

ILO Global Report Insidiousness and insecurity: The new face of discrimination and inequality in the world of work

At workplaces where different people gather, one thing remains the same: despite major advances in addressing discrimination at work, inequalities between mainstream groups and those vulnerable to discrimination remain stubbornly persistent and continue to afflict millions of people worldwide. A new ILO report entitled "Equality at work: Tackling the challenges" provides the most comprehensive study to date on equality at work, illuminating what has been accomplished and what remains to be done to eliminate this insidious practice. It also assesses the effectiveness of conventional and new policy instruments in creating more diverse and more equal workplaces.

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GENEVA – In the four years since its last global report on discrimination [See note 1](#), the ILO has crafted a mixed assessment of advances and failures in the global fight for equality at work.

On the positive side, efforts by ILO member States to stamp out workplace discrimination have moved forward significantly. As of the end of 2006, nine out of ten member States had ratified the two core Conventions on discrimination – the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and occupation) Convention, 1958 (No. 111) – thereby committing to creating legislation and policies that prevent discrimination.

New initiatives – such as the ILO Code of Practice on HIV/AIDS – have revolutionized the public and private response to AIDS in the world of work. And more and more countries are creating specialized institutions to deal with discrimination at the workplace.

Nevertheless, the scales measuring equality versus inequality remain unbalanced. Law enforcement remains weak. And in many countries, the offices that have been created to deal with discrimination aren't properly staffed or funded. While anti-discrimination efforts are increasing in the formal economy, a growing informal economy represents a vast and moving target for public policies seeking to remove obstacles preventing hundreds of millions of people from enjoying equal opportunities at work.

Old forms of discrimination – based on gender, nationality, race or ethnicity, unfair treatment of young or older persons, people with disabilities, persons living with HIV/AIDS, or on the basis of sexual orientation – remain rampant in some societies and cultures. Meanwhile, new forms of discrimination are emerging. In particular, practices that penalize those with a genetic predisposition to developing certain diseases or those who have lifestyles considered unhealthy – such as smoking, even away from the workplace – are the new frontline of discrimination at work.

The main message of the Global Report is that to tackle discrimination at work, the creation of more equal societies must become a central goal of development policies. The promotion of equal opportunities for decent work for all women and men, irrespective of race, religion, disability, age or sexual orientation, is one of the means to advance in this direction.

For some people discrimination means not having a particular job they want and for which they are qualified, while for others, it may mean not having a job at all. Such economic discrimination may translate into social and economic disadvantages and spark "political instability and social upheaval, which upset investment and economic growth".

"These barriers to equality can prevent societies from realizing the full potential of today's globalized economy," the Report says.

"Discrimination at work is 'a violation of human rights' that literally wastes human talents, with detrimental effects on productivity and economic growth," says ILO Director-General Juan Somavia who will submit the Report to the 96th International Labour Conference when it meets in May. "Discrimination generates 'socio-economic inequalities that undermine social cohesion and solidarity and is a brake on poverty reduction.'"

The Report is part of a series of studies issued annually on core ILO labour issues and was prepared under the Declaration on Fundamental Principles and Rights at Work adopted by the International Labour Conference in 1998. The Declaration focuses on four fundamental principles – freedom of association, the

elimination of child labour, the elimination of forced labour and discrimination. Each issue is subject to a major study every four years.

Insidious and often invisible

Discrimination is frequently embedded in the way in which workplaces operate and is rooted in prevalent cultural and social values and norms. Discrimination doesn't distinguish between formal and informal workplaces, although in the latter it may take more overt forms since it is outside the protection provided by labour laws and enforcement mechanisms.

A recent development is the emergence of practices that penalize persons with "a genetic predisposition to developing certain diseases or those who have lifestyles considered unhealthy". The rapid developments in genetics and related new technologies have made it easier to obtain information on genetic status. The Report states that genetic screening has important implications for the workplace, where, for example, employers might have an interest in excluding employees whose genetic status shows a predisposition to developing a certain disease in the future. Genetic discrimination at the workplace has been proven and successfully contested in several courts around the world.

Another main theme throughout the Report is the persistence of gender gaps in employment and pay and the need for integrated policies addressing sex discrimination in remuneration and occupational segregation by sex, while reconciling work and family responsibilities. Women's participation in the labour force and in paid employment has maintained an upward trend in almost all regions of the world, but the gender gap in unemployment has proven more resistant. Female labour force participation rates continued to rise significantly, thus narrowing the worldwide gender gap in labour participation rates by 3.5 percentage points. Nevertheless, despite phenomenal advances in women's educational attainments, women continue to earn less than men everywhere.

What can we do?

The Global Report recommends a series of steps to combat discrimination and achieve the ILO's proposed action plan. These include promoting gender equality through more integrated and better-coordinated global action; mainstreaming non-discrimination and equality into ILO Decent Work Country Programmes taking into account specific needs of different groups; enacting better laws and promoting better enforcement; more effective non-regulatory initiatives such as government purchasing, and lending and investment policies; and helping workers and employers make equality a reality at the workplace through mechanisms such as collective bargaining agreements and codes of conduct.

One approach recommended by the Report in achieving equality at work is to complement anti-discrimination policy measures – such as comprehensive laws, effective enforcement mechanisms and properly funded specialized bodies – with other policy instruments, such as active labour market policies and public procurement policies pursuing non-discrimination and equality goals.

Active labour market policies include job search, recruitment and placement, training, job-creation programmes and various support services. They are used in many countries in different ways and with varying results. Evidence provided in the Report shows that they can "clearly offer significant opportunities for narrowing inequalities".

The ILO has a long history of action to end discrimination that stretches from the supervision and the application of Conventions (Nos. 100 and 111), technical assistance to governments in developing enabling regulatory frameworks, and strengthening the capacity of workers' and employers' organizations, to extensive research into its causes and manifestations. The Report underscores the fact that "further inclusion of fundamental principles and rights in regional economic integration and free trade agreements can play a major role in reducing discrimination at work".

The Report applauds the recent endorsement of Decent Work as a global goal by the United Nations Economic and Social Council in July 2006. The adoption, six months later, by the Council of the European Union of a set of conclusions on the promotion of decent work in the EU and the world provide new support to efforts aimed at making equality at work a global reality.

"This new Global Report recognizes that fighting discrimination requires national, regional and global responses, and places efforts to combat it in the wider strategic framework of the ILO goal of decent work for all men and women," the Report says, concluding by proposing follow-up action to ensure that the promotion of equal opportunities for all in the world of work can become a reality.

Note 1 – “Equality at Work: Tackling the challenges”. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 96th Session 2007, International Labour Office, Geneva.

This Report may also be consulted on the ILO Internet site (www.ilo.org/declaration).

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“Equality at work: Tackling the challenges” is the second Global Report on this subject. It examines discrimination and inequality at work, and looks at what needs to be done to eliminate them. The Report also assesses the effectiveness of conventional and new policy instruments, such as active labour market policies and public procurement, in creating more diverse and more equal workplaces. It reviews initiatives by employers’ and workers’ organizations to address issues such as pay equity in collective agreements, human resource management policies and corporate social responsibility. And it highlights measures that can enhance the employability of people who are vulnerable to discrimination and improve the job placement function in the private and public sectors, while making labour markets operate more efficiently.

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ILO Conventions

National political commitment to combat discrimination and promote equal treatment and opportunities at the workplace is widespread, as shown by the almost universal ratification of the two main ILO instruments in this area, the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Only a handful of member States have yet to ratify these Conventions.

For the most recent list of ratifications of these and other ILO Conventions, see

<http://www.ilo.org/public/english/standards/norm/index.htm>

Steps to combat discrimination

- Promoting gender equality through more integrated and better-coordinated global action;
- Mainstreaming non-discrimination and equality into ILO Decent Work Country Programmes taking into account specific needs of different groups;
- Better laws and better enforcement;
- More effective non-regulatory initiatives such as government purchasing, and lending and investment policies;
- Helping to equip the Social Partners to make equality a reality at the workplace through mechanisms such as collective bargaining agreements and codes of conduct.

Key points

- Discrimination rooted in society's values and norms needs to be addressed and eliminated
- There is no single definition of discrimination, nor any one indicator to measure its impact
- Laws alone have not reduced discrimination at work
- Equality at work requires effective labour market and anti-discriminatory policies
- Reducing discrimination nationally requires supportive economic and trade policies
- Gender discrimination affects the largest number of people

Definitions

What is discrimination? Discrimination in employment means treating people differently because of characteristics that are not related to their merit or the requirements of the job. These characteristics include race, colour, sex, religion, political opinion, national extraction and social origin. Discrimination at work is a violation of a human right that results in a waste of human talents, with detrimental effects on productivity and economic growth, and generates socio-economic inequalities that undermine social cohesion and solidarity. It acts as a brake on the reduction of poverty.

When is different treatment not discriminatory? Different treatment and rewards based on different levels of productivity are not discriminatory. Some workers and some occupations are more productive than others, reflecting different skills, qualifications and abilities. This leads to different returns at work – and it is fair and efficient. Different treatment based on individual merit, such as talents, knowledge and skill, is not discriminatory. Different treatment to meet the special needs of some individuals – and make sure that they have equal opportunities – is not discriminatory. This is often known as affirmative action.