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## **Annex 1. ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up**

Whereas the ILO was founded in the conviction that social justice is essential to universal and lasting peace;

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions;

Whereas the ILO should, now more than ever, draw upon all its standard-setting, technical cooperation and research resources in all its areas of competence, in particular employment, vocational training and working conditions, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Whereas the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation;

Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential;

Whereas the ILO is the constitutionally mandated international organization and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting fundamental rights at work as the expression of its constitutional principles;

Whereas it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application;

The International Labour Conference,

1. Recalls:

- (a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;
- (b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.

2. Declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

- (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;

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- (c) the effective abolition of child labour; and
    - (d) the elimination of discrimination in respect of employment and occupation.
  3. Recognizes the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts:
    - (a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
    - (b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and
    - (c) by helping the Members in their efforts to create a climate for economic and social development.
  4. Decides that, to give full effect to this Declaration, a promotional follow-up, which is meaningful and effective, shall be implemented in accordance with the measures specified in the annex hereto, which shall be considered as an integral part of this Declaration.
  5. Stresses that labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes; in addition, the comparative advantage of any country should in no way be called into question by this Declaration and its follow-up.

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## Annex

### Follow-up to the Declaration

#### I. Overall purpose

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e) of the Constitution; and the global report will serve to obtain the best results from the procedures carried out pursuant to the Constitution.

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## **II. Annual follow-up concerning non-ratified fundamental Conventions**

### **A. Purpose and scope**

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures to replace the four-year review introduced by the Governing Body in 1995, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.

2. The follow-up will cover each year the four areas of fundamental principles and rights specified in the Declaration.

### **B. Modalities**

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e) of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.

3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.

4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

## **III. Global report**

### **A. Purpose and scope**

1. The purpose of this report is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

2. The report will cover, each year, one of the four categories of fundamental principles and rights in turn.

### **B. Modalities**

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution.

2. This report will be submitted to the Conference for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other appropriate way. It will then be for the Governing Body, at an early session, to draw conclusions from

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this discussion concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period.

**IV. It is understood that:**

1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.

2. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

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The foregoing is the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up duly adopted by the General Conference of the International Labour Organization during its Eighty-sixth Session which was held at Geneva and declared closed the 18 June 1998.

IN FAITH WHEREOF we have appended our signatures this nineteenth day of June 1998.

The President of the Conference,

The Director-General of the International Labour Office.

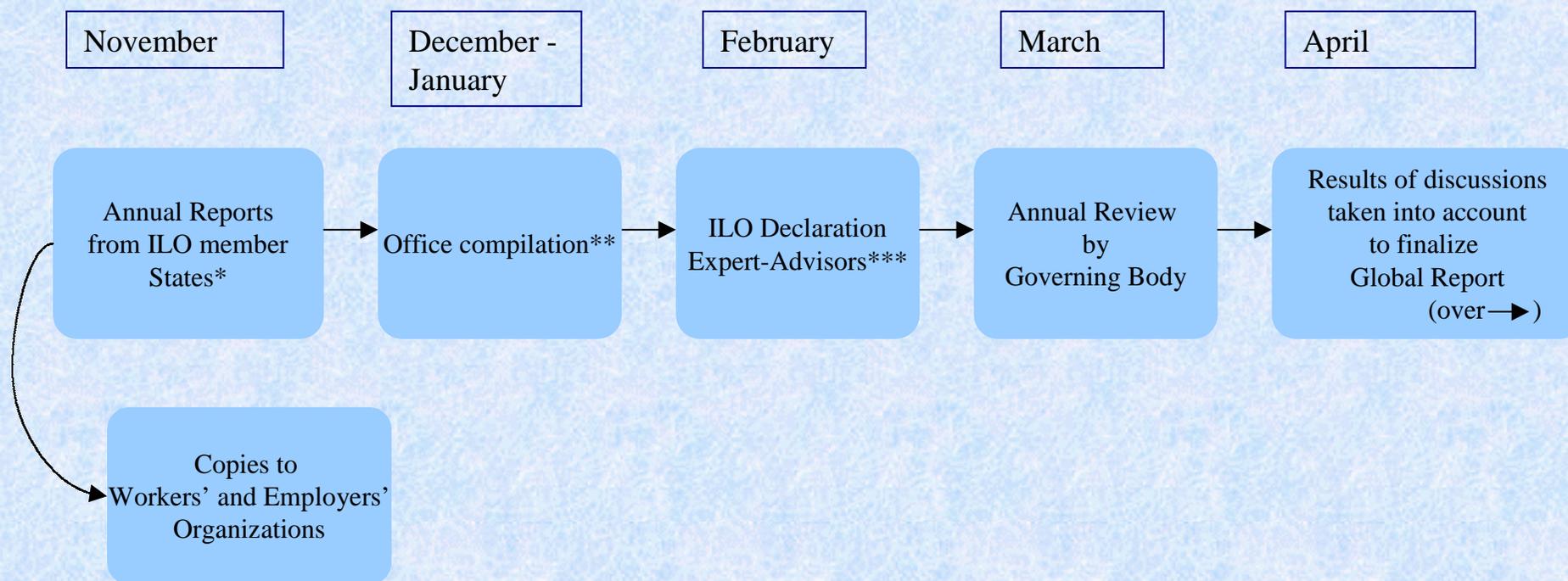
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## **Annex 2. Flow charts of the follow-up reporting procedures**



# Follow-up under the Declaration

## 1. Review of Annual Reports



\* Only Governments of ILO member States that have not yet ratified all the ILO fundamental Conventions need to report on efforts made under the Declaration

\*\* Reports compiled in English, French and Spanish

\*\*\* Reviews Office compilation and prepares introduction for Governing Body



# Follow-up under the Declaration

## 2. Global Report and Conclusions for Technical Cooperation



### \* Purpose:

- provides a dynamic global picture for each set of fundamental rights and principles, in all ILO member States
- serves as a basis to:
  - assess the effectiveness of ILO assistance
  - determine priorities for technical cooperation and action plans

### \*\* Schedule of Global Reports beginning in 2000:

- |          |  |
|----------|--|
| Year 1 - | Freedom of Association and Collective Bargaining |
| Year 2 - | Elimination of Forced or Compulsory Labour       |
| Year 3 - | Abolition of Child Labour                        |
| Year 4 - | Elimination of Discrimination                    |

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## **Annex 3. ILO Declaration Expert-Advisers**

### **Dr. Ahmed El Borai (Egypt)**

Professor and Head of Labour Legislation, Faculty of Law, and Director of the Centre for Labour Relations, University of Cairo. Member of the Committee of Experts of the Arab Labour Organization. Formerly representative of Egypt to UNESCO and consultant to UNDP, ILO and ALO. Author of books and articles in Arabic and French on labour law and labour administration. Degrees: Licence en Droit, University of Cairo; D.E.S. and Doctorat d'Etat (public law), University of Rennes (France).

### **Ms. Mária Ladó (Hungary)**

Director of the Institute of Labour Research (ILR), Budapest, and leader of the Inter-Ministerial Working Group on Social Policy. Formerly Head of the Industrial Relations Research Unit and Research Fellow at ILR and production engineer for VBKM Electronics. Has served as a consultant to the World Bank, ILO and other institutions on labour market and industrial relations issues. Author of numerous publications in English and Hungarian. Degrees: Engineering degree and postgraduate diploma in business engineering, Technical University, Budapest; Doctorate in Sociology, Karl Marx (now Budapest) Economics University.

### **Ms. Nora Lustig<sup>1</sup> (Argentina/Mexico)**

Senior Adviser and Chief of the Poverty and Inequality Advisory Unit, Inter-American Development Bank, Washington, DC. Temporarily on secondment to work as the Deputy Director of the World Bank's World Development Report 2000-2001 on Poverty. President of the Latin American and Caribbean Economic Association and Non-Resident Senior Fellow at the Brookings Institution, where she served formerly as a Senior Fellow. Formerly Professor of Economics, El Colegio de México (Mexico City). Numerous publications in English and Spanish on poverty and development issues. Degrees: Bachelor and Master of Arts, and Ph.D. in Economics, University of California, Berkeley.

### **Mr. Jean-Jacques Oechslin (France)**

Retired; formerly Chairperson of the Executive Committee of the International Organisation of Employers (IOE), Executive Secretary and Assistant to the Secretary-General of the IOE, and Director and Head of Section of International Social Affairs, French National Council of Employers. Served as Chairperson and Vice-Chairperson of the ILO Governing Body, President of the European Community Social Commission of the Federation of Industry, and Employer spokesperson of the European Union Standing Committee on Employment. Degrees: Diploma and Doctorate in Law, Institute for Political Studies, Paris.

### **Ms. Maria Nieves Roldan-Confesor (Philippines)**

Professor at the Asian Institute of Management for Public and Social Policy, Management, Conflict Resolution and Negotiation; Head, Panel of Experts to the Joint Congressional (Philippine Legislature) Commission Amending the Labor Code. Chair of Kybernan Group (international consultants for institutional reform and governance) and Strategic Options, Inc. Director/Government representative of Philippine National Bank (for privatization), MetroBank of the Philippines, Philippine National Oil Company. Formerly, Philippine Secretary of Labor and Employment, and Presidential Adviser on International Labor

<sup>1</sup> Unable to attend the IDEA meeting due to prior commitment.

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Affairs. Served as Chair of the ILO Governing Body. Chairperson of the Philippine Overseas Employment Administration and the National Wages and Productivity Commission. Consultant/external collaborator to the World Bank, ILO. Served as chairperson of various national groups, ASEAN Labour Ministers' Meeting. Degrees: Master in Public Policy and Administration, Harvard University, Master of Business Administration, Ateneo de Manila University, Bachelor of Arts, Maryknoll College.

**Ms. Zoe Mumbi Tambo (Zambia)**

Executive Director of the African Centre for Democracy and Human Rights Studies, Banjul (The Gambia). Formerly served as Programme Director for the Centre; Head of the Labour Statistical Unit of the Zambian Ministry of Labour; and Team Coordinator for Southern African Activities, International Movement of Catholic Students (Nairobi). Member, Gambia National Commission for UNESCO. Author of papers and lectures on women, youth, development, management of non-governmental organizations and democratization. Degrees: Bachelor of Arts in Public Administration and Sociology, University of Zambia; Diploma in Demography, University of Ghana.

**Mr. Robert White (Canada)**

Retired; President Emeritus, Canadian Labour Congress and former President Canadian Auto Workers' Union. Has also served as President of the Trade Union Advisory Committee (TUAC) of the Organisation for Economic Co-operation and Development (OECD), Chairperson of the Commonwealth Trade Union Council, and Chairperson of the Human and Trade Union Rights Committee of the International Confederation of Free Trade Unions. Degrees: honorary degrees from York University, the University of Windsor, St. Francis Xavier, and University of Western Ontario.

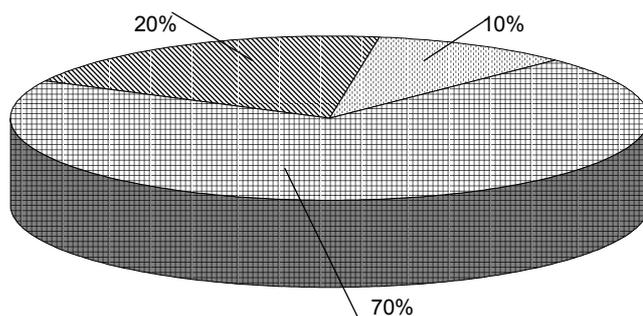
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**Annex 4. Charts and graphs relating to  
annual reports**

## Ratification and Declaration reporting

### *Freedom of association and the effective recognition of the right to collective bargaining*

	Number of ratifications before meeting of the ILO Declaration Expert-Advisers (30 January 2000)	Number of countries owing annual reports	Number of countries owing which provided annual reports	Number of silent/non-active countries <sup>1</sup>
Convention 87	127	52	35	17
Convention 98	145			

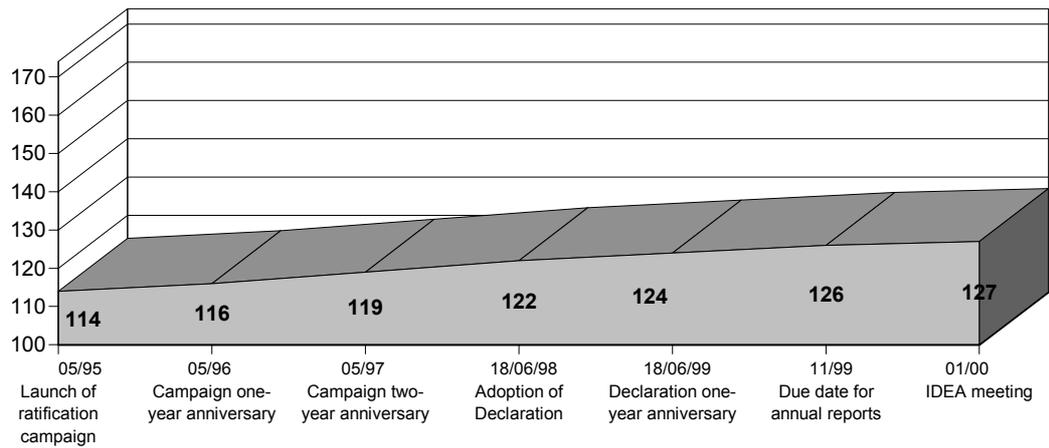


- Percentage of countries not owing annual reports (70%)
- Percentage of countries owing which provided annual reports (20%)
- Percentage of countries owing which did not provide annual reports (10%)

<sup>1</sup> Countries which owed, but did not provide, annual reports.

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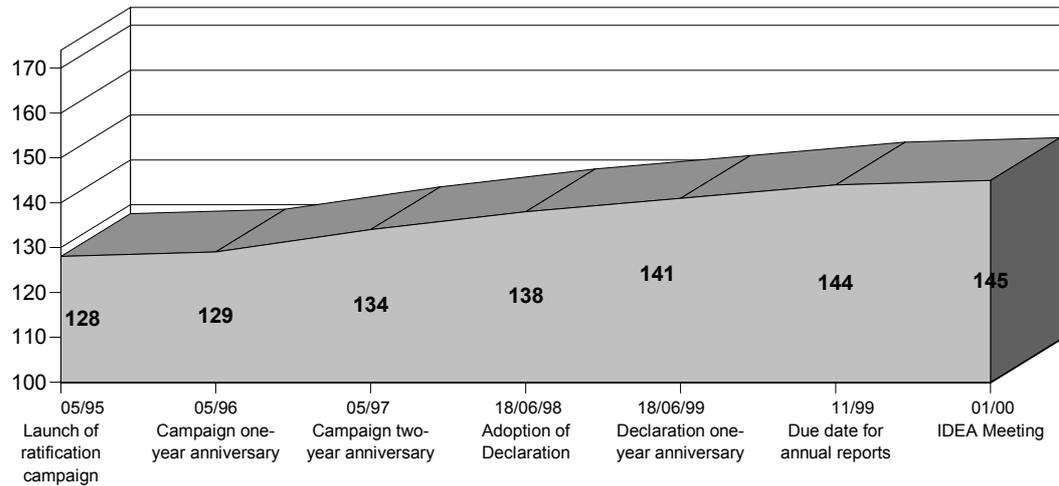
**Progress in ratification <sup>1</sup>  
of Freedom of Association and Protection of the Right  
to Organise Convention, 1948 (No. 87)**



<sup>1</sup> 01/11/99 was used as the date of reference for the due date of annual reports.

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## Progress in ratification <sup>1, 2</sup> of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)



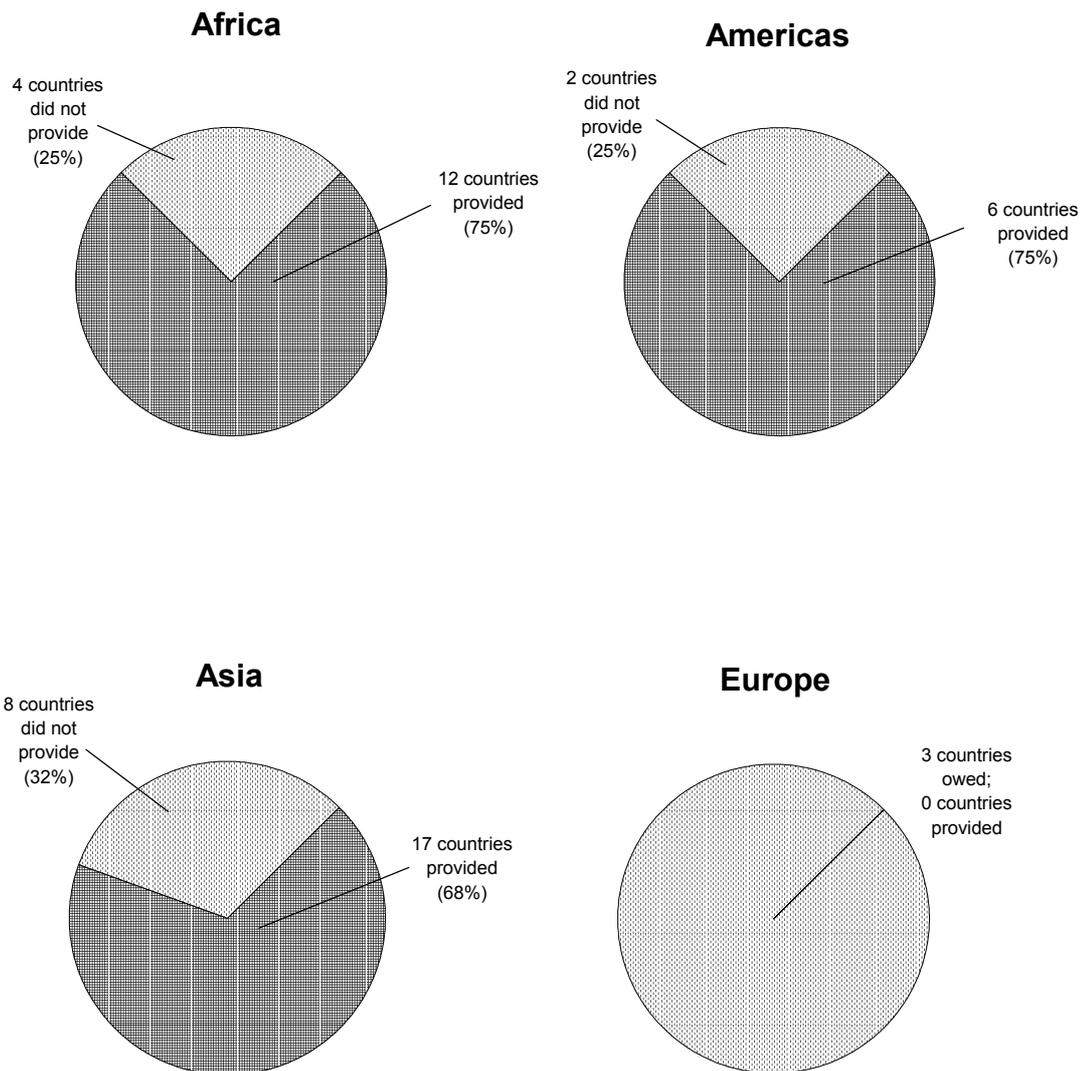
<sup>1</sup> 01/05/95 was used as the date of reference for the launch of the ratification campaign.

<sup>2</sup> 01/11/99 was used as the date of reference for the due date of annual reports.

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## Reports provided by countries owing annual reports

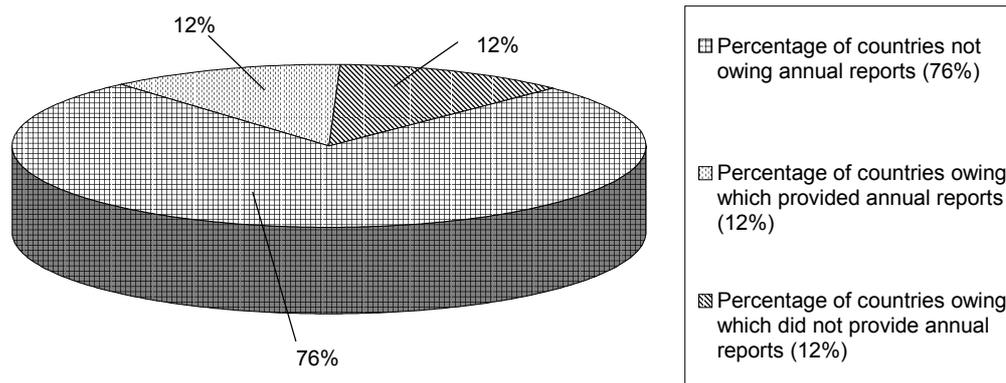
### *Freedom of association and the effective recognition of the right to collective bargaining*



## Ratification and Declaration reporting

### *The elimination of all forms of forced or compulsory labour*

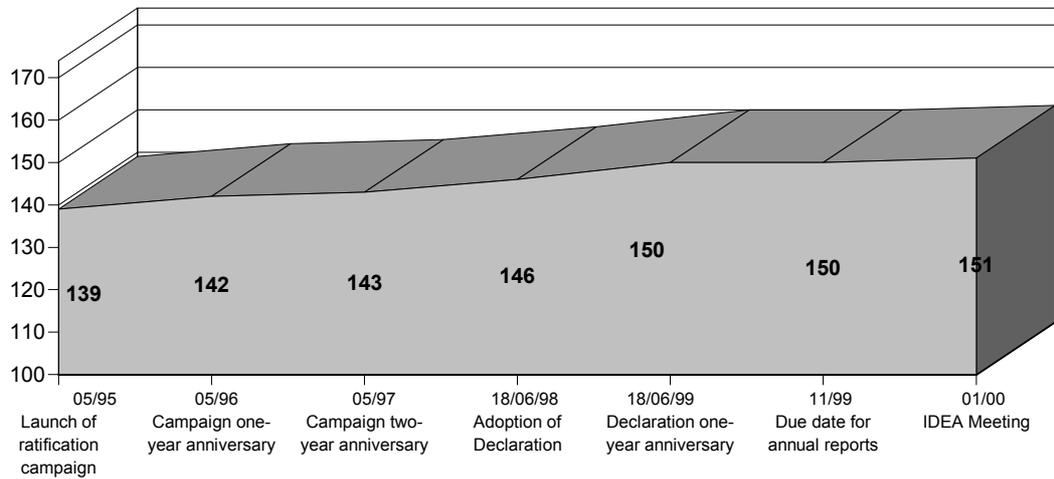
	Number of ratifications before meeting of the ILO Declaration Expert-Advisers (30 January 2000)	Number of countries owing annual reports	Number of countries owing which provided annual reports	Number of silent/non-active countries <sup>1</sup>
Convention 29	151	41	21	21
Convention 105	145			



<sup>1</sup> Countries which owed, but did not provide, annual reports.

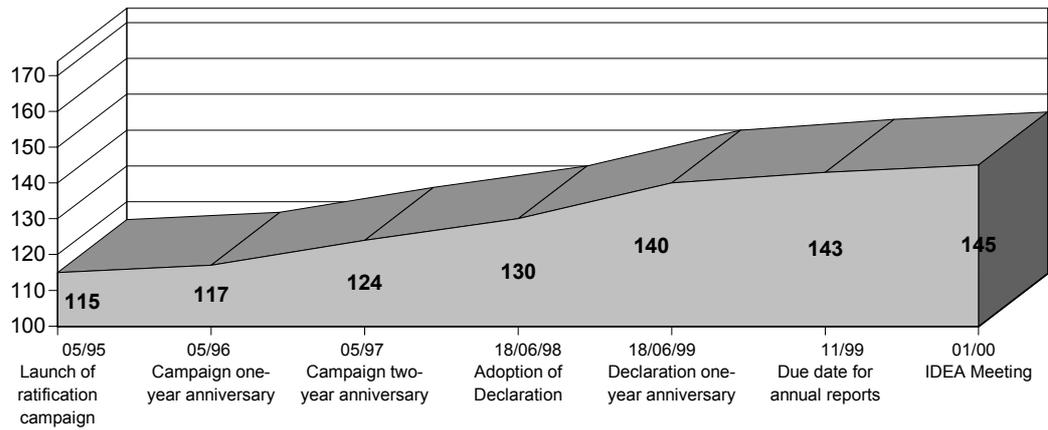
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## Progress in ratification of the Forced Labour Convention, 1930 (No. 29)



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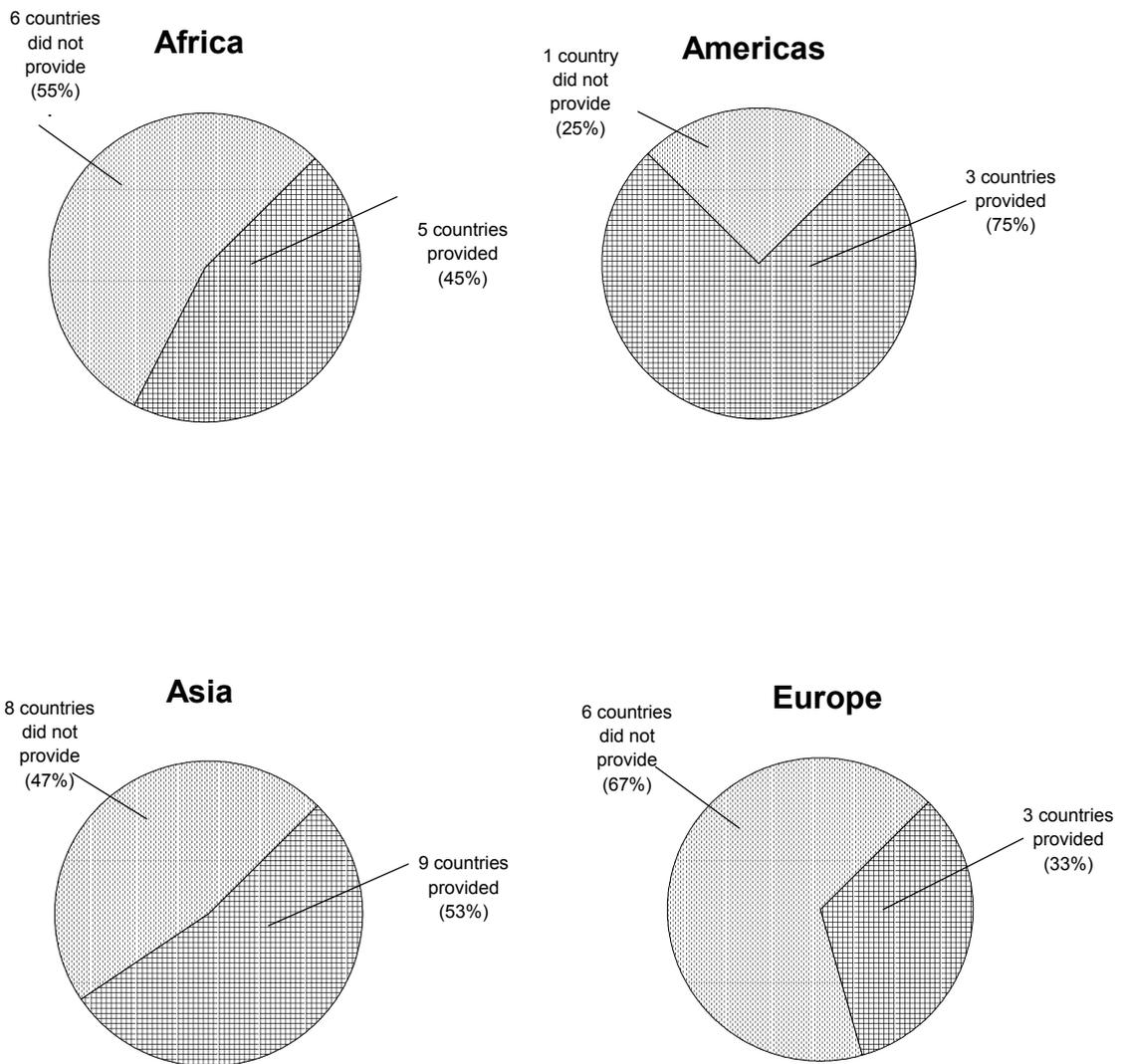
## Progress in ratification of the Abolition of Forced Labour Convention, 1957 (No. 105)



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## Reports provided by countries owing annual reports

### *The elimination of all forms of forced or compulsory labour*

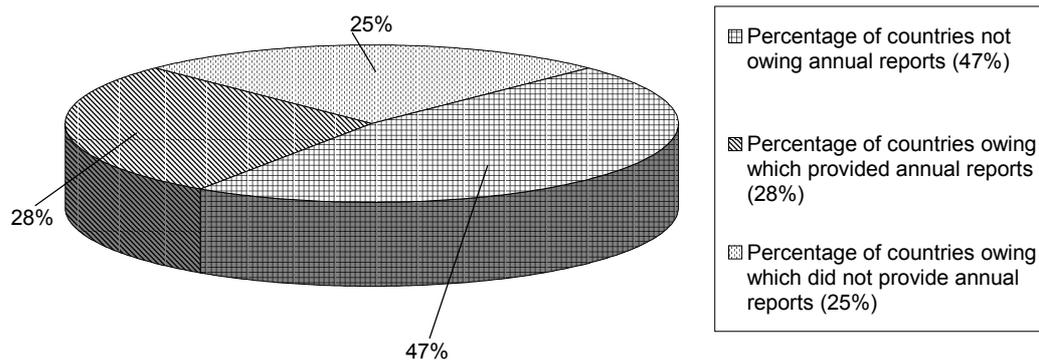


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## Ratification and Declaration reporting

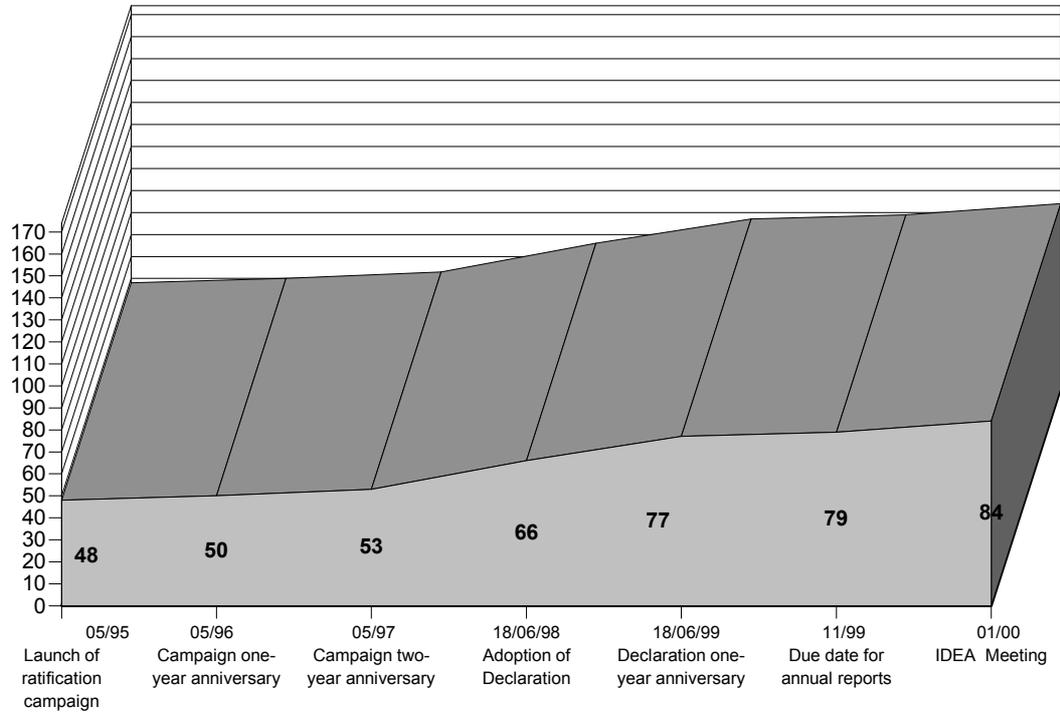
### *The effective abolition of child labour*

	Number of ratifications before meeting of the ILO Declaration Expert-Advisers (30 January 2000)	Number of countries owing annual reports	Number of countries owing which provided annual reports	Number of silent/non-active countries <sup>1</sup>
Convention 138	84	90	47	43



<sup>1</sup> Countries which owed, but did not provide, annual reports.

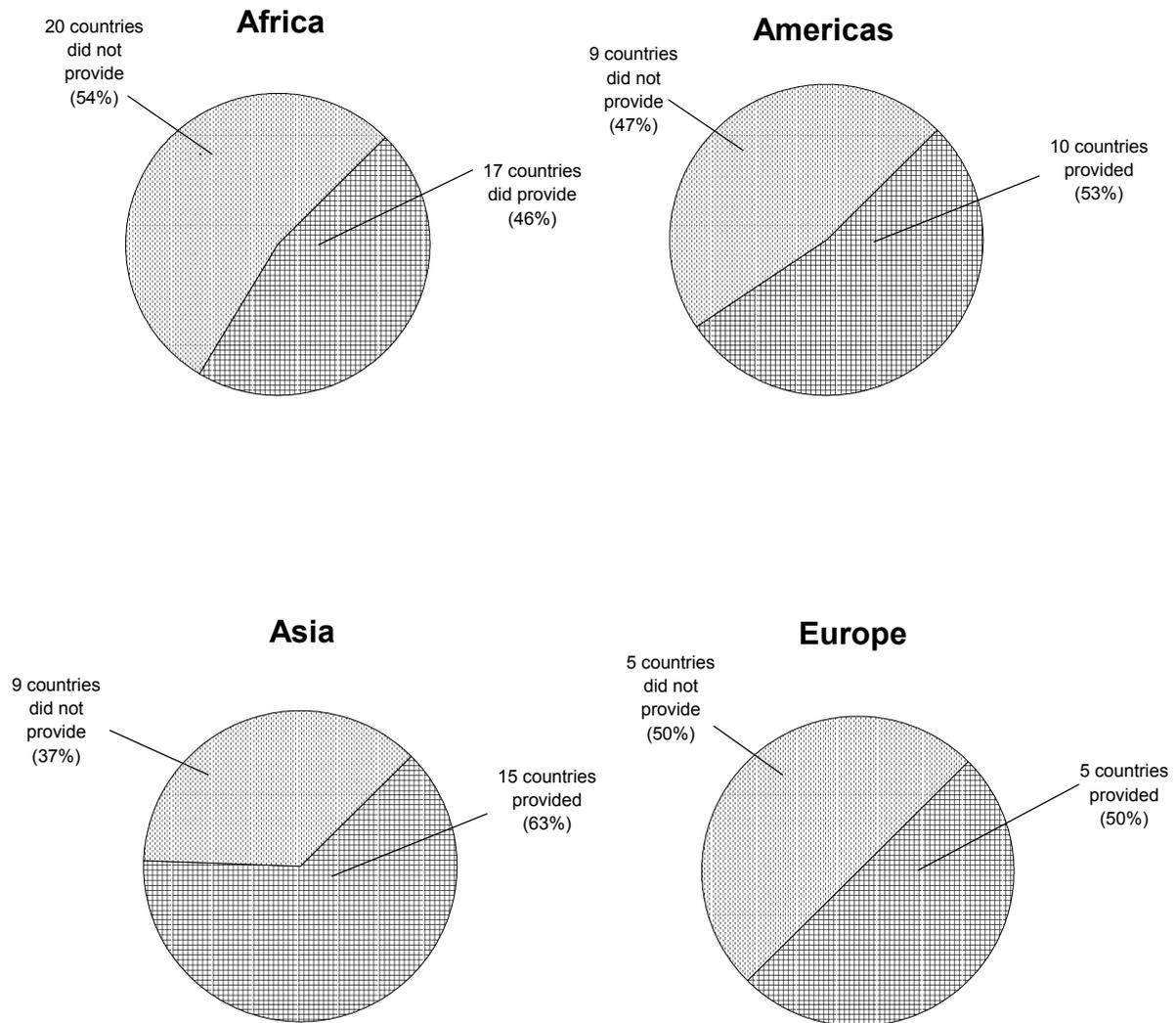
## Progress in ratification of the Minimum Age Convention, 1973 (No. 138)



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## Reports provided by countries owing annual reports

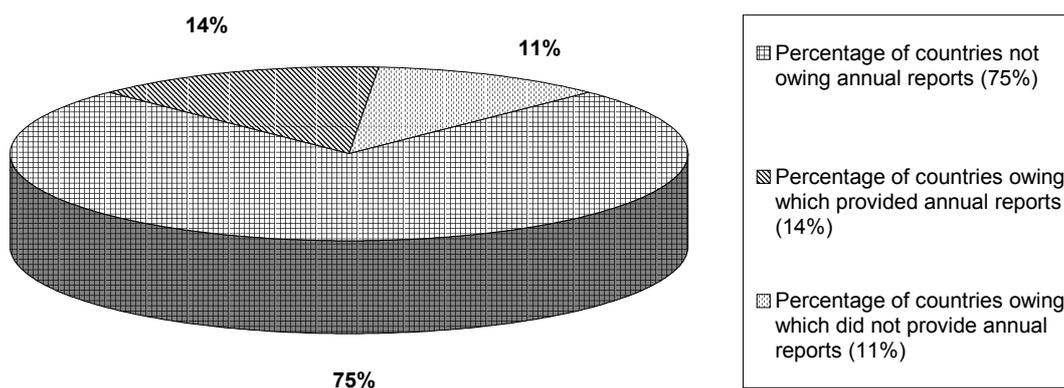
### *The effective abolition of child labour*



## Ratification and Declaration reporting

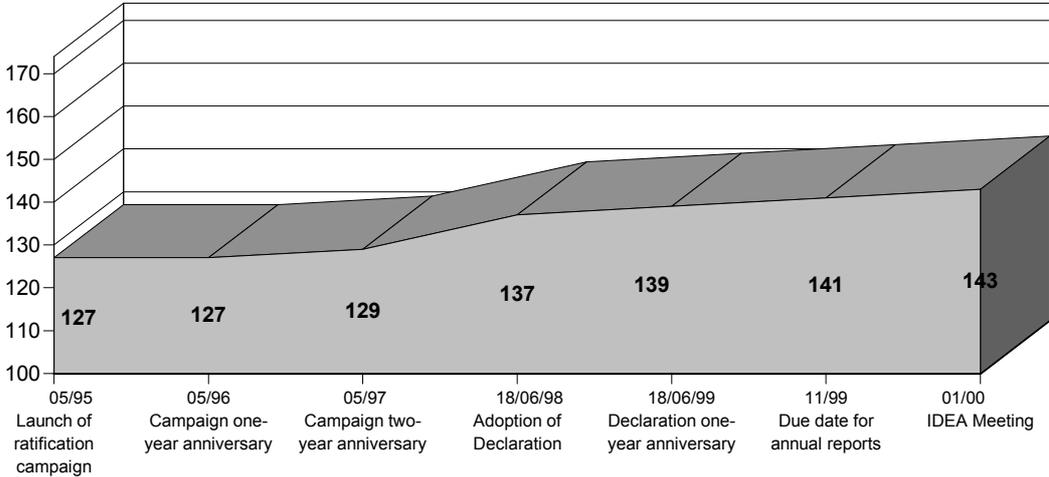
### *The elimination of discrimination in respect of employment and occupation*

	Number of ratifications before meeting of the ILO Declaration Expert-Advisors (30 January 2000)	Number of countries owing annual reports	Number of countries owing which provided annual reports	Number of silent/non-active countries <sup>1</sup>
Convention 100	143	43	24	19
Convention 111	141			



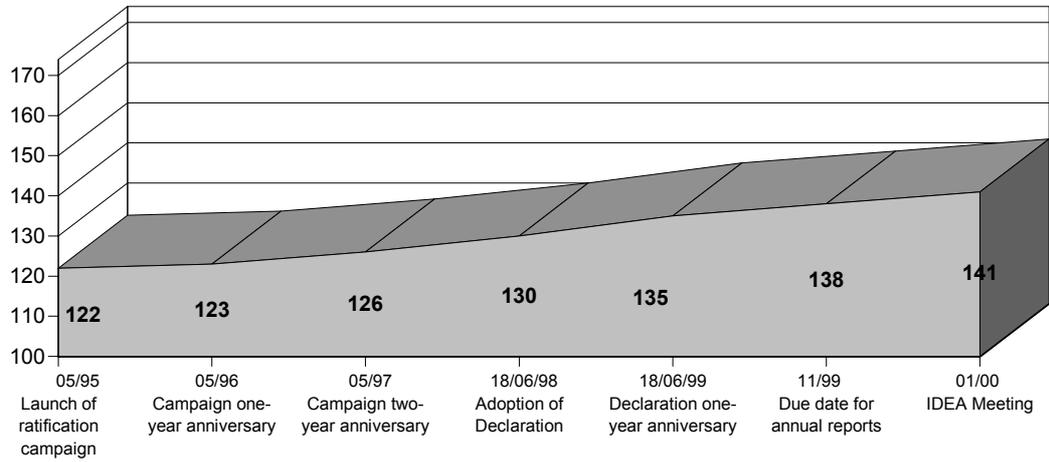
<sup>1</sup> Countries which owed, but did not provide, annual reports.

**Progress in ratification  
of the Equal Remuneration Convention, 1951 (No. 100)**



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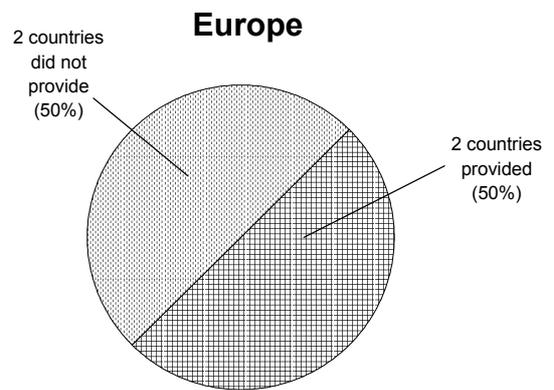
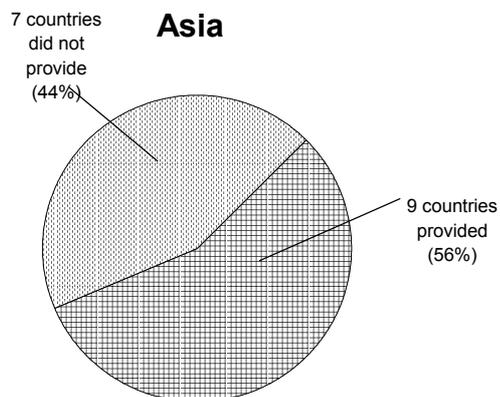
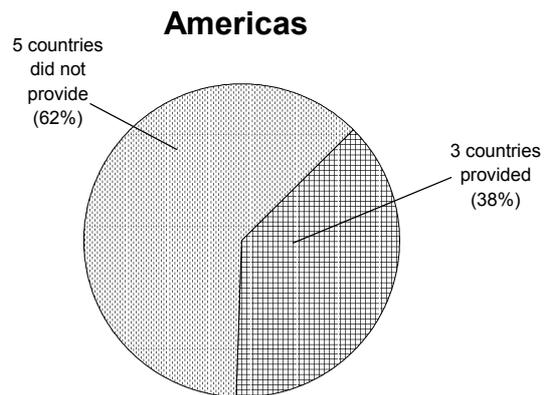
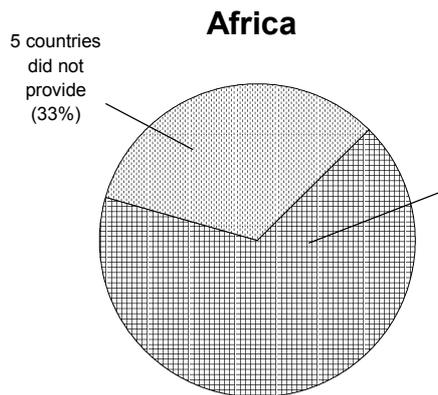
**Progress in ratification  
of the Discrimination (Employment and Occupation)  
Convention, 1958 (No. 111)**



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## Reports provided by countries owing annual reports

### *The elimination of discrimination in respect of employment and occupation*



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## Annex 5. Report forms for the annual reports

### Report form on freedom of association, and the effective recognition of the right to collective bargaining

#### Introduction

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which was adopted by the International Labour Conference at its 86th Session on 18 June 1998, recalls that all Members, even if they have not ratified the Conventions regarded as fundamental, have an obligation arising from the very fact of their membership in the Organization to respect, to promote and to realize in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.

In order to give the Organization and its Members the opportunity of regularly observing their efforts to promote those principles, the Declaration has a promotional follow-up, one component of which sets out to obtain, through annual reports requested under article 19, paragraph 5(e), of the Constitution, information from Members that have not ratified one or more of the fundamental Conventions on any changes to their legislation and practice with regard to each of the categories of principles and rights set out in the Declaration.

This report form, which has been approved by the Governing Body of the International Labour Office for use by States that have not ratified both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), forms part of this component of the follow-up on the Declaration and concerns the following:

#### **Freedom of association and the effective recognition of the right to collective bargaining**

To be completed with regard to aspects of the principle covered by the Convention or Conventions<sup>1</sup> to which your State is not a party.

**I. With regard to the means of assessing the situation in the country as it relates to freedom of association and the effective recognition of the right to collective bargaining, please indicate (where applicable with copies of the relevant text):**

(1) *Assessment of the institutional context:*

- (a) whether the principle of freedom of association and the effective recognition of the right to collective bargaining is recognized in your country;
- (b) the manner in which it is recognized (in the Constitution, laws, regulations, by virtue of a ratified international instrument, or in some other way);
- (c) to what extent or within what limits:

<sup>1</sup> The texts of these Conventions may be consulted on the ILO Internet site (<http://www.ilo.org>), in the official compilation of international labour Conventions and Recommendations, or obtained by request from the ILO Distribution Service, 4, route des Morillons, CH-1211 Genève 22.

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- (i) is any category of employers or workers denied the right to organize (at all levels – enterprise, sector, national or international), either explicitly or because they are not covered by the legislation?
  - (ii) is prior authorization necessary to establish employers’ or workers’ organizations?
  - (iii) can the Government intervene in the functioning of an employers’ or workers’ organization and, if so, under what circumstances?
  - (iv) is any category of employers or workers excluded from any systems/procedures that might exist to ensure the effective recognition of the right to collective bargaining?
  - (v) does the legislation provide for the authorization of collective agreements by the Government and, if so, under what circumstances?
- (d) the means of implementing the principle (administrative, material, legal).

(2) *Assessment of the factual situation:*

- (a) any indicators or statistics that are available or might be envisaged as a means of assessing the situation;
- (b) the data and trends resulting from the indicators or statistics currently available;
- (c) any other information that might allow a better assessment of the situation in the country (structural, economic, demographic or training and education factors, etc.).

**II. With regard to the efforts made or envisaged to ensure respect, promotion and realization of these principles and rights, please indicate:**

- (a) the measures taken to promote freedom of association and the effective recognition of the right to collective bargaining;
- (b) the means deployed to promote freedom of association and the effective recognition of the right to collective bargaining by:
  - (i) your Government;
  - (ii) the Organization;
  - (iii) other bodies (please specify which);
- (c) the objectives of your Government with a view to the observance, promotion or realization of these principles and rights;
- (d) the conditions deemed necessary to meet these objectives, including technical cooperation resources that might help to achieve them (for example, the recognition of the principle in the country’s legal system; the development of relevant indicators or statistics; the promotion of the principle in practice).

**III. Please indicate which representative employers’ and workers’ organizations have been sent a copy of this report.**

**IV. Please indicate whether your Government has received from these employers’ and workers’ organizations any observations on the follow-up measures that have been taken or need to be taken on the Declaration with regard to freedom of association and the effective recognition of the right to collective bargaining.**

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# Report form on the elimination of all forms of forced or compulsory labour

## Introduction

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which was adopted by the International Labour Conference at its 86th Session on 18 June 1998, recalls that all Members, even if they have not ratified the Conventions regarded as fundamental, have an obligation arising from the very fact of their membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.

In order to give the Organization and its Members the opportunity of regularly observing their efforts to promote those principles, the Declaration has a promotional follow-up, one component of which sets out to obtain, through annual reports requested under article 19, paragraph 5(e), of the Constitution, information from Members that have not ratified one or more of the fundamental Conventions on any changes to their legislation and practice with regard to each of the categories of principles and rights set out in the Declaration.

This report form, which has been approved by the Governing Body of the International Labour Office for use by States that have not ratified both the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), forms part of this component of the follow-up on the Declaration and concerns the following:

### **The elimination of all forms of forced or compulsory labour**

To be completed with regard to aspects of the principle covered by the Convention or Conventions <sup>1</sup> to which your State is not a party.

**I. With regard to the means of assessing the situation in the country as it relates to the elimination of all forms of forced or compulsory labour, please indicate (where applicable with copies of the relevant text):**

*(1) Assessment of the institutional context:*

- (a) whether the principle of the elimination of all forms of forced or compulsory labour is recognized in your country;
- (b) the manner in which it is recognized (in the Constitution, laws, regulations, by virtue of a ratified international instrument, or in some other way);
- (c) to what extent or within what limits:
  - (i) is forced or compulsory labour defined?
  - (ii) are any persons or categories of persons excluded from the implementation of the principle and right relating to the elimination of all forms of forced or compulsory labour, either explicitly or because they are not covered by the relevant legislation on the subject?

<sup>1</sup> The texts of these Conventions may be consulted on the ILO Internet site (<http://www.ilo.org>), in the official compilation of international labour Conventions and Recommendations, or obtained by request from the ILO Distribution Service, 4, route des Morillons, CH-1211 Genève 22.

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- (iii) are categories of jobs or work or are sectors excluded or omitted from legislation regarding this principle?
  - (d) the means of implementing the principle (administrative, material, legal); for example, the existence of an administrative ban or penal sanctions, the attribution of responsibilities to the labour inspectorate, police or tribunals for taking action against forced labour.

(2) *Assessment of the factual situation:*

- (a) any indicators or statistics that are available or might be envisaged as a means of assessing the situation;
- (b) the data and trends resulting from the indicators or statistics currently available;
- (c) any other information that might allow a better assessment of the situation in the country (structural, economic, demographic or training and education factors, etc.).

**II. With regard to the efforts made or envisaged to ensure respect, promotion and realization of these principles and rights, please indicate:**

- (a) the measures taken to promote the elimination of all forms of forced or compulsory labour;
- (b) the means deployed to promote the elimination of all forms of forced or compulsory labour by:
  - (i) your Government;
  - (ii) the Organization;
  - (iii) other bodies (please specify which);
- (c) the objectives of your Government with a view to the observance, promotion or realization of these principles and rights;
- (d) the conditions deemed necessary to meet these objectives, including technical cooperation resources that might help to achieve them (for example, the recognition of the principle in the country's legal system; the development of relevant indicators or statistics; the promotion of the principle in practice).

**III. Please indicate which representative employers' and workers' organizations have been sent a copy of this report.**

**IV. Please indicate whether your Government has received from these employers' and workers' organizations any observations on the follow-up measures that have been taken or need to be taken on the Declaration with regard to the elimination of forced or compulsory labour.**

## **Report form on the effective abolition of child labour**

### **Introduction**

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which was adopted by the International Labour Conference at its 86th Session on 18 June 1998, recalls that all Members, even if they have not ratified the Conventions regarded as fundamental, have an obligation arising from the very fact of their membership in the Organization to respect, to promote and to realize in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.

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In order to give the Organization and its Members the opportunity of regularly observing their efforts to promote those principles, the Declaration has a promotional follow-up, one component of which sets out to obtain, through annual reports requested under article 19, paragraph 5(e), of the Constitution, information from Members that have not ratified one or more of the fundamental Conventions on any changes to their legislation and practice with regard to each of the categories of principles and rights set out in the Declaration.

This report form, which has been approved by the Governing Body of the International Labour Office for use by States that have not ratified the Minimum Age Convention, 1973 (No. 138), forms part of this component to the follow-up on the Declaration and concerns the following:

### **The effective abolition of child labour**

To be completed with regard to aspects of the principle covered by the Convention<sup>1</sup> to which your State is not a party.

**I. With regard to the means of assessing the situation in the country as it relates to the effective abolition of child labour, please indicate (where applicable with copies of the relevant text):**

*(1) Assessment of the institutional context:*

- (a) whether the principle of the effective abolition of child labour is recognized in your country;
- (b) the manner in which it is recognized (in the Constitution, laws, regulations, by virtue of a ratified international instrument, or in some other way);
- (c) to what extent or within what limits:
  - (i) is child labour defined (minimum age for admission to employment or to work; relationship between this minimum age and the end of compulsory schooling)?
  - (ii) is the age limit for engaging in dangerous work higher than that indicated above? If such is the case, what is that age, what is the definition of dangerous work or works, and does a list exist of work that is considered dangerous?
  - (iii) are any categories of jobs or work, economic sectors or types of enterprise excluded from the implementation of the principle and right relating to the effective abolition of child labour, either explicitly or because they are not included in the relevant legislation?
  - (iv) are there other exceptions to the implementation of the principle and right relating to the effective abolition of child labour – for example, as regards light work?
- (d) the means of implementing the principle (administrative, material, legal); for example, labour inspection, penal or other sanctions; any bodies or machinery specifically concerned with the problem of child labour, etc.

*(2) Assessment of the factual situation:*

- (a) any indicators or statistics that are available or might be envisaged as a means of assessing the situation;
- (b) the data and trends resulting from the indicators or statistics currently available;

<sup>1</sup> The texts of this Convention may be consulted on the ILO Internet site (<http://www.ilo.org>), in the official compilation of international labour Conventions and Recommendations, or obtained by request from the ILO Distribution Service, 4, route des Morillons, CH-1211 Genève 22.

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- (c) any other information that might allow a better assessment of the situation in the country (structural, economic, demographic or training and education factors, etc.).

**II. With regard to the efforts made or envisaged to ensure respect, promotion and realization of the effective abolition of child labour, please indicate:**

- (a) any measures taken to abolish child labour effectively (for example, removal and rehabilitation of children employed in work prohibited by law; preventive, protective and social security measures for the families concerned; the existence of a compulsory educational system);
- (b) the means deployed to promote the effective abolition of child labour by:
- (i) your Government;
  - (ii) the Organization (for example, through the International Programme on the Elimination of Child Labour, IPEC);
  - (iii) other bodies (please specify which);
- (c) the objectives of your Government with a view to the observance, promotion or realization of these principles and rights;
- (d) the conditions deemed necessary to meet these objectives, including technical cooperation resources that might help to achieve them (for example, the recognition of the principle in the country's legal system; the development of relevant indicators or statistics; the promotion of the principle in practice).

**III. Please indicate which representative employers' and workers' organizations have been sent a copy of this report.**

**IV. Please indicate whether your Government has received from these employers' and workers' organizations any observations on the follow-up measures that have been taken or need to be taken on the Declaration with regard to the effective abolition of child labour.**

## **Report form on the elimination of discrimination in respect of employment and occupation**

### **Introduction**

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which was adopted by the International Labour Conference at its 86th Session on 18 June 1998, recalls that all Members, even if they have not ratified the Conventions regarded as fundamental, have an obligation arising from the very fact of their membership in the Organization to respect, to promote and to realize in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions.

In order to give the Organization and its Members the opportunity of regularly observing their efforts to promote those principles, the Declaration has a promotional follow-up, one component of which sets out to obtain, through annual reports requested under article 19, paragraph 5(e), of the Constitution, information from Members that have not ratified one or more of the fundamental Conventions on any changes to their legislation and practice with regard to each of the categories of principles and rights set out in the Declaration.

This report form, which has been approved by the Governing Body of the International Labour Office for use by States that have not ratified both the Equal Remuneration Convention, 1951 (No.

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100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), forms part of this component of the follow-up on the Declaration and concerns the following:

**The elimination of discrimination in respect of  
employment and occupation**

To be completed with regard to aspects of the principle covered by the Convention or Conventions <sup>1</sup> to which your State is not a party.

**I. With regard to the means of assessing the situation in the country as it relates to the elimination of discrimination in respect of employment and occupation, please indicate (where applicable with copies of the relevant text):**

*(1) Assessment of the institutional context:*

- (a) whether the principle of the elimination of discrimination in respect of employment is recognized in your country;
- (b) the manner in which it is recognized (in the Constitution, laws, regulations, by virtue of a ratified international instrument, or in some other way);
- (c) to what extent or within what limits:
  - (i) is discrimination defined?
  - (ii) are criteria defined whereby discrimination in respect of employment and occupation (sex, race, religion, national extraction, etc.) is prohibited?
  - (iii) are any persons or categories of persons excluded from the implementation of principle and right relating to the elimination of discrimination in respect of employment and occupation, either explicitly or because they are not covered by the applicable legislation?
  - (iv) are categories of jobs or work or are sectors excluded or omitted from the applicable legislation?
- (d) the means of implementing the principle (administrative, material, legal); for example, specific bodies or machinery (such as committees on the elimination of discrimination in employment and occupation)? If such means exist, for what categories of people (women, minorities, migrant workers, etc.)?

*(2) Assessment of the factual situation:*

- (a) any indicators or statistics that are available or might be envisaged as a means of assessing the situation;
- (b) the data and trends resulting from the indicators or statistics currently available;
- (c) any other information that might allow a better assessment of the situation in the country (structural, economic, demographic or training and education factors, etc.).

<sup>1</sup> The texts of these Conventions may be consulted on the ILO Internet site (<http://www.ilo.org>), in the official compilation of international labour Conventions and Recommendations, or obtained by request from the ILO Distribution Service, 4, route des Morillons, CH-1211 Genève 22.

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**II. With regard to the efforts made or envisaged to ensure respect, promotion and realization of the elimination of discrimination in respect of employment and occupation, please indicate:**

- (a) the measures taken to promote the elimination of discrimination in respect of employment and occupation;
- (b) the means deployed to promote the elimination of discrimination in respect of employment and occupation by:
  - (i) your Government;
  - (ii) the Organization;
  - (iii) other bodies (please specify which);
- (c) the objectives of your Government with a view to the observance, promotion or realization of these principles and rights;
- (d) the conditions deemed necessary to meet these objectives, including technical cooperation resources that might help to achieve them (for example, the recognition of the principle in the country's legal system; the development of relevant indicators or statistics; the promotion of the principle in practice).

**III. Please indicate which representative employers' and workers' organizations have been sent a copy of this report.**

**IV. Please indicate whether your Government has received from these employers' and workers' organizations any observations on the follow-up measures that have been taken or need to be taken on the Declaration with regard to the elimination of discrimination in respect of employment and occupation.**

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## Annex 6. Information from reports

1. **Introductory comments.** The material available is too voluminous to present in comprehensive form in this Introduction. Having examined the compilation prepared by the Office, the Expert-Advisers have attempted to highlight some of the information. They wish to recall that they are simply dealing with the information provided and cannot comment on its accuracy.

### A. Freedom of association and the effective recognition of the right to collective bargaining

2. **Constitutional and legislative guarantees.** The vast majority of States cited provisions in their constitutions relating to the guarantee of freedom of association and in some cases collective bargaining. Many had enacted legislation on these topics. The power of the courts to review administrative action in relation to freedom of association was mentioned by several countries (e.g. Mauritius). The Government of Mexico reported a Supreme Court decision (43/1999) which ruled that laws or rules that provide for a single trade union in a government department violated the constitutional guarantee of freedom of association, and that workers were free to withdraw from membership and form another organization. The Government of Singapore observed that since the 1970s its trade union laws have been instrumental in shifting from a confrontational and adversarial situation to a cooperative climate, which has been attractive to foreign investment.
3. **Relationship to civil liberties.** The critical relationship between workers' and employers' rights of association and civil liberties (such as freedom of assembly, freedom of expression and so forth) was reflected in some reports and comments. The Government of Zimbabwe expressed its support for the principle of freedom of association and right to collective bargaining as part of good governance, accountability and the rule of law. The Government of Brazil pointed out that the constitutional provisions on freedom of association apply generally, and that there are additional more specific provisions applicable to trade unions. The importance of freedom of association for groups such as political parties and churches as well as employers' and workers' organizations in the private sector was also referred to by the Government of El Salvador. The Public Gathering Act in Mauritius was identified along with labour legislation as needing reform, in the opinion of a workers' organization. Provisions in the Human Rights Act of New Zealand prohibiting discrimination on the ground of political opinion have been applied to trade union activities, the Government reported. The ICFTU asserted that in Malaysia, the Internal Security Act, the Official Secrets Act, the Printing Press and Publications Act and the Sedition Act can be and have been invoked to restrict the exercise of trade union rights; the Government has stated that worker representation at the enterprise level has not been hindered. The ICFTU also reported that in Equatorial Guinea, immediately after trade unionists submitted applications for union registration, security officials intimidated them in their homes. The Government of the Republic of Korea reported that the Assembly and Demonstration Act provides for penal sanctions of imprisonment for illegal assembly or demonstrations. The Government of China noted that only persons who have been sentenced by law to deprivation of political rights have no freedom of association. According to the ICFTU, activists in China who attempt to organize independent labour action are detained, imprisoned and subjected to re-education through labour.
4. **Relationship to other fundamental principles and rights.** The Government of El Salvador reported on legal guarantees that freedom of association may be exercised without distinction on the basis of a person's nationality, sex, race, creed or political opinion. In China, the Government noted, all workers in enterprises, institutions and state organs who rely on wages or salaries for their main source of income have the right to organize and join trade unions according to law, irrespective of their nationality, race, sex, occupation, religious belief or educational background. The Government of Eritrea suggested in its report that the national survey on freedom of association should be discussed in a national tripartite forum to define a national strategy to promote freedom of association and collective bargaining.

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5. **Organizational rights.** The Government of Brazil has noted that while the 1988 Constitution gave unprecedented freedom to trade union activity, it could not yet be said that national legislation provides full freedom of association, since a provision stipulates that there can be only one trade union per occupational or economic category in a given territorial area. The Government expressed the hope that, with the adoption of a proposed constitutional amendment, full exercise of freedom of association would be made possible. The United States Government, after providing a detailed picture of the legislative framework relevant to respect for the principle of freedom of association and effective recognition of the right to collective bargaining, stated that there are aspects of the system that fail to fully protect these rights for all employees in all circumstances. According to the ICFTU, the right to organize and the right to strike are not adequately protected in United States labour legislation, which it says is unable to protect workers when the employer is determined to destroy or prevent union representation. The Government described efforts it has made to address criticisms made by some in relation to freedom of association and effective recognition of the right to collective bargaining.
  6. The Government of Bahrain stated that the principle of freedom of association and effective recognition of the right to collective bargaining was recognized in the form and within the limits prescribed by national law. Referring to Bahrain, the ICFTU states that trade unions are banned and strikes forbidden in that country. The ICFTU asserted that there are no trade unions in Oman (no government report received) and that democratic trade unions are banned in Sudan (no government report received). In response to the ICFTU statement that trade unions are illegal in the United Arab Emirates, the Government has provided detailed information on the legislative provisions governing associations and dispute resolution. Several countries indicated that instead of or in addition to trade unions, they have joint committees (e.g. Kuwait, Qatar). The Government of Saudi Arabia has stated that there is no decree prohibiting the establishment of trade unions, and that the absence of workers' organizations in that country is due to the special and unique situation of that country, where the Islamic Sharia (Islamic Law) serves as its Constitution. According to the ICFTU, trade unions and strikes are banned by royal decree, and collective bargaining is forbidden in that country. The Government of Saudi Arabia takes the opposite view.
  7. The Government of the Republic of Korea's report indicates significant increases in representation opportunities for previously excluded sectors, such as civil servants and teachers. The ICFTU has stated that the right to organize is denied in Myanmar, and that all other trade union freedoms fall by default (no government report received). The ICFTU has also alleged that all basic trade union rights are denied in Equatorial Guinea; the General Union of Private Entrepreneurs in that country, however, cites legislation which it says recognizes the principle of freedom of association and effective recognition of the right to collective bargaining (there is no government report). In relation to Thailand, the ICFTU has asserted that in the private sector, workers organizing unions that are not registered have no protection against anti-union discrimination (no government report was received).
  8. The Government of Kenya referred to information on redundancy as an illustration of the dwindling strength of trade unions. The Government of Uganda as well has suggested that redundancies have affected the enjoyment of freedom of association and the right to bargain collectively, since retrenchment is a very intimidating experience.
  9. In Viet Nam, reported the Government, trade unions may be established in undertakings with more than ten workers.
  10. **Authorization requirements.** Many countries noted that prior authorization to establish employers' organizations or trade unions was not required (e.g. Brazil, Canada, the United Republic of Tanzania, United States). Several countries noted that prior authorization by the government was required and explained the procedures for this (e.g. El Salvador, which described the law governing labour relations in detail, and Lebanon, which suggested that its legislation might be revised). Registration is required for lawful operation of trade unions in many countries (e.g. Malaysia, according to the Government). The Government of China stated that prior authorization is needed to establish employers' or workers' organizations. It reported that employers' organizations fall into the category of social organizations, which are registered by the competent sectoral administration. The Government also explained that legislation provides that the All-China Federation of Trade Unions shall be established as the unified national organization, and that lower level trade union

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organizations shall be submitted to a higher level trade union organization for approval. The ICFTU stated that prior authorization was required for trade unions in Viet Nam. In Equatorial Guinea, the General Union of Private Enterprises notes that authorization is required in order to avoid clandestine activity.

- 11. Single trade union structures.** A recent Mexican Supreme Court decision allows for the first time multiple trade unions in the executive branch of the federal Government. The Government of the Republic of Korea has noted that under legislation adopted in 1997, union pluralism at the enterprise level will be effective from 2002, and that the country now has two national trade union structures. In China, the Government notes, the legislation establishes the All-China Federation of Trade Unions as the unified national organization. The ICFTU maintained that in Iraq only one general trade union federation, which is controlled by the ruling political party, can exist and that independent trade unions are banned. The Government of Iraq stated that trade union elections are based on a free and democratic system. Similar ICFTU statements were made in relation to Sudan (no government report received), with reference to legislation which the Federation said imposes a number of other restrictions.
- 12. Independence of trade unions and employers' organizations.** Rarely, governments reported financing trade union organizations and offering advantages to employers' organizations under investment and tax laws (e.g. Mauritania). In Equatorial Guinea, according to the General Union of Private Enterprises, the Government can intervene in the functioning of employers' or workers' organizations when actions give rise to controversies that could cause disturbances. The Government of Viet Nam reported that in principle it did not interfere in controlling employers' and workers' organizations unless they were in violation of the law. The ICFTU alleged, however, that in that country the only legal trade union centre is under the leadership of the ruling party. The Government of China stated that it cannot intervene in the legitimate activities of employers' and workers' organizations. The ICFTU maintained that the All-China Federation of Trade Unions is part of the ruling party's apparatus and does not represent the interests of workers. The ICFTU also was of the opinion that trade unions in China are under the control of either the Communist Party or the factory directors, who simultaneously hold union office. The Government of the Islamic Republic of Iran has stated that it cannot intervene in the functioning of a workers' or employers' organization unless there is a breach of law; according to the ICFTU, the labour law of that country gives a central place to Islamic societies and associations, with their rules drawn up by the Government, and independent trade union organizations are not permitted. The ICFTU maintained that independent trade unions are banned in the Libyan Arab Jamahiriya; the Government has not reported.
- 13. Restrictions on trade unions and employers' associations.** In Malaysia, the Government reports, unions are registered for a particular establishment, trade, occupation or industry but not national unions in the electronics industry – which gives rise to different opinions by Government, employers and trade unions. The power of the registrar to interfere in relation to trade union matters was objected to by a workers' organization in Mauritius, whereas an employers' federation in that country stated that no category or employers or workers is denied the right to freedom of association. While the government report of Morocco sets out the legislative framework for the protection of freedom of association, the ICFTU has asserted that in practice workers have been fired, arrested and imprisoned for belonging to unions and carrying out union activities, in particular going on strike in the private sector. The Government of Eritrea noted that its labour law was being revised, with ILO assistance, in relation to the principle of freedom of association and collective bargaining. The United States has provided information on some limitations on the right to strike in that country, noting that while employees have the right to strike, the employer has a corresponding right to continue operations. A number of governments noted that they could intervene in case of violation of law (e.g. Uganda, Viet Nam). The Government of Zimbabwe stated that it only intervened to protect members in areas requiring dispute resolution once a complaint had been lodged, such as an allegation of fraudulent activities.
- 14. Categories of workers: Agricultural workers.** A few States referred specifically to agricultural workers' coverage by the country's labour legislation (e.g. Democratic Republic of the Congo). However, many States reported that agricultural workers were excluded from labour legislation or not covered to the same extent as other categories (e.g. Bahamas (farm hands excluded from the principle of collective bargaining), United Arab Emirates, United States (less extensive coverage)).

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The ICFTU also expressed the view that agricultural workers were denied the right to organize and bargain collectively in some countries (e.g. India, Jordan). Since this group of workers forms a large portion of the active population, particularly in developing countries, this is an area that deserves greater attention.

- 15. Domestic workers.** Domestic workers formed another significant category of persons not covered by or excluded from legal protection in a number of countries, as reported by their governments (e.g. exclusion from the Labour Code in Jordan, Lebanon and United Arab Emirates, the Government of which points out that they may bring complaints to the courts; exclusion of maids in private homes from the principle of collective bargaining in the Bahamas, exclusion from the coverage of collective bargaining legislation in some jurisdictions of Canada). In many countries, this category is dominated by women, as noted by the Government of Sri Lanka. The Government of Brazil reported that union recognition provisions and collective agreements do not apply to domestic workers. The avenues of redress for domestic workers were also described in the report provided by the Government of Qatar. The United States Government noted that while domestic service employees enjoyed protection under the national Constitution, they were not covered by the main federal law guaranteeing the right to organize and governing collective bargaining. The ICFTU maintained that one limitation on trade union rights arose from the exclusion of domestic servants from the Labour Code of Jordan. The Government of Jordan noted that this category was excluded from the coverage of the Labour Code. The ICFTU has stated that the labour laws of Bahrain do not apply to domestic workers.
- 16. Non-nationals.** The ICFTU has alleged that non-nationals are denied rights in relation to freedom of association and collective bargaining in Jordan (the Government's report does not address this) and Thailand (no government report). The Government of Saudi Arabia has stated that its labour law applies to all workers, nationals or foreigners, without any distinction or discrimination. According to the ICFTU, migrant workers trying to form a union can be thrown out of the country in Saudi Arabia and the United Arab Emirates, but the governments do not agree. In describing the organization of its workers' committees, the Government of Bahrain stated that this was the most suited to the country's labour market, where more than 60 per cent of the workforce is composed of foreigners. The ICFTU noted that workers from other countries are underrepresented in the joint council system in Bahrain.
- 17. Public employees/civil servants.** Certain governments (e.g. Bahamas, United States) reported that public employees can organize and bargain collectively, albeit with some restrictions, such as on the right to strike. The Government of Uganda noted that public sector workers now have the right to collective bargaining. This sector has the greatest level of organization in the Bahamas, reported the Government. However, many countries acknowledged that public employees did not have the right to organize or engage in collective bargaining (e.g. Gambia, United Arab Emirates) or that civil servants were not treated on a par with industrial workers (e.g. India). The Government of Kenya stated that it was looking into modalities to revive the Civil Servants Union, which remained banned. Nor is the right to collective bargaining recognized for civil servants in Brazil or Zimbabwe (which is considering a legislative change), according to those Governments. The ICFTU has stated that public employees are denied the right to organize and bargain collectively in, for instance, Kenya and Thailand. In El Salvador, according to the ICFTU, trade unions and strikes are banned in the public sector; the Government indicated that public employees are excluded from collective bargaining. According to the government report, workplace associations of public officials are not considered to be trade unions in the Republic of Korea, and cannot engage in collective bargaining, but the Government has indicated that it would make efforts to ensure effective establishment and operation of such workplace associations in the shortest time possible. In Jordan and Malaysia, these governments noted, some restrictions apply to certain categories in the public service. The ICFTU has conveyed the information that the federal Government and various provincial governments in Canada have used legislation to interfere with the collective bargaining process in violation of the trade union rights of public employees; in its report under the Declaration, the Government has provided an extensive description of the ways in which it sees freedom of association and the effective recognition of the right to collective bargaining as being guaranteed in Canada.
- 18. Police, firefighters and prison staff.** According to a workers' organization in Mauritius, the principle of freedom of association and effective recognition of the right to collective bargaining are

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not recognized for the police and fire service. The Government of Mauritius indicated that as disciplined forces, the police, fire service and prison staff do not, for reasons of public safety and public order, have the right to establish or join occupational organizations. A similar approach was taken to one or more of these categories in some other countries (e.g. police in Mexico). In Morocco, the Government reported that officials entitled to use arms do not enjoy freedom of association. The United Republic of Tanzania also indicated that the police force and prison service cannot form trade unions. In Uganda, according to the Government, the police and prison staff are denied the right to organize because they are not covered by the legislation.

- 19. Workers in export processing zones (EPZs).** Very few government reports referred to export processing zones in the information they supplied under the Declaration Follow-up. The Government of Zimbabwe reported that there had been some difficulty concerning the status of workers in EPZs, since it was initially intended that the Labour Relations Act would not apply to them; however, after some labour representations it had clarified that Act would apply in the zones after all. The Government of El Salvador noted that it intended to strengthen the activities of the institutional committee for the prevention of labour disputes in EPZs, where the situation, according to the ICFTU, while not ideal, has improved dramatically since 1995-96. The ICFTU stated that in practice employers obstruct workers from organizing in EPZs in India; the Government reported on enforcement efforts under way also involving trade union representatives in the process. The Government of Viet Nam reported that provincial labour officials and the management board of provincial EPZs will give an introduction, observe the signing, and supervise respect of collective bargaining in those zones. The ICFTU noted that the Labour Code applied to the six EPZs in that country.
- 20. Other categories of workers.** Some countries indicated that teachers had the right to organize (e.g. Gambia, Republic of Korea since 1999), but they are denied this right in some others. The Government has noted that teachers in Uganda do not have the right to engage in collective bargaining. The Government of Morocco reported that judges are excluded from legislation on freedom of association. In the Bahamas, workers in small hotels with less than 50 rooms and fishermen are excluded from observance of the principle of collective bargaining, according to the Government. The ICFTU has claimed that doctors, dentists and university staff are denied trade union rights in Kenya. It has also reported that employees in state-owned enterprises in Thailand do not have freedom of association and the right to engage in collective bargaining, as the trade unions were dissolved and the permitted associations are subject to other legislative restrictions (there was no government report on this principle). In Uganda, some categories of bank employees are not entitled to engage in collective bargaining, according to the Government. The ICFTU has maintained that the Government of China had taken action against independent trade unions attempting to organize activist groups to represent the unemployed, and that Chinese seafarers contracted by the State to work aboard foreign-owned ships are liable to imprisonment for complaining about their working conditions or contacting an international workers' organization. The New Zealand Council of Trade Unions called attention to what they saw as a denial of the right to organize and bargain collectively for two groups of workers: people required to work in order to continue to receive the "community wage" or unemployment benefit, and prisoners working for private enterprises.
- 21. Informal sector workers; labour market trends.** Freedom of association does not depend on working under a contract of employment, and the few references in some reports to the informal sector are of interest in this context. Guinea-Bissau, which noted that 70 per cent or more of the economically active population is in this sector, referred to neighbourhood youth groups in its report, as well as to associations of small businesses within the Chamber of Commerce. The large proportion of the labour force that falls within the informal sector and the non-plantation agricultural sector in Uganda accounted for the low rate of unionization in that country, according to the Government. The Government of Zimbabwe noted that debate continues on whether labour regulations should be extended to the informal sector and to "contract workers". Other forms of work arrangements have emerged in particular in, but not limited to, industrialized countries. The United States Government noted that certain legislation regarding freedom of association and collective bargaining did not apply to independent contractors. In New Zealand, the Employment Contracts Act had generated a difference in views between the Government and organizations representing workers, which thought that it did not properly provide for freedom of association. Recent information from the newly elected Government indicated that it will seek repeal of this

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legislation. In its report, the Government of Canada noted that an increasing percentage of Canadians are becoming self-employed. The Government of El Salvador stated that among its plans was a study of the legal framework of labour relations in relation to flexibility, with a view to holding consultations on reform proposals.

- 22. Employers' associations.** While the principle of freedom of association and right to engage in collective bargaining of course apply to both trade unions and employers' associations, only a few governments referred to such associations in their reports (other than sending them copies thereof). The Expert-Advisers draw attention to the importance of independent employers' organizations. The Government of Saudi Arabia noted that employers' organizations were independent bodies that play their role in the achievement of their interests as well as public interest. The Government of Viet Nam stated that employers have rights to establish associations at the national, occupational sector and enterprise level. In China, the Government noted, employers' organizations were subject to legislation on social organizations.
- 23. Restrictions on the right to strike and dispute resolution.** A number of countries noted restrictions on the right to strike. For example, restrictions on the right to strike and trade unions were reported by the Governments of the Republic of Korea for teachers and of the Islamic Republic of Iran for various categories of workers. The Government of the Republic of Korea reported that the Trade Union and Labour Relations Adjustment Act bans industrial action that has not been organized by a trade union, and in that country several large categories of employees are not permitted to go on strike. The ICFTU asserted that government workers are not allowed to strike in the Islamic Republic of Iran and Jordan; the government reports do not address this issue directly. In response to comments made by the ICFTU alleging restrictions on the right to strike, Qatar has offered additional information. The ICFTU has also claimed that the right to strike in Viet Nam is restricted in a number of ways, and that in China the legislation does not mention the right to strike and that spontaneous strikes are frequently repressed.
- 24. State action in relation to collective bargaining.** The Government of Lebanon has noted that for the conclusion of collective agreements, trade union negotiators must represent 60 per cent of the workers; in its report the Government states that this provision could be amended, so as to permit more extensive collective bargaining. The New Zealand Council of Trade Unions raised concerns over the negative impact of the Employment Contracts Act on collective bargaining, and the Government has indicated quite recently that it intends to seek repeal of that Act. The Canadian Government reported on its extensive database of collective agreements. India reported that the government objectives are to encourage unionization amongst workers so that they can protect and promote their interests. The Government believes that this will lead to higher productivity and higher standards of living for workers. The Government of Brazil described its system of having collective agreements deposited (but not vetted) for purposes of dissemination. Any incompatibility between the clauses agreed and the labour legislation was communicated to the labour prosecutor's office for possible action in the Labour Court. According to the Government of Brazil, it also referred to its mediation services. Collective agreements must be registered in Zimbabwe and are checked to see that they meet minimum standards; the Government may exercise powers to ensure that wage stabilization policies are adhered to, according to the Government. The Government of Angola noted that collective agreements were not required to be submitted for governmental approval. The Islamic Republic of Iran described the system of observations with regard to compliance with existing laws and regulations that the Government provides on collective agreements. In El Salvador, the Government reported, the law prescribes that negotiation and conclusion of a collective agreement is mandatory when the legal threshold for worker representation has been reached; collective agreements are checked for conformity with the law before being registered.
- 25.** The Government of China noted that no category of employers or workers is excluded from the system of collective bargaining; it stated that approval is not required, but that collective agreements are submitted for review and registration. Like a number of other countries, in China the review involves whether the collective agreement meets the minimum standards provided for in laws and regulations. The Government of Mauritania reported that the State acts as a guarantor of collective agreements.

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- 26. Collective bargaining in practice.** The Government of Uganda stressed the voluntary nature of collective bargaining, noting that it is left up to the initiative of the parties to determine what to include in their agreements; the same Government noted that a large number of unionized workplaces are covered by collective agreements. In the Bahamas, the Government reported that collective bargaining was actively practised. The United States Government reported that while the law seeks to protect the right to collective bargaining, roughly one-third of the workplaces in which workers vote to be represented by a union do not obtain a collective agreement. Some governments reported that while collective bargaining was not restricted, collective agreements had been reached only in some sectors (Guinea-Bissau, banking). The Government of Zimbabwe remarked that the absence of collective bargaining structures in the public service may have had an adverse impact on industrial relations in this sector, and that legislation to change this was under consideration. The Government of China provided figures on collective contracts signed through consultation, involving more than 50 million staff and workers. The ICFTU maintained that very little, if any, genuine collective bargaining takes place in China. The report supplied by the Government of Canada contained an extensive description of collective bargaining and dispute resolution in the federal sector and at other levels in that country. The ICFTU claims that the federal and provincial governments in that country interfere with collective bargaining. In Lebanon, both the Government and the ICFTU state that collective agreements must be approved by a two-thirds majority.
- 27. Cooperatives.** The law governing cooperatives was cited by some countries (e.g. Qatar). The Expert-Advisers would point out that while the right to join cooperatives is an expression of freedom of association, it should exist alongside the freedom to establish workers' and employers' organizations.
- 28. Positive measures to promote the principles; dispute resolution.** The Governments of Brazil and Kenya referred to the free dispute resolution services offered by their Governments, as well as tripartite consultations at various levels. The United States Government explained in detail the options that exist in that country for dispute resolution in the context of voluntary collective bargaining. The important role of dispute resolution machinery was also mentioned in the government reports submitted by Brazil, Canada, El Salvador, Malaysia and Uganda. The Government of India is now encouraging bipartite approaches to dispute resolution, it reported. Training in the areas of collective bargaining and negotiating skills was mentioned by the Government of China in relation to international cooperation.
- 29.** The Ugandan Government recalled the importance of research, strengthening of the labour inspectorate, reinforcing the capacity of the social partners, encouragement of NGOs to participate in promoting fundamental principles and rights at work, and strengthening tripartite structures. Measures to reinvigorate collective bargaining and social dialogue in various branches of activity at various levels were mentioned by the Government of Morocco. Viet Nam reported on activities that the Government has undertaken to promote collective bargaining. In Angola, the Government reported efforts to encourage the social partners to conclude collective agreements. A tripartite negotiating forum in Zimbabwe, noted the Government, promotes industrial harmony, freedom of association and collective bargaining. The Government of Canada described its extensive workplace information system at the federal level, including information about trade unions, collective agreements and related matters from the various jurisdictions (intended to be made accessible on the Internet), as well as publications designed to assist parties prepare for and resolve issues at the bargaining table. Canada also reported on initiatives taken at the provincial level.
- 30. Training needs.** A number of countries pointed out the usefulness of training in dispute prevention and resolution (e.g. Kenya). An employers' federation in Mauritius took the view that training the social partners in collective bargaining and negotiation techniques was a prerequisite in that country for its ratification of Convention No. 87. The Government of Angola noted a need for training in industrial relations for the social partners; this view was shared by a number of other governments (e.g. Democratic Republic of the Congo, United Republic of Tanzania) and the General Union of Private Enterprises of Equatorial Guinea in relation to that country. The Government of Zimbabwe suggested that tripartite study tours to share experiences among developing countries on implementing the principles in question would be useful. The Government of Eritrea stated that it would welcome ILO assistance in relation to promoting freedom of association and collective bargaining.

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**31. Statistics.** Several countries provided statistics on the number of trade union federations or trade unions (e.g. Brazil, India, Lebanon, Mauritania, Thailand, Uganda), the number of trade union members (e.g. Mauritius), the number of employers' organizations (e.g. India), the sectors in which collective agreements had been concluded (e.g. Guinea-Bissau, Lebanon), and data on registered collective agreements (e.g. Brazil, United Republic of Tanzania). In some countries, these data was broken down by sector of activity (e.g. Malaysia, Mauritius). Figures were given for the number and percentage of enterprises with trade unions in Viet Nam, as well as collective bargaining coverage. The Government of Mexico provided extensive statistics on collective agreements and their coverage. The Government of the Islamic Republic of Iran provided figures on the numbers of employers' organizations, workers' trade unions, workers' representatives and Islamic labour councils at various levels. The Government of New Zealand and a workers' organization in that country provided details on the decline in trade union membership since 1991. Statistics from a report by a commission on the future of worker-management relations were cited by the Government of the United States in its report. In Viet Nam, the Government reported that a higher percentage of collective agreements was concluded in state-owned enterprises than in foreign investment enterprises. The Government of Brazil gave data on mediation activities, which it tracks in an information system. The Government of China provided statistics on the number of members in the China Enterprises' Federation and in the All-China Federation of Trade Unions. Reporting on activities of the All-China Federation of Trade Unions, the Government of China pointed out that the federation was focusing its attention on the organization of trade unions in private and foreign capital enterprises. The same Government noted that the number of trade unions organized in foreign capital enterprises and private enterprises was growing, and provided data on the coverage of collective agreements that had been reached in that country. In the report provided by the Government of Canada, statistics showed the number of unions, trends in membership rates, the number and coverage of collective agreements, figures on the drop in various measures of work stoppages, instances of mediation to prevent and resolve disputes. Many countries (e.g. Democratic Republic of the Congo, Eritrea) noted that no statistics were available, and stated that action was needed to address this situation.

**32. References to other international instruments.** A number of countries having already ratified the other Convention relevant to this principle (Convention No. 87 or No. 98) referred to that instrument (e.g. Morocco). Some made reference to other international or regional instruments, such as the International Covenant on Civil and Political Rights and the Arab Labour Organization Convention on collective bargaining (Morocco).

## **B. The elimination of all forms of forced or compulsory labour**

**33. Definitions of forced labour; prohibition.** A number of countries cited the definitions of forced labour found in their constitutions or laws (e.g. Namibia) and its prohibition (e.g. Azerbaijan, Bolivia, Ethiopia, Japan, Nepal, Philippines, Ukraine). Sri Lanka indicated that while forced or compulsory labour has not been specifically defined, freedom of the individual is guaranteed by the Constitution, and that legislation exists abolishing and criminalizing slavery. The Government noted that certain categories of jobs and work appear to be excluded from legislation and administrative regulations, and that some enactments may need to be re-examined and amended to permit ratification of Convention No. 105. The Government of Viet Nam has noted, in relation to possible ratification of the forced labour Conventions, that it saw differences between it and the ILO on the definition of forced labour and citizens' duty to perform public works, and it looked forward to preventing misunderstandings. The United States Government has provided information on constitutional and statutory provisions prohibiting slavery and involuntary servitude, as interpreted by the courts. While noting that forced labour was not defined per se in Canada, the Government indicated various legislative provisions at the federal and provincial levels that it thought safeguarded the principle in that country.

**34.** Referring to provisions in its Constitution, the Government of China has stated that the protection of personal freedom implies the elimination of all forms of forced or compulsory labour, and that there is no definition of forced or compulsory labour in law. According to the Government, employing units are prohibited from forcing workers to work in that country.

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- 35. Exemptions from prohibitions on forced labour.** The Government of Viet Nam stated that no categories of jobs, work or sectors were excluded or omitted from the legislation recognizing the principle. Many governments referred to exemptions from the general principle in regard to compulsory military service (e.g. Democratic Republic of the Congo, Ethiopia, Latvia). The Government of Latvia mentioned this exemption as well as exclusion of protection against forced labour when states of exception are declared. Draft legislation referred to in that Government's report would apparently permit an employer unilaterally to extend a contract of employment under specified circumstances.
- 36.** In the Republic of Korea, the Government reported that since it was not possible to deploy all military conscripts to work of a purely military character, they can serve as public service personnel while waiting on stand-by as a military force. The Government forwarded comments by the Federation of Korean Trade Unions pointing out that the dismissal of those working within these special schemes means the immediate transfer to active duty, and that employers might take advantage of such workers under the threat of dismissal.
- 37.** The Government of Ethiopia reported exceptions such as military service and emergencies such as wars, fires and earthquakes, as well as economic or social development activity voluntarily performed by a community, work or service required of a person under detention in consequence of a lawful order, and work or service required of a person during conditional release from such detention. Exceptions to the principle in the Democratic Republic of the Congo, according to the Government, related to military service for work of a purely military character, certain types of work involving civic obligations, and work to be done in case of *force majeure*. The Government of Sri Lanka referred in its report to legislation on compulsory public service, essential public services, prisons and industrial disputes and suggested that some of the instances described could be considered to be forced labour, but noted that the legislation was not enforced.
- 38.** The Government of China has identified the following as persons excluded from the implementation of the principle: criminals serving penal sentences, persons interned for rehabilitation through labour due to acts of violating discipline, jeopardizing public order or not engaging in honest pursuits, and active servicemen in the military. In respect of compulsory labour for persons interned for reform (rehabilitation) through labour, the Government has provided details of its origin, legal framework, means of operation and extent. It is an administrative rather than a penal measure used to maintain social order and reduce and prevent crimes, the Government has stated, that is well suited to the particular circumstances of China.
- 39.** In its report, the Government of Namibia mentioned exceptions concerning labour required under a sentence or court order, labour required during a public emergency and labour reasonably required as part of reasonable and normal communal or civic obligations. The Government of Canada noted that where work is performed by prison inmates, it is under the supervision and control of the public authorities, with protective guarantees. The United States Government stated that it would continue to provide information on work performed by prisoners in facilities that are managed or owned privately.
- 40. Important role of the courts.** Several countries referred to judicial decisions as key vehicles for declaring practices of forced labour to be illegal and ordering measures to remedy it (India, Philippines, United States). Japan provided detailed information on legislation and violations and cases of alleged forced labour sent to the prosecutor.
- 41. Legislative reform.** The Government of Bolivia referred to revision of its Labour Code in connection with realizing the elimination of forced labour as a fundamental principle. In Eritrea, the Government indicated that it was revising its law to take into account suggestions by the ILO.
- 42. Assessment of the factual situation; statistics.** Nearly all replying to this question indicated that there was no forced or compulsory labour or that data were not available. The Government of Ethiopia stated that it was difficult to appraise the situation due to a lack of data. Both the Governments of the Democratic Republic of Congo and Eritrea said that they would welcome assistance in collecting and analysing statistics in relation to this principle. In the United States, according to the Government, around 77,000 (or 4 per cent of the inmate population) inmates are in prisons that are owned or managed by profit-making enterprises which operate under the

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supervision of local or state authorities. The Government also referred to the contracting out of prison labour to private enterprises in non-federal prison facilities. In support of its statement that there are no known cases of forced labour in Canada, the Government of that country cited a report the ICFTU had submitted in relation to trade policy in the World Trade Organization. The Government of Bolivia described the labour market in the urban informal sector in its report on the elimination of forced or compulsory labour. The Government of Nepal has reported that in some regions of the country, there is a traditional practice of engaging workers in “partially verbal debt bondage” in agriculture. The Government of Gambia referred to poverty studies as a possible source of assessment.

- 43. Means of implementing the principle.** Legal, administrative and social measures were cited by governments (e.g. India, Namibia) in this connection. In Viet Nam, the Government noted legislation and information dissemination about it, inspection and penalties as promotional means. In its report, the Government of China referred primarily to labour inspection. The Government of Namibia has developed a special form for the detection, recording and reporting of the presence of forced labour at workplaces, although normal labour inspection had not detected any. The possibility of individuals as well as the public authorities being able to initiate enforcement of legal protection in relation to forced labour was highlighted by the United States Government in its report.
- 44. Measures to combat forced labour.** The Government of Namibia evoked its awareness campaign about the Constitution and the Labour Act as a means of promoting the elimination of forced or compulsory labour. It also wanted to encourage research through the Labour Advisory Council, and cited a need to do a proper analysis of the legal and economic readiness. The Governments of the Democratic Republic of the Congo and Eritrea shared the view that awareness raising among policy-makers and the general public would help to promote the principle of the elimination of forced or compulsory labour. The Government of Ethiopia referred to tripartite machinery to serve as a forum for consultation on labour issues. With the involvement of trade unions and non-governmental organizations, the Government of Nepal reports that it has implemented a programme specifically targeting workers in bonded labour (*kamaiya*). Both the Governments of Canada and the United States mentioned the statutory minimum wage as an instrument in preventing forced or compulsory labour. The Canadian Government reported on its involvement in negotiations of an Optional Protocol to the draft United Nations Convention on Transnational Organized Crime, to make anyone involved in trafficking for purposes of forced labour subject to a penal offence.
- 45. Penalties.** Some countries fix special penalties for cases of forced labour (e.g. the Republic of Korea), while others rely more generally on the criminal law as it relates to violations in the labour field (e.g. Latvia, Namibia). The Government of the Philippines referred to punishments for forced labour in relation to slavery, exploitation of child labour, services rendered under compulsion in payment of debts and grave coercion. Remedies in that country include various types of damages. The Government of China reported on penalties that may be imposed in the case of employing units forcing workers to work.
- 46. Relation to child labour.** In its report on the elimination of all forms of forced or compulsory labour, Bolivia referred to its ratification of the Convention on the Rights of the Child among the measures taken, which uses the term economic exploitation of children. The Government also mentioned the development of a national plan on child labour aimed at progressively eliminating child labour and protecting young workers.
- 47. Relation to elimination of discrimination.** In imposing compulsory services which the Government considers as falling outside the definition of forced labour, the Government of India noted that this may not involve any distinction on grounds of religion, race, caste or class. In its report, the Government of Ethiopia also referred to non-discrimination on various grounds in relation to the elimination of forced labour. The Government of China noted that pregnant women, mothers nursing a baby for up to one year and persons with disabilities are not subject to rehabilitation through labour, and that decisions to intern persons for this purpose shall be based solely on the illegality of their acts, irrespective of their ethnic communities, professions or religious beliefs. Several governments (e.g. Canada) referred to general human rights guarantees against discrimination in their reports on forced labour.

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## C. The effective abolition of child labour

- 48. Ratification of other child labour instruments.** A number of countries reported on action taken or intentions to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182). Some countries referred to their ratification of the United Nations Convention on the Rights of the Child, article 32 of which prohibits exploitative child labour and work that is likely to be harmful to the child's health, physical, mental, spiritual, moral or social development, or to interfere with the child's education. As illustrations of their commitment to abolishing child labour, some countries referred to their ratification of other ILO Conventions setting a minimum age for employment in certain sectors or otherwise restricting the employment of children, e.g.: Australia with reference to the Minimum Age (Sea) Convention, 1920 (No. 7), the Minimum Age (Agriculture) Convention, 1921 (No. 10), the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15), the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), the Minimum Age (Fishermen) Convention, 1959 (No. 112), and the Minimum Age (Underground Work) Convention, 1965 (No. 123); Colombia, the Minimum Age (Industry) Convention, 1919 (No. 5), the Minimum Age (Sea) Convention, 1920 (No. 7), the Minimum Age (Agriculture) Convention, 1921 (No. 10), and the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); Mali, with reference to the Minimum Age (Industry) Convention, 1919 (No. 5); Nigeria with reference to the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15), the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), and the Minimum Age (Underground Work) Convention, 1965 (No. 123); and Singapore, the Minimum Age (Industry) Convention, 1919 (No. 5), and the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15).
- 49. Legislative provisions prohibiting child labour.** Almost all the countries reported on legislative provisions to prohibit child labour, and no attempt is made here to summarize them. In some, protections against child labour are also found in national constitutions (e.g. Brazil, Namibia, South Africa). In the view of an employers' organization in Mexico, the national law is appropriate for the economic and social conditions of the country, at once prohibiting child labour and regulating labour performed by minors through protective measures. The Government of Austria has presented a detailed explanation of how it sees its legislation as providing respect for the principle of the abolition of child labour. Australia has done the same, including information from its states and territories.
- 50. Minimum age for employment or work.** A common approach is to set a minimum age for admission to various types of employment, although the ages vary by country (see e.g. Bahamas, Estonia, Panama, Peru, Senegal, Sri Lanka and the United States). The Syrian Arab Republic noted that it was preparing a draft legal instrument to raise the minimum age for employment (now 12) to overcome difficulties related to the ratification of Convention No. 138. In Viet Nam the Government reports a basic minimum age for employment of 15 years, with a lower minimum age for a few types of specialized work (sports, artistic work).
- 51. Lists of types of hazardous work.** Many of the countries reporting have established categories or lists of types of work considered to be dangerous or hazardous, and have prohibited persons under a certain age from performing it. Examples of this are found in reports from the Governments of Austria, Bangladesh, Colombia, Estonia, India, Latvia, Lebanon, Mali, Panama, Senegal, Sri Lanka, United States, Viet Nam and Zimbabwe, among other countries. According to government reports, child labour is also banned entirely in some industries, such as mining (e.g. in Angola and Namibia), or placed under restrictions in industries such as manufacturing, construction and forestry (New Zealand). Work which poses a threat to a minor's morals is banned in a number of countries (e.g. Panama, prohibition of work in nightclubs, casinos, etc.).
- 52. Differing perspectives on child labour.** The Government of Singapore noted that the rising affluence of Singaporeans has meant that children do not need to work; those who choose to do so, do so during school vacations. The New Zealand Government noted that it does not believe that all forms of child employment are harmful, citing the long-established practice of employment of children in such work as newspaper distribution and fruit-picking. The country's legislation places restrictions on the employment of young persons, mainly in legislation on education and health and

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safety. “The exploitation of child labour, however, should not be condoned or supported in any form”, the Government states.

- 53. Protective provisions.** A wide range of countries have legislation that governs the hours of work and other working conditions under which a child or young person may be lawfully employed (e.g. Brazil, Singapore). In a number of countries, records are to be kept of employment of children and young persons where it is permitted (e.g. Zimbabwe).
- 54. Exceptions or legislative gaps.** The Government of Uganda reports exceptions as regards light work – an exception found as well in other countries – but notes that the term has not been defined in national law. The Government of Austria has indicated the types of work considered to be “light” in that country. A number of countries (e.g. Bahamas, Bahrain) indicated that there were no exceptions for any categories of jobs, work, or sectors. The Government of the Czech Republic noted the need for legislation concerning the work-related activities of children in artistic performances, sports and advertising, which are subject only to parental consent. In Estonia, the Government reported, the legislation does not extend to family farms or enterprises or to family household work. The government report submitted by the United States described the separate labour standards applicable to child labour in agricultural employment, and provided information on other legislative exceptions to the federal law and regulations that prohibit “oppressive child labour”. It stated that it is aware of the importance of re-examining the adequacy of federal labour laws and their enforcement.
- 55. Domestic workers.** Domestic employees are excluded from some countries’ legislation on child labour. In countries where the use of children as domestic employees is widespread, this exclusion may be an important obstacle to addressing the problem. In Peru, the Government reports that the 1999 Children’s and Adolescents’ Code applies to domestic workers, whether they are considered employees or independent workers. Not being in a category where a higher minimum age is required, this work can begin at age 12; according to the Peruvian Government, domestic workers are entitled to a minimum of 12 hours of continuous rest per day, and the law states that school attendance is to be assured. The Government of Sri Lanka has reported that the legislation also sets parameters for rest for children aged 12 to 14 who engage in domestic work. The same country reported on complaints received in relation to child labour in domestic work, and noted that amendment of the law to set a minimum age of 14 for this type of work was under consideration.
- 56. Exclusion of family members.** Family members, particularly those living with the employer, are also sometimes excluded from the legislation cited by governments (Japan, Mexico, Senegal). Alternatively put, undertakings in which only members of the same family are employed are excluded from child labour restrictions (e.g. Angola, Estonia, Sri Lanka).
- 57. Special measures for seafaring.** Several countries mentioned special legislation and/or administrative measures taken to prohibit child labour or protect young persons in seafaring (Japan, Mauritania, New Zealand).
- 58. Assessment of the factual situation; statistics.** Several countries pointed out their need to gain a better grasp of the extent of the phenomenon (e.g. Mali, Namibia (where a survey was under way), Zimbabwe (which also noted a need for infrastructure to handle data)). The Government of South Africa described research now under way to establish the extent of child labour there. The report supplied by the Government of Mexico contained extensive census and labour market data for persons 12 years of age and above (in 1993, for instance, of the group of 12 to 14 year olds, approximately 5.22 million were economically inactive and 1.27 million were economically active). The data are disaggregated on the basis of sex, as well as by sector and other breakdowns. The Government of Mexico also reported on special efforts to gather data in the agricultural sector. In its report, the Government of New Zealand provided figures for the 15 to 19 year-old age group, by industry and disaggregated by sex (in the June quarter 1999, 62.1 per cent of this group were engaged in part-time employment, and 23.5 per cent in full-time employment (most of whom were 18 years old)). The Government also furnished some statistics on occupational injury and death for workers under 18 years of age. The New Zealand Council of Trade Unions regretted the absence of data for children under age 15 and on inspections undertaken on behalf of young workers. However, they cited a survey showing that 57.2 per cent of the respondents aged 13 to 14 years had one or more jobs, and expressed concern about the working conditions and safety of children in certain

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types of employment, referring particularly to use of tractors. The rate of job holding did not differ significantly by sex, but the type of work performed by boys and girls diverged. The Government of Australia also provided figures on employment injuries for workers aged 18 or under. In its report, the Government of Nigeria mentioned ILO assistance in relation to developing indicators and statistics on child labour.

59. Data from Panama, provided by the Government, showed the area distribution, sex, and educational profile of children who are economically active. The Government of Senegal reported high rates of child labour at harvest time in rural areas, and an increasing amount of it in domestic work and self-employment. India provided statistics on the number of children involved in its National Child Labour Project on rehabilitation in relation to child labour in various parts of the country. In Viet Nam, the Government has stated, the number of young workers was inconsiderable, but they are found in traditional handicraft villages, seasonal undertakings and food catering, where working conditions for them are inadequate (hard jobs, overtime). Special units in the Brazilian Ministry of Labour and Employment have gathered data on the existing pockets of child labour, identifying the spheres of activity and impact on health and safety. While reporting some data, the Government stated that no accurate figures exist, and for this reason it has approached the ILO to carry out a survey. The Government of Brazil noted that present trends would appear to indicate that child labour is declining. In Colombia, inclusion of measurements of child labour in national household surveys since 1992 has produced data which the Government provided. The United States Government referred to studies and documents it has funded to get a picture of domestic child labour, and noted a recently initiated study of industries in which children are most often injured.
60. Referring to a statement made by the ICFTU to the World Trade Organization in the context of a trade policy review, the Government of Canada noted that there are no indications of child labour in that country. The Government of Seychelles, where the minimum age for employment is 15, stated that no form of child labour exists in the country and provided data on persons aged 15 to 20 in employment. The Governments of Austria, Bahrain, Saudi Arabia and Singapore stated in their reports that there was no child labour in their countries. This was also indicated by the Government of Estonia, which said that it intends to carry out research on child labour with the assistance of the United Nations Development Programme.
61. **Growth of the informal sector and other labour market developments.** The Government of Zimbabwe reported that with the introduction of the Economic Structural Adjustment Programme, the informal sector had grown considerably, and that individual studies had suggested the presence of child labour in the rural and urban informal sectors. The same Government suggested further research, as this sector falls outside the scope of current labour laws. The Government of the Czech Republic noted that while the labour and social legislation places great emphasis on the protection of young people, the present legislation does not regulate to a sufficient extent child labour outside the employment relationships (such as working in family undertakings); the present legislation continues to be based on assumptions that were valid under the previous social order, where private businesses did not exist and child labour was virtually non-existent.
62. **Enforcement of legislation.** Several countries reported on their experience with enforcement of provisions governing child labour, including statistics (e.g. Japan). Some provided information on penalties that may be imposed for violations of the labour law and other laws governing children (Myanmar). The Government of New Zealand noted that parents and/or employers can be prosecuted and fined for violations; it is a crime for a parent or guardian to deliver a child to another person intending that the child or his or her labour be exploited. It also referred to enforcement by schools and the Ministry of Education of the ban on employment of school-age children during school hours. In Sri Lanka, the Government reported, both the police and the labour inspectorate have powers to enforce the relevant legislation, and a seminar has been held for judges and magistrates who hear child labour cases. The Government of Zimbabwe referred to the involvement of various units of government (labour, justice, social welfare, provincial-level child welfare forums, and an inter-ministerial committee on human rights). In the report from the Government of the Bahamas, truant officers, police and the labour inspectorate are identified in relation to implementation of the principle. In addition to many other means of enforcing the law, the United States report noted that the Government can stop the shipment of goods across state borders within the country if they have been produced in violation of federal child labour laws. The United States Government also mentioned the targeted enforcement efforts undertaken in the agriculture,

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restaurant, health care and garment industries. The Government of Canada provided information on rare findings of child labour. It also reported the special enforcement efforts undertaken in relation to major fairs and carnivals as potential locations for violations; according to the Government, these have been redressed in a cooperative manner.

- 63. Offences.** A large number of countries make it an offence to employ children under a certain age. The Government of South Africa was one among several to provide information on offences, including penalties. It has a legislative provision making it an offence to discriminate against a person who refuses to permit a child to be employed. The Expert-Advisers note that such a provision could be particularly helpful in combating child labour in rural areas. In Sri Lanka, the Government has noted, it is an offence to prevent children from attending school. The Governments of Viet Nam and Zimbabwe also referred to the use of penal sanctions. In its report, the Government of Brazil drew attention to a new provision of the Criminal Code that criminalizes enticement of workers from one place in the national territory to another, and applies a heavier sentence on perpetrators when the victims are children. It cited this as a measure to prevent the worst forms of child and adolescent labour, including in circumstances which may be considered comparable to slavery. The Government of Colombia reported on special criminal penalties for child pornography. The United States Government provided information on relevant civil and criminal penalties, and referred to its imposition of sizeable penalties against fruit and vegetable growers for violation of child labour laws.
- 64. Labour inspection.** The role of the labour inspectorate in abolishing child labour was mentioned by a number of countries (e.g. Mauritania, New Zealand). Some, like the Government of Lebanon, noted how the ILO could continue to provide information and training in this regard, and others noted assistance of this type already provided (e.g. Senegal). The Government of New Zealand reported that the labour inspectorate visits schools and other educational institutions as part of its information and education strategy; the New Zealand Council of Trade Unions expressed fears that the low number of inspectors could be adversely affecting young workers. In Panama, the Government indicated that the work of labour inspectors includes interviewing and orienting minors, parents and guardians who are seeking work permits.
- 65. The link to education and vocational training.** Several governments referred to efforts to reinforce education in their countries as a key part of their strategies for abolishing child labour (e.g. Lebanon), and some cited increased school enrolment figures (e.g. Bahamas, Mali). The Government of Namibia pointed out that children who turn 16 before completing their primary education are not chased out of school, and that about 90 per cent of school-age children were in school. The Government of Senegal identified a goal of 70 per cent enrolment by the year 2000, and referred to recruitment of education volunteers. In its report, the Government of Singapore noted a sharp drop in the number of young people at work between 15 and 19 years of age and attributed this to the dramatic improvement in the country's educational facilities (primary and secondary education and vocational training). The Government of Viet Nam listed expansion of vocational training programmes as one type of measure taken to promote the principle. The Government also reports that the minimum age for employment coincides with the age of compulsory education (15). The Government of Austria defines a child in relation to the completion of compulsory education.
- 66.** Highlighting the primacy of education in relation to eliminating child labour, the Government of Canada provided information on pertinent provincial legislation. The Government of Zimbabwe noted that the concept of education for all and tuition-free primary education has helped children remain in school until age 16; light work may be performed by those 15 years old and over if it is in relation to the child's school work or carried out in vocational training centres. Through the Social Dimension Fund, the government reported, children of poor families are assisted with payment of secondary school tuition fees.
- 67. Pursuit of an integrated approach.** Mexico described its National System for Integral Development of the Family which incorporates measures to prevent child labour as well as rehabilitation efforts. Different levels of government, employers' and workers' organizations and other public and private institutions are involved. In Panama, the Government noted, the committee for the eradication of child labour and for the protection of child workers has drawn up a national action plan that embraces initiatives in the fields of education, labour and family affairs. It includes development of alternative income sources and elimination of cultural concepts that favour child

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labour. The Government of Panama also described the approach of the new Family Code and the Labour Code to promote the overall development of minors. The Peruvian Government cited efforts relating to education, nutrition and health as part of the struggle to abolish child labour. In its report, the Government of Brazil pointed to the participation of the National Council of Children's and Adolescents' Rights, which has adopted policy directives in the areas of health, education, social assistance and the guarantee of rights at the three levels of government. The "child citizen grant programme" for families of children who give up work to attend school has been reported a success by the Brazilian Government. The Government of Colombia as well mentioned that it is pursuing a national action plan that involves aspects of health, primary education, support for poor families, a search for children engaged in dangerous activities and awareness raising.

68. Poverty alleviation schemes in Nigeria are one aspect of its action plan for the abolition of child labour, according to the government report. The Government of Zimbabwe also gave examples of how labour, health and education policy are being used in relation to this principle. The Government of the Islamic Republic of Iran noted that, "the issue should be addressed on both directions of the supply of child labour and demand for such labour. Factors behind the supply of child labour are the poverty of their families and problems related to the education systems and the perceived incompatibility of education contents with the needs of the labour market. As regards demand for child labour, the main factor is the lower cost of such labour for the employer."
69. The Government of Canada stressed four main themes in relation to child labour: the primacy of education, the physical safety of the child, young person and other workers, protection of the moral development of the child or the young person, and limitations on types of occupations and industry in which children and young persons may perform work. The same Government described intentions to reach agreement among the federal, provincial and territorial governments to further support parents and families. In New Zealand, the Children, Young Persons and their Families Agency can involve the family, sub-tribes and tribes in searching for solutions in the best interests of the child, according to the government report. In its report, the Government of Australia made reference to a wide range of legislative instruments covering education, child welfare, videotapes and publications (penalizing exploitation of children for pornographic or other indecent purposes), occupational safety and health, liquor sales and other topics. Austria attributed its lack of a problem with child labour to its compulsory schooling and extensive social protection system as well as its laws.
70. **A child rights approach and outreach to girls.** The Government of Uganda noted that the Children's Statute of 1996 provides for the protection and maintenance of children, and prohibits activities that may be harmful to health, education, mental, physical or moral development. The Government of Senegal mentioned efforts to reach out to girls in difficulty. The Czech Republic noted that there is a special section on the rights of the child in its Council of Human Rights.
71. **Awareness raising.** The Governments of South Africa, the United States and Viet Nam reported on various awareness-raising measures they have undertaken (media campaigns, leaflets, "compliance education", outreach to parents, employers and young people, etc.) to prevent child labour. Participation in the Global March was mentioned by the Government of Zimbabwe as an awareness-raising tool. The Government of Australia mentioned the role of the news media in reporting instances of exploitation of children as a factor in the combination of laws and cultural factors it says prevent the admission of children to harmful employment. The report supplied by the Government of Canada contained information from some of the provinces; according to this, in the Province of Quebec awareness raising has involved developing games and internships for young people as well as media initiatives.
72. **Special issues.** Reference was made by the Government of Gambia to the "Almudu" phenomenon, whereby teenagers adopt a person with knowledge of Islam and the Koran as their master teacher, with the young person in turn doing light work; a debate on this related to child labour has evoked religious and cultural sensitivities. In its report, the Government of Senegal mentioned the special needs of children traumatized by armed conflict.
73. **Relationship to freedom of association.** The Government of Peru pointed out that minors who work are entitled to exercise collective rights, such as joining or founding trade unions, and to

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pursue claims before the courts in relation to their economic activity. The Government of Angola reported that minors could belong to trade unions but not serve as officers.

- 74. Relationship to forced labour.** The Government of Estonia noted that children are protected against forced labour. In its report under the principle of elimination of all forms of forced or compulsory labour, the Government of Bolivia referred extensively to child labour.
- 75. Involvement and perspectives of employers' and workers' organizations.** In South Africa, trade unions, employers' organizations and NGOs are involved in an intersectoral group involving a number of government departments, which develops strategies to eliminate child labour. The Government of Zimbabwe also referred to the role of these organizations in implementing the principle. In the report submitted by the Government of Canada, it was noted that the Quebec Federation of Workers had adopted a resolution urging respect for Convention No. 138 in the province and amendment of its labour law. The report included information from Quebec on a policy and awareness-raising campaign elaborated by the employers' council and teachers' association in that province in relation to young people at work. One example of the involvement of workers' organizations was the statement adopted by the trade union federations in Senegal. The New Zealand Council of Trade Unions considered that the failure of their Government to ratify Convention No. 138 shows a failure to recognize the principle of the effective abolition of child labour.
- 76. Role of NGOs.** The role of NGOs in combating child labour was recalled by a number of governments. The Government of Nigeria, for example, referred to assistance to street children and action against child prostitution or abuse involving many NGOs, from women's organizations to the Islamic Centre. The Government of Senegal pointed out the role of NGOs in taking care of rehabilitating children who work, and outreach work it was undertaking with social workers, judges, police and prison officers, etc. The Government of Sri Lanka listed a range of NGO activity in support of abolishing child labour. In Zimbabwe, the Government reported, street children are sent to designated home centres for rehabilitation. The Government of Bahrain indicated that non-governmental organizations and enterprises were working to promote awareness of the dangers of child labour and to reinforce child protection.
- 77. The importance of IPEC.** Many countries mentioned the contribution that their participation in the International Programme on the Elimination of Child Labour (IPEC) had already made to tackling the problem. In the view of the Government of Lebanon, "These projects attack the causes of child labour and contribute to its significant reduction". Specific examples of action taken are found in reports submitted by the Governments of Lebanon, Mali, Namibia, Peru (referring to the Programme's concentration on children under the age of 12 who work in conditions of slavery, abuse or debt bondage), South Africa (survey to provide insights for policy development) and Sri Lanka (strengthening enforcement, awareness raising, surveys). The Governments of Australia and Canada referred to their contributions to the ILO for IPEC.
- 78. Work with other international organizations.** A number of countries referred to joint ILO-UNICEF efforts, or the ways in which separate action by the two organizations complement one another (e.g. Colombia and Nigeria, where a National Policy and Sensitization Workshop on Child Labour had given impetus to tackling the problem, and Senegal in relation to statistics). In Brazil, the National Forum for the Prevention and Elimination of Child Labour includes representatives of government, workers, entrepreneurs, religious institutions, Parliament and NGOs, with the support of UNICEF and the ILO. The Forum has identified the effective strategy of ensuring that the adults in the family have a job, so that they no longer depend upon under-age children to keep the household going. In its report, the Democratic Republic of the Congo recommended that a national network be created, with the involvement of ILO-IPEC, UNICEF and the UNDP.
- 79. Cooperation between countries.** The Government of Brazil described visits to that country, organized with the Dominican Republic and Nicaragua, undertaken so that the participants might gain greater insight into the Brazilian experience in combating child labour. The Government of Canada described its intention to reach international agreements to protect the rights of children. The United States Government noted that the elimination of illegal and exploitative child labour is both a domestic and an international priority to that country. As part of the efforts it has made under this principle, the Government of Australia referred to memoranda of understanding it has signed

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with the Governments of Fiji and the Philippines to cooperatively combat the commercial sexual exploitation of children. The Government of Australia provided information on its aid programme, which targets intervention and rehabilitation programmes for children most in need and involves assistance to domestic law enforcement and monitoring agencies in developing countries.

## **D. The elimination of discrimination in respect of employment and occupation**

- 80. Definition of discrimination.** A few countries (e.g. United States, Uganda) provided definitions of discrimination used in their legislation. In some countries, the principle is affirmed in terms of provisions on equality of opportunity or equal rights (e.g. Bahrain, China, United States).
- 81. Criteria whereby discrimination is prohibited.** Many different grounds were indicated in relation to the question about the criteria whereby discrimination is prohibited. The following indications are illustrative, not exhaustive.
- 82. Race or colour.** The Governments of China, Eritrea, Kenya, Luxembourg, Mauritius, Singapore and the United States noted that this was a ground on which discrimination was prohibited. Namibia has specific legislation on this topic. In Thailand, according to the Government, unjust discrimination on the basis of race and a number of other factors is not permitted.
- 83. Discrimination on the basis of sex.** The Governments of China, Democratic Republic of the Congo, Eritrea, Estonia, Japan, Kenya, Luxembourg, Namibia, Nigeria and the United States listed sex as a ground on which discrimination is prohibited. The Government of Thailand mentioned, among other laws, legislation banning sexual harassment against women, and protection against dismissal for pregnant employees. In China, the Government report stated, women and men enjoy equal rights in employment; sex may not be used as a pretext for excluding females from employment or to raise recruitment standards for women, except for the types of work or posts that the State stipulates are not suitable for women. The Government of Estonia noted that some jobs are forbidden for women (heavy or hazardous work, underground work). The Government of Bahrain also stated that there were categories of jobs closed to women and the disabled. The Government of the Bahamas reported that there are areas of work which used to be predominantly male-oriented and now engage women at the same pay scales, citing employment in various parts of the construction industry and in telecommunications. The Government of Kuwait indicated that its legislation guarantees equality of remuneration for men and women workers doing the same job, and in the oil industry, for work of equal value. Some countries identified provisions of national law that discriminate against women (forfeiture of accumulated annual leave for women on maternity leave in Kenya). The Government of Mauritius indicated that it was considering the possibility of fixing wages on a job content basis instead of on a gender basis in the following economic sectors: field crop and orchard, sugar industry, salt manufacturing industry and tea industry. It noted overall progress in women's empowerment in Mauritius, and provided details of a range of civil, labour and criminal laws that had been amended to promote gender equality. A workers' organization in that country urged adoption of an equal opportunity act and reported some discrimination against women in the sugar industry. The Government of the United Republic of Tanzania reported having undertaken review of its old laws to ensure that discrimination had been totally removed, with an emphasis on promotion of women's employment, including land law review and enactment of a sexual harassment law.
- 84. Creed or religion.** Countries which mentioned religion or creed as a ground on which discrimination was prohibited included China, Eritrea, Estonia, Japan, Mauritius, Namibia, Nigeria, Singapore, Thailand and the United States.
- 85. Political opinion.** The Governments of Eritrea, Estonia, Japan, Kenya, Luxembourg, Mauritius, Namibia, Nigeria and the United States reported that discrimination in employment or occupation was not allowed on the basis of political opinion.
- 86. Social origin, social extraction or family origin.** The Governments of Estonia, Japan and the United States referred to these grounds of non-discrimination in their reports.

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- 87. Elimination of discrimination on other grounds.** A number of countries reported that they prohibit discrimination in employment or occupation on the following additional grounds: family or marital status (Estonia, Luxembourg), family responsibilities (Namibia), sexual orientation (Luxembourg, Namibia), health status (Luxembourg, Thailand), disability (China, Eritrea, Kenya, United States), age (Democratic Republic of the Congo, Thailand, United States), social status (Eritrea, Estonia, Japan, Thailand), descent or place of birth (Singapore), nationality (Democratic Republic of the Congo), place of origin, residence or local connection (Kenya, Mauritius, Nigeria), tribe (Kenya), ethnic community (China), ethnic origin (Namibia, Nigeria), property status (Estonia), economic status (Namibia, Thailand), previous activities (Estonia), native language (Eritrea, Estonia) and former profession (Japan). The Government of Japan also reported its ban on discrimination on the basis of trade union membership, to which many other countries could be added when the information provided under their reports on the principle of freedom of association is taken into account. The Government of Estonia reported that it was illegal to restrict the rights of employees or employers on the basis of representation of their interests. The Government of China reported that provisions on discrimination in respect of employment could be found in a range of laws and regulations on topics ranging from trade unions, disabled people, state civil service and vocational training.
- 88. Exclusions from protection in relation to non-discrimination.** The exclusions of certain categories from the protection of legislation noted in earlier sections of this Introduction often apply in relation to discrimination. For instance, some countries indicate that casual employment and temporary employment are excluded from coverage (e.g. Kenya). Workers in export processing zones also fail to benefit from legal protection against discrimination in some countries (e.g. Kenya). The Government of Uganda pointed out that the existing labour legislation does not cover the informal sector and domestic services, where most women and youth are concentrated, and that the labour legislation was under review to widen its scope and cover specific questions concerning sexual harassment and migrant workers. Some countries, for instance Thailand, reported that there were no exclusions or exceptions from the relevant legislation. It mentioned that some posts that had been reserved for men have now been opened up to female as well as male immigrants. In its report, the Government of Uganda pointed out that the informal sector is not covered by labour legislation and that agricultural work, which occupies 80 per cent of the employed women in that country, is not fully covered by legislation. The United States reported on the provisions of some anti-discrimination legislation that applies only to firms employing a minimum number of employees, and to certain other exclusions in federal law.
- 89. Reference to other ratified Conventions.** In relation to the principles of the elimination of discrimination in employment and occupation, the Government of Uganda recalled that it had ratified the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). In addition, countries having ratified either Convention No. 100 or Convention No. 111 sometimes referred to their ratification of the other instrument.
- 90. Enforcement of legislation and penalties.** Some countries provided details on criminal penalties that may be applied to instances of unlawful discrimination (Luxembourg), and provided information on the number of cases referred for prosecution (Japan). Fines were mentioned by some countries (e.g. Thailand). The Government of China referred to its strict enforcement of the law by administrative methods, including an order to make timely correction of any discrimination found and other measures. In its report, the Government of the United States explained in detail the means by which its relevant legislation is enforced. The Government of Kuwait reported on its monitoring of employment contracts in relation to equal remuneration.
- 91. Other remedies.** The Government of Mauritania reported that the law stipulated that a firm found to be engaging in discriminatory practices would be banned from public contracting. Courts in Namibia, according to the Government, can issue orders to discontinue acts of discrimination.
- 92. Labour law reform.** The Government of Estonia mentioned that it planned to draw up legislation on equal rights in the context of its action plan for law reform. In its report, the Government of Uganda noted that labour legislation needed to be harmonized with the principle of non-discrimination and the country's own Constitution.

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- 93. Indicators and statistics.** The overwhelming majority of statistics provided were in relation to labour force participation rates of men and women (China) and their distribution over various sectors (e.g. Mauritius). The Government of the United States submitted extensive data and analysis of 35 years of experience under its equal pay legislation. Its report also contained statistics in relation to enforcement in particular. Some countries provided data that permitted insights into the relationship between educational level and sex discrimination in employment (e.g. Kenya, which pointed out a need for developing an information unit for the storage and dissemination of data). The Government of Singapore gave data showing a marked reduction in the incidence of discriminatory job advertisements. Estonia reported that statistics were available showing age, sex and ethnic structure for occupations, wages and working hours.
- 94. Need for indicators and statistics.** In its report, the Government of Nigeria indicated that it would welcome a national survey on discrimination involving statistics and analysis of the legal framework. The Government of Thailand said that it would welcome the development of relevant indicators and statistics with ILO assistance. The Government of China also saw a need for developing employment statistics disaggregated by sex. Noting that data and information on occupations, wages, promotions, fringe benefits, training, occupational injuries and education would provide indicators to assess the situation, the Government of Uganda stated that such disaggregated data are still very limited, but indicated that the majority of women still occupy low-level jobs. There is also evidence in that country that women health-care providers are increasingly contracting HIV/AIDS through unprotected work. The Government urgently called for research to provide accurate and quality data. Some governments indicated that no statistics were available (e.g. Democratic Republic of the Congo).
- 95. Wage gaps.** The Government of the Bahamas reported that discrimination in wages and employment has been eliminated in the public sector. The Government of Singapore provided statistics showing an improvement in the average monthly earnings of men and women, with women's average monthly earnings being 76 per cent of men's in 1997. Progress in relation to equal pay between men and women was reported in detail in the United States Government's report. The Government of Estonia noted that in the 1990s wage disparities grew in that country, with the ethnic and age structure of the unemployed changing due to economic restructuring. The report provided by the Government of Kuwait referred to wage disparities between men and women. In the report supplied by the Government of Qatar, reference is made to wage determination by agreement between the worker and the employer, with wage rate determination and job appraisals being established on the basis of work to be performed.
- 96. Relationship to national employment policy.** The Government of Nigeria noted that promoting respect for the principle of non-discrimination and equality of treatment and opportunities formed part of its employment policy. This would, according to the policy, optimize the utilization of labour and human resources, consistent with the overall development strategies of the country. The Government of the United Republic of Tanzania pointed to its review of the national employment policy to address gender concerns and to its gender-sensitive National Income Generation Programme, which has projects in agriculture, micro-enterprises, the informal sector and infrastructure development. The National Economic and Social Development Plan of Thailand, reported the Government, embraces increasing opportunities for women and revising laws and regulations to eliminate all forms of discrimination against them. The Government of Uganda referred to ILO assistance in formulating a comprehensive national employment policy which covers promotion of employment for disadvantaged groups. Referring to its macro policy document, the Government of Eritrea noted sensitization efforts to enhance and promote the participation in society of women, demobilized combatants, refugees and displaced persons, and other vulnerable groups.
- 97. Link to education and vocational training.** The Government of Mauritius pointed out the importance of equal access to education and vocational training for men and women. Singapore noted improvement in women's earnings going hand in hand with better educated female entrants in the job market. In Uganda, the Government noted, universal primary education is being sought to promote equality of opportunity for boys and girls. The United States referred in its report to the role played by its legislation prohibiting discrimination on the basis of sex in the administration of educational programmes. Vocational training is encompassed by anti-discrimination measures in countries such as China, Namibia and the United States, according to the reports submitted by those

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Governments. The Government of Eritrea referred to proposed expansion of the participation of women in education and economic activity. Education and training were mentioned by the Government of Kuwait in relation to attaining equality in remuneration between men and women.

- 98. Use of industrial relations and tripartite approaches to promote equal opportunity.** According to the Government, legislation in Mauritius promotes the development of positive employment policies to avoid discrimination on grounds of race, place of origin, political opinion, colour or creed and to promote equal opportunity in employment, based on consultation or negotiation with workers' representatives. Stated government policy also encourages women to get organized into associations and unions. In its report, the Government of the Bahamas cited industrial agreements in quasi-governmental corporations. The Government of Singapore reported that discriminatory job advertisements are no longer rampant since the adoption in March 1999 and wide dissemination of the Tripartite Guidelines on Non-Discriminatory Job Advertisements. The Government of the United Republic of Tanzania mentioned its Tripartite Task Force on Gender and Employment, and the Government of Uganda remarked that the engagement of all the key partners in policy formulation and programme development was required.
- 99. Role of trade unions and employers' organizations.** The Government of China noted that the women's affairs committees of the All-China Federation of Trade Unions and trade unions at various levels play a positive role in promoting the equal status of women and men. In the Bahamas, the Government reported, the trade unions monitor and call to its attention discriminatory practices in the private sector. Collective agreements in the United States, according to the Government, incorporate standards of equal pay for equal or substantially equal work.
- 100. Role of NGOs.** The Government of Uganda reported on various women's associations that were doing considerable work in collaboration with the Government in relation to eliminating discrimination, and urged greater collaboration with NGOs. The Government of Estonia also referred to women's organizations in the context of its participation in the ILO programme on More and Better Jobs for Women. In China, the Government reported on the positive role played by the All-China Women's Federation and women's federations at various levels. It noted that workers' affairs committees of trade unions receive complaints from female staff and workers, and may request arbitration on their behalf. The Government of the Bahamas noted that political groups and opposition parties as well as religious groups bring attention to alleged discriminatory practices.
- 101. Special machinery.** Several countries reported on special machinery or administrative practices they had established to handle various types of allegations of discrimination and to provide guidance to employers found to be out of compliance (Japan). A number of countries referred to the important role played by Human Rights Commissions (e.g. Nigeria, Thailand, Uganda). The Government of Thailand mentioned the National Commission on Women's Affairs. According to the Government's report, Uganda intends to set up an Equal Opportunities Commission to address issues related to all disadvantaged groups. In China, the Government reported that the State Council has established the Women and Children's Affairs Commission, State Nationalities Affairs Commission and State Religious Affairs Commission, with responsibilities for safeguarding rights of those concerned. The United States Government described the various facets of its special machinery in relation to legislation on equal employment opportunity (in particular the Equal Employment Opportunities Commission) and equal pay.
- 102. Action taken together with other ministries.** Joint activities between the Ministry of Labour and the Ministry of Women, Family Welfare and Child Development were noted by Mauritius, which provided extracts from the draft National Gender Action Plan and a website address (<http://ncb.intnet.mu/mmwfw/womunit.htm>). Gender mainstreaming activities have been organized in collaboration with the Federal Ministry of Women's Affairs and Youth Development in Nigeria. The Ministry of Justice was named by the Governments of Namibia and the United States (where there is a Civil Rights Division) as playing important roles in relation to eliminating discrimination. The Government of Uganda noted that a National Gender Policy had been put into place to ensure that gender matters are integrated in all aspects of national planning and development.
- 103. Affirmative action.** The Namibian Government referred to its Affirmative Action (Employment) Act, which is aimed at achieving equal opportunity. It provides for affirmative action plans and reports to be made to the newly established Namibian Employment Equity Commission by all

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relevant employers in the public and private sectors (ILO assistance was provided in relation to development of the legislation and training). The Government of Uganda referred to representation in Parliament of disadvantaged groups such as women and persons with disability. In the United States, the Government reported, any employer who has a contract with the federal government is to take affirmative action to hire and promote women and racial minorities.

- 104. Importance of anti-discrimination training and guidance.** A number of countries recognized the key role that training can play in combating discrimination and in assisting violators to correct the situation (Japan). The Government of Kenya mentioned training received in international humanitarian law that had a direct bearing on discrimination. Seminars to raise awareness should be organized, according to the Government of the Democratic Republic of the Congo.
- 105. Government campaigns and other positive measures.** Several governments reported on special campaigns that they have waged to promote equality of opportunity in employment, providing examples of the techniques used (Japan). The Government of Kenya referred to action to appoint and promote people who had earlier been subject to discrimination. It also mentioned a need for translation of materials. Several countries referred to measures taken into relation to giving effect to the Convention on the Elimination of All Forms of Discrimination against Women (e.g. Mauritius). Certification of service rules in private companies provides the Government of the Gambia, it stated, with a tool for promoting equality of opportunity. In Nigeria, the Government reported, gender focal points for the public and private sectors have been designated among labour officers. The Government of Singapore reported using an educational and promotional approach, rather than legislation, to encourage employers to use objective criteria in the selection of candidates for jobs. In Thailand, the Government noted, vocational counselling and guidance are offered to prevent discrimination against any jobseeker. The Government of Uganda also reported having done considerable advocacy work. In Estonia, the Government noted that it has funded entrepreneurship training initiated by the Confederation of Employers and Industry. The Government of China referred to a need for further dissemination of the domestic laws and international norms, involving increased cooperation with the ILO.
- 106. Reinforcement of the labour inspectorate.** Several countries cited the importance of reinforcing the labour inspectorate for the enforcement of legislative provisions calling for “equal pay for work of equal value” (Mauritania). The Government of Nigeria has sought ILO assistance to sensitize and train labour officers. A gender breakdown of labour inspections was provided by the Government of Thailand in its report. The Government of Uganda also recalled the need to strengthen effective monitoring systems.