



FOURTH ITEM ON THE AGENDA

**Follow-up to the ILO Declaration on
Fundamental Principles and Rights
at Work: Priorities and action plans
for technical cooperation****Contents**

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I. Introduction

1. The Office has given effect to the 1998 Declaration on Fundamental Principles and Rights at Work through general promotional efforts, annual reviews,¹ Global Reports² and by the Governing Body drawing conclusions regarding “priorities and plans of action for technical cooperation to be implemented for the following four-year period” (Declaration, Annex III(B)(2)).³ At its current session, the Governing Body is called upon to consider technical cooperation priorities and an action plan regarding the elimination of discrimination in employment and occupation.
2. This November’s paper, given the restrictions on the length of Governing Body documents, has to dispense with the section on major ILO activities related to the Declaration that used to precede each action plan. The Office will continue to inform constituents of activities in different ways on four important occasions. One is the note circulated each June among delegates at the International Labour Conference that sets out major activities in pursuit of the action plans adopted since November 2000.⁴ The second is the Global Report which, after an interval of four years, come back to the subject matter and which are planned to detail the outcomes and impacts of the various activities realized under the auspices of each action plan. The third is the general paper on the ILO’s

¹ Each annual review consists of two parts. Part I is the “Introduction” by the ILO Expert-Advisers to the compilation of annual reports by governments that have not ratified all core Conventions, as well as of comments thereon by national or international workers’ and employers’ organizations. Part II is the actual “Compilation” of annual reports by the Office. For the first four “Introductions”, see GB.277/3/1, GB.280/3/1, GB.283/3/1 and GB.286/4. The first three “Compilations” were printed as Governing Body documents (GB.277/3/2, GB.280/3/2, GB.283/3/2), the fourth was rendered public through the web site of the Declaration Programme (<http://mirror/public/english/standards/decl/database/index.htm>).

² The first Global Report covered the subject of freedom of association and the effective recognition of the right to collective bargaining. See ILO: *Your voice at work*, Report I(B), International Labour Conference, 88th Session, Geneva, 2000; the relevant discussion can be found in ILO: *Provisional Record* No. 11, International Labour Conference, 88th Session, Geneva, 2000. The second Global Report covered the subject of the elimination of all forms of forced or compulsory labour. See ILO: *Stopping forced labour*, Report I(B), International Labour Conference, 89th Session, Geneva, 2001; and for the discussion, see ILO: *Provisional Record* No. 12, International Labour Conference, 89th Session, Geneva, 2001. The third Global Report was concerned with the abolition of child labour. See ILO: *A future without child labour*, Report I(B), International Labour Conference, 90th Session, Geneva 2002; and for the discussion, see ILO: *Provisional Record* Nos. 13 and 14, International Labour Conference, 90th Session, Geneva, 2002. The fourth Global Report was concerned with the elimination of discrimination in employment and occupation. See ILO: *Time for equality at work*, Report I(B), International Labour Conference, 91st Session, Geneva 2003; and for the discussion, see ILO: *Provisional Record* Nos. 14 and 15, International Labour Conference, 91st Session, Geneva, 2003.

³ See GB.279/TC/3 regarding freedom of association and the effective recognition of the right to collective bargaining, GB.282/TC/5 regarding the elimination of all forms of forced or compulsory labour, and GB.285/TC/4 (reissued as GB.286/TC/2) regarding the effective abolition of child labour.

⁴ See ILO: *Provisional Record* No. 2, International Labour Conference, 89th Session, Geneva, 2001; ILO: *Provisional Record* No. 6, International Labour Conference, 90th Session, Geneva, 2002; and ILO: *Provisional Record* No. 2, International Labour Conference, 91st Session Geneva, 2003.

technical cooperation programme that is submitted to this Committee, the first item on the agenda this November, which also contains relevant information. Financial data, however, are not included on any of these occasions. Therefore, summary data concerning Declaration-related activities are provided in the appendix to the current paper.

II. Key areas of concern and policy responses

3. *Time for equality at work*, the fourth Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, stressed the importance of eliminating discrimination at work for reasons of individual well-being, labour productivity, social cohesion, poverty reduction and social justice. It also showed how fighting discrimination contributes to the realization of decent work. The dynamic global picture highlighted the changing nature of discrimination and showed that the shift from ignorance or denial to remedial action is neither straightforward nor irreversible.

(a) Main issues

4. Eliminating discrimination at work is a moving target: while familiar patterns of discrimination persist, based for instance on race and sex, new manifestations of discrimination emerge, such as those against people living with HIV/AIDS, people with disabilities or older workers. Many Conference delegates this year voiced their concern about the rise in racial and ethnic discrimination. The intensification of cross-border migration, the redefinition of national boundaries in Eastern and Central Europe, which has exposed national minority issues, and the persisting social and economic inequalities in multi-ethnic or multi-racial countries, are at the origin of this rise.

5. Inequalities in remuneration between men and women are a persistent phenomenon everywhere in the world. In the past two decades, the pay gap has either diminished very slowly, stagnated or started to widen again. Differences in education or work experience account only in part for disparities in remuneration; women's employment patterns, biases in pay structures and wage-fixing mechanisms, and the level and degree of coordination of collective bargaining, contribute significantly to the pay gap.

6. At this year's Conference, many speakers highlighted the nexus between discrimination at work and poverty. People who suffer most from discrimination tend to belong to the poorest segments of society, although anti-poverty strategies seldom address the link between poverty and systemic discrimination. At the same time, equality policies focus on enterprises in the formal economy, where only a small proportion of the working poor are found. This points to the need for more innovative approaches to the elimination of discrimination at work and, at the same time, combating poverty.

(b) Key policy interventions to tackle discrimination at work

7. There is neither a "one-size-fits-all" recipe nor a definitive formula for eliminating discrimination at work. Policy responses must be country- and time-specific, and require a combination of policy interventions and tools. The challenge lies in setting priorities, finding the right mix and sequencing of policy measures, and allocating adequate resources for implementation and monitoring.

8. To tackle discrimination at work, it is crucial to know its extent, nature and how it is evolving. Measuring discrimination at work involves more than one dimension and requires a composite equality index (labour force participation rates, sectoral employment, employment status and occupational data and wage or income data should form part of such an index). Significant, though insufficient, progress has been made in the measurement of labour market inequalities between men and women. Much more needs to be done with respect to other grounds of discrimination, such as race and colour, national extraction, age or disability.
9. It is crucial that all individuals, without distinction, have equal access to, and equal opportunities in, the acquisition and maintenance of skills demanded by the labour market. Vocational training policies and institutions must remove the barriers that people subjected to discrimination face at different stages of the training process. The challenges are manifold, especially in the present context of greater enterprise-based and private-public provisioning of training. A thorny problem is volatile and informal work, in which discriminated people are often clustered and which offers only limited training opportunities.
10. The adoption and regular review of anti-discrimination law is an indispensable foundation for all action in this field. Equal pay legislation is crucial to combating discrimination in remuneration between the sexes, as well as between races, ethnic groups, etc. The challenges of enforcing the law are manifold, ranging from the difficulties that victims of discrimination face in obtaining legal assistance and representation, and in proving discrimination, and the lack of knowledge of equality principles by lawyers and judges, coupled with poorly resourced courts or special enforcement bodies. Clear, consistent, and adequately resourced regulatory frameworks, providing the right mix of sanctions and incentives, are essential.
11. The adoption of equal opportunity and treatment policies at both national and enterprise levels is also essential. In order to develop, manage, implement and monitor these policies, it is necessary to establish and build capacities of administrative structures, including solid statistical analysis and widespread dissemination.
12. “Affirmative action” policies are valuable in accelerating the pace at which members of discriminated groups gain access to jobs, education, vocational training, promotion, etc. These policies range from employment equity plans, numerical targets and timeframes to increase the representation of groups who are victims of discrimination at the workplace, and quotas. These measures must be flexible and compatible with socio-political realities and economic possibilities. Regular consultations with all parties concerned and their active involvement in finding and implementing solutions are an effective means of preventing backlash, avoiding stigmatization of the beneficiaries and building support for their implementation.
13. The elimination of discrimination depends strongly on the commitment of and action by employers’ and workers’ organizations and their cooperation with each other and with governments. During this year’s Conference, many speakers emphasized the necessity of strengthening the capacity of trade unions and employers’ organizations to tackle discrimination within their organizations and at the workplace, and gave examples of how this could be done. The importance of creating bilateral and tripartite forums, in order to agree on ways of combating discrimination, was voiced. Collective bargaining was mentioned as a means by which social partners could jointly work towards making equality a reality at work. Social dialogue was referred to as a conduit through which non-discrimination and equality issues could be mainstreamed into social and labour policies.

14. Awareness-raising and advocacy activities targeting workers and employers, as well as society at large, are further key components of any anti-discrimination strategy. This involves collecting and disseminating good practices, nationally and internationally. It also means encouraging media worldwide to emphasize positive images of diversity to counteract negative stereotyping.

III. Action plan regarding the elimination of discrimination in employment and occupation

15. The ILO has made considerable efforts to address sex discrimination and promote gender equality in the world of work. The inclusion of gender equality as an Office-wide policy objective in the Programme and Budget proposals for 2002-03 and 2004-05 is a confirmation of the Organization's commitment to this goal. Further work is, however, needed, especially in respect of equal remuneration, work and family, and sexual harassment. The ILO has also dealt with discrimination against migrant workers, workers with disabilities, indigenous and tribal peoples and people living with HIV/AIDS, mainly through technical cooperation projects, international labour standards and codes of practice. These activities have not always been coordinated with one another, and follow-through has been lacking. The present action plan seeks to enhance the coherence, visibility and impact of the ILO's action in this area. It aims to achieve measurable results between now and the year 2007, when the second Global Report on this subject should be discussed.

(a) The need for a special focus

16. In response to concerns voiced by many Conference delegates, the action plan will focus between 2003 and 2007 on two themes namely: (i) racial/ethnic discrimination, work and development; and (ii) equal remuneration between the sexes and races/ethnic groups. Focus on these topics will not replace or conflict with the activities envisaged by the programme and budget. The action plan will comprise interventions at both national and global levels.
17. *Racial/ethnic discrimination, work and development.* Racial or ethnic discrimination concerns migrant workers and national workers of foreign origin throughout the world; indigenous and tribal peoples in many countries of the Americas, Asia and Africa; and ethnic minorities in Central and Eastern Europe, in particular. Members of these groups are often found among the working poor and in the informal economy, and women are usually at the bottom end of the occupational structure. The goal of the action plan is to better understand and address the links between racial/ethnic discrimination in employment and occupation, on the one hand, and development and poverty, on the other. It will link up with the ILO's current work on the informal economy and show how the elimination of discrimination at work helps to bring about a progressive shift of informal workers and enterprises towards more protected jobs and better organized enterprises. In doing so, it will bear in mind and tackle the relevant gender dimensions.
18. *Equal remuneration between the sexes and racial/ethnic groups.* The remuneration gap between the sexes and racial/ethnic groups is a stubborn feature of labour markets worldwide and an obstacle towards the achievement of decent work. Women, migrant workers and members of racial or ethnic groups are disproportionately represented at the bottom of the pay structure. But even when they move into wider ranging and better paid jobs, they tend to earn less than mainstream groups with equivalent education or work

experience. The goal of the action plan is to develop a coherent and integrated strategy aimed at achieving equality in remuneration. It will tackle discrimination in remuneration, by reviewing wage-fixing systems, determination of wage categories, job evaluation methods and collective bargaining systems. It will also address the other factors which contribute to the pay gap, such as occupational segregation and the lack of family-work reconciliation policies both at the community and enterprise levels.

(b) Means of action and levels of intervention

National programmes for equality

19. The three partners – government, and employers’ and workers’ organizations – have to sit down together to find appropriate policy responses and set in motion or strengthen relevant institutional mechanisms. ILO specialists can be called upon to assist in the assessment of obstacles and in the design, implementation and monitoring of national programmes for equality compatible with national possibilities and circumstances, focusing on requests concerning racial/ethnic discrimination and equal remuneration.
20. As indicated by Conference delegates, a coherent national programme for equality should include a number of components whose combination and relative importance depend upon national circumstances. These elements include, inter alia, strengthening national statistical capacity,⁵ adopting anti-discrimination legislation,⁶ enhancing the effectiveness of enforcement mechanisms, including national equality machineries,⁷ developing and implementing national equality policies, adopting and monitoring affirmative action measures, establishing vocational training policies and programmes free from discrimination, raising awareness⁸ and providing capacity building to enable employers’ and workers’ organizations to prevent and eliminate discrimination at the workplace.

Global action: Awareness-raising, advocacy and sharing of policy lessons

21. This component of the action plan will combine action-oriented research with advocacy work. It will be responsible for tracing and disseminating good practices from across different regions and identifying and distilling policy lessons, especially in respect of combating racial/ethnic discrimination and achieving equal remuneration between the sexes and racial/ethnic groups. It will also seek to facilitate discussion and cooperation

⁵ As requested by the Governments of Bahrain and Kiribati during last year’s annual review exercise. See table 5 of the Expert-Advisers’ introduction in GB.286/4 and the 2003 compilation of reports under <http://mirror/public/english/standards/decl/database/index.htm>

⁶ As requested by the Government of Mauritius during last year’s annual review exercise. See table 5 of the Expert-Advisers’ introduction in GB.286/4 and the 2003 compilation of reports under <http://mirror/public/english/standards/decl/database/index.htm>

⁷ As requested by the Governments of Thailand and Mongolia during last year’s annual review exercise. See table 5 of the Expert-Advisers’ introduction in GB.286/4 and the 2003 compilation of reports under <http://mirror/public/english/standards/decl/database/index.htm>

⁸ As requested by the Governments of Indonesia and Qatar during last year’s annual review exercise. See table 5 of the Expert-Advisers’ introduction in GB.286/4 and the 2003 compilation of reports under <http://mirror/public/english/standards/decl/database/index.htm>

between the ILO and international federations of employers' and workers' organizations, and between these and other intergovernmental organizations, on selected themes. Distinct activities are being suggested under the following selected themes:

- (i) *Equal remuneration between the sexes, races and ethnic groups.* Further to a request expressed by several Conference delegates, a high-level tripartite expert meeting on the subject matter has been suggested. It will be preceded by preparatory national and/or subregional tripartite consultations and will lead, inter alia, to the development and dissemination of an equal pay tool kit.
- (ii) *Ethnicity, work and development.* A tripartite consultation with the World Bank, the regional development banks and United Nations system development agencies, including UNDP, is suggested with a view to: (a) discussing the extent to which and ways in which anti-poverty strategies, including PRSPs, and development policies tackle racial/ethnic discrimination at work; and (b) identifying strategies to enhance their effectiveness. Audits of PRSPs from a discrimination/equality angle will be carried out in selected countries as inputs for the consultation.

22. This component of the action plan also envisages the development and launch of a multimedia *Global campaign for equality in diversity*. The campaign will include multi-stakeholder national workshops on perceptions of discrimination at work, with a special focus on racial/ethnic discrimination, and of its cost; identification and dissemination of good practices; and development, validation and dissemination of multimedia tools and strategies for different regions. Intended target groups include: policy-makers, enterprises, trade unions, employers' organizations, parliamentarians and other civil society groups, such as human rights groups, indigenous and tribal organizations and women's associations.

IV. Global task force on the elimination of discrimination

23. The success of the action plan will also depend on how it is implemented. There is a recognized need for improved coordination and synergy among the various sectors, as well as within sectors, that work on the subject at ILO headquarters and among the different specialists in the field offices. Communication and collaboration between headquarters and the field also require strengthening. The practical work, of course, will have to be carried out to a great extent in the field. The latter has to identify country-level needs, advocate anti-discrimination action, provide policy advice, and design and implement national action plans. The role of headquarters is to ensure overall technical coherence; provide or complement technical expertise at the country level; raise and channel extra-budgetary funds; facilitate cross-regional fertilization; and take the lead on global action.

24. The Office proposes that a global task force should be set up on the elimination of discrimination, bringing together staff from the various sectors, programmes and field offices presently dealing with discrimination and equality matters. The goals of the task force would be to develop an Office-wide approach with a view to incorporating the lessons learned in the work of all sectors of the Office, design cross-sectoral work plans and activities, and increase coordination. The ultimate aim is to improve synergy and the way in which support can more readily and easily be available for constituents. No new structures would be set up in the Office, and existing and foreseen activities would not be duplicated. A theme coordinator from the InFocus Programme on Promoting the Declaration would be responsible for overall coordination, fund-raising, reporting and evaluation. Extra-budgetary resources in support of the action plan would be channelled through the task force.

25. The proposed action plan requires considerable extra-budgetary support, as it cannot be carried out with only existing programme and budget resources. Successful resource mobilization must be based on the shared priority of eliminating discrimination in the workplace. It is a challenge for all and donors have a key role to play. The Director-General appeals to donors to make the investment that will permit sustained progress in the elimination of discrimination at work.
26. *The Governing Body may wish to endorse the approach outlined in this paper, and request that it be kept informed, through the Committee on Technical Cooperation, of the implementation of the activities proposed.*

Geneva, 22 September 2003.

Point for decision: Paragraph 26.

Appendix

Table 1. Donor-funded programmes, projects and activities approved under the auspices of the Declaration, by category of principle and right, October to September each year, allocation basis (in per cent – rounded figures)

| | Freedom of association, etc. | Forced labour | Child labour | Non-discrimination | Several categories | Total | |
|-----------|------------------------------|---------------|--------------|--------------------|--------------------|-------|-------------|
| | | | | | | % | US\$ ('000) |
| 1999-2000 | 55 | 6 | 0 | 21 | 17 | 100 | 23 345 |
| 2000-01 | 30 | 4 | 2 | 0 | 65 | 100 | 26 016 |
| 2001-02 | 47 | 5 | 0 | 7 | 42 | 100 | 14 262 |
| 2002-03 | 47 | 20 | 0 | 0 | 33 | 100 | 9 844 |

Table 2. Donor-funded programmes, projects and activities approved under the auspices of the Declaration, by region, October to September each year, allocation basis (in per cent – rounded figures)

| | Africa | Americas | Arab States | Asia and Pacific | Europe | Interregional | Core support |
|---------|-----------|----------|-------------|------------------|--------|---------------|--------------|
| | 1999-2000 | 24 | 18 | 0 | 46 | 0 | 5 |
| 2000-01 | 14 | 12 | 5 | 15 | 8 | 23 | 23 |
| 2001-02 | 14 | 20 | 0 | 31 | 4 | 14 | 18 |
| 2002-03 | 47 | 13 | 0 | 15 | 17 | 0 | 8 |

Table 3. Donor-funded programmes, projects and activities approved under the auspices of the Declaration, by donor country, October to September each year, allocation basis (in thousands US\$ – rounded figures)

| | France | Germany | Ireland | Italy | Japan | Netherlands | UNDP | United Kingdom | United States |
|---------|-----------|---------|---------|-------|-------|-------------|-------|----------------|---------------|
| | 1999-2000 | 805 | 0 | 0 | 0 | 200 | 2 220 | 0 | 121 |
| 2000-01 | 0 | 431 | 0 | 0 | 186 | 242 | 91 | 5 068 | 20 000 |
| 2001-02 | 597 | 501 | 0 | 0 | 163 | 3 000 | 0 | 0 | 10 000 |
| 2002-03 | 2 225 | 0 | 601 | 103 | 0 | 387 | 0 | 200 | 6 328 |
| Total | 3 627 | 932 | 601 | 103 | 549 | 5 849 | 91 | 5 389 | 56 328 |