment, are over-represented in informal employment, and are frequently excluded from organizing and social dialogue mechanisms, resulting in less favourable outcomes.
29. Both the Conference and the CEACR have acknowledged and pointed to the need to address the challenges related to the structural and systemic dimensions of discrimination.⁴⁹ Indeed, this becomes even more important as transformations deeply affecting labour markets, such as digital and demographic transformations, risk exacerbating experiences of disadvantage and exclusion, and their resulting social and economic impacts.
30. Tackling these challenges requires that equality of opportunity and treatment is pursued as a specific objective and measurable outcome of policymaking and implementation across a range of policy areas, including employment, working conditions, social protection, care, labour migration and social dialogue, including collective bargaining. For example, in the Plurinational State of Bolivia, the ILO has contributed to achieving better outcomes for indigenous women constructors through occupational safety and health training, entrepreneurship support, formalization and collective organization.⁵⁰ In Iraq, since 2023, through a holistic and integrated approach, the ILO has contributed to reforms of both national employment strategies and discriminatory laws, resulting in improved workplace protections, equal pay initiatives and enhanced childcare services. These efforts have also increased women's representation in trade union leadership and collective bargaining, drawing greater attention to measures to prevent and address gender-based violence and harassment at work. In the Republic of Moldova, the 2022 childcare reform expanded services for children under the age of 3, improved leave policies, formalized informal providers and encouraged employer-run childcare, helping parents, particularly mothers, remain in the labour market.⁵¹
31. Collecting, analysing and disseminating disaggregated labour market data is crucial for evidence-based awareness-raising campaigns to combat discriminatory stereotypes and attitudes, to inform policy debates, for monitoring the effectiveness of public policy and to assess whether inequalities are widening or narrowing. The 2030 Agenda for Sustainable Development and the International Labour Conference called for the availability of statistics disaggregated by sex, age, disability, race, ethnicity, migrant status and geographic location,

⁴⁹ ILO, 2012 General Survey, para. 745; ILO, [Resolution and conclusions concerning inequalities and the world of work](#), ILC.109/Resolution XVI, 2021, paras 13 and 20 of the conclusions. Discrimination is considered to be systemic when it is pervasive and deeply entrenched in social behaviour and organization.

⁵⁰ ILO, "Women are Building their Own Futures in Bolivia", 24 April 2017.

⁵¹ Law on Alternative Childcare Services (No. 367/2022). See ILO, [Programme to Support the Transition to the Labour Market of Women on Childcare Leave](#), 2025.

and other characteristics relevant in national contexts.⁵² Data disaggregation by sex and age is now a more standard practice, and some progress is being made in respect of other characteristics. The ILO microdata repository includes labour market data disaggregated by disability from 121 countries, by citizenship and place of birth from 102 countries, and for only 47 is data available disaggregated by ethnicity. Including identifiers on sexual orientation and gender identity in national survey instruments, including those covering labour and employment, is a relatively recent development, with several countries having started to collect such data.⁵³

32. A number of recent ILO reports and studies illustrate the added value of disaggregated data for understanding, monitoring and eliminating inequalities in the labour market from a multidimensional perspective, corroborating the idea that what is not measured remains invisible and hence cannot be addressed.⁵⁴ In addition to capturing raw gaps, methodologies for measuring to what extent inequalities can be ascribed to discrimination have a role to play. For example, the 2018/19 Global Wage report has focused on identifying and tackling the portion of the gender wage gap that can be understood as being the result of discrimination in respect of remuneration.

D. Better leveraging measures at workplace level

33. Action for advancing equality of opportunity and treatment at work requires a comprehensive approach that includes laws, access to justice, changes in social attitudes as well as proactive measures to prevent discrimination, including at workplace level. Workplaces free from discrimination are conducive to innovation, the well-being of employees and productivity. They are better prepared to confront the challenges of the future, including through skills matching and reskilling of the workforce. Drawing on the results of a global survey implemented in 75 countries across all regions, a recent ILO study finds that although workplaces very frequently have policies seeking to promote non-discrimination, there is a need to further strengthen such policies.⁵⁵
34. In some countries, the legislation requires workplaces to take specific steps to address discrimination and promote equal opportunities, including equal pay for women and men for work of equal value.⁵⁶ Sometimes this includes the adoption and implementation of an equality policy or plan and related reporting to a public body, including data on wages and staff composition across different jobs and occupations. In some cases, the legislation establishes a positive duty to promote equality for the public sector.⁵⁷
35. Requiring enterprises to employ a certain number of persons with disabilities is another example of a regulatory response for strengthening workplace action towards equality of opportunity and treatment. While such requirements alone are not sufficient, evidence has shown that, when combined with enterprise support, effective enforcement, efforts to

⁵² ILO, Resolution and conclusions concerning inequalities and the world of work, para. 23(e) of the conclusions; Sustainable Development Goal 17, target 18.

⁵³ OECD, *Society at a Glance 2019: OECD Social Indicators – A Spotlight on LGBT People*, 2019, Annex 1.A; ILO, "Current Practices in Measuring Sexual Orientation and Gender Identity in Population Censuses", ILOSTAT database, accessed 17 May 2024.

⁵⁴ See the reports listed in footnote 4 above.

⁵⁵ ILO, *Transforming Enterprises through Diversity and Inclusion*, 2022.

⁵⁶ This is the case, for instance, in Brazil, Canada, South Africa and Norway. In the United Kingdom of Great Britain and Northern Ireland and Finland, such legislation applies to the public sector only.

⁵⁷ See, for instance, the United Kingdom's Equality Act 2010.

challenge stereotypes and biases as well as the provision of reasonable accommodations, they have led to positive outcomes.⁵⁸

36. Further assessing and documenting lessons learned with proactive workplace policies and measures, including their contribution to achieving equality of opportunity and treatment, could assist in promoting evidence-based social dialogue and policymaking in this field.

E. Strengthening social dialogue and the role of social partners

37. Employers' and workers' organizations play an active role in the promotion of equality of opportunity and treatment at work. Through social dialogue, including collective bargaining, they are involved in developing national policy and legal frameworks, and workplace policies and practices and influence changes in social norms and attitudes that underpin discriminatory behaviours.⁵⁹ Many organizations have developed internal policies, structures and programmes to promote equality and non-discrimination, both within their own institutions and through the services they provide to members.⁶⁰ In more recent years, some social partners have taken actions and developed initiatives on gender equality, disability inclusion and racial discrimination, and have also recognized the need to tackle discrimination based on sexual orientation and gender identity.⁶¹
38. The ILO supports the efforts of employers' and workers' organizations related to equality and non-discrimination by providing technical support and training,⁶² as well as platforms, guidance and opportunities for cross-border cooperation that strengthen the role of social partners in addressing discrimination and promoting related social dialogue. Examples include the ILO Global Business and Disability Network, which offers a framework for companies to share and implement inclusive practices, the Equal Pay International Coalition (EPIC), co-led by the ILO, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the OECD, which mobilizes governments and social partners to address pay discrimination, and the ILO-UN global initiative on Decent Jobs for Youth ensuring that youth can access decent work in an inclusive and fair labour market. Additionally, the ILO Fair Recruitment Initiative, promotes recruitment practices grounded in labour standards, social dialogue and gender equality, and, at regional level, the ASEAN [Association of Southeast Asian Nations] Forum on Migrant Labour.

► Concluding comments

39. The principle of non-discrimination lies at the very heart of the ILO's mandate, enshrined in its Constitution, international labour standards, the Declaration on Fundamental Principles and

⁵⁸ ILO, *Promoting Employment Opportunities for People with Disabilities: Quota Schemes*, Vol. 1 and Vol. 2, 2019; Samuel Berlinski and Jessica Gagete-Miranda, *Enforcement Spillovers under Different Networks: The Case of Quotas for Persons with Disabilities in Brazil*, Working Paper No IDB-WP-1613 (Inter-American Development Bank, 2024).

⁵⁹ See, for instance, Birte Homann, *Bargaining for Equality* (IndustriALL Global Union, 2025).

⁶⁰ See, for instance, International Trade Union Confederation (ITUC), "Women in Leadership", 5 March 2025; International Organisation of Employers (IOE), "IOE Launches Second Phase of the Mentorship Programme for Women in Business", 23 February 2024.

⁶¹ IOE, "Employers Stand Up against Violence or Harassment of LGBTI People," 17 May 2019. The Council of Global Unions established an LGBTI Coordinating Committee in 2018 and adopted a *Solidarity Charter*.

⁶² Training opportunities include a range of related programmes offered by the ILO's International Training Centre in Turin.

Rights at Work and other landmark declarations and resolutions adopted by the International Labour Conference. There is a strong tripartite consensus that the ILO has a commitment and obligation to address any form of discrimination in employment and occupation.

40. The present document highlights the importance of ensuring effective legal protection from discrimination in employment and occupation, both in law and practice, as well as the need to address the structural dimensions of discrimination in the world of work. This is essential to building inclusive and resilient labour markets that benefit all workers, strengthen social cohesion and promote sustainable growth, while also supporting employers in fully harnessing the skills and talents of the workforce, fostering a positive workplace culture and enhancing productivity and innovation.
41. When left unchecked, the impact of discrimination can accumulate over the life course – from education to employment to retirement. Further, discrimination can often be experienced concomitantly on different grounds that intersect, for example on the basis of sex and social origin. Integrated, multidisciplinary and evidence-driven approaches are therefore essential to address the structural causes and compounded effects of discrimination. Overcoming policy silos and fostering evidence-based social dialogue will be critical in designing adaptive and forward-looking measures, ensuring that frameworks become increasingly effective in practice.
42. The Office brings long-standing expertise in this field and is uniquely positioned to provide support for responding to the challenges and needs related to the prevention and elimination of discrimination. As mentioned in paragraph 11 above, several ongoing ILO plans of action and strategies contribute to eliminating discrimination. The Office's role includes the collection and distribution of information, including statistics, as well as the preparation of comparative analyses for well-informed country-level technical assistance, which is provided upon request and having due regard to national conditions and circumstances.⁶³
43. There is a pressing need to further strengthen ILO action concerning discrimination, with a stronger focus on integrated approaches and addressing structural causes of discrimination. More attention is also needed to unpack and address the opportunities and challenges for the elimination of discrimination as they arise from the multiple transitions shaping the world of work today. Ensuring that steps towards the elimination of discrimination in respect of employment and occupation remain effective and central to the Organization's efforts is critical to fostering full and productive employment, advancing equal access to decent work for all, and, ultimately, inclusive and sustainable development.

► Draft decision

44. **The Governing Body took note of the information provided in document GB.355/POL/2 and requested the Director-General to ensure that the guidance provided during the discussion is taken into account in the work of the Office on the principle of non-discrimination in the world of work.**

⁶³ Resolution concerning the adoption of the Programme and Budget for 2026–27 and the allocation of the budget of income among Member States.