



# PRESIDENT van de REPUBLIEK SURINAME

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Aan:

**De Voorzitter van  
De Nationale Assemblée,  
Mw. Drs. Jennifer Simons**

**Onderwerp:**

***Aanbieding Ontwerpwet houdende goedkeuring van de  
toetreding van de Republiek Suriname tot de Convention  
concerning Discrimination in Respect of Employment and Occupation  
(Discrimination of Employment and Occupation Convention,  
1958 no. 111, Geneva, 25 juni 1958)***

ons kenmerk: secpres/1285/16  
Paramaribo, 23 augustus 2016

Geachte Voorzitter,

Hierbij doe ik u, krachtens de artikelen 103 en 104 van de Grondwet, voor behandeling door De Nationale Assemblée toekomen de Ontwerpwet als in hoofde genoemd met de bijbehorende Memorie van Toelichting, alsmede de documenten waarop de Ontwerpwet betrekking heeft.

Indien De Nationale Assemblée de voorkeur geeft aan een stilzwijgende goedkeuring van deze **Convention**, dan verneem ik zulks gaarne van u en verzoek ik u om in dat geval de bijgevoegde Ontwerpwet als ingetrokken te beschouwen.

De President van de Republiek Suriname,

D.D. Bouterse

cc Vice- President  
Minister Buitenlandse Zaken  
Secretaris van de Staatsraad

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|-------------------------------|-------------|
| <b>DE NATIONALE ASSEMBLEE</b> |             |
| Ingek. <u>29 augustus</u>     | <u>2016</u> |
| Agenda no. <u>1658/16</u>     |             |
| Verwezen<br>Naar              |             |

WET van .....  
houdende goedkeuring van de toetreding van  
de Republiek Suriname tot  
Convention concerning Discrimination  
in Respect of Employment and Occupation,  
(Discrimination (Employment and Occupation)  
Convention, 1958 no. 111, Geneva, 25 juni 1958)  
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## ONTWERP

### DE PRESIDENT VAN DE REPUBLIEK SURINAME,

In overweging genomen hebbende, dat het wenselijk is de toetreding van de Republiek Suriname tot Convention concerning Discrimination in Respect of Employment and Occupation, Discrimination (Employment and Occupation) Convention, 1958 no. 111, Geneva, 25 juni 1958, aan de uitdrukkelijke goedkeuring van de Nationale Assemblée te onderwerpen, welke goedkeuring ingevolge artikel 104 van de Grondwet van de Republiek Suriname bij wet moet worden verleend.

Heeft de Staatsraad gehoord, na goedkeuring door de Nationale Assemblée, bekrachtigd de onderstaande wet:

#### ARTIKEL 1

De toetreding van de Republiek Suriname tot Convention concerning Discrimination in Respect of Employment and Occupation, Discrimination (Employment and Occupation) Convention, 1958 no. 111, Geneva, 25 juni 1958 wordt goedgekeurd.

#### ARTIKEL 2

1. Deze wet wordt afgekondigd in het Staatsblad van de Republiek Suriname.
2. Zij treedt in werking met ingang van de dag volgende op die van de afkondiging.
3. Met de uitvoering van deze wet is belast de Minister die de verantwoordelijkheid draagt voor arbeidsaangelegenheden.

Gegeven te Paramaribo,

2016

**DESIRÉ D. BOUTERSE**

WET van .....  
houdende goedkeuring van de toetreding van  
de Republiek Suriname tot  
Convention concerning Discrimination  
in Respect of Employment and Occupation,  
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### MEMORIE VAN TOELICHTING

Discriminatie op de werkplek kan in verscheidene vormen en onder verscheidene omstandigheden voorkomen. Discriminatie op de werkplek ontnemt individuen van ontplooiingskansen en-mogelijkheden en berooft de gemeenschap van hetgeen deze individuen in staat zijn te doen om bij te dragen of te kunnen bijdragen aan de ontwikkeling van hun gemeenschap of hun land.

Conventie No. 111 richt zich op de toegankelijkheid voor een ieder om een beroep uit te kunnen oefenen. De conventie promoot een gelijke kansenbeleid, waardoor discriminatie inzake arbeid (aanwerving, arbeidsvoorwaarden), ongeacht verschillen in geslacht, ras, kleur, godsdienst, politieke opinie, nationaliteit een halt wordt toegevoerd op de werkplek. Deze conventie heeft een ruimere reikwijdte in de zin dat het zich niet alleen beperkt tot geslacht, maar ook betrekking heeft op ras, huidkleur, minderheidsgroepen, sociale groeperingen, religieuze overtuiging, politieke oriëntatie en elk ander bij wet vastgestelde criterium.

Conventie No. 111 richt zich op:

- gelijke behandeling tot arbeid en alle functies zonder discriminatie ten aanzien van de bovengenoemde criteria;
- gelijke toegang tot vakscholing(training) voor een ieder en;
- gelijkheid van behandeling ten aanzien van arbeidsvoorwaarden en arbeidsomstandigheden.

Met het aanvaarden van de "Declaration on the Fundamental Principles and Rights at Work" hebben lidstaten van de Internationale Arbeidsorganisatie, waaronder Suriname zich gecommitteerd om de fundamentele rechten van arbeiders te promoten en condities te scheppen, zodat deze rechten als zodanig beleefd kunnen worden.

De principes van dit IAO Verdrag zijn in artikel 27 lid 1 sub c van de Grondwet van de Republiek Suriname verankerd. Ingevolge artikel 27, lid 1 sub c van de Grondwet behoort het recht op werk van elk(e) individu c.q. werknemer zoveel mogelijk door gelijkheid van kansen bij de keuze van beroep en soort werk te worden gewaarborgd alsmede verboden te worden dat toegang tot enige functie of beroep op grond van iemands geslacht wordt verhinderd of belemmerd.

Samengevat kan gesteld worden dat Conventie no. 111 gericht is op het tegengaan van elke vorm van discriminatie op de werkvloer en dat er daaromtrent beleid geformuleerd moet worden.

Met het toetreden van Suriname tot dit verdrag wordt voldaan aan de toezegging aan de IAO om de fundamentele conventies te ratificeren alsmede uitvoer gegeven aan één van de prioriteiten van het Decent Work Country Programme Suriname 2014-2016 namelijk de ratificatie van de resterende drie IAO fundamentele conventies.

Het onderhavig wetsontwerp is noodzakelijk ter voldoening aan het bepaalde in artikel 104 lid 1 van de Grondwet van de Republiek Suriname.

Paramaribo,

**DESIRÉ D. BOUTERSE**

# **C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

**Convention concerning Discrimination in Respect of Employment and Occupation (Entry into force: 15 Jun 1960) Adoption: Geneva, 42nd ILC session (25 Jun 1958) - Status: Up-to-date instrument (Fundamental Convention).**

## **Preamble**

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 hundred and fifty-eight the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

### **Article I**

1. 1. For the purpose of this Convention the term *discrimination* includes--
  - o (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;
  - o (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 with other appropriate bodies.

2. 2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. 3. For the purpose of this Convention the terms *employment* and *occupation* include access to vocational training, access to employment and to particular occupations, 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 eliminating 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 co-operation 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 established in accordance with national practice.

#### Article 5

1. 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. 2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet

the 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 non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

#### Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### Article 8

1. 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### Article 9

1. 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 10

1. 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. 2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 13

1. 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 14

The English and French versions of the text of this Convention are equally authoritative.