

## Introduction

1. Discrimination occurs in the world of work every day, throughout the world. There is discrimination every time a worker is shunned or preferred because of the colour of his or her skin, or when a competent woman manager is denied a seat in the boardroom or paid less than a male colleague with equal productivity. There is discrimination every time a pregnancy test is required for a woman to be considered for a job, or when a mineworker is dismissed because of perceived or actual HIV/AIDS status. And there is discrimination every time a business licence is denied to an entrepreneur because of his or her religion, or when a woman is required to obtain the approval of her spouse to get a bank loan.

***Discrimination – a worldwide problem***

2. Discrimination in employment and occupation takes many forms, and occurs in all kinds of work settings. But all discrimination shares a common feature. It entails treating people differently because of certain characteristics, such as race, colour or sex, which results in the impairment of equality of opportunity and treatment. In other words, discrimination results in and reinforces inequalities. The freedom of human beings to develop their capabilities and to choose and pursue their professional and personal aspirations is restricted, without regard for ability. Skills and competencies cannot be developed, rewards to work are denied and a sense of humiliation, frustration and powerlessness takes over.

***Common features of discrimination***

3. Society at large is also profoundly affected. The waste of human talent and resources has a detrimental effect on productivity, competitiveness and the economy; socio-economic inequalities are widened, social cohesion and solidarity are eroded and political stability comes under threat.

4. The elimination of discrimination at work is central to social justice, which lies at the heart of the ILO's mandate. It underpins the concept of decent work for all women and men, which is founded on the notion of equal opportunities for all those who work or seek work and a living, whether as labourers, employers or self-employed, in the formal or the informal economy. The elimination of discrimination is an indispensable part of any viable strategy for poverty reduction and sustainable economic development.

***Elimination of discrimination is central to social justice***

5. The Declaration of Philadelphia, adopted by the International Labour Conference in 1944 and now part of the ILO Constitution, recalls 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". Equality at work is a constant theme in the international labour standards adopted and promoted by the ILO. It is the subject of two of the eight fundamental Conventions:<sup>1</sup> the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100). These are among the most widely ratified ILO Conventions (see Annex 2).

6. The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in June 1998, reaffirmed the constitutional principle of the elimination of discrimination in respect of employment and occupation, thereby confirming the universal resolve to suppress discrimination in the world of work through the promotion of equal treatment and opportunity.

### *Proactive approaches*

7. In recent decades, countries have adopted laws against discrimination and have undertaken proactive approaches to eliminate unequal treatment at work. Enterprises and employers worldwide have modified recruitment and hiring procedures and practices, wage-setting systems and management policies to ensure fairness at work. Trade unions have made equality their goal in collective bargaining and in other actions, as well as in their internal representative structures. Today, we are aware of the multiple links between discrimination and poverty, social exclusion and forced and child labour. Our understanding of how to tackle these problems has improved, but there is still a long way to go before discrimination at work is a thing of the past.

8. As a phenomenon, discrimination in employment and occupation is both universal and constantly changing: it is a moving target. Some of the most blatant forms of discrimination have faded away; however, many still remain or have taken on new forms. In many cases, discrimination has acquired more subtle, less visible forms. Changes in the structure and dynamics of labour markets, which stem from broader political, economic and cultural processes, redefine patterns of social stratification and social mobility. They produce new manifestations of discrimination.

9. A thorough understanding of discrimination at work and regular monitoring of its manifestations and social and economic consequences are required if decent work<sup>2</sup> deficits are to be eliminated. In the light of changes in the sex, age and ethnic composition of the world labour force and labour markets, a full-employment strategy has to have an inclusive approach to employment and work. Equal opportunities provide the indispensable avenue for achieving this goal.

10. The voices of all workers and employers who are discriminated against need to be heard, including those in the informal economy and those not engaged in wage labour. Basic freedoms such as freedom of association and freedom from forced or child labour help underpin action against discrimination.

### *The workplace – a strategic entry point*

11. The workplace – be it a factory, an office, a plantation, a farm or the street – is a strategic entry point to free society from discrimination. When the work-

<sup>1</sup> The Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

<sup>2</sup> Decent work is the converging focus of the four strategic objectives: the promotion of rights at work; employment; social protection; and social dialogue. The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. ILO: *Decent work*, Report of the Director-General, International Labour Conference, 87th Session, Geneva, 1999, p. 3. See also ILO: *Reducing the decent work deficit: A global challenge*, Report of the Director-General, International Labour Conference, 89th Session, Geneva, 2001.

place brings together people with different characteristics and treats them fairly, it helps to combat stereotypes in society as a whole. It forces a situation where prejudices can be defused and rendered obsolete. A socially inclusive world of work helps to prevent and to redress social fragmentation, racial and ethnic conflict and gender inequalities.

12. If the capacity to deal efficiently with discrimination in the workplace is not strengthened, it will be more difficult to face the challenges arising out of increases in internal and external migration, unprecedented technological change, transition to market economies with their rapidly shifting groups of winners and losers, and the need to accommodate and reconcile a variety of languages, cultures and values. This may well be the most challenging task of contemporary society, and it is essential for social peace and democracy.

13. This is the first Global Report on the elimination of discrimination in employment and occupation. It is the last in the first four-year cycle of Global Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.<sup>3</sup> The Report focuses on those aspects of discrimination at work that, in the light of recent trends, warrant special attention today. This is either because of their persistence, their scale, their potential effects in the foreseeable future, or because neglecting them will have disastrous effects on national social cohesion, political stability, and hence growth. The Report also seeks to identify what, in practice, the ILO can, and should, do better to avoid negative consequences and to promote protection for the women and men who are daily subject to discrimination.

14. Part I of the Report examines discrimination in employment and occupation. It traces changes in the extent, characteristics and dynamics of the problem and its perception.

15. Part II focuses on selected trends and issues. Using the data available on reasons for discrimination – which are often limited or even non-existent, except for discrimination on the basis of sex – it analyses patterns and trends in occupational segregation and differentials in remuneration between women and men, and it reviews national public policies to combat discrimination.

16. Part III reviews the work of the ILO to address the issue of discrimination, including the policy approaches, strategies and means of action, as well as initiatives by employers' and workers' organizations and enterprises.

17. Finally, Part IV outlines a number of suggestions on how the relevance and effectiveness of the ILO could be increased. In particular, it invites a debate on the type of plan of action that could benefit ILO member States and employers' and workers' organizations in their endeavours to overcome discrimination at work.

### *The scope of the Global Report*

### *Priorities for future ILO action*

<sup>3</sup> The ILO Declaration applies to all member States of the ILO, whether or not they have ratified the Conventions relating to each category of principles concerning fundamental rights. Under the follow-up to the Declaration, a Global Report is to be drawn up each year under the responsibility of the Director-General and to cover one of the four categories of fundamental principles and rights in turn. The Global Reports may be consulted on the ILO Internet site <http://www.ilo.org/declaration>

