

## Global economic crisis opens up new space for discrimination

*ILO, 18 May 2011*

In the new Global Report on Equality at Work 2011, the International Labour Office (ILO) notes that in spite of continuous positive advances in anti-discrimination legislation, the global economic and social crisis has led to a higher risk of discrimination against certain groups such as migrant labour.

### Overview:

- [Introduction](#)
- [Weathering the effects of the global crisis](#)
- [The good news: positive trends in anti-discrimination legislation and policies](#)
- [The bad news: Capacity constraints](#)
- [Looking ahead](#)
- [Further resources](#)

### Introduction

In spite of positive advances in anti-discrimination legislation, the global economic and social crisis has led to a higher risk of discrimination against certain groups such as migrant workers.

A new ILO report, entitled [Equality at work: The continuing challenge](#), warns against a tendency during economic downturns to give lower priority to anti-discrimination policies and workers' rights. "Austerity measures and cutbacks in the budget of labour administrations and inspection services, and in funds available to specialized bodies dealing with non-discrimination and equality, can seriously compromise the ability of existing institutions to prevent the economic crisis from generating more discrimination and more inequalities".



The report contains both good and bad news about worldwide trends in discrimination in the workplace. On the positive side, there is more legislation, there are more institutional initiatives, and there is a growing awareness of the need to overcome discrimination at work. However, capacity does not always keep pace with the

political will, and a prolonged economic downturn has exposed structural weaknesses and has even aggravated structural discrimination.

## **Weathering the effects of the global crisis**

While discrimination continues to be persistent and multifaceted, access to jobs remains a major area of concern. The proportion of workers who are vulnerable to poverty is increasing, reversing the positive trends noted over the last few years.

In times of economic crisis, inequality, insecurity and exclusion are fed by direct or indirect discrimination. Strengthening policies and legislation against discrimination becomes more difficult. And yet the link between non-discrimination and social stability is particularly important during times of economic adversity.

Different economies and sectors of the economy have been affected in different ways. Workers in more stable employment relationships are naturally less affected by the crisis than those in temporary or precarious employment. The risk is especially acute for the low-skilled, older and migrant workers, as well as those workers – including university graduates – who are looking for their first job.



Women's employment has been seriously affected in several countries by the impact of the crisis on export sectors. Earlier downturns revealed a similar impact on the employment and income of women as many were pushed into informal employment. Nevertheless, in many developed market economy countries the crisis has not had a disproportionate impact on women's employment. It is also too early to draw conclusions from available data on the wage gap, and the trends so far discerned appear to be contradictory. What is clear is that institutional solutions, such as equal remuneration mechanisms, are helpful at least for those in employment whose jobs are not immediately threatened.

Measures that have been adopted in order to mitigate the effects of the crisis, in particular austerity packages, have sometimes indirectly and inadvertently increased discrimination against certain groups of workers. Growth and unemployment concerns are naturally important, and concerns about discrimination can easily take second place to short-term economic and employment policies or budgetary decisions which affect both public and private institutions dealing with discrimination.

In many developing countries, transfer programmes that are targeted at the poor provide income support on condition that children attend school and that they and their parents visit health centres. However, these measures may have a limited impact on poverty reduction if they do not also address factors of economic vulnerability such as ethnic, racial and gender discrimination.

The fundamental right of non-discrimination in employment and occupation for all women and men needs to be at the core of policies for recovery and of actions to reduce poverty in order to achieve more sustainable growth and fairer societies. The right response includes legislation, institution building, awareness raising, voluntary action by the social partners, and a change in attitudes through education.

### **The good news: positive trends in anti-discrimination legislation and policies**

In spite of the crisis and the prevailing policy environment, there have still been positive advances in anti-discrimination legislation and policies – in both the amount and the content of new legislation. Thus, in the middle of a hardening global climate, laws on equality and non-discrimination at work cover an increasingly broad set of grounds for discrimination and stipulate more comprehensive protection.



For instance, rapid advances have been made with legislation to prohibit discrimination on the basis of disability and age. Race and sex continue to be the two grounds of discrimination which are specifically included in almost all legislation for equality and against discrimination at work. However, less progress has been made in obtaining explicit mention of other grounds for discrimination, such as national extraction, social origin and political opinion.

In Europe, anti-discrimination legislation has been consolidated, and definitions of discrimination and the allocation of the burden of proof have been brought into line with European Union directives. Around the world, new laws have been introduced or existing legislation amended to eliminate discrimination based on age, maternity and marital status, disabilities, lifestyle and genetic predisposition. Existing legislation has been complemented by family-friendly policies as well as policies for continual training for older workers and quotas for women in managerial positions.

### **The bad news: Capacity constraints**

Having laws and institutions to prevent discrimination at work and offer remedies is not enough. Keeping them functioning effectively is a challenge, especially in troubled times. Many of the institutions are faced with a shortage of human and financial resources, inadequate policy coherence at the national and local levels, and insufficient synergy and cooperation with other relevant institutions. Labour inspectors, judges, public officials and other competent authorities encounter a lack of knowledge and inadequate institutional capacity when they attempt to identify and address discrimination cases. This prevents victims of discrimination from submitting their claims successfully.



During economic downturns, there is a tendency to give lower priority to policies that are targeted against discrimination and promote awareness of workers' rights. Austerity measures and cutbacks in the budgets of labour administrations and inspection services, and in funds available to specialized bodies dealing with non-discrimination and equality, can seriously compromise the ability of existing institutions to prevent the economic crisis from generating more discrimination and more inequalities.

The value of available data is often limited because of differences in definitions of discrimination. International comparisons are, at best, scant and sketchy. The lack of reliable data makes it difficult to monitor and assess the impact of measures that have been taken. If statistics are meagre or unreliable, the extent of discriminatory practices will remain largely unknown. Amongst the serious capacity constraints is an inadequate commitment by governments to put into place human, technical and financial resources to improve data collection at the national level. Taking this important but complex first step will significantly contribute to the identification of problems and the measures needed to tackle them.

## Looking ahead

While the report conveys a positive message that there is a growing system of legislation and institutional arrangements and an increased level of general awareness and political acceptance of the need to combat discrimination at work, it has to be noted that by far the biggest challenge to the realization of these rights comes from the external economic and social context. This has been affected, in some places seriously, both by adverse macroeconomic developments and by the effects of pervasive poverty and a lack of sustainable growth. In a worst-case scenario, this could threaten the achievements of several decades.

In some current political discourse, in particular where populist solutions are advocated, economically adverse times open up new space for discrimination in general, including discrimination at work.

In the light of all this, four priority areas are proposed for future action:

- (a) promotion of the universal ratification and application of the two fundamental ILO Conventions ([C100](#), [C111](#)) on equality and non-discrimination;
- (b) development and sharing of knowledge on the elimination of discrimination in employment and occupation;
- (c) development of the institutional capacity of ILO constituents to more effectively implement the fundamental right of non-discrimination at work; and

- (d) strengthening of international partnerships with major actors on equality.

## References

- ILO. 1958. [C111 Discrimination \(Employment and Occupation\) Convention, 1958 : Convention concerning Discrimination in Respect of Employment and Occupation](#) (pdf 32 KB) (Geneva)
  - [Français](#) (pdf 31 KB) • [Español](#) (pdf 66 KB)
- ILO. 1951. [C100 Equal Remuneration Convention, 1951 : Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value](#) (pdf 33 KB) (Geneva)
  - [Français](#) (pdf 33 KB) • [Español](#) (pdf 32 KB) ([Back to text](#))

## Further resources

### ILO Publications

- ILO. 2010. [Disability in the workplace : company practices](#) (pdf 603 KB) (Geneva).
- ILO. 2010. [General status report on ILO action concerning discrimination in employment and occupation](#) (pdf 226 KB) (Geneva).
  - [Français](#) (pdf 335 KB) • [Español](#) (pdf 224 KB)
- ILO. 2010. [ILO and UN inter-agency collaboration : promoting gender equality in the world of work](#) (pdf 892 KB) (Geneva).
- ILO. 2010. [Recovery and growth with decent work: Report of the Director-General](#) (pdf 750 KB), Report I(C), International Labour Conference, 99th Session, Geneva, 2010 (Geneva).
  - [Français](#) (pdf 922 KB) • [Español](#) (pdf 761 KB)
- ILO. 2009. [Eliminating discrimination in the workplace](#) (pdf 138 KB) (Geneva).
  - [Français](#) (pdf 132 KB) • [Español](#) (pdf 133 KB)
- ILO. 2009. [ILO Declaration on Social Justice for a Fair Globalization](#) (pdf 134.87 KB) (Geneva).
  - [Français](#) (pdf 1.59 MB) • [Español](#) (pdf 144.50 KB)
- ILO. 2009. [General status report on ILO action concerning discrimination in employment and occupation](#) (pdf 207 KB) (Geneva).
  - [Français](#) (pdf 237 KB) • [Español](#) (pdf 166 KB)
- ILO. 2009. [Recovering from the crisis : a global jobs pact](#) (pdf 93 KB) (Geneva)
  - [Français](#) (pdf 105 KB) • [Español](#) (pdf 107 KB)
- ILO. 2009. [The financial and economic crisis : a Decent Work response](#) (pdf 603 KB) (Geneva)
  - [Français](#) (pdf 834 KB) • [Español](#) (pdf 759 KB)
- ILO. 2009. [Remove the obstacles! : on the right track to equality](#) (pdf 737 KB)





18 May 2011

(Geneva)

- [Français \(pdf 1.62 MB\)](#) • [Español \(pdf 735 KB\)](#)
- ILO. 2007. [\*Equality at work : tackling the challenges : global report under the follow-up to the ILO Declaration on fundamental principles and rights at work : report of the Director-General\*](#) (pdf 1.71 MB) (Geneva)
  - [Français \(pdf 1.83 MB\)](#) • [Español \(pdf 1.92 MB\)](#)
- ILO. 2003. [\*Time for equality at work : global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work : report of the Director-General\*](#) (pdf 3.59 MB) (Geneva)
  - [Français \(pdf 775 KB\)](#) • [Español \(pdf 1.32 MB\)](#)
- ILO. 1998. [\*ILO declaration on fundamental principles and rights at work and its follow-up : adopted by the international labour conference at its eighty-sixth session Geneva 18 june 1998.\*](#) (pdf 84 KB) (Geneva)
  - [Français \(pdf 81 KB\)](#) • [Español \(pdf 84 KB\)](#)

## ILO Videos

- [Signing Up Against Discrimination at Work](#) - 
- [Discrimination on the Grounds of Disability and HIV/AIDS](#) - 

## ILO Websites

- [Equality and discrimination](#)
- [Decent Work](#)
- [ILO Global Job Crisis Observatory: Gender](#)
- [Resource Guide - Gender equality in the world of work](#)