Discrimination at Work: The Americas

OVERVIEW

More than 90% of the countries of the Americas have ratified one or both of the ILO's fundamental Conventions on discrimination - showing a strong commitment to the principles of equality at work. Some countries, particularly Canada and the United States, have made pioneering efforts to tackle longstanding and emerging forms of discrimination. Both are among a small minority of countries worldwide which have legislated against discrimination on the grounds of sexual orientation. However, effectively eliminating discrimination is an ongoing challenge, in every part of the Americas.

In varying degrees, racial discrimination persists in all parts of the Americas. Ethnic minorities and migrant workers are mainly affected. Gender discrimination is also a widespread problem, although there has been progress. During the 1990s, more women have moved into the labour force - narrowing the gap between women's and men's participation rates. Despite this, women still earn less than men, their jobs are less secure, and the glass ceiling still stops them from advancing.

New forms of discrimination are emerging. As the HIV AIDS epidemic spreads, for example, so does discrimination against those who are living with the virus.

All forms of discrimination are often linked with poverty. Discrimination can worsen poverty, and make it last longer. In turn, poverty can worsen discrimination at work by making it more difficult for people to acquire the skills that the market demands, and excluding them from social networks.

KEY STATISTICS

- In Latin America, poverty among indigenous people can be traced back to past discrimination in the labour market, and constraints on access to and control over land. Until recently, their participation in the labour market was mainly through various forms of coercion in agriculture and mining. Today forced labour has declined although it still persists in several countries.

- Almost a century and a half after the end of slavery in United States, substantial differences still exist between African Americans and whites in unemployment rates and wages. Similarly health, mortality and incarceration rates differ. African Americans still make up a disproportionate part of the American underclass, although a new middle class of African Americans has now emerged. The same holds true for people of African descent in Brazil.

- In Latin America's non-agricultural sector, the gap between pay per hour for women and men narrowed by 10% in the decade from 1990 to 2000. Women have made gains in every

country, ranging from 19% in Paraguay and 14% in Colombia, to modest increases of 5% in Chile and 1% in Ecuador. Even so, women's earnings were still only 78% of men's.

- Over the past 15 years, the United States has recorded the largest decrease among OECD countries in the wage gap between women and men, with a fall of 38 per cent.

- People with disabilities in the Americas have higher unemployment rates and lower earnings than the non-disabled - although differing definitions of disability make it difficult to draw a clear picture. Available data shows that in Brazil, disabled workers earn 45 per cent less than non-disabled workers. In Costa Rica, where the definition of disability is wider, the difference is 11.5%. And yet, research indicates that when people with disabilities can find jobs, they take fewer days off and tend to stay with employers longer.

- Discrimination against workers who are known or thought to have HIV/AIDS can come from co-workers, customers, service suppliers and employers. It ranges from pre-employment testing resulting in denial of hiring to breaches of medical confidentiality that can lead to dismissal, or pressure to resign. An ILO study that included Brazil, Jamaica, Mexico and the US found confidentiality breaches and dismissal were widespread.

COMBATING DISCRIMINATION IN THE AMERICAS

Diversity strategies boost profits

Growing numbers of large companies and multinational enterprises in Canada and the United States are adopting a diversity management approach to improve competitiveness. One report has noted that diversity management strategies were already in place in three quarters of US-based multinational enterprises, and that 92 per cent of the American human resource executives thought they were directly related to profitability. Strategies often include: efforts to reach out to a diverse group of students prior to and during recruitment; internship programmes involving students from minority groups; training that addresses the concerns of particular groups of employees; mentoring programmes linking members of under-represented groups; and communication strategies intended to raise awareness of these practices within the organization, and beyond.

Do female workers cost more than male workers?

An ILO study covering Argentina, Brazil, Chile, Mexico and Uruguay shows that the additional cost of employing a woman worker - covering maternity protection and childcare expenses - amounts to less than 2% of the monthly gross earnings of women employees. If all non-wage costs are considered - including training and compensating work injuries and others that apply to all workers - then the additional cost of hiring a woman is less than 1%. This results from the fact that maternity related benefits and wages during maternity leave are not paid by employers but are funded through taxes or social security.

Fighting discrimination and poverty together

In Brazil, the Municipality of Santo André is using anti-discrimination measures to fight poverty. With help from the ILO, a three-year project worked to improve job opportunities for women and people of African descent. Indicators with gender and race dimensions were set up to

measure how effective the policies were at increasing employment and reducing poverty. In 2001 the Municipality's work was rewarded with the International Dubai Prize on Best Practices for the Improvement of Living Conditions.

In Canada women's membership of the Canadian Labour Congress (CLC) reached 32% in 2000, almost equal to the men's rate of 34%. The CLC has attracted women by pointing out that unionized workers earn higher wages than their non-unionized counterparts - particularly part-time workers, most of whom are women.

In Latin America, trade unionists from nine Latin American countries have identified new forms of segmentation in the labour market along gender, ethnic and racial and age lines. Initiatives to reach out to workers at the lower end of value chains, such as home workers, have ranged from supporting the creation of homeworkers' organizations in Chile to statutory reforms to allow social organizations to affiliate in Colombia.

In Venezuela, there has been pressure to have laws on home work observed. In the Caribbean, both employers and workers organizations have taken the ILO code of practice on HIV AIDS and the world of work as a guide for fighting stigma and discrimination.

WHAT IS THE ILO'S ROLE?

The ILO works with governments, employers' and workers' organizations to promote this basic principle and right. Eliminating discrimination is also a vital step towards achieving social justice and reducing poverty, both at the heart of the ILO's concerns. The ILO has developed legal frameworks in the form of two Conventions dealing with discrimination *[Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)]*. In terms of the ILO's promotional and awareness-raising work, the elimination of discrimination is one of the four priority areas covered by the Declaration on Fundamental Principles and Rights at Work.