

The elimination of discrimination in respect of employment and occupation

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The elimination of discrimination in respect of employment and occupation

Antigua and Barbuda

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

Women face discrimination both in society as a whole, and in the labour market. In Antigua and Barbuda, while women make up 45 per cent of the employed workforce, they are greatly outnumbered by men in professional jobs. A Directorate of Women's Affairs exists to promote the economic advancement of women, but has had a negligible effect.

Government observations on ICFTU's comments

The observation submitted to the ILO by the International Confederation of Free Trade Unions (ICFTU) on the elimination of discrimination in respect of employment and occupation (text cited) leaves the Government appalled at the dishonesty of the author.

The data supplied by ICFTU are skewed in many respects – women outnumber men in professional jobs in Antigua and Barbuda. The Directorate of Women's Affairs has had more than a negligible impact on the socio-economic advancement of women in this country – the Labour Laws of the land outlaw discrimination against women in the labour market, and the practice is intact.

The Government often come across negative statements such as this one, when organizations are attempting to make a case for the funding of gender projects.

Bahrain

Government

Means of assessing the situation

Assessment of the institutional context

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

Articles 4, 16 and 18 of the Constitution, which provide for equality and equal opportunities for citizens, are pillars of the society and are guaranteed by the State. People are equal in terms of human dignity, and citizens shall be equal before the law with respect to 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 the law. This is reaffirmed in the Bahraini labour law for the private sector as well as by laws on employment for the 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 with 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.

For example, the aforementioned measures, which are contained in the labour law, cover the following subjects: employment of women (articles 59 to 65); persons with disabilities (articles 17 to 25); and the employment of young persons (articles 49 to 58). In addition, certain jobs and work are allocated in the public administration and the private sector to persons with disabilities. This does not mean that this category of persons is discriminated against vis-à-vis other categories, even if the Convention so allows. Rather, 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 principle.

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 for the elimination of discrimination.

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

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

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

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

China

Government

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

With the cooperation of the International Labour Office, the Chinese Government held regional seminars on ILO Convention No. 111 in Yinchuan, capital of Ningxia Hui

Autonomous Region, and Guiyang, capital of Guizhou Province, in September 2000. In September 2001, seminars on Convention No. 111 were held in Shanghai and Beijing.

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

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

Comoros

Government

Means of assessing the situation

Assessment of the institutional context

The first meeting of the High Council for Labour and Employment (CSTE) was held on 26 and 27 September 2001, thanks to the technical and material support provided by the International Labour Office, and especially the International Labour Standards specialist in the ILO's Multidisciplinary Advisory Team for East Africa (EAMAT).

That meeting enabled the Government to submit its ratification plans for the Discrimination (Employment and Occupation) Convention, 1958 (No.111), and to obtain favourable responses from the social partners in this regard.

The Government takes this opportunity to thank the International Labour Office for the technical and material assistance it gave through EAMAT (Addis Ababa) and the ILO Office in Antananarivo (Madagascar). This assistance made the success of the first CSTE meeting possible.

The Government wishes to reiterate its request for a national programme for the follow-up to Declaration in order to promote the struggle against all forms of discrimination against women, especially by strengthening the labour administration system, the participation of the social partners and social dialogue.

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

Copies of this report were sent to the Employers' Organization of Comoros (OPACO), and the Confederation of Independent Unions of Comoros Workers (USATC).

Observations received from employers' and workers' organizations

This report was prepared in consultation with the social partners.

Any comments that may be submitted by the social partners will be forwarded to the ILO as soon as the Government receives them.

Estonia

Government

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 draft Gender Equality Act has been submitted to Parliament for adoption. We expect that this Act will be adopted by the end of 2001.

The draft of the Employment Contracts Act has been submitted to Parliament and has passed its first reading. We expect that the Act will be adopted by the end of 2001.

The principle of the elimination of discrimination in respect of employment and occupation is recognized and implemented in Estonia.

Problems of discrimination in employment are regulated by the Constitution and the labour laws. The following laws provide for the elimination of discrimination:

- paragraph 12 of the Constitution states that 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 opinions, property or social status, or on other grounds;
- the Employment Contracts Act (1992) will be repealed in 2002 and replaced with a new Act concerning individual employment contracts;
- the Wages Act paragraph 5, entitled “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 opinions, or attitude to service with 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 or categories of persons are excluded from the implementation of the principle and right relating to the elimination of discrimination in respect of employment and occupation.

The Employment Contracts Act does not cover work where persons conduct religious services in religious organizations, if the fundamental rules of such an organization do not require the organization to enter into an employment contract with the person conducting the religious services.

It is prohibited to employ women in some categories of jobs and work.

The Bureau of Equal Rights has been created in the Ministry of Social Affairs, for the implementation of the principles of equality.

Assessment of the factual situation

The Estonian Statistics Office has data available by age and sex structure, wage and working hours by sex and occupation and ethnic group. Further information on the labour market and the labour force is available from the Labour Force Survey. Information on working conditions is available from the Working Life Barometer. Both sources include data on ethnic origin, age and sex.

We do not have any data on religion and race. These problems do not exist in Estonia. A population census was held in 2000. The census provided data on religion, ethnic origin and language.

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

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

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

A project for training unemployed persons of Russian minority groups to set up their own enterprises or to become self employed in northeast Estonia, was initiated in 2000 by the Confederation of Employers. The Government financed the project.

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

In Estonia over 160 women's organizations have been founded. They are involved in activities of 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's Equality and Employment Branch we are planning to hold a tripartite seminar, in the beginning of 2002, on the principles of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and on equal remuneration of men and women.

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 the Confederation of Trade Unions.

Observations received from employers' and workers' organizations

The tripartite ILO Council will re-examine the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and consider possible ratification, in the first half of 2002, after the adoption of the Gender Equality Act and the Employment Contracts Act.

Japan

Government

Means of assessing the situation

Assessment of the institutional context

As regards, conditions in Japan with respect to the abolition of discrimination in employment and occupation, there is nothing to change or add to the previous report (GB.280/3/2).

The following sentences in the previous reports (GB.277/3/2 and GB.280/3/2):

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. However, with respect to seamen, the Seafarers Department of the Maritime Technology and Safety Bureau in the Ministry of Transport and District Transport Bureau as the local branches are established, and the proper number of necessary personnel are allocated at these agencies.

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 Health, Labour and Welfare, the 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. However, with respect to seamen, the Seafarers' Department of the Maritime Bureau in the Ministry of Land, Infrastructure and Transport, and District Transport Bureau as the local branches, are established, and the proper number of necessary personnel are allocated at these agencies."

In addition, the following sentences in the previous reports (GB.277/3/2 and GB.280/3/2):

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, for the enforcement of the Mariners' Employment Security Law subject to mariners, the Seafarers' Department of the Maritime Technology and Safety Bureau in the Ministry of Transport and the District Transport Bureaux as the local branches, 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 Health, Labour and Welfare, the Employment Security Department in the Prefectural Labour Bureau and public employment offices as local

branches, are established. Furthermore, for the enforcement of the Mariners' Employment Security Law subject to mariners, the Seafarers' Department of the Maritime Bureau in the Ministry of Land, Infrastructure and Transport, and the District Transport Bureaux as the local branches, are established.

Furthermore, the following sentences in the previous reports (GB.277/3/2 and GB.280/3/2):

With respect to prohibition of sexual discrimination in employment, in accordance with the Equal Employment Opportunity Law, the Government of Japan intends to guarantee equal opportunity and treatment between men and women in employment and also to ensure the health of female workers with respect to employment during pregnancy and after childbirth (article 1 of the said Law).

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. In addition, the Seafarers' Department of the Maritime Technology and Safety Bureau at the Ministry of Transport and district transport bureaux as the local branches, are established.

should be changed as follows:

With respect to prohibition of sexual discrimination in employment, in accordance with the Law on securing, etc. of equal opportunity and treatment for men and women in employment, the Government of Japan intends to ensure equal opportunity and treatment between men and women in employment and also to ensure the health of female workers with respect to employment during pregnancy and after childbirth (article 1 of the said Law).

Except for public employees and mariners, the Equal Employment, Children and Families Bureau in the Ministry of Health, Labour and Welfare and the Equal Employment Department in the Prefectural Labour Bureau as local branches of the Ministry of Health, Labour and Welfare enforce the Law on securing, etc. of equal opportunity and treatment for men and women in employment. In addition, the Seafarers' Department of the Maritime Bureau at the Ministry of Land, Infrastructure and Transport and district transport bureaux as the local branches, are established.

Assessment of the factual situation

The relevant section of the report for 2001 (GB.280/3/2) 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 periodic 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
1996	0	11	0	0
1997	0	9	0	0
1998	0	1	0	0
1999	0	8	0	0
2000	0	9	3	9

The following sentence in the report for 2001 (GB.280/3/2):

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.

should be changed as follows:

With respect to the Law on securing, etc. of equal opportunity and treatment for men and women in employment, the Equal Employment Department in the Prefectural Labour Bureaux as local branches of the Ministry of Health, Labour and Welfare counselled nearly 28,000 workers and enterprises and implemented administrative guidance for approximately 6,000 cases under the said Law in 2000.

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

The phrase “employees’ obligations to take measures to control the health of women workers” in the report for 2000 (GB.277/3/2) should be changed to “employers’ obligations to take measures with regard to the maternity health care of women workers.”

The following sentence:

In addition, in order to ensure equal opportunity and treatment between men and women substantially, the Equal Employment Department in the Prefectural Labour Bureau provides information on a concrete method of a positive action by a company.

should be added to the following sentences in the report for 2001 (GB.280/3/2):

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 following sentences in the report for 2001 (GB.280/3/2):

“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 material such as posters and calendars to enterprises nationwide;
- (iii) to carry out educational activities through various public relations (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).

should be changed as follows:

The following programmes are being implemented in order to promote fair hiring practices and a screening system by employers (2000):

- (i) to call for industrial organizations worldwide to recruit and screen in writing (107 economic and industrial organizations);
- (ii) to distribute various educational material such as posters and calendars to enterprises nationwide;
- (iii) to carry out educational activities through various public relations (PR) media such as newspapers;
- (iv) to provide training for human rights' promoters for fair recruitment and screening (760 times nationwide);
- (v) to provide training for business management (443 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 report for 2001 (GB.280/3/2):

The Japanese Trade Union Confederation requests "to ratify ILO core labour standards immediately" and "to promote the ratification of ILO core labour standards [through] eight treaties in Asia in cooperation with ILO." (Request for a 2001 to 2002 policy system.)

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

Rengo has no particular comment to make on the Government's report. Rengo understands that the principle of non-discrimination is clearly stated as a constitutional obligation and reinforced by various laws. The Government's fundamental policy effectively follows the principle of non-discrimination. Rengo would be interested in knowing whether there is any obstacle hindering Japan from ratifying the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Rengo does not believe that such an obstacle exists.

Rengo believes that the obligation of a country which ratifies Convention No. 111 is limited to the elimination of any laws or government policies which are contrary to the principle of non-discrimination embodied in the Convention. This obligation requires the Government to abolish discrimination in respect of employment and jobs, which may still exist, in spite of legal obligations (see Articles 2 and 3 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)).

Rengo understands that factual and individual cases of discrimination shall be resolved through the conflict resolution system of the country which has ratified the Convention. Rengo also understands that the Expert Advisers have no power to make recommendations on individual cases, even on those brought to the attention of the ILO. However, this characteristic of the Convention is not clearly understood by ILO

constituents in Japan. Therefore, Rengo requests that the ILO sends an expert (as part of a technical cooperation project) to Japan, to explain the situation and experiences [of other countries] with regard to the Convention (Discrimination (Employment and Occupation) Convention, 1958 (No. 111)).

Kiribati

Government

Means of assessing the situation

Assessment of the institutional context

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

Section 15 of the Constitution provides for protection on the grounds of race, etc. In addition, Part VIII of the Employment Ordinance deals specifically with the employment of Women.

Section 15 of the Constitution also defines the expression “discriminatory” as:

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

Although the Ministry of Environment and Social Development is in the process of including the word “sex” in the definition, the word “discrimination” has no real legal limit, which stipulates measures etc., as would be the case if Kiribati had a specific law on discrimination.

Although there is no defined criterion whereby discrimination in respect of employment and occupation is prohibited, there are cultural and customary barriers to women working in certain professions. For example, women are not allowed to work on foreign ships as masters or crew etc. At this stage, there is no record of women engaged in such positions.

No persons or categories of persons are excluded from the implementation of principles and rights 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, work or sectors are excluded or omitted from the applicable legislation.

The Constitution is enforced through the judiciary. The National Council of Women’s Federations and major Church groups are very instrumental in promoting and protecting the rights of, and issues regarding, women and children.

Assessment of the factual situation

The Pilot National Employment Survey submitted with this report (not reproduced) provides basic statistical data. However, the survey in itself is not complete and efforts have been made to obtain factual data and indicators. This is one of the areas that will be indicated further on in this report (where technical cooperation is requested from the ILO).

It appears from the reports on Case Categories for the years 1998, 1999 and 2000 obtained from the Ministry of Environment and Social Development (not reproduced), that no cases were reported with regard to the elimination of discrimination in respect of employment and occupation. The report presents other social cases apart from the principle in question and therefore the trend cannot be determined, at this stage.

Tables 3.5a and 3.6a, in the extracts from the report on the Statistical Profile on Men and Women, show a clear trend by gender for formal employment by occupation and employment in the public sector.

Table 3.5a. Formal employment by occupation (1978-1995)

Occupation	1978		1985		1990		1995	
	Male	Female	Male	Female	Male	Female	Male	Female
Professionals/ technical	1 011	552	1 077	659	1 204	861	1 743	1 120
Administration/ managerial	90	1	207	10	249	26	414	101
Clerical	594	354	565	490	706	626	385	626
Sales workers	398	169	368	242	309	214		
Service workers	587	258	684	202	730	247	1 048	442
Agriculture/ fishing	350	8	269	4	292	112	374	98
Production	2 166	69	1 869	91	1 613	248	906	186
Mechanics/ not stated	9	9	23	9	230	26	364	17
					43	7	18	8
Total	5 205	1 420	5 062	1 707	5 376	2 367	5 252	2 596

Sources: *Population census reports* (1978, 1985, 1990) for 1995 (provisional figures) [Extracted from *Statistical Profile on Men and Women* (1997) in the annexes, (not reproduced)]

The National Development Strategies 2000-03 (not reproduced) provide information that may allow for a better assessment of the situation in Kiribati (structural, economic, demographic, training and educational factors etc.). The National Development Strategies 2000-03 set out, among other things, the Government's future strategies and priorities in the areas of:

- macroeconomic policy framework;
- public sector reform;

- economic structural reform;
- sectoral strategies and priorities.

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

Workshops and seminars are held on gender issues. The Ministry of Environment and Social Development frequently conducts such seminars and workshops.

The Convention [Discrimination (Employment and Occupation) Convention, 1958 (No. 111)], is currently being translated into the Kiribati language to improve national understanding of the Convention and also to foster positive views as regards the ratification of this Convention in the very near future.

The ILO has provided assistance with the translation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and we anticipate that more assistance would be considered (as requested elsewhere in this report).

The Ministry of Environment and Social Development, the National Council of Women's Federations and major Church groups play an important role in promoting the elimination of discrimination in respect of employment and occupation.

Kiribati is moving towards the ratification of the Convention [Discrimination (Employment and Occupation) Convention, 1958 (No. 111)]. Every effort is being made to meet this objective. However, the practical application and recognition of the principle in the legal system, is an issue of concern in Kiribati.

Since Kiribati is a new member State of the ILO, the Government finds it appropriate at this time to request technical cooperation from the ILO in the following areas:

- assessment of the current situation by determining the practical applicability of the principles of the instrument [Discrimination (Employment and Occupation) Convention, 1958 (No. 111)], identifying obstacles that may pose problems for ratification;
- revision of labour laws and other laws to conform with the principles of the instrument [Discrimination (Employment and Occupation) Convention, 1958 (No. 111)], provision of assistance to make the required amendments, where they are deemed to be appropriate;
- assistance for a progressive move towards the ratification and effective implementation of Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

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

- Kiribati Chamber of Commerce
- Kiribati Trade Union Congress

Observations received from employers' and workers' organizations

Kiribati Chamber of Commerce

The Kiribati Chamber of Commerce agrees with the Government's report on the principle of the elimination of discrimination in respect of employment and occupation.

Kiribati Trade Union Congress

We have carefully read the Government's draft response and we have no comments on the elimination of discrimination in respect of employment and occupation.

Annexes (not reproduced)

- Case categories from the Ministry of Environment and Social Development (excerpts, mimeo)
- Extracts from the Statistical Profile on Men and Women (1997)
- Laws of Kiribati Revised Edition, 1980. Constitution of the Republic of Kiribati
- The ILO-AusAID project to support labour departments in the Pacific (PACLAB/ILO), 1995. *Pilot Labour Market Information Survey* (1995)
- Republic of Kiribati, 2000. National Development Strategies 2000-2003 Uataboan Te Rikirake Ao Te Rau-Working Together for Prosperity and Peace (October 2000).

Kuwait

Government

Means of assessing the situation

Assessment of the institutional context

The State of Kuwait notes that it ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Consequently, the present report deals only with fundamental principles and rights at work related to equal remuneration contained in the Equal Remuneration Convention, 1951 (No. 100), which has not yet been ratified by the State of Kuwait.

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

The State of Kuwait notes that it is undertaking a study aimed at comparing the provisions of the Equal Remuneration Convention, 1951 (No. 100), with national legislation, with a view to ratifying the Convention. The State of Kuwait is committed to the fundamental principles and rights relating to equal remuneration, pending the results of the study.

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

Copies of this report have been sent to:

- Kuwait Chamber of Commerce and Industry (representing the employers);
- General Federation of Trade Unions of Kuwait (representing the workers).

Malaysia**Government****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 the Federal Constitution of Malaysia.

Articles 8 and 136 of the Constitution clearly define “discrimination.”

Article 8(1) All persons are equal before the law and entitled to equal protection of the law.

(2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the grounds 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.

Article 136 All persons of whatever race in the same grade in the service of the Federation shall, subject to the terms and conditions of their employment, be treated impartially.

The criteria by which discrimination in respect of employment and occupation is prohibited, are specified.

Migrant workers are excluded from these provisions because the emergence of this group of workers is a recent phenomenon in Malaysia and these persons are employed on a temporary basis in specified sectors and jobs.

Persons employed in the public sector are excluded from the application of these provisions.

The principle is implemented through Labour Tribunals and Industrial Tribunals. These mechanisms cover all categories of adult workers including migrant workers.

Assessment of the factual situation

No statistics are available at present. However the situation is monitored by the Labour Tribunals and Industrial Tribunals which are empowered to handle complaints in labour-related matters, including those relating to discrimination in employment and occupation.

The Government's efforts aimed at restructuring Malaysian society, have begun to bear fruit by improving the economic situation of Malays, who form the majority, and the indigenous population. Institutions of higher learning and training facilities are open to all members of Malaysia's multi-racial society.

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

The various tribunals that handle labour matters are also empowered to deal with complaints of discrimination in employment and occupation.

Section 60(L) of the Employment Act 1955, administered by the Labour Department, promotes the elimination of discrimination in respect of employment and occupation.

In this regard, new amendments have been introduced in the Federal Constitution to ensure the elimination of gender discrimination.

In addition, section (17) of the Industrial Relation Act states that:

(1) A collective agreement which has been taken cognizance of by the Court, shall be deemed to be an award, and shall be binding on:

- (a) the parties to the agreement, including in any case where a party is a trade union of employers, all members of the trade union to whom the agreement relates and their successors, assignees or transferees; and
- (b) all workmen who are employed or subsequently employed in the undertaking or part of the undertaking to which the agreement relates.

All these legal provisions complement each other in promoting the elimination of discrimination in respect of employment and occupation.

Malaysian society is composed of persons of multi-ethnic origin. The Malays constitute 60 per cent of the total population. Racial harmony has been the cornerstone of the country's economic, cultural and social development. The Government through its various policies has managed to strike a delicate economic and social balance, including in the field of employment and occupation.

Complaints of alleged discrimination that are registered, should be viewed objectively and judged fairly. This principle has been duly complied with, paving the way for a harmonious industrial climate.

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

Copies of this report were sent to the Malaysian Employers' Federation and Malaysian Trades Union Congress.

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

No observations were made by the employers' and workers' organizations.

Mauritania

Observations submitted to the Office by the Free Confederation of Workers of Mauritania (CLTM)

Means of assessing the situation

Assessment of the institutional context

[These comments were received too late to be included in the annual review of 2001; they are therefore being taken into account for the annual review of 2002.]

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference on 18 June 1998 at its 86th Session, which, as an instrument for the protection of basic human rights, represents a major priority for the ILO and trade union organizations, is unfortunately far from being respected in Mauritania.

[Reference is made to matters relating to a ratified Convention.]

Under the Constitution of the Islamic Republic of Mauritania, all citizens are free and equal before the law. The Labour Code and the General Collective Agreement stipulate the following: "There shall be equal pay for equal work. Where conditions of work and output are equal, classification and pay shall be the same for all workers, irrespective of origin, sex, race and status".

However, in practice, matters are quite different, as can be seen from the following:

- (1) citizens are not all free and equal before the law;
- (2) the public administration is feudal. It retains all rights in matters of justice and a slave has no rights before traditional Mauritanian justice;
- (3) over 50 per cent of the population regarded as slaves or of slave origin (*haratine*) are marginalized and excluded from the law concerning working life, as well as being deprived of social, economic and other rights. Such people, therefore, have only the option of unpaid or low-paid work in precarious and inhumane conditions.

Assessment of the factual situation

Labour inspectors, who are few in number and underfunded, behave like representatives of the employers.

Moreover, they prevent workers who have been subjected to arbitrary treatment from using the remedies available in the legislation and in regulations, against their employers.

Companies that on a daily basis violate the legislation through arbitrary practices and discrimination on the basis of trade union, political or group affiliation are never challenged or prosecuted for such practices.

[Reference is made to matters relating to a ratified Convention.]

Government observations on CLTM's comments ¹

The claims of inequality before the law or discriminatory practices attributable to the public administration belong to the realm of fantasy.

The allegation that the Mauritanian administration is “feudal” is absurd, for this is a young administration inherited from the colonial era, which has no connection of any kind with the traditional pre-colonial system. Indeed, the members of the old nobility initially refused to send their children to school, perceiving it as “Christian”. As a result, that class produced very few public servants.

Slavery does not exist in Mauritania, and the allegation that “over 50 per cent of the population regarded as slaves or of slave origin (*haratine*) are marginalized and ... deprived of social, economic and other rights” is erroneous. ² Firstly, the figure belongs to the realms of fantasy, and secondly, nobody in Mauritania is a slave, regarded as a slave or deprived of any rights. However, half of all households live below the poverty line. This affects descendants of all the old social classes.

The social condition of the descendants of former slaves (*haratine* or others) differs little from that of descendants of the old nobility, professional class or others, whether intellectuals, ministers, parliamentarians or officers on the one hand or ordinary public servants, soldiers, small traders, workers, peasants or the poor on the other.

Mauritania, as the first country to have finalized a Strategic Framework Against Poverty, is attempting to meet international poverty eradication objectives by meeting the needs of all who are in difficulty.

This policy has enabled us to roll back poverty by almost ten points over the past decade, and our country has risen from 147th position in 2000 to 137th in the most recent UNDP human development ranking.

In parallel, the rule of law facilitates social progress and guarantees basic human rights and freedoms. The climate of freedom and transparency surrounding the latest municipal and legislative elections was unanimously commended. The introduction of proportional representation in the largest constituencies allows minority parties to be represented in the various levels of government and the introduction of a new type of identity card that cannot be falsified makes all types of fraud impossible.

We are confused by the reference to “traditional Mauritanian justice”, for the whole of the national territory is covered by courts of law and the Government has taken a series of measures to ensure that justice is effective, fair and accessible to citizens.

¹ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, Mauritania ratified the Equal Remuneration Convention, 1951 (No. 100). Therefore, Mauritania will not be requested to report for this category of principle under the Declaration follow-up, as from the next annual review.

² The Government's position on this issue is developed in detail in the report on the Forced Labour Convention, 1930 (No. 29), submitted to the ILO in October 2001.

It is true that there is a traditional institution of justice (the *Cadi*), to which recourse is taken, increasingly rarely, only on the basis of agreement between the two parties. In any case, no one can claim that the official courts are unavailable or inaccessible to him [or her].

It is quite wrong to suggest that the labour inspectors are “representatives of the employers”. However, the Government is conscious of the need to strengthen the Labour Administration’s capacities. It is for this reason that it has requested the ILO’s assistance to make it more dynamic.

As regards the treatment of workers by enterprises, it should be emphasized that labour tribunals have regularly issued penalties for breaches of the regulations. The decisions of these fully independent tribunals are generally favourable to the workers and are subject to immediate implementation.

Mauritius

Government

Means of assessing the situation

Assessment of the institutional context

There has been no change since our previous report for the 2001 annual review (GB.280/3/2) with regard to the elimination of discrimination in respect of employment and occupation in Mauritius.

Assessment of the factual situation

Figures relating to the labour force, activity rates, total employment, unemployment rates and average monthly earnings for the year 1999 have been revised and provisional figures for the year 2000 are now available (see Appendix I, not reproduced).

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

The Coordinator of the Equality and Human Rights Coordination Branch of the ILO in Geneva, was on a technical advisory mission in Mauritius from 4 to 16 August 2001. She was accompanied by the Senior Gender Specialist of the ILO Southern Africa Multidisciplinary Advisory Team (ILO/SAMAT). The terms of reference of the advisory mission were as follows:

... the Consultant will assess and make recommendations on the following:

- (a) the manner in which existing regulations which contain differential rates of pay for men and women could be brought into line with the requirements of the Equal Remuneration Convention, 1951 (No. 100);
- (b) the manner in which labour and other laws should be revised to eliminate discriminatory provisions and to ensure equality of opportunity and treatment in occupation and employment;
- (c) the elaboration of a national programme to promote awareness, understanding and acceptance of the equal status and rights of men and women in work of equal value; and

- (d) the need, if any, for the establishment of an Equal Opportunities Commission and its contribution to the promotion of equal opportunity and treatment in employment and occupation. [extracted from document annexed to report (not reproduced)].

The Recommendations of the mission are awaited.

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

Copies of this report are being sent to the following employers' and workers' organizations:

Employers' organization:

- Mauritius Employers' Federation

Workers' organizations:

- Fédération des syndicats des corps constitués
- Federation of Civil Service Unions
- Federation of United Workers
- Federation of Progressive Unions
- General Workers' Federation
- Mauritius Confederation of Workers
- Mauritius Labour Congress
- Mauritius Labour Federation
- State Employees' Federation
- Free Democratic Union Federation
- Mauritius Trade Union Congress
- Mauritius Trade Union Confederation

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

No observations have been received from these organizations for the period under review.

Annexes (not reproduced)

- Selected Labour Force and Employment Statistics (1990, 1999 and 2000) at <http://neb.itnet.mu/cso/mif/labour.htm>

- Mauritius Egalité [ILO Equality and Employment Branch] Technical Advisory Mission (2001), background document, mimeo.

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

Mauritius has not ratified either the Equal Remuneration Convention, 1951 (No. 100), or the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Constitution prohibits discrimination on various grounds, including race, religion, political opinion, national origin and sex. This is generally respected in practice. Women are under-represented in senior positions, and statistics from 1999 showed that only a quarter of managerial posts were occupied by women. There are differences between the wages and social security coverage received by men and women in the sugar industry.

When export processing zones (EPZs) were first created in Mauritius in the 1970s, the vast majority of employees were women because minimum wages for women in EPZs were 30 per cent lower than they were for men. The 15,000 migrant workers in Mauritius, generally from [Asian countries (named)], face tough living and working conditions, including long working days and cramped living quarters provided by employers.

While legislation requires all large enterprises to reserve three per cent of jobs for people with disabilities, no such legislation requires workplaces to be accessible. As a result many jobs are not available to people with disabilities.

Discrimination is prohibited by law, and this is generally respected in practice. Women are under-represented in senior positions, and over-represented in EPZs. Women also face discrimination in pay and social protection in the sugar industry.

Government observations on ICFTU's comments

1. *Participation of women in employment*

The Constitution of Mauritius prohibits discrimination on the basis of sex. These provisions were reinforced in 1998 and 2000 with various amendments to the Criminal and Civil Codes to ensure that women's rights are protected. The National Gender Action Plan which was approved by the Government in 1999, addresses the issue of gender mainstreaming. Various sensitization and training programmes have been conducted to ensure that gender issues, particularly, gender equity measures are taken into account in decision-making in all sectors (annexed extract of the National Gender Action Plan setting out strategic objectives and actions (not reproduced)).

The participation of women in senior positions has been progressing positively in the public service. Since last year, the number of women permanent secretaries has increased from one to nine and a number of other senior-level posts have been filled by female candidates, thus increasing women's participation, at senior managerial level to about 30 per cent, which is the targeted percentage in many countries.

Government is also undertaking a major education reform programme which will increase opportunities for increased educational attainment for girls and broaden their scope for employment (annexed extract from the Central Statistical Office report of the Continuous Multipurpose House Survey (April to December 1999), outlining the latest indicators in this regard (not reproduced)).

2. Different wages for men and women in the sugar industry

As indicated in the annual report submitted by the Government under the annual follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, an advisory mission led by [an ILO Standards specialist] *inter alia* assessed the manner in which existing regulations which contain differential rates of pay for men and women could be brought in line with the requirements of the Equal Remuneration Convention, 1951 (No. 100). The recommendations of the mission are awaited.

3. Different social security coverage for men and women in the sugar industry

There exists no discrimination based on gender as far as social security coverage of sugar industry workers is concerned. In fact, the National Pensions Act, which regulates social security coverage provides for the payment of contributions based on basic wages. Industrial benefits (both accident and retirement) are paid in accordance with basic wages and contributions made, respectively. As there is a difference between the basic wages of men and women, the contributions and the amount of benefits will invariably be different for men and women.

4. Employment in the EPZ

Wages and conditions of work in the export processing zone (EPZ) are prescribed in the Export Enterprises (Remuneration Order) Regulations 1994, as amended.

When the EPZ was created in 1970, the wages of female factory workers were lower than those of their male counterparts. In 1975, legislation prescribed different wages for female factory workers, male factory workers and unskilled male workers – with female factory workers receiving the lowest rate. The legislation ceased to prescribe wages for male factory workers following a revision made in 1984. The main aim of that decision was to liberalize the wages paid to male factory workers, thereby encouraging their employment. Another revision of the legislation in 1987 removed all gender-biased connotations in the Regulations and prescribed equal wages for male and female employees in all grades. Those measures resulted in an increase in the number of male workers in the sector. The ratio of male to female workers, which stood at 1:4 in 1984 rose gradually to 1:2 in 1987. There has since been no significant change in this ratio which now still stands at 1:2.

5. Conditions of work of migrant workers

The foreign labour force stood at 14,600 in 2000. The majority are employed in the export processing zone.

The hours of work, wages and other working conditions are the same as for local workers in the respective industry. The legislation provides for a 45-hour week, with ten hours of compulsory overtime in the EPZ. Beyond this limit, the worker who is remunerated at more favourable rates in the Regulations pertaining to the sector has a free choice. Many foreign workers voluntarily elect to perform long hours of overtime in order to increase their take-home pay.

In November 1999, a “Special Unit” was set up in the Ministry of Labour and Industrial Relations with the responsibilities, *inter alia*, to carry out routine visits, on an

island wide basis, at undertakings employing foreign labour and to investigate representations made by expatriates regarding their conditions of work.

As from April 2001, this Unit is called upon to carry out workers' education programmes for expatriates within the first month of their arrival so as to ensure that they become well aware, at the very outset, of existing labour laws as well as the conditions laid down in their contract of employment. These programmes also aim at resolving any grievance or dispute at the very initial stage of employment.

Whenever the need is felt, visits of officers of the Special Unit at undertakings are carried out jointly with officers from the Ministry for Employment, which is responsible for the delivery of work permits, and inspectors from the Ministry of Health, to tackle issues falling outside the purview of the labour legislation. Otherwise, when visits are carried out solely by labour inspectors, any shortcomings or complaints with respect to issues not related to labour laws are duly referred to the relevant authorities for appropriate action.

It is to be pointed out that the granting of work permits falls under the responsibility of the "Work Permit Committee", which comprises representatives of the various ministries concerned, including the Ministry of Labour and Industrial Relations. Before granting work permits, the Ministry of Health and the Fire Services have to submit recommendations regarding the living quarters of expatriates and if the accommodation is not within the required norms, the applications are rejected.

During the period January 2000 to June 2001, 71 visits were carried out at workplaces by officers of the Special Unit.

6. Access to workplaces for disabled persons

Subsection 2(e) of section 5 of the Occupational Safety, Health and Welfare Act lays down an obligation on every employer to maintain, so far as is reasonably practicable, any place of work under his control, including the means of access to and egress from it, in an environment that is safe and without risks to health. This provision is meant to cover access by both able and disabled persons. The Occupational Safety and Health Inspectorate, which enforces this legislation, calls on employers to provide suitable access for disabled employees. Such requests are made verbally in the course of inspection visits and through correspondence when delivering building permits.

The Building Act amended in 2000 included a provision concerning access by disabled persons. Specific regulations are being drafted to address the issue.

Myanmar

Government

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 Myanmar.

It was recognized by law in 1964. The “Law Defining the Fundamental Rights and Responsibilities of the People’s Workers” covers all workers who are using their physical or mental capacities in order to earn their living.

There is no discrimination in respect of employment and occupation. All workers have:

1. the right to work;
2. security of employment;
3. the right to leisure;
4. the right to education;
5. the right to maternity leave;
6. the right to sickness benefits;
7. the right to compensation for occupational accidents;
8. the right to social security when unemployed for other reasons;
9. the right to old age security;
10. the right to wages commensurate with the technique of the work done;
11. the right to a gradual rise in the standard of living;
12. the right to a gradual rise in cultural standards;
13. the right of women workers to be treated on the same level as men workers; and
14. the right to a pleasant place of employment.

Discrimination is not practiced in any part of the country. Consequently, it is not necessary to further define discrimination.

Recruitment policies of the Government and recruitment policies defined by law have no bias on the grounds of sex, race, religion etc.

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

The National Working Committee for Women’s Affairs is not directly involved in issues of discrimination in respect of employment and occupation. However, the Committee has a channel of communication to deal with women’s concerns, especially violence against women. This channel may be, and already is often used by women, for complaints of various kinds. So far, there has been no complaint by women about discrimination in respect of employment and occupation.

Myanmar is a signatory to the UN Convention on the Elimination of All Forms of Discrimination against Women, and the national level Committee and the working committees at various divisions and township levels are involved in activities for the

complete elimination of discrimination against women, including discrimination in respect of employment.

Some of the members of the Myanmar Women Entrepreneurs' Association (MWEA) also belong to the Myanmar Maternal and Child Welfare Association (MMCWA), and the MWEA therefore has a greater level of interaction with enterprises in industry and trade. Recently, the MWEA played an active role as a non-governmental organization (NGO) in the field of employment and occupation.

1. Three MWEA executive committee members were invited to give talks to over 1,300 workers at a garment factory on topics of Myanmar culture, women on the job and the activities of the MWEA. This contact provided an opportunity to be informed that national registration cards, or documents substituting for national registration cards, are required by the factory to ensure that all employees have attained the legal minimum age for admission to employment.
2. The MWEA was consulted (as an NGO third party) by Det Norske Veritas (DNV), an international quality management system certification body, for its auditing and certification of [an enterprise (named) in an industrial zone (identified)]. The certification process was for the Social Accountability standard 8000 (SA 8000). This standard includes international instruments such as the ILO conventions relating to employment and occupation. A factory visit by three MWEA members, followed by discussions about the certification process, was undertaken. Furthermore, a seminar for MBA students of the Institute of Economics with the certification team was arranged. More opportunities for such educational experiences and information dissemination can be expected and should be encouraged to promote good practices even further.

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 employers' and workers' organizations and other organizations:

- Myanmar Maternal and Child Welfare Association (MMCWA);
- Committee concerning the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- National Working Committee for Women's Affairs (NCWA);
- Workers Welfare Association (WWA);
- Factories and General Labour Laws Inspection Department;
- Department of Social Welfare;
- Union of Myanmar Federation of Chamber of Commerce and Industry (UMFCCI);
- Myanmar Women Entrepreneurs' Association (MWEA).

Observations received from employers' and workers' organizations

Observations have been received from these organizations [not specified].

Namibia

Government

Means of assessing the situation

Assessment of the institutional context

The Government wishes to inform the International Labour Office that no new information is available to update the report on the elimination of discrimination in respect of employment and occupation that was submitted for the 2001 annual review (GB. 280/3/2).

Oman

Government

Means of assessing the situation

Assessment of the institutional context

The principle is recognized in the Sultanate of Oman. The Sultanate 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. They do not 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 Basic Statute of the State 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.

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

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 for night work in certain occupations. The same applies for

disabled persons, as special types of work are allocated to them. The State is concerned with protecting them from discrimination.

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 Basic 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.

Since the Basic Statute and Labour Law guarantee the elimination of any discrimination in respect of employment or occupation, there is no need for any mechanism.

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 promote equality and non-discrimination in respect of employment and occupation according to the Basic Statute of the State, laws and regulations in force.

The Basic Statute of the State and legislation enacted guarantee principles and rules that guarantee equality and the elimination of discrimination in 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:

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

Observations received from employers' and workers' organizations

The Government has not received any observations.

Pakistan³

Government

Means of assessing the situation

Assessment of the institutional context

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

The Constitution of Pakistan guarantees the right to work and to equal pay, irrespective of gender. Article 2a, which forms a substantive part of the Constitution, guarantees certain fundamental rights, including the right of equality of status and opportunity as well as equality before the law. The article also provides for the principles of equality, and social and economic justice.

Furthermore, article 3 of the Constitution of Pakistan obligates the State to eliminate all forms of exploitation from society and to ensure the realization of the principle, “from each according to his ability, to each according to his work”.

The State is further obligated to secure the well-being of its people, irrespective of sex or caste and so on, by raising their standards of living and ensuring the equitable balance of rights between employers and employees (article 38(a)).

The aforementioned Constitutional provisions have been enforced in the formal sector as well as in the private and public sectors. In other words, women and men in Pakistan receive equal pay in both the private and public sectors.

Under Section 17 of the Civil Servants Act, 1973, which governs the pay of civil servants, no discrimination or bias on the basis of sex exists. Both male and female civil servants are entitled to equal remuneration for work of equal value.

In Pakistan, the laws relating to the payment of wages (i.e. the Minimum Wage Ordinance, the Cost of Living Relief Act and the Payment of Wages Act) apply without prejudice to all industrial workers. In fact, women benefit from extra protection with regard to old age benefits, as they are entitled to benefits five years earlier than their male counterparts.

There are no specific exceptions laid down in the definition of discrimination. In fact, all forms of discrimination are covered by the definition, unless any person or persons are exempted by law.

³ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, Pakistan ratified the Equal Remuneration Convention, 1951 (No. 100). Therefore, Pakistan will not be requested to report for this category of principles under the Declaration follow-up, as from the next annual review.

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

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

The provincial governments implement the principle of non-discrimination in issues relating to remuneration. They promote equal remuneration for men and women for work of equal value.

The legal provisions for implementing the principle of non-discrimination as regards remuneration have already been mentioned, i.e. the Constitution of Pakistan, the Minimum Wage Ordinance, the Cost of Living Relief Act, the Payment of Wages Act and the Civil Servants Act, 1973.

Under Section 17 of the Civil Servants Act, 1973, which governs the pay of civil servants, no discrimination or bias on the basis of sex exists. Both male and female civil servants are entitled to equal remuneration for work of equal value.

Assessment of the factual situation

No indicators or statistics are available or envisaged as a means of assessing the situation with regard to the principle of the elimination of discrimination in respect of employment and occupation.

No data are compiled with regard to the principle of the elimination of discrimination in respect of employment and occupation, due to the unavailability of pertinent information. Trends can be studied and analyzed qualitatively, however, there is apprehension in employing this approach, as it may not be fully objective due to a lack of statistics.

There is no information that might allow a better assessment of the situation in the country.

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

Generally, there have been no complaints of discrimination on the basis of sex, with regard to remuneration. However, no scientific and authentic data are available in this regard.

Work is under way to draw up legislation concerning the introduction of a job evaluation scheme in the workplace and the employment of male or female workers. These are the means being deployed by the Government to promote the elimination of discrimination in respect of employment and occupation.

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

The legal system currently in place does not discriminate between men and women in matters of remuneration for work of equal value. Labour market information systems (LIMS) must be developed for the study of wage differentials between men and women.

With regard to the ratification process, in accordance with the procedure for ratification or otherwise of the Conventions, the texts of the Conventions are sent to provincial governments, the relevant Federal ministries and workers' and employers' organizations for their comments. Thereafter, a summary regarding the ratification or otherwise of the instruments is submitted to Cabinet for the final decision.

The Equal Remuneration Convention, 1951 (No.100) has been ratified by Pakistan in accordance with the Cabinet Decision of 18 July 2001.

[The ratification of the Equal Remuneration Convention, 1951 (No. 100) by Pakistan was registered on 11 October 2001, in other words, after the 1 September 2001 deadline for the submission of annual reports to the follow-up to the Declaration.]

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

The Government has sent copies of this report to the following employers' and workers' organizations:

- Employers' Federation of Pakistan, Karachi
- All Pakistan Federation of Trade Unions, Lahore
- Pakistan National Federation of Trade Unions, Karachi

Observations received from employers' and workers' organizations

No observations have been received from the employers' and workers' organizations.

Observations submitted to the Office by the All Pakistan Trade Union Congress (APTUC) through the World Confederation of Labour (WCL)

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of discrimination in respect of employment is recognized in Pakistan. It is recognized in the Constitution, in laws and regulations and by virtue of a ratified international instrument. Pakistani law prohibits discrimination in remuneration on the basis of gender.

The law does not define the term "gender discrimination". Concerning criteria defining the prohibition of discrimination in respect of employment and occupation (e.g. sex, race, religion, national extraction), it can be stated that the Constitution provides for freedom in employment and occupation for everyone.

With regard to the means for implementing the principle, there are no specific bodies or mechanisms for the elimination of discrimination.

Assessment of the factual situation

There are no relevant indicators or statistics available. Concerning other information that may allow for a better assessment of the situation in the country, it is of interest to note that trade unions publish a different type of survey and report regarding the employment situation in the country (not specified).

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

The present situation does not facilitate the adoption of measures to promote the elimination of discrimination in respect of employment and occupation. However, the APTUC is among the organizations taking measures to promote the elimination of discrimination in employment and occupation.

In recent years the Government has acted only as an observer as regards the promotion and realization of the principle.

There are shortcomings when it comes to implementing laws, rules and regulations. If these shortcomings are not addressed, no other efforts can improve the situation as regards the elimination of discrimination in employment and occupation.

Observations submitted to the Office by the Pakistan National Federation of Trade Unions (PNFTU)

[These comments were received too late to be included in the annual review of 2001; they are therefore being taken into account for the annual review of 2002.]

The almost unanimous adoption of the Declaration on Fundamental Principles and the Rights at Work by the International Labour Organization (ILO) in June 1998, was a landmark in the history of the struggle and efforts to safeguard and promote respect for basic workers' rights enshrined in the core labour standards. The Declaration rightly asserts that by freely joining the ILO, all the members have endorsed the principles and rights set out in its Constitution and the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization. The fundamental principles and rights are enunciated in Conventions that are recognised as fundamental. The Declaration emphasizes that all members have an obligation to respect, promote and realise the following fundamental principles and rights, which are internationally recognized as core labour standards:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

The Pakistan National Federation of Trade Unions (PNFTU) is in a position to state categorically that the situation in Pakistan has not improved or changed. It has, rather, deteriorated, and this should be a matter of great concern for all those who are working to promote respect for the fundamental principles and rights at work.

Of the eight fundamental ILO Conventions, Pakistan has ratified the following five: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

[Reference is made to matters pertaining to the application of ratified Conventions covering freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour and discrimination in employment and occupation.]

[Reference is made to the ratification of the Equal Remuneration Convention, 1951 (No. 100), which Pakistan ratified on 11 October 2001.]

[Reference is made to the matters relating to the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which Pakistan ratified on 24 January 1961.]

It is high time that the ILO and the ICFTU press the Government of Pakistan to ratify all the fundamental ILO Conventions and to ensure respect for the principles and rights that are enshrined in them.

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

[The ratification of Convention No. 100 by Pakistan was registered by the Director-General of the ILO after 1 September 2001; thus Pakistan owed and provided a report under the Declaration Follow-up as regards the principle of the elimination of discrimination in respect of employment and occupation. Convention No. 100 will enter into force for Pakistan on 12 October 2002.]

Pakistan ratified the Equal Remuneration Convention, 1950 (No. 100) in 2001, and it ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) in 1961.

The Constitution prohibits discrimination on grounds of sex, race, religion and caste, but in practice there is widespread discrimination on such grounds.

[Reference is made to the application of a ratified Convention in force for Pakistan.]

The Industry Relations Ordinance (IRO) does not apply to export processing zones (EPZs) and the special labour legislation applicable to these zones does not include a prohibition of discrimination even though 80 per cent of EPZ workers in Pakistan are women.

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

Women and religious minorities face legal discrimination and there is widespread discrimination in employment on gender grounds. Women workers have no protection from discrimination in EPZs. [Reference is made to the application of a ratified Convention.]

Qatar

Government

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of discrimination is recognized by law and applied in practice. The law prohibits discrimination on the basis of sex, race, religion, or other factors.

In practice, this is ensured through the inspection and supervision of enterprises. The administrative as well as judicial systems stipulate deterring measures for any form of discrimination in respect of employment and occupation.

The questionnaires and requests for information addressed to companies and enterprises confirm the non-existence of discrimination with respect to opportunities, wages, working hours, leave and other aspects of employment and occupation.

Assessment of the factual situation

The Labour Department registers the names of individuals looking for employment, both men and women, and proposes their application for jobs in companies and enterprises in the private and public sectors as well as in the banking sector. The Labour Department cooperates closely with employers who usually recruit their personal exclusively on the basis of the educational and technical qualifications required for the positions concerned.

The number of women working in the private and mixed sectors has increased over the years. At present, they account for ten per cent of the workers in the mixed sector. In the banking and insurance sector, Qatari women account for 38 per cent of all workers. Nowadays, the Qatari woman has access to jobs in hotels, the communications and petroleum industries as well as the manufacturing sector.

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

The Ministry of Civil Service Affairs and Housing would like to indicate the following:

The Ministry has submitted the Declaration on Fundamental Principles and Rights at Work and its Follow-up to the august Cabinet of Ministers which considered it and decided to constitute a Committee of the following ministers: Civil Service Affairs and Housing, Interior, Finance and Economic and Commerce, to study the Declaration and to define the position of the State of Qatar vis-à-vis the principles, rights and obligations contained in the Declaration.

The Ministry sought the help of an expert of the ILO (the Regional Office for Arab States) who held meetings with the employees concerned to explain to them the principles and rights, which the Declaration might entail.

The Ministry asked for the help of other experts in the administrative and legislative fields, as well as those concerned with the principles and rights laid down in the Declaration, in order to get information on the ways in which they can be respected, promoted and realized.

The Ministry intends to seek the help of the ILO for the organization of a symposium or meeting for officials and workers in the public and private sectors, in order to discuss the Declaration and the implications of its principles, rights and obligations for all the parties concerned.

The Ministry expresses its thanks and appreciation to the ILO for the valuable contribution and response. It looks forward to continuing and promoting this cooperation in the different fields that concern the fundamental principles and rights in the Declaration.

A national training scheme to prepare Qatari for employment in different sectors and occupations has been set up after consultations with the private and public sector. These consultations made it possible to take into account the needs of women and men in the labour market. It has been possible to define these needs for the next five years as follows: 6,089 jobs, 3,834 of which for men and 2,255 for women.

In addition, we would like to point out that the Government is taking immediate steps to prepare and rehabilitate women for work in different sectors and occupations, and to establish the relevant institutions for training and technical education.

The Labour Department and the Family Development Association (a private establishment) sought the assistance of the ILO. The latter delegated, through the Regional Office of the Arab States, a number of experts who helped to conduct studies and provided expert advice on the issue of labour markets and the potential for more employment opportunities for women. Cooperation in this field is ongoing.

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

Copies of this report have been sent to:

- the Chamber of Commerce and Industry of Qatar;
- the General Committee of Workers.

Saint Vincent and the Grenadines⁴

Government

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 legislation: the Equal Pay Act, No. 3 of 1994; and in the Constitution of Saint Vincent and the Grenadines (5.13 (1-8)).

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

Copies of the report were sent to:

- the St. Vincent Employers' Federation;
- the National Labour Congress.

Annexes (not reproduced)

- Excerpts of the Saint Vincent and the Grenadines Constitution, 1979
- Equal Pay Act No. 3 of 1994

Singapore

Government

Means of assessing the situation

Assessment of the institutional context

We announced our intention to ratify the Equal Remuneration Convention, 1951 (No. 100), this year [2001], at the 89th Session of the International Labour Conference. In order to ensure that Singapore could fully comply with this Convention, we consulted the ILO Programme Coordinator (Standards and Fundamental Principles and Rights at Work

⁴ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, Saint Vincent and the Grenadines ratified the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Therefore, Saint Vincent and the Grenadines will not be requested to report for this category of principles under the Declaration follow-up, as from the next annual review.

Sector) on the requirements of Convention No. 100, during his visit to Singapore from 16 to 17 August 2001. We are taking steps to review our legislation and we will submit the instrument of ratification in due course.

With regard to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), our position has not changed since we last reported to the ILO in 2000 (GB.280/3/2).

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

A tripartite committee comprising representatives from the employers' organization, trade unions and the Ministry of Manpower, was set up in 1999 to look into the problem of discriminatory job advertisements. The Committee formulated a set of Tripartite Guidelines on Non-discriminatory Job Advertisements, which lists the criteria that are unacceptable in the recruitment of candidates, namely: race; religion (unless the job involves performing some religious functions); marital status; age; and gender (unless supported by clearly stated and bona fide rationale).

Employers are encouraged to use the objective criteria listed in the Guidelines, such as: candidates' educational qualifications; relevant skills or knowledge (for example, fluent in English and Malay, Class 3 and 4 driving license); relevant attributes (for example, highly-disciplined, possessing good communication skills); relevant experience; and other job requirements (for example, able to work rotating shifts). The Guidelines also include samples of acceptable and non-discriminatory job advertisements.

With the effective implementation of the Tripartite Guidelines, discriminatory job advertisements are today almost non-existent, except for a very small percentage of job advertisements, which appear in the classified pages. Notwithstanding this, the Ministry of Manpower, together with the other two tripartite partners, continues to encourage employers to select candidates based on their merits and capabilities, as stipulated in the Tripartite Guidelines.

All complaints received by the Ministry against any employer for alleged discrimination, are investigated. Employers who are culpable are warned and advised not to do so [not engage in discriminatory acts]. They take the Ministry's warning and advice seriously and this has contributed to the elimination of discriminatory job advertisements.

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

Copies of this report have been sent to:

- the Singapore National Employers' Federation (SNEF);
- the Singapore National Trades Union Congress (NTUC).

Observations received from employers' and workers' organizations

Comments from both employers' and workers' organizations have been taken into account in this report.

Thailand

Government

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of discrimination in respect of employment and occupation is recognised in Thailand through the Constitution of the Kingdom of Thailand of 1997, the Labour Protection Act of 1998, and the eighth National Economic and Social Development Plan, the adoption of the Declaration on the Rights of the Disabled in Thailand, and the Declaration on the Thai Elderly.

At the international level, Thailand has ratified the Equal Remuneration Convention, 1951 (No. 100), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) which provides for equality of treatment for national and foreign workers and 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: 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

In order to assess the factual situation, statistics on labour inspection, grievances and termination of employment are available.

No discriminatory practices found in respect of employment

The 2000 nationwide report on labour inspection shows that most inspected employees were women. There were 1,118,559 inspected female employees and 905,160 inspected male employees. The report also shows no cases of grievances and termination of employment with regard to discrimination.

Women's issues

1. *Women and the economy*

Current situation

In Thailand, women make up almost 50 per cent of the workforce of which 80 per cent work in rural areas (nearly half of them work in agriculture while the rest work in the industrial, handicraft, business and service sectors). The majority of this workforce only have some primary level education (50 per cent) or have completed only up to that level of education (20 per cent).

The remaining 20 per cent of the female workforce who work in urban areas, work mainly in the service sector (40 per cent); while, the remainder of this workforce work in the business and handicraft sectors. Approximately 30 per cent of urban working women only have early primary school education, while about 15 per cent have completed primary level education and another 15 per cent have passed through university.

In comparison to their female counterparts, only 23 per cent of the male workforce have not completed primary level education and the percentage of the male workforce who have passed through higher levels of education is greater than that of the female workforce.

More than 70 per cent of women working in the top three export industries (which provide the country with foreign exchange), namely, the computer industry, the electronic components industry, and the garment industry, face exploitation. Most female workers are less skilled and earn less than their male counterparts. Furthermore, female workers have little or no bargaining power, work in unfit environments and lack opportunities to develop their skills. Moreover, female workers are always the first victims of layoffs due to economic recession. This situation may push women to work without legal protection, or force them to return to their homes to take up unpaid housework.

Skilled and unskilled female workers face discrimination from employers on the grounds of gender and physiological factors including menstruation and childbirth. Furthermore, female workers not only face discrimination with regard to promotion but they are also subjected to sexual harassment from male employers.

The causes of the aforementioned problems are rooted in longstanding traditions and attitudes in society, according to which a woman's role is to stay at home and take care of her family. Education and training are not seen as being very important for women. This reinforces segregation and discrimination in the labour market. The result is that women in the workforce have a longer and harder road to success than their male counterparts.

Economic record

Table 1. Percentage of employed persons by industry and sex, 2000
(Unit: thousands)

Industry	Women	Women (percentage)	Men	Men (percentage)	Total (women and men)	Total (percentage)
Agriculture and Forestry	4.64	15.42	7.17	23.83	11.81	39.25
Manufacturing	2.62	8.71	2.60	8.64	5.22	17.35
Commerce	2.65	8.81	2.37	7.88	5.02	16.68
Services	2.60	8.64	2.35	7.81	4.95	16.45
Other	0.43	1.43	2.66	8.84	3.09	10.27
Total (%)	12.94	43.00	17.15	57.00	30.09	100.00

Source: Office of the Thai National Commission on Women's Affairs (TNCWA) compiled from the Report of the Labour Force Survey of the Whole Kingdom Round I: February 1999 National Statistical Office

As tables 2-4 show, women workers constitute about 43 per cent of the country's labour force. They are mainly in the service and commercial sectors. There are more women than men in the informal labour market. The majority of workers in the major export-oriented industries are women, except for management positions and engineers. On average, women working in the private sector, both in and outside municipal areas, receive lower wages than men.

Table 2. Percentage of employed persons by sector, age group and sex, 1994

Age group	Formal sector		Informal sector	
	Women	Men	Women	Men
Total	21.4	24.7	78.6	75.3
13-14	11.1	7.00	88.9	93.0
15-24	24.2	21.4	75.8	78.6
25-34	27.9	29.8	72.1	70.2
35-44	21.0	28.4	79.0	71.6
45-59	11.2	22.5	88.8	77.5
60-69	4.0	6.6	96.0	93.4
70 up	2.2	6.1	97.8	93.9

Source: Formal and Informal Labour Markets, the Labour Force Survey 1994 National Statistical Office

Table 3. Numbers of workers by sex, position and industry, 1997

Position	Food processing		Textiles		Garment and footwear		Plastic and chemical products	
	All workers	Women (%)	All workers	Women (%)	All workers	Women (%)	All workers	Women (%)
Unskilled workers	144 022	65.6	92 917	66.2	56 463	65.0	45 994	40.6
Skilled workers	51 995	62.7	33 658	52.2	71 127	81.6	33 836	52.8
Staff Managers	14 850	60.0	5 097	31.5	7 980	71.5	6 865	35.4
QC. Staff	6 201	72.9	3 963	41.1	3 880	85.5	4 013	51.5
Engineers	709	2.2	205	1.2	237	1.1	966	5.4
Office Staff	19 725	71.2	4 577	70.2	8 346	75.4	12 683	52.2
Administrative Staff	4 781	34.5	1 767	31.8	2 910	38.1	4 531	27.4
Total	242 282	64.5	142 084	60.5	150 943	73.6	108 888	45.0

Table 3a

Position	Electronics		Jewellery and ornaments		Total	
	All workers	Women (%)	All workers	Women (%)	All workers	Women (%)
Unskilled workers	86 731	83.2	10 024	75.4	436 151	66.7
Skilled workers	28 294	61.4	25 528	55.0	244 437	64.4
Staff Managers	5 192	60.7	2 879	59.7	42 864	54.9
QC. Staff	7 581	78.1	3 974	86.5	29 611	70.5
Engineer	2 195	4.1	75	-	4 388	3.7
Office Staff	5 876	70.2	4 180	78.4	55 287	67.8
Administrative Staff	2 671	35.6	1 310	47.2	17 969	34.1
Total	138 539	74.9	47 970	63.9	830 707	64.6

Source: Guidelines for workers.

Table 4. Average wages of private employees by sex and area, 1996-2000
(Unit: thousands)

Year	Municipal area		Non-municipal area	
	Women	Men	Women	Men
1996	5.48	7.55	3.09	3.83
1997	6.73	8.52	3.41	4.28
1998	6.61	8.72	3.64	4.44
1999	7.82	10.08	4.55	5.28
2000	7.58	9.37	3.55	4.20

Source: Report of the Labour Force Survey of the Whole Kingdom: February 1996-2000 National Statistical Office

2. *Women and education*

Current situation

Education is important for moulding all human beings (both men and women) into valuable citizens. The Education Act of 1999 focuses on the extension of compulsory education from 6 to 9 years, and on the providing universal basic education for all, up to grade 12. These provisions have increased the educational opportunities for girls.

However, old values and economic factors still cause girls from rural families to have less opportunities of being educated than boys. According to the report of the literacy survey of 1994, 63 per cent of the population over 6 years of age who were found to be illiterate, were women. In 1998, the gender breakdown of primary school students was 48.53 per cent – girls and 51.47 per cent – boys. The situation was reversed in higher levels of education, with girls making up 51.18 per cent of secondary school students and boys, 48.82 per cent. Similarly, at the tertiary level, the ratio was 55.48 per cent – women to 44.52 per cent – men.

In order to expand learning opportunities, the Department of Non-Formal Education provides equivalent primary and secondary education, and students are able to transfer these credits into the formal education system. The Department also has life-long educational and skills training programmes such as programmes to train women in rural areas.

3. *Participation of women in decision-making*

Current situation

At present, the participation of women at the decision-making level in Government and in politics is very small when compared with that of men.

In 1998, women accounted for 17.81 per cent of level nine civil service officials, 9.18 per cent of level ten officials and 3.57 per cent of level 11 officials. In 1999, the percentage of women officials at level 11 increased to 7.14 per cent. In 1998, women comprised 2.67 percent of provincial governors, 00.13 per cent of district heads, and 8.9 per cent of assistant district heads. Figures from 2000 revealed that only 1.85 per cent of sub-district heads and 2.4 percent of village heads were women.

The situation of women does not improve with elected posts, even though women exercise their right to vote more than men do. For instance, in the Provincial Council elections, women made up 52.5 per cent of the voters. In 1996 only 5.6 per cent of Members of Parliament were women, and in 2000 women constituted only 7.7 per cent of Provincial Council members. The number of female candidates in the various elections is relatively low when compared with that of male candidates. Nonetheless, the number of women at decision-making levels in Government tended to increase, little by little, during the last decade.

*Women as key partners at various levels
of decision making [in Government]:*

In the context of social and political reforms aimed at building a better nation, it is necessary to open up opportunities for women to have greater participation in decision-making in Government and politics at every level. Women can become good leaders, by cultivating the many qualities they already possess, such as:

1. honesty and determination when implementing policies and solving problems;
2. diligence and endurance in overcoming obstacles hindering the acceptance of their capabilities, in a society still mired in discriminatory attitudes;
3. gentleness, respectfulness and a willingness to compromise. Women know how to make concessions and how to cooperate with others for the benefit of all; and
4. sensitivity and empathy, which foster careful decision making which in turn is one of the factors for sustainable development.

These qualities often lead women to have a significantly different perspective than men on important issues. Equal participation of women in decision-making will ensure that State policies, work plans and projects reflect diverse viewpoints. This will keep the balance needed for sustainable national development.

4. *Women and health*

Current situation

While everyone in Thailand has access to medical services, the reality is that the services available at government hospitals, are not adequate to meet the needs of the people. At the same time, the basic health services available to women are inadequate due to a limited budget and staff. Thus, many problems arise regarding women's health. The main problems are the following:

(a) *HIV/AIDS*

According to figures for May 2000, about a million people in Thailand have been infected with the HIV virus and 144,248 of them have developed AIDS. The number of men infected with the HIV virus was 112,089 and that of women was 32,159. Even though fewer women than men have AIDS, since heterosexual sex is the main mode for transmitting the HIV virus, women are at great risk of infection, as is any baby born to an infected woman. Transmission from mothers to children is the third-highest cause of HIV infection in the country, accounting for 4.85 per cent of all cases.

(b) *Abortion*

Most abortions performed in Thailand are illegal, since Thai law permits abortions to be undertaken in cases where continuing a pregnancy would be dangerous for the mother or where a pregnancy results from rape or forced prostitution. Available statistics are incomplete, nonetheless, they show that the major reason given for having an abortion is the abandonment of the mother by the father and that 40.5 per cent of females who have abortions are between the ages of 15 and 19. Illegal abortions contribute to the maternal death rate.

(c) *Health and safety at work*

The situation with respect to health problems among female workers is increasingly serious.

Studies show that 30 per cent of women working in textile factories are in poor health. A large number of female workers in electronics factories have higher-than-average levels of lead in their bodies, and more than 70 per cent of them work in environments that do not meet legal and other standards.

In the agricultural sector, many women have had to take up the work left by men who migrated to large cities, to work. Exposure to chemical pesticides and weed killers increases the rate of illness among rural women.

(d) *Mental health*

Rapid changes in the economic structure and changes in society, have aggravated the economic burden and psychological problems suffered by women. Information from hotlines shows that most callers ask for assistance for psychological or family problems. It also shows that twice as many females as males call these hotlines and that most of these female callers are between the ages of ten and 35. An increase in suicides has accompanied the increase in psychological problems.

(e) *Family planning*

Thailand is renowned for its success in controlling its population growth rate. In 1978, the birth rate dropped from 3.8 per cent to a constant rate for the period 1991-1998. However, the use of birth control continues to be the responsibility of women. This is evidenced from the fact that the two most frequently used methods of birth control for the period 1991-1998, were injections and pills. The use of condoms and surgical methods of birth control by men is still very low.

(f) *Pregnancy and breast feeding*

The average death rate from pregnancy, during childbirth and as a result of post-natal complications, fell from 19.4 per 100,000 in 1991 to 10.6 per 100,000 in 1997. Women still suffer and die from pregnancy, while in labour and as a result of post-natal problems, and problems related to unwanted pregnancies. However, many of these cases arise from a lack of knowledge or the failure of some women to seek proper treatment. These deaths could be prevented.

5. *Violence against women*

Definition

“Violence against women” means any gender-based act of violence which results in (or is likely to result in) physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Current situation

- (a) Information from various sources indicates that violence is a problem which occurs in the family, educational institutes, the workplace and in society, in general. Moreover, children and women are victims of physical and sexual abuse, and abandonment.
- (b) The roots of this problem lie in values, discriminatory beliefs of society, economic hardship, the pace of change, and family and societal structures. Other contributing factors are, drug abuse, pornography and the belief that family problems are private, and thus other people should not interfere in these issues. As a result, many victims of violence do not receive help.
- (c) Violence affects individuals, families, communities and society as a whole.
- (d) Laws and legal procedures are not geared towards solving this problem. Moreover some of these instruments, despite having been amended, still have loopholes which allow for violence.

6. *Women, laws and human rights*

Current situation

Thailand has always taken measures to support and develop women’s rights as human rights.

At the international level, Thailand adopted two articles of the Universal Declaration of Human rights, on 10 December 1948, including article 7, which states: “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”

Furthermore, on 9 August 1985, Thailand became a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This Convention obligates States to eliminate discrimination on grounds of gender and to ensure that women and men have equal rights and opportunities.

Thailand had reservations about seven articles when it acceded to CEDAW, however it has gradually adopted most of the seven articles. There are only two articles which it has not yet accepted [adopted], namely: Article 16 on equality in marriage and family life and Article 29 on legal rights to enforce compliance with the Convention, such as, through the International Court of Justice.

At the national level, the 1997 Constitution of the Kingdom of Thailand has many provisions that guarantee fundamental support and protection for universal human rights.

7. *Women and the environment*

Current situation

Women play important roles in the family in terms of managing resources (food, water and so on) to meet the immediate needs of members of their family. Furthermore, women in rural areas are the principal producers of various items to be used by their family. This increases their interaction with the environment.

The responsibilities (which fall mainly on women both in rural and urban areas) involve the use of various products which simplify or enhance work. Some of these products, such as fertilizers, insecticides and chemicals used in agricultural production, can degrade the environment, deplete natural resources and cause pollution; all of which can in turn affect the health and quality of life especially as regards women and children.

Due to the significant roles that women play in decision-making, management and the conservation of natural resources, women will help to preserve the environment and bring about sustainable development.

8. *Women and commercial sex*

Current situation

Globalization has given rise to mass migration of labour, as well as the movement of investment and resources. Thailand, like other Asian countries, has a serious problem with regard to commercial sex, operating in the sidelines of the tourism industry and manifesting itself in other areas. This causes an influx of foreign prostitutes, both those who come to work in Thailand and those who use the country as a passage to neighbouring countries. The sources of their earnings are normally in big cities, border areas and in several nightlife centres, where such activities develop into big business as part of a worldwide network. Hence it is necessary to combine the efforts of various agencies at all levels to confront this problem.

Today, the commercial sex trade is considered as a form of human trafficking, which is illegal on the grounds of human rights. This situation ranks as one of the major problems in the region which needs solutions. The problem of the commercial sex trade is also recognized worldwide as evidenced by discussions in various international meetings such as the Regional Conference on Trafficking in Women and Children, the Ministerial Seminar for Asia and the Pacific Region regarding Transnational Crime Suppression and the seminar on Asia-Pacific Regional Initiatives Against Trafficking in Women and Children (ARIAT), which aimed to seek worldwide cooperation, in taking essential measures to solve the problems.

**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:

The major policy to eliminate discrimination aimed at enhancing opportunities for women and equal treatment as regards remuneration, promotion and quality of life, was initiated by the Department of Labour Protection and Welfare (DLPW). In order to implement this policy, the DLPW has adopted the principle of elimination of

discrimination in respect of occupation as one of the Result-Based Labour Inspection indicators which are used to assess the effectiveness of law enforcement and the quality of life of protected employees. The DLPW has operated the Result-Based Labour Inspection programme since B.E. 2543 [2000]. During that period, advice was given with the aim of ensuring that discrimination was not present in work rules, orders, regulations and the practices of establishments - e.g. the prohibition of marriage for female employees; the prohibition of pregnancy; demands for the termination of pregnancy; the prohibition of female employees working in particular positions; and so on.

In 2000, the Thai Government introduced a policy for affirmative action when it set up the national commission on village funds. Village funds are used as working capital in communities to create jobs and alleviate poverty at the regional level. This policy empowers the community, by equipping them with management skills, and by promoting self-reliance through economic development in cooperation with the Royal Initiative Project "Sufficient Economy." Women are one of the target groups of this project. There is a call for a balance in the numbers of women and men in the committees governing village funds in order to protect the advantages and rights of women when it comes to the use of these funds.

Hill tribe people

The Government, through the Ministry of Labour and Social Welfare, has empowered and provided social services to the hill tribe people in Thailand so that they can become good Thai citizens attain self-reliance and be integrated in the development process and administrative system of the Government. The Government promotes the conservation of natural resources through the participation of the hill tribe people.

In 2000, the Government, through welfare programmes, assisted 465,537 hill tribe people.

Disabled people

Thailand has adopted the Declaration on the Rights of the Disabled in Thailand. The Government has accelerated efforts to assist disabled persons, through measures such as building homes, registering the disabled and providing them with job placement services, and so on, so that they could enjoy equal opportunities to earn a living with good incomes. The Royal Decree for the Rehabilitation of the Disabled (1991), was enacted with the aim of encouraging enterprises with at least 200 workers to employ one disabled worker.

In the year 2000, 116,084 disabled persons throughout the country were provided with assistance. There are nine centres which provide free vocational training in electrical skills, dress-making, tailoring, barbering, hairdressing, the making of leather products, motorcycle and machine repair, and handicraft. A total of 1,091 disabled persons were given training for skill development to increase their chances of being employed. A total of 3,779 disabled persons were assisted in nine public welfare centres for the disabled. Regarding job placements for the disabled, 597 persons have been employed under this government scheme. Furthermore, 1,538 disabled persons have been assisted to become self-employed.

The elderly

Thailand has adopted the Declaration on the Thai Elderly. The programme focuses on the poor and neglected elderly persons. A total of 646,260 elderly persons have been assisted. A total of 2,896 elderly persons have been assisted at 20 public care centres for

the elderly. Similarly, 643,364 elderly persons received services in 17 public services centres for the elderly.

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.

Gender issue

Policy

The Thai National Commission on Women's Affairs (TNCWA), the organization responsible for setting policies to promote gender equality at the national level, has drawn up the following basic policies concerning women and economic affairs:

1. Promotion of women's economic empowerment:
 - increase women's capabilities and access to decent work by supporting women's access to higher levels of education and skills training, (especially career and entrepreneurial training in the formal and informal sectors), continuing education and distance learning;
 - enhance the capabilities of women at all levels (including civil servants, employees in private businesses, entrepreneurs, and housewives), to influence and make economic decisions;
 - support women's access to education in the sciences and modern technology, including information technology, (without the limitations which would force them back into traditional areas of study for women), in order to reduce segregation in the labour market.
2. Labour protection:
 - ensure fair treatment of women and their equal treatment with men in terms of employment and pay which include the protection of informal labour and protection of women and children from sexual harassment by employers.
3. Changes in attitudes:
 - encourage changes in gender-based attitudes (such as discrimination in recruitment, employment conditions and benefits, and segregation in the labour market, which reinforce traditional roles for women) and campaign for greater acceptance by the public, of equal division of labour at work and with regard to family responsibilities.
4. Incorporation of gender perspectives:
 - incorporate gender perspectives in economic policies and work plans of government units, so that their work will produce balanced development.
5. Promotion of gender analysis:

- promote gender analysis and research in order to identify problems and obstacles in the education and training of women and men of both school and working ages, provide information on women workers and determine the effects of globalisation and the economic crisis on women and men.

Implementation strategies:

- promote cooperation between the Government and the private sector to enhance the quality of women workers, and to develop management and marketing skills among women;
- promote the formation of occupational groups and cooperatives, and the expansion of networks to support occupational development and progress for women;
- build the financial strength of women by encouraging the establishment of funds, and soft loans as well as by providing access to economic information and other productive resources.

Accomplishments

The Kingdom of Thailand has a clear policy on ensuring fair wages, safe and good working environments for women and children in the workforce. The implementation of this policy by government units, has so far focused on raising the standards of equality between women and men as well as the standards of labour protection, to meet international levels, for instance:

1. The withdrawal of the country's reservations to particular Articles of the Convention on the Elimination of All Forms of Discrimination against Women:
 - reservations to Article 11 on equal rights and opportunities in employment and Article 15 on contracts (withdrawn in 1990);
 - reservations to Article 10 on quality of education (rescinded in 1995).
2. The ratification by Thailand, in 1999, of the Equal Remuneration Convention, 1951 (No. 100), which provides for equal pay for men and women for work of equal value.
3. Lobbying by the Women and Constitution Network resulted in the inclusion of a clause in support, and for the protection of, women and children in the workforce in the 1997 Constitution of the Kingdom of Thailand.
4. The Cabinet agreed in 1997 to remove the limitations on the numbers of women and men entering higher education, as recommended by the TNCWA.
5. The enactment, in 1998, of the Labour Protection Act in line with the new Constitution.
6. The Government's approval of a budget to promote equal participation of women and men in rural areas, in finding solutions to problems emanating from the economic crisis.

7. The Department of Industrial Promotion supports:
 - a revolving fund to support home industries and Thai handicraft production;
 - regional and local rural industrial development or small and medium-sized enterprises (SMEs) including skills development for home industries and Thai handicraft production.
8. The Department for Skills Development supports:
 - gender-sensitive training for senior management, trainers and officials;
 - the establishment of Skills Development Centres for Female Workers;
 - the production of materials to campaign for skills development for women in fields that they are less to enter, especially that of industrial technology.
9. The Labour Protection and Welfare Department has studied models of group development and legal avenues for the protection of people who are engaged in subcontract work at home.

The Government has been raising the awareness of employers and employees on equality in employment and the necessity of promoting vocational training for women in order to give them the same opportunities for employment as men.

The TNCWA is supervised by the Office of the Permanent Secretary of the Prime Minister's Office. Its tasks include the following: policy research; advocacy; coordination; follow-up and the evaluation of work undertaken to foster gender equality; the protection of women's rights; and women's participation in various fields. It gives advice on laws, amendments to laws, mechanisms and measures. It also serves as an information and public relations centre for women's affairs. One of its current projects is the running of a training workshop on gender analysis for officials at the operational level. This activity will be the focal point of six ministries and three autonomous agencies.

The organization

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

In 1999, Thailand ratified the Equal Remuneration Convention, 1951 (No. 100). In order to help the Government to implement this Convention fully, technical assistance from the ILO is urgently and greatly 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 form new partnerships with unorganized workers, self-employed persons and employers in small enterprises.

*Objectives of the Government with a view to the observance,
promotion or realization of these principles and rights*

The policy of the Government concerning the elimination of discrimination is expressed in the amended provisions, regulations and laws to enhance equal opportunity in employment for men and women, as prescribed under the Constitution of Kingdom of Thailand B.E. 2540.

The Government's targets for developing a sound judicial system and civil rights protection, were set out in the eighth National Economic and Social Development Plan.

Conditions deemed necessary

To meet the objectives of the principle of the elimination of discrimination in respect of employment and occupation, we need the following:

1. Development of relevant indicators, statistics and information on discriminatory practices in their broader context.
2. Research studies on obstacles, as well as on factors which support and 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.
3. Strengthening the existing human rights networks and supporting the creation of new human rights groups and networks.
4. ILO technical assistance.
5. 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
- 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.

Observations submitted to the Office by the National Congress of Thai Labour (NCTL) through the Government

[These comments were received too late to be included in the annual review of 2001; they are therefore being taken into account for the annual review of 2002.]

[The Government of Thailand forwarded to the ILO (Geneva) in February 2001, the comments it received from the National Congress of Thai Labour (NCTL) with respect to the Government's 2000 report (GB.280/3/2) as well as its observations on these comments.]

Inequality between men and women still widely exists. Women are typically in an inferior position vis-à-vis men especially at the administrative level and with respect to wage increments and retirement age. It is suggested that the Government undertake serious promotional measures in order to bring the situation into line with the Constitution of the Kingdom of Thailand of 1997 and the Labour Relations Act of 1998.

Government observations on NCTL's comments

[This reply was received too late to be included in the annual review of 2001; it is therefore being taken into account for the annual review of 2002.]

With respect to inequality between men and women in employment, the Government of Thailand, having considered the Constitution of the Kingdom of Thailand of 1997 and the Labour Relations Act of 1998, has endorsed many national laws and regulations, as well as Cabinet resolutions, to ensure equality with regard to retirement, wage structures, wage adjustment and promotion, among other things.

Uganda

Government

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of discrimination in respect of employment is recognised in Uganda. As already reported, 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 and Employment (Disabled Persons) Convention, 1983 (No. 159).

The National Constitution of Uganda (1995) embodies the provisions of the ILO Convention. Section 21 provides for equality 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 for mainstreaming special groups to ensure equal opportunities.

Discrimination is defined as it is in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The National Constitution provides a framework for recognition of the broad principle, leaving out the informal sector and domestic services. The Employment Decree has been revised to widen the scope and coverage, however it is still in the form of a draft bill to be submit to the Cabinet for consideration. The draft employment policy, when adopted, will provide a good guideline for the elimination of discrimination in respect of employment and occupation.

Assessment of the factual situation

The lack of statistics and information makes it difficult to assess the factual situation.

The groups that are vulnerable to discrimination 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. According to available data (Women and Men in Uganda, Facts and Figures 1998, Sectoral Series: Decision- Making in November 2000 [not reproduced]) there are fewer women than men in top decision-making positions in Uganda.

Structural adjustment programmes have reduced employment opportunities in the public sector. This has led to overcrowding in the informal sector. Women in the informal sector work under poor conditions, lack social protection and suffer from discriminatory social attitudes and practices that still persist and perpetuate unequal division of labour between women and men concerning productive work and the sharing of family responsibilities.

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

As previously reported, the Government has put in place the Human Rights Commission, which, among others things, investigates, at its own initiative or based on a complaint made by any person or group of persons, any human rights violation. In addition, the Human Rights Commission monitors the Government's compliance with international treaties and conventions on human rights. The Commission has the power to summon any person to appear before it and to enforce its decisions. In general, it functions like a court of law.

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 elimination of discrimination in respect of employment and occupation.

The Government has taken a number of steps to ensure the application of this principle. Article 32(2) of the Constitution of the Republic of Uganda (1995) provides for the establishment of an Equal Opportunities Commission to ensure non-discrimination. To this effect, a draft concept paper on Equal Opportunities has been prepared. So far, a task force has been formed and it has reviewed the conceptual paper twice. A national consultative workshop is to be held by November/December 2001.

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 them, as well as advocate and promote effective services, and collaboration between stakeholders.

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

The Universal Primary Education (UPE) aims to promote equality in employment starting with education. The university's policy to offer additional 1.5 points to girls, aims to facilitate their access to university education.

There are political entities for women, youth and persons with disabilities to participate in policy formulation and decision-making activities.

Activities to raise awareness about gender issues 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 policies for special target groups, which include, women, youth and persons with disabilities.

The objectives of the Government regarding 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.

Sensitization is still required. There is further need to educate the stakeholders, employers and workers, as well as the general public on the principle of elimination of discrimination in respect of employment and occupation.

Furthermore, there is a need to:

- improve the collection of data and information related to the application of the principle;
- carry out a survey and undertake further research on the application of the principle as well as to develop appropriate indicators;
- train labour inspectors in the collection of disaggregated data and data analysis. This will strengthen the monitoring system of the labour inspectorate.

The legislative reform to incorporate provisions to cater for vulnerable groups has been completed. The revised laws are still in the form of draft bills to be submitted to Cabinet for consideration. The setting up of the Equal Opportunities Commission is one of the measures under way. However, there is still need to strengthen the capacity of government agencies and employers' and workers' organizations to articulate the interests of vulnerable groups.

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)
- the National Organization of Trade Unions (NOTU)

United States

Government

Means of assessing the situation

Assessment of the institutional context

Since the purpose of the annual review for 2002 under the follow-up to the Declaration is to report on changes that may have taken place with respect to relevant national law and practice since our last report, the Government wishes to state that there have been no changes.

Observations received from employers' and workers' organizations

The American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and the US Council for International Business were advised of and given the opportunity to comment on the present status report.

Copies of this reply are being communicated to them as required under article 23(2) of the ILO Constitution.

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

The United States (US) has not ratified either of the ILO's two core Conventions on discrimination – i.e. the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). While the law generally contains satisfactory provisions against discrimination, in practice, women receive much lower remuneration than men, and other forms of discrimination persist.

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

Women form 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 men's, is 65 per cent. In the case of Hispanic women, it is 57 per cent. Furthermore, women often experience a "glass ceiling" when considered for promotion to senior posts.

Legal remedies available to victims of discrimination in the US either compare favourably, or are superior to those available in most other countries. However, because labour legislation does not provide adequate protection for employees, workers can 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 such legally permissible arbitrary employer behaviour from discrimination.

There are many reports of sexual harassment at the workplace. Recent high levels of legal penalties against employers failing to prevent sexual harassment may lead to more serious attention being given to this problem. The Equal Employment Opportunities Commission (EEOC) has been pursuing similar cases.

Discrimination in employment on the basis of race is prohibited by federal law in the US. Despite this prohibition however, the number of charges filed by individuals who allege racial discrimination at work remains high. In 1992, the Equal Employment Opportunity Commission received approximately 29,500 charges of race-based discrimination. In 2000, the agency received nearly 29,000 such charges, although the value of financial settlements for aggrieved individuals doubled between 1992 and 2000. Racial segregation in employment remains high. For example, 12 per cent of all white employees are in official and managerial classifications in the private sector, while for minorities the proportion is only five per cent.

Migrant workers also face high levels of workplace discrimination, particularly those migrant workers who do not have legal permission to work in the United States. There are more than 6 million of such workers, many of whom pay taxes on their income. The enforcement of immigration law is so weak that employers make great use of illegal migrant workers, to the extent that they constitute a very important part of the US labour force, particularly in certain sectors such as agriculture and services.

However, immigration law focuses on workers employed illegally, and not on the employer who has illegally employed them. As a result, employers often use the immigration authorities when it suits them to do so, such as when workers try to organize a union or demand certain rights or conditions. Those workers identified as union sympathisers are the first to have their papers checked or to be deported in a raid by immigration authorities. There are also cases of employers informing immigration services at the end of a contract, or in the case of agriculture, at the end of a harvest, and having the workers deported to avoid paying them the wages owed.

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, including racial discrimination and discrimination against migrant workers, persist.

The US should ratify ILO Conventions Nos. 100 and 111. Effective positive measures are needed to improve women's situation in the workplace, with the aim of improving women's remuneration and ultimately obtaining equal remuneration for women and men.

While legal protection against discrimination is superior to that available in most other countries, the labour legislation does not provide adequate general protection for employees. This often makes it difficult, if not impossible, to distinguish legally permissible arbitrary employer behaviour from discrimination on prohibited grounds.