

Gender Discrimination and Caregiving Discrimination at Work

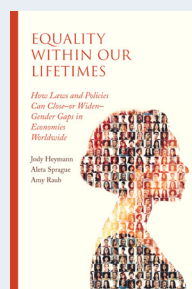
Key Findings

- 93% of countries prohibit at least some form of employment discrimination based on sex/gender.
- However, many countries lack protections in key areas—for example, just 64% specifically prohibit gender discrimination in promotions or demotions, while only 58% address discrimination in training.
- Many countries also lack protections against discrimination based on caregiving, which disproportionately affects women.
- For example, just 50% prohibit at least some aspect of workplace discrimination against women with family responsibilities.

About *Equality within Our Lifetimes*

For more information and a full list of studies summarized in this brief, see [Chapter 2](#) 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.



Impacts of Gender Discrimination and Caregiving Discrimination at Work

Despite longstanding global commitments to gender equality in the workplace, significant gender discrimination in employment persists across sectors, countries, and socioeconomic contexts.

- In 2020, 42% of female business school graduates with work experience across 84 countries reported experiencing gender discrimination or sexual harassment in the preceding year.
- In 2018, the majority of female farm workers surveyed across 17 countries (from 52% in the U.S. to 78% in India) agreed that discrimination was “widespread” in agriculture.

Similarly, discrimination based on family status remains commonplace and openly practiced—and while caregiving discrimination can affect workers of all genders, it has disproportionate impacts on women due to underlying norms and stereotypes about work and care. For example:

- In Tunisia, a study of the tourism industry found that 58% of employers took marital status into account when evaluating female candidates, while 52% felt that whether they had young children was an important factor.
- In Russia, a study found that 7 out of 10 managers stated that they would refuse to hire a woman with a child under 3.

Both gender discrimination and caregiving discrimination fuel disparities in all aspects of work.

- Gender gaps in pay persist across countries, from an average of 43 percentage points in Pakistan and 40 percentage points in the Netherlands, to 20 percentage points in Mexico and 12 percentage points in Tanzania. Research suggests that direct discrimination is responsible for much of these gaps.
- Motherhood widens the gaps even further: a study of 21 low- and middle-income countries found a 42% “motherhood pay penalty,” meaning that mothers on average earned 42% less than non-mothers.
- Women with caregiving responsibilities also face higher risks of involuntary demotion. Meanwhile, men who take on caregiving responsibilities, thereby defying gendered expectations, are subject to harassment at work.
- The cumulative impacts of discrimination from hiring to training to promotions lead to gaps in leadership: women represent just 31% of senior managers and 7% of Fortune 500 CEOs worldwide.

Eliminating discrimination would benefit individual workers, families, workplaces, and economies as a whole.

- Research has shown that more diverse leadership structures lead to greater innovation, more creative problem-solving, and higher profitability.
- According to the World Bank, equalizing men’s and women’s lifetime earnings globally would increase per-person wealth by \$23,620 (over \$160 trillion total).

Do Anti-Discrimination Laws Make a Difference?

Research across countries has demonstrated the power of legal protections against workplace gender discrimination.

- A study of 141 countries found that laws prohibiting gender discrimination in employment had a positive effect on women’s labor force participation in formal jobs.
- In the U.K., a study estimated that the adoption of the 1970 Equal Pay Act and the 1975 Sex Discrimination Act spurred a 19% increase in women’s earnings relative to men’s.

Studies have also shown the effects of protections against employment discrimination based on marital status, pregnancy, and family status.

- In the Czech Republic, a 2009 law that banned employment discrimination on the basis of pregnancy, maternity, and paternity decreased the motherhood wage gap significantly.
- In the U.S., the 1978 Pregnancy Discrimination Act boosted the labor force participation of pregnant women by 8 percentage points, of mothers of infants by 3 percentage points, and of mothers of older children by 2 percentage points.

Likewise, case law around the world has demonstrated the impacts of prohibiting gender discrimination and caregiving discrimination at work.

- In China, women successfully challenged job ads excluding applications from women, based on the Labor Code’s prohibition of discrimination against job-seekers

on the basis of sex.

- In Lesotho, the Labour Court ordered an investment bank to rehire and pay damages to a woman who was fired when she became pregnant, citing the Labour Code’s prohibition on terminating employees on the basis of pregnancy.
- In New Zealand, the Employment Court cited the Equal Pay Act in recognizing the historical undervaluation of female care workers’ contributions—a decision that ultimately increased pay for 55,000 people, mostly women.

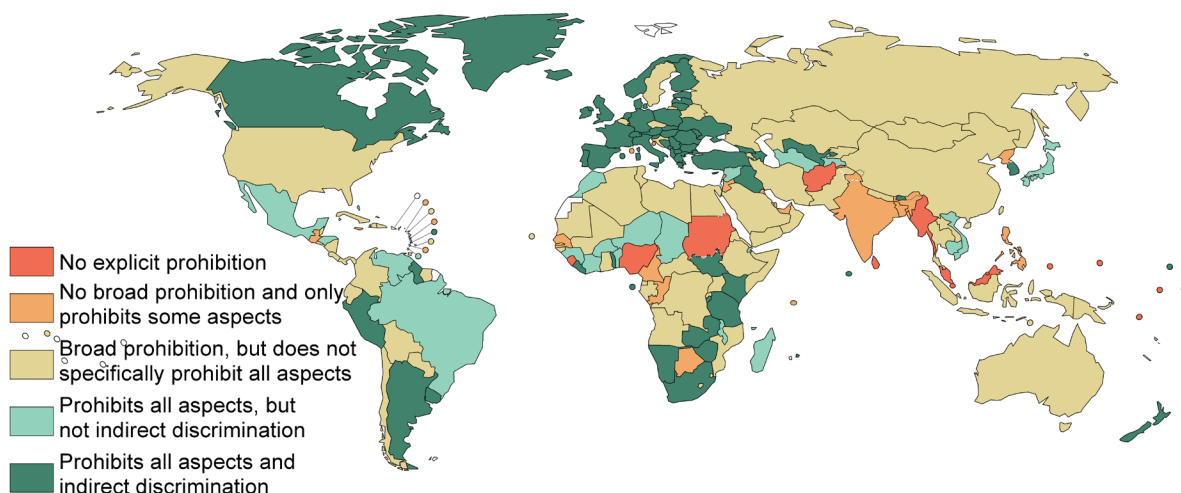
Finally, protections against indirect discrimination can help address policies and practices that do not explicitly differentiate on the basis of gender but disproportionately affect women.

- For example, laws prohibiting indirect discrimination have provided a tool for challenging unnecessary physical requirements for jobs, such as minimum height, that exclude more women than men.
- Prohibitions of indirect discrimination can also help address caregiving discrimination, given its disproportionate impacts on women.
- Nevertheless, explicit prohibitions of caregiving discrimination are also important, both for norm-setting and for ensuring that these laws extend to caregivers regardless of gender.

How Common Are Anti-Discrimination Laws Globally?

As of January 2021, nearly all countries—93%—prohibit at least some forms of employment discrimination on the basis

Do countries comprehensively prohibit gender discrimination at work?



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



of sex and/or gender. However, far fewer clearly prohibit discrimination at all stages of employment.

- 88% explicitly prohibit gender discrimination in pay, including 58% that have stronger language guaranteeing equal pay for work of equal value.
- 72% explicitly prohibit gender discrimination in hiring, while 70% do so for terminations.
- Fewer have protections relevant to advancement at work: just 64% specifically address discrimination in promotions and demotions, while 58% do so for training opportunities.
- All together, only 47% of countries comprehensively cover all 5 stages of the work life course (hiring, pay, terminations, promotions/demotions, and training).
- 45% of countries prohibit indirect discrimination.

Fewer countries have taken steps to address caregiving discrimination than gender discrimination.

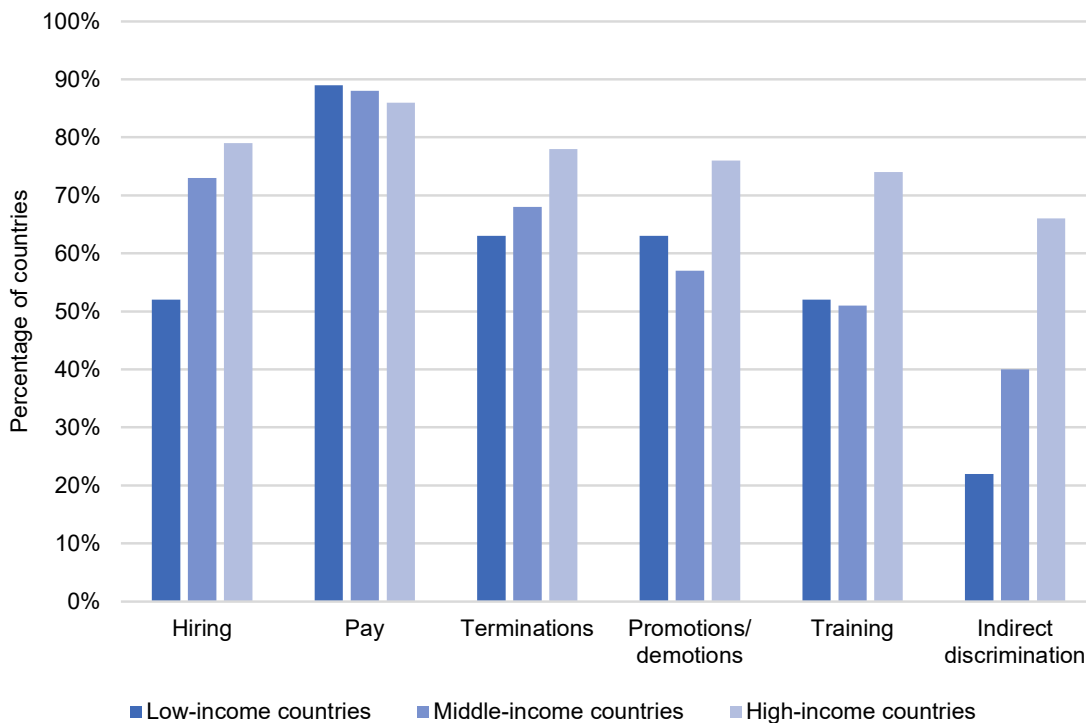
- 58% of countries prohibit at least some form of employment discrimination based on marital status or specifically women's marital status.
- Half of countries prohibit at least some aspect of workplace discrimination against women with family responsibilities.

- In 6% of countries, legislation reinforces gendered norms around caregiving by protecting women but not men from caregiving discrimination.

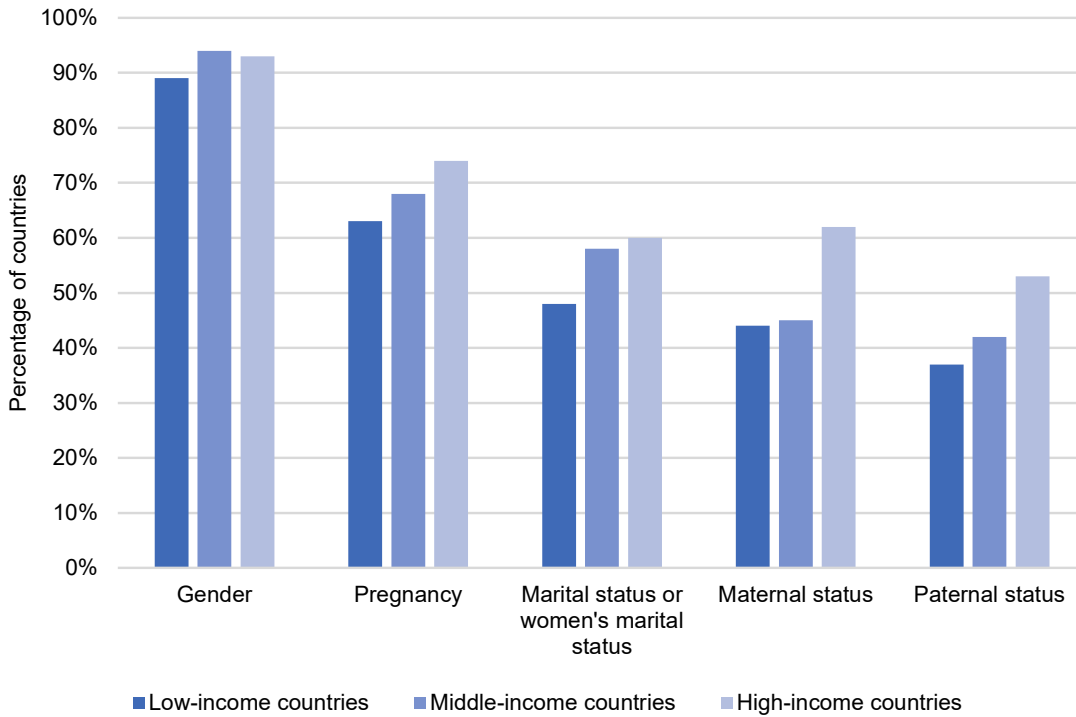
Countries at all income levels can afford to adopt comprehensive protections against discrimination in employment. However, protections often differ substantially across country income levels.

- While some approach to gender discrimination is common in countries across income groups, high-income countries are generally more likely to address specific aspects of work.
 - For example, 79% of high-income countries prohibit discrimination in hiring, compared to 52% of low-income countries.
 - In both low- and high-resource contexts, equal pay based on gender is the most frequently addressed aspect of gender equality at work.
- Prohibitions of discrimination against women with family responsibilities are more common in high-income countries (62%) than in middle- and low-income countries (45% and 44%, respectively).
- Prohibitions of discrimination that also cover men with family responsibilities are less common across all income groups but continue to be higher in high-income countries (53%) compared to middle- and low-income countries (42% and 37%, respectively).

Do countries prohibit gender discrimination in each aspect of work?



Do countries prohibit at least some aspect of caregiving discrimination at work?



WORLD Policy Analysis Center

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Website:
worldpolicycenter.org

Email:
world@ph.ucla.edu

