

## **Discrimination in the Employment Sector**

Finding a job in today's world appears not to be the easiest thing to do. Those who have a preference regarding the type of job they wish to occupy, are likely to find that they have a remote chance of realizing their hopes and dreams. With the transformation taking place within the job market, where there is an increasing emphasis on the use of digitization, many will find that the job market now favours workers whose are versed or exposure to the use of information technology. Those who are in the services sector, are fast having to come to grips with the rising importance of informatics and telecommunication as part of service delivery. This has serious implications for recruitment and the hiring of new employees. It is to be expected that employers will move to engage new employees who are well prepared for the jobs on offer. There is the expectation that recruited labour would possess the skills and knowledge that are required for work in the digital and robotic age. At this point, it cannot be ruled out that the element of bias may become a factor, as employers are more prone to recruit and hire young workers, over those who are aged and experienced.

With a transformation being experienced in the various employment sectors, there is a sense that many who occupied traditional jobs will now join the ranks of the unemployed. Albeit that the international labour convention #111 on Discrimination (Employment and Occupation 1958) exists, there remains a grave concern that many based on age, may nonetheless be discriminated against when it comes to new hiring. According to Article 1 of Convention 111, discrimination includes any distinction, exclusion or preference made on the basis of race colour, sex religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. There may be cause for concern, inasmuch that there is no reference made to age in the ILO Convention #111. This may raise some alarm, given that the convention is one of the eight core conventions of the International Labour Organization.

*Discrimination in the Employment Sector: Dennis de Peiza: Labour Relations & Employee Relations Consultant, Regional Management Services Inc.15 October, 2021*

Age discrimination is described as the unfavorable treatment of an employee because of the person's age. The strong possibility exists that as the ongoing transformation of the global market continues, many persons based on the age factor and in the absence of labour legislation, may become the casualties of recruitment, hiring policies and practices. The United States of America through its Age Discrimination in Employment Act (ADEA) has sought to address this matter. The Act forbids age discrimination against persons who are age forty or older. The law prohibits discrimination in any aspect of employment. This includes, hiring, firing, pay, job, assignments, promotions, layoff, training, benefits and any other terms and conditions of employment. This for the most part, constitutes what is required if a level playing field is to be achieved.

For a level playing field to be attained, it means that discrimination in employment should no longer be an issue. However, for this to happen, it would require that the issues of gender and disability are addressed. Further, that employers refrain from engaging in the recruitment and hiring practices that are intended to exclude or marginalize persons based on their gender or disability.

In some parts of the world, as is evident in Far and Middle Eastern countries, gender discrimination based on male and female bias, remains a contentious issue. This is not to say that there aren't pockets of the same being practiced within western societies. To start with, there are cultural and customary barriers to women working in certain professions and occupations. There is the issue of rates of pay which apply to men as opposed to women. Where this practice exists, it requires that a change is made in order to ensure compliance with the Equal Remuneration Convention, 1951 (No. 100).

The western world is today attempting to address how best it can embrace members of the LGBTQ+1 Community into the workplace. Why is this a challenge? It starts with the stigmatization and profiling of individuals. This gives rise to acts of prejudice and discrimination which are directed at persons who exercise their right and personal choice to be lesbian, gay, bi or transgender. The problem becomes one of

*Discrimination in the Employment Sector: Dennis de Peiza: Labour Relations & Employee Relations Consultant, Regional Management Services Inc. 15 October, 2021*

acceptance and hence persons are often subject to ridicule, intimidation, scorn, rejection, mental and physical abuse.

When it comes to employing persons with disabilities, employers tend to shy away from this. Generally, and as a matter of policy, they are called upon to provide suitable access for disabled employees. The cost to be incurred in making special arrangements to accommodate workers with disabilities, may be seen by some employers as an added inconvenience. On the other side of the coin, red flags must be raised of the inordinate haste on the part of some employers, who start the process to remove workers from the enterprise or organization, once they have acquired some form of a disability. There are quick to raise questions about the fitness of the individual to work. Many an employee is subject to being examined by a medical doctor or a panel of medical practitioners, who decide on the individual's fitness to continue to work.

It would be ideal if discrimination in employment became a thing of the past. For this purpose, it is urged that there is a recognition and the observance of the fundamental rights of all workers. This would include the right to work, security of employment, the right to leisure, the right to education, the right to maternity leave, the right to sickness benefits, the right to compensation for occupational accidents, the right to social security when unemployed for other reasons, the right to old age security, the right to wages commensurate with the technique of the work done, the right to a gradual rise in the standard of living, the right to a gradual rise in cultural standards, right of women workers to be treated on the same level as men workers and the right to a safe place of work.

*Discrimination in the Employment Sector: Dennis de Peiza: Labour Relations & Employee Relations Consultant, Regional Management Services Inc. 15 October, 2021*