

The elimination of discrimination in respect of employment and occupation

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Bahamas

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of discrimination in respect of employment is recognized in the Bahamas.

It is recognized by legislation (laws) contained in the new labour legislation currently before Parliament.

No categories of workers are exempted from the part of the legislation dealing with discrimination in respect of employment and occupation.

No categories of work or sectors are excluded or omitted from the legislation.

There is no specific committee or administrative machinery in place to monitor or ensure the implementation of the principles. The only recourse open so far is through the Industrial Tribunal.

Assessment of the factual situation

Indicators of the application of the principle include a wider participation of females and handicapped persons (“physically challenged”) participating in any work or trade they wish. There are female contractors, painters, masons, pilots, etc.

Facilities have been adapted for easy access by the physically challenged.

The trends indicate an increase in female participation in non-traditional jobs normally dominated by males.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Measures taken to promote the elimination of discrimination with respect to employment and occupation are contained in the new labour legislation of the Bahamas.

The Government is enacting legislation which prohibits discrimination in respect of employment. Additionally, the Government’s rate of pay is the same for both genders and opportunities for employment are not determined or influenced by gender.

The Organization of Trade Unions monitors workplaces to ensure that gender discrimination does not occur.

The Christian Council will draw attention to situations of discrimination in respect of employment and occupation if ever they should occur or appear to occur.

The objectives of the Government as regards the observance, promotion and realization of these principles and rights are included in the legislation it has developed. Regular policies are enacted for good governance in both the public and the private sector.

These objectives are to a great extent being met favourably, primarily because the skills and training provided prepare workers to meet any challenge in the workplace. The acceptance of the opposite gender in equal work and the demand for equality of treatment have become an acceptable norm.

Representative employers' and workers' organizations to which copies of the report have been sent

Bahamas Employers' Federation (BECON)

National Congress of Trade Unions (NCTUS)

Commonwealth of the Bahamas Trade Union Congress (CBTUC)

Observations received from employers' and workers' organizations

Comments and observations on the importance of ILO Convention No. 111 (1958) were made by the respective groups during discussions on the new labour legislation.

Bahrain

Means of assessing the situation

Assessment of the institutional context

The principle is recognized in the Constitution of Bahrain and in laws enacted in the country.

Articles 4, 16 and 18 of the Constitution, which provide for equality and equal opportunities for citizens, are pillars of the society guaranteed by the State. People are equal in human dignity, and citizens shall be equal before the law as regards public rights and duties, without discrimination based on language, origin, religion or belief. Citizens shall have equal opportunities to hold public office in accordance with conditions specified by law. This is reaffirmed in the Bahraini labour law for the private sector as well as by laws on employment for civil service and the public sector.

Discrimination is defined as the failure to achieve equality and to provide equal opportunities.

The criteria prohibiting discrimination are defined in laws, in particular the labour law and employment laws which are in conformity in articles 4, 16 and 18 of the Constitution.

There are specific measures for certain categories of persons in need of special protection because of their nationality, age, disability or other factors.

Examples of the aforementioned measures which are contained in the labour law are: employment of women (articles 59-65), persons with disabilities (articles 17-25), and employment of young persons (articles 49-58). In addition, certain jobs and work are reserved in the public administration and the private sector, and are allocated to persons with disabilities. This does not mean that this category is discriminated against compared to other categories, even if the Convention has so allowed. This is done to take into consideration their particular requirements and needs.

When exclusions are made, account is taken of the extent to which they are appropriate for the excluded categories and their needs.

The Constitution, the basic legislation, and the laws enacted to give effect to them, are the means for implementing the principles.

***Efforts made or envisaged to ensure respect,
promotion and realization of these principles
and rights***

Since discrimination does not exist, in accordance with the Constitution and laws in force, there is no need to make efforts to eliminate discrimination.

The objective of the Government is to endeavour continuously to establish equality.

In general, one can say that the Constitution and legislation contain principles and rules that ensure equality.

***Representative employers' and workers'
organizations to which copies of the
report have been sent***

Copies were sent to the General Committee of Bahrain Workers and the Bahrain Chamber of Commerce and Industry.

***Observations received from employers'
and workers' organizations***

No observations were received.

Bahrain

***Observations submitted to the Office by the
International Confederation of Free Trade
Unions (ICFTU)***

Bahrain has not ratified the Equal Remuneration Convention, 1951 (No. 100). However, it has ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

[...] the Labour Law does not recognize the concept of equal pay for equal work and there is much discrimination in the workplace, including lower wages and denial of promotion. The rate of illiteracy among women stands at 17.8 per cent, compared to 9.5 per cent for men.

[Reference is made to the general situation of migrant workers and to issues relating to principles and rights that are covered by Convention No. 111 which Bahrain ratified on 26 September 2000.]

Government observations on the ICFTU's comments

In response to allegations by the International Confederation of Free Trade Unions on discrimination by sex, with respect to wages and education, the Government of Bahrain wishes to make the following statement.

- (1) The Bahraini Labour Law, enacted by Amiri Decree-Law No. 23 of 1976, does not make any distinction on the basis of sex, in respect of wages, allowances, promotion or any other entitlements resulting from employment. This is based on the principle of equality and equal opportunity, provided for under articles 8 and 14 of the Constitution. This is emphasized also in the provisions of the Labour Law, which in article 1 states that “a worker means any person, male or female”. It also provides for equality between men and women in respect of all aspects of the employment relationship, including remuneration, promotion and rules governing equality in the organization of the civil service. No discrimination whatsoever is practised in the area of employment. Rather, the Labour Law grants women specific privileges, including maternity and confinement leave.
- (2) There exists no discrimination between the sexes in the area of education, neither in the legislation nor in practice. Although the 1996/97 statistics show that the illiteracy rate among females, in the age group 10-44 stands at 9.8 per cent compared to 6.2 per cent for men, this is due to social customs and traditions, which, in the past, did not encourage families to send girls to school. However, the Ministry of Education is organizing literacy courses aimed at eradicating illiteracy for both sexes. In addition, the Constitution guarantees protection for the right to education, based on equality between males and females. Article 7 of the Constitution provides that primary education shall be compulsory and free, and that the law shall lay down the necessary plans for the elimination of illiteracy.

With regard to the ICFTU's comments about the provision of equal pay for work of equal value, the Government of Bahrain would like to point out the following:

- The Labour Law does not discriminate between workers on the grounds of gender or nationality. All workers have full protection in relation to their wages and conditions of employment under the provisions of the law.
- This protection, and the mechanisms that are in place to ensure that it is maintained, is freely available to males and females and to nationals and foreign workers. Experience shows that these mechanisms are utilized by all members of the workforce when required, regardless of their classification.
- The Amiri Decree Law No. 3 of 1984 ratified the Arab Convention of 1983, incorporating its principles into the national Labour Law. Article 13 of Part 2, “Protection of Wages”, states that “A female worker shall be paid the same wage as

that paid to a male worker doing similar work". This is a clear and unequivocal statement and is the practice adopted by the Government and applied widely across the private sector.

- The Human Development Report of 1999, published by the UNDP, indicates that female literacy has improved by more than 20 per cent over the preceding 12 years. This is a very high rate of improvement when compared to other countries, and it stood at 90 per cent of the literacy rate of males in 1997.
- Under section 155 of the Law amended by Decree No. 14 of 1993, domestic servants have the right to lodge complaints with the Minister for Labour and Social Affairs. If the dispute cannot be resolved at the Ministry level, the domestic servant can take it to the courts.

China¹

Means of assessing the situation

Assessment of the factual situation

Following the seminars on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which were organized at the central and local levels in 1999, the Chinese Government, in cooperation with the ILO, will be organizing similar seminars in Yinchuan and Guiyang in 2000.

Representative employers' and workers' organizations to which copies of the report have been sent

This report was prepared jointly by the Ministry of Labour and Social Security, the China Enterprise Confederation and the All-China Federation of Trade Unions.

Comoros

Means of assessing the situation

Assessment of the institutional context

In its Preamble, the national Constitution of 20 October 1996 guarantees equal rights and duties for every citizen, irrespective of sex, place of origin, race, religion, creed or ideological belief.

¹ The report received from the Government was identified under the heading of elimination of all forms of forced and compulsory labour. However, in view of its content, it has been included under the category of the elimination of discrimination in employment and occupation.

In addition, section 97 of the Labour Code of 1984 provides for equal remuneration for equal working conditions and productivity, for all workers, irrespective of their place of origin, sex, age and status, under the conditions laid down by law.

Nevertheless, the Government envisages a review of all labour laws and regulations to ensure that they better reflect the spirit of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Further information may be found in the Government reports prepared in application of the Equal Remuneration Convention, 1951 (No. 100) [ratified by Comoros].

Assessment of the factual situation

In the Comoros a significant percentage of women work, earning the same salary as men for work of equal value.

In general, discrimination in the field of employment and occupation is negligible in the Comoros. An action programme to prevent and combat such discrimination is nonetheless important.

As regards the distribution of the population by sex, a recent Government report (April 2000), prepared by the Ministry of Public Service, Labour and Employment on base-line data to be used for a national employment policy, shows that some 126,500 persons of a total population of 509,000 are economically active (1996 estimate). Of these, 88,205 (or 69.58 per cent) are men and 38,475 (or 30.42 per cent) women. Data for the year 2000 estimate the economically active population at 150,000 out of a total of 580,000 inhabitants. There were no significant changes in the proportion of male to female workers.

Moreover, the study “Les femmes en chiffre” (Brochure No. 2, November 1997), which was conducted as part of a United Nations Population Fund project carried out by the International Labour Office (UNFPA/ILO/COI/95: Integrating women into development) revealed the following:

- although women outnumber men (in 1991, 50.5 per cent of the population were female and 49.5 per cent male), fewer women than men are economically active (in 1991 there were 100 working women for 229 working men);
- specific activity rates are considerably higher for rural women (30.5 per cent) than urban women (17.4 per cent); three quarters of the economically active population live in rural areas (1991);
- women are concentrated in agriculture (77 per cent), handicraft (7 per cent) and retail trade and related sectors (7 per cent) (1991);
- as a rule, men migrate to obtain work whereas women migrate to join their families.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

[...] As indicated above, the Government envisages a review of all labour laws and regulations, including on the question of discrimination in the field of employment and

occupation, in consultation with the social partners and other parties concerned. The assistance of the International Labour Office, [...] [reference to a ratified Convention] is considered essential by the Government and the social partners.

In addition, the Council of Ministers, in February 2000, approved the ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The instruments relative to ratification will be transmitted to the ILO after promulgation by the President of the Republic.

The Government has carried out research as well as a number of activities aimed at raising awareness about issues related to population and equality of the sexes, as part of a United Nations Population Fund project implemented by the International Labour Office (UNFPA/ILO/COI/95).

Since 1997, the project, which is supported by the Directorate General for Social and Women's Affairs, has published studies on the following subjects:

- The national demographic situation (Brochure No. 1);
- Statistics on women (Brochure No. 2);
- The impact of gender relations on the participation of women in the development process in the Comoros;
- A sociological study of the Comorian family; and
- A preliminary draft Act relative to the Family Code (improved version).

In addition, a regional seminar on the condition of women in the Comoros was held in Moroni (November 1999) and Mohéli (July 2000) as part of the same project.

Nevertheless, the Government still considers it necessary to organize a national programme of activities to combat all forms of discrimination in the field of employment and occupation, to be carried out jointly with the social partners and other parties concerned.

The assistance of the ILO will play a key role in this overall strategy, which also aims to promote the equality of all citizens as regards access to work and conditions of employment, as well as the fundamental principles and rights at work in general.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report have been sent to the Comoros Employers' Organization (OPACO) and the Autonomous Trade Union of Comorian Workers (USATC).

Observations received from employers' and workers' organizations

The present report was prepared in consultation with the social partners.

Any comments from the social partners will be sent to the ILO as soon as they are received by the Government.

Annexes (not reproduced)

- Constitution of 20 October 1966
- Section 97 of the Labour Code of 1984
- Government Report (April 2000): “Towards a national employment policy: The basic indicators”
- “Women in numbers”
- National demographic situation
- Impact of gender relations on the participation of women in the development process in Comoros
- Sociological study on the Comorian family
- Draft Family Code
- Reflection seminar on the situation of women in Comoros

Democratic Republic of the Congo

Means of assessing the situation

Assessment of the institutional context

There have been no changes in law and practice.

Assessment of the factual situation

Statistics are still not available owing to the lack of statistical tools and financial means necessary to collect this information.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The texts to be ratified have been submitted to the President of the Republic for approval.

***Representative employers' and workers'
organizations to which copies of the
report have been sent***

- Enterprise Federation of Congo (FEC);
- National Association of Investment Enterprises (ANEP);
- Confederation of Congolese Small and Medium-sized Enterprises (COPEMECO);
- National Union of Workers of Congo (UNTC);
- Trade Union Confederation of Congo (CSC);
- Democratic Confederation of Labour of Congo (CDT);
- Confederation of Workers and Executive Staff of Congo (SOLIDARITE);
- Organization of Unified Workers of Congo (OTUC);
- Cooperation of Unions in Public and Private Enterprises in Congo (COOSEPP).

***Observations received from employers'
and workers' organizations***

No observations were received from the employers' and workers' organizations.

Democratic Republic of the Congo

***Observations submitted to the Office by the World
Confederation of Labour (WCL)***

Discrimination in employment is a reality for millions of women across the globe. This discrimination begins at school. Girls have fewer opportunities to enrol in school, and training for girls aims to prepare them for jobs in sectors where there is weak growth and low remuneration. Furthermore, the working conditions linked to these factors are often appalling.

The situation differs little in the Democratic Republic of the Congo. The Government has designed a national programme for the promotion of women for the 1999–2004 period. It covers the 12 areas set out in the Beijing Platform of Action. To be implemented, this plan requires strategies focusing on training, sensitization, support to structures, surveys, studies and research, and even revision of laws. Measures such as creating national and provincial women's councils and a Ministry of Women, including the principle of the elimination of discrimination in the draft Constitution, and designing a national programme for the promotion of Congolese women, have also been put in place.

However, the existence of discriminatory provisions with regard to women in the country's laws, and continuing discriminatory practices, constitute major obstacles to the realization of these commitments undertaken at the international level.

The following are some examples:

- Legislative Ordinance No. 67-310 of 9 August 1967 (Labour Code), section 1, states that it applies to all Congolese, regardless of sex, and section 72 states that there should be equal pay for work and skills of equal value. These provisions accord with the spirit of Article 11 of the UN Convention on the Elimination of all Forms of Discrimination Against Women, but are contradicted by other provisions that impose certain restraints on married women. Section 3(c) of the Labour Code states that a married woman can enter into employment only if her husband does not expressly forbid it. In practice, a woman suffers discrimination at the hands of her employer who will demand her husband's permission to work before the contract is signed.
- Legislative Ordinance No. 81-003 of 17 July 1981 on the status of agents of state services, in section 25, denies female employees the right to leave for recovery from illness when they have already benefited from maternity leave in the same year. This section discriminates against women because it does not take into account the important social function that women assume with maternity.
- Legislative Ordinance No. 88-056 of 29 September 1988 on the status of magistrates shows discrimination in the recruitment of, and payment of benefits to, married women. Section 1, paragraph 7, states that "a person may not be a magistrate unless he/she meets the following requirements: ... a married woman must provide written authorization from her husband ...". Furthermore, a female magistrate cannot take advantage of child benefits if her husband's wage is paid by the Treasury and he has the right to child benefits that are not less than those of a magistrate.

The Constitution guarantees the same opportunities to boys and girls with regard to access to education. Unfortunately, implementation of this remains a distant aspiration. Following the war and widespread poverty throughout the country, this situation has worsened. In 1998, national enrolment rates for boys were 49 per cent, while those for girls were 32.3 per cent. In the same year 47.1 per cent of women over the age of 15 were literate; this represents 66 per cent of the total literate male population. As regards secondary schooling, 28.6 per cent of women have access to secondary-school education; this represents 63 per cent of the total male population in secondary-school education.

In secondary, higher-level and university education, girls principally choose subjects relating to general teaching (general teaching, literature, humanities and semi-technical (commercial and administrative)) sectors.

Some 61.1 per cent of women over the age of 15 carried out some form of economic activity; this represents 72.4 per cent of the total active male population.

Women are to be found principally in the primary sector (86.4 per cent); 1.3 per cent work in the secondary sector and 12.1 per cent in the tertiary sector.

In the agricultural sector there are many obstacles to women's productivity and the commercialization of their output. These basically include the use of rudimentary techniques, and difficult access to land, credit and the appropriate technologies. Eighty per cent of women trade on a small scale, mostly in farm produce, either in the marketplace or from home. This constitutes an informal sector with all that it represents in terms of lack of protection of the rights of working women.

Legislative instruments do exist. The problem lies in the degree of their implementation. There are numerous obstacles that relate to customs, prejudices, etc.

Obstacles to the ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by the Democratic Republic of the Congo are:

- the war and the multifaceted crisis;
- the effect of traditional ways of thinking wherein women are not considered a potential for development;
- the continuing use of discriminatory legal provisions such as those that maintain the legal incapacity of a married woman;
- the poor level of instruction and the high levels of illiteracy among women;
- the underrepresentation of women in the design of economic and development programmes;
- the disparity between the city and country, in terms of school facilities;
- the orientation of girls in school towards traditionally feminine options, with low growth potential, low revenue and few opportunities for promotion;
- the lack of budgetary allocation to promote policies for women (the Ministry for Women's Affairs receives 0.8 per cent of the national budget); and
- the lack of a reliable database, with data broken down according to sex.

Djibouti

Means of assessing the situation

Assessment of the institutional context

The Government of Djibouti ratified the Equal Remuneration Convention, 1951 (No. 100) on 3 August 1978.

Djibouti therefore has a collection of laws against discrimination based on article 1 of the Constitution of Djibouti, which lays down that the State of Djibouti guarantees equality to all people before the law without discrimination for reasons of language, origin, race, sex or religion.

Furthermore, section 91 of the 1952 Labour Code (Overseas Territories), as well as the employment regulations and collective agreements, are based on the principle of equal pay for work of equal value.

The Government, however, envisages including the principle of equal pay for work of equal value in the global framework of the next legislative and statutory revision of labour standards. It hopes to carry this out with the help of the Office as soon as conditions are right for organizing a national tripartite consultation. If necessary, the reform will use the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) as a basis.

Assessment of the factual situation

While national legal mechanisms on discrimination in the area of employment and occupation seem to be satisfactory, there are certain types of discrimination that continue in practice. However, no national enquiry has been set up to investigate the matter.

The National Employment Service has nevertheless been able to draw up documents providing information and statistics on persons seeking employment, as well as on recruitment and foreign workers, with breakdown by sex.

The ministry for the promotion of women, family well-being and social affairs expects to carry out a more in-depth survey on a national basis.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

To complement the ratification of the Equal Remuneration Convention, 1951 (No. 100), the Government is currently starting the ratification procedure for the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The political will of the Government to fight against discrimination crystallized in March 1999 when a ministry for the promotion of women, family well-being and social affairs was set up. This ministry oversees, among other things, the protection of women's interests in the areas of access to work and conditions of employment.

This ministry is currently defining a national strategy for the promotion of women, which has been preceded by various activities, including:

- a study and a seminar on women's place in the economy and professional training, in collaboration with the United Nations Development Programme (UNDP) in August 2000;
- the training workshop on "Gender and development", in collaboration with UNDP and the United Nations Population Fund (UNFPA) in September 1999.

It seems necessary, from this point of view, to carry out a national survey on the issue in order to take stock of the national situation in the area of discrimination between men and women, particularly following the liberalization of wages. This survey should allow the Government, in consultation with the social partners and other interested parties, to take the required measures to promote the provisions of the Convention in national law and practice.

The Government would welcome ILO technical assistance to carry out this project, which would without doubt enable it, in consultation with the social partners and other interested parties, to refine the national strategy against discrimination and to promote equality for everyone as regards access to employment opportunities and working conditions.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report have been sent to:

- Inter-occupational Trade Union (USIE);
- Union of Djibouti Workers (UTD);
- General Union of Djibouti Workers (UGTD).

Observations received from employers' and workers' organizations

Any comments from the social partners will be forwarded to the ILO as soon as they are received by the Government.

Estonia

Means of assessing the situation

Assessment of the institutional context

Estonia has not ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Equal Remuneration Convention, 1951 (No. 100) was ratified on 10 May 1996.

The Ministry of Social Affairs is currently drafting the Gender Equality Act. We expect that the Act will be adopted in 2001.

The Social Protection of the Unemployed Act and the Labour Market Services Act were adopted on 14 June 2000. The Acts enter into force on 1 October 2000.

The principle of the abolition of discrimination in employment and occupation is recognized and implemented.

Problems of discrimination in employment are regulated by the Constitution and labour laws. Abolition of the discrimination is provided for by the following laws.

Under paragraph 12 of the Constitution everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.

The Employment Contracts Act (paragraph 10 subsection 1: Illegal preferences and restriction of rights) states that it is illegal to allow or give preferences, or to restrict rights on the grounds of the sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces of employees or employers. It is also illegal to restrict the rights of employees or employers on the grounds of marital status, family obligations,

membership in citizens' associations, or representation of the interests of employees or employers.

The Wages Act (paragraph 5: Unlawful reduction or increase in wages) states that it is prohibited to increase or reduce wages on the grounds of an employee's sex, nationality, colour, race, native language, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces. It is prohibited to reduce wages on the grounds of marital status, family obligations, membership in citizens' associations, or representation of the interests of employees or employers.

No persons and categories of persons are excluded from implementation of the principle and right relating to the elimination of discrimination.

The Employment Contracts Act does not extend to work in religious organizations for a person conducting religious services, if the fundamental document of such an organization does not require entry into an employment contract with such person. Some jobs or work are forbidden for women.

Under the Employment Contracts Act (paragraph 35: Work for which employment of women is prohibited), it is prohibited to hire and employ women for heavy work, work which poses a health hazard or underground work. The list of work which is prohibited for women shall be determined by the Government of the Republic.

According to paragraph 10, subsection 2, of this Act, it is not contrary to subsection 1 of this paragraph to take into account the sex of an employee in hiring or assigning duties, if this is unavoidable due to the nature of the work or working conditions.

In order to implement the principle of equality, the Bureau of Equal Rights has been established in the Ministry of Social Affairs.

Assessment of the factual situation

The Estonian Statistics Office has data by age and sex structure, wages and working hours by sex and occupations and ethnic group. Information on the labour market and labour force is available from the Labour Force Survey, and information on working conditions is available from the Working Life Barometer. Both sources include data on ethnic origin, age and sex. We have no data about religion and race. These problems do not exist in Estonia. In 2000, there will be a population census. Data on religion, ethnic origin and language group will also be included.

The annual and monthly statistics, Labour Force Survey and Working Life Barometer, show that in the 1990s wage segregation has grown. The ethnic composition and age structure of the unemployed have changed due to the restructuring of the economy.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Problems relating to equal rights are included in study programmes of universities, and made widely known through the mass media. Provisions prohibiting discrimination are included in national legislation.

A project for training unemployed persons of Russian minority groups to set up their own enterprise or to become self-employed in north-east Estonia, was recently initiated by the Confederation of Employers and Industry. The project is financed by the Government.

An action plan for the revision of the legislation envisages the drafting of a separate legal act on equal rights.

In Estonia, over 160 women's organizations have been founded. They are also involved in activities relating to equal rights. Estonia is also participating in the ILO Pilot Project on More and Better Jobs for Women.

The Government's objective is to continue promoting these principles and to support the activities of non-governmental organizations (NGOs) and social partners.

With the assistance of the ILO Equality and Human Rights Coordination Branch we are planning to hold a tripartite seminar on the principles of Convention No. 111 in the first half of 2000.

***Representative employers' and workers'
organizations to which copies of the
report have been sent***

Copies of the report have been sent to the Confederation of Employers and Industry and the Association of Trade Unions.

***Observations received from employers'
and workers' organizations***

The tripartite ILO Council will re-examine Convention No. 111 in the first half of 2000 after a tripartite seminar on the principle of equal rights at work.

Grenada

Means of assessing the situation

Assessment of the institutional context

The elimination of discrimination in respect of employment and occupation is recognized in Grenada, by the enactment of the following legislation:

- Employment Act No. 14 (1999)
- Labour Relations Act No. 15 (1999)
- The Grenada Constitution Order (1973)

The Employment Act No. 14 (1999)

Section 26(1) states:

No person shall discriminate against any employee on the grounds of race, colour, national extraction, social origin, religion, political opinion, sex, marital status, family responsibilities, age or disability, in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.

Section 26(3) states:

A person who contravenes this section commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding three years or both such fine and imprisonment.

Labour Relations Act No. 15 (1999)

Section 26(1) provides:

An employer or person acting on an employer's behalf, or a trade union or officer of a trade union, with respect to any employee or any person seeking employment who:

- (a) requires that he may not join a trade union or relinquish trade union membership;
- (b) discriminates or takes any prejudicial action, including discipline or dismissal against such employee or person because of the employee's or person's exercise or anticipated exercise of any right conferred or recognized by this Act or the Employment Act (1999) or because of his or her participation in any capacity in a proceeding under this Act or the Employment Act (1999); commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year or both such fine and imprisonment.

The Grenada Constitution Order (1973)

Section 13(3) states:

Discrimination is defined to include affording different treatment to different persons attributable wholly or mainly to their respective description by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subject to disabilities or restrictions to which persons of another description are not made subject, or accorded privileges or advantages which are not accorded to persons of another such description.

There are no specific criteria defined to prejudice the prohibition of discrimination.

Section 13(1) provides:

No person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public officer or any public authority.

Subsection (1) shall not apply to any law so far as the law makes provision with respect to persons who are not citizens of Grenada or any such persons who may be subject to any disability or restriction or may be accorded any privileges or advantages which, having regard to its natural and to special

circumstances pertaining to those persons or persons of any other such description, is reasonably justifiable in a democratic society.

No jobs, work or sectors are excluded or omitted from the applicable legislation.

Non-governmental organizations, the Legal Aid and Counseling Clinic and the Trade Union Council are entities that deal with the welfare of women and minorities in particular, and of workers in general, apart from the Ministry of Labour which plays a major role in the elimination of discrimination by the implementation of the afore-mentioned legislation.

Assessment of the factual situation

The investigation and settlement of disputes between workers and employers, by the Ministry of Labour, where workers have made allegations of unfair and discriminatory practices by employers, are the indicators for assessing the situation in Grenada.

In most situations, it is believed that the education system is partly responsible for discriminatory practices. The unavailability of university and higher education, whereby some workers are more likely to be less qualified or professional than others, tends to create discriminatory hiring practices or to give priority to other workers in the particular category.

It may be fair to say that this situation is brought about by the influx into the country of non-nationals, who have higher education due to opportunities available in their own country.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The Employment Act No. 14 (1999) states, in this regard:

Section 27

Every employer shall pay male and female employees equal remuneration for work of equal value.

Section 28

An individual claiming an infringement of his rights contained in this part (prohibition of discrimination) may seek redress in the Court, if that infringement cannot be redressed by way of the Industrial Court.

Non-governmental organizations and the Legal Aid and Counseling Clinic both refer to national laws, including the Employment Act (1999), the Labour Relations Act (1999) and the Grenada Constitution Order (1973).

The Trade Union Council makes reference mostly to the Labour Relations Act (1999).

The Government encourages the practice of good labour relations among the social partners, by its readiness, through the Ministry of Labour, to engage in dialogue with

workers' and employers' organizations, at any time, for the enhancement and promotion of a peaceful industrial climate.

Representative employers' and workers' organizations to which copies of the report have been sent

Copies of this report are being sent to:

- (i) The Grenada Employers' Federation;
- (ii) The Grenada Trade Union Council.

Japan

Means of assessing the situation

Assessment of the institutional context

As regards conditions in Japan concerning the abolition of discrimination in employment and occupation, there is nothing to add or change to the previous report.

The sentence in the previous report (GB.277/3/2):

With respect to the purpose of enforcement of the provisions of Articles 3, 4 and 119 of the Labour Standards Law, since the Labour Standards Bureau in the Ministry of Labour, Prefectural Labour Standards Offices and Labour Standards Inspection Offices as local branches are established, the proper number of necessary personnel are allocated at each agency.

should be changed as follows:

With respect to the purpose of enforcement of the provisions of Articles 3, 4 and 119 of the Labour Standards Law, the Labour Standards Bureau in the Ministry of Labour, Prefectural Labour Bureaux and Labour Standards Inspection Offices as local branches are established, and the proper number of necessary personnel are allocated at each agency.

In addition, the sentence in the previous report:

In enforcement, etc. of the Employment Security Law (mariners excluded), the Employment Security Bureau at the Ministry of Labour, the employment security divisions (sections) and public employment offices at the prefectural level are established.

should be changed as follows:

In enforcement, etc. of the Employment Security Law (mariners excluded), the Employment Security Bureau at the Ministry of Labour, the Employment Security Department in the Prefectural Labour Bureau and public employment offices as local branches are established.

Furthermore, the sentence in the previous report:

Except for public employees and mariners, the Women's Bureau in the Ministry of Labour and Prefectural Women's and Young Workers' Offices as local branches of the Ministry of Labour enforce the Equal Employment Opportunity Law.

should be changed as follows:

Except for public employees and mariners, the Women's Bureau in the Ministry of Labour and Equal Employment Department in the Prefectural Labour Bureau as local branches of the Ministry of Labour enforce the Equal Employment Opportunity Law.

Assessment of the factual situation

1. The contents of the previous report should be changed as follows:

The number of violations and number of cases sent to the prosecutor's office pertaining to the provisions of Articles 3 (Equal Treatment) and 4 (Principle of Equal Wages for Men and Women) of the Labour Standards Law.

	Number of violations at the time of periodical inspection		Number of cases sent to the prosecutor's office	
	Article 3 of the Labour Standards Law	Article 4 of the Labour Standards Law	Article 3 of the Labour Standards Law	Article 4 of the Labour Standards Law
1995	0	7	0	0
1996	0	11	0	0
1997	0	9	0	0
1998	0	1	0	0
1999	0	8	0	0

2. The sentence in the previous report:

With respect to the Equal Employment Opportunity Law, the Prefectural Women's and Young Workers' Offices as local branches of the Ministry of Labour counselled nearly 37,000 workers and enterprises and implemented individually administrative guidance for approximately 3,000 cases under the said Law in 1998.

should be changed as follows:

With respect to the Equal Employment Opportunity Law, the Equal Employment Department in the Prefectural Labour Bureaux as local branches of the Ministry of Labour counselled nearly 37,000 workers and enterprises and implemented administrative guidance for approximately 7,000 cases under the said Law in 1999.

***Efforts made or envisaged to ensure respect,
promotion and realization of these principles
and rights***

The sentence in the previous report:

If an individual dispute between a woman worker and employer arises with respect to equal treatment between men and women, at the request of one or both parties concerned, a Prefectural Women's and Young Workers' Office promotes rapid and smooth solution of the dispute through advice, guidance and recommendation provided by the director of the Office, or through mediation by an Equal Opportunity Mediation Commission as a third and neutral party.

should be changed as follows:

If an individual dispute between a woman worker and employer arises with respect to equal treatment between men and women, at the request of one or both parties concerned, the Equal Employment Department in the Prefectural Labour Bureau promotes rapid and smooth solution of the dispute through advice, guidance and recommendation provided by the Director-General of the Labour Bureau, or through mediation by an Equal Opportunity Mediation Commission as a third and neutral party

In addition, the sentence in the previous report:

Furthermore, in order to observe the Equal Employment Opportunity Law in accordance with the said Law, a Prefectural Women's and Young Workers' Office visits offices in a planned manner and grasps the employment management system of each enterprise and actual conditions of its application. If a violation against the said Law is exposed, administrative guidance is implemented.

should be changed as follows:

Furthermore, in order to observe the Equal Employment Opportunity Law in accordance with the said Law, the Equal Employment Department in the Prefectural Labour Bureau visits offices in a planned manner and grasps the employment management system of each enterprise and actual conditions of its application. If a violation against the said Law is exposed, administrative guidance is implemented.

Furthermore, the sentence in the previous report:

The following programmes are being implemented in order to promote fair hiring practices and a screening system by employers (1998):

- (i) to call for industrial organizations worldwide to recruit and screen in writing (107 economic and industrial organizations);
- (ii) to distribute various educational materials such as posters and calendars to enterprises nationwide;
- (iii) to carry out educational activities through various PR media such as newspapers;

- (iv) to provide training for human rights promoters for fair recruitment and screening (825 times nationwide);
- (v) to provide training for business management (453 times nationwide).

should be changed as follows:

The following programmes are being implemented in order to promote fair hiring practices and a screening system by employers (1999):

- (i) to call for industrial organizations worldwide to recruit and screen in writing (107 economic and industrial organizations);
- (ii) to distribute various educational materials such as posters and calendars to enterprises nationwide;
- (iii) to carry out educational activities through various PR media such as newspapers;
- (iv) to provide training for human rights promoters for fair recruitment and screening (770 times nationwide);
- (v) to provide training for business management (451 times nationwide).

Representative employers' and workers' organizations to which copies of the report have been sent

(Employers' organization) Japan Federation of Employers' Association

(Workers' organization) Japanese Trade Union Confederation

Observations received from employers' and workers' organizations

The following sentence should be added to the previous report.

The Japanese Trade Union Confederation requests "the early ratification of ILO core labour standards and promotes the reaching of an agreement on its global necessity". (Request for a 2000 to 2001 policy framework.)

Japan

Observations submitted to the Office by the Japanese Trade Union Confederation (JTUC-Rengo)

In Japan, an enterprise may not hire anyone for reasons of political views. This is considered to be a violation of the Convention.

JTUC-Rengo has been urging, in the light of globalization and human rights, that Japan ratify Convention No. 111, which promotes comprehensively the elimination of any discrimination.

**Government observations on the
JTUC-Rengo's comments**

[The following observations were submitted with reference to the JTUC-Rengo's comments on the Government's report for the first annual review. Since it was not possible to include them in that compilation of reports, they are being reproduced in the compilation for the second annual review. The Government's report and JTUC-Rengo's comments can be found in GB.277/3/2, pp. 419-423.]

As confirmed at the 274th Session of the Governing Body, organizations of workers or of employers are to make their comments when the annual reports are compiled by the Office under the follow-up to the Declaration on Fundamental Principles and Rights at Work. Therefore, the Japanese Government does not raise objections about the procedure whereby the JTUC-Rengo comments on non-ratified fundamental Conventions within the framework of the follow-up.

However, asking governments to make observations on comments presented to the Director-General by workers' organizations, and the reflecting of these comments and observations in the compilation of the annual reports, are matters which were not decided upon as the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. The Japanese Government believes that these actions are contrary to the overall purpose of the annual follow-up, as agreed in paragraph 2 of section 1 of the Annex to the ILO Declaration, and that they may lead to the creation of a new machinery for supervising the position of member States with respect to matters dealt with in the non-ratified Conventions.

In the past, the Governing Body did not make any rules as to (1) the relationship between the reports submitted by governments, and the comments presented by the organizations of workers or of employers, and (2) the treatment of comments made by organizations of workers or of employers. The Japanese Government would like to know what the Office thinks on the points raised in (1) and (2) above, as well as the treatment of the Government's observations to be submitted within the framework of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

The Japanese Government thinks that it may be appropriate to discuss the aforementioned questions in the Governing Body, depending on the content of the response by the Office.² The Japanese Government wishes to reserve its right to express its position on the JTUC-Rengo's comments, after the Office replies to the questions.

At the same time, as regards comments made by organizations of workers or of employers, the Japanese Government also requests that, until the Office gives a clear response to the aforementioned questions, it will not in any way reflect the comments made by JTUC-Rengo in the compilation of the annual report.

In addition, the Japanese Government wishes to make known its position, that comments made by the JTUC-Rengo on ratified Conventions should not be reflected in the compilation of the annual report, since ratified Conventions are not the subject of the

² Note from the Office: Reference may be made to the statement of the Legal Adviser during the March 2000 session of the Governing Body.

annual follow-up.³ With respect to the Global Report to be drawn up under the responsibility of the Director-General, there is no consensus on the way in which comments by workers' or employers' organizations will be handled; and comments submitted by JTUC-Rengo should not be taken into account.

The overall purpose of the follow-up is to encourage efforts by members of the Organization to promote the fundamental principles and rights that are reaffirmed in the ILO Declaration. The objective of the follow-up is of a strictly promotional nature. The Japanese Government believes that the follow-up should be handled with the understanding that it should not lead to the establishment of a new supervisory machinery and should not create the duplication of the reporting system on non-ratified Conventions already established in the Constitution.

Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)

Japan ratified the Equal Remuneration Convention, 1951 (No. 100), in 1967. It has not ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Discrimination by employers against women is prohibited by the Constitution and in the law, but it persists. ... Although the participation of women in the labour force is 41 per cent, fewer than 10 per cent of women hold management posts. Women are over-represented in temporary jobs where they make up 62 per cent of the workforce. Thirty-six per cent of women workers are part-time employees, as compared to 11 per cent of men workers. The economic slowdown in recent years has led to a rise in unemployment, and young women have been the hardest hit.

Japan has a "two-track" personnel administration system in most large companies. Under this system, new employees are either put on a managerial *sogoshoku* track or on a clerical *ippanshoku* track. A 1995 Ministry of Labour survey showed that most companies hire only male workers for managerial track jobs.

The main piece of legislation on discrimination presently in force, the Equal Employment Opportunity Law of 1986, did not, until last year, expressly forbid discrimination in the recruitment, hiring, assignment and promotion of workers. It merely stated that employers should "endeavour" to avoid it. The law did not enforce compliance through fines or punitive measures but merely provided for positive inducements to encourage compliance.

In a major trade union campaign in recent years entitled "Demanding an Effective Law for Equal Employment between Women and Men", JTUC-Rengo called for legislation to be enacted to prohibit discrimination between men and women and strengthen the Equal Employment Opportunity Law, including enforcement provisions. In June 1997, the Japanese Parliament passed amendments to the Equal Employment Opportunity Law to make its provisions obligatory with the aim of eliminating discrimination in employment including recruitment, promotion, retirement and dismissal. It also included stronger protection measures with respect to pregnancy and childbirth, in

³ Note from the Office: The Office has rectified this error. References by the JTUC-Rengo to ratified Conventions in the first annual review were subsequently deleted from the compilation.

order to facilitate the reintegration of women in the workforce after absence due to family responsibilities. The amendments came into effect in April 1999.

Since 1993, the Government has promoted guidelines to prevent sexual harassment and insisted that enterprises apply them. However, until the 1997 revision of the Equal Employment Opportunity Law there was no specific law on sexual harassment in the workplace, which is widespread. A May 1996 survey by JTUC-RENGO revealed that over 40 per cent of working women had experienced sexual harassment. The 1997 revision of the Equal Employment Opportunity Law included measures for preventing sexual harassment.

Japanese nationality is a requirement for employment in national and local public services. Recently, there was a move by some local municipalities to employ [certain foreigners]. Although discrimination in employment and promotion is prohibited by law, there still remain some problems in the private sector. The Government and municipalities have established special centres to provide legal foreign workers with education, information and consultative services to improve their situation. These centres function well. There are still cases of abuse of these workers, but in general these cases remain exceptions.

Japan has ratified one of the main ILO Conventions on discrimination, Convention No. 100, but not the other, Convention No. 111. Serious discrimination against women and minority groups persists in Japan. Recent revisions to the law on discrimination against women will greatly strengthen their legal rights with effect from 1999.

Kenya

Means of assessing the situation

Assessment of the institutional context

The national law on the elimination of all forms of discrimination in respect of employment and occupation will be reviewed within the framework of the comprehensive labour law revision project which is to start shortly, in consultation with the social partners and stakeholders and with the technical assistance of the ILO. This labour law reform will consider necessary amendments/peals in accordance with the principle of the elimination of discrimination in respect of employment and occupation.

Assessment of the factual situation

No data are available on cases of discrimination in respect of employment and occupation. The Government wishes to specify that in practice there are not many cases of discrimination in respect of employment and occupation.

In the 1998 Statistical Abstract (not reproduced), reference is made to wage distribution by sex and income groups (from 1994 to 1997).

***Efforts made or envisaged to ensure respect,
promotion and realization of these principles
and rights***

A national tripartite delegation participated actively in the East Africa Community Subregional Seminar on Discrimination at Work organized by the ILO in April 2000 in Kampala (Uganda). During that seminar, the Government confirmed Kenya's intention to ratify the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Ratification of these two instruments is under way. The Labour Advisory Board has recommended the ratification of Conventions Nos. 100 and 111, with the full support of the social partners. A Cabinet memorandum has been prepared in this respect and forwarded to the Cabinet.

***Representative employers' and workers'
organizations to which copies of the
report have been sent***

A copy of this report has been sent to:

- the Federation of Kenya Employers (FKE); and
- the Central Organization of Trade Unions (COTU) (K).

***Observations received from employers'
and workers' organizations***

Contributions were received from employers' and workers' representatives during the September 2000 tripartite meeting on reporting issues organized by the ILO, especially regarding their support for ratification of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The Government will communicate to the ILO any further comments received from the social partners.

Kenya

***Observations submitted to the Office by the
International Confederation of Free Trade
Unions (ICFTU)***

Kenya has ratified neither the Equal Remuneration Convention, 1951 (No. 100), nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The Constitution of Kenya prohibits discrimination. However, its provisions are not enforced effectively. Women experience a wide range of both legal and actual discriminatory practices which limit their rights.

Women tend to occupy less well-paid jobs than men – as is the case in most countries worldwide – and consequently, the average monthly income of women is about 37 per cent lower than that of men. Women have difficulty moving into non-traditional fields, are promoted more slowly than men and bear the brunt of lay-offs. Although women make up more than 50 per cent of the rural labour force, their property rights are insecure and they hold only about 5 per cent of land titles. They are concentrated in the informal sector and account for 70-80 per cent of persons engaged in petty trading in Kenya.

Levels of education and literacy differ widely for men and women. The number of boys and girls in school is roughly equal at the primary level, and then becomes increasingly disproportionate until men outnumber women almost two to one in higher education. Seventy per cent of illiterate persons in the country are female.

Cases of sexual harassment and intimidation at the workplace have been reported.

While the Government has ratified international conventions on women's rights, it has not, so far, passed enabling domestic legislation. However a Task Force on Laws Relating to Women, established in 1993, issued its long-awaited report in November 1999. Its recommendations, including the enactment of a new law to be entitled the National Council for Gender Development Act, would be a major step forward in terms of policy, to achieve women's equality.

There are no reports of discrimination in government policies against the disabled with regard to employment, education, or state services. However, the Government has not passed any law to assist with disabled people's rights of access to public buildings.

Women's educational achievements are significantly lower than those of men due to historical and cultural factors; they are concentrated in lower paid jobs and they face workplace problems including non-promotion and sexual harassment.

Kuwait

Means of assessing the situation

Assessment of the institutional context

The State of Kuwait has ratified six of the fundamental Conventions on human rights, i.e. Conventions Nos. 29, 87, 105, 111, 138 and 182. Only two have not been ratified by the State of Kuwait, namely Conventions Nos. 98 and 100. The reasons for non-ratification are as follows:

As regards measures taken to reduce differences in wage rates between men and women, mention can be made of the following: provision of education as well as technical and vocational training to prepare jobseekers for admission to employment; and the improvement of efficiency and competitiveness among such workers, leading to virtual equality in the work assigned to them and ultimately to equal wage rates or the reduction of differences in wage rates to the extent possible. Evidence of such measures taken by the State is the provision of various means of education, and training courses, and the implementation of preparatory courses for citizens, in keeping with Ministerial Decree No. 110 (1995) relating to the transfer of wages and salaries to bank accounts.

The means of cooperation with employers' and workers' organizations are exemplified by: the representation of such organizations on committees for developing and implementing legislative decrees issued by the competent government authorities; and the maintaining of continuous dialogue with these authorities on proposals and recommendations relating to labour standards and international labour Conventions (e.g. Decree No. 41 (1995) establishing a higher level consultative committee for this purpose).

With respect to the authority or authorities entrusted with the application of legislation and administrative provisions, the Ministry of Social Affairs and Labour oversees the application of Labour Act No. 38 (1964), and the amendments thereto. It is also responsible for the implementation of decisions regarding labour relations between the two parties, including remuneration, a task carried out through labour inspection by the competent Ministry officials.

Courts of law have made decisions on the principle of equal remuneration for men and women workers in cases examined by the said courts on the basis of obligations specified in contracts, rules and domestic regulations concerning employers, but not on the implementation of the Convention in question which the State of Kuwait has not yet ratified.

There does not appear to be any conflict between provisions of the Convention and those of the Kuwaiti labour laws, particularly section 27 of the Labour Act which stipulates as follows: "Women workers shall be paid equal wages as men workers for work of equal value."

However, in view of the absence of provisions on fixing wages in the labour law, it does not provide for minimum wages as this would expose Kuwait to criticism [...] with regard to the determination of minimum wages, on the basis of which equal remuneration for work of equal value will be measured, if Kuwait were to ratify the Convention.

As to measures for assessing rates of remuneration, and methods to ensure the application of the principle of equal remuneration for men and women for work of equal value, these can consist of monitoring the extent to which employers are complying with the labour law, through labour inspection, the review and endorsement of work contracts, the issuing of work permits and the adoption of domestic rules and regulations relating to employers. An example of such measures are these in force in oil companies operating in the country. Their rules and regulations provide for equal remuneration for men and women for work of equal value where employment is based on a predetermined and defined scale of salaries for each type of employment or job.

With regard to the objective assessment of services and means applied for determining wages, no special laws or regulations provide for the setting of rates of remuneration. Pay rates are determined by contracts concluded between employers and workers, without prejudice to the principle of equal remuneration. Compliance with the terms of said contracts is monitored.

The text is similar to section 78 of Act No. 38 (1964) on employment in the private sector which reads as follows: "Any employer, or representative thereof, who dismisses or punishes a worker in order to force him to join, or refrain from joining, or withdraw from a union, by reasons of his participation in, or implementation of union activities, shall be liable to penalties provided for in section 97 of the Kuwait Labour Act."

It is to be noted that the Labour Act addresses the same provisions when a labour relationship is established but not prior to it, as stipulated by Article 1, subparagraph (b), of ILO Convention No. 100. Such a provision would require amending the law to provide for protection of the worker prior to his or her employment in order to bring the national legislation into line with the text of the Convention.

There is adequate protection for employers' and workers' organizations against any acts of interference by each other. The 1964 Labour Act No. 38, in sections 69 to 87, provides for procedures for the establishment of employers' and workers' organizations and the administration of such organizations. The provisions protect workers' organizations from domination or interference by employers' organizations. Under section 90 of the same Act, employers and workers may form joint committees for the settlement of disputes, the promotion of social protection for workers, the organization of social services for workers, the setting of rates of remuneration, raising productivity and other issues of mutual interest. Section 92 of the same Act provides for the establishment of a higher level labour consultative committee, composed of representatives from the Ministry of Social Affairs and Labour, other ministries and employers and workers, to advise on labour legislation or amendments thereto. However, opinions expressed by the committee shall be of a purely advisory nature.

Liberia

Means of assessing the situation

Assessment of the institutional context

Even though Convention No. 100 was denounced after it had been ratified,⁴ there are effectively no laws or regulations contravening the principle of equal remuneration for men and women for work of equal value. The national minimum wage applies to all workers in the country regardless of sex.

With regard to reports to be submitted under the follow-up to the Declaration on Fundamental Principles and Rights at Work, the Government wishes to inform that it is the lack of technical support in this area that is largely to be blamed for the failure to provide reports in recent years following the Liberian civil war. Technical assistance in this area had already been requested from the ILO.

Representative employers' and workers' organizations to which copies of the report have been sent

This response was also submitted to the most representative workers' and employers' organizations in Liberia for their comments.

⁴ The Office has no record of a ratification of Convention No. 100 for Liberia (Convention No. 111 was ratified on 22 July 1959).

Luxembourg

Means of assessing the situation

Assessment of the institutional context

On 11 February 2000, the Labour and Employment Ministry submitted to Parliament a bill approving nine international labour Conventions, including the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

[Reference is made to matters relating to the Worst Forms of Child Labour Convention, 1999 (No. 182), which will be covered only by the annual review starting in 2002.]

The purpose of the draft law is the ratification of the following international labour Conventions:

- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Human Resources Development Convention, 1975 (No. 142);
- Labour Administration Convention, 1978 (No. 150);
- Labour Relations (Public Service) Convention, 1978 (No. 151);
- Occupational Safety and Health Convention, 1981 (No. 155);
- Termination of Employment Convention, 1982 (No. 158);
- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159);
- Part-Time Work Convention, 1994 (No. 175);
- Worst Forms of Child Labour Convention, 1999 (No. 182).

The vote by Parliament on the draft may reasonably be expected for the end of 2000.

Representative employers' and workers' organizations to which copies of the report have been sent

In accordance with article 23 of the Constitution of the International Labour Organization, this report has been sent:

- to the representative employers' organizations:
 - (a) the Federation of Luxembourg Manufacturers;
 - (b) the Federation of Craftsmen;
 - (c) the Luxembourg Trade Confederation;

- to the representative workers' organizations:
 - (a) the Confederation of Independent Trade Unions (OGB-L);
 - (b) the Luxembourg Confederation of Christian Trade Unions (LCGB).

Observations received from employers' and workers' organizations

In accordance with Luxembourg legal procedure, the draft law in question has been the subject of consultation with the employers' and workers' occupational associations, which have all expressed a favourable opinion.

Malaysia

Means of assessing the situation

Assessment of the institutional context

This report by the Government of Malaysia covers the period 1.1.1999 to 31.12.1999.

Federal Constitution of Malaysia

Article 8

All persons are equal before the law and entitled to the equal protection of the law.

Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the grounds only of religion, race, descent or place of birth, in any law, or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

Section 60L of the Employment Act, 1955

The Director-General may inquire into complaints from a local employee that he is being discriminated against in relation to a foreign employee or from a foreign employee that he is being discriminated against in relation to a local employee by his employer in respect of terms and conditions of this employment; and the Director-General may issue to the employer such directives as may be necessary or expedient to resolve the matter.

Article 1

Section 2 of the Employment Act, 1955 provides that wages means "Basic wages and all other payments in cash payable to an employee for work done in respect of his contract of service ...".

The principle of equal pay is applied in the public sector through the previously mentioned article in the federal Constitution which has determined the salary of men and women civil servants, and there is no longer any difference in fact or in law, between the remuneration of men and women civil servants.

As regards the private sector, the determination of wages, hours of work and other conditions of work, including any provisions on job evaluation, is normally made in the form of collective agreements and the Government has no influence on such determinations.

Article 2

The federal Constitution already stipulates that all citizens are equal and entitled to equal remuneration under the law. Therefore, the Government encourages employers to give equal remuneration to men and women for work of equal value.

The Labour Department also through section 60L of the Employment Act, 1955, provides that there should be no discrimination between local and foreign employees in respect of contract of service which includes all remuneration under their terms and conditions of service.

The employers' and employees' unions are free to enter into discussions on remuneration and other terms and conditions in the collective bargaining process. The Government has no influence on such processes. The collective agreement provides for equal remuneration for men and women for work of equal value.

Article 3

There is no comprehensive regulation or body dealing with the salaries and wages of employees.

Article 4

In a unionized environment, wages are fixed customarily by collective bargaining. The principle of equal remuneration for men and women workers for work of equal value is provided for by collective agreement.

The parties involved in a collective agreement are free to forward the concluded agreement to the Industrial Court for approval. The parties are also free to submit to the industrial court any matter regarding disputes about the collective agreement for an award.

Annexes (not reproduced)

Act A1026 Employment (Amendment) Act 1998.

Mauritania

Means of assessing the situation

Assessment of the institutional context

The Mauritanian Constitution of 20 July 1991 clearly states that all citizens are free and equal before the law. This principle is contained in section 78 (Volume I) of the Labour Code and section 37 of the General Collective Agreement, which clearly states the following: "Equal remuneration for work of equal value: Where conditions of work and output are equal, classification and wages shall be the same for all workers irrespective of their origin, sex, age and status."

The labour inspectorate is responsible for monitoring the application of the abovementioned provisions. Any violation observed by or brought to the attention of this authority is directly sanctioned by fines imposed by the labour inspector. Establishments guilty of discrimination are also prohibited from benefiting from the public sector market. Furthermore, victims of discrimination may take legal action against their employer. It should be noted that the labour inspectorate has not recorded a single case of discrimination.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Within the context of its policy to strengthen its legal framework, the Mauritanian Government has approved the ILO's Equal Remuneration Convention, 1951 (No. 100), which will be adopted by Parliament in the immediate future (October 2000). The ratification of this fundamental Convention will undoubtedly enhance the existing legal framework. Nevertheless, the labour inspectorate, which is responsible for monitoring the application of the relevant legal provisions, is at a disadvantage owing to the lack of adequate human and financial resources and equipment.

The Government is counting to a great extent on the technical and financial support (multilateral and bilateral cooperation) of the ILO, with a view to updating and implementing the plan to strengthen and give new impetus to the capacities of its labour administration.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of the present report has been sent to the most representative workers' and employers' organizations: UTM (Union of Mauritanian Workers) and CGEM (General Confederation of Mauritanian Employers).

Observations received from employers' and workers' organizations

No comments have been received to date.

Mauritius

Means of assessing the situation

Assessment of the institutional context

The Government recognizes the principle of elimination of discrimination in respect of employment.

Section 3 of the Constitution of Mauritius guarantees to every individual, protection against discrimination by reason of race, place of origin, political opinions, colour, creed or

sex. By virtue of the provisions of the Constitution, in particular section 17, an aggrieved person may seek redress of his rights by applying to the Supreme Court. In 1984, Mauritius ratified the UN Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), which provides for the elimination of discrimination based on sex with regard to health, education, employment, etc.

The National Gender Action Plan was approved by the Government in 1999. This national plan addresses issues including gender inequality in employment. It also proposes to set up a task force to review laws which discriminate against women and children.

Section 16 of the Constitution provides that no law shall make any provision that is discriminatory either to itself or in its effect. "Discriminatory" is defined as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex, whereby persons of one such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description".

Given that the Constitution is the supreme law of Mauritius, the criteria laid down in section 16 equally apply to discrimination in respect of employment and occupation.

No person or category of persons are excluded from the implementation of the principle and right relating to the elimination of discrimination in respect of employment and occupation.

No category of jobs or work and no sectors are excluded or omitted from the application of the Constitution.

There exists a voluntary Code of Practice under the Industrial Relations Act, 1973, which, inter alia, calls on employers to develop, in consultation or negotiation with workers' representatives, clear and comprehensive employment policies which avoid discrimination on grounds of race, place of origin, political opinions, colour or creed; and promote equal opportunity in employment.

The officers of the Labour Relations Branch of the Ministry of Labour and Industrial Relations, through routine visits to workplaces, encourage employers' and workers' representatives to implement the above Code of Practice in their dealings.

It is to be noted that foreign workers enjoy the same individual and collective employment rights as local workers.

Assessment of the factual situation

Over the years more and more women have been taking up employment in the secondary and tertiary sectors whilst there is a decline in the primary sector. Efforts are constantly being made towards women's empowerment in Mauritius (see Appendix 1, not reproduced).

Both men and women have equal access to education from the primary to the tertiary level. Vocational training, irrespective of the area of occupation, is equally accessible to both males and females.

***Efforts made or envisaged to ensure respect,
promotion and realization of these principles and rights***

Various amendments to legislation have been made to promote gender equality. The Government is considering the possibility of fixing wages on a job content basis, as against gender basis, in the following economic sectors: field crop and orchard, sugar industry, salt-manufacturing industry and tea industry. The Ministry of Labour and the Ministry of Women hold workshops and talks (sometimes jointly) on equality issues. Activities are organized by the Women's Unit of the Ministry of Women, Family Welfare and Child Development.

The ILO helped (at a national tripartite seminar held in September-October 1996 in Mauritius) to identify obstacles to the ratification of Conventions Nos. 100 and 111.

Technical assistance is being sought for the National Remuneration Board (a statutory independent body determining minimum wages and other conditions of employment in the private sector) in connection with the fixing of wages on a job content basis.

It is to be recalled in this connection that after the above national seminar, the ILO, in a subsequent report, stated that the immediate obstacle to the ratification of ILO Conventions Nos. 100 and 111 lies in the provisions of the Remuneration Orders pertaining to certain sectors of employment (sugar, field crop and orchard workers, livestock workers, tea industry and salt manufacturing) which discriminate explicitly between male and female workers by prescribing different basic wages on the basis of gender instead of job content.

A number of NGOs are actively engaged in sensitization on the elimination of discrimination.

Workshops are organized on a regular basis both by the Ministry of Labour and Industrial Relations, and the Ministry of Justice, Human Rights and Reform Institutions, to create greater awareness on issues relating to human rights – civil, cultural, economic, political and social – for all the people. These workshops cover issues relating to the elimination of discrimination in all sectors of development.

Technical cooperation from the ILO would be useful in the promotion of the principle in practice.

***Representative employers' and workers' organizations
to which copies of the report have been sent***

The following representative employers' and workers' organizations have been sent a copy of this report:

(i) *Employers' organization*

Mauritius Employers' Federation

(ii) *Workers' organization*

Confédération mauricienne des Travailleurs

Fédération des Syndicats des Corps constitués

Fédération des Travailleurs unis
Federation of Civil Service Unions
Federation of Progressive Unions
General Workers' Federation
Mauritius Labour Congress
Mauritius Labour Federation
State Employees' Federation
Free Democratic Union Federation
National Trade Union Confederation
National Trade Union Congress

***Observations received from employers'
and workers' organizations***

The Mauritius Employers' Federation and the Fédération des Syndicats des Corps constitués have replied. A copy of their reply is enclosed.

Annexes (not reproduced)

Selected Labour Force and Employment Statistics (1990, 1998 and 1999).

Mauritius

***Observations submitted to the Office by the Mauritius
Employers' Federation (MEF)***

With respect to the Equal Remuneration Convention, 1951 (No. 100), it is our considered opinion that remuneration should be related to jobs and not to gender. Whenever a difference in pay arises it should be attributable to factors inherent to the job.

As regards the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), given the social and cultural context of Mauritian society, it will be difficult to ratify this Convention. Mauritius has always been a welfare State and has catered to the needs of the disadvantaged groups in society. In a multiracial society, it is essential to strike the right balance.

Mauritius***Observations submitted to the Office by the
Fédération des syndicats des corps constitués (FSCC)***

The FSCC strongly suggests that the Government seize this opportunity to ratify the following core Conventions of the ILO:

- Equal Remuneration Convention, 1951 (No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

***Observations submitted to the Office by the World
Confederation of Labour (WCL) and the National Trade
Union Confederation (NTUC)***

The Government has on several occasions made public statements that it recognizes the principle of the elimination of discrimination in respect of employment.

There is no provision in the Constitution of Mauritius or in any other law concerning protection against discrimination in respect of employment. However, according to article 16(1) and (2) of the Constitution, no law shall make any provision that is discriminatory either in itself or in its effect, and no person shall be treated in a discriminatory manner by any person in the performance of any public function conferred by any law, or otherwise, in the performance of the functions of any public office or public authorities.

In the Constitution, “discriminatory” means according different treatment to different persons attributable wholly or mainly to their descriptions by race, caste, place of origin, political opinions, colour or creed, whereby persons of one such description are subjected to disadvantages or restrictions, to which persons of another description are not made subject, or they are accorded privileges or advantages that are not accorded to persons of another description.

No person or category of persons is excluded from the implementation of the principle and the rights relating to the elimination of discrimination in respect of employment or occupation.

The Constitution of Mauritius applies to all the citizens.

Paragraph 20 of the Code of Practice under the Industrial Relations Act (IRA) provides that “employment policies should include positive policies (a) to avoid discrimination on grounds of race, place of origin, political opinion, colour or creed; and (b) to promote equal opportunity in employment”. However, the Code of Practice is not mandatory.

Educational and vocational training are accessible to both sexes. Education up to the age of 15 years is mandatory.

The ILO could send a mission to gauge the situation and through technical cooperation it could help to sensitize all parties to the issue. A law should be enacted to meet the objectives of the Government.

Government observations on the WCL's and NTUC's comments

Article 3 of the Constitution of Mauritius (Annex I, not reproduced) relates to the “Fundamental Rights and Freedom of the Individual” and it guarantees to every individual protection against discrimination by reason of race, place or origin, political opinions, colour, creed or sex.

Article 16 of the Constitution of Mauritius also relates to “Protection from Discrimination” (Annex II, not reproduced): it stipulates, subject to some specified exceptions, that “no law shall make any provision that is discriminatory either of itself and in its effect” and therefore covers, for all intents and purposes, the issue of protection from discrimination in employment. The term “discriminatory” in article 16(3), which originally referred to “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour or creed ...”, has been amended (Annex III, not reproduced) to protect against any form of discrimination on grounds of sex also. The relevant section now reads as follows:

- (3) In this section, “*discriminatory*” means “*affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, colour, creed, or sex ...*”.

Finally, by virtue of article 17 (Annex IV, not reproduced) any person who alleges that either article 3 or article 16 of the Constitution is being contravened in relation to him, then, without prejudice to any other action with respect to the same matter, that is lawfully available, that person may apply to the Supreme Court for redress.

However, although the Constitution explicitly provides protection from discrimination, the Government has not yet ratified two fundamental ILO Conventions, namely the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in view of the fact that immediate obstacles lie in the provisions of the Remuneration Orders. In fact, the minimum basic wage for female workers in the agricultural sector and the salt manufacturing industry is prescribed on the basis of gender instead of job content. However, the salary structure in the public sector, and to a large extent in the private sector, is prescribed by Remuneration Orders on a category basis.

In February 1997, the National Remuneration Board, a statutory body which determines minimum wages and other conditions of employment in the private sector, was requested to consider the possibility of fixing wages on the basis of job content, instead of gender, in the agricultural and salt manufacturing sectors and to make recommendations. Barbados was quoted as having brought similar changes in its legislation in respect of the sugar sector. However, information provided by the ILO, following a seminar in this connection held with the ILO's technical assistance in October 1996, has unfortunately not been of much help to the Board, which has informed the Ministry that it is unable to carry out the exercise due to the lack of the necessary technical expertise.

The Board has requested that the services of a suitably qualified and experienced consultant be made available to assist it in fixing wages on a job content basis in the agricultural and salt manufacturing sectors. ILO technical assistance has been sought in this regard and the ILO is proposing to carry out a technical mission in Mauritius early in 2001 to assist the Board in this exercise.

Myanmar***Means of assessing the situation***

Assessment of the institutional context

We submitted the necessary information relating to this category of principles and rights in our report for the first annual review.

We are in touch with the relevant departments and organizations, and, if there are any changes in national law and practice that have a bearing on these principles and rights, we will be most willing to provide the ILO with further information to supplement or update that which was sent for the first annual review.

Namibia***Means of assessing the situation***

The principle of elimination of discrimination in respect of employment and occupation is recognized in the Namibian Constitution, the Namibian Labour Act (Act 6 of 1992), as well as the Affirmative Action in Employment Act (Act 29 of 1998).

The Namibian Constitution in article 10(2) states that: “No persons shall be discriminated against on the grounds of sex, race colour, ethnic origin, religion, creed or social or economic status”.

In the Labour Act, discrimination or harassment on the basis of sex, race, colour, ethnic origin, religion, creed, social or economic status, political opinion or marital status or his or her sexual orientation, family responsibilities or disability is forbidden and prohibited.

The previously mentioned principle is also addressed by means of the implementation of the Affirmative Action in Employment Act (Act 29 of 1998) as a whole. One of the purposes of this Act is to institute procedures to contribute towards the elimination of discrimination in employment. The Act is aimed at achieving equal opportunity in employment in accordance with article 10 (equality of freedom of association) and article 23 (apartheid and affirmative action) of the Namibian Constitution.

The Racial Discrimination Prohibition Act (Act 26 of 1991) defines a racial group as persons defined by reference to colour, race, nationality or ethnic or national origin.

In the Labour Act discrimination is defined as unfairly favouring persons on the basis of sex, race, colour, ethnic origin, religion, creed, social or economic status, political opinion or marital status or his or her sexual orientation, family responsibilities or disability.

The criteria whereby discrimination in respect of employment and occupation is prohibited are defined in the Labour Act (Act 6 of 1992) as well as the Affirmative Action in Employment Act.

No persons or categories are excluded from the implementation of the principle and right relating to the elimination of discrimination in respect of employment and occupation.

No categories of jobs or work or sectors are excluded from legislation regarding this principle.

The Office of the Employment Equity Commissioner is the statutory body tasked with implementing the principle, for the previously disadvantaged people, which, in terms of the Affirmative Action in Employment Act, section 18(1), are “racially disadvantaged persons; women and persons with disabilities”.

Assessment of the factual situation

The Affirmative Action in Employment Act requires every relevant employer (employer identified as a relevant employer under section 20 of the Affirmative Action in Employment Act) to prepare and implement a three-year affirmative action plan. In the affirmative action plans, employers are required to submit statistics indicating the present representation of all the designated and non-designated groups in the company as well as their level in the company. The public service sector has just submitted its reports and affirmative action plans (August 2000). The private sector has to submit their plans by February 2001. Therefore this information would only be available for the next reporting cycle.

For the previously mentioned reasons, no data and statistics are currently available.

The Labour Force Surveys of 1992 and 1997 could be used as additional information.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The measures taken to promote the elimination of discrimination in respect of employment and occupation include the implementation of the Affirmative Action in Employment Act by the multipartite Employment Equity Commission.

The means deployed by the Government in its commitment to the elimination of discrimination in respect of employment and occupation is the enactment of the Affirmative Action in Employment Act, i.e. establishing and maintaining (financially and otherwise) the Employment Equity Commission. Workshops and information campaigns have been conducted to educate the relevant stakeholders on what would be expected of them under the implementation of the Act.

The ILO's assistance has been sought in the development of the legislation, the development of the Employment Equity Commission, the training of the commissioners and the review officers.

Furthermore, with regard to the implementation of the Affirmative Action in Employment Act, the Labour Advisory Council acts as a consultative body.

In preparing, implementing and monitoring its affirmative action plan, employers are required to carry out consultations with a representative of their employees.

The objective of the Government is to achieve equal opportunity in employment and to institute procedures to contribute towards the elimination of discrimination in employment by fully supporting the activities of the said Employment Equity Commission. Another objective is to have well-monitored and controlled human resources development programmes in Namibia.

The conditions necessary to meet these objectives are the development of a database of affirmative action plans and reports as well as the creation of adequate capacity for operating the database through appropriate training.

Representative employers' and workers' organizations to which copies of the report have been sent

The National Union of Namibian Workers (NUNW), the Public Service Union of Namibia (PSUN) and the Namibian Employers' Federation (NEF) have been sent copies of the report.

Observations received from employers' and workers' organizations

The organizations were advised to forward their comments to the ILO with a copy to the Government should they so wish.

Nigeria

The Office received no report from the Government for the annual review of 2001; a report was provided for the annual review of 2000.

Nigeria

Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)

Nigeria ratified the Equal Remuneration Convention, 1951 (No. 100), but it has not ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Although constitutional provisions on non-discrimination exist, the majority of women in Nigeria remain discriminated against. The Vision 2010 Committee of Eminent Persons, established by the Nigerian Government in 1996, reported that, "On the average, women have greater health problems than men, have limited access to education, credit and technology, and are encumbered by harmful traditional practices." A large section of the workforce is excluded from the scope of legislation to provide equal pay for equal work (legislation which has in any case been criticized by the ILO due to the unduly narrow terms of its definitions), including all workers in establishments employing fewer than 50 persons.

In the rural sector where most women work, although women are not legally barred from owning land, in practice they often are. Under many customary land tenure systems only men can own land. In addition many customary practices do not recognize a woman's right to inherit her husband's property, rendering many widows destitute. Women are also highly under-represented in political and decision-making positions. Women make up only 8 per cent of cabinet ministers, 1.9 per cent of permanent secretaries and 1 per cent of officers in local authorities.

The Government has formulated a national action plan under the Beijing Platform for Action adopted at the Fourth World Conference on Women which identifies priority areas, allocates resources and contains time-bound targets and benchmarks for monitoring. It has also adopted a family economic advancement programme, increasing the budget for women's programmes by 6 per cent. However, the view of trade unions and NGOs is that this is far from adequate given the enormous problems of poverty and inequality facing the majority of Nigerian women.

[Reference is made to the application of a ratified Convention].

In the area of discrimination against the disabled, the Government has failed to promulgate any laws requiring accessibility for the disabled to buildings or public transportation, instead confining its actions to calling on private businesses to institute policies ensuring fair treatment for the disabled.

In conclusion, grave discrimination undoubtedly persists in Nigeria. However, there is a lack of adequate information on the extent and effect of discrimination in Nigeria, indicating the need for further research. The Government of Nigeria should certainly undertake increased efforts to overcome discrimination.

Oman

Means of assessing the situation

Assessment of the institutional context

The Sultanate's laws on equal remuneration and non-discrimination in respect of employment and occupation do not make any distinction between men and women as regards remuneration and working conditions. Neither do they contain any element that might create discrimination in respect of remuneration or employment based on sex or nationality. The Sultanate applies the same principles of equality in this regard, which emanate basically from the Islamic Sharia that imposes equality between men and women. This principle is confirmed by the Organic Statute as well as by laws and regulations in force. The Sultanate endeavours to eliminate in the first place, any practice that might infringe the principle of equality or result in discrimination in respect of employment or occupation.

The principle is recognized in the Sultanate and is contained in promulgated laws.

Article 12 of the Organic Statute stipulates that equality and equal opportunity for citizens are the pillars of the society and guaranteed by the State. Article 17 of the Organic Statute guarantees citizens' equality before the law in terms of rights and duties, and non-discrimination on any grounds such as sex, origin, colour, language, religion, ideology,

country of origin or social status. The labour laws and regulations reaffirm these fundamental rights for citizens, men and women.

Discrimination is defined, inasmuch as violation of the principles of equality and equal opportunities are identified.

The provisions of the Organic Statute as well as the labour legislation (Omani Labour Law in force in the Sultanate) emphasize the principle that discrimination in respect of employment and occupation (sex, race, religion, national extraction, etc.) is prohibited.

There are some laws for specific persons that take into consideration their special situation as a result of, inter alia, their sex, age, disability, and recognize their need for special protection.

There are, for instance, provisions in the Labour Law concerning employment of women, which stipulate that care should be taken when employing women for night work, except for certain cases authorized by the law. There are also provisions concerning the employment of youth. The State is concerned with protecting them from discrimination. The same applies to handicapped persons, as special types of work are allocated for them in both the public and private sectors.

When granting these exceptions, consideration is given to their relevance to the needs of the persons concerned. For instance, Ministerial Order No. 19/74 allows for the employment of women in night work in specific cases, specific jobs and at specific levels, in order to encourage the employment of women.

The Organic Statute, labour legislation and regulations issued by the ministries concerned with employment, form the basis for the implementation of this principle.

Assessment of the factual situation

As discrimination in employment and occupation does not exist, there are neither statistics nor indicators. All workers enjoy freedom of work according to the laws and regulations that guarantee this freedom.

Since the Organic Statute and Labour Law guarantee the elimination of any discrimination in respect of employment or occupation, there is no need for any mechanism. The existence of large numbers of migrants in the labour force, the provision of free education, as well as economic growth in the Sultanate, provide evidence that the situation is sound and that discrimination does not exist.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

There is no need to take measures to promote the elimination of discrimination in respect of employment and occupation as discrimination does not exist.

The Government endeavours to establish equality and non-discrimination in respect of employment and occupation according to the equality imposed by the Islamic Sharia, and through the implementation of government policies in accordance with the Statute and labour legislation.

The Organic Statute and legislation guarantee principles and rules that ensure equality and the elimination of discrimination in respect of employment and occupation.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report has been sent to the following representative employers' and workers' organizations:

- Chamber of Commerce and Industry of Oman
- Workers' representative.

Observations received from employers' and workers' organizations

The Government has not received any observations from these employers' and workers' organizations with regard to the elimination of discrimination in respect of employment and occupation.

Pakistan

Means of assessing the situation

Assessment of the institutional context

The principle is recognized. Under the Constitution of Pakistan all citizens are equal before the law and are entitled to equal legal protection. Article 25 of the Constitution states that "there shall be no discrimination on the basis of sex alone". It further provides that "nothing in this article shall prevent the State from making special provisions for the protection of women and children".

No persons or categories of persons are excluded from the implementation of principle and right relating to the elimination of discrimination in respect of employment and occupation, either explicitly or because they are not covered by the applicable legislation.

No categories of jobs or work or sectors are excluded or omitted from the applicable legislation.

Assessment of the factual situation

No indicators or statistics are available or envisaged as a means of assessing the situation.

No data are available.

There is no other information that may permit a better assessment of the situation in the country.

There is no discrimination in respect of remuneration on the basis of sex, therefore, there is no need to keep statistics. Men and women receive equal remuneration while serving in the public sector. The public sector provides additional benefits to women such as full salary during maternity leave, etc.

The Government of Pakistan is firmly committed to eliminating from the society any form of unequal treatment with respect to remuneration.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The legal system fully protects the right to equal remuneration for men and women.

Representative employers' and workers' organizations to which copies of the report have been sent

The Government has sent reports to the following organizations:

- (a) Employers' Federation of Pakistan, Karachi;
- (b) All Pakistan Federation of Trade Unions, Lahore;
- (c) Pakistan National Federation of Trade Unions, Karachi.

Qatar

Means of assessing the situation

Assessment of the institutional context

Since the initial report was submitted there have been no changes nor is there any additional information in this regard.

If there are any changes, or new measures taken with respect to the Declaration, the relevant information will be provided to the ILO.

[In a later communication, the Government of Qatar resubmitted the report that it provided for the first annual review (2000). The full text of the report may be found in GB.277/3/2, pp. 440-441.]

Singapore

Means of assessing the situation

Assessment of the institutional context

Discrimination in employment and occupation is a non-issue in Singapore. The principle of meritocracy is deeply entrenched, with all persons enjoying equal access to education, vocational training and employment.

Other than the measures cited in the initial report, we would like to add that there are also the following initiatives to promote the employment of women in Singapore and to ensure that there is no discrimination in the workplace.

Extension of paid maternity leave

As part of the measures to address the declining birth rate in Singapore, the Government has recently announced that working mothers could enjoy paid maternity leave for having a third child. Currently, under the Employment Act, paid maternity leave is extended only to the first and second child. The salary for the eight weeks' maternity leave for the third child will be borne by the Government. This is to give mothers time to bond with their new baby without suffering a loss in wages and also not to impose a cost burden on employers.

Back to Work Programme

In order to tap the potential source of manpower amongst homemakers and older persons aged 55 years and above, the Ministry of Manpower, in conjunction with the Singapore Productivity and Standards Board (PSB), the National Trades Union Congress (NTUC) and the Singapore National Employers' Federation (SNEF), launched the tripartite "Back to Work" Programme in September 1996. The key promotional thrusts of the Programme are:

- to reach out to potential employees (housewives, retirees, retrenched workers) to encourage them to enter/re-enter the workforce by taking up suitable forms of employment including part-time and flexible work; and
- to reach out to prospective employers by encouraging them to tap the potential sources of labour (housewives, retirees, retrenched workers) to alleviate their manpower shortages by providing suitable forms of employment, including part-time and flexible work. Employers/participating companies are also urged to redesign and restructure jobs which are difficult to fill so that they could be taken up by these potential workers.

Persons who register under the Programme enjoy:

- free job referral and placement services at the Manpower Deployment Department of the Ministry of Manpower (MOM); and
- training opportunities supported by the Skills Development Fund (SDF), namely core skills training and job skills training. The core skills training is aimed at helping develop confidence, communication skills and a positive attitude towards quality work. The SDF provides employers with a flat grant of \$350 (Singaporean) per

trainee, which covers 100 per cent course fee support and includes an allowance of \$100 each, for the trainees to help defray their meals and transportation expenses. Returnees to the workforce may also attend job skills training as required by their employers, who will enjoy enhanced SDF funding up to 80 per cent of course fees for external training programmes or \$4 per trainee hour for on-the-job training conducted.

The employment services of MOM are provided on-line at the Employment Town website, launched in April 1998. Information on the "Back to Work Programme" and on the ways in which women can register for the Programme are available on the Internet. In addition, the Manpower Deployment Department has set up a one-stop career centre, called CareerLink@mom, which came into operation in July 2000. The centre offers a new service on one-to-one career coaching, where the concerns of jobseekers are addressed at the individual level. The services are open to married women as well, to help them with their employment options and to manage their family responsibilities.

The Employment (Part-Time Employees) Regulations

The Employment (Part-Time Employees) Regulations were promulgated in 1996 to promote part-time employment and to facilitate women with family responsibilities to return to the workforce. In drawing up these Regulations, the Ministry took into consideration the need to safeguard the basic benefits for part-timers while providing employers with the necessary flexibility to introduce part-time and flexi-work arrangements at the workplace.

Under these Regulations, a "part-time employee" will be entitled to the following basic benefits on a pro-rated basis:

- (i) paid public holidays;
- (ii) paid annual leave; and
- (iii) paid sick leave.

In addition, the female part-time employee is entitled to the eight weeks' paid maternity benefit provided in the Employment Act. During this period, she is paid at her gross rate of pay.

Training programmes

There are a host of training programmes in place which are available to male and female employees alike. For the financial year 2000, the Government has allocated a budget of \$200 million for a five-year Manpower Development Assistance Scheme (MDAS) project for skill upgrading initiatives, to prepare our workforce for the demands of the knowledge-based economy. The Singapore National Trades Union Congress (NTUC) also runs its share of information technology (IT) and computer training courses at highly subsidized rates for union members. For the year ended 1999, 47 per cent of the total of 23,448 participants trained were women. In the case of the Skills Re-development Programme, which was initiated by the NTUC with funding support from the Government, 41 per cent of the 14,286 trainees in 1999 were women.

Discrimination in employment continues to be a non-issue in Singapore. With the implementation of various measures and initiatives to encourage economically inactive

women to return to the workforce and those who are already in the workforce to constantly upgrade themselves to meet the changing needs of the industries, women in Singapore will be able to make greater contributions to the economy.

Singapore

Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)

Singapore has not ratified the Equal Remuneration Convention, 1951 (No. 100), or the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The Constitution states that all persons are equal before the law and entitled to equal protection under the law. The Employment Act ensures non-discrimination in recruitment, promotion and terms of employment.

Women make up 41.5 per cent of the labour force and are well represented in most sectors. In 1962 the Government instituted the principle of equal pay for equal work in the civil service. However, female civil service employees who are married do not receive health benefits for their spouses and dependants as do male government employees, due to the expectation that the male is the main breadwinner in a family.

In the private sector, women hold few leadership positions. They still hold most of the low-paid jobs such as clerks and secretaries. Furthermore, the wage system is strongly seniority based (i.e. dependent on years of service) which disproportionately affects women who, in Singapore as in many countries, tend to have fewer years of service due to their greater likelihood to leave the workforce to take care of children. As a result, women's average salary levels are 76 per cent those of men although the gap has been narrowing over the years due to the entry of increasingly better educated women into the labour force. Over the last 15 years, the share of women in all professional/technical jobs has increased from 35.1 per cent to 40.4 per cent, while the share of women in all administrative/managerial jobs has increased from 10.5 per cent to 18.2 per cent.

Malays, who constitute approximately 15 per cent of the total population, do not on average have the same educational or income levels of the other major groups in the population. Advertisements sometimes specify ethnicity (or gender) requirements or require fluent Mandarin speakers. However, the income gap has narrowed in recent years. The Government has taken measures to promote greater educational achievement among Malay students. The Ministry of Manpower has, in consultation with the NTUC and the Singapore National Employers' Federation, jointly formulated, issued and implemented a set of tripartite guidelines to encourage employers to select candidates based on merit, experience, capability and other such non-discriminatory job requirements. These initiatives are reported to have greatly reduced the number of discriminatory job advertisements.

There is no legislation that provides for equal opportunities for the disabled in employment. However, there is an extensive job training and placement programme for the disabled. A comprehensive code on barrier-free accessibility has been implemented since 1990, which established standards for facilities for the physically disabled in all new buildings.

Salary gaps between women and men persist in Singapore, although they are narrowing, and women continue to carry out a disproportionate share of low-paid jobs.

Government observations on ICFTU's comments

Extension of medical benefits in the civil service

The Government would like to make clarification with regard to the workers' organization's report on Singapore. In our view, the principle of "gender equality" need not necessarily be translated into absolutely identical benefits for male and female officers. In the Singapore Civil Service, benefits are designed to meet different needs as appropriate. For instance, female officers are given additional paid leave to look after their children when they fall sick, and are allowed to take unpaid leave or work part-time so that they can have more time for child care if they wish to do so.

While the medical benefits of married female public employees under the previous scheme were not extended to their husbands and dependant children, the Medisave-cum-Subsidised Outpatient (MSO) Scheme implemented by the Singapore Civil Service allows for benefits to be enjoyed by the families of both male and female public officers. Public officers on the previous medical benefits schemes can also opt for the new scheme. Under the MSO scheme, both male and female employees get an additional 1 per cent of their salary paid into their Medisave account, which they can use for buying hospitalization insurance or pay for hospital bills for themselves or their dependants under the Medisave rules (Medisave is a national savings scheme under which every worker puts aside a portion of their monthly pay to meet their medical needs). In addition, every officer on the MSO Scheme enjoys up to \$350 as subsidy for outpatient treatment. The unused balance will be transferred into their Medisave accounts each year. Public officers who joined the Service before 1994 may opt for MSO medical benefits any time.

Narrowing of gender gap in occupation and wages

More women are now in professional, managerial, administrative and technical positions. The proportion of women employed in these higher skilled occupations increased from 12 per cent in 1980 to 34 per cent in 1999. About half (49 per cent) of the workforce in the financial and business services sector were females. The proportion of women employed in this sector also increased from 10 per cent in 1980 to 18 per cent in 1999, in line with the rapid expansion of the financial and business services sector in the past two decades.

The difference between the sexes in the Average Monthly Earnings has narrowed over the years. In 1986, the average monthly earnings of females was 68 per cent of the average monthly earnings of males [or S\$899 out of S\$1,328]. This improved to 76 per cent in 1997⁵ [or S\$2,114 out of S\$2,781]. The narrowing of the wage gap is largely attributed to the increasing proportion of females receiving higher education and being in the position to secure better paid jobs. While general wage disparity between the two genders exist, this phenomenon is due largely to legitimate work-related reasons rather than discrimination at the workplace. Factors that could account for the wage gap include differences in years of work experience (as women tend to drop out of the workforce after

⁵ Figures from 1998 onwards are not comparable to previous years as the earnings data from CPF Board are compiled using 5-digit fields instead of 4-digit.

marriage and childbirth), differences in job preferences, as well as the fact that women had to devote more time to child care and family responsibilities than to their careers, compared to men.

Promotion of non-discriminatory job advertisements

In order to encourage employers to recruit their staff based on merit, skills, experience, capability and other relevant job requirements, and not discriminatory criteria such as age, gender, race or religion, a set of tripartite guidelines on non-discriminatory job advertisements was formulated for implementation, after consultation with the employers' organization and trade union organizations. Since the implementation of the guidelines, the number of discriminatory job advertisements has been greatly reduced and such advertisements are almost non-existent. To ensure that this promotional approach continues to be effective, the Government, with the support of the other tripartite partners, monitors closely the job advertisements in the media and advises employers who adopt discriminatory criteria, not to do so.

The Government trusts that this clarification will lead to a better understanding of the system that exists in Singapore.

Solomon Islands

No report was received by the Office from the Government for the annual review of 2000 and 2001.

Solomon Islands

Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)

The Solomon Islands has ratified neither the Equal Remuneration Convention, 1951 (No. 100), nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The Constitution and the law accord women equal rights. However, in traditional society, women are limited to customary family roles and women are very under-represented in the active labour force. The majority of women are illiterate, which is due in large part to cultural barriers. According to a 1997 United Nations Development Programme (UNDP) report on human development, only 2.6 per cent of administrators and managers in the Solomons are women. The Solomon Islands ranks very low on the UNDP's gender empowerment measure that examines women's ability to participate in economic and political life.

There is no law or national policy on the disabled and no legislation mandates access for the disabled. Most disabled persons face difficulty in finding employment, particularly those in rural areas.

Much discrimination persists in the Solomon Islands. This indicates the need for the Government to undertake substantive policy initiatives to overcome discrimination, particularly in education and employment policy.

Suriname

Means of assessing the situation

Assessment of the institutional context

The principle of elimination of discrimination is recognized in Suriname.

It is recognized in the Constitution of Suriname and the Collective Bargaining Act (G.B. 1962, No. 106).

Suriname has also ratified the UN Conventions that deal with the elimination of social discrimination and the elimination of discrimination against women.

As indicated in the first report, there is no definition of discrimination.

According to the Constitution of Suriname there shall be no discrimination on grounds of birth, sex, race, language, religion, education, political beliefs, economic position, or any other status.

No one is excluded from the implementation of the principle.

Under the Labour Act (G.B. 1963, No. 163) women and young persons are not allowed to perform night work or work dangerous to their health or morality.

The principle is implemented through the activities of the Gender Bureau of the Ministry of Internal Affairs. There are also the Committee on the Elimination of Discrimination against Women which deals with the rights of women workers, the Foundation "Stop violence against women", other women's organizations and the Organization for Haitians which focuses on migrant workers.

Assessment of the factual situation

As regards the means for assessing the factual situation, there have been no new developments since the first annual report was submitted.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The measures taken to promote respect for, and the elimination of discrimination, include vocational training and the provision of public information by the Ministry of Labour.

The means deployed to promote the elimination of discrimination by the Government include the following:

- policies for guaranteeing equality of everyone;
- provision of public information by the Ministry of Labour; and
- continuing reform of the educational system.

As indicated in the first report, the following entities also promote the principle of the elimination of discrimination:

- the Steering Committee for Women Workers' Rights organizes seminars and training sessions;
- the Suriname Labour College (SIUIS), with the sponsorship of the social partners, organizes activities for workers' education;
- organizations of women workers and employers are also actively involved in promoting the principle.

The objectives of the Government are:

- modification and modernization of the current legal system; and
- ratification of the relevant ILO Conventions.

The following conditions are deemed necessary for meeting these objectives:

- legal provisions for minimum wages;
- dealing with discrepancies between wages in various sectors of the economy; and
- acquiring data on the situation of workers in the rural sector and workers in the informal sector, as well as on wages and employment.

***Representative employers' and workers'
organizations to which copies of the
report have been sent***

Representative employers' organizations:

- Vereniging Surinaams Bedrijfsleven
- Associatie van Surinaamse Fabrikanten

Representatives of workers' organizations:

- Centrale van Landsdienaren Organisaties (CLO)
- Federatie van Agrariërs en Landarbeiders (FAL)
- A.V.V.S. de Moederbond
- Progressieve Werknemers Organisatie (PWO)

- Organisatie van Samenwerkende Autonome Vakbonden (OSAV)
- Progressieve Vakcentrale C-47

Observations received from employers' and workers' organizations

No comments were received from these employers' and workers' organizations.

Tanzania, United Republic of

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of discrimination in respect of employment is recognized in Tanzania by the following:

Ratified international instruments:

- ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- ILO Paid Education Leave Convention, 1974 (No. 140);
- ILO Chemicals Convention, 1990 (No. 170);
- UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979;
- UN Convention on Civil and Political Rights, 1966;
- UN Convention on the Political Rights of Women, 1953.

The Constitution of the United Republic of Tanzania:

- Various articles of the Constitution, beginning with the Preamble, articles 9(9), 12, 13(1)(2)(5), 14, 15, 22 and 23, recognize the principle. However, under article 13(5) gender is not included as one of the criteria of discrimination. The Government is considering amendments to the Constitution, which would incorporate gender as one of the grounds for non-discrimination.

Laws and regulations:

- The Employment Ordinance, Cap. 366, section 83, restricts the employment of women and young persons with regard to night work. Section 86 restricts the employment of women in mines. However, under the project called "The National Plan of Action to Promote Women's Employment in the Context of Structural Adjustment" a review of the labour and other labour-related laws

revealed shortcomings of the various laws. (A summary of the relevant labour legislation is attached [not reproduced]).

Other legislation, which affects women, consists of:

- the Land Act, 1999;
- the Village Land Act, 1999; and
- laws of Marriage Act, 1971.

These laws have shortcomings because customary law is still given the legitimacy to persist. It is therefore very difficult for poor women especially in villages to earn an income.

Discrimination is not well defined in Tanzania.

There are no clear criteria to determine actions that amount to discrimination. This is the reason why the labour law project is recommending a need for identifying and describing discriminatory practice in Tanzania including sexual harassment in the context of work.

There are some cases of persons and categories of persons excluded from the implementation of the principle. Instances of discrimination can be found, for example, in the Employment Ordinance, Cap. 366, section 86, which restricts the employment of women in mines. The Factories Ordinance, Cap. 297, lacks adequate provisions which address women's special needs with regard to safety and health.

It is believed that there are categories of jobs which are excluded from the operation of this principle e.g. in the army and in higher positions in the Government, the Parliament and the judiciary.

There are gender desks in various ministries. The need for an Equal Opportunity Council has already been recognized.

Assessment of the factual situation

The Labour Force Survey of 1990 was not disaggregated by gender. Currently, a study is being undertaken which will be disaggregated by gender. Under the Women's Employment Promotion project, the initial work has been done, however, more focus should be given to the informal sector. Administrative data are available but are not kept in a retrievable manner, e.g. employment in the civil service. This needs further study.

A study conducted under the project on the Promotion of Women's Employment in the Context of Structural Adjustment, made several recommendations, including:

- analysis and information dissemination from a gender perspective, starting with the ongoing labour force survey;
- improving ways of measuring employment and economic activities, working conditions and social security;

- developing additional labour market indicators to take into account workers (women and men) outside the formal sector;
- mapping and linking workers' characteristics to a particular employment situation;
- monitoring the employment mobility of women in the formal sector, their wages and level of education;
- developing a national classification (with regard to occupational status) to capture women in occupation and their status.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

Affirmative action has been taken not only through the Education Act, 1978, regarding the enrolment of children of school age into primary schools, but also through the admission of female candidates into higher education which has increased from 17 per cent in 1995-96 to 29 per cent in 1996-97. Affirmative action has also been taken to ensure that at least 15 per cent of the Members of the Parliament are women. Furthermore, at least 25 per cent of local government seats must go to women. Other initiatives include increasing the number of women participating in decision-making processes. Currently, the trend shows that more women get higher positions in the civil service, public service and even in the judiciary.

A lot has been undertaken to ensure that all old laws are revised and new ones are enacted to ensure that discrimination is totally eliminated. The project on the Promotion of Women's Employment in the Context of Structural Adjustment, under the Ministry of Labour and Youth Development, has identified discriminatory practices and recommended the establishment of an Equal Opportunity Commission. It also recommended that a study of the informal sector be carried out in order to have more information on employment, especially for women.

Special programmes are being implemented such as the More and Better Jobs for Women project to ensure that there is no discrimination in respect of employment or occupation based on gender.

The National Income Generation Programme (NIGP) also undertakes projects for women. The projects are targeting people who are not working or who are facing the prospect of unemployment. This programme is gender sensitive. It requires that about 50 per cent of its beneficiaries in individual projects be women. The list of projects is attached [not reproduced].

Other current initiatives include the development of a policy on equal opportunity to assist in addressing gender inequality and good governance.

The programmes of the Canadian International Development Agency (CIDA) are aimed at improving women's professional, technical, managerial and other work-related skills. A Training Fund for Tanzanian Women (TFTW) provides for income generation, training for entrepreneurial development, leadership and organizational skills. It covers agriculture, education, health, environment health, gender and development, statistics, accounting, food production and rural technologies.

Women in the civil service are assisted in capacity-building by the Capacity Building Fund (CBF) of the Swedish International Development Agency (SIDA), which aims at improving existing skills and knowledge to enhance women's competencies and effectiveness in their work performance. Through the Fund, women have the chance to exploit career advancement and opportunities. Approximately 230 women civil servants at various levels have benefited from training programmes sponsored by the Fund since its inception in 1998.

The ILO supports the promotion of linkages between women's employment and the reduction of child labour. The project aims at improving the welfare of poor families through the promotion of More and Better Jobs for Women under conditions which will lead to a progressive reduction of child labour.

Other support includes the East African Subregional Tripartite Meeting on Discrimination in the World of Work, which was held in Kampala, Uganda from 11 to 13 April 2000.

Other organizations include:

- the Tanzania Legal Education Trust (TANLET), which has established the Legal and Human Rights Centre (LHRC), the objective of which is to protect and foster human rights through legal education. The centre addresses issues that affect women;
- the Tanzania Women Lawyers' Association (TAWLA) and Women in Law and Development (WILDAF) are groups that have prioritized lobbying and advocacy work for women and provide free counselling services on legal and other issues.

The objectives of the Government are to enhance observance and promotion of human rights, democracy and good governance to ensure equality between men and women.

The ILO could support the following activities:

- The establishment of an Equal Opportunity Council.
- The concretization of the disaggregated Labour Market Information.
- The ILO should monitor compliance once the Convention has been ratified. The ratification process is at an advanced stage.

***Representative employers' and workers'
organizations to which copies of the
report have been sent***

Copies of this report have been sent to the Association of Tanzania Employers (ATE) and the Interim Committee of Trade Unions of Tanzania.

***Observations received from employers'
and workers' organizations***

The Government received observations from workers' organizations on the follow-up measures on the Declaration regarding the elimination of discrimination in respect of

employment and occupation through the ILO, Geneva. The employer's observations have not been received.

Tanzania, United Republic of

Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)

The United Republic of Tanzania has not ratified either the Equal Remuneration Convention, 1951 (No. 100), or the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Women constitute about 28 per cent of formal sector workers. In the public sector, which employs 80 per cent of the waged workforce, various statutes restrict women's access to certain jobs or hours of employment. Strong traditional norms still divide workers along gender lines and place women in a subordinate position. In general, women may not be employed between 10 p.m. and 6 a.m.

Discrimination against women also takes place in the countryside, where women are engaged in farming and raising children while men take the few opportunities that exist for wage employment.

On the island of Zanzibar and in many parts of the mainland, women face discriminatory restrictions on inheritance and ownership of property because of customary and Islamic law, which is applied if the male head of household so wishes.

Levels of education and literacy differ widely for men and women. The rate of girls' enrolment in school is lower than that of boys and generally declines with each additional year of schooling. Girls are frequently expelled from school before the age of 15 because of pregnancy or due to early marriage, despite legal provisions for them to remain in school under such circumstances. Nevertheless, there has been an overall increase in the rate of girls' educational participation since 1990.

Although there is no official discrimination against the disabled, in practice the disabled are restricted in their access to education, employment, and provision of other state services due to physical barriers. The Government provides only limited funding for special facilities and programmes.

Women are in a subordinate position in the labour force and face discrimination in many sectors. Their level of education is lower than that of men, and girls' enrolment rates at school are much lower than for boys.

Government observations on ICFTU's comments

The Government received these observations through the ILO Office in Geneva.

The following has also been included in the Government's report for the Annual Review of 2001:

Affirmative action has been taken through the Education Act 1978, regarding the enrolment of school-aged children into primary schools and the admission of female candidates into higher education which has increased from 17 per cent in 1995-96 to 29 per cent in 1996-97. Affirmative action has also been taken to ensure that at least 15 per cent of the members of Parliament are women. Furthermore, at least 25 per cent of posts in the local government sector must be filled by women. Other initiatives include the exposure of women's participation in decision-making. Currently, the trend shows that more women get higher positions in the civil service, public service and even in the judiciary.

Special programmes are being implemented to give more and better jobs to women in order to ensure that there is neither discrimination in employment nor occupation based on sex.

Projects for women are also undertaken by the National Income Generation Programme (NIGP). The projects are targeting people who are not working or who are facing the prospect of unemployment. This programme is gender sensitive. It requires that about 50 per cent of its beneficiaries in individual projects be women. The list of projects is attached (not reproduced).

Other current initiatives include the development of a policy focusing on equal opportunity to address gender inequality and good governance. In addition, funding has been secured from the Danish International Development Assistance (DANIDA) for the labour policy and legislation review which will soon begin.

In addition, the Government is keen to ensure that special facilities are available for the disabled without discrimination taking into account financial constraints.

As regards discriminatory restrictions on inheritance and ownership of property, initiatives are under way to review the discriminatory legislation including the Land Act, 1999; the Village Land Act, 1999; and the Law of Marriage Act, 1971.

Thailand

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of discrimination in respect of employment and occupation is recognized in Thailand through the Constitution of the Kingdom of Thailand of 1997, the Labour Protection Act of 1998 and the 8th National Economic and Social Development Plan. In the area of gender issues, the following actions are taken and directed at the empowerment of women:

- *The establishment of the Institute for Small and Medium Enterprise Development by the Ministry of Industry:* This national institute, through close collaboration between government agencies and educational institutions, will provide support services to small and medium-sized enterprises (SMEs) in the following ways:
 - development of highly effective training and advisory methods and tools for upgrading personnel and professionals in SMEs who provide various types of services to such enterprises; and

- development of an extensive, nationwide network of training and support agencies/units, in sufficient quantity and quality to meet the needs of SMEs. As some of the owners and operators of small and medium-sized enterprises are women, this initiative will also benefit women.
- *The Royal Initiative Project “Sufficiency economy”*: This project was designed by the Ministry of Interior to decentralize the industry and to empower the communities by using the process of economic self-reliance and participation in the development process. It includes five strategies and nine programmes which have been implemented in accordance with royal initiatives. Women are one of the target groups of this project. They can ask for assistance when they lose their job due to the economic crisis, and return to rural areas to contribute to their families’ income.

At the international level, Thailand has ratified ILO core Convention No. 100 on equal remuneration, and ILO Convention No. 19 on equality of treatment for national and foreign workers as regards workmen’s compensation for accidents, as well as the UN Convention on the Elimination of All Forms of Discrimination Against Women. It has also adopted several international instruments such as the Beijing Declaration and Platform of Action for the Advancement of Women, the UN Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights, and the UN International Covenant on Economic, Social and Cultural Rights.

Assessment of the factual situation

Since 1997, Thailand has been facing an economic crisis. The overall economic situation has had an impact on women in many ways, affecting their family life, education, job security and, in particular, their working life as the majority of the labour force are women. There is a concentration of women in a relatively narrow range of occupations which, for the most part, are low-skilled, low-status, low-paid and with fewer opportunities for upward mobility. Many women are engaged in irregular forms of employment, especially in the informal sector, and live at the margins of subsistence. This places many women beyond the reach of formal labour legislation and social protection. All these characteristics combined, place women in a particularly vulnerable position in times of crisis. However, as the following examples illustrate the number of women in high-ranking positions has also increased.

Government sector

Number of women in comparison with men at all levels of the judiciary

Percentage of female and male judges, 1986-98

Level	1986		1993		1995		1998		Total
	F (%)	M (%)	F (%)	M (%)	F (%)	M (%)	F (%)	M (%)	
Trial Court	3	97	18	82	17	83	19	81	1 808
Court of Appeal	0	100	6	94	9	91	12	88	336
Supreme Court	0	100	0	100	1	99	2	98	128

F = Female; M = Male.

Source: The Secretariat of the Judicial Service Commission, Office of the Judicial Affairs.

The statistics on the judiciary demonstrate that women have made significant advances. In Trial Courts and Courts of Appeal, the number of women judges has significantly increased from 3 per cent to 19 per cent, and from 0 per cent to 12 per cent, respectively. At the level of the Supreme Court, the percentage of female judges has been stagnant at 0 per cent for over seven years. However, this situation has gradually improved by a 1 per cent increase over three years.

Percentage of female and male attorneys, 1993-97

Year	Female (%)	Male (%)
1993	9.57	90.42
1994	10.56	89.43
1995	10.16	89.83
1996	10.91	86.94
1997	11.56	88.43

Source: Department of the State Attorney Commission, Office of the Attorney-General.

The percentage of female attorneys has risen from 9.57 per cent in 1993 to 11.56 per cent in 1997. Though this increase rate is still low, the data on the percentage of female attorneys, a career perceived to be male-oriented, shows the positive trend of female recruitment in this area.

Percentage of female representation in the civil service, 1993 and 1996

Level	1993 (%)	1996 (%)
11	3.40	6.45
10	8.20	10.60
9	19.20	20.77
8	22.40	29.16
7	33.10	47.33
1-6	56.90	57.60

Source: Office of the Civil Service Commission.

It is interesting to note that among government officers, women tend to be employed in a higher proportion than men in the following categories: civil service, teacher civil service, university officers and local government officers. Men tend to be employed much more in the field of justice.

Percentage of female and male police officers at all levels, 1991-99

Year	Percentage of female and male police officers					
	Commissioned police officers			Non-commissioned police officers		
	Female (%)	Male (%)	Total (%)	Female (%)	Male (%)	Total (%)
1991	6.03	93.97	21 187	2.47	97.53	146 712
1992	6.17	93.83	22 376	2.26	97.74	152 828
1993	7.71	92.29	23 533	2.23	97.77	162 061

Year	Percentage of female and male police officers					
	Commissioned police officers			Non-commissioned police officers		
	Female (%)	Male (%)	Total (%)	Female (%)	Male (%)	Total (%)
1994	7.90	92.10	24 784	3.42	96.58	174 858
1995	n.a.	n.a.	n.a.	n.a.	n.a.	180 974
1996	n.a.	n.a.	n.a.	n.a.	n.a.	187 090
1997	8.36	91.64	28 793	4.26	95.74	200 437
1998	8.27	91.73	37 373	3.86	96.14	203 509
1999	9.68	90.32	28 607	4.05	95.95	181 928

n.a. = not applicable

Source: Personnel Quota Division, Royal Thai Police.

The percentage of female commissioned police officers has increased from 6.03 per cent to 9.68 per cent in 1999. Also, a higher number of female non-commissioned police officers joined the police force in 1999, with figures increasing from 2.47 per cent to 4.05 per cent. Yet, women are still under-represented in the police force, one of the most male-oriented careers.

The National Commission on Women's Affairs (NCWA) is aware of the importance to increase the number of female police investigators to assist female victims of sexual abuse. Thus, the NCWA has put all its efforts into encouraging the Royal Thai Police to be gender sensitive. As a result, 29 female investigators have recently been appointed to deal with female victims at the three police stations, where sexual crimes prevail.

Number of women in comparison with men employed in the diplomatic service

The following data on women in comparison with men employed in the diplomatic service, both in Thailand and abroad, also indicate the number of Thai women in international organizations. It also describes obstacles which prevent women from entering the diplomatic service and working in international organizations.

Officials working in the diplomatic service in Thailand and abroad (as of 30 October 1998)

Level	Men	Women	Total	Percentage female
11	1	–	1	0
10	70	7	77	9.1
9	53	13	66	19.7
8	105	32	137	23.4
7	61	36	97	37.1
6	172	110	282	39.0
5	65	64	129	49.6
4	47	44	91	48.4
3	12	16	28	57.1
Total	586	322	908	35.5

The reasons preventing women from entering the diplomatic service and working in international organizations are manifold. Some women do not want to move abroad because of inconveniences caused by having to take their families with them. The continuity of their children's education can be another problem. Moreover, in countries where there is sexual discrimination or violence, the risks may discourage women from entering the service.

International representation and participation

In 1998, the number of females at the administrative level in the Ministry of Foreign Affairs increased in comparison with 1996. At level 8 [from level 1 (entry level) to level 11 (Permanent Secretary)], there were 137 persons, 23.4 per cent of whom were females. At level 9, there were 63 persons, 23.4 per cent of whom were women. At Level 10 there were 80 persons, with females accounting for 8.8 per cent. Female ambassadors accounted for 7 per cent (out of 57 ambassadors, four were female).

Among the high-ranking officers of the Ministry of Foreign Affairs (levels 7-10) in Thai embassies worldwide, the percentage of female officials amounted to 186 officers in 1996, that is 12.39 per cent. In 1997, it increased to 13.44 and, in 1998, to 13.60 per cent.

Political and public life

The representation of men and women in various appointed and elected positions at the local and national government levels in 1998-2000 is shown in the following table.

Representation of women in local and national politics, 1998-2000

Positions	Female	Male	Percentage female
Local level			
<i>Provincial government:</i>			
– Provincial Governor (2000)	2	74	2.6
– Vice-Provincial Governor (2000)	1	166	0.6
– Deputy Governor (1998)	–	75	0.0
– District Chief Officer (2000)	1	791	0.1
– Bangkok District Chief Officer (1998)	5	45	10.0
– Assistant District Chief Officer (2000)	477	5 556	7.9
<i>Elected local administration:</i>			
– Provincial Administrative Council Member (2000 election)	168	2 020	7.7
– Municipal Council Member (2000 election)	142	1 304	9.8
– Sub-district Administrative Council Member (1998)	12 172	177 034	6.4
– Sub-district head (1998)	131	6 942	1.9
– Village head (2000)	1 462	59 565	2.4
National level			
Member of Parliament (1996 election)	22	371	5.6
Senator (2000 election)	21	179	10.5
Cabinet (1998)	2	47	4.1

Positions	Female	Male	Percentage female
National Political Party (1998)			
Party leader	1	23	4.2
Party secretary	2	22	8.3
Party board of director member	48	321	13.0

Sources: Ministry of Interior, the Secretariat of the House of Representatives, the Secretariat of the Senate, the Secretariat of the Cabinet, Bangkok Metropolitan Administration.

Employment

In 1997, a study by the Thailand Development Research Institute showed that in the leading export sectors where women constituted the majority of the labour force, 70.5 per cent worked in quality control, 66.7 per cent were unskilled labour, 64.4 per cent were skilled labour and 67.8 per cent were office staff. Only 3.7 per cent worked in engineering.

The 1998 (round 1) Labour Force Survey found only 1 per cent of employers were women, 24 per cent were own-account workers, 8 per cent were government employees, 31 per cent were unpaid family workers and 36 per cent private employees. The percentage of unpaid family workers which has decreased from 32.14 in 1996 to 30.97 in 1998 could suggest that more women have entered into paid work or own-account work.

The same survey showed that in the private sector the average wage for a male manufacturing worker in municipal areas was 8,613.5 baht/month, compared to 5,835.9 for his female counterpart (70.17 per cent of the male total). In non-municipal areas, the average wage for females in manufacturing was relatively higher than in municipal areas (76.30 per cent of the male total).

In the service area, wage disparities in the private sector were slightly smaller, with average male municipal wages of 7,922.8 compared to the female average of 5,653.3 (71.35 per cent of the male total). In agriculture and related work, the average wage gap in non-municipal areas was even smaller, with average wages for male agricultural workers of 3,439.2 as compared to 2,878.6 for female workers (83.6 per cent of male workers).

As would be expected, these disparities are also reflected in gender statistics on the lowest and highest paid workers. The 1998 Labour Force Survey (round 1) showed that, in municipal areas, 184,600 men earned less than 2,000 baht/month, as compared to 243,600 women who were in the same position. In contrast, in non-municipal areas, only 42,500 women earned more than 20,000 baht/month, as compared to 132,200 men. Among lowly paid, non-municipal workers the difference was not that pronounced, with 5,220,200 women and 4,181,300 men earning less than 2,000 baht. However, the gender difference was again obvious among highly paid workers in municipal areas, with 287,800 men earning more than 20,000 baht, compared to 139,800 women.

Discriminatory practices found in respect of employment

These practices are reflected in labour inspection statistics, grievances and termination of employment. The 1999 nationwide report on labour inspection shows that most inspected employees were women, i.e. 1,204,565 inspected female employees and 1,012,122 inspected male employees. The report of the same year also showed no cases of grievance and termination of employment with regard to discrimination.

***Efforts made or envisaged to ensure respect,
promotion and realization of these principles
and rights***

The measures taken by the Government to promote the elimination of discrimination in respect of employment and occupation are the following.

Measures to change attitudes that reinforce stereotypes or lead to stereotyping with respect to girls and women, and efforts to address negative attitudes towards girls who wish to study or work in non-traditional areas

In Thailand, there are still stereotypes with regard to the role of females in society. The NCWA and the Department of Curriculum and Instruction Development have reviewed textbooks which present men and women with different and unequal roles. Studies are carried out to evaluate how social values of gender roles are transmitted through textbooks and other readings. The National Education Council will further expand these studies.

At present, the overall situation is better reflected by the numbers and percentages of women enrolled in public universities in fields that have traditionally been male-dominated. For instance, the number of females in the engineering field increased from 12.5 per cent in 1993 to 15.5 per cent in 1995, and to 15.7 per cent in 1997. In 1996, the NCWA, in collaboration with the Australian Government, trained 15 female police investigators to handle sensitively cases related to sexual abuse, violence, and crimes against women and children. At present, there are 23 female police investigators.

As for the number of women employed in the media, there has been no systematic compilation of data so far. However, if one looks at the number of students in mass media programmes in universities, which could be considered an entry into the media profession, there is a larger proportion of female students compared to male students (17 per cent of male and 83 per cent of female in one of the largest state universities in 1998). In general, there is also a larger proportion of female media workers, especially at lower levels, such as reporters. Various studies and discussions show that the number of female professionals who work at the top levels of media organizations is smaller compared to the number of male professionals. More studies should be conducted to see whether the currently larger proportion of female mass media students will guarantee female media professionals a better status in the future.

Despite some improvement, the target set by Thailand of 30 per cent of women in decision-making positions is far from being met. Mechanisms have been set up and measures have been taken by the Government to meet these objectives

For Thailand, affirmative action is a possible approach to dealing with gender issues. The current Constitution clearly guarantees equal rights and states measures to achieve the goal as stipulated in article 30, paragraph 4: "Measures determined by the State in order to eliminate obstacles to or to promote a person's ability to exercise their rights and liberties as other persons shall not be deemed as unjust discrimination under paragraph 3." Follow-up action in accordance with the Constitution has been implemented. Thus, for example, the Bill on the National Human Right Commission, is one outcome, in keeping with the Constitution which states that more than one-third of all its nominated candidates must be women.

Moreover, the relevant government organizations as well as NGOs have tried at all costs to upgrade women's participation in decision-making positions. The NCWA, a policy body, has urged other national commissions to attain the appropriate proportion of women in organizations such as the Social and Economic Consulting Council under the National Economic and Social Development Board, in accordance with the Constitution. The promotion of women, their preparation for leadership, their legal education, training on gender awareness and their promotion have been widely undertaken throughout the country in line with the principles enshrined in the Constitution. However, in order to achieve the goal of 30 per cent of women in decision-making positions, there is no doubt, that more action will have to be taken.

Measures to ensure that Thai women fully participate in the design and implementation of development planning

The measures for promoting gender equality in decision-making positions, included in national development planning, have been spelled out in government policies and in the Constitution. Among the various sections of development planning, women have played vital roles in the social and educational fields. For instance, in the Thailand Development Research Institute Foundation (TDRI), there are 83 researchers and research assistants, 52 (62.7 per cent) of whom are women. However, the number of women in economic development planning is still low and focuses on activities of the National Bank and the Bureau of the Budget. In the Office of the National Economic Social and Development Board, there are 28 female executive officials at level 8, compared to 35 men. The National Commission on Economic Policy and Investment has two female members (2.5 per cent) compared to 78 male workers. In the Joint Public and Private Sectors Consultative Committee, all active members are men.

Access to adequate occupational training

Owing to traditional prejudices, Thai women do not always have access to adequate occupational training, although they represent more than 80 per cent of the workforce in export-oriented industries. The Government has taken steps to enable women to receive training, to take advanced courses in new technologies, and to obtain the necessary skills to remain in the workforce. The Ministry of Labour and Social Welfare (MOLSW) has provided and supported skill development programmes in order to provide women with skills required by the market and to become well-equipped and able to compete with men in the labour market. The following table shows the number of female workers engaged in skill development and training courses for women in non-traditional occupations for the fiscal year 1996.

Number of women engaged in skill development, 1996

Sections	Number			
	Public	Private	Male	Female
Curriculum development technical and management	2 798	299	1 675	1 420
Mechanical technology development	274	0	274	0
Industrial technology development	699	31	567	133
Technical development and industrial arts design	365	0	238	127
Technical development for electricity	1 079	0	555	524
Personnel development	3 483	0	1 949	1 534
Total	8 666	330	5 258	3 738

Source: Ministry of Labour and Social Welfare.

Measures also focus on raising interest and awareness of women's participation in politics and decision-making especially by conducting seminars on disseminating knowledge and information through the media, including radio/TV programmes, newspapers, homepages and campaigns. These measures include advocacy work and occasional meetings with leaders of political parties or executive members, to encourage them to adopt policies and measures for promoting women's participation.

Further measures aim at raising awareness of employers and employees on equal employment, and supporting occupational training for women to give them equal employment opportunities.

Hill tribe people

The Government, through the MOLSW, has authorized, and provides social services to hill tribe people in Thailand, so that they can become good Thai citizens, attain self-reliance and be integrated into the mainstream development and administrative system of the Thai Government. The Government promotes the conservation of natural resources through the participation of hill tribe people.

Currently there are 774,316 hill tribe people in Thailand. They are scattered over 20 provinces. About 464,668 of these people have already obtained Thai nationality.

Disabled people

There are seven centres for 910 persons that provide vocational training in dress-making, tailoring, barbering, hairdressing, leather product making, motorcycle and machine repair, handicraft and electricity. Furthermore, jobs have been provided to 50 people in the Vocational Development Centre for the Disabled People.

Foreign workers

There is a high number of foreign workers in Thailand. They are engaged in many kinds of work and enjoy the right to protection under the Labour Protection Act of 1998 in the same way as Thai workers.

Government

The following human, material and financial resources are allocated to the realization of the principle:

- upgrading the local administrative skills of female elected officials by providing consulting services and in-service training while in office (council members of sub-district administrative organizations, sub-district chiefs and village chiefs);
- enhancing the political skills of female candidates at all levels, through training prior to elections (where a training curriculum has been developed);
- promoting understanding and awareness of politics (structure and mechanisms), gender equality, rights and mechanisms for their protection through the training of master trainers and local participants recruited from community leaders' trainers (most of whom are women);
- appointing more women to high-ranking positions in the government sector;

- allocating a budget through sub-district administrative organizations for activities to provide women with skills for their effective participation in politics;
- integrating gender issues into the administration curriculum/training for district and higher ranking officers, to make them sensitive to gender issues and to ensure the sharing of responsibilities in initiated projects.

The Organization

To empower Thai women, the MOLSW, the ILO and Japan, are jointly undertaking the project entitled, "Expansion of employment opportunities for women in Thailand".

In 1999, the Thai Government ratified ILO Convention No. 100. In order to help the Thai Government fully implement this Convention, technical assistance from the ILO is urgently and highly needed.

Other bodies

Other foundations, associations and councils concerned with women's rights and protection, as well as workers' and employers' organizations are strongly encouraged by the Government to take part in promoting the principle. The Government has also supported the reaching out to new partnerships, i.e. unorganized workers, self-employed persons and employers in small enterprises.

To meet these objectives, Thailand needs the following:

- development of relevant indicators, statistics and information on discriminatory practices in their broader context;
- research studies on obstacles, as well as on supporting factors which contribute to women holding high-ranking positions and women winning elections. Furthermore, data on women's participation in decision-making positions at all levels are needed;
- strengthening the existing human rights networks and supporting the creation of new human rights groups and networks;
- ILO technical assistance;
- strengthening the participation and representation of women in social dialogue.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report has been sent to the following most representative employers' and workers' organizations:

- Employers' Confederation of Thailand
- Employers' Confederation of Thai Trade and Industry
- Labour Congress of Thailand

- The National Congress of Thai Labour.

***Observations received from employers'
and workers' organizations***

So far, no comments have been received from any of the aforementioned organizations.

Thailand

***Observations submitted to the Office by
the World Confederation of Labour (WCL)***

In 1996, the total population of Thailand was composed of 29,837,000 men and 29,872,000 women; 68 per cent of divorced women had sole custody of the children.

In 1998, 93.2 per cent of Thai women aged over 15 years were literate; their number was equivalent to 96 per cent of literate men. Illiteracy has fallen sharply since 1970; 49.4 per cent of women reach the higher levels of secondary education.

Women's wages in agriculture are equivalent to 81 per cent of men's wages, and in industry, equivalent to 70 per cent of men's wages.

Migration from rural zones towards urban zones and a shift towards industrial employment constitute a significant social phenomenon. More than half of persons emigrating from rural zones towards towns are women. Women represent 80 per cent or more of the labour force in seven out of the ten exporting industries.

As regards economic activity, 73.1 per cent of Thai women exercise an economic activity; their number is equivalent to 84.6 per cent of total employment of men.

De facto obstacles persist, impeding the access of Thai women to employment opportunities and to promotion. The statistics show that Thai women represent an important part of the labour force, a result of the necessity for women to make an important addition to family income and also of the demand in the modern labour market. In the textile, frozen food, precious stones, footwear and other sectors, more than 75 per cent of the workforce is made up of women. Similarly, a significant number of women work in the tourism industry. The call for domestic workers, for women workers in industry and in the service sector (above all in restaurants) shows that there are employment possibilities for young women.

Women begin work at a younger age than men. This can mean that they are deprived of a better education with the resultant limitations in employment options.

They are in fact concentrated in lower qualified and less well-paid employment. Their average salary is 70 per cent that of men in the same branch of industry. In the service sector, the differences are more marked still: women are paid 62 per cent of the salary received by men.

The preponderance of women among less well-paid workers reflects inequality in respect of access to education, but also their greater participation in the informal sectors of

the economy. Many sectors of the economy (in particular those related to export industries and services involving only slight technical complexity) depend on unofficial forms of labour agreements and on personnel employed on a daily basis, working at home. It is very easy for employers to avoid the obligation to respect the minimum wage and ignore the rights to paid leave or maternity leave.

Independent women workers represent the majority of this group; they do not benefit from any legal protection and in general have low incomes.

Workers' rights are not restricted under any legal provision. In principle, all official obstacles to employment and the promotion of women in the public administration were abolished when Thailand withdrew all reserves it had put forward in respect of the UN Convention on the Elimination of All Forms of Discrimination Against Women. However, in the private sector, there are neither laws nor regulations preventing employers from applying discriminatory criteria in the recruitment of their workers. For example, job offers are addressed distinctly to men or to women according to current stereotypes. There is a need to raise awareness of this issue.

The country has established a permanent mechanism at national level to promote women and protect their rights (the National Committee for Matters relating to Women) responsible for formulating policy or developing plans in favour of women. One of this Committee's tasks was the collection and publication of statistical data on the social condition of women.

The Constitution of Thailand has, since 1994, contained a clause explicitly stipulating equality between men and women. On this basis any bill considered to be anti-constitutional can be referred to the Constitutional Court and be halted, or sanctioned in case of discrimination. However, in practice this procedure has seldom been used. The effect is dissuasive and legal consequences are few.

Until 1997, the legislation contained no act forbidding discrimination in respect of women (apart from clauses of the Constitution).

The country has adhered to the UN Convention on the Elimination of All Forms of Discrimination Against Women for several years.

Two standards protect women workers: one governing the minimum wage, the other a Decree on equal pay for equal work. However, many men and women work for less than the minimum wage, since employers find ways to avoid these provisions through subcontracting. Given these circumstances, in practice, it appears that the instrument on equal pay is not applied.

Regarding the legal and practical situation of women, the legislation stipulates that women who have completed more than 180 days of work are entitled to 90 days' maternity leave, with cash benefits. However, women workers in the private sector have difficulty in obtaining this right in the face of the employers' attitude. Furthermore, although the law forbids dismissal in case of maternity, there are no cases where sanctions have been applied against an employer who has dismissed a woman on these grounds.

Uganda

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of discrimination in respect of employment is recognized in Uganda.

Uganda is a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979 and the ILO Vocational Rehabilitation Employment (Disabled Persons) Convention, 1983 (No. 159).

The National Constitution of Uganda of 1995 embodies the provisions of this Convention, and article 21 provides for equality of opportunity and freedom from discrimination:

21(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

21(3) No discrimination on the grounds of social or economic standing.

Article 32 of the Constitution provides for affirmative action in favour of marginalized groups of people on the basis of gender, age or disability for the purpose of redressing the imbalances.

The Ministry of Gender, Labour and Social Development has the mandate of mainstreaming special groups to ensure equal opportunities.

Discrimination is defined to cover all forms of discrimination as outlined in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Although the National Constitution provides a framework for the recognition of the broad principle, it does not cover the informal sector and domestic services. The Employment Decree is still under review to widen the scope and coverage.

The draft employment policy, when adopted, will provide guidelines for the elimination of discrimination in respect of employment and occupation.

Assessment of the factual situation

The lack of statistics and information continues to be a problem, which affects the assessment of the factual situation.

The vulnerable groups affected include women, youth, persons with disabilities and persons with HIV/AIDS.

Statistics on occupations, wages, promotions, fringe benefits, training, injuries and other relevant statistics necessary for assessment of the factual situation are lacking. Women in the informal sector experience poor working conditions (low pay, poor work environment, lack of social security, inadequate access to health services, no paid maternity leave, etc.). The attached table (excerpted from *Women and Men in Uganda*:

Facts and Figures 1998, table 6.2 on page 53 [not reproduced]) gives data on the number of women in top decision-making positions in Uganda as of July 1997.

The statistics reveal that the overall number of women active in political participation and decision-making positions is still low, compared to that of men.

Identification of gender issues for persons with disabilities has been studied with respect to their educational, employment characteristics and age. The employment status of persons with disabilities is indicated in figure 7.5, on page 59 of the booklet on *Women and Men in Uganda: Facts and Figures 1998*. Persons with disabilities find it difficult to enter the world of work because of their particular needs in terms of training, the kind of jobs they are able to do, physical access to workplaces and societal prejudice. However the Government intends to undertake a two-pronged approach at mainstreaming persons with disabilities through the National Rehabilitation Scheme as well as the Community-based Rehabilitation Programme.

The working population constitutes a sexually active age group of the population. They are vulnerable to contracting HIV/AIDS and likely to be discriminated against by employers and fellow workers when infected with HIV/AIDS.

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

The Government has put in place the Human Rights Commission which, among others, investigates, at its own initiative or on a complaint made by any person or group of persons, the violation of any human right.

In addition, the Inspector General of Government (IGG) and the Minister responsible for Ethics and Integrity under the President's Office, all work towards ensuring respect and promotion of the principle of the elimination of discrimination in respect of employment and occupation.

The Government has taken a number of steps to ensure the application of this principle.

An Equal Opportunities Commission in the Ministry of Gender, Labour and Social Development is in the making. A draft concept paper on equal opportunities has been prepared as a working document for a workshop to be held, for all stakeholders concerned.

A national council on disability has been formed by the Ministry of Gender, Labour and Social Development. The broad objective of the council is to ensure equality of opportunity for persons with disabilities, monitor service delivery for people with disabilities, advocate for, and promote, effective services and collaboration between stakeholders.

The Universal Primary Education (UPE) programme aims to promote equality in employment starting with education.

Affirmative action is an ongoing effort by the Government to eliminate discrimination in employment and occupation.

There are political organs for women, youth, and persons with disabilities participating in policy and decision-making.

Gender sensitization and awareness-creation activities have been carried out by the Directorate of Gender in the Ministry to eliminate gender-based discrimination.

The draft national employment policy has a component on mainstreaming special target groups, which include, women, youth and persons with disabilities.

The objectives of the Government with a view to the observance, promotion or realization of these principles and rights are: the fulfilment of fundamental rights of all Ugandans to social justice and economic development, to ensure that all Ugandans enjoy equal rights and opportunities including access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security, pension and retrenchment benefits.

A subregional workshop was hosted in Kampala in October 1999, on discrimination in the world of work. However, more sensitization and awareness raising are still required to educate the stakeholders, employers and workers and the general public on the principle of elimination of discrimination in respect of employment and occupation.

There is need for improvement in the collection of data and information related to the application of the principle. In fact, there is need for carrying out surveys and research and to develop appropriate indicators. There is need for the training of labour inspectors in the collection of disaggregated data and data analysis. This will strengthen the monitoring system of the labour inspectorate.

Legislative reform is under way to incorporate provisions with regard to vulnerable groups. One of the measures is the setting up of the Equal Opportunities Commission. However, there is also need to strengthen the capacity of government agencies and employers' and workers' organizations to articulate the interests of the vulnerable groups affected.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report has been sent to the Federation of Uganda Employers (FUE) and the National Organization of Trade Unions (NOTU).

Observations received from employers' and workers' organizations

Any observations received by the Government from employers' and workers' organizations will be forwarded to the ILO.

Annexes (not reproduced)

- *Women and Men in Uganda: Facts and Figures 1998* (excerpts).

United Arab Emirates***Means of assessing the situation***

This report was prepared by the Government of the United Arab Emirates. The report provides information on the law and practice in areas covered by the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and covers the period ending April 2000.

Assessment of the institutional context

National legislation to prevent discrimination in employment and occupation

The Constitution of the United Arab Emirates includes general principles governing labour relations in both the private and public sectors, and provisions on non-discrimination in employment and occupation. These provisions are stated below:

Article 14

Equality, social justice, the provision of safety and security and equality of opportunity for all citizens shall be the bases of the community. Mutual cooperation and respect shall be the affirming bond between all citizens.

Article 17

Education shall be a primary means of social development. It shall be compulsory in its primary stage and free at all stages within the Union. The law shall prescribe the necessary plans for the propagation and spread of education at various levels and for the eradication of illiteracy.

Article 20

Society shall esteem work as a fundamental basis of its development. It shall strive to ensure that work is available for citizens and to ensure that they are prepared for it. It shall take such steps as are necessary to ensure this by providing legislation to protect the rights of the employees and to protect the interests of the employers, bearing in mind developing international labour legislation.

Article 25

All persons shall be equal before the law. No discrimination shall be practiced between citizens of the Union by virtue of race, nationality, religious belief or social position.

Article 34

Every citizen shall be free to choose his occupation, trade or profession within the limits of the law, due consideration being given to any regulations prescribed for any such professions and trades.

No person may be subjected to forced labour except in exceptional circumstances provided for by the law and in return for compensation.

Article 35

Public service shall be open to all citizens on a basis of equality in accordance with the provisions of the law.

Public service shall be a national service entrusted to those undertaking it. The public servant shall aim, in the execution of his duties, at the public interest alone.

Federal Law No. 8 of 1973 to regulate the civil service

This law regulates the filling of vacancies in the public service without discrimination between males and females. As it is the case in most States, this law provides for equal opportunities, which depend on qualification and experience, through mechanisms such as proposals to fill vacancies, monitoring appointment procedures, and monitoring the application of the law.

The relevant provisions of the Public Service Law are the following:

Section 8 of the previously mentioned Law determines the procedures governing appointment in positions as follows:

In order to be appointed to one of the posts referred to in the preceding article, the candidate must:

- be a citizen of the United Arab Emirates. If no citizen of the United Arab Emirates applies for the post, priority shall be given to nationals of Arab countries;
- display good conduct and have a good reputation;
- not have been sentenced to any period of imprisonment for a criminal offence, unless he/she has been pardoned by the authorities or rehabilitated in accordance with the law;
- not have been dismissed from employment as a result of a sentence or final disciplinary decision, unless four years have elapsed since the date of the sentence or decision;
- be at least 18 years of age. Age shall be established on the basis of a birth certificate or entry in the official register. Otherwise, the competent medical entity shall determine the age, its decision in this regard being final;
- furnish proof of the qualifications required for the post;
- have his/her physical aptitude for the post established by the competent medical entity. Officials appointed by decree shall be exempt from this requirement. The terms of physical aptitude shall be laid down by a decision of the Civil Service Council, with the agreement of the Ministry of Health. If an order of the competent ministry is adopted, it may, subject to an opinion from the Civil Service Council, give exemption from the physical aptitude requirement.

The Civil Service Council may determine what procedures shall be used to ensure that the best candidates are chosen.

Section 9

In order to be appointed to a public service post, the candidate must hold one of the following:

- a university degree or equivalent diploma in a relevant subject area (for first or second category posts);
- a secondary school certificate or equivalent diploma in a relevant subject area (for third category posts).

Section 13

Vacant posts shall be advertised, with details of the application procedure provided.

However, any official who has left the service may be reappointed at the same grade and salary as previously, provided that he/she left the service no more than five years previously and has not been dismissed as a result of a sentence or disciplinary decision.

However, as an exception to the aforementioned provision and subject to the approval of the Civil Service Council, the former official may be appointed to the grade above his/her previous one and at a higher salary if he/she meets the conditions of article 8 of this Act and if the work done outside the public service represents useful experience for the new post. In this case, a single extra grade may be granted, provided that the official does not thereby exceed the salary and seniority of former colleagues who were at the same level.

Section 15

It is possible to appoint non-citizens of the United Arab Emirates to provisional or permanent posts, in accordance with the conditions laid down in the preceding article. Appointments shall be made on the basis of a contract, in accordance with the rules and conditions laid down by the Council of Ministers, on the proposal of the Civil Service Council.

Section 50

Special unpaid leave may be granted to an official whose spouse has been sent abroad for a period of one year on a training course, educational leave, secondment, departmental loan or mission or is transferred to a post abroad, or has been appointed to work for an international organization or an Arab or foreign government.

Section 51

A female official shall be entitled to maternity leave of one-and-a-half months which may not be deducted from other leave. Female workers in the private sector shall receive the same treatment in the event of pregnancy or childbirth.

Under Section 52(a), a Muslim female official shall, in the event of the death of her spouse, be entitled to special paid leave of four months and ten days from the date of her spouse's decease. Such leave shall not be deducted from her normal leave entitlement.

In order to keep civil servants with extensive experience, whether nationals of the UAE or non-nationals, male or female, article 90 of the previously mentioned Law permits the extension of their service for five years beyond 60 years of age.

Education and training

With a view to encouraging citizens, men and women, to study, and develop their potential, the Council of Ministers issued Decree No. 21 of 1987, which allows each male and female civil servant to take educational leave, to be absent to attend a training course, or to take examinations.

The Government has also established the Institute for Management Development where civil servants are trained to enhance their capabilities and competencies in order to improve systematically the functioning of the administration. The Government has also encouraged the setting up of vocational and technical training centres to improve the capacities of staff in all fields. In addition, in the area of general and higher education, the State has established several universities and high schools with different programmes in the sciences and humanities.

The private sector

The Federal Law to regulate the employment relationship (No. 8 of 1980), and amendments thereto, as well as decisions issued for their implementation include the principles laid down in the Constitution. They incorporate, in all their provisions, the principle of equal remuneration for men and women workers, and equality in conditions of service between nationals and non-nationals

Efforts made or envisaged to ensure respect, promotion and realization of these principles and rights

No efforts have been made in this respect. In addition to the principles emphasized by the Constitution of the UAE in this field, the Labour Law does not include any particular actions concerning specific categories of persons or any distinctions between persons. The previously mentioned Law does not provide for any exclusion in respect of jobs, occupations or sectors from its scope of application in the area of employment and occupation.

Representative employers' and workers' organizations to which copies of the report have been sent

A copy of this report shall be forwarded to the Federation of Chambers of Commerce and Industry, representing employers, and to the Coordination Council for Professional Associations, representing workers.

United States***Means of assessing the situation***

Assessment of the institutional context

There are no changes or supplementary information to report.

Representative employers' and workers' organizations to which copies of the report have been sent

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the United States Council for International Business (USCIB) had the opportunity to comment on the report as it was being drafted, and copies are being submitted to them as required under article 23 of the ILO Constitution.

United States***Observations submitted to the Office by the International Confederation of Free Trade Unions (ICFTU)***

The United States has not ratified either the Equal Remuneration Convention, 1951 (No. 100), or the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The law provides for equal rights regardless of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Women make up 45 per cent of the labour force, up from 37 per cent in 1970. Women earn on average 75 per cent of men's earnings. For black women, the average level of women's earnings compared to those of men is 65 per cent and for Hispanic women, 57 per cent. Women, furthermore, often experience a "glass ceiling" when considered for promotion to senior posts.

Legal remedies available to victims of discrimination either compare favourably or are superior to those available in most other countries. However, because labour legislation does not provide adequate protection for employees, they can be, and are subject to, arbitrary dismissals and other arbitrary changes in their conditions of employment. In many situations it is difficult, if not impossible, to distinguish arbitrary behaviour on the part of employers, which may be permitted by law, from discrimination.

There are many reports of sexual harassment at the workplace. Recently there have been cases of heavy legal penalties against employers who fail to prevent sexual harassment. For example, substantial compensation was agreed by an [enterprise (named)] in 1997, and this may lead to more serious attention being given to this problem. The Equal Employment Opportunities Commission (EEOC) has been pursuing similar cases.

Provisions against discrimination with regard to people with disabilities are contained in the Americans with Disabilities Act.

While the law generally provides satisfactory provisions against discrimination, in practice women receive much lower remuneration than men and other forms of discrimination persist.