



Governing Body

312th Session, Geneva, November 2011

GB.312/POL/12

Policy Development Section
Technical Cooperation Segment

POL

TWELFTH ITEM ON THE AGENDA

Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Technical cooperation priorities and action plan regarding the elimination of discrimination in employment and occupation

Overview

Summary

The document proposes the following thematic priorities on which the Office should focus over the next period: sex-based discrimination and gender equality; racial and ethnic discrimination; discrimination based on migrant status; and discrimination based on multiple grounds. The document further proposes that these thematic priorities be tackled using the following four priority areas of action: (a) promoting the relevant ILO instruments, including universal ratification of the two core Conventions on equality (Conventions Nos 100 and 111); (b) developing and sharing knowledge on the elimination of discrimination in employment and occupation; (c) further developing the institutional capacity of ILO constituents to support more effectively the implementation of the fundamental right of non-discrimination at work; and (d) strengthening international partnerships with major international actors on equality.

Policy implications

None.

Legal implications

None.

Financial implications

None.

Decision required

Paragraph 23.

Follow-up action required

None.

Author unit

Programme for the Promotion of the Declaration (DECLARATION).

References to other Governing Body documents and ILO instruments

GB.310/17/3 and GB.312/INS/12.

Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Domestic Workers Convention, 2011 (No. 189); Indigenous and Tribal Peoples Convention, 1989 (No. 169); Migration for Employment Convention (Revised), 1949 (No. 97); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and the HIV and AIDS Recommendation, 2010 (No. 200).

ILO Declaration on Fundamental Principles and Rights at Work, 1998.

ILO Declaration on Social Justice for a Fair Globalization, 2008.

Introduction

1. The Office has given effect to the 1998 ILO Declaration on Fundamental Principles and Rights at Work through general promotional efforts, annual reviews, Global Reports and technical cooperation projects. At its current session, the Governing Body is called upon to consider priorities for technical cooperation and promotional activities on the elimination of discrimination in respect of employment and occupation for the coming four-year period. The proposals are based on the International Labour Conference's discussion of the 2011 Global Report on non-discrimination. It should be noted that the present Governing Body discussion would also guide the preparation of the recurrent discussion on fundamental principles and rights at work at the 101st Session of the International Labour Conference in 2012.

Key areas of concern

2. *Equality at work: The continuing challenge*, the third Global Report on discrimination under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work showed that, in spite of increased national legislation, more institutional initiatives and growing awareness of the need to overcome discrimination at work, discrimination continued to be persistent, multifaceted and more varied. Furthermore, it highlighted that discrimination on multiple grounds was becoming the rule rather than the exception.
3. The report was discussed by a high-level panel at the Conference in June 2011, followed by statements from a number of groups and individual delegates.¹ In that discussion the following thematic priorities were identified as key areas of concern on which the Office should focus over the next period: sex-based discrimination and gender equality; racial and ethnic discrimination; discrimination based on migrant status; and discrimination based on multiple grounds.
4. In addition to these four priority areas of concern, references were also made to discrimination against persons with disabilities; discrimination against persons living with HIV and AIDS, and discrimination based on age.

Action to combat discrimination at work – The main issues

5. During the interactive debate and discussions, several initiatives to promote equality and combat all grounds of discrimination at work were suggested. To promote gender equality, for example, efforts such as the introduction of national policies and legislative reforms aimed at, inter alia, reducing the gender pay gap, establishing quotas in key decision-making positions and developing career-awareness programmes were mentioned.
6. Several countries reported the adoption of national strategies aimed at integration of migrant workers such as the provision of language and vocational training opportunities to facilitate easier access to labour markets. Other countries reported efforts to promote jobs for disabled workers, young workers and workers with HIV and AIDS.
7. In spite of the implementation of these and other programmes, it was noted that women continued to suffer from discrimination in access to employment, benefits and equal

¹ ILO: *Provisional Record* No. 13, International Labour Conference, 100th Session, Geneva, 2011.

remuneration. In a vast majority of countries, maternity was still a cause of discrimination and unfair dismissal, and many women were the victims of sexual harassment at work.

8. It was also noted that despite national and international efforts, racial and ethnic discrimination persisted. Migrant workers in particular had in some instances, become the scapegoats of the economic and financial crisis, and there was a worrying rise in xenophobia. Today's preoccupation with security generally meant that stereotypes and resentment of foreigners might be used as a pretext to deny equal opportunities and treatment to members of religious or ethnic minority groups as well as to migrants, and native-born descendants of immigrants.
9. During the debate, the Office was requested to provide assistance to countries in the effective implementation of international labour standards at the national level, including in the informal economy. It was also asked to play a key role in assisting countries in developing more awareness-raising and advocacy campaigns about workers' and employers' rights and responsibilities. The Office's role in helping countries to collect relevant statistics was also noted. There was a call for stronger cooperation within the multilateral system on the issue of non-discrimination.
10. There was also a need to strengthen capacity of the social partners and their networks to tackle discrimination in employment and occupation. Collective bargaining was considered an important means by which social partners could jointly work towards making equality a reality at work. Social dialogue was also seen as a conduit through which non-discrimination and equality issues could be mainstreamed in social and labour policies.
11. It is clear that a "one-size-fits-all" approach cannot eliminate discrimination at work in different countries and across regions, but that the Office should assist in sharing positive experiences and finding the right mix of policy measures, and allocating adequate resources to ensure proper implementation and monitoring.

Development of an action plan regarding the elimination of discrimination in employment and occupation

12. In line with the ILO Declaration on Social Justice for a Fair Globalization, and relying on all means of action at the Organization's disposal, including standard-setting, technical cooperation, research and dissemination of information, the following four priority areas of action are proposed: (a) promoting the relevant ILO instruments, including universal ratification of the two core Conventions on equality (Conventions Nos 100 and 111); (b) developing and sharing knowledge on the elimination of discrimination in employment and occupation; (c) further developing the institutional capacity of ILO constituents to support more effectively the implementation of the fundamental right of non-discrimination at work; and (d) strengthening international partnerships with major international actors on equality at work.
13. Within these proposed priority areas of action the Office should pay particular attention to the elimination of sex-based discrimination and the promotion of gender equality; the elimination of racial and ethnic discrimination; the promotion of equal treatment for migrant workers; and the elimination of discrimination based on multiple grounds. Work should also be carried out on discrimination based on HIV status, disability and age.

Promoting the relevant instruments

14. Efforts should be made to continue to promote ratification of the two core Conventions on equality, Conventions Nos 100 and 111, responding to requests made by non-ratifying countries for ILO technical assistance.
15. In addition to promoting these two Conventions, the Office should also engage in the active promotion of the recently adopted Domestic Workers Convention, 2011 (No. 189), and the HIV and AIDS Recommendation, 2010 (No. 200). The Office should continue to implement the conclusions on gender equality at the heart of decent work adopted by the Conference in 2009² and promote wider ratification of the Indigenous and Indigenous and Tribal Peoples Convention, 1989 (No. 169). It should also continue supporting implementation of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), which contain strong equal treatment and non-discrimination provisions.

Developing and sharing knowledge on the elimination of discrimination in employment and occupation

16. The Office should pay particular attention to the further development of the capacities and methodologies needed to enable national statistical offices, research institutes and equality bodies to collect and analyse relevant information. Specific activities should be developed to build the capacity of labour statisticians and improve labour market information systems to systematically collect and present better sex-disaggregated data on grounds of discrimination specifically related to gender equality, race and ethnicity, disability and HIV and AIDS. Activities should also be organized to ensure that anti-discrimination data collection is attentive to the complex and multidimensional identities of those most vulnerable to discrimination, with a view to developing more appropriate policies to tackle discrimination especially in the informal sector. Working papers should also be produced on: (a) new concepts and approaches to address the realities of multiple and overlapping inequalities and vulnerabilities at work; and (b) challenges faced by migrant domestic workers in the wake of the global financial crisis.
17. The Office should support constituents by compiling and sharing operational guidance through manuals, handbooks and toolkits for governments, employers and trade unions, as well as maintaining and expanding user-friendly databases, and continuing research on different grounds of discrimination.

Developing the institutional capacity of constituents to effectively implement non-discrimination at work

18. In addition to providing direct policy advice to governments and social partners, efforts should be made, in collaboration with the International Training Centre of the ILO, Turin, to continue to develop and conduct face-to-face and distance training programmes on non-discrimination and equality. The Office should continue to promote the use of the

² See GB.312/INS/12 on progress in implementing the 2009 Conference resolution.

participatory gender audits³ as a self-assessment tool to promote individual and organizational learning on gender mainstreaming and equality. Following the successful launch and training activities of the first issue of the “promoting equity” series on gender-neutral job evaluations, user-friendly “how-to” tools on other grounds of discrimination should be produced. It is proposed to start with a new tool on racial diversity and continue with others on sexual harassment, workers with family responsibility, workers with disabilities and workers living with HIV and AIDS. Training on the effective use of such tools should also be conducted.

Strengthening international partnerships with major international actors on equality at work

19. The Office should continue to build or strengthen partnerships and collaborate with other UN agencies, with a view to “delivering as one”, specifically at the country level, in areas of action on the elimination of discrimination at work. This would also serve the international goals on the reduction of poverty and social exclusion.
20. It is proposed that the Office strive for better cooperation with other UN agencies active in the field of equality and non-discrimination, including the Anti-Discrimination Unit of the Office of the High Commissioner for Human Rights, the UN Entity for Gender Equality and the Empowerment of Women (UN Women),⁴ and the relevant supervisory UN treaty bodies and special procedures.
21. The Office should continue to ensure that Decent Work Country Programmes are reflected in the United Nations Development Assistance Frameworks and, wherever possible, mainstream the principles of non-discrimination and gender equality. The Office should also continue to exchange and cooperate with relevant regional bodies such as the European Commission against Racism and Intolerance of the Council of Europe and the European Union Agency for Fundamental Rights.

Conclusion

22. The successful implementation of proposed activities requires considerable extra-budgetary resources to complement existing regular budget allocations. The Office would appeal to donors to make the necessary investment to ensure sustained progress in the elimination of discrimination in employment and occupation by allocating unearmarked resources to the ILO outcome on non-discrimination (Outcome 17) to allow all the priority themes mentioned above to be addressed.
23. ***The Governing Body may wish to endorse the abovementioned priorities and proposed activities on the principles and rights of non-discrimination that would guide the work of the Office over the next four years, and request the Office to take these proposals into account in the preparation of the recurrent discussion on fundamental principles and rights at work at the International Labour Conference in 2012.***

Geneva, 27 September 2011

Point for decision: Paragraph 23

³ See GB.310/17/3.

⁴ See GB.312/INS/12, para. 26.