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ORGANIZATION OF WORK

Note by the Secretary-General

Contribution of the International Labour Organisation

The written contribution submitted to the Preparatory Committee by the International Labour Office (ILO) is annexed to this note.*

* Reproduced in the annex as received, in the language of submission only.

ratifications of Convention No. 111, six of Convention No. 169, six of Convention No. 97, five of Convention No. 143, 37 of Convention No. 138 and 72 of Convention No. 182 (see detailed table in Annex 1).

In addition, since the 2001 World Conference 13 countries have ratified the Equal Remuneration Convention, 1951 (No. 100), and 32 countries have either ratified Convention No. 29 or Convention No. 105 on forced labour, which are also of crucial

the labour inspectorate and the courts. The CEACR has consistently stressed the need to collect and publish information on the nature and outcome of discrimination cases addressed by the competent bodies, as a means to raise awareness of the legislation and as a basis for examining its effectiveness.

Another major challenge is the need to address structural disadvantage and discrimination along ethnic and racial lines in a more proactive manner. This requires approaches going beyond the prohibition of discrimination and the creation of rights

facilitate integration in the context of migration, focusing on action at the workplace. It is intended to be a resource particularly for employers' and workers' organizations.

Migrant workers

The general discussion on migrant workers during the 92nd session of the International Labour Conference (2004) highlighted the need to prevent discrimination and xenophobia in the context of labour migration. Following the Conference, the *ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration* was published in 2006. The Multilateral Framework highlights that special attention should be given to the multiple disadvantages and discrimination often faced by migrant workers on the basis of gender, race and migrant status. It sets out a wide range of principles and guidelines concerning action to address discrimination against migrant workers, as well as a number of examples of best practice. The ILO has continued to carry out discrimination testing surveys in several European countries, most recently in France and Sweden, to capture and show the extent of discrimination against migrant workers and workers of migrant origin in access to employment. These surveys have been successful in making visible ethnic bias and discrimination in the labour market. They have also stimulated further measures to address such discrimination at the national level.

Indigenous peoples

A series of activities have been carried out concerning discrimination faced by indigenous and tribal peoples. In addition to the above-mentioned Guide on Convention No.111, Guidelines on child labour and indigenous peoples were issued. A practical guide to promote the better application of Convention No. 169 is under preparation, as well as a report on the access of indigenous women to opportunities in the world of work. Country studies concerning the experience of indigenous and tribal peoples in Bolivia, Cambodia, Cameroon and Guatemala relating to the implementation of the Millennium Development Goals (MDGs) were published. An ethnic audit of 14 Poverty Reduction Strategy Papers (PRSPs) evidenced a lack of participation of indigenous peoples in these processes, and subsequently a practice guide on the inclusion of indigenous peoples in poverty reduction strategies was published. Household surveys and focus group discussions were conducted in three regions of Peru to obtain further insights regarding the manifestations and scale of discrimination in employment facing indigenous women and men. Comparative research into legislation in Africa protecting indigenous and tribal peoples has been initiated, in cooperation with the African Commission on Human and Peoples' Rights. Following the ratification of Convention No. 169 by Nepal in 2007, the ILO has been providing continuing support to the Government's inter-ministerial task force overseeing implementation.

Workers' and employers' organizations

ILO tripartite constituent attention, action and results in addressing discrimination, racism and xenophobia have significantly increased since 2001. Trade unions in all world regions have generally taken up anti-discrimination work, ranging from putting in place internal procedures to joining national public campaigns to including anti-

discrimination provisions in collective agreements. Employers and employers' organizations have also taken up explicit action on discrimination and equal opportunities, notably through the elaboration of codes of conduct, implementation of diversity management and training activities in a considerable number of countries.

In October 2006 the ILO, in cooperation with the City of London, convened the UN Global Compact policy dialogue "Combating Discrimination and Promoting Equality for Decent Work" during which a wide range of equality and discrimination issues, and ways to address them at work, were discussed. The International Trade Union Confederation (ITUC) and the ILO jointly held a seminar in Geneva in December 2007 aimed at developing a trade union strategy to fight racial discrimination and xenophobia which assisted in the development of action programmes in Nepal, Brazil, South Africa and Romania. The ILO is also preparing a toolkit on eliminating racism to provide trade unions with required information and knowledge to develop and implement effective action plans and policies within their own organizations.

Cooperation with other international organizations

The ILO has also sought to promote the principle of non-discrimination through its cooperation with other international organizations. Close cooperation with the Committee on the Elimination of Racial Discrimination, the Committee on Migrant Workers, the Committee on the Elimination of Discrimination against Women, the UN Forum on Indigenous Issues, and the relevant special procedures and mechanisms of the Human Rights Council has been maintained. A number of contributions were made to the work of the UN mechanisms charged with the follow up to the DDPA. The Asian Development Bank (ADB) and the ILO jointly published the Core labour standards handbook, which provides information on how ADB staff and government officials should take international labour standards, including those concerning equality, into account in project design and implementation. In 2006 the International Finance Corporation (IFC) issued a guidance note elaborating on its performance standards concerning labour and working conditions, and a good practice note on non-discrimination and equal opportunity, both of which reflect the relevant ILO standards. The Office also provided advice to IFC regarding the information document on Convention No. 169 and the private sector for IFC clients. A Handbook on Effective Labour Migration Policies was published jointly by ILO, IOM and OSCE.

Suggestions for consideration by the Preparatory Committee

- Progress has been made by numerous countries with regard to putting in place legislation prohibiting racial discrimination in all aspects of employment and occupation. ***The Review Conference may wish to note that further efforts are necessary to achieve such results in a greater number of countries in all regions. The Review Conference may also wish to call for the adoption of improved anti-discrimination laws and their better implementation and enforcement, stressing the importance of capacity building for the relevant public officials, trade unions and employers' organizations and awareness-raising. In order to assess the effectiveness of legislation, the importance of***

Conventions by 2015.⁴ *The Review Conference may wish to support the universal ratification of the ILO's fundamental Conventions by the target date of 2015 and encourage States to renew their efforts in this regard.*

- 2009 will mark the 20th anniversary of the Indigenous and Tribal Peoples Convention, No. 169 (1989) which is the international community's dedicated international treaty to promote and protect the rights of indigenous peoples. *The Review Conference may consider renewing the DDPA's call for States that have not yet done so to consider ratifying Convention No. 169, following-up on their commitment to promote and protect the rights of indigenous peoples as expressed in the Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007.*
- The non-binding ILO Multilateral Framework on Labour Migration is a comprehensive and practical tool to address labour migration issues from a rights-based perspective. *The Review Conference may wish to welcome the ILO Multilateral Framework on Labour Migration and invite governments, employers' and workers' organizations and other relevant stakeholders to take it into account in the development, strengthening, implementation and evaluation of national, regional and international labour migration policies and practices. The Review Conference may also wish to reiterate the DDPA's call on States that have not yet done so to consider ratifying ILO Conventions Nos. 97 and 143 concerning migrant workers.*

⁴ The ILO's fundamental human rights conventions are the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equal Remuneration Convention, 1951 (No. 100), the Minimum Age Convention, 1973 (No. 138) and the Worst Form of Child Labour Convention, 1999 (No. 182), the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention,

Annex 1 – Ratifications of relevant ILO Conventions since 7 September 2001

Instrument	New ratifications	Ratifying countries	Total number of ratifications as of 1 Oct. 2008ⁱ
Convention No. 100	13	Fiji, Lao People's Dev ET(1)-5(3)7pDons 3 BDC 133	

		Mozambique, Nepal, Netherlands, Nigeria, Pakistan, Peru, Poland, Russian Federation, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Serbia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, United Republic of Tanzania, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uzbekistan, Vanuatu, Bolivarian Republic of Venezuela, Zambia	
Convention No. 29	16	Armenia, Bolivia, Equatorial Guinea, Ethiopia, Kazakhstan, Latvia, Mongolia, Montenegro, Mozambique, Nepal, Philippines, Rwanda, Samoa, San Tome and Principe, Vanuatu, Vietnam, .	173
Convention No. 87	14	Angola, Armenia, Bahamas, Democratic Republic of the Congo, El Salvador, Equatorial Guinea, Fiji, Mauritius, Montenegro, Saint Vincent and the Grenadines, Samoa, Uganda, Vanuatu, Zimbabwe.	149
Convention No. 97	6	Albania, Armenia, Kyrgyzstan, Moldova, Montenegro, Tajikistan	48
Convention No. 98	10	Armenia, El Salvador, Equatorial Guinea, Kazakhstan, Kuwait, Mauritania, Montenegro, New Zealand, Samoa, Vanuatu.	159

ⁱ Universal ratification requires ratification by all ILO members (currently 182).
