

Labor: Non-Discrimination

Non-Discrimination, Overview

In addition to being unethical, workplace discrimination can negatively affect a company's competitiveness due to increased risk for legal and punitive liabilities as well as decreased productivity arising from low worker morale, absenteeism, and turnover.

ILO Convention 100 states that men and women workers shall receive equal pay for work of equal value. Convention 111 expands these terms to include any type of discrimination – such as sexual, racial, political, religious, etc. — as well as any means of applying that discrimination — such as access to employment and terms or conditions of employment.

Although there are exceptions, many times discrimination is unintentional. Often, it arises from adherence to social or cultural norms, making it difficult for a person to fully realize that his/her behavior is discriminatory. Sometimes the discrimination is so ingrained in society that it is written into local or national law. In such cases, it is easy to understand how a person could engage in a discriminatory act without intending to cause harm. However, a lack of intent does not free a person from being held accountable for discriminatory actions.

Therefore, it is of utmost importance to ensure that employees at all levels understand

1. what is meant by discrimination
2. that the company will not tolerate any type of discrimination, and
3. that the punishment for violations will be applied equally at all levels of the organization.

Some common forms of discrimination include:

- Using gender as a criterion for job positions, ex: only hiring female secretaries
- Using race, gender, and age as factors in promotion decisions, ex: not promoting the most qualified candidate because he is “too old”
- Differentiating wages and benefits based on race and gender, ex: giving lower wages to an ethnic minority than to an ethnic majority when they both hold the same position
- Ignoring religious traditions, ex: scheduling an employee to work on their religious holiday
- Disciplining an employee for legally-protected activities, ex: firing an employee for participation in a union
- Using marital status or family plans as a factor in employment decisions, ex: requiring

- women applicants to take a pregnancy test
- Using health screenings in the hiring process when the screening is irrelevant to the ability to perform duties of the job, ex: requiring applicants to take an HIV/AIDS test

Examples of When Discrimination Is Commonly Used

Before Employment

- Job descriptions / postings
- Hiring decisions
- Wage offerings
- Benefit offerings
- Job type
- Working conditions
- Employment type (part-time, full-time, temporary, seasonal)

During Employment

- Promotions / demotions
- Bonuses
- Time off / Vacation
- Layoffs
- Education and training
- Working Conditions

Common Reasons Discrimination Goes Unreported

Even when employees understand what constitutes discrimination, it is common for workers not to report the violation. Some common reasons workers do not report discrimination in the workplace are that they:

- fear the consequences
- worry about confidentiality
- think nothing will happen
- don't know procedures or who to report to
- don't want to get someone else in trouble
- are embarrassed
- can't prove it
- have too much work to do
- can deal with it themselves