

Racial/Ethnic Discrimination at Work



WORLD Policy Analysis Center

KEY FINDINGS

40 countries do not explicitly prohibit any aspect of racial/ethnic discrimination in employment.

55 countries have no prohibition of racial/ethnic discrimination broadly or specifically in pay.

114 countries prohibit racial/ethnic discrimination but do not explicitly require employers to take preventive measures against discrimination.

112 countries fail to prohibit discrimination based on both migration status and race/ethnicity.

103 countries fail to prohibit discrimination based on both foreign national origin and race/ethnicity.

The Need to Address Employment Discrimination Based on Race and Ethnicity

- Around the world, workplace discrimination based on race and ethnicity represents a significant threat to workers, households, and societies as a whole—as well as a clear violation of fundamental human rights.
- Specific national antidiscrimination legislation is essential for realizing the impacts of international treaties and agreements that require every country globally to uphold equal rights regardless of race/ethnicity.
- Research both across countries and across populations has demonstrated how these laws have made a difference, including by narrowing racial/ethnic pay gaps and

increasing shares of visible minorities employed in the private sector.

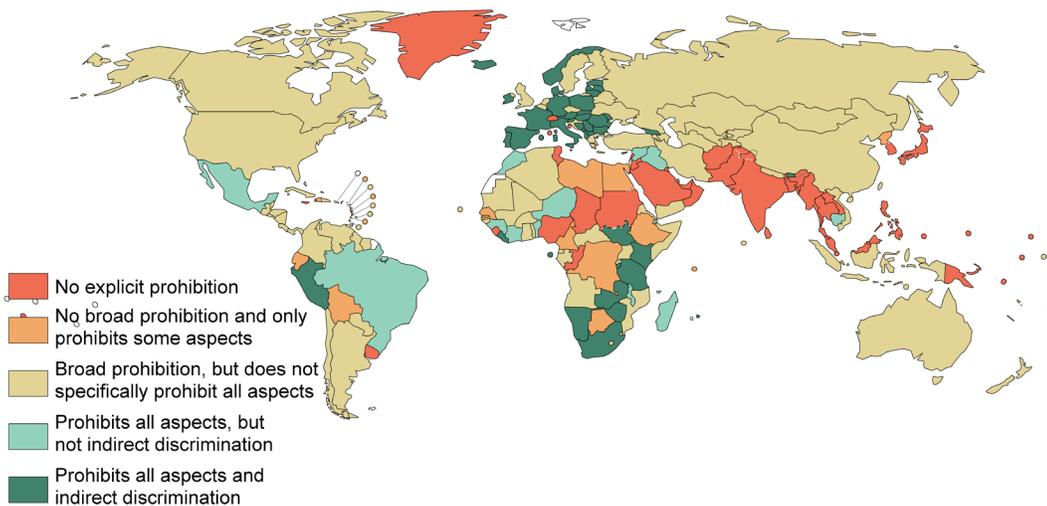
- At the same time, the past several decades have revealed important gaps that often undermine the potential impacts of antidiscrimination laws.

National Legislative Approaches to Prohibiting Racial/Ethnic Discrimination at Work

Overall Findings

- Globally, 153 countries prohibit at least some form of racial and/or ethnic discrimination at work as of 2021 (a modest increase from 148 countries in 2016).

Do countries prohibit racial and/or ethnic discrimination in all aspects of work?



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

ABOUT THE DATA

This fact sheet presents findings from the following article and includes data updates:

Jody Heymann, Sheleana Varvaro-Toney, Amy Raub, Firooz Kabir, and Aleta Sprague (forthcoming). **“Race, Ethnicity, and Discrimination at Work: A New Analysis of Legal Protections and Gaps in All 193 UN Countries.”** *Equality, Diversity and Inclusion*.



ABOUT THE METHODOLOGY

This analysis relies on a systematic review of original legislation and statutory guarantees extended to the private sector as of January 2021 for all 193 United Nations member states. It excludes instances where case law has extended the application of more general prohibitions to specific areas of work and to cover additional social groups. Further details on full methodology can be found at: worldpolicycenter.org/topics/equal-rights-and-discrimination/methods.

- In the Americas, Europe & Central Asia, and sub-Saharan Africa, only 10% or fewer of countries lack at least some form of prohibition of racial/ethnic discrimination at work.
- By contrast, a majority of countries lack prohibitions in East Asia & Pacific and South Asia.
- 71 countries prohibit indirect discrimination based on race and/or ethnicity, providing a tool for addressing hiring criteria that are unimportant to the ability to perform a job but disproportionately exclude applicants from certain racial/ethnic groups, as well as other unnecessary workplace policies and practices that have disproportionate impacts across race and/or ethnicity.

Specific Aspects of Work

- 115 countries explicitly prohibit racial/ethnic discrimination in hiring, 88 do so for training, 90 do so for promotions and demotions, and 112 do so for terminations.
- 96 countries guarantee equal pay across racial/ethnic groups, including 41 countries guaranteeing equal pay for work of equal value, a stronger protection that ensures equal pay across occupations that are similarly productive and require equivalent levels of skill, effort, and responsibility.
- 72 countries explicitly prohibit workplace harassment based on race/ethnicity.

Employer Responsibilities

- 114 countries prohibit racial/ethnic discrimination but do not place any explicit requirements on employers to try to prevent discrimination.
- 31 countries require employers to take one or more specific measures to prevent racial/ethnic discrimination (including requirements to create a code of conduct to prevent racial discrimination, establish disciplinary procedures, raise awareness of antidiscrimination laws, or conduct trainings to prevent discrimination).
- An additional 8 countries generally require employers to take preventative steps, without specifying what those steps would look like.

Protections against Retaliation

- 78 countries prohibit employers from retaliating in any way against employees filing a report or initiating litigation on the basis of discrimination.
- An additional 6 countries prohibit

harassment or any disciplinary action.

- 27 countries only prohibit dismissing employees in cases of reporting discrimination.
- 77 countries prohibit retaliation against employees who participate in investigations of reports of discrimination.

Exemptions for Certain Employers

- In some countries, prohibitions of discrimination are weakened by provisions exempting certain employers. For example, small businesses are exempted in 5 countries for hiring, 4 countries for training and terminations, and 3 countries for pay and promotions and demotions.
- Religious organizations are the most frequently exempted group: 14 countries exempt them from bans on discrimination based on race/ethnicity in hiring, training, and terminations, 13 do so for promotions and demotions, and 9 do so for pay.

Gaps in Prohibitions of Multiple Grounds of Discrimination

- Many countries fail to offer adequate legal protection against both direct racial/ethnic discrimination and other forms of discrimination that often occur simultaneously, have disparate impacts on the basis of race/ethnicity, and/or serve as proxies for racial/ethnic discrimination.
 - 42 countries fail to prohibit discrimination based on both religion and race/ethnicity.
 - 76 countries fail to prohibit discrimination based on both social class and race/ethnicity.
 - 112 countries fail to prohibit discrimination based on both migration status and race/ethnicity.
 - 103 countries fail to prohibit discrimination based on both foreign national origin and race/ethnicity.
- These gaps vary markedly across regions.

Additional Resources

For more information about the global state of protections against multiple sources of discrimination, see the following brief: "[Addressing Multiple Sources of Discrimination at Work](#)"

Percentage of countries prohibiting at least some discrimination at work based on race and/or ethnicity and intersecting characteristic, by region



WORLD Policy Analysis Center

ABOUT WORLD

The **WORLD Policy Analysis Center (WORLD)** aims to improve the quantity and quality of globally comparative data on policies affecting health, development, well-being, and equity. With these data, WORLD informs policy debates; facilitates comparative studies of policy progress, feasibility, and effectiveness; and advances efforts to hold decision-makers accountable.

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