

REPORT OF THE DIRECTOR-GENERAL

# Equality at work: Tackling the challenges

Global Report under the follow-up to the ILO Declaration  
on Fundamental Principles and Rights at Work

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## Executive summary

The second Global Report on discrimination under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work<sup>1</sup> examines emerging issues in patterns of workplace discrimination and inequalities and recent policy responses, and outlines the ILO's experience and achievements to date and the challenges it faces.

It points to the need for better enforcement of legislation against discrimination, as well as non-regulatory initiatives by governments and enterprises, and equipping the social partners to be more effective in making equality a reality at the workplace. The Report puts forward other proposals for future action, including making equality a mainstream objective of the ILO's Decent Work Country Programmes.

The Global Report describes major advances in the struggle against discrimination, including progress in ratification of related ILO Conventions, as well as improvements on the national legal and institutional fronts, and action plans and programmes to combat inequalities stemming from discrimination. It also identifies challenges such as weak law enforcement, lack of resources among bodies set up to fight discrimination, plans that are too narrow in scope and programmes too short in duration, and the informal economy as one area where equality-enhancing policies face particular difficulties in making an impact.

### New approaches

One approach recommended by the Report in achieving equality at the workplace is to complement conventional anti-discrimination policy measures, such as coherent and comprehensive laws, effective enforcement mechanisms and specialized bodies, with

other policy instruments, such as active labour market policies. While improving the functioning of labour markets, these can counter discrimination with comprehensive policies that enhance the job placement function in both the public and private employment services, and increase the employability of those who are vulnerable to discrimination.

New policies are also required to close the gender gap in employment and pay. Despite advances, in particular the considerable progress in women's educational attainments, women continue to earn less than men everywhere, and the unequal burden of family responsibilities places them at a disadvantage in finding full-time employment.

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. Where the parties to such agreements make commitments on non-discrimination and equality issues, attention needs to be paid to effective follow-up mechanisms. Development finance institutions have in recent years begun to require their private borrowers to respect the principles and rights laid down in the fundamental international labour standards. This will lead to the obligation for employers to institute equality-enhancing labour practices at the workplace.

### The need for better data

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

1. The first Global Report on this subject, *Time for equality at work*, was published in 2003.

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.

However, discrimination is an insidious and shifting phenomenon that can be difficult to quantify and therefore to address meaningfully. No single indicator can capture progress in its elimination, although the available data clearly show that the gaps between those in the mainstream and groups vulnerable to discrimination are significant and slow to narrow. Privacy protection considerations and ideological and political barriers often prevent the collection of data on certain groups. In addition, many countries do not seek to quantify the gaps in equality for fear of exacerbating tensions. This raises the important question of how to reconcile the protection of personal data and an individual's right to privacy with the need to monitor discrimination through statistical means. Some progress has been made, however, in the quality of data on gender inequalities, although further efforts are required in regard to certain key indicators, such as the gender pay gap.

### New forms of discrimination

The problem of data collection is exacerbated by the fact that newer forms of discrimination are being added to long-recognized patterns such as those based on sex, race and religion. There is increasing awareness of unfair treatment of both young and older persons, people with disabilities and those with HIV/AIDS. An additional challenge is the emergence of practices that penalize those with a genetic predisposition to developing certain diseases or who have lifestyles that are considered unhealthy. Virtually every lifestyle choice has some health-related consequence; the question therefore is where to draw the line between what an employer can regulate and the freedom of an em-

ployee at the workplace, national governmental and non-governmental specialized bodies have been set up or restructured to assist individuals in taking legal action, promote reform and design and oversee national anti-discrimination action plans. These bodies reflect a broader focus on equal treatment and opportunities at work. One example is the National Council for the Prevention of Discrimination set up in Mexico in 2003, which launched the first national public policy to combat discrimination in 2006.

In Europe, the racial equality Directive<sup>2</sup> requires European Union (EU) Member States to designate a national body responsible for combating discrimination. To date, 19 countries have changed their institutions either by extending the mandate of existing bodies or by creating new ones. In Latin America, the elimination of racial and ethnic inequalities features prominently on the public agendas of several countries, including Brazil, where a Special Secretariat for Policies to Promote Racial Equality has been set up, with ministerial rank.

### Making laws work

In many countries, victims of employment discrimination cannot always bring their case to court, for reasons often related to their disadvantaged social position, lack of access to legal assistance, fear of reprisal or distrust of the judicial system.

One example of how the courts can be made more accessible is the Roma Anti-Discrimination Customer Service Network in Hungary, a joint initiative by several ministries, which helps complainants in eliminating discrimination and obtaining reinstatement.

Keenly aware of difficulties faced by victims in speaking out and obtaining redress in the courts, the ILO has provided training for judges and lawyers on international labour standards through courses organized by the International Training Centre of the

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