

Preventing Gender Discrimination and Sexual Harassment at Work

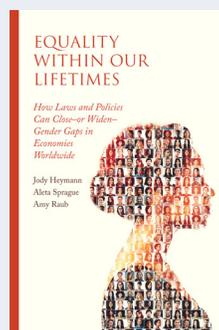
Key Findings

- National laws can promote proactivity on the part of employers: 25% of countries require employers to take preventive steps against gender discrimination, while 40% have employer requirements to prevent sexual harassment.
- However, built-in exceptions often undermine these protections: anti-discrimination laws in 12% and 3% of countries exempt religious employers and nonprofits, respectively.
- Independent bodies, including labor commissions, are uniquely well positioned to identify legislative gaps that leave workers vulnerable to discrimination and harassment. 44% of countries task independent bodies with proposing new laws or policies to advance gender equality at work.
- Meanwhile, 43% of countries legally require independent bodies to raise awareness of workplace discrimination and harassment and how to prevent it.

About Equality within Our Lifetimes

For more information and a full list of studies summarized in this brief, see [Chapter 5](#) of the open-access book [Equality within Our Lifetimes: How Laws and Policies Can Close—or Widen—Gender Gaps in Economies Worldwide](#) (Jody Heymann, Aleta Sprague, and Amy Raub; University of California Press, 2023).

Building and analyzing a law and policy database that covers 193 countries, *Equality within Our Lifetimes* systematically examines how far we've come and how far we have to go in adopting evidence-based solutions to close gender gaps in employment, income, leadership opportunities, and more.



This brief examines the extent to which national laws address prevention of discrimination and sexual harassment before it happens—interventions that can make a powerful difference for gender equality at work.

How Laws Require Preventive Steps by Employers

With varying degrees of specificity, laws in some countries outline employers' responsibility to take action to prevent gender discrimination and sexual harassment.

- 25% of countries require employers to take steps to prevent gender discrimination in the workplace.
 - In 5% of countries, this is a general requirement; legislation does not specify the particular steps employers need to take.
 - In 20% of countries, legislation outlines specific measures to prevent discrimination.
- 40% of countries require employers to prevent sexual harassment in the workplace.
 - In 12% of countries, this is a general requirement; legislation does not specify the particular steps employers need to take.
 - In 28% of countries, legislation outlines specific measures to prevent sexual harassment.

Laws can also incentivize the adoption of preventive measures by holding employers legally responsible for sexual harassment committed by employees at work.

- 36% of countries have these types of provisions, but coverage varies across income groups:
 - Nearly half of high-income countries explicitly make employers legally responsible for sexual harassment at work, compared to just 4% of low-income countries.
- Court cases demonstrate that these types of requirements matter for accountability:
 - In Costa Rica, the Labor Court cited provisions of the labor code that required preventive steps in holding an employer liable for workplace sexual harassment.
 - In Australia, the Industrial Court ruled that employers have a responsibility to communicate sexual harassment policies clearly and comprehensively to employees.

Are All Private Employers Covered?

Even when countries require employers to take proactive measures for prevention, exceptions built into the law can leave workers at certain employers uncovered.

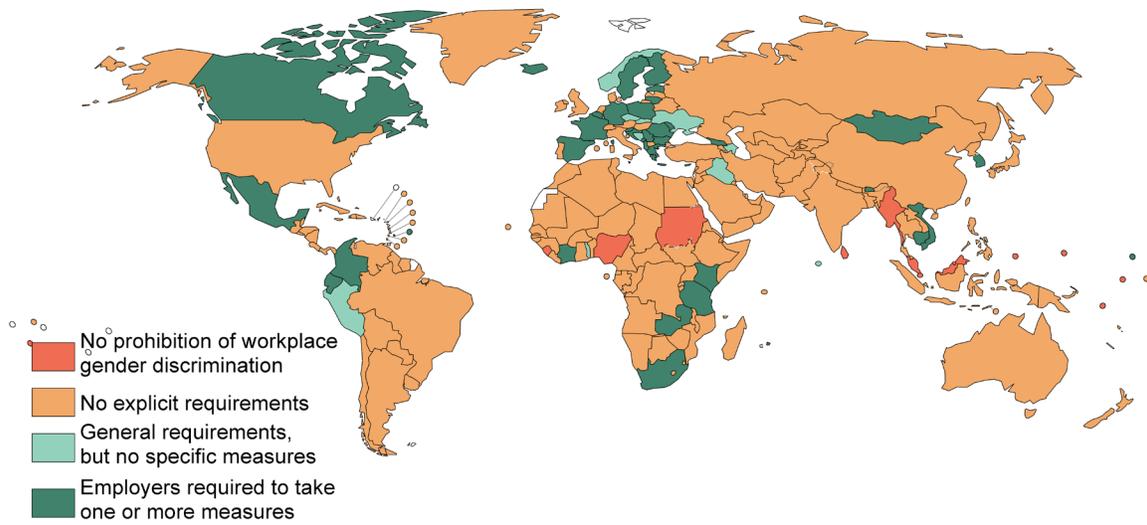
- In 12% of countries, discrimination laws include exceptions for religious employers.
- In 3% of countries, discrimination laws include exceptions for nonprofits.

These exceptions matter—cases of religious organizations refusing employment on the basis of sex, sexual orientation, race, and other characteristics have been documented across countries. In the U.S., for example, courts have ruled that religious schools can validly discriminate against unmarried female employees who become pregnant—establishing precedents that have contributed to the erosion of protections even for workers in covered employment.

The Role of Labor Commissions, Human Rights Commissions, and Other Independent Bodies

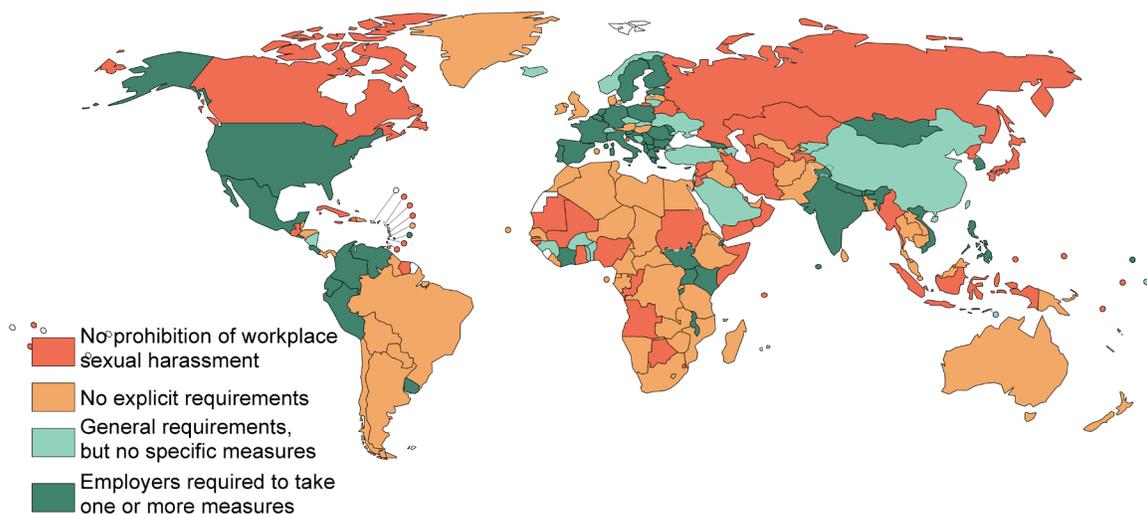
Independent bodies can raise awareness of discrimination and harassment at work and how to prevent it through education and advocacy.

Are employers required to take steps to prevent workplace gender discrimination?



Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2021

Are employers required to take steps to prevent workplace sexual harassment?



Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2021



- These efforts may aim to reach the general public or consist of targeted approaches (including identifying best practices for employers and providing legal support to individuals whose rights have been violated).
- 43% of countries legally require an independent body to take on these roles.
- An additional 20% of countries task independent bodies with at least some aspect of these roles, or promoting labor rights or human rights more broadly.

Uniquely positioned to identify gaps in existing legislation, independent bodies can help realize equal rights at work through systemic changes.

- 44% of countries make independent bodies responsible for proposing new legislation, policies, or regulations to advance gender equality at work.

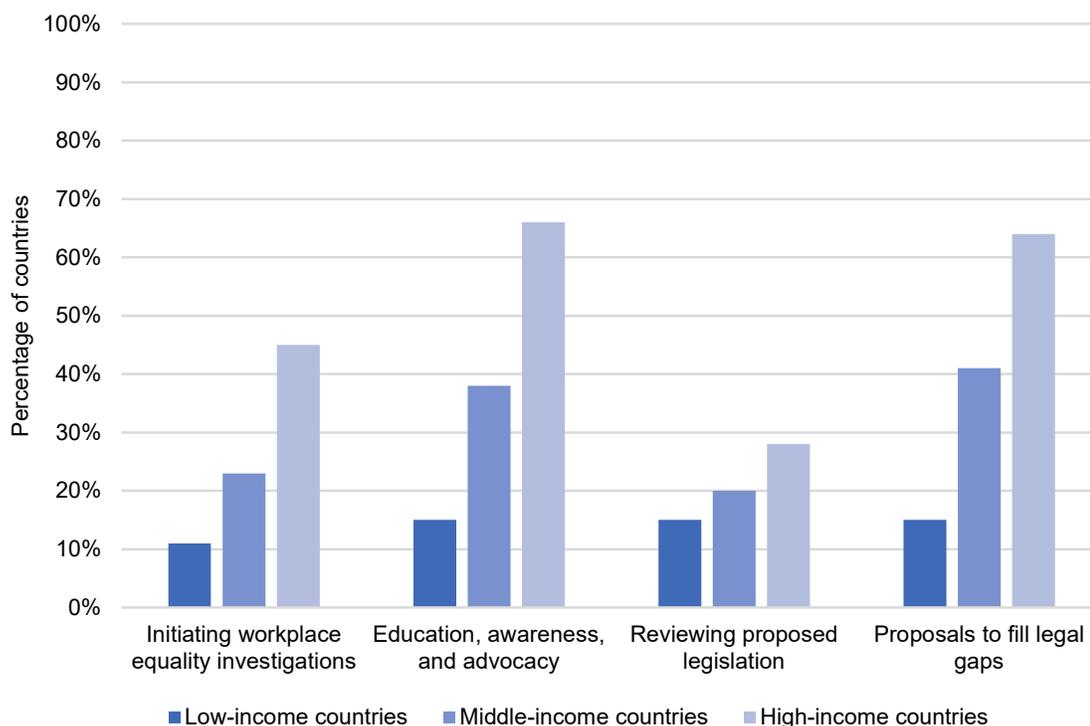
- An additional 12% of countries task independent bodies with assessing policymaking in an area that may intersect with workplace gender equality, such as labor rights broadly or human rights generally.
- 22% of countries make these bodies responsible for reviewing proposed laws and policies for the impact they are likely to have on gender equality at work.

Additional Resources

For more information about how employers, labor unions, inspectorates, and commissions can support prevention of workplace gender discrimination and sexual harassment, see:

- [Chapter 5, *Equality within Our Lifetimes: How Laws and Policies Can Close—or Widen—Gender Gaps in Economies Worldwide*](#) (Jody Heymann, Aleta Sprague, and Amy Raub; University of California Press, 2023)

What responsibilities do independent bodies have for preventing workplace gender discrimination?



WORLD Policy Analysis Center

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