

Discrimination at Work in Asia

The Asia and Pacific region continues to experience traditional forms of discrimination, such as those based on gender and ethnic origin and is increasingly confronted with new forms of discrimination brought about by structural economic reforms, economic openness and greater movement of people.

Dynamic economic growth in Asia and the Pacific- driven by competitive integration into global markets for goods, services and investment - has spurred nearly 3 million Asian workers every year to seek employment abroad. These migrant workers face a variety of forms of discrimination in Europe and the Middle East, and increasingly within the Asian region itself.

A recent survey in Asia showed that one in six respondents who were living with HIV/AIDS had been discriminated in the workplace. A higher proportion of respondents experienced workplace discrimination in the Philippines (21 per cent) than in other countries in the region (15 per cent in Indonesia, 12 per cent in India and 7 per cent in Thailand).

PERSISTENT FORMS OF DISCRIMINATION

Women still remain the largest group facing discrimination in terms of employment opportunities and wage gaps. An increase in employment rates for women over the past decade has not been even throughout the region. For example, in East Asia and the Pacific the female share of non-agricultural paid employment increased to 43.5% whereas in South Asia the rate remains the world's lowest at only 16.5%. Furthermore, two-thirds of all employed women in South Asia are working without pay.

An important measure of good-quality jobs available to women is their share of legislative, senior official or managerial (LSOM) jobs. Higher participation rates for women in LSOM jobs indicate a reduction of discriminatory barriers. Overall, the Asia and Pacific region experienced a rise of nearly 4% in women in such positions over the past decade. However, South Asia shows only 8.6% of women attaining these levels as compared to 24.8% for East Asia and the Pacific.

A persistent form of discrimination in South Asia has been caste-based discrimination. For example, this form confines Dalits to occupations often involving the most menial tasks such as "manual scavenging" or the removal of dead animals. Dalits are generally not accepted for any work involving contact with water or food for non-Dalits or entering a non-Dalit residence. They are thus excluded from a wide range of work opportunities in the area of production, processing or sale of food items, domestic work and the provision of certain services in the private and public sectors (e.g. office helpers).

Limited access to education, training and resources, such as land or credit, further impair their equal opportunities for access to non-caste-based occupations and decent work. The deprivation stemming from discrimination in all areas of their life leads to higher levels of poverty among Dalits compared to non-Dalits.

Equally serious and pervasive is discrimination confronting indigenous peoples in the region as in other regions as well. These peoples account for over 15% of the world's poor, although they make up 5% of the world's population. In Nepal, the indigenous peoples from the hill areas, the Hill Janajatis, lacking opportunities at home, make up largest share of migrants working abroad (29%) in countries other than India, and have the highest average remittance income (almost 35% of annual household income).

GROWING DISCRIMINATION AGAINST MIGRANTS

The growing numbers of migrant workers in the region face new forms of discrimination. Racial discrimination, xenophobia, intolerance are all reflected in low wages, long and exhausting working hours and violence.

In Japan, the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in a 2006 report expressed concern about discrimination against descendants of former Japanese colonies. Trade unions have taken important steps to address this: for example, Rengo, the largest union in Japan, has created a union for Chinese workers.

In Malaysia, the Malaysian Trade Union Congress (MTUC) have put in place mechanisms to ensure better protection of the 1.5 million documented migrant workers living in the country.

In Pakistan, official statistics show a growth since 2004 in the numbers of workers migrating from the tribal areas in search of jobs, mainly in the construction sector in the Gulf countries. Because of their limited access to official channels of migration and official travel documents, indigenous and tribal people appear to be more likely than other groups to become undocumented migrant workers. Indigenous women are especially vulnerable to falling prey to trafficking.

In China, the situation is slightly different where a swell of rural migrants - an estimated 150 million - are labouring in the coastal cities but are finding it difficult to obtain permits largely due to the constraints of the hukou system. Owing to their social status, rural migrants suffer from institutionalized discrimination. In some cities, authorities deny them access to better jobs so they end up working in informal, low-paid, menial jobs that urban workers refuse. Since rural migrant currently represent 40% of the urban workforce this will be remain an important social and economic concern for China.

In the past few years, the Chinese Government has taken important steps to help disadvantaged rural migrant workers taken measures such as ensuring a guaranteed minimum wage, the enforcement of a labour contract system, as well as access to employment services and job training.

NEWLY EMERGING FORMS

New forms of discrimination are emerging in the region such as unfair treatment of both young and older persons, people with disabilities, those living with HIV/AIDS, and on the basis of sexual orientation. An additional challenge is the emergence of practices that penalize those with a genetic predisposition to developing certain diseases or those who have lifestyles considered unhealthy.

With some 470 million people with disabilities of working age, disability has become a major workplace issue. Although considerable variations exist across countries, persons with disabilities have activity rates well below the average of other working groups. This reflects, among other factors, their lower educational and skills development attainments, which, in turn, result from societal and institutional barriers to equal opportunities for people with disabilities in education and vocational training.

However, persons with disabilities have much to contribute to the workplace. Sixty-five per cent of Australian employers rated the financial cost of workplace accommodations as neutral and 20% indicated an overall financial benefit. The average recruitment cost of an employee with a disability was only 13% more than the average recruitment cost of an employee without a disability.

DuPont has conducted surveys in a number of countries showing that over 35 years disabled employees perform equally or better compared to their colleagues without disabilities. Only 4 per cent of disabled people of working age require additional adjustments in the workplace. Costs are generally negligible. Marks and Spencer has shown that two-thirds of the adjustments for disabled people do not involve any costs.

The impact of HIV/AIDS on the workplace has become an important social and economic issue. Around 40 million people worldwide are living with HIV/AIDS. The epidemic is spreading rapidly also in Asia and Central Asia with prevalence rising fastest among young adults (aged 15-29 years), especially girls and young women.

Stigma and discrimination on account of actual or perceived HIV/AIDS status are multiple and complex; they are hard to measure, and the data difficult to interpret. Stigma generally affects more women than men, even when they acquire the disease through their husbands. In an ILO study in India, a survey conducted among 292 persons - 42% female with an average age of 30 years - showed that 90% of women had been infected by their husbands. More women had suffered discrimination (74%) than men (68%).

Rapid developments in genetics and related new technologies have important implications for the workplace. Employers decide to exclude or dismiss employees whose genetic status shows a predisposition to developing a certain disease in the future. Making an employment decision on the basis of the probability of an individual's developing a certain disease, rather than on their actual capacity to perform their job, constitutes discrimination.

Trade unions are active in this field. The Australian Council of Trade Unions (ACTU) stated in 2002 that employers should not be allowed to gather genetic information about any employee. While criticizing employers for inappropriate collection of employees' genetic data, the Australian Law Reform Commission and Australian Health Ethics Commission declared that they would consider permitting the use of genetic testing, where reasonable and relevant, and in a way that balanced the interests of employers, employees and the public at large.

NATIONAL AND REGIONAL ACTION

There have been encouraging developments in combating discrimination in the workplace. The

Governments of the Philippines and Japan have recently enacted laws that address sexual harassment as a form of discrimination. The law provides that both women and men shall be protected from sexual harassment, and requires employers to take workplace measures to address it.

In India, mobile crèches on construction sites have been created to cater for the children of migrant construction workers. At present the system of mobile crèches operates through a network of 450 day care centres, located on building sites and slum clusters in New Delhi, Mumbai and Pune and reaching out to 600,000 children.

In New Zealand, the Equal Employment Opportunities (EEO) Trust, a joint initiative launched in 1992 by leading private and public sector employers to promote awareness of the business benefits of equal opportunities at the workplace, has developed jointly with the Recruitment and Consulting Services Association a publication targeting recruitment agencies and aimed at removing discriminatory practices.

In Sri Lanka, the concern over promoting equal opportunities at the workplace is reflected in the production of Guidelines for Company Policy on Gender Equity/Equality developed by the Employers Federation of Ceylon (EFC) in cooperation with the ILO in 2006.

In Singapore, the Tripartite Declaration on Equal Remuneration for Men and Women Performing Work of Equal Value affirms the commitment of the Government and the social partners to the principle embodied in Convention No. 100. The tripartite partners also agreed to insert an appropriate clause in collective agreements to ensure that employers adhere to the principle of equal remuneration for work of equal value. ■