

Forum: Commission on the Status of Women

Question of: Addressing gender discrimination and sexual harassment in the workplace.

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Introduction

For millions of women worldwide, workplace discrimination remains one of the most significant obstacles to gender equality. Lower wages, sexual harassment, and disparate treatment are all ways in which women today experience discrimination daily. Despite the significant progress made over the last century in combatting gender discrimination in the labor force through legal frameworks and policies, emerging reports by the International Labor Organization (ILO) suggest that there remains critical global progress needed to be made.¹ Even worse, women of color and transgender females are disproportionately marginalized as a result of growing discrimination on the basis of sex.² In the US alone, almost 42 percent of women have reportedly experienced discrimination due to their gender, according to a recent study from the Pew Research Center.³ That figure is likely higher in other parts of the world, where nearly 2.4 billion women across 178 countries face legal obstacles toward economic equality.

In the past two years, women have been disproportionately affected by job losses as a result of the ongoing pandemic. A recent paper from the Institute of Labor Economics revealed that women were 24% more likely to be laid off from their jobs.⁴ In 2020 alone, fewer women participated in the workforce than in 1990. That same year, 12.1 million women lost their jobs, making up 53.9 percent of all jobs lost. With millions of women working in volatile industries, such as education and retail, the string of global shutdowns has shed greater concern over women's participation in the labor force. This year's theme, "Bonds of Unity," embodies the ideal response necessary to turn the tide and empower women in the economic field. Whether it be cooperation on the local, national, or international level, unity against an increasingly worsening issue must be exhibited by all nations.

¹ Dcomm. "ILO." Workplace Discrimination, a Picture of Hope and Concern, 1 June 2003, https://www.ilo.org/global/publications/world-of-work-magazine/articles/WCMS_081324/lang-en/index.htm.

² How Gender Discrimination Affects Women in the Workplace." Florin, 20 Mar. 2022, <https://florinroebig.com/workplace-discrimination-women/>.

³ Ibid.

⁴ "Gender Inequality during the Covid-19 Pandemic: Income, Expenditure, Savings, and Job Loss." IZA, <https://www.iza.org/publications/dp/13824/gender-inequality-during-the-covid-19-pandemic-income-expenditure-savings-and-job-loss>.

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By definition, gender discrimination in the workplace encompasses all forms of sexual harassment and unfair treatment of women. There are several underlying causes behind such acts of discrimination, including societal norms of men as the traditional breadwinners of the family, prejudice against women, and personal senses of privilege. Although many nations across North America and Europe have legal frameworks prohibiting discrimination on the basis of gender, such policies are laxly enforced, making it easier for employers to discriminate against women without fear of being held accountable for their deeds.

The lack of nationwide laws prohibiting unlawful discrimination against women has led to the proliferation of gender discrimination in most countries. In many workplaces, female participation in workplaces remains disproportionately low, fueling an already existent sexist work culture. This issue is further compounded by gender stereotypes and societal expectations, leading to discriminatory acts in both the employment process and the workplace. As a result of such prevailing sentiments against women in the workplace, they are often subject to sexual harassment involving either verbal, sexual slurs, or inappropriate physical behavior. Gender discrimination extends beyond just verbal and physical harassment. The Global Gender Gap Report by the World Economic Forum was an aggregate of data collected from 156 countries regarding wage parity. In 2021, the WEF reported that globally, women earned 37% less compared to their male counterparts.⁵ Other issues surrounding workplace gender discrimination include higher rates of dismissal from high-ranking positions for females as compared to males. Furthermore, gender discrimination may include prejudiced treatment regarding promotional opportunities for women. Commonly known as the “glass ceiling,” women are oftentimes unable to climb the ranks of a company, even when they are qualified to advance. Such issues create a sexist work environment, leading to fewer leadership opportunities for women in general. We see such a problem occurring worldwide: women make up a minority of all government workers and are less likely to gain executive positions.

Historically, women have been barred from occupying leadership roles due to structural barriers, and without proper legal frameworks banning unlawful gender discrimination, many cases of discrimination have taken place without much notice. It was not until the latter half of the 20th century that nations such as the US passed sweeping legislative reform bills promoting the rights of women in the labor force. In 1963, the federal government passed the Equal Pay Act, which was intended to protect women from wage discrimination. While this law’s passage was significant in breaking government inaction, wage discrimination and other various forms of gender prejudice continued. Amendments to the

⁵ “6 Surprising Facts about the Global Gender Pay Gap.” World Economic Forum, <https://www.weforum.org/agenda/2022/03/6-surprising-facts-gender-pay-gap/>.

Civil Rights Act were further made to ensure gender equality. One such amendment was the Pregnancy Discrimination Act of 1978, which prohibited employers from discriminating against women for their pregnancy status. Again, while this act on paper was intended to improve working conditions for women, it did little to protect their rights in practice. On the international level, the International Labour Organization (ILO) has passed specific legal frameworks, such as the ILO Declaration on Fundamental Principles and Rights at Work. These guidelines are intended to help nations pass legislation improving the working conditions of women worldwide.

Today, gender discrimination impacts women both physically and psychologically—just as it did nearly a century ago. Many women experience low levels of motivation and self-esteem, conflicts with coworkers, and feelings of insecurity. As such, these secondary effects may not just pose problems for the individual but also for corporations as well. Companies may suffer from lost revenue due to low-work productivity fueled by damaging discriminatory remarks and actions targeted toward women. Thus, Delegates in the Commission on the Status of Women must take notice of the different variables that lead to gender discrimination and the ripple effects it creates in the workforce and the community at large.

Definition of Key Terms

Gender discrimination

Gender discrimination involves the unfair treatment of women due to their sex. This may also involve disparate treatment and sexual harassment. Women who experience gender discrimination may get paid less than their male counterparts or be given fewer sick days. They may be given fewer opportunities for career advancement and lower levels of employment. Due to the existing work culture involving gender discrimination, women are sometimes swayed from applying to jobs, leading to overall less participation of women in the workforce.⁶

Glass ceiling

The glass ceiling refers to a barrier that employees face when they are barred from promotional opportunities due to their sexual orientation. This is common among women who are rejected due to gender prejudices. Even though they be qualified for the position, women are restricted from occupying leadership roles due to a “glass ceiling.”⁷ As a result, few women today hold high-ranking positions. Even if they do, women are several times more likely to be laid off from executive roles than their male counterparts.

⁶ <https://www.equalrights.org/issue/economic-workplace-equality/discrimination-at-work/>

⁷ <https://www.frontiersin.org/articles/10.3389/fpsyg.2021.618250/full#:~:text=Glass%20ceiling%20refers%20to%20the,frequently%20against%20women%20in%20companies.>

Maternity leave

Maternity leave refers to a period during which women are granted to leave work before and after giving birth. Many companies grant anywhere between a few weeks to a few months to allow female employees to look after their children. Some countries have legal frameworks in place requiring companies to grant all of their female employees maternity leave. In most cases, women are still paid even during their leave. Once a maternity leave expires, women are able to return to work and occupy the same position in which they occupied prior to giving birth. Maternity leave is offered in many countries—notably France and Germany—to ensure basic working rights for females.⁸ Parental leave is a broader term that refers to a benefit most employees from many different nations receive. In contrast to maternity leave, parental leave grants the father of the unborn child to take a limited time off of work. During the conference, it is important to note this distinction, as it is an all-encompassing term that may include both parents.

Wage discrimination

Wage discrimination refers to a circumstance when an employee, who is usually a woman in most cases, is paid less due to their race, religion, or sexual orientation. In this agenda's context, wage discrimination will refer to a situation in which women are paid disproportionately less due to gender prejudice. Most large corporations have failed to remain transparent about the gender wage gap, indicating that the issue remains ever so prominent.

Workplace conflict

Workplace conflict can occur between employees or an employee and employer when problems surrounding work-related issues occur. In the context of gender discrimination, work-related conflict may involve complications arising from an act of prejudice targeted toward a female employee. This can involve wage discrimination, acts of sexual misconduct, or tensions involving paid maternity leave.⁹

Employment Discrimination

While employment discrimination may seem interchangeable with workplace discrimination, the former refers to a type of directed bias against women during the employment process. This can be seen through disproportionately low employment rates for women and lead to less female participation in the workforce. Due to existing gender stereotypes, employers may see women as being seemingly unfit or incompetent for a particular job title.

⁸ "Having a Baby in France." Expatica, 31 May 2022, <https://www.expatica.com/fr/healthcare/womens-health/having-a-baby-in-france-107664/#:~:text=It%20is%20mandatory%20to%20take,is%20having%20her%20third%20child.>

⁹ Rose, Vanessa. "Gender Conflict in the Workplace: Pollack Peacebuilding." Pollack Peacebuilding Systems, 14 July 2022, <https://pollackpeacebuilding.com/blog/gender-conflict-in-the-workplace/>.

Patriarchal Society

A patriarchal society refers to a structure in which males dominate the community while oppressing women and exhibiting great amounts of influence over them. A patriarchal society is one that can be observed around the world. This unbalanced power structure leads most notably to the lack of economic and social opportunities for women. A patriarchal power structure can have profound—particularly damaging—implications in the workplace, where men often occupy executive positions. This, in turn, leads to fewer occupational opportunities for women, who are the prime targets of prejudice in the workplace.¹⁰

Sexism

Sexism and gender discrimination are generally used interchangeably, yet the former more specifically refers to the practice and institution of gender prejudice. Often, sexism remains the driving force behind a patriarchal structure and may very well lead to unequal opportunities for women in the workplace. Due to the rampancy of sexism in the workplace, discriminatory practices against women are becoming increasingly difficult to curb. Sexist views of women may lead to gender prejudice and discrimination during employment processes, and promotional benefits, among many other practices.¹¹

Timeline of Key Events

Convention concerning Discrimination in Respect of Employment and Occupation - June 25, 1958

This convention was one of the first and most important conventions by the ILO in ensuring worker protection against discrimination. It later served as the basis for all other ILO conventions in the decades following its adoption in 1958. The convention passed on the most enduring documents outlining worker rights and measures to mitigate the future proliferation of gender discrimination in the workplace. It was ratified and formally adopted by 175 nations worldwide.

Title VII of the Civil Rights Act of 1964

The Civil Rights Act of 1964 and its amendments outlaws workplace discrimination by an employer on the basis of sex, religion, or color. This also includes the banning of wage discrimination and other forms of sexual harassment that may occur in the workplace and target women specifically. This law was recently amended by the Supreme Court in 2020 to include gender identity. While this law was specific to the US, it set an important precedent that would later influence other nations to pass their own

¹⁰ Napikoski, Linda. "What Is a Patriarchal Society and How Does It Relate to Feminism?" *ThoughtCo*, ThoughtCo, 24 Jan. 2020, <https://www.thoughtco.com/patriarchal-society-feminism-definition-3528978>.

¹¹ "Gender Discrimination at Work." Equal Rights Advocates, 1 July 2022, <https://www.equalrights.org/issue/economic-workplace-equality/discrimination-at-work/#:~:text=Workplace%20gender%20discrimination%20comes%20in,gender%20identity%2C%20or%20sexual%20orientation>.

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legislation promoting women rights in the workplace. The law was equally significant as it prohibited employers from retaliating against employees protected by Title VII.

United Nations Economic and Social Council - 1997

The UN Economic and Social Council meeting in 1997 involved delegations from several nations with a significant objective of “mainstreaming the gender perspective into all policies and programmes of the United Nations system.”¹² Delegates debated on approaches of ensuring gender equality for women in all walks of public life. This session served as an important milestone for both women and the United Nations.

Convention on the Elimination of all forms of Discrimination against Women (CEDAW) - September 3, 1981

Adopted by the UN General Assembly, this convention was signed by 189 nations to formally rid gender discrimination not only in the workplace but also in daily societal opportunities.^{13,14} By the tenth year after the formal adoption of the convention, CEDAW was signed by over a hundred nations that pledged to adopt the document’s declarations. While CEDAW was presented at the UN General Assembly, it was penned by members of the United Nations Commission on the Status of Women over the course of three decades. CEDAW remains the most extensive document concerning the advancement of women.

Resolution concerning the Promotion of Gender Equality at the Heart of Decent Work - ILO - June 2009

This resolution declared that all forms of gender-based violence as illegal and helped establish future frameworks for women to overcome structural and legal barriers in employment opportunities. While this was one of the many documents ratified as sponsored by the ILO, it served as an important stepping stone for nations to investigate into gender-based violence in the workplace through more specified gender equality indicators.¹⁵

Adoption of the 2030 Sustainable Development Goals - January 1, 2016

¹² “Economic and Social Council Suspends 1997 Substantive Session at Geneva | UN Press.” United Nations, United Nations, <https://www.un.org/press/en/1997/19970725.ECO5740.html>.

¹³ “Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979.” OHCHR, [https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women#:~:text=27\(1\).-,Introduction,twentieth%20country%20had%20ratified%20it](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women#:~:text=27(1).-,Introduction,twentieth%20country%20had%20ratified%20it).

¹⁴ “The U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Issues in the U.S. Ratification Debate.” *EveryCRSReport.com*, Congressional Research Service, 23 July 2015, <https://www.everycrsreport.com/reports/R40750.html>.

¹⁵ ILO. “Inventory of United Nations Activities to End Violence against Women.” International Labour Organization, <https://evaw-un-inventory.unwomen.org/en>.

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17 sustainable goals were adopted and formally signed by numerous nations pledging to eliminate some of the world's most pressing issues. Calling for united actions against some of the world's most pressing issues, the SDG goals are a vital component of nearly every agenda discussed in the United Nations. One of the goals outlined is gender equality, which serves as a crucial overarching goal in eliminating gender discrimination in the workplace.¹⁶

Position of Key Member Nations and Other Bodies

Canada

With robust government support for gender equality, Canada has made important strides to eliminate workplace discrimination through legislation. Since the late 20th century, Canada has been a key nation in the UN in closing the gender divide, ratifying the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) in 1981. Every four years, Canada reports its progress in upholding treaty obligations; in 2016, Canada promised to pass legislation ensuring federal pay equity. Canada has implemented further measures to ensure workplace equality with the Employment Equity Act, a comprehensive law that came into force at the beginning of 2021. Over the course of the COVID-19 pandemic, however, Canada has suffered from large-scale job losses by women and showed limited improvements toward guaranteeing its citizens equal pay.

France

France has shown substantial improvement in its effort to achieve gender equality in the workplace. Since 2020, France's Professional Gender Equality Index has tracked improvements made toward gender equality in all companies with more than 50 employees. Companies in France have shown linear improvements in publishing employment metrics. Even greater, France ranks no. 1 globally for gender equality. Though women still make up a smaller portion of company boards in comparison to men, published reports from large corporations have shown consistent improvement in that ratio over the past two years.¹⁷ While France has seen enormous progress, further improvement towards closing the wage gap remains a top priority.

Spain

Similar to France, the Spanish government has required companies to publish reports on gender equality, including equal pay and employment. From 2019 to 2021, Equileap, a global provider of data on

¹⁶ "Sustainable Development Goals." Unfoundation.org, https://unfoundation.org/what-we-do/issues/sustainable-development-goals/?gclid=Cj0KCQjwidSWBhDdARIsAloTVb0gn_hPP-KFeytudxmRt8iATmmwaxQNpdYk10EqB5TecQFMKZ6qqjQaAiKgEALw_wcB.

¹⁷ Gender Equality Global Report & Ranking - EQUILEAP. https://equileap.com/wp-content/uploads/2022/03/Equileap_Global_Report_2022.pdf.

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gender equality, found that Spanish companies have made consistent progress with reporting successes in policies outlawing sexual harassment in the workplace. Despite the progress, however, women with children were found to be disproportionately marginalized compared to those without children. Furthermore, Spain has made extensive attempts to close the gender pay gap. While Spain has come short of eradicating the gender pay gap entirely, the nation ranks no. 1 in gender gap transparency. Its robust anti-harassment policies have shown significant success in combatting gender-related discrimination.

Sweden

As one of the leading countries in the Nordic region combatting gender-based discrimination, Sweden's stance on this issue is similar to that of other countries near the Scandinavian Peninsula. With strong government support for gender equality, Sweden mandates that companies take an annual pay survey. While the surveys help increase gender equity transparency in the workplace, most companies do not voluntarily publish their respective wage gaps (with only 16% doing so). Further, Swedish companies are even less transparent when it comes to anti-harassment policies and flexible work options. Many companies fail to report on the policies they have in place to mitigate gender harassment practices. Though there has been some improvement in female employment on company boards and leadership teams, the majority of companies fail to report on specific metrics, which include data on gender wage gaps and the percentage of employees who are either male or female..

United Kingdom

The United Kingdom outlaws sex discrimination on all levels, particularly in employment. UK law protects women from the gender pay gap, discrimination in promotional and recruitment opportunities, and work benefits. Historically, the UK has stood firmly against workplace discrimination; since the passage of the Equal Pay Act of 1970, women have been protected from pay inequity and discrimination against women due to their caring responsibilities have been outlawed.¹⁸ Despite existing policies, women in the UK still only make up a small minority in executive roles—only eight of the top 100 companies in the UK are led by women, according to a new report.¹⁹ Furthermore, only 56% of companies that were surveyed had policies outlawing gender harassment.

United States

¹⁸ “Discrimination Because of Sex.” Citizens Advice, <https://www.citizensadvice.org.uk/law-and-courts/discrimination/discrimination-because-of-sex-or-sexual-orientation/discrimination-because-of-sex/#:~:text=It%20is%20illegal%20for%20an,from%20sex%20discrimination%20at%20work>.

¹⁹ Kollewe, Julia. “Only Eight of UK’s Top 100 Companies Headed by Women, Report Says.” The Guardian, Guardian News and Media, 6 Oct. 2021, <https://www.theguardian.com/business/2021/oct/07/only-eight-of-uks-top-100-companies-headed-by-women-report-says>.

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Historically, the US has made significant legislative progress in combatting gender discrimination. Although Title VII and the Equal Pay Act protect female employees from discrimination, most women in the US still experience high levels of discrimination. The US stands as one of the poorest performing countries in granting its employees flexibility. For example, the US does not have statutory laws mandating companies to provide employee benefits to women such as parental leave. Most companies also fail to publish metrics on the gender pay gap, which remains a significant issue in major national corporations.

Japan

Despite government encouragement of female participation in leadership roles, women in Japan seem to be less willing to join the workforce, according to the World Economic Forum's Global Gender Gap Report. Despite being one of the Group of 7 (G7) countries — a group of nations with leading economies — Japan fares poorly in terms of gender equality in the labor force compared to other nations in the Asia-Pacific region. Only 4% of executive members in companies are women, ranking Japan as the worst performing nation in achieving gender balance on the executive level. Despite such poor progress in closing the gender gap in executive positions, however, Japan does have legislation granting women paid maternity leave. Though efforts by the Japanese government reveal that Japan remains a strong advocate for gender equality in the workplace, it has made little real progress in its top 100 companies overall.

Russia

Russian law, including the Russian Labor Code and the Russian constitution, prohibits gender discrimination in employment. Women are entitled to employment rights and those whose rights are breached have the opportunity to pursue legal action to receive compensation from the courts. Russia also has in place strict policies protecting its female employees from indiscriminate firing. In some case-by-case scenarios, companies are prohibited from dismissing parents of newly-born children. While there are no anti-harassment policies in place, the Russian government's efforts to pass legislation promoting the rights of women show that the nation remains a strong advocate for the equal protection of women in the labor force. Despite promising efforts by the government to protect female employees, many companies in Russia fall behind other major global corporations in gender pay equity and female participation in leadership roles. Female employees in Russia are paid, on average, 30 percent less than their male counterparts. Moreover, women in Russia make up only a minority in politics.²⁰

²⁰ Gorst, Isabel. "Gender and Income Equality in the Russian Workplace." *Subscribe to Read | Financial Times*, Financial Times, 5 Mar. 2015, <https://www.ft.com/content/91be6ca0-b83b-11e4-86bb-00144feab7de>.

Suggested Solutions

Tackling gender-based employee discrimination is a complex process, requiring the collaboration of all member states in CSW. While eradicating gender discrimination in the workplace as a whole remains an unrealistic goal, there is much that can be done to further mitigate high levels of gender inequality and improve working conditions for women. Improving the situation at hand requires three important measures:

1. Mitigating the proliferation of gender-based prejudice in the workplace;
2. Holding employers accountable for breaching the rights of female employees;
3. Ensuring transparency of data on the progress made toward closing the gender gap.

There are numerous ways to address each of the points mentioned above, but this report will focus primarily on general solutions to each measure.

The foremost solution to this issue lies in educating employers on national laws, international agreements, and gender equality to minimize gender-based prejudice. A toxic workplace culture that directly contributes to gender-based harassment and discrimination is fueled by prejudiced beliefs held by employers and senior male executives. Educating citizens — particularly employers — is one of the most effective steps toward transitioning away from a patriarchal society. Given the rampancy of gender-based prejudice, it is easy for one to be trapped in discriminatory mindsets against women. By educating employers on national laws concerning gender equality in the workplace, companies will be able to more effectively eliminate illegal employment processes that discourage female participation in the workforce.

The lack of accountability on the part of companies makes up a large part of the growing issue of gender-based discrimination in the labor force. With laxly enforced laws outlawing discriminatory practices, employers and executive members are easily able to bend the law and get away with discriminatory practices against women. To alleviate this problem, it is recommended that governments enact stricter enforcement mechanisms and devise a comprehensive set of penalties against employer-to-employee cases of discrimination. Acknowledging the sovereignty of each nation along with their respective judiciary policies,

delegates must devise a non-binding, all-encompassing set of recommendations directed at countries without stringent laws outlawing workplace discrimination. While the majority of countries have policies outlawing gender-based discrimination—including the U.S.A, UK, and France—there are still developed and underdeveloped countries that lack such legislation. To address this issue, countries should consider organizing international meetings hosting the International Labor Organization (ILO), an organization of which 187 member states are already part of.²¹ The ILO has historically been significant in helping countries address gender-based harassment and discrimination in the workforce for decades—especially after the passing of the 1958 Convention concerning Discrimination in Respect of Employment and Occupation—which makes them a suitable regulator for discussion. Through the aforementioned conferences, nations should devise a broad action plan addressing gender-based discrimination. While previous conventions under the ILO have tackled the issue of gender-based employment discrimination, the most recent document (Resolution concerning the Promotion of Gender Equality at the Heart of Decent Work) remains more than a decade old. Since then, major cultural developments such as gender identity have arisen, warranting a more comprehensive international convention accounting for newly-arisen factors of gender-based discrimination.

Finally, countries must encourage companies to publish annual reports with company-specific metrics covering improvements made toward achieving gender equality in the workforce. Currently, many major corporations fail to publish data regarding anti-harassment policies and gender pay gaps. Through government pressure for increased transparency, companies will likely be incentivized to appear to be equitable on paper and, therefore, meet government-recommended targets toward closing the gender gap. Such reports will also help to inform other nations to adopt government practices that have been successful in eradicating gender-based workplace discrimination.

Aside from the three important measures described above, delegates should also work to thoroughly analyze the issue of gender-based discrimination in the workplace and devise their

²¹ “The U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Issues in the U.S. Ratification Debate.” *EveryCRSReport.com*, Congressional Research Service, 23 July 2015, <https://www.everycrsreport.com/reports/R40750.html>.

own solutions. Delegates are encouraged to create innovative solutions that make both tackling the agenda feasible and comprehensive.

In all, unity and a single, shared interest among all nations are necessary to expedite the rate of progress toward workplace equality. It is important for all delegates to note the myriad of benefits female participation in the workforce can bring to a nation and how the enactment of proper measures to empower women to engage in the labor force can yield measurable, positive results.

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