Inequality in Employment

The history of the colonial era in the world in which we live, confirms that both colour and race have featured as contributory factors in the long standing social and economic divide. Dating back to the days of slavery, it is well documented that there was the exploitation of people of colour by the white Europeans for economic reasons. The historical facts would also remind us that those of Asian descent, namely Indians and Chinese who are classified as non-whites, were also targeted by the white oligarchy. Those of Indian and Chinese descent, were categorized as immigrant labour, while poor whites from England were classified as white indentured labour.

The injustices of the colonial period, make a complete mockery of the modern-day way of thinking, when it comes to addressing the idea of promoting equality in employment. Promoting equality is basically about providing equal opportunity. The world has come to accept that inequality in employment is grounded in acts of discrimination. In the contemporary practice followed by employers and human resource managers, the claims may be made that some continue to discriminate in hiring and recruitment. The charge is levied that acts of discrimination include race, colour, nationality, religion, age, education background, intellectual capacity, disability, whether physical or mental, and on the individual's association as a member of a trade union.

The breach in the observance of fundamentals which apply to the equality of treatment in employment, surfaces as a contentious issue. The breaches include inequality of treatment in the recruitment and promotion process, conditions of work, pay, benefits and training. There is also the issue of sexual harassment and favouritism. The indifferent practices run contrary to the fundamental principles of the International Labour Organization (ILO), which promotes the elimination of discrimination in respect of employment and occupation. This is aligned to the Fundamental Rights at work and the International Labour Standards, which also identify with equal opportunities and equal treatment for women and men in employment.

The principle of equality is known to exists in the national Constitution. With this being the case, the Constitution provides a safeguard against inequality in employment, as it denounces and outlaws discrimination on the grounds of race, ethnic origin, religion, age, sexual orientation and disability.

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It is to be highlighted that inequality in employment starts with denial of the rights to fair access to the labour market. In summary, this suppresses the right to work and to seek employment. The point is to be underscored that employment should be equally attainable to all and should not discriminate on the basis of any prejudices and predisposition. This is supported by the ILO Convention No. 111 Discrimination (Employment and Occupation). The Convention defines discrimination as "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social, which has the effect of nullifying or impairing equality of opportunity to contribute to the world of work."

The illegal and unethical practices that are often a source of concern when it comes to inequalities in employment, range from the denial of a contract of employment, pay slip, the right to be paid for overtime work, the right to sick leave, to be compensated for injury sustained while in the job and the right to decent-work. The one thing which stands out as a sore thumb is the denial of the right to freedom of association and collective bargaining. The freedom to associate and to bargain collectively are enshrined in the ILO Conventions 87 & 98. These form the bedrock for the promotion of decent work.

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