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DISCRIMINATION AGAINST WOMEN IN THE WORKPLACE

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I. Introduction

We all expect to be judged on our merits at work and to be recognized for our accomplishments, unique talents, insights, and efforts. But does that actually happen? Sex or gender discrimination in employment involves treating someone unfavorably because of the person's sex, whether they are applying for a job or are a current employee. The essence of sex discrimination is unequal treatment on the basis of sex. The treatment must not simply be different, but also unequal, and therefore unfair.

Discrimination against women in the workplace is a broad, complicated and very controversial topic that reaches many facets of modern society and culture. This report will define and discuss the history of the issue, examine the gender gap pay, the discrimination policies and discuss solutions. Particular focus will be paid to public policies and the legal justification and foundation of such policies.

Evidence and discussion is presented but a closer examination is taken of case studies in the United States, Ivory Coast, Mexico, and India. These cases studies show both the benefits and the limitations of a legal framework to address discrimination, as well as other potential public policies that can address discrimination against women in the workplace.

This analysis will also address the specific issues of discrimination treatments in workplace that have been successfully addressed through legal means, as well as those that are more challenging to address. Lastly, recommendations are suggested for reducing gender discrimination in the workplace.

II. History of Discrimination Against Women

Discrimination against women has essentially been around since the beginning of time.¹ In the developed world, women have made great strides in the workplace but discrimination still exists even in the most progressive of societies. In short, based on a study of the existing literature each country and even each individual city or region is unique and has a unique history and set of circumstances

¹ "Discrimination Against Women," NoBullying.com, (Sept. 2016) 1-2.

that has created the status quo that dictates the prevalence of discrimination against women in the workplace.

Furthermore, many cases illustrate that discrimination against women is something that is deeply rooted in many societies and something that most people have grown accustomed to. This acceptance makes change challenging, but not impossible, albeit change will likely take many years and move slowly. The international community has been working along with governments on the issue of discrimination against women in the workplace.

III. International Standards on the Prohibition of Gender Discrimination

There exists a significant body of international standards that codify what discrimination based on gender is and how to address it through a legal framework. Discrimination on the grounds of sex is a major form of discrimination, and has been a focus of attention for the international community since the Second World War.²

The United Nation's International Labor Organization (ILO) has designated eight conventions as embodying the fundamental principals and rights of women with regard to discrimination including workplace discrimination.³ These major international instruments include the Universal Declaration of Human Rights (1948)⁴; the International Covenants on Civil and Political Rights (ICCPR)⁵ and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)⁶; the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (1979)⁷ and its Optional Protocol of 1999); the UN Declaration on the Elimination of Violence against Women (1993)⁸; the

²Devah Pager and Hana Shepherd. "The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets," *Annual Review of Sociology*. January 1, 2008; 34: 181-182.

³ "Paper on International Labor Standards in the Contemporary Global Economy," Global Employment Institute, May 2015, pg. 6.

⁴ "Universal Declaration of Human Rights," United Nations General Assembly, General Assembly resolution 217 A, 10 December 1948. <http://www.un.org/en/universal-declaration-human-rights/>

⁵ "International Covenants on Civil and Political Rights," United Nations General Assembly, 19 December 1966. <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

⁶ "International Covenant on Economic, Social, and Cultural Rights," United Nations General Assembly, 16 December 1966. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=en

⁷ "Convention on the Elimination of all Forms of Discrimination Against Women," United Nations General Assembly, 18 December 1979, <http://www.un.org/womenwatch/daw/cedaw/>

⁸ "Declaration on the Elimination of Violence against Women," United Nations General Assembly, 20 December 1993. <http://www.un.org/documents/ga/res/48/a48r104.htm>

Beijing Declaration and Platform for Action (1995)⁹ and its follow-up and the Millennium Development Goals.¹⁰

Perhaps the most significant guiding document is the “Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),” which outlines the international standard defining discrimination against women and also “lays down a comprehensive set of rights to which all persons, including women, are entitled.”¹¹ “The Convention was adopted by the General Assembly in 1979 to reinforce the provisions of existing international instruments designed to combat the continuing discrimination against.”¹²

Article 1 provides a definition of discrimination against women on the basis of sex, stating that the discrimination against women shall mean any “distinction, exclusion or restriction made on the basis of sex” which has the effect of “impairing or nullifying the recognition, enjoyment and exercise by women...of human rights and fundamental freedoms.”¹³ In addition, Article 1 goes still further and defines both direct, indirect discrimination, requiring states to “ensure equality of opportunity and result.”¹⁴

Article 11, on employment and labor rights, further delineates that parties “shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights” and goes onto describe a number of additional specific rights including the right to equal pay, maternity leave, and employment opportunities.¹⁵

⁹ “Beijing Declaration and Platform for Action,” Fourth World Conference on Women, September 1995.

<http://www.un.org/womenwatch/daw/beijing/platform/>

¹⁰ “Millennium Development Goals,” Millennium Summit, Commissioned by the UN Secretary, September 2000.

<http://www.unmillenniumproject.org/goals/>

¹¹ “Short History of CEDAW Convention.” United Nations Department of Public Information. 1-2.

<http://www.un.org/womenwatch/daw/cedaw/history.htm>

¹² “Short History of CEDAW Convention,” *supra* at 1-2, n. 11

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

The United Nations has adopted an international standard for human rights law that stipulates what equal pay for equal work is. Equal pay for equal work is covered by Article 7 of the International Covenant on Economic, Social and Cultural Rights,¹⁶ and Article 15 of African Charter on Human and Peoples' Rights.¹⁷ Specifically, Article 7 of the International Covenant on Economic, Social and Cultural Rights states that “each member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.”¹⁸

IV. Country Examples of Discrimination Against Women

The following country case studies from the United States, Ivory Coast, India, and Mexico provide valuable insight into the legal framework and prevalence of workplace gender discrimination against women.

A. United States

1. Legal Framework

There are many studies examining discrimination in the United States.¹⁹ This discrimination exists despite laws that seek to end gender discrimination in the United States.²⁰ Discrimination in the workplace is prohibited by law and enforced by the Equal Employment Opportunity Commission.²¹ Title VII of the Civil Rights Act of 1964 is a federal law that recognizes the protection of individuals from discrimination based on sex.²² This law makes it illegal for an employer to discriminate against individuals in hiring, firing, and other terms and conditions of employment, such as promotions, raises,

¹⁶ “International Covenant on Economic, Social and Cultural Rights,” United Nations General Assembly, Article 7, (Dec. 1966).

¹⁷ “African Charter on Human and Peoples' Rights,” Organization of African Unity, 1979, Article 15.

¹⁸ “International Covenant on Social Economic, and Cultural Rights,” United Nations Human Rights, Office of the High Commissioner. Article 7. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

¹⁹ “US Makes Strides Toward Equality, But Work Remains,” by Mia Bush, VOA News, March 8, 2016, 1-5.

<http://www.voanews.com/a/international-womens-day-us-women-gender-equality-work-remains/3223162.html>

²⁰ *Id* at 6.

²¹ “US Equal Employment Commission,” website, Statutes section. <https://www.eeoc.gov/laws/statutes/>

²² “Title VII of the Civil Rights Act of 1964,” Preamble. <https://www.eeoc.gov/laws/statutes/titlevii.cfm>

and other job opportunities because of their sex.²³ The laws of most states also make it illegal to discriminate on the basis of sex.²⁴ The Equal Employment Opportunity Commission (EEOC) is the agency of the federal government responsible for investigating charges of job discrimination related to sex discrimination in workplaces of 15 or more employees. Most states also have their own agencies that enforce state laws against discrimination.²⁵

Women who are discriminated against under the laws of the states and federal government have recourse to the courts, but this requires hiring a lawyer and going through the legal process, which is expensive.²⁶ Barriers to equality include lack of information about their rights, potential remedies and the ability to bring suits against potential violations due to economic hardship.²⁷

2. Gender Workplace Discrimination

A significant amount of research and study has been done on women's rights and discrimination against women in the United States.²⁸ The research shows that despite far reaching laws and public policies that seek to address workplace discrimination widespread discrimination still exists based on gender in the workplace such as unequal pay, interview questions, diminished responsibilities, glass ceiling.²⁹ The findings suggest that the work is not done and advocates must continue to push for new and innovative ways to address the gender pay gap, and other discriminatory policies.³⁰

The United States has made great strides to combat gender discrimination since the first women's March in 1908.³¹ But a closer look shows that women earn far less for the same amount of work, and this varies greatly with location, are commonly stuck in low-wage jobs, and face far greater barriers to

²³*Id at 1-10, n. 22*

²⁴ "Know Your Rights: Title VII of the Civil Rights Act of 1964." American Association of University Women (AAUW), website. <http://www.aauw.org/what-we-do/legal-resources/know-your-rights-at-work/title-vii/>

²⁵ "Sex/Gender Discrimination," Workplace Fairness website, 1-10. <http://www.workplacefairness.org/sexual-gender-discrimination>

²⁶ "Sexual Harassment: Legal Standards," Workplace Fairness website, <http://www.workplacefairness.org/sexual-harassment-legal-rights#9>, 1-3.

²⁷ "Sexual Harassment: Legal Standards," note 15.

²⁸ *Id at 1-3, n. 2*

²⁹ *Id at 5-17, n. 2*

³⁰ *Id.*

³¹ *Id at 1-6, n. 19*

career advancement than their male counterparts.³² The World Economic Forum indicates that the U.S. ranks 28th out of 145 countries in annual world rankings for the equality of women, based on an economic, educational, health-based and political indicators.³³

B. Ivory Coast

1. Legal Framework

Article 30 of the Ivoirian Constitution—adopted following a referendum in 2000—grants equal rights to women and Article 3 commits the state to taking appropriate measures to ensure the development of women and realization of their human rights.³⁴ The country ratified (CEDAW) in 1995, and in 2012, it ratified the Optional Protocol on violence against women.³⁵ The Ivory Coast has also signed, but not ratified, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.³⁶

There are a number of other laws, which seek to address discrimination, but there are major loopholes and issues with the enforcement of these laws.³⁷ Reliable statistics are not available due to two civil wars in 2002 and 2010, but substantial testimony and anecdotal reports gathered by Human Rights Watch and Amnesty International indicate that such gender discrimination is widespread.³⁸

2. Discrimination Against Women in the Workplace

“Overall, women’s position in Ivoirian society remains low, with many subjected to discriminatory practices, significantly limiting the capacity of women to play an active role in society, as well as

³² Gary Siniscalco, Lauri Damrell, and Clara Morain Nabity. “The Pay Gap, the Glass Ceiling, and Pay Bias: Moving Forward Fifty Years After the Equal Pay Act,” ABA Journal of Labor and Employment Law, Vol. 29, Number 3, Spring 2014, 1-5.

³³ “Global Gender Gap Report,” World Economic Forum, 2016, online report, United States Findings, <http://reports.weforum.org/global-gender-gap-report-2015/blogs-and-opinion/>

³⁴ “Social Institutions and Gender Index,” OECD Development Centre, 2014, Cote d’Ivoire Summary Section, pg 1. <http://www.genderindex.org/country/cote-d039>

³⁵ “Social Institutions and Gender Index,” *supra at 1*, n. 34

³⁶ *Id at 1*, n. 35

³⁷ “Committee on the Elimination of Discrimination against Women considers report of Cote d’Ivoire,” Report from the UN Committee on the Elimination of Discrimination against Women, (Oct. 2011), 1-5, <http://reliefweb.int/report/c%C3%B4te-divoire/committee-elimination-discrimination-against-women-considers-report-c%C3%B4te-d>

³⁸ “Committee on the Elimination of Discrimination against Women considers report of Cote d’Ivoire,” *supra at 1-5*, n. 37

representing violations of their human rights,” according to a report by OECD Development Center.³⁹ However, there is limited data available with regard to workplace discrimination against women in the Ivory Coast. The National Committee to Combat Violence Against Women and Children ranks the Ivory Coast 136th in the gender inequality index per the UNDP 2011 gender-related development index.⁴⁰ This low ranking comes despite the fact that the country has ratified several international and regional conventions on equal dignity and rights for all citizens. In that report, CEDAW Committee has noted “while there are almost equal rights for men and women, no interest is given to gender and women empowerment issues in the implementation of national policies”.⁴¹ Cultural factors perpetuate traditions that are harmful women, which are use to justify discrimination in workplace.⁴²

C. Mexico

1. Legal framework

In accordance with international standards, Mexico has enacted a series of laws that promote gender equality including equal pay for equal work laws, maternity laws, and equal opportunity laws.⁴³ In October 2015, the Ministry of Labor and Social Welfare, together with the National Institute for Women and the National Council to Prevent Discrimination, published the Mexican Standard on Equal Employment Opportunities and Non-discrimination.⁴⁴ The standard is non-binding but is “intended to serve as a guideline to ensure compliance with national and international laws on employment discrimination,” according to a publication by the International Law Office.⁴⁵

³⁹ *Id at 1, n. 35*

⁴⁰ “Being a Woman in Cote d’Ivoire: Empowerment Challenges,” Abidjan Country Office Gender Consultations Report Summary, World Bank, June 2013, 3.

<http://documents.worldbank.org/curated/en/263671468243906965/pdf/797440WP0Cote00Box0379789B00PUBLIC0.pdf>

⁴¹ “Committee on the Elimination of Discrimination against Women considers report of Cote d’Ivoire,” *supra 11, n. 37*

⁴² *Id at 4, 8-9 n. 37*

⁴³ “New Standard Issued on Equal Employment Opportunities and Non-Discrimination,” International Law Office, (Dec. 2015), pgs. 1-3. <http://www.internationallawoffice.com/Newsletters/Employment-Benefits/Mexico/Santamarina-y-Steta/New-standard-issued-on-equal-employment-opportunities-and-non-discrimination>

⁴⁴ “New Standard Issued on Equal Employment Opportunities and Non-Discrimination,” *supra at 1, n.43*

⁴⁵ *Id at 1, n. 43*

Under the Mexican Constitution, men and women are equal before the law and all citizens have the freedom to work in a lawful profession of their choice.⁴⁶ The Constitution also enumerates a number of equal rights, regardless of gender, including the prevention of discrimination against working mothers.⁴⁷ Mexican Federal Labor Law also states that employees performing equal work must receive equal pay.⁴⁸

Despite these Constitutional and federal protections, gender discrimination in employment persists in Mexico.⁴⁹ Over the past few years, the Mexican government has considered various proposals to further reform the country's labor laws. On November 29, 2012, departing Mexican President Felipe de Jesús Calderón signed a comprehensive reform of Mexico's Federal Labor Law (FLL), instituting more than 300 changes, effective December 1, 2012.⁵⁰ Mexico's government stated that the purpose of this bill is to increase productivity and better paying jobs, while also allowing greater employment access for women and younger workers. The amendments align Mexico with international anti-discrimination and harassment standards by expressly prohibiting discrimination on the basis of ethnic origin, nationality, disability, health conditions, religion, immigration conditions, opinions, sexual preference or civil status. This is important because employers in Mexico are prohibited from requesting pregnancy tests as a hiring condition, and they cannot require a woman to resign due to pregnancy or change of civil status.⁵¹

2. Discrimination Against Women in the Workplace

Gender inequality in Mexico has been diminishing throughout history, but continues to persist in many forms. As of 2016, the World Economic Forum ranked Mexico 66th in terms of gender equality out of 144 countries.⁵² In Mexico, 26 percent of women reported labor discrimination in 2015.⁵³ The

⁴⁶ Paul Hastings, "Gender Parity: Mexico," pgs. 1-2. <https://www.paulhastings.com/genderparity/countries/mexico.html>
⁴⁷ "1917 Constitution of Mexico," Articles 4-5.

https://www.oas.org/juridico/mla/en/mex/en_mex-int-text-const.pdf

⁴⁸ Paul Hastings, *supra* at 1-2, n. 46

⁴⁹ "Mexico: 29% to 42% of Women Suffer Some Workplace Violence," *La Jornada*, 10 December 2015, pgs. 1-2.

⁵⁰ Diana J. Nehro, "Mexico Labor Reform Increases Protection for Employees and Clarity for Employers," published by Ogletree, Deakins, Nash, Smoak & Stewart, Feb 12, 2013, pgs. 1-3.

⁵¹ Diana J. Nehro, *supra* at 1-3, n. 50

⁵² "The Global Gender Gap Report 2016," World Economic Forum, Online Summary and Full Report, 2016.

<http://reports.weforum.org/global-gender-gap-report-2016/>

law provides women the same legal status and rights as men and “equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency.” According to El Instituto Nacional de las Mujeres (INMUJERES), Mexican women continued to earn between 5 and 30 percent less than men for comparable work, whereas the World Economic Forum reported women earned 43 percent less than men for comparable work. Women were more likely to experience discrimination in wages, working hours, and benefits.⁵⁴

An expert, Patricia Espinosa, President of the National Institute for Mexican Women, states that despite significant steps taken by the government of Mexico to fulfill its commitments under the Convention on All Forms of Discrimination against Women “discrimination against women remained a constant that violated the principles of equality and respect for human dignity and profoundly influenced that development of Mexican society.”⁵⁵ The key challenges of the current Administration include fostering a culture of non-violence, bringing judicial practice in line with international instruments concerning protection and promotion of women’s rights, motivating changes in sexist and discriminatory practices; and incorporating a gender approach into public spending and budgeting.⁵⁶

D. India

1. Legal Framework

The Constitution of India has several provisions, which grant certain fundamental rights to its citizens, which includes right to equality under the law. Article 14 of the Constitution, which “guarantees equality before law”, and Article 15 “prohibits state from discrimination on the grounds sex,” both apply to the public sector which hires the most women.⁵⁷ The Equal Remuneration Act of 1976 states that it is the duty of employers to pay equal remuneration to men and women workers for the same work or work of a similar nature.⁵⁸ Section 5 of the Act prohibits employers from formulating

⁵³“Mexico: 29% to 42% of Women Suffer Some Workplace Violence,” *supra* at 1-2, n. 49

⁵⁴Human Rights Report, Mexico 2015, page 20, cite to INMUREJES.

⁵⁵ “Mexican Women Still Face Discrimination, Despite Significant Steps, Committee Told,” United Nations Archives, Press Release, 2002, pg. 1.

⁵⁶ *Id* at 1-3, n. 50

⁵⁷ “India: The Legal Framework for Women and Work,” Catalyst Information Center, October 2012, 1-3, cite to constitution.

⁵⁸ “Equal Remuneration Act, 1976,” Article II. http://labour.gov.in/sites/default/files/equal_remuneration_act_1976_1.pdf

a hiring process that puts women at a disadvantage on account of their gender with respect to hiring, compensation, transfers, and promotions. However, “discrimination on the basis of sex is not prohibited under the law for those involved in the private sector, the law changed below.”

Discrimination in the private sector often comes in the form of refusing to grant a job, or dismissing women from a job when she is found to be pregnant.⁵⁹ In 2005, the National Commission for Women drafted a bill entitled. “The protection of women from Domestic violence rules”, of which a version finally passed in the Lok Sabha in 2012.⁶⁰ The bill is celebrated for the contents of the preamble, which states that sexual harassment is a violation of women’s fundamental rights.⁶¹ The bill also outlines a uniform procedure for conducting inquiries into complaints of sexual harassment across a very wide range of employers including government, armed forces, private organized sector as well as the unorganized sector.⁶² In short, the bill envisions that every workplace should have a forum to take up complaints pertaining to sexual harassment.⁶³

Gender justice has become a burning issue in India within the last decade, particularly in light of the increased focus by non-Governmental organizations and women’s groups.⁶⁴ “The majority of employers still do not have Complaints Committees established. Apart from a few public sector bodies, universities, and some large private companies, Complaints Committees have not been set up on a large scale”.⁶⁵ They are often set up quickly and even when they are set up they remain largely non-activism with many justices giving increased importance to the rights of women.⁶⁶

Vishakha v. State of Rajasthan is an Indian Supreme Court landmark case on women discrimination on August 13, 1997, where **Vishakha** and other women groups filed Public Interest

⁵⁹ “Pregnancy Remains a Curse for Working Women in Corporate India,” Quartz India, April 17, 2015, 1-3.

<https://qz.com/385866/pregnancy-remains-a-curse-for-working-women-in-corporate-india/>

⁶⁰ Ramesha Niratanka, “Gender Discrimination at the Workplace,” (Jan. 2016), pg. 4.

<https://www.linkedin.com/pulse/gender-discrimination-workplace-ramesha-niratanka>

⁶¹ Ramesha Niratanka, *supra* at 4, n. 60

⁶² *Id* at 4, n. 60

⁶³ *Id* at 5, n. 60

⁶⁴ Rajani Suresh, Dr. Sambatur Scridhar and Sneha S. Kairanna. “A Systems Approach to Combat Workplace Sexual Harassment,” IOSR Journal of Humanities and Social Science, (Oct. 2014), pgs. 29-36.

⁶⁵ “A Systems Approach to Combat Workplace Sexual Harassment,” *supra* at 5, n. 64

⁶⁶ *Id* at 5, n. 64

Litigation (PIL) against **State of Rajasthan** and Union of India to enforce the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India. The court decided that the consideration of "International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1)(g) and 21 of the Constitution."⁶⁷

2. Discrimination Against Women in the Workplace

Despite legal protections, discrimination against women in the workplace persists in India. A recent poll by Opportunity Now, which surveyed more than 25,000 women found that almost one-fifth of women surveyed said their careers have stalled because managers failed to promote them or offer training opportunities.⁶⁸ According to a survey made by Team Lease, some 48% of Indians women have faced some kind of discrimination at the workplace.⁶⁹ This is despite the laws that make certain types of discrimination illegal such as equal remuneration and discrimination due to pregnancy.⁷⁰

IV. Potential Solutions

As has been discussed, discrimination against women in the workplace remains a critical issue, even in what are widely perceive to be "progressive" societies such as the United States. The causes run deep and touch the very fabric of society and underlying the economic problems that are the cause of so much strife in the world. Most countries have some sort of constitutional protection, which promise equal treatment under the law as well as specific laws outlawing specific types of discrimination in the workplace based on gender. These laws are by no means uniform, and enforcement varies from spotty to non-existent. For example as discussed in the Mexico, Ivory Coast, and India country sections, significant loopholes still exist both in the legal definitions and the ability to bring complaints pursuant

⁶⁷ *Vishaka v. States of Rajasthan and others* (1997 Supreme Court 3011), cite to Constitution, Articles 24, 29, 21. <https://en.wikipedia.org/wiki/Vishaka-Guidelines>

⁶⁸ "Many Women Face Discrimination at the Workplace," Times of India, (Feb. 2014), 1-3. <http://timesofindia.indiatimes.com/life-style/relationships/work/Many-women-face-discrimination-at-workplace/articleshow/28186529.cms>

⁶⁹ "Workplace Biases Still Rampant in India: TeamLease Study," PRI Press, (Aug. 2013) 1-2. <http://nripress.com/workplace-biases-still-rampant-in-india-teamlease-study/>

⁷⁰ *Id* at 1-2.

to these legal protections. Thus, there is still a lot of room for improvement in the way of legislative protections that seek to tackle the problem. Legislating alone will not solve the problem and may result in a problem where laws are on the books that are rarely enforced due to social norms and lack of enforcement powers and mechanisms. With that said, based on the literature and legal framework, there exists significant legal precedent in most countries that can be further utilized to built upon and address the issue.

There also exist some innovative solutions that work across countries, which could be pursued in a more uniform basis around the world.⁷¹ For example, the private sector needs to take some responsibility for combatting workforce discrimination, particularly since it is in their financial interest to do so.⁷² Workplace policies need to be enacted to set guidelines for discrimination as well as remedies when their guidelines are broken.⁷³ Funding and dedicated enforcement units also need to be created either as part of government or in major corporations to handle such complaints. There are some limits regarding the extent to which workplace discrimination against women can be addressed in the political area due to lack of political will. It will take a lot of time to organize, but major women's organizations and foundations could look at running broad scale public information campaigns to further raise awareness of the issue and spur political action. In addition, discrimination and workplace barriers to equality are commonly linked to widespread poverty, economic strife, and lack of an education system that promotes upward mobility.⁷⁴

Each country and state party starts in a different place based on its socio economic and political conditions, as well as its societal norms. Therefore, the solutions must largely be state or country-specific. There is a vast body of legal definitions, guidelines, conventions, and precedent that can be used to enact better laws, improve existing laws, and close loopholes.⁷⁵ But there is much room for innovative approaches based on the specific socio economic conditions, and political considerations

⁷¹ "ABC of Women's Worker Rights and Gender Equality," International Labor Organization, United Nations, pgs. 20-30.

⁷² "Pregnancy Remains a Curse for Working Women in Corporate India," *Supra* note 59, pgs. 1-3.

⁷³ Dr. Arundhati Bhattacharyya. "Indian Women in the Workplace," *Mediterranean Journal of Social Sciences*, July 2015, 121.

⁷⁴ "Social Institutions and Gender Index," *supra* at 1, n. 34

⁷⁵ "ABC of Women's Worker Rights and Gender Equality," *Supra* note 71.

that exist in the country. Recent worldwide women's marches and events held in January 2017, particularly in response to some of President Trump's positions on women's issues, demonstrate that there is a significant desire to address women's issues, including workplace discrimination, from the general populace.⁷⁶ Efforts to address workplace discrimination must also take related issues into account such as economic opportunity, prevalence of poverty, and educational advancement.

Conclusion

This research has sought to provide an introduction and summary of the worldwide issue of workplace discrimination based on gender especially women. We have seen that this is an extremely broad and complicated topic. Furthermore, on a global scale discrimination against women is still a serious issue that merits attention in the society in general. Each country and society has its own unique history on the issue which explains the prevalence and nature of the problem within its borders.

Examination of employment based gender discrimination in the United States, Ivory Coast, Mexico, and India has shown that each country is in its own unique place and has its own unique set of circumstances that reformers must acknowledge and understand.

⁷⁶ "Women's March Highlights as Huge Crowds Protest Trump," New York Times, January 21, 2017. <https://www.nytimes.com/2017/01/21/us/womens-march.html>



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DISCRIMINATION AGAINST WOMEN IN THE WORKPLACE

The issue of discrimination against women in the workplace is perhaps one of the oldest and most fundamental issues in the history of human rights¹.

As a modern society, women have the ability to perform with equal skill and success in every endeavor engaged in by men, including employment. Women have made great strides in the workplace but the evidence shows that discrimination still exists even in the most progressive of modern societies.²

On a global scale, how prevalent is the discrimination against the women in the workplace? What legal remedies have proven to be effective in reducing workplace discrimination? What action should be taken to further reduce gender discrimination against women in the workplace?

We first provide a legal analysis of the prevalence of gender discrimination against women in workplace. Secondly, we introduce and analyze international legal standards to combat gender discrimination. Thirdly, we review of several country-specific case studies (United States, Ivory Coast, Mexico and India) that have demonstrated the positive impact and effectiveness of laws that seek to prevent gender discrimination. Fourthly, from these case studies, we assess both the strengths and weakness of legal frameworks that seek to address gender discrimination against women in the workplace. Lastly, we propose solutions and recommendations to further combat gender discrimination in the workplace based on the evidence and analysis presented.

¹ "Discrimination Against Women," NoBullying.com, (Sept. 2016) 1-2.

² "US Makes Strides Toward Equality, But Work Remains," by Mia Bush, VOA News, March 8, 2016, 1-5.

<http://www.voanews.com/a/international-womens-day-us-women-gender-equality-work-remains/3223162.html>

Recommendations

1. Human Rights Advocates (HRA) recommend that the commission on the Status of Women urge states to publish more evidence and data on the prevalence of the discrimination against women in the workplace. Researchers and international organization need to close this data gap to help shed light on what additional policies and laws need to be enacted to combat gender discrimination.
 2. Pass legislation to combat workplace gender discrimination by enacting new policies and laws, and closing loopholes in existing laws.
 3. Allocate additional funding for the enforcement of existing gender discrimination laws.
 4. Review existing laws to make sure they are serving their intended purpose.
 5. Conduct a thorough evaluation of societal norms, determine how to raise the standing of women in society, and identify factors that contribute to workplace discrimination.
 6. Encourage states to educate their citizens about their rights.
 7. Enact laws and ratify treaties.
 8. Implement enacted laws protecting women rights.
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