



international  
**alert**  
PHILIPPINES

# RED FLAGS

Principles on Diversity and Equality in the Workplace



Peace  
is within  
our power

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# RED FLAGS

## ON DIVERSITY AND EQUALITY IN THE WORKPLACE

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Religious and ethnic vulnerable and marginalized communities, particularly Muslims and Indigenous Peoples (IPs), face numerous obstacles in **accessing professional opportunities and ensuring sustainable career paths**. The systemic disempowerment of Muslims and IPs in the Philippines translates into discriminatory hiring and employment practices, meaning they cannot equally access employment opportunities or safe workspaces. In this context, safety does not just refer to physical safety. An unsafe or exclusionary workplace culture means that **minority employees cannot fully express their identity and enjoy workspaces**.

These Red Flags on creating an accessible and inclusive workplace aim to address issues surfaced in roundtable discussions conducted by the Mindanao Business Council (MinBC) and International Alert with Muslim and IP communities across Mindanao.

The Red Flags presented here identify **actual instances of discrimination occurring from the hiring to the termination process**. Each principle details why these common acts are considered discriminatory and make recommendations based on existing good business practices.

A **Red Flag is a warning of heightened risk** to help companies in the Philippines avoid participation in discrimination against minorities and be accountable in cases where they are liable. Human resources, legal counsel, reputation managers, and others involved in risk management will find this a useful guide. It will also be useful for minorities who seek to better understand their rights, and to civil society, and policy makers advocating for the enactment of a sharper articulation of the **protection of minority rights in the workplace**.

# Legal Foundations of the Red Flags

## Guiding Principles

There are existing guidelines on discrimination in the workplace in national and international legislation.

These international law standards are incorporated in the national laws and can possibly create legal liabilities for the companies, its subsidiaries and contractors. These laws include the Philippines Constitution and the Labor Code, as well as various United Nations (UN) legally binding documents, ratified by the Philippines as of 2017. A full list of the legislation with relevant excerpts used for the Red Flags can be found in the Annex.

### Why Red Flags?

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**Businesses  
have their  
role to play  
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.....

The Red Flags were created with the belief that businesses have their role to play in upholding human rights principles and contributing positively to the communities they affect. This new set of Red Flags contribute to creating conflict-sensitive business practices the norm in Mindanao. In addition to having conflict-sensitive activities and interaction with its environment and community, a business should uphold human rights principles internally. There have been many recent international initiatives to stop discriminatory labor practices. These initiatives highlight the conflictual nature of tensions caused by discrimination. They also emphasize the benefits of eliminating discrimination: a wider talent pool from which to recruit, preventing interpersonal issues affecting performance, positive corporate image, engagement with the community, and the added value of diversity for innovation, expansion, and customer and business-partner satisfaction.

# Relevance to the private sector

## Reputational risk and bottom line

As these highly publicized cases demonstrate, poor labor relations can have catastrophic effects on a company's reputation, which in turn may lead to radical changes in a company's business model. Businesses should maintain a good reputation to ensure lasting business partnerships and financial sustainability.

Failing to create a safe and accessible workplace for all employees also impacts the bottom line. If employees feel like they are not being listened to or respected by their employers, they are less likely to stay on the long term. High turnover rates will negatively impact financial sustainability.

Additionally, unfair hiring and employment practices can impact a company's access to funding and loans. For example, the International Finance Corporation (IFC), which is the World Bank Group funding branch for the private sector, has social sustainability requirements for loans specific to (1) human rights and local communities, (2) conditions of work and social protection, (3) employment and employment relationships, and (4) human development and social dialogue. Compliance with these principles will determine the availability and durability of an IFC loan.

## Benefits of a diverse workplace

It is urgent for the private sector to promote socio-economic inclusion to become socially sustainable and provide livelihood opportunities through increased access to the job market for vulnerable groups. Limited economic opportunities, social exclusion, and the frustration that ensues are known factors contributing to criminality, violence, and wider societal problems. A discrimination-free workplace allows for positive engagement with the community in which it operates. It is essential for businesses in Mindanao, a very culturally diverse place, to understand the specific needs of their employees. Companies operating in conflict-prone areas sometimes have a hostile relationship with the communities they affect, which can be triggered by poor labor relations.

A discrimination-free workplace is good for business. Diversity and equality is an effective conflict-prevention tool. Companies operating in conflict-prone areas sometimes have a hostile relationship with the community where they operate, which can be triggered by one-sided labour relations and exclusionary practices. Positive engagement with its workforce and the community where it operates enhances stakeholder support. Communities who are invested in the business will protect it, a two-way benefit that translates to better risk management, sustainability, positive corporate image, and local economic growth.

## High profile legal cases

A negative image can be generated by consumer backlash and publicized legal battles on discrimination or human rights infringements. This happened to a major international sportswear brand. Throughout the 1990s, reports surfaced of abusive labour practices in factories contracted by this brand, causing media and public outrage. Faced with ever growing criticism and shrinking sales by the end of the decade, the brand assessed its business model and took meaningful steps to change its labour practices and public image. This included a detailed report of working conditions in contracted factories – even acknowledging to serious abuses. To this day, as part of its Corporate Social Responsibility (CSR) policy, the well-known sportswear maker posts its commitments and standards, and has since re-secured its position as a leading global brand.

Another highly publicized case concerned one of the largest food and beverage companies in the world. The manufacturer's baby milk formula was linked to deaths of infants across the developing world due to the poor quality of the formula and misleading marketing, limited literacy of mothers, and unsafe water being used to mix the powder. Reports and evidence surfaced linking the product to the rapidly increasing mortality rates in infants who had been fed the formula. Starting in the 1970s, consumer coalitions and NGOs led a global boycott movement against the company, which was dubbed "the baby killer." The movement spans over several decades, with multiple court cases. The public pressure engendered major changes on legislation regarding international food assistance and new regulations on baby milk formula.



## EQUAL ACCESS TO EMPLOYMENT

1

### Limited access to employment due to ethnic and/or religious identity

Employee selection criteria should be stated clearly in job postings, and should be directly related to qualifications, skills, and experience. Race, ethnicity, and religion should not be criteria for the selection of job candidates. Objective and fair selection criteria should be applied at all stages of the recruitment process.

#### Cases and existing practices

Discrimination manifests itself in biases against names typically associated with a religion or cultural identity markers, such as ornaments and tattoos for IPs. Individuals with an Arab-sounding name are usually less likely to be hired. Through informal conversations during interview process, questions about identity surface

and act as a deterrent for Muslims and IPs to pursue the job application process. In the hotel and manufacturing industries in Mindanao, anonymous hiring (which means an application does not indicate the applicant's name) or removing identifying details from resumes such as clues to gender, ethnicity and any other bias is used to prevent biases and prejudices influencing hiring practices. Some companies have an equal opportunity statement and requires the hiring panel to provide the basis of their candidate choice to upper management and/or HR department. Job advertising should also be accessible and should not discourage certain minority groups from applying. Criteria should be directly relevant to the position.

## 2

### **Job requirements that are hostile to cultural or religious minorities**

Selection panel members and HR staff should undergo cultural sensitivity training to ensure fair recruitment and selection processes. However, this approach needs to be mainstreamed throughout the company from the hiring process to the workplace environment.

For example, HR officers need to be aware of the cultural and religious significance of the hijab and understand that in some cases it is not optional. Gendered dress codes in the service industry are often exclusionary to hijabis (Muslim women who wear the headscarf), especially for high visibility jobs like receptionists or food service workers. Women who wear a headscarf are sometimes heavily informally discouraged from wearing it at work.

#### Cases and existing practices

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For example, when an application is submitted in person, hijabis are often asked questions about their religious practices and hijabs. Hijabis bear the burden of their limited work options, as few companies have alternative uniforms available.

In the transportation, hotel, and BPO industries, if a company sees potential in a candidate, they are sometimes “re-profiled” and hired for a different position from the one they applied to. However, this re-profiling should not lead to more limited career opportunities.

Another good example is having multiple dress code and uniform options, so employees can select whatever is more comfortable for them. This practice is used in a prominent hospital in Davao City.

# 3

## Over-representation of certain minorities in specific segments of the workforce

Over-representation is when minority employee proportion is significantly higher than in the general population. However, most of these career profiles are undervalued and/or have limited vertical mobility (upward career options, e.g. promotions, wage increase, etc.). These career options are constrained by stereotypes on cultural or religious identity and educational attainment.

### Cases and existing practices

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There is an over-representation of Muslim men in security services and high-risk areas because of the belief that Muslims are aggressive or used to violence. This profiling limits professional career development, as many of these jobs have little to no career advancement opportunities or are high-risk positions, under this same assumption of familiarity with violence.

Companies operating in ancestral lands sometimes prioritize employment of IPs, as agreed upon in the Memorandum of Agreement (MOA) between the company and the IP Organization (IPO). This over-representation, caused by positive discrimination, sometimes known as affirmative action, can have unintended adverse effects on local conflict dynamics, such as heightened resentment and grievances, which can then trigger identity-based conflict. It is therefore important that any quota-based hiring process is conflict and context-sensitive.

In the energy sector, companies set up career tracks where employees are trained to acquire the skills required to progress within the company hierarchy. Furthermore, these jobs for which IPs are hired are often short-term and low-skilled thus, limiting career development. Some companies address this by creating cooperatives so that when their set of skills are no longer needed, cooperative members can bid collectively for new contracts in their field of expertise at different companies. Another good practice are scholarship programs for field-specific technical and academic courses at the university level targeting beneficiaries within the host community to ensure recipients can access opportunities for future jobs within the company



## THE WORKPLACE AS A SAFE SPACE

### 4

#### **Tolerating an exclusionary workplace environment**

Creating inclusive and safe workspaces is a main goal of the Red Flags. Microaggressions, which are small-scale, everyday instances of discrimination that reinforce stereotypes, have deeply isolating effects and considerably limits equal enjoyment of the workplace. Stereotypes on Muslims and IPs at work also exist through jokes and slurs. Even if the intent was not to mock, the effect is still marginalizing for the targeted individual or group.

Diversity and equality in the workplace principles or statement of values that employer and employee must adhere to are useful tools to ensure an inclusive workplace, but few companies have these as company policy.

##### Cases and existing practices

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A major issue with slurs and microaggressions, including jokes, is that they are not always taken seriously by management. Jokes should not be made at the expense of a marginalized group or person. “Negritos”, terrorist, “dibidi dibidi” (an allusion

to pirated DVDs being sold on sidewalks), or “*moklo*” are all slurs often used as derogatory identifiers for IP or Muslim employees. Asking a Muslim employee how many wives he has is an example of a microaggression, which stereotypes a whole religion.

The physical workplace is often ill- equipped for a diverse workforce with few or no facilities for ablution or prayer rooms. Another major issue is accommodation for Ramadan: an open conversation must occur between employer and employee to best arrange working hours. Accommodations like these are explicitly guaranteed in Art. 91 (Book Three, Title I, Chapter II) of the Labor Code. At BPOs, those observing Ramadan do not take lunch shifts and can leave earlier instead. One energy company’s CSR team even took the initiative of fasting during Ramadan as an act of solidarity with fellow Muslim employees and as a team building opportunity.

To create an accessible workplace, work-related events and activities should be aware of different religious or cultural practices, e.g. making sure that food served is halal, or not having alcohol-based events.

Having regular formal and informal staff discussions to identify and address issues before they cause further harm will help address these issues. Communication skills training can also be a useful tool to build confidence in this situation.

Signing a charter of values on equality and diversity in the workplace, which can be displayed openly, is a way of securing commitment from employees and employer on establishing a safe workspace. Companies can also organize information sessions on practices and cultures to increase awareness – this is especially relevant for religious events like Ramadan.

Everyday instances of discrimination that reinforce stereotypes have deeply isolating effects and limits equal enjoyment of the workplace.

# 5

## **Inaction or mishandling alleged cases of discrimination, including retaliation from the management against the complainant**

When employees experience discrimination, they often feel like they cannot speak up or do not have access to a mechanism to lodge their complaint. Filipino workplace culture in general tends to discourage speaking up to upper-management, and is doubly true for minority employees whose employment is less secure. Because of the lack of mechanisms to address discrimination in the workplace, a complaint is either ignored or mishandled, formally or informally. The former could mean the person who made a complaint is dismissed or demoted. An informal negative response could mean the employee is faced with a hostile work environment, renewed cases of discrimination, or intimidation.

### Cases and existing practices

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IP employees at a mining company resorted to seeking help from the rebel armed group, which later attacked the mining compound. Due to a lack of a formal complaint mechanism, the employee saw this as the only way of resolving a case of alleged unfair termination. For companies with grievance mechanism structures, these are perceived to be intimidating and is hierarchical, where the complainant is confronted directly to senior management. This alone can act as a deterrent. If there is a labor union, they would have their own grievance mechanism committee with worker representatives bargaining on a complainant's behalf.

Companies should establish a complaints system, or a set of procedures to respond to workplace discrimination in a timely and appropriate fashion. Staff should also be made aware of external complaints mechanisms available outlined in the Manual of Operations (MOO) of the company to ensure stronger inducements that compel management to follow procedures in relation to grievances and complaints. Where it is not reflected in the MOO, the company must act to include such policy provision.

Even if there is no formal complaints mechanism within companies there exist national laws and agencies to protect workers' rights, but there is a lack of awareness on how to properly harness these instruments. Moreover, the long bureaucratic process of filing, the deep mistrust of complainants of the ability of the law to take their side, and the cost it entails discourage them to pursue a case using national laws and policies.

# A discrimination-free workplace is good for business.

## 6

### **Terminating an employee due to their distinct cultural norms or religious beliefs**

In a similar fashion to discrimination at the hiring process, minority employees are often singled-out when it comes to redundancy exercises, downsizing, and termination. The employer may terminate the services of an employee only for just or authorized causes after following the procedure laid down by law, but the employer has the burden of proving the lawfulness of the employee's dismissal in the proper forum. The legality of the dismissal may be questioned before the Labor Arbiter of the National Labor Relations Commission (NLRC) of the Philippines, through a complaint for illegal dismissal. A decision to dismiss an employee must be based on documented poor performance or misconduct. An enquiry should be conducted to allow the employee to present his or her case before any decision is made regarding dismissing the employee.

Termination of minority employees is often tied to the preconception that IPs or Muslim employees cannot adapt to the workplace. Therefore, proper documentation is essential when dismissing a minority employee. Termination of minority employees can also be a source of conflict in the community.

#### Cases and existing practices

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A Muslim man working as a security guard for a commercial building was fired because he left his post for Dhuhr (noontime prayer). The security agency did not accord him the proper termination procedure as required by the Labor Code, and having no access to any grievance mechanism, he had no choice but to leave quietly without contesting the unfair dismissal.

To ensure this issue is addressed, it is recommended to strengthen grievance mechanisms, compliance with the Labor Codes and inform employees about their rights.



## ENSURING SUSTAINABLE CAREERS FOR ETHNIC AND RELIGIOUS MINORITIES



**Denying promotions or career opportunities for minority employees, despite equal or sufficient professional experience and qualifications**

Standards should confine the criteria to relevant job requirements.

Part of having sustainable employment is the possibility of career development and advancement. However, these possibilities are not always insured for minority employees, who are often hired on short term and/or low-skilled jobs with little career progression possibilities.

## Cases and existing practices

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Training and opportunities for career advancement is essential. In cases where minority employees do get to middle level positions, they face continued barriers to career growth. At a mining company, an IP in community relations applied for a higher post, for which he was qualified. However, the resident manager decided to hire another non-Indigenous person because he allegedly did not want an IP heading the community relations office.

Some mining, agribusiness, and manufacturing companies have appraisal systems with clear measurable standards for evaluating job performance, ensuring a fair and objective evaluation process. This helps ensure that employees are assessed and promoted based on merit.

Performance evaluation should be conscious not to stereotype candidates and assesses them based on criteria that are not relevant for the job. Standards should confine the criteria to relevant job requirements in assessing the candidate's suitability.

## **Operationalizing the Red Flags principles**

An equal and diverse workplace requires three interrelated principles from hiring to exit. (1) The hiring process should ensure equal access and is merit-based; (2) when employed, the company provides its employees protection from discrimination, a safe space to lodge grievances and ensure due process, and equal opportunity for professional development and growth; (3) and an employee's exit, whether by termination or dismissal, should be based on an objective assessment of job performance. The institutionalization of equality and diversity starts in the articulation of policies that protect minority rights in the Manual of Operations and managers ensuring these are practiced in the everyday function of the company and enlivened as a shared company ethos and culture.



# Checking if your company is on the right track

The following questions serve as a guide for continuous dialogue and discussions. Answers may not immediately be obvious or cannot immediately be provided, as they require longer time scales. Questions have been formulated to facilitate discussion and are therefore not only answerable by a definitive yes or no, but aim to foster asking the why's and how's.

- Are selection criteria principally based on qualifications, skills, knowledge, and experience needed for the job, not on ethnicity, culture, or religion?
- Did the hiring committee ensure decision is objective and not influenced by individual biases or perceived inadequacy with company culture?
- Do we provide space and accommodate for the safe expression of cultural and religious practices?
- Do we engage communities where we operate or plan to invest in in a meaningful and conflict-sensitive manner that is relevant to their context and development agenda?
- Does our CSR respond to the local context and needs or is it a menu, one-size fits all approach?
- Do we know how to operationalize conflict-sensitivity and have the necessary frames of analysis and tools to better understand the local context and dynamics?
- Have we reviewed our Manual of Operations and does it include clear principles and guidelines that ensures diversity and equality in both policy and practice?

# Considerations

Employers must prevent discrimination and harassment in the workplace. They must take the proper measures in policy and in practice to stop harmful, oppressive, discriminatory and exclusionary behavior. Failure to do so enables a discriminatory workplace for employees, deteriorates community relations, triggers violent conflict, or even poses legal liabilities against the company, affecting their bottom line and corporate image. Employers have the responsibility to foster a culturally sensitive and diverse workplace and to make reasonable accommodation for applicants and employees regardless of cultural affiliation, ethnicity, or religion.

Conversely, employees should be informed about their legal protection from discrimination. Employees should feel comfortable informing employers of any harassment they experience, any accommodations they may need within the workplace, and to articulate these needs through legal and available internal instruments. Employers that are unaware of an employee's needs cannot support them. It is therefore essential for employers to create an enabling environment for employees to discuss these issues openly and safely.

Creating a discrimination-free workplace relies on the collective efforts of the employee and employer. Fostering inclusive company culture makes businesses more sustainable by contributing positively to the community and conflict-sensitive economic development.

**Start  
building  
your  
everyday  
peace  
in the  
workplace  
now.**

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*Because  
peace is  
everyone's  
business.*

# Annex

## Supporting Legislation

### Domestic Legislation

#### 1) Labor Code of the Philippines (1974)

Book One, Chapter I: General Provisions , Art. 3. Declaration of basic policy:

*“The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work.”*

Book Three, Title I, Chapter II: Weekly Rest Periods , Art. 91. Right to weekly rest day:

*“1. It shall be the duty of every employer, whether operating for profit or not, to provide each of his employees a rest period of not less than twenty-four (24) consecutive hours after every six (6) consecutive normal work days.*

*2. The employer shall determine and schedule the weekly rest day of his employees' subject to collective bargaining agreement and to such rules and regulations as the Secretary of Labor and Employment may provide. However, the employer shall respect the preference of employees as to their weekly rest day when such preference is based on religious grounds”*

#### 2) The 1987 Constitution of the Republic of the Philippines

Article XIII: Social Justice and Human Rights (Labor – Section 3):

*“The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.*

*It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.*

*The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.*

*The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns to investments, and to expansion and growth.”*

### 3) Indigenous Peoples Rights Act (1997)

#### CHAPTER V Social Justice and Human Rights

*“SECTION 21. Equal Protection and Non-discrimination of ICCs/IPs. – Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society. Accordingly, the State shall likewise ensure that the employment of any form of force or coercion against ICCs/IPs shall be dealt with by law.*

*The State shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution and relevant international instruments are guaranteed also to indigenous women. Towards this end, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.”*

*“SECTION 23. Freedom from Discrimination and Right to Equal Opportunity and Treatment. – It shall be the right of the ICCs/IPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities for admission to employment, medical and social assistance, safety as well as other occupationally-related benefits, informed of their rights under existing labor legislation and of means available to them for redress, not subject to any coercive recruitment systems, including bonded labor and other forms of debt servitude; and equal treatment in employment for men and women, including the protection from sexual harassment.*

*Towards this end, the State shall, within the framework of national laws and regulations, and in cooperation with the ICCs/IPs concerned, adopt special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to these communities, to the extent that they are not effectively protected by laws applicable to workers in general.*

*ICCs/IPs shall have the right to association and freedom for all trade union activities and the right to conclude collective bargaining agreements with employers' organizations. They shall likewise have the right not to be subject to working conditions hazardous to their health, particularly through exposure to pesticides and other toxic substances.”*

*“SECTION 24. Unlawful Acts Pertaining to Employment. – It shall be unlawful for any person:*

*a) To discriminate against any ICC/IP with respect to the terms and conditions of employment on account of their descent. Equal remuneration shall be paid to ICC/IP and non-ICC/IP for work of equal value; and*

*b) To deny any ICC/IP employee any right or benefit herein provided for or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.”*

#### 4) Davao City Ordinance 0417-12

**"An Ordinance Declaring Unlawful, Acts and Conduct of Discrimination Based on Sex, Gender Identity, Sexual Orientation, Race, Color, Descent, National or Ethnic Origin, and Religious Affiliation or Beliefs and Penalizing the Same" (2012)**

link: [http://pages.upd.edu.ph/sites/default/files/ejmanalastas/files/davao\\_anti-discrimination\\_ordinance.pdf](http://pages.upd.edu.ph/sites/default/files/ejmanalastas/files/davao_anti-discrimination_ordinance.pdf)

#### 5) Agusan del Norte Provincial Ordinance No. 358-2014

**"An Ordinance Prohibiting Discrimination in the Province of Agusan del Norte on the Basis of Age, Disability, Ethnicity, Gender Expression, Gender Identity, Health Status, Physical Appearance, Political Affiliation, Religion, Sexual Orientation and Social Status, Appropriating Funds Thereof, and For Other Related Purposes" (2014)**

link: [http://pages.upd.edu.ph/sites/default/files/ejmanalastas/files/agusan\\_del\\_norte\\_ado.pdf](http://pages.upd.edu.ph/sites/default/files/ejmanalastas/files/agusan_del_norte_ado.pdf)

## International Legislation

### 1) UN Universal Declaration of Human Rights (1945)

Article 2: Equal entitlement to rights and freedoms

*"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."*

Article 7: Freedom from discrimination

*"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."*

Article 23: Right to work

*"(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*

*(2) Everyone, without any discrimination, has the right to equal pay for equal work.*

*(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.*

*(4) Everyone has the right to form and to join trade unions for the protection of his interests.*

*International Labour Organisation (ILO) C111 – Discrimination (Employment and Occupation) Convention: Article 1 (1958)"*

## **2) UN Convention on the Elimination of All Forms of Racial Discrimination (1965)**

Article 5:

*“In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:*

*(e) Economic, social and cultural rights, in particular:*

*(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;”*

## **3) UN International Covenant on Economic, Social and Cultural Rights (1966)**

Article 7:

*“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:*

*(a) Remuneration which provides all workers, as a minimum, with:*

*(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;*

*(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;*

*(b) Safe and healthy working conditions;*

*(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;*

*(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays”*

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Ministry of Foreign Affairs of the  
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**If you are interested in taking part of this initiative,  
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