

Discrimination and harassment

Equality and non-discrimination are core human rights principles, and a wide range of human rights instruments include strong equal treatment and non-discrimination provisions (e.g. the Universal Declaration of Human Rights, the ILO [Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#)). All discrimination on the grounds of ethnicity, race, sex, language, religion, political or other opinion, national or social origin, property and birth or other status should be eliminated.

When related to the field of employment, non-discrimination and equal opportunity are rooted in the principle that all decisions made at the workplace are based on the ability of the individual to do the job in question without regard to personal characteristics that are unrelated to the inherent requirements of the work. However, it is not enough to simply remove discriminatory practices in order to achieve freedom from discrimination. The ILO states that “[i]t is also necessary to promote equality of opportunity and treatment in the workplace at all stages of the employment relationship”.



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Discrimination can take many forms and can affect both access to employment and the treatment of employees once they are employed. It can arise in a variety of work-related situations, including access to employment and to particular occupations, and access to training and vocational guidance and support. It can also occur with respect to the terms and conditions of the employment, such as remuneration, hours of work and rest, paid holidays, maternity leave, security of tenure, social security, and occupational health and safety.

Discrimination can be direct or indirect. Discrimination is direct when rules, practices and policies exclude or give preference to a certain individual just because they belong to a particular group, while discrimination is indirect when apparently neutral norms and practices have a disproportionate and unjustifiable effect on one or more identifiable groups. While companies may be good at detecting direct discrimination, managers and others are often surprised by the indirect and unintentional discriminatory practices that exist within a business structure.¹

A company may, for example, violate the principle of non-discrimination in the promotion of workers, by providing personal development opportunities during religious holidays when some workers cannot attend, or by organising training courses late in the evening when those who have family responsibilities cannot attend.

According to United Nations Secretary General, “**harassment** is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person”, and is normally a series of such incidents. Sectors like health or domestic work and workers in the informal economy are at higher risk of exposure to workplace harassment, particularly because they are not often protected by legal frameworks against violence and harassment at work.¹

[1] https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf

▼ Links to SDGs and targets




Discrimination and harassment: The SDGs include specific goals on gender equality (SDG 5) and reduced inequalities (SDG 10), which in turn include a series of targets that companies can contribute to.


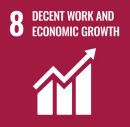



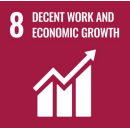



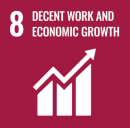


A company can contribute to the mentioned goals by e.g. creating recruitment processes that look past gender and disabilities. Another example in which a company can address issues of discrimination and harassment while contributing to the SDGs is to conduct trainings for senior and middle management in the supply chain to put an end to sexual harassment, thereby creating safe and secure working environments for e.g. women migrant workers (8.8), while also creating decent work (8.5). Companies can also fight systemic issues of discrimination by taking collective actions together with other businesses and civil society, using their leverage to try to ‘fix’ discriminatory laws and policies in a country.

In relation to discrimination and harassment it is important to remember the overall intention of the 2030 Agenda to ‘leave no one behind’ and the need for disaggregated data so that discrimination and inequalities can be properly monitored and addressed.








Above are merely examples of ways in which actions to address discrimination and harassment can contribute to certain SDGs and is not an exhaustive list of such links.

Cases on Discrimination and harassment

Case brief	Goals	Targets	Due diligence
<p>Company mentors under-represented students</p> <p>Boston Consulting Group (BCG) has committed to support groups currently under-represented in executive ranks, on boards of directors and in consulting. The company created the Growing Future Leaders Sophomore Internship programme that aims to identify, support, develop and retain top students from Black/African American and Hispanic/Latino backgrounds. During the course of the internship the students are paired with a mentor, participate in training and development programmes, and work as members</p>	<div><div>8</div><div>DECENT WORK AND ECONOMIC GROWTH</div><div></div></div> <div><div>10</div><div>REDUCED INEQUALITIES</div><div></div></div> <div><div>16</div><div>PEACE, JUSTICE AND STRONG INSTITUTIONS</div><div></div></div>	<div>8.5</div> <div>8.8</div> <div>10.2</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<div>Corporate commitment</div> <div>Assessing impacts</div> <div>Integrating and acting upon findings</div>

Case brief	Goals	Targets	Due diligence
<p>of the BCG team. Upon the successful completion of the internship, the individuals are eligible for a junior year internship offer.</p>			
<p>Company strengthens diversity and inclusion through training</p> <p>Accenture commits to diversity and inclusion in the workplace and sets out to work against discrimination on the basis of disability, ethnicity, gender, gender identity and expression, religion and sexual orientation. The company has set a target to achieve a gender-balanced workforce by 2025, and in order to achieve this goal it offers a series of diversity training courses, broken down into three categories: 1) Diversity Awareness – to help people understand the benefits of working within a diverse organisation, 2) Diversity Management – to equip executives to manage diverse teams, and 3) Professional Development – to enable women, LGBT+ and ethnically diverse employees to build skills for success.</p>	   	<div>5.1</div> <div>5.5</div> <div>5.c</div> <div>8.5</div> <div>8.8</div> <div>10.2</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<p>Corporate commitment</p> <p>Integrating and acting upon findings</p>
<p>Company gender balances workforce as a measure against sexual harassment</p> <p>Following allegations of sexual harassment in Unilever's tea estate in Kericho, Kenya, the company commissioned an independent review into the situation. Based on the recommendations of the review, the company took several actions including increasing the proportion of female team leaders, and developed a policy with the participation of local employees and community representatives. The company conducted different types of training for management, employees, village elders, and specialised groups such as medical personnel. The grievance-reporting process was also improved with a dedicated, confidential, toll-free and local language hotline. Additionally, once a month, "Friday Safety Talks" focused on sexual harassment and related topics were implemented.</p>	   	<div>5.1</div> <div>5.5</div> <div>5.c</div> <div>8.5</div> <div>10.2</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<p>Assessing impacts</p> <p>Integrating and acting upon findings</p> <p>Stakeholder engagement</p> <p>Access to remedy</p>
<p>Management company works against sexual harassment in the food services industry</p> <p>Sodexo, a food services and facilities management company headquartered in France, and the International Union Federation (IUF), which represents the vast majority of Sodexo's unionised workforce, have agreed to jointly develop and implement policies and procedures to combat sexual harassment in the workplace. The aim of the agreement is to ensure that all employees are aware of what constitutes sexual harassment, fully understand what is expected of them, know how to report any problem and are able to report alleged abuses in total confidence. Among other issues, the company and IUF agreed on the principle that sexual harassment can lead to disciplinary action, and that the perpetrator may be subject to dismissal, redeployment or any other penalty where necessary. Both Sodexo and trade unions will provide training of staff on this policy and their responsibilities.</p>	   	<div>5.1</div> <div>5.5</div> <div>5.c</div> <div>8.5</div> <div>8.8</div> <div>10.2</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<p>Corporate commitment</p> <p>Integrating and acting upon findings</p> <p>Stakeholder engagement</p> <p>Access to remedy</p>

Case brief	Goals	Targets	Due diligence
<p>Law firm supports transgender employees</p> <p>Herbert Smith Freehills, a global law firm, has launched Global Transitioning Guidelines, affirming its commitment to transgender employees. The guidelines form a global policy framework to support employees as they transition, and to ensure that inclusion of transgender employees is acknowledged across the firm. In developing the guidelines, the firm sought advice from LGBT advocacy groups, including Transformation in the UK and Pride in Diversity in Australia.</p>	<div>5 GENDER EQUALITY</div> <div>8 DECENT WORK AND ECONOMIC GROWTH</div> <div>10 REDUCED INEQUALITIES</div> <div>16 PEACE, JUSTICE AND STRONG INSTITUTIONS</div>	<div>5.c</div> <div>8.5</div> <div>8.8</div> <div>10.2</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<div>Corporate commitment</div> <div>Integrating and acting upon findings</div> <div>Stakeholder engagement</div>
<p>Company's benefit package for parents supports gender equality</p> <p>Virgin Management, the investment and brand licensing office of the Virgin Group, has adopted a benefit package that allows parents, irrespective of gender and including adoptive parents, to take 52 weeks of shared parental leave. Employees with more than four years of service are entitled to up to 100% of their basic salary over the 52 week period. The rate is 25% for those with less than two years of service.</p>	<div>5 GENDER EQUALITY</div> <div>8 DECENT WORK AND ECONOMIC GROWTH</div> <div>10 REDUCED INEQUALITIES</div> <div>16 PEACE, JUSTICE AND STRONG INSTITUTIONS</div>	<div>5.1</div> <div>8.5</div> <div>8.8</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<div>Corporate commitment</div>
<p>Banking group commits to gender equality in senior management</p> <p>In 2014 Lloyds Banking Group made a public commitment on gender equality within the scope of its Helping Britain Prosper plan to increase the proportion of senior management roles held by women to 40% by 2020. The company also signed the Women in Finance Charter in 2016 to reinforce this commitment to 40% women in senior management roles. In 2017 the company reported that 34% of senior management roles were held by women.</p>	<div>5 GENDER EQUALITY</div> <div>8 DECENT WORK AND ECONOMIC GROWTH</div> <div>10 REDUCED INEQUALITIES</div> <div>16 PEACE, JUSTICE AND STRONG INSTITUTIONS</div>	<div>5.1</div> <div>8.5</div> <div>8.8</div> <div>10.3</div> <div>10.4</div> <div>16.b</div>	<div>Corporate commitment</div>

Case brief	Goals	Targets	Due diligence
<p>Transnational company commits to fair wages</p> <p>Unilever has adopted the Framework for Fair Compensation to ensure that pay for employees is set at a level that is both fair and liveable and that provides equal pay for equal work. The framework applies to Unilever's direct employees and the company is seeking to extend this concept to its suppliers through its responsible sourcing policy. The Responsible Sourcing Policy sets mandatory requirements that the company's suppliers must fulfil in relation to fundamental issues such as fair wages, reasonable working hours, collective bargaining and health and safety. The policy includes guidelines for continuous improvement and a mechanism for reporting breaches.</p>	   	<div>1.1</div> <div>8.5</div> <div>8.8</div> <div>10.1</div> <div>10.3</div> <div>10.4</div> <div>16.10</div> <div>16.b</div>	<p>Corporate commitment</p> <p>Assessing impacts</p> <p>Integrating and acting upon findings</p> <p>Tracking and monitoring</p> <p>Stakeholder engagement</p> <p>Access to remedy</p>
<p>Technology company turns down discriminatory facial recognition sales</p> <p>In April 2019, Microsoft announced its decision to not sell its facial recognition technologies to California law enforcement due to human rights concerns. The company has cited that the use of this technology in law enforcement would lead to discriminatory enforcement. The artificial intelligence used by many large technology companies such as Microsoft has been reported to often be trained on mostly light-skinned men, and thus frequently mistakenly identifies women and minorities. As Microsoft President Brad Smith publicly explained at a conference on the future of artificial intelligence at Stanford, this decision follows previous Microsoft concerns about privacy and human rights; in the past, Microsoft has also declined to install facial recognition on cameras in an unnamed capital city that the Freedom House deemed not free, based on concerns over negative impacts on the freedom of assembly. In a 2018 statement, Microsoft also urged governments to enact regulation of this technology and discourage the widespread use of facial recognition technologies for surveillance. Microsoft's President spoke on these issues alongside Michelle Bachelet, the United Nations High Commissioner for Human Rights. The two of them urged technology companies to consider the human rights impacts of emerging technologies.</p>	  	<div>5.1</div> <div>10.3</div> <div>16.10</div> <div>16.b</div>	<p>Corporate commitment</p> <p>Assessing impacts</p> <p>Integrating and acting upon findings</p>

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