



## DISCRIMINATION AT THE WORKPLACE: GLOBAL PROVISIONS AND IMPLICATIONS

Anushka Singh\*

### ABSTRACT

*This article explores workplace discrimination through the lens of international and regional legal frameworks. It examines key human rights treaties such as the UDHR, ICESCR, ILO conventions, ICERD, and CRPD, highlighting their provisions on equality and non-discrimination. Regional mechanisms—including the ECHR, ACHR, ACHPR, and Nordic frameworks—are also analysed to understand their role in combating workplace bias. The article further discusses the practical implications of these laws, including enforcement challenges and gaps in implementation. It concludes by emphasising the need for stronger accountability, inclusive policies, and awareness to ensure fairness and dignity at work.*

**Keywords:** Discrimination, Workplace Conventions, Disability, Race, Gender.

### WHAT IS WORKPLACE DISCRIMINATION?

Workplace discrimination takes place when an individual is treated unfairly or differently in their job, resulting in inequalities in salary, advancement, and other areas. Companies must implement a policy that encourages diversity and inclusivity.<sup>1</sup> The International Labour Organisation (ILO) of the United Nations (2015) defined employment discrimination as any distinction, exclusion, or preference based on race, colour, sex, religion, political beliefs, national origin, or social background that results in the denial or limitation of equal opportunities or fair treatment in employment or work.<sup>2</sup> This definition highlights the global

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\*BA LLB, SECOND YEAR, ALIGARH MUSLIM UNIVERSITY.

<sup>1</sup> India Law Offices, 'Workplace Discrimination: How to Prevent It' (India Law Offices, 25 April 2023) <https://www.indialawoffices.com/legal-articles/workplace-discrimination-how-to-prevent-it> accessed 14 July 2025

<sup>2</sup> International Labour Organization, World Employment and Social Outlook: The Changing Nature of Jobs (2015) [https://www.ilo.org/global/research/global-reports/weso/2015-changing-nature-of-jobs/lang--en/index.htm](https://www.ilo.org/global/research/global-reports/weso/2015-changing-nature-of-jobs/lang-en/index.htm) accessed 14 July 2025

acknowledgement of the ongoing unfair treatment of individuals from various social backgrounds in the workplace. It also aligns with social psychological theories, which describe discrimination as the behavioural expression of underlying stereotypes (biased thoughts) and prejudice (biased attitudes) toward people based on their group identity.

However, this definition has two notable shortcomings. Shen and Dhanani (2015) pointed out that academic research generally uses a broader understanding of workplace discrimination. This includes not only formal organisational policies but also everyday interactions with coworkers and customers. Moreover, it considers unfair treatment based on traits that may not be legally protected, such as body weight, sexual orientation, or physical appearance.<sup>3</sup> Research on discrimination has explored patterns of biased behaviour or outcomes faced by different social groups. It often compares the levels and experiences of discrimination across these groups, examines the causes and effects of discrimination, and looks into the factors that influence or shape such behaviour. Findings consistently show that individuals from lower-status or marginalised groups in society are more likely to face unfair treatment, whereas members of dominant groups generally receive more favourable treatment. While specific situations and settings may differ, native-born people, heterosexual men from upper social classes and dominant racial or ethnic groups tend to have better access to high-paying jobs, authority, and opportunities. In contrast, women, racial and ethnic minorities, immigrants, lower-class individuals, and LGBTQ+ persons are more likely to encounter discrimination. Increasing attention is being paid to how overlapping social identities—like gender, race, and class—shape people's experiences in the workforce. Discrimination occurs not just between individuals or groups but can also be present within organisations and embedded in broader societal structures and systems.<sup>4</sup>

The most common types of discrimination in the workplace are of 8 types -

**Racial Discrimination:** Racial bias remains widespread in workplaces. It affects hiring, promotions, evaluations, and even terminations. Discriminatory behaviour can be direct (e.g., comments about race or appearance) or indirect (e.g., policies applied unfairly across racial

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<sup>3</sup> Cheung HK, King EB, Lindsey AP, Membere A, Markell HM and Kilcullen M, 'Understanding and Reducing Workplace Discrimination' (2016) 34 Research in Personnel and Human Resources Management 101–152, doi:10.1108/S0742-7301 2016000034 010.

<sup>4</sup> Smith J, 'Discrimination' in Oxford Research Encyclopaedias', Business and Management (Oxford University Press 2018) <https://doi.org/10.1093/acrefore/9780190224851.001.0001/acrefore-9780190224851-e-193> accessed 14 July 2025.

lines). Despite legal protections since the 1960s, race-based inequality persists and has cost the U.S. economy trillions.

**Disability Discrimination:** This occurs when employers make unfair assumptions about an employee's ability due to a physical or mental condition. It can include denying accommodations, applying rigid attendance policies, or showing hostility. Discrimination can also happen due to association with someone who is disabled. Federal and state laws, like the ADA, offer strong protections.

**Pregnancy Discrimination:** Expectant or new mothers often face unfair treatment—such as denial of leave, job loss during maternity, or lack of accommodations for nursing. This form of bias may overlap with sex, gender, and disability discrimination. Several laws, including the Pregnancy Discrimination Act and FMLA, safeguard parental rights.

**Gender Discrimination:** This happens when someone is treated differently due to their gender. Women often face pay gaps, fewer promotions, and criticism for traits praised in men. Disparate impact policies and workplace bias, especially against women of colour, contribute to persistent inequality.

**Age Discrimination:** Workers aged 40 and above may struggle with hiring bias, job loss, or derogatory comments. Older employees often face pressure to retire early or are overlooked due to assumptions about their abilities. The Age Discrimination in Employment Act (ADEA) protects against such treatment.

**Sexual Orientation & Gender Identity Discrimination:** LGBTQ+ employees may face harassment, unequal treatment, or exclusion based on who they are. This includes offensive comments, limited client interaction, or invasive questions. Discrimination is illegal, regardless of whether it's from coworkers, supervisors, or clients.

**Religious Discrimination:** Employees are protected from unfair treatment based on their religious beliefs or practices. Discrimination includes harassment, denial of leave for religious observance, or restricting religious attire in the workplace.

**Parental Status Discrimination:** Although not always illegal on its own, bias against parents often intersects with gender discrimination. Examples include penalising mothers for taking leave or discouraging fathers from parental involvement.

## IMPLICATIONS OF DISCRIMINATION AT THE WORKPLACE

**Unequal Employment Opportunities:** Discrimination restricts access to jobs, promotions, training, and career development for affected individuals.

**Workplace Hostility and Low Morale:** A discriminatory environment creates stress, anxiety, and a lack of trust among employees.

**Reduced Productivity and Innovation:** Exclusion and unfair treatment lower employee engagement and hinder collaboration and creativity.

**High Turnover and Absenteeism:** Discriminated employees are more likely to leave or be absent, increasing recruitment and operational costs.

**Legal and Compliance Risks:** Organisations may face lawsuits, penalties, and loss of reputation for violating national or international anti-discrimination laws.

**Wider Social Inequality:** Workplace discrimination reinforces systemic biases, deepens social divides, and undermines efforts toward equality and inclusion.<sup>5</sup>

## STATISTICS INDICATING DISCRIMINATION IN THE WORKPLACE

Approximately 30% of employees report experiencing discrimination during their careers.<sup>6</sup> Around 42% of women report gender discrimination at work.<sup>7</sup> Women earn, on average, 82¢ per \$1 earned by men in the same roles.<sup>8</sup> Only 23.3% of board seats are held by women globally, and just 6% of CEOs are women.<sup>9</sup>

Workplace discrimination remains a widespread issue globally, with approximately 30% of employees reporting having experienced it at some point in their careers. Women are 1.7 times

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<sup>5</sup> Zaadi S, Abbassi A and Ujan IA, 'Workplace Discrimination and Its Impact on Job Performance (A Case Study of the Private Sector Employees in Sindh, Pakistan)' (2011) UJAN: University Journal of Applied and Natural Sciences [http://old.adapt.it/adapt-indice-a-z/wp-content/uploads/2013/08/zaadi\\_abbassi\\_ujan\\_11.pdf](http://old.adapt.it/adapt-indice-a-z/wp-content/uploads/2013/08/zaadi_abbassi_ujan_11.pdf) accessed 16 July 2025.

<sup>6</sup> Alexander Eser, Workplace Discrimination Statistics (ZIPDO Education Report, 30 May 2025) <https://zipdo.co/workplace-discrimination-statistics> accessed 16 July 2025.

<sup>7</sup> Anastasia Belyh, 42 Workplace Discrimination Statistics for 2025 (Keevee, 10 February 2025) <https://www.keeevee.com/workplace-discrimination-statistics> accessed 16 July 2025.

<sup>8</sup> Jannik Lindner, Workplace Discrimination Statistics (Gitnux, 2025) <https://gitnux.org/workplace-discrimination-statistics> accessed 16 July 2025.

<sup>9</sup> Kiri O'Brien, Diversity & Inclusion Workplace Statistics in 2024 (Druthers Search, 16 December 2024) <https://www.drutherssearch.com/insights/diversity-inclusion-workplace-statistics-in-2024> accessed 16 July 2025.

more likely to face discrimination than men, and ethnic minorities report a 42% discrimination rate. People with disabilities experience workplace bias at a rate of 39%, while age discrimination affects around 18% of workers over 50. The problem is even more severe for LGBTQ+ employees, who are twice as likely to encounter discrimination, with 41% having witnessed or experienced it firsthand. Minority women, particularly women of colour, face compounded or intersectional discrimination—45% report bias based on both race and gender, and they are three times more likely to be discriminated against compared to white women. Moreover, 55% of those who face discrimination report negative mental health impacts, and 26% say they have left their job because of it. Disturbingly, nearly 40% of workplace harassment incidents go unreported due to fear of retaliation, and racial discrimination has increased by 13% in the past five years. These figures highlight the urgent need for stronger legal protections, awareness, and inclusion policies across workplaces.<sup>10</sup>

## **GLOBAL LEGAL PROVISIONS TO CURTAIL DISCRIMINATION IN THE WORKPLACE**

ILO Convention No. 111 is a landmark global agreement that mandates states to eliminate discrimination in employment and occupation. It emphasises equal access to opportunity, collaborative enforcement, and protective measures for disadvantaged groups—making it a key international instrument for promoting workplace equality.

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<sup>10</sup> Alexander Eser, Workplace Discrimination Statistics (ZIPDO, 30 May 2025) <https://zipdo.co/workplace-discrimination-statistics> accessed 16 July 2025.

## **SUMMARY OF ILO CONVENTION NO. 111: DISCRIMINATION (EMPLOYMENT AND OCCUPATION), 1958**

**Adopted:** 25 June 1958

**Came into Force:** 15 June 1960, Adopted by: General Conference of the International Labour Organisation (ILO)

**Background and Purpose:** The Convention was adopted in response to global concerns over discrimination in employment. It builds on the Declaration of Philadelphia and the Universal Declaration of Human Rights, affirming that all human beings, regardless of race, creed, or sex, have the right to pursue their well-being in dignity and freedom.

**Definition of Discrimination (Article 1):** Any distinction, exclusion, or preference based on race, colour, sex, religion, political opinion, national extraction, or social origin that impairs equality in employment or occupation. Other exclusions are determined by member states after consultations.

**Exceptions:** Job-specific requirements are not considered discriminatory. Covers all stages of employment, including vocational training, recruitment, and work conditions.

**Obligations of Member States (Articles 2–3):** Member countries that ratify the Convention must:

- Adopt a national policy to promote equality of opportunity and treatment.
- Work with employers' and workers' organisations to enforce this policy.
- Enact laws, modify administrative practices, and promote educational initiatives.

**Ensure the policy applies to:**

- Public sector employment,
- Vocational training and guidance,
- Placement services.

**REPORT ANNUALLY ON PROGRESS MADE UNDER THE CONVENTION****Special Provisions and Exceptions:**

**Article 4:** National security measures are exempt if fair appeal rights are provided.

**Article 5:** Measures offering special protection (e.g., for women, the elderly, disabled, minorities) are not considered discriminatory if properly justified.

**Territorial and Legal Aspects (Articles 6–14):** Applies to non-metropolitan territories (e.g., colonies) under ILO rules. Members must formally ratify the Convention with the ILO Director-General. The Convention takes effect 12 months after ratification by two member states. Members can denounce (withdraw from) the Convention after 10 years. The ILO can revise the Convention in future sessions.<sup>11</sup>

**ILO Convention No. 100 (Equal Remuneration, 1951):**

**Article 1:** Defines equal remuneration for men and women for work of equal value.

**Article 2:** Requires member states to promote equal pay through laws, wage-setting mechanisms, and job evaluations.

**Article 3:** Employers' and workers' organisations should support equal pay.

**Article 4:** The convention applies to all employment sectors.<sup>12</sup>

**ILO Convention No. 190 (Violence and Harassment, 2019):**

**Article 1:** Defines violence and harassment as unacceptable behaviours that cause physical, psychological, or sexual harm, including gender-based violence.

**Article 4:** States must ensure the right to a workplace free from violence.

**Article 6:** Requires national laws to prohibit workplace violence and harassment.

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<sup>11</sup> Convention concerning Discrimination in Respect of Employment and Occupation (ILO Convention No 111) (adopted 25 June 1958, entered into force 15 June 1960) 362 UNTS 31

<sup>12</sup> International Labour Organization, Equal Remuneration Convention, 1951 (No. 100) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C100](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100) accessed 16 July 2025.

**Article 9–10:** Calls for complaint mechanisms, protection of victims, and access to justice.

**Article 11:** Obligates employers to take preventive measures.<sup>13</sup>

**ILO Convention No. 156 (Workers with Family Responsibilities, 1981):**

**Article 1–3:** Aims to ensure equal treatment and employment access for workers with caregiving duties.

**Article 4:** Encourages flexible work arrangements to reconcile work and family life.

**Article 8:** Calls for vocational training and career development without discrimination.

**Article 9–10:** Employers should not discriminate due to family responsibilities.<sup>14</sup>

**ILO Convention No. 159 (Disabled Persons – Employment, 1983):**

**Article 1:** Defines disabled persons as those with impairments likely to hinder employment.

**Article 2–3:** Promotes vocational training and inclusive employment policies.

**Article 4:** Member states must adopt and implement national policies for equal opportunity.

**Article 7–8:** Emphasises consultation with disabled persons' organisations and support services.<sup>15</sup>

The Universal Declaration of Human Rights is an international document adopted by the United Nations General Assembly on 10 December 1948. It sets out, for the first time, fundamental human rights to be universally protected. It serves as a common standard of achievement for all peoples and all nations.

Article 23 of the UDHR deals with workplace discrimination. It states as follows -

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<sup>13</sup> International Labour Organization, Violence and Harassment Convention, 2019 (No. 190) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190) accessed 16 July 2025.

<sup>14</sup> International Labour Organization, Workers with Family Responsibilities Convention, 1981 (No. 156) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C156](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C156) accessed 16 July 2025.

<sup>15</sup> International Labour Organization, Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C159](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C159) accessed 16 July 2025.



1. Every person has the right to be employed, to freely choose their profession, to work in fair and decent conditions, and to be safeguarded against being unemployed.
2. All individuals are entitled to equal pay for the same work, with no discrimination of any kind.
3. Anyone who is employed has the right to fair wages that allow them and their family to live with dignity, and if needed, access to additional social support.
4. Every person has the right to create or join labour unions to defend and promote their work-related interests.<sup>16</sup>

## ICESCR

The International Covenant on Economic, Social and Cultural Rights (1966), along with the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966), together form what is known as the International Bill of Human Rights. Reflecting the principles of the Universal Declaration, both Covenants affirm that achieving the vision of individuals living freely—enjoying both civil and political liberties as well as protection from fear and deprivation—requires the establishment of conditions that guarantee all people access to both civil-political and socio-economic rights. The Covenant officially came into effect in 1976, and by May 2012, it had been ratified by 160 nations.

**Article 2(2) – Non-Discrimination:** “The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind... such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” This applies to all rights under the Covenant, including the right to work, fair wages, safe working conditions, etc.

**Article 3 – Gender Equality:** “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights...” Ensures equal treatment and opportunities for men and women, including in employment.

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<sup>16</sup> ‘Article 23 of The Universal Declaration of Human Rights’, United for Human Rights (United for Human Rights, accessed 16 July 2025) <https://www.humanrights.com/course/lesson/articles-19-25/read-article-23.html>.

**Article 6 – Right to Work:** The right of everyone to the opportunity to gain his living by work which he freely chooses or accepts...” States must take steps to ensure equal access to employment and eliminate obstacles like discriminatory hiring practices.

**Article 7 – Just and Favourable Conditions of Work:** This article guarantees:

- Fair wages and equal remuneration for work of equal value without distinction of any kind,
- A decent living for workers and their families,
- Safe and healthy working conditions,
- Equal opportunity for promotion,
- Rest, leisure, and holidays with pay. The principle of “equal pay for equal work” is central here.

**Article 8 – Trade Union Rights:** It recognises the right to form and join trade unions for the protection of economic and social interests. It protects workers from discrimination for union activity and enables collective bargaining.<sup>17</sup>

## **CEDAW**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a UN treaty adopted in 1979 to promote gender equality and end discrimination against women. It covers rights in areas like education, work, health, and politics, and requires countries to take steps to ensure women’s equal treatment. Over 180 countries, including India, have ratified it.

### **Key Rights under Article 11 of CEDAW (Short Version):**

- Right to Work – Women have the same basic right to work as men.
- Equal Job Opportunities – No discrimination in hiring, promotion, or training.
- Freedom to Choose Profession – Women can choose any job or career path.
- Job Security – Women cannot be fired for being pregnant, married, or taking maternity leave.

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<sup>17</sup> Council of Europe, ‘International Covenant on Economic, Social and Cultural Rights’ (COMPASS) <https://www.coe.int/en/web/compass/international-covenant-on-economic-social-and-cultural-rights> accessed 16 July 2025.

- Equal Pay – Women must be paid the same as men for the same or similar work.
- Equal Work Benefits – Women should get the same benefits and conditions at work as men.
- Maternity Leave – Paid maternity leave with job protection must be provided.
- Safe Working Conditions – Workplaces must protect women's health, especially during pregnancy.
- Support for Childcare – States should promote or provide childcare facilities to help working mothers.
- Social Security Equality – Women must get equal access to pensions, health benefits, and unemployment aid.<sup>18</sup>

## **CPRD**

The Convention on the Rights of Persons with Disabilities (CRPD) is a United Nations treaty adopted in 2006 to protect the rights and dignity of persons with disabilities. It promotes full inclusion, equality, and accessibility in all areas of life—such as education, health, work, and participation in society. Over 180 countries, including India, have ratified the CRPD.

### **Workplace Rights under CRPD – Article 27**

Article 27 guarantees that persons with disabilities have the right to work without discrimination. It ensures:

- Equal job opportunities
- Fair pay and safe working conditions
- Access to training and career growth
- Protection from unfair dismissal
- Reasonable accommodation (like assistive technology or flexible hours).<sup>19</sup>

The Convention on the Rights of the Child (CRC) is a UN treaty adopted in 1989 that protects the civil, political, economic, social, and cultural rights of all persons under the age of 18. It is the most widely ratified human rights treaty in the world, with nearly every country (including

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<sup>18</sup> UN Committee on the Elimination of Discrimination against Women, 'Follow-up to concluding observations on the combined seventh and eighth periodic reports of the State party: [Country]' (UN Doc CEDAW/C/66/3, 13 January 2017).

<sup>19</sup> UN General Assembly, Convention on the Rights of Persons with Disabilities, UN Doc A/RES/61/106 (13 December 2006) art 27 ('Work and Employment')

India) as a party. The CRC recognises children as individuals with rights and requires governments to ensure their survival, protection, development, and participation in society.

### **Article 32 of the CRC – Protection from Economic Exploitation**

Article 32 focuses on protecting children from economic exploitation and harmful work. It recognises that children have the right to be protected from work that:

- Is dangerous,
- Interferes with their education, or
- Harms their health, physical, mental, spiritual, moral, or social development.

#### **Governments must:**

- Set a minimum age for employment
- Regulate the hours and conditions of child work
- Provide penalties for violations of child labour laws.<sup>20</sup>

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a UN treaty adopted in 1965 to fight racial discrimination worldwide. It requires countries to eliminate racial bias in laws, policies, and practices and promote equality in all areas of life, including education, employment, housing, and justice.

### **Article 5€(i) – Workplace Discrimination**

Article 5 of ICERD lists specific rights that must be protected without racial discrimination, including civil, political, economic, social, and cultural rights.

Clause €(i) under this article focuses on economic rights, specifically the right to work and protection in the workplace.

It requires state parties to guarantee:

- The right to work: Everyone should have the opportunity to seek and obtain employment freely and equally, regardless of race or ethnicity.

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<sup>20</sup> Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 12.

- Free choice of employment: People must not be forced or limited in their job choices due to racial bias.
- Just and favourable conditions of work: This includes fair treatment, safe working environments, and protection from exploitation.
- Protection against unemployment: Anti-racist policies must support equal access to job opportunities and training.
- Equal pay for equal work: No person should be paid less or treated unfairly in compensation because of their race, colour, descent, or national/ethnic origin.
- Fair remuneration: Workers must receive wages that ensure a dignified standard of living, and this must apply equally to all races.<sup>21</sup>

## WHAT ARE REGIONAL HUMAN RIGHTS FRAMEWORKS?

Regional human rights frameworks are legal systems created by groups of countries within a geographic region (such as Europe, Africa, or the Americas) to promote and protect human rights, including non-discrimination at the workplace.

Unlike global instruments (like UN treaties), regional frameworks are legally binding only for the countries that are members of that region. They often have their charters, courts, and commissions to ensure enforcement and accountability. These frameworks are crucial because they:

- Reflect regional social, political, and cultural realities
- Often offer stronger enforcement mechanisms than global treaties
- Are more accessible to victims seeking justice in their region

## MAJOR REGIONAL FRAMEWORKS AND THEIR WORKPLACE DISCRIMINATION PROVISIONS

**European Human Rights Framework:** The European Convention on Human Rights (ECHR) is an international treaty adopted in 1950 by the Council of Europe to protect fundamental civil and political rights across Europe. It guarantees rights such as the right to life, freedom of

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<sup>21</sup> United Nations, 'International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 1965' (UN Audiovisual Library of International Law) <https://legal.un.org/avl/ha/cerd/cerd.html> accessed 16 July 2025

expression, protection against torture, and the right to a fair trial. The ECHR applies to all 46 member states of the Council of Europe.

While the ECHR does not explicitly regulate labour law or workplace rights, several of its civil and political rights have been interpreted by the European Court of Human Rights (ECtHR) to apply to discrimination at work, especially through Article 14 and Protocol 12.

**Article 14 – Prohibition of Discrimination:** “The enjoyment of the rights and freedoms outlined in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” This is the main non-discrimination clause in the ECHR. It does not create a standalone right but applies only when another Convention right is engaged. Example: If your right to privacy (Article 8) is violated at work due to your religion or gender, Article 14 strengthens your claim.

**Protocol No. 12 – Article 1: General Prohibition of Discrimination:**

- “The enjoyment of any right set forth by law shall be secured without discrimination...”
- This Protocol expands protection beyond the rights in the Convention to all legal rights under national law.
- It does allow standalone claims of discrimination, including in employment matters.

However, not all states have ratified Protocol No. 12 (e.g., the UK has not).<sup>22</sup>

## ACHR

The American Convention on Human Rights (ACHR), also known as the Pact of San José, is a regional human rights treaty adopted in 1969 under the Organisation of American States (OAS). It is the main human rights instrument for countries in the Americas, especially Latin America and the Caribbean.

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<sup>22</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) art 8, European Union Agency for Fundamental Rights, European Convention on Human Rights – Article 8 (FRA, Vienna, 2007–2025) <https://fra.europa.eu/en/law-reference/european-convention-human-rights-article-8-0> accessed 16 July 2025.

The Convention's goal is to protect and promote human rights and freedoms — such as the right to life, personal liberty, due process, freedom of expression, and protection from discrimination — among its member states.

### **KEY ACHR PROVISIONS ON WORKPLACE DISCRIMINATION**

**Article 1(1):** States must guarantee all rights in the Convention without discrimination based on race, sex, religion, social origin, etc. This includes protection of employment-related rights.

**Article 24:** Everyone has the right to equal protection of the law. This has been used to challenge discriminatory practices at work, like unfair hiring, unequal pay, or biased promotion policies.

**Article 26:** Recognises economic, social, and cultural rights, including the right to fair work conditions. It supports claims related to discrimination in employment.

#### **Protocol of San Salvador (Supplement to ACHR)**

**Article 6:** Right to work in just and equitable conditions

**Article 7:** Guarantees:

- Equal pay for equal work
- Equal opportunity for promotion
- Non-discrimination at work

### **ACHPR**

These provisions collectively help combat workplace discrimination across many grounds (gender, race, age, disability, etc.) in the Inter-American human rights system.<sup>23</sup>

The African Charter on Human and Peoples' Rights, also known as the Banjul Charter, was adopted in 1981 by the Organisation of African Unity (now African Union) and entered into force in 1986. It is the main human rights instrument in Africa, focusing on civil, political,

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<sup>23</sup> American Convention on Human Rights ('Pact of San José'), adopted 22 November 1969 (San José, Costa Rica), entered into force 18 July 1978, UNTS vol 1144 p 123 (deposited with Secretary-General of the OAS).

economic, social, and cultural rights, as well as the duties of individuals. It uniquely emphasises both individual and collective (people's) rights.

## **RIGHTS REGARDING DISCRIMINATION AT THE WORKPLACE UNDER THE ACHPR**

**Article 2:** Guarantees non-discrimination for the enjoyment of rights regardless of race, ethnic group, colour, sex, language, religion, political opinion, national or social origin, fortune, birth, or other status.

**Article 15:** Recognises the right to work under equitable and satisfactory conditions, and mandates equal pay for equal work.

**Article 18(3):** Calls on states to eliminate every form of discrimination against women and ensure protection of their rights, including in employment.<sup>24</sup>

Legal initiatives, such as equal-pay laws, pay-transparency mandates, anti-discrimination statutes, and enforcement via human rights instruments, have yielded measurable advances. For example:

In the UK, enforcing legal pay transparency has reduced the gender pay gap by around 18 % within participating firms, primarily by moderating men's wage growth.<sup>25</sup>

The gender-business-law index has risen globally from about 45.8 to 77.1 since 1970, representing a two-thirds improvement in legal protections for women.<sup>26</sup>

**Record recoveries by the EEOC:** The EEOC secured a record US\$665 million for victims in FY 2023, demonstrating robust legal enforcement.<sup>27</sup>

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<sup>24</sup> African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) CAB/LEG/67/3 rev 5, 21 ILM 58 (1982) ('Banjul Charter')

<sup>25</sup> Emma Duchini, Stefania Simion, Arthur Turrell and Jack Blundell, Pay Transparency and Gender Equality (2020) (online at SSRN, arXiv) <https://arxiv.org/abs/2006.16099> accessed 16 July 2025.

<sup>26</sup> World Bank Group, Women, Business and the Law 2023 (executive summary) 3 <https://wbl.worldbank.org/content/dam/sites/wbl/documents/2023/Executive%20Summary.pdf> accessed 16 July 2025.

<sup>27</sup> US Equal Employment Opportunity Commission, Fiscal Year 2023 Agency Financial Report (EEOC, 2023) <https://www.eeoc.gov/2023-annual-performance-report> accessed 16 July 2025.



**UK microaggressions (2021):** In 2021, 51% of ethnic minority British employees reported experiencing microaggressions at work—highlighting improved reporting and awareness.<sup>28</sup>

**Slight increase in leadership diversity (2010–2022):** WorldMetrics reports that racial diversity in senior leadership rose by 4 percentage points globally over this period—indicating slow but consistent progress.<sup>29</sup>

**Ethnic minority representation in Fortune 500 C-suite (2022):** While ethnic minorities account for 30% of the U.S. workforce, they hold just 17% of executive positions—up from prior years, reflecting modest gains.<sup>30</sup>

### **TIPS FOR EMPLOYEES TO AVOID WORKPLACE DISCRIMINATION TO SOME EXTENT**

**Value Cultural and Racial Diversity:** Show respect for different races, ethnicities, and cultures at work. This promotes an inclusive environment where everyone feels welcome.

**Maintain Professionalism:** Always use respectful language and behave courteously. Avoid making assumptions or comments based on someone's race or background.

**Do Not Tolerate Discrimination:** Never engage in or support discriminatory or harassing behaviour. Speak up if you see others doing so.

**Avoid Offensive Jokes or Stereotypes:** Do not use humour, comments, or pranks that mock or target a race or culture. If unsure whether something is offensive, leave it out.

**Know Your Workplace Rules:** Learn your company's anti-discrimination and harassment policies. Follow them and encourage others to do the same.

**Educate Yourself:** Take part in training sessions on equal opportunity (EEO) and understand your rights under anti-discrimination laws.

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<sup>28</sup> Statista, 'Share of Employees Who Experienced Microaggressions at Work in the United Kingdom in 2021, by Ethnic Group' (Statista, March 2022) <https://www.statista.com/statistics/1305143/microaggressions-workplace-by-country/> accessed 16 July 2025.

<sup>29</sup> WorldMetrics, Diversity, Equity and Inclusion in the Business Industry: Global Statistics and Trends 2023 (WorldMetrics, 2023) <https://worldmetrics.org/diversity-equity-and-inclusion-in-the-business-industry-statistics/> accessed 16 July 2025.

<sup>30</sup> WorldMetrics, Diversity, Equity and Inclusion in the Business Industry: Global Statistics and Trends 2023 (WorldMetrics, 2023) <https://worldmetrics.org/diversity-equity-and-inclusion-in-the-business-industry-statistics/> accessed 16 July 2025.

**Speak Up:** If you see or experience racist or abusive conduct, report it to HR, your supervisor, or a union representative. Silence enables harm.

**Seek Help from Authorities:** If internal reporting doesn't help, contact the EEOC or your local human rights commission. They can investigate and support legal action if needed.

## CONCLUSION

The legal frameworks established through international conventions—such as the UDHR, ICESCR, ICERD, CEDAW, and ILO instruments—have played a pivotal role in addressing workplace discrimination. These instruments have contributed significantly to raising awareness, improving reporting mechanisms, and enforcing accountability. Global statistics show a measurable, though gradual, improvement in representation, diversity, and legal outcomes across various sectors and regions. However, despite these advances, systemic inequalities persist, particularly for racial and ethnic minorities, women, persons with disabilities, and LGBTQ+ individuals. Many countries still lack comprehensive anti-discrimination protections, and enforcement remains uneven. Therefore, while legal provisions have laid a strong foundation, continued efforts—through stronger implementation, inclusive workplace policies, and cultural transformation—are essential to achieving substantive equality and dignity for all workers.