

ILO CONVENTION 111

DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

THE CONVENTIONS ASSIGNS to each State which ratified it the fundamental aim of promoting equality of opportunity and treatment by declaring and pursuing a national policy aimed at eliminating all forms of discrimination in respect of employment and occupation.

Discrimination is denied as any distinction, exclusion or preference based on race, color, sex, religion, political opinion, national extraction or social origin (or any other motive determined by the State Concerned) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The scope of the Convention covers access to vocational training, access to employment and to particular occupations and terms and conditions of employment.

Member States who ratified this Convention undertake to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with this policy, and to enact legislation and promote educational programmes which favor its acceptance and implementation in cooperation with employers' and workers' organizations. This policy shall be pursued and observed in respect of employment under direct control of a national authority, and of vocational guidance and training and placement services under the direction of such authority.

This instrument was ratified in November 1960.

This Convention is applied in the Philippines by way of the Philippine Constitution (Article II-Declaration of Principles and State Policies, Section 14; Article III-Bill of Rights, Section 1; Article XII-Social Justice and Human Rights, Section 3); the Philippine Labor Code (Preliminary Title, Chapter I-General Provisions, Articles 3 and 6; Book III-Conditions of Employment, Title III-Working Conditions for Special Groups of Employees, Chapter I-Employment of Women, Articles 135-138; Chapter II-Employment of Minors, Article 140; Book V-Labor Relations, Title VI-Unfair Labor Practices, Chapter III-Unfair Labor practices of Organizations, Article 249); Republic Act No. 7192 (An Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation Building and For Other Purposes); Republic Act No. 7277 (Magna Carta for Disabled Persons); Civil Service Commission Resolution No. 89-463, MC No. 37 Series of 1990 (Disabled Persons to Take Civil Service Examinations), MC No. 19 Series of 1994 (Policy on Sexual Harassment in the Work Place); Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995); Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act); Republic Act No. 7678 (An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings); and Republic Act No. 8187 (Paternity Leave Act).

TEXT OF CONVENTION NO. 111

CONVENTION CONCERNING DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION ¹

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights,

Adopts this twenty-fifth day of June of the year one thousand nine and fifty-eight, the following Convention, which may be cited as the discrimination (Employment and Occupation) Convention, 1958:

Article 1

1.) For the purpose of this Convention the term “discrimination” includes—

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and other appropriate bodies.

1. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
2. For the purpose of this Convention the terms “employment” and “occupation” include access to vocational training, access to employment and to particular occupation, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminate any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice—

- (a) to seek the cooperation of employers’ and workers’ organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body establishment in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative of employers' and workers' organisations, where such exist, determine that the other special measures designed to meet particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Article 6

Each Member which ratifies this Convention undertakes to apply it to nonmetropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.