



PREVENTING GENDER-BASED WORKPLACE DISCRIMINATION AND SEXUAL HARASSMENT: NEW DATA ON 193 COUNTRIES



**WORLD Policy
Analysis Center**

About this Report

Ensuring women have equal opportunities in the workplace matters for individual women, families, and entire economies. Yet for too many women, sexual harassment and gender discrimination at work continue to impose barriers to full participation in the labor force. Moreover, women who are members of underrepresented and marginalized groups can face compounding discrimination on multiple grounds. To increase transparency around laws and policies in this critical area, this report from the WORLD Policy Analysis Center presents actionable data on laws and policies in all 193 U.N. Member States that protect women from sexual harassment and discrimination in pay, promotions and/or demotions, and access to vocational training. The goal of this report is to evaluate not only whether countries have fundamental employment protections in place for women, but also whether these protections extend equally for all women across race/ethnicity, age, disability, religion, social class, and sexual orientation and gender identity. This work would not have been possible without the generous support of The William and Flora Hewlett Foundation.

About the WORLD Policy Analysis Center

The goal of the **WORLD Policy Analysis Center (WORLD)** is to improve the quantity and quality of comparative data available to policymakers, citizens, civil society, and researchers around the world on policies affecting equity, development, human health, and well-being. Under the leadership of Dr. Jody Heymann, Dean of the UCLA Fielding School of Public Health, WORLD is committed to making its broad, globally comparative findings publicly accessible to inform and encourage improvements in legal and policy frameworks worldwide, allow nations to learn from the approaches taken in other countries, facilitate studies of the feasibility and effectiveness of laws and policies in critical areas, and support global and local civil society in their efforts to hold decision-makers accountable.

PREVENTING GENDER-BASED WORKPLACE DISCRIMINATION AND HARASSMENT:

NEW DATA ON 193 COUNTRIES

Around the world, women are less likely than men to participate in the labor force—approximately half of working-age women are engaged in the labor force compared to about three-quarters of working-age men.¹ Women engaged in waged employment are paid less on average than their male counterparts; at the global level, women earn 77% of men’s earnings.² Occupational segregation by gender—a contributor to the gender pay gap—remains common in high-income and low-income countries alike.³ Moreover, globally, women continue to be underrepresented in supervisory and management roles with high pay and status.⁴ Women worldwide remain concentrated in specific sectors that are more likely to provide low pay or only part-time employment, such as service work and cleaning.⁵ Substantial gender wage gaps persist even after accounting for education, work experience, and sector.⁶

When women are discriminated against in the workplace, less likely to be hired, and earn less, families and countries are disadvantaged. Across countries, low levels of female workforce participation have been linked to lower levels of economic growth.⁷ In the United States, for example, the McKinsey Global Institute estimates that closing the workplace gender gap—defined as gaps in labor force participation, work hours, and representation within each sector— could add an additional \$4.3 trillion to the GDP in 2025.⁸

While a range of factors including overt discrimination and harassment, implicit bias, legal barriers, reduced access to education and others shape these gender-based inequalities in employment, ensuring discrimination is illegal is an essential first step toward addressing the problem. National laws are one tool governments have to protect women’s equal rights to compensation and freedom from all forms of discrimination and harassment. This report by the WORLD Policy Analysis Center (WORLD) examines whether countries have extended legislative protections from discrimination and sexual harassment at work to the 1.35 billion working women around the world—protections that have the potential to extend to all 2.39 billion working-age women who might be in the labor force absent discrimination and other barriers.⁹

STUDY METHODS

Database Methodology & Sources

To assess the prevalence and quality of protections from gender-based discrimination at work, WORLD undertook a systematic review of thousands of statutory protections extended to the private sector in labor codes, anti-discrimination legislation, equal opportunity legislation, and penal codes in force as of August 2016.¹⁰ Original, full-text, national-level legislation for all 193 United Nations member states was identified using the International Labour Organization (ILO)’s NATLEX database. As an additional source for sexual harassment variables, we examined links to legislation through the World Bank’s Women, Business, and the Law.

Analysis

Based on this comprehensive review, WORLD developed a set of detailed, globally comparative indicators on prohibition of sexual harassment at work and protections from discrimination across three aspects of employment: compensation, promotions and/or demotions, and vocational training at work.

To assess the quality of protections from gender-based discrimination in compensation, we categorized the strength of protection at four levels: 1) No guarantee, 2) Broad protection against gender discrimination at work, 3) Guarantees equal pay, and 4) Guarantees equal pay for work of equal value. Countries were categorized as having broad protection if legislation broadly protects individuals from discrimination based on gender in the workplace, but did not explicitly address equality in compensation. Countries were considered to guarantee equal pay if they: a) extended an explicit gender-based guarantee to equal remuneration or equal pay for equal work, or b) extended a broad protection from gender-based workplace discrimination alongside a protection for equal remuneration or equal pay for equal work to all workers. Similarly, countries were considered to guarantee equal pay for work of equal value if they: a) extended an explicit gender-based guarantee to equal pay for work of equal value or b) guaranteed all workers equal pay for work of equal value and broadly prohibited gender discrimination at work.

To assess availability of protections from gender-based discrimination across promotions, demotions and training, we assessed availability of protection at two levels: 1) No protection, or 2) Yes, protection. Countries were classified as having protections if legislation either extended: a) an explicit gender-based protection from discrimination for the aspect of employment in focus or b) a broad protection from all forms of gender-based discrimination at the workplace.^a

Further, this analysis was extended across other important bases of discrimination women face in order to assess whether legislation protects women in underrepresented and marginalized groups from double or multiple discrimination. Protections from discrimination in promotion and/or demotion were assessed across race/ethnicity, age, disability, religion, and social class. For the purpose of comparison, we classified countries as having protections if there was: a) an explicit protection from discrimination in promotions or demotions based on the specified characteristic or b) a broad protection from discrimination at the workplace based on that characteristic. In analyzing protection of gender alongside

^a Broad protection for all forms of gender-based discrimination at work includes two main approaches that countries take to ensuring workers are comprehensively protected from discrimination. The first approach is by using general language that could cover protection from discrimination in any aspect of work. For example, Tanzania's Employment and Labour Relations Act states "No employer shall discriminate, directly or indirectly, against an employee, in any employment policy or practice, on any of the following grounds: (a) colour; (b) nationality; (c) tribe or place of origin; (d) race; (e) national extraction; (f) social origin; (g) political opinion or religion; (h) sex; (i) gender; (j) pregnancy; (k) marital status or family responsibility; (l) disability; (m) HIV/AIDS; (n) Age; or (o) station of life." The second approach is by using an extensive list of protections that cover many different aspects of work. For example, in the United States, Title VII of the Civil Rights Act states that "It shall be an unlawful employment practice for an employer -(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin;". Although promotions are not explicitly listed here, they are an explicitly prohibited area of discrimination by the U.S. Equal Employment Opportunity Commission.

these other characteristics, we categorized the strength of protection at the following three levels: 1) No protection, 2) Protection for either gender or [characteristic in focus] but not both, and 3) Guarantees protection against discrimination in promotions and/or demotions for the specific group of underrepresented women. Countries were categorized as fully guaranteeing protection against discrimination in promotions and/or demotions for the underrepresented group only if they did so for both gender and the other characteristic.

Finally, similar methodology was used to analyze protection from discrimination in promotions and/or demotions based on gender identity and sexual orientation. For this indicator, we categorized the strength of protection at the following three levels: 1) No protection, 2) Protection for sexual orientation only, 3) Protection for sexual orientation and gender identity. No country only protected from discrimination on the basis of gender identity without also protecting sexual orientation.

STUDY FINDINGS ON LAWS AGAINST GENDER DISCRIMINATION AND SEXUAL HARASSEMENT AT WORK

Over three-quarters of countries have taken an approach to prohibiting discrimination in two important aspects of work related to women's advancement: vocational training at the workplace, and promotions and/or demotions. Globally, 152 countries take an approach to prohibiting gender-based discrimination in promotions and/or demotions (Figure 1), and 149 countries have provisions to support equal access to vocational training opportunities at work (Figure 2).

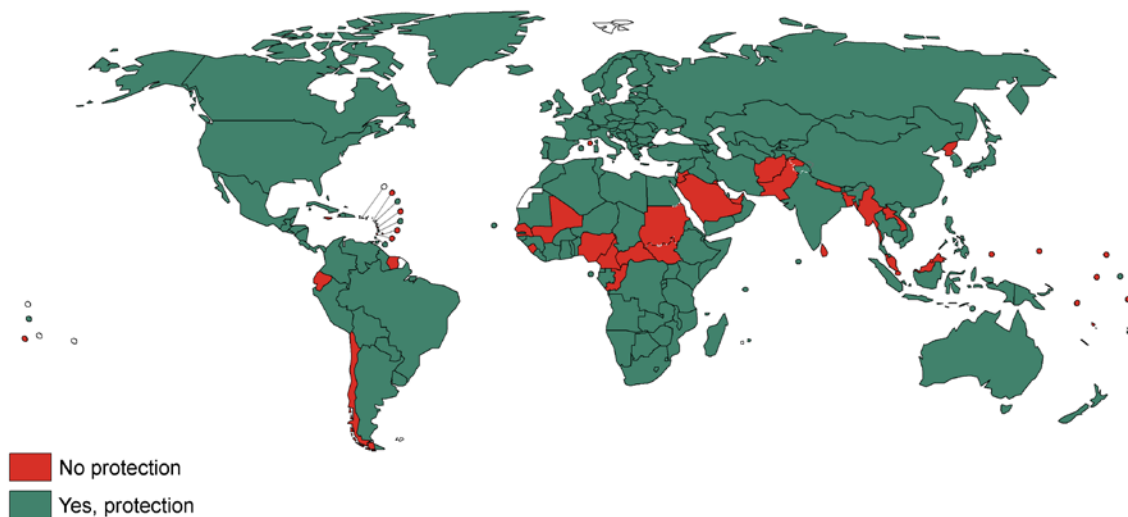
However, there are gaps in legislation that leave many women without protection from exploitation and harassment during the work day. Research has demonstrated a negative link between women's experiences of sexual harassment at work and their physical and mental health,¹¹ yet more than a third of countries (68) do not have any workplace-specific prohibitions of sexual harassment in place (Figure 3). For the nearly 235 million women who work in these countries,¹² this lack of protection can be a major impediment to access to safe, secure employment opportunities, as well as the improvements in population well-being associated with women's economic autonomy.¹³ Among the 122 countries that prohibit sexual harassment at the workplace, 116 extend this protection to both women and men.

While 168 countries take an approach to protecting women's right to equal pay, only 87 of these countries guarantee equal pay for work of equal value on the basis of gender (Figure 4). Beyond discrimination on the basis of gender between workers with the same jobs, occupational segregation has been identified as an important exacerbating factor influencing the gender wage gap,¹⁴ with female-dominated fields earning less than male-dominated fields even when the work requires similar skill levels and is similarly productive. These disparities necessitate guarantees of equal pay for work of equal value—a protection designed to ensure that the types of work women are disproportionately engaged in are properly valued.

Relative to protections on the basis of sex, protections against discrimination on the basis of gender identity and sexual orientation are much less common. The vast majority of countries (136) do not take any approach to prohibiting discrimination in promotions and/or demotions on the basis of sexual orientation or gender identity. While 152 countries take an approach to protecting women from

discrimination in promotions and/or demotions, only 16 countries extend a similar protection on the basis of both sexual orientation and gender identity (Figure 5).

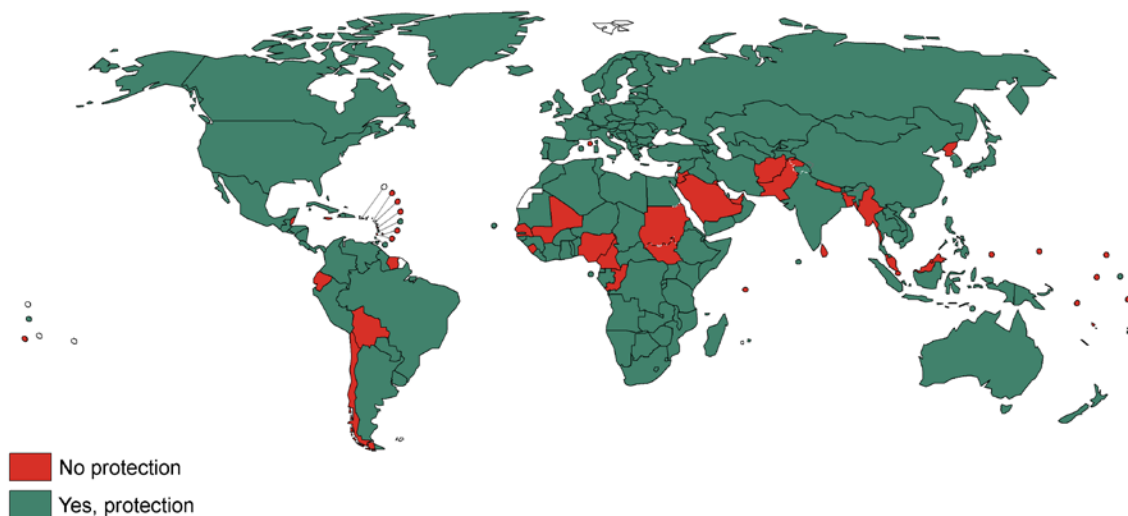
Figure 1. Are women protected from discrimination in promotions and/or demotions?



Yes, protection indicates that the country either provides an explicit legal protection from gender-based discrimination in promotions and/or demotions, or provides broad legal protection from all forms of gender-based discrimination at the workplace.

Source: WORLD Policy Analysis Center, Discrimination at Work Database, 2017

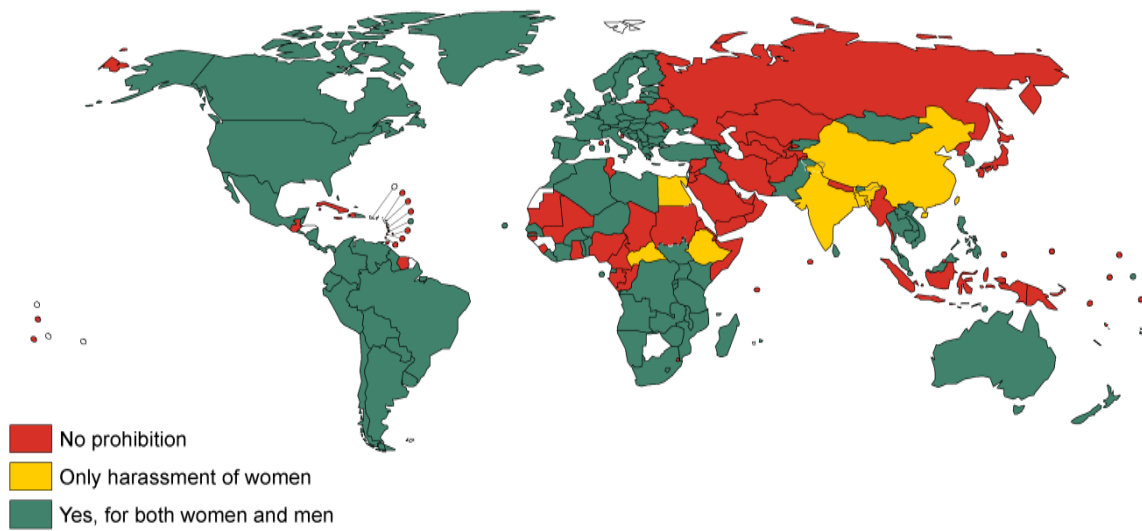
Figure 2. Are women protected from discrimination in access to vocational training?



Yes, protection indicates that the country either provides an explicit legal protection from gender-based discrimination in vocational training, or provides broad legal protection from all forms of gender-based discrimination at the workplace.

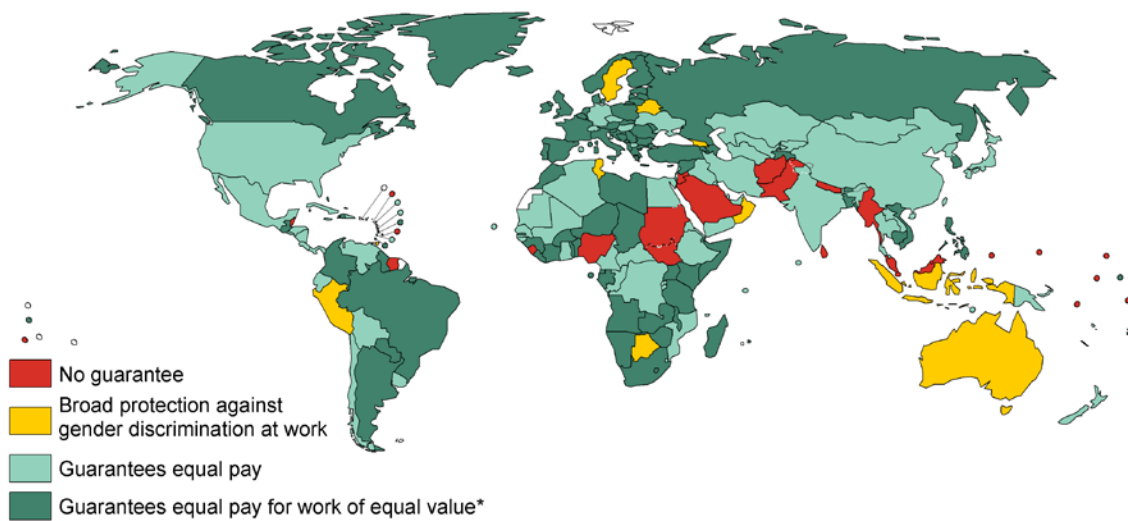
Source: WORLD Policy Analysis Center, Discrimination at Work Database, 2017

Figure 3. Is sexual harassment explicitly prohibited in the workplace?



Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2017

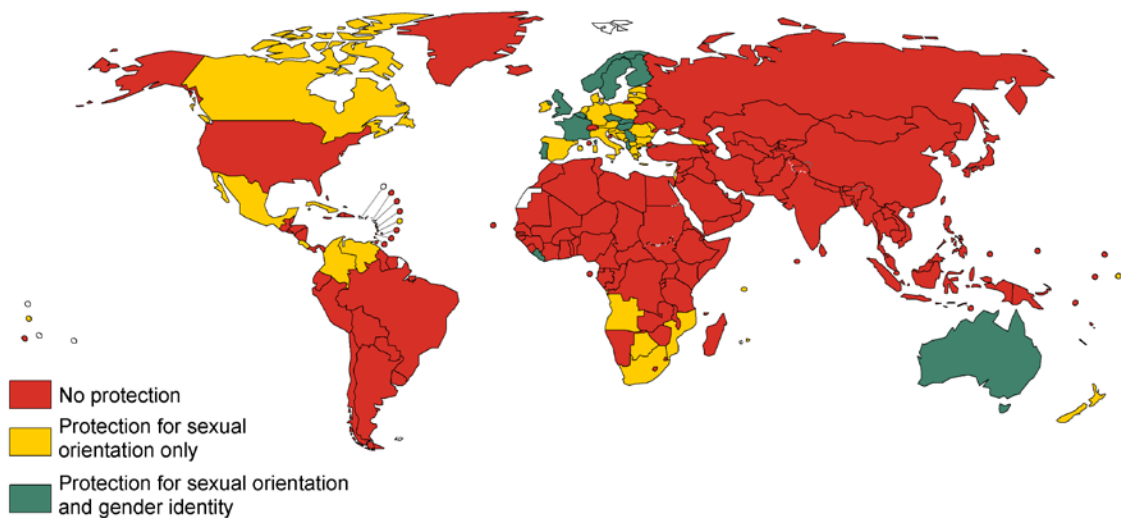
Figure 4. Is equal pay guaranteed for men and women?



**Equal pay for work of equal value* indicates a guarantee that types of work that require similar skill levels and are similarly productive are paid the same.

Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2017

Figure 5. Are LGBT workers protected from discrimination in promotions and/or demotions?



Promotions and/or demotions includes explicit legislative prohibitions against discrimination in promotions, advancement, discipline, demotions, and in certain cases, protection from discrimination in performance evaluations.

Source: WORLD Policy Analysis Center, Discrimination at Work Database, 2017

ARE UNDERREPRESENTED GROUPS ADEQUATELY PROTECTED FROM DISCRIMINATION?

In addition to the risk of gender-based discrimination, women from underrepresented groups may be exposed to multiple forms of discrimination.

Global statistics are less available on the magnitude of workplace inequalities faced by underrepresented and marginalized women and associated with race/ethnicity, disability, religion, age, and social class. However, country-specific data highlights the risk of cumulative discrimination and disadvantage. For example, in Brazil, the ILO has estimated that black women's median hourly wages were just 50% of the median hourly wages of white men in 2005 (compared to 67% for white women).¹⁵

While 152 countries take an approach to prohibiting discrimination in promotions and/or demotions based on gender, fewer countries (126) protect from discrimination in promotions and/or demotions based on both gender and race/ethnicity. Likewise, just 124 countries include protections for both gender and religion, 117 for gender and disability, 94 for gender and social class, and 88 for gender and age (Table 1 and Figures 6-10).

Table 1. Protection from discrimination in promotions and/or demotions across multiple characteristics

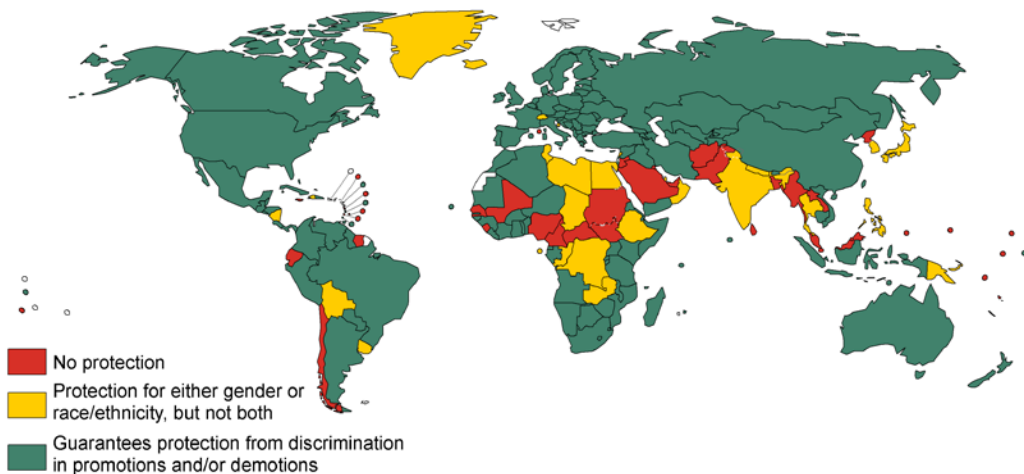
	Gender*	Gender & Race/ Ethnicity	Gender & Religion	Gender & Disability	Gender & Social Class	Gender & Age
No protection	41 (21%)	39 (20%)	39 (20%)	30 (16%)	40 (21%)	41 (21%)
Protection for either characteristic, but not both		28 (15%)	30 (16%)	46 (24%)	59 (31%)	64 (33%)
Guarantees protection against discrimination in promotions and/or demotions	152 (79%)	126 (65%)	124 (64%)	117 (61%)	94 (49%)	88 (46%)

Promotions and/or demotions includes explicit legislative prohibitions against discrimination in promotions, advancement, discipline, demotions, and in certain cases, protection from discrimination in performance evaluations.

*Included for comparison

Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2017

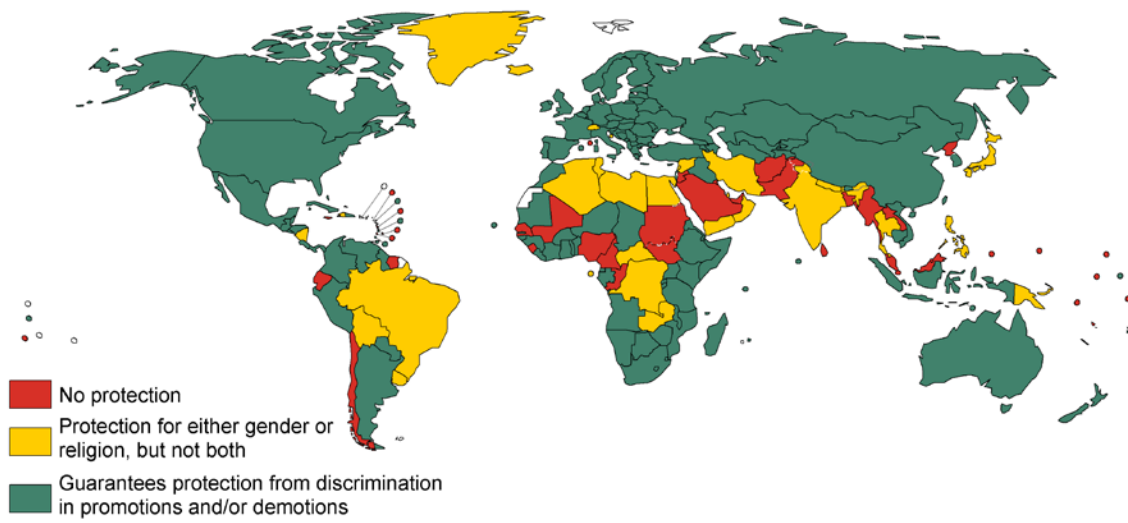
Figure 6. Are women of all races/ethnicities protected from discrimination in promotions and/or demotions?



Promotions and/or demotions includes explicit legislative prohibitions against discrimination in promotions, advancement, discipline, demotions, and in certain cases, protection from discrimination in performance evaluations.

Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2017

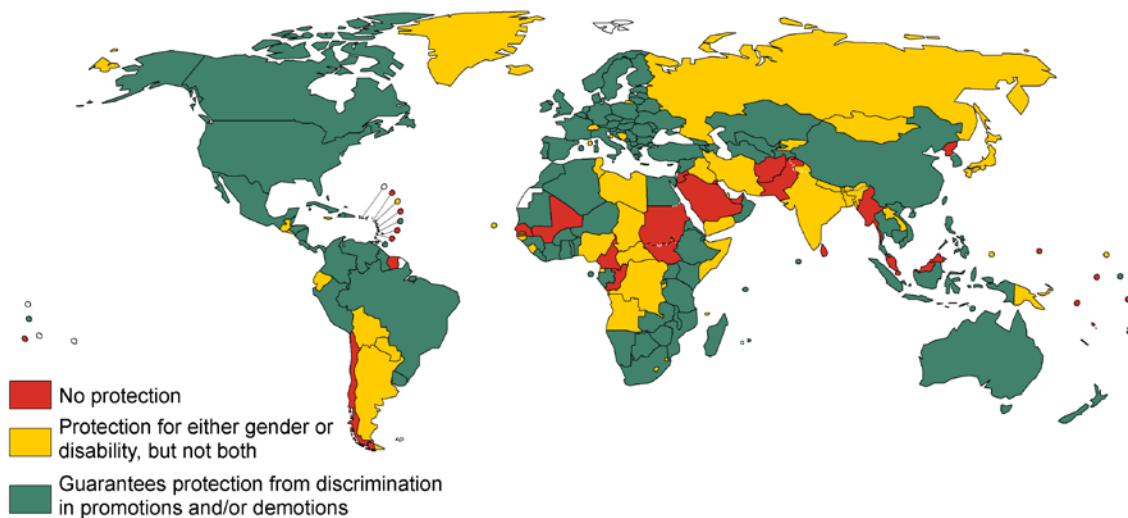
Figure 7. Are women of all religions protected from discrimination in promotions and/or demotions?



Promotions and/or demotions includes explicit legislative prohibitions against discrimination in promotions, advancement, discipline, demotions, and in certain cases, protection from discrimination in performance evaluations.

Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2017

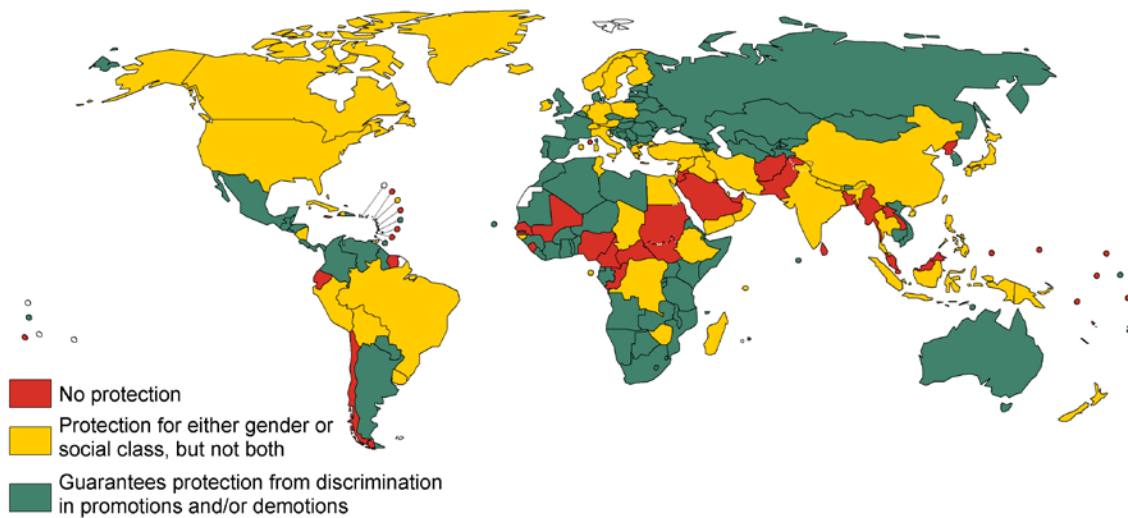
Figure 8. Are women with disabilities protected from discrimination in promotions and/or demotions?



Promotions and/or demotions includes explicit legislative prohibitions against discrimination in promotions, advancement, discipline, demotions, and in certain cases, protection from discrimination in performance evaluations.

Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2017

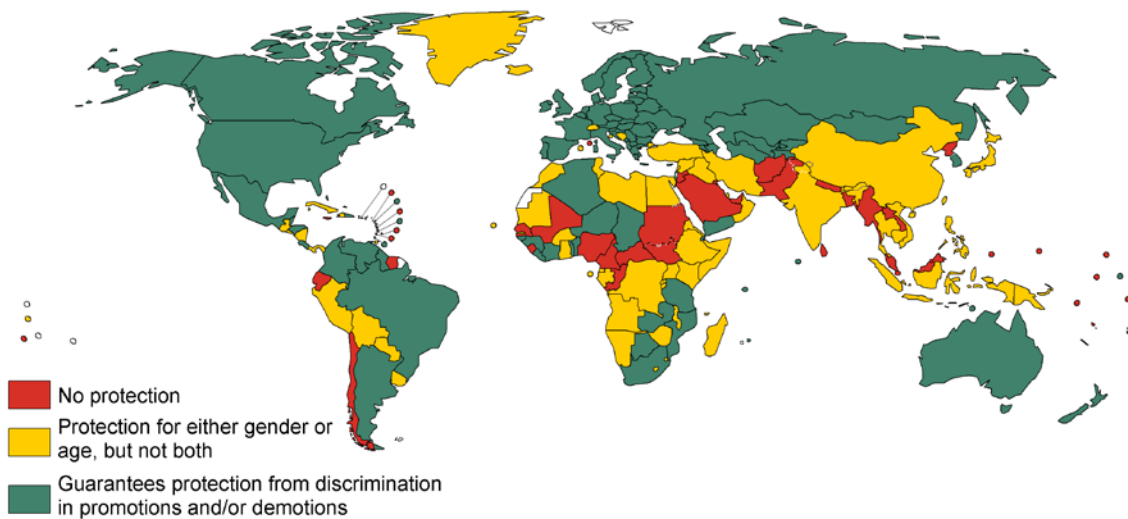
Figure 9. Are women of all social classes protected from discrimination in promotions and/or demotions?



**Promotions and/or demotions includes explicit legislative prohibitions against discrimination in promotions, advancement, discipline, demotions, and in certain cases, protection from discrimination in performance evaluations.*

Source: WORLD Policy Analysis Center, Discrimination at Work Database, 2017

Figure 10. Are women of all ages protected from discrimination in promotions and/or demotions?



**Promotions and/or demotions includes explicit legislative prohibitions against discrimination in promotions, advancement, discipline, demotions, and in certain cases, protection from discrimination in performance evaluations.*

Source: WORLD Policy Analysis Center, Discrimination at Work Database, 2017

CONCLUSION

Nearly all countries have committed to non-discrimination in a series of international agreements, including the foundational Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women (ratified by 187 UN member states).¹⁶ Yet, these international agreements only have impact when they are translated into national laws, policies, and practice.

The findings in this study reveal that although protections against gender-based discrimination at work are found in a majority of countries and in every region of the world, large gaps remain in coverage. Globally, nearly 82 million women work in countries that still do not have *any* legal protections against gender-based discrimination in compensation, promotions and/or demotions, or vocational training at work.¹⁷ When these protections do exist for women, too often women who belong to underrepresented groups lack legal protections from other workplace discrimination. For 235 million women, the lack of protection from sexual harassment undermines any other protections from discrimination.¹⁸

Enacting these legal protections is only the first step. National governments must ensure effective enforcement of anti-discrimination laws once they are place. The private sector needs to work to change norms and practices and assure that these laws are followed at every organizational level.

¹ International Labour Organization. (2016). Women at Work: Trends 2016. Retrieved from http://www.ilo.org/gender/Informationresources/Publications/WCMS_457317/lang--en/index.htm, at 6.

² International Labour Organization. (2016). Women at Work: Trends 2016. Retrieved from http://www.ilo.org/gender/Informationresources/Publications/WCMS_457317/lang--en/index.htm, at 28.

³ International Labour Organization. (2016). Women at Work: Trends 2016. Retrieved from http://www.ilo.org/gender/Informationresources/Publications/WCMS_457317/lang--en/index.htm, at 26; United Nations Department of Economic and Social Affairs. (2015). Worlds Women 2015: Trends and Statistics. Retrieved from https://unstats.un.org/unsd/gender/downloads/WorldsWomen2015_report.pdf at 98- 101.

⁴ International Labour Organization. (2016). Women at Work: Trends 2016. Retrieved from http://www.ilo.org/gender/Informationresources/Publications/WCMS_457317/lang--en/index.htm, at 24.

⁵ International Labour Organization. (2016). Women at Work: Trends 2016. Retrieved from http://www.ilo.org/gender/Informationresources/Publications/WCMS_457317/lang--en/index.htm, at 23. Women at Work: Trends 2016. Retrieved from http://www.ilo.org/gender/Informationresources/Publications/WCMS_457317/lang--en/index.htm, at 96.

⁶ International Labour Organization. (2016). Women at Work: Trends 2016. Retrieved from http://www.ilo.org/gender/Informationresources/Publications/WCMS_457317/lang--en/index.htm, at 57.

⁷ World Economic Forum. (2016). The Global Gender Gap Report 2016. Retrieved from <http://reports.weforum.org/global-gender-gap-report-2016/the-global-gender-gap-report-2016/>, at 24-28.

⁸ McKinsey Global Institute. (2016) The Power of Parity: Advancing Women's Equality in the United States. Retrieved from: <https://www.mckinsey.com/global-themes/employment-and-growth/the-power-of-parity-advancing-womens-equality-in-the-united-states>, at 2.

⁹ The World Bank, Gender Statistics. (2016). *Labor force, female & Population ages 15-64, female* [Data file] Retrieved from <http://datatopics.worldbank.org/gender/indicators> on October 18, 2017.

¹⁰ This analysis focuses on legislative provisions, and does not extend to protections from workplace discrimination found in national constitutions or regulations. This review and analysis does not include legislative protections from discrimination that are not specific to the workplace (such as protections which apply to public spaces or educational institutions).

¹¹ Sojo, Victor E., Robert E. Wood, and Anna E. Genat. "Harmful workplace experiences and women's occupational well-being: A meta-analysis." *Psychology of Women Quarterly* 40.1 (2016): 10-40.

¹² Estimates based on data from new WORLD policy database on coverage and from World Bank on number of working women. The World Bank, Gender Statistics. (2016). *Labor force, female* [Data file] Retrieved from <http://datatopics.worldbank.org/gender/indicators> on October 18, 2017.

¹³ Kawachi, Ichiro, et al. "Women's status and the health of women and men: a view from the States." *Social science & medicine* 48.1 (1999): 21-32.

¹⁴ International Labour Organization. (2016). Women at Work: Trends 2016. Retrieved from http://www.ilo.org/gender/Informationresources/Publications/WCMS_457317/lang-en/index.htm, at 57.

¹⁵ Report of the Director-General to the International Labour Conference 96th Session. (2007). Equality at work: Tackling the challenges. Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. Retrieved from: http://www.ilo.org/public/portugue/region/eurpro/lisbon/pdf/equality_07.pdf at 25.

¹⁶ United Nations. (2017). United Nations Treaty Collection: 8. Convention on the Elimination of All Forms of Discrimination against Women. Retrieved from: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en on October 19th, 2017.

¹⁷ Estimates based on data from new WORLD policy database on coverage and from World Bank on number of working women. The World Bank, Gender Statistics. (2016). *Labor force, female* [Data file] Retrieved from <http://datatopics.worldbank.org/gender/indicators> on October 18, 2017.

¹⁸ Estimates based on data from new WORLD policy database on coverage and from World Bank on number of working women. The World Bank, Gender Statistics. (2016). *Labor force, female* [Data file] Retrieved from <http://datatopics.worldbank.org/gender/indicators> on October 18, 2017.