

PUBLIC AWARENESS OF ANTI-DISCRIMINATION LAWS IN OECD COUNTRIES

To deal with discrimination problems in their societies, all OECD countries have implemented legal and institutional frameworks prohibiting gender and racial discrimination.¹ Institutional frameworks are the different bodies engaged in the promotion and enforcement of anti-discrimination policies.

In all these countries, the enforcement of anti-discrimination laws depends mainly on the action of individuals who have experienced discrimination. But practical experience has shown that enforcement on the individual level, especially in the labour market, has not often been very effective. What is the implementation problem and what could be improved?

Informing the public

Evidence from various countries suggests that one implementation problem is that the public is poorly informed as to such rights. The survey “Special Eurobarometer 263” of the European Commission in 2007 documents this lack of information (Figure).

- In 14 of 19 European countries, where the information about anti-discrimination laws is available, less than 50 per cent of the population is aware that discriminating when hiring new employees is unlawful. Furthermore, public awareness of anti-discrimination provisions concerning ethnic origins tends to be less than for gender discrimination. Exceptions are countries like Finland, the Netherlands, Sweden, Denmark and United Kingdom.
- On average, two thirds of European Union citizens do not know their general anti-discrimination rights. Awareness is highest in the Netherlands where over the half of the people claim to know about their rights.

¹ For the specific anti-discrimination provisions of the countries, see “Anti-Discrimination Regulation” in the CESifo DICE Report 03/2007.

To remedy this information problem most governments have established equal treatment bodies or other specialised bodies to increase public awareness of anti-discrimination rules (Table).

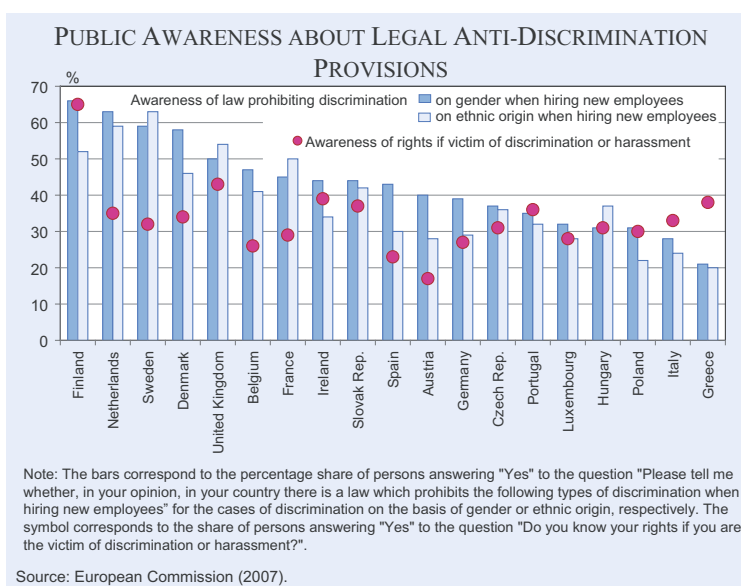
Most of the OECD countries inform the public of statistics on discrimination, especially on discrimination in the workplace. In addition nearly all OECD countries run information campaigns to change public opinion and to inform the public of their legal rights.

In addition to the general information, it is also important that employers are well-informed about the legal rules and assisted in improving their performance on equality. Many of the national equality bodies of the OECD countries provide publications of codes of good practices or other guidance documents for the employer, but often with lower priority than information campaigns for potential victims. These publications help employers assess their own performance. Nearly one fourth of the observed OECD countries do not have such guidelines for employers from national equality bodies (Czech Republic, Greece, Italy, Poland, Portugal and Spain).

More transparent legal and institutional frameworks

Another problem regarding the implementation of anti-discrimination laws is the lack of transparency of the legal and institutional frameworks of the respective countries. Greater complexity means less transparency for ordinary people.

Figure



Table

Public awareness of discrimination issues and public access to the anti-discrimination framework^{a)}

	Measures aimed at raising public awareness, conducted by equal treatment bodies or other specialised bodies ^{b)}				Public access to the anti-discrimination framework	
	Publication of statistics on discrimination	Information campaigns to change public opinion	Publication of codes of good practice for employers	Information campaigns to inform the public of their legal rights	Complexity of the legal framework ^{c)}	Complexity of the institutional framework ^{d)}
Austria (FL)	Yes (low)	Yes (high)	Yes (also done by trade unions)	Yes (high)	Low	Medium
Belgium (FL)	Yes (gender: high) (ethnicity: medium)	Yes (gender: medium) (ethnicity: high)	Yes (gender: low) (ethnicity: medium)	Yes (gender: medium) (ethnicity: high)	Medium	Low
Czech Republic	No	No	No	No	High	No EB
Denmark	Yes	Yes	Yes	Yes	High	High
Finland	Yes (gender: low) (ethnicity: medium)	Yes (low)	Yes (gender: high) (ethnicity: low)	Yes (low)	High	High
France	Yes (medium)	Yes (high)	Yes (medium)	Yes (high)	High	Low
Germany	Yes (low)	Yes (medium)	Yes (high)	Yes (high)	Low	Low
Greece	Gender: yes (medium) Ethnicity: no	Yes (gender: high) (ethnicity: medium)	Gender: yes Ethnicity: no	Yes (gender: high) (ethnicity: medium)	Medium	High
Italy	No	Yes (high)	No	Yes (high)	Medium	Low
Netherlands ^{e)}	Yes (medium)	Not explicitly (low)	Not explicitly (medium)	Not explicitly (low)	Low	Low
Poland	Yes (low)	Yes (gender: high) (ethnicity: low)	No	Yes (gender: high) (ethnicity: low)	Medium/high	High
Portugal	Yes	Yes	No	Yes	High	Medium/high
Spain ^{e)} (gender only)	No	No	No	No	High	EB not yet operational
Sweden	Yes (low)	Yes (low)	Yes (medium)	Yes (high)	Medium	Low
United Kingdom	Yes (low)	Yes (high)	Yes (low)	Yes (high)	Medium	Medium
Norway	Yes	Yes	Yes	Yes	Medium	Low
Switzerland ^{e)} (gender only)	Yes (high)	Yes (medium)	Yes (high)	Yes (medium)	Low	Medium
Australia (FL)	Yes (high)	Yes (medium)	Yes (medium)	Yes (high)	Medium	Low
Canada (FL)	Yes (high)	Yes (low)	Yes (medium)	Yes (medium)	Low	Low
Japan ^{e)} (gender only)	Yes (high)	Yes (high)	Yes (high)	Yes (high)	Medium	Low
Korea ^{e)}	Yes	Yes	Yes	Yes	Medium/high	Medium
Mexico	Yes (high)	Yes (high)	Yes (high)	Yes (high)	High	High
United States (FL)	Yes (medium)	No	Publication of guidance documents	Yes (high)	Low	Low

Note: EB = equality body; FL = information reported in the Table refers to federal laws.

(Table continued)

^{a)} Whenever no distinction is made between gender and ethnic grounds, answers cover both. – ^{b)} Annotations in parentheses refer to the level of priority attributed by the body in charge of implementing the specified task. High, medium and low, respectively, mean above, close to and below-average importance of the specified task in the actual overall workload of the corresponding body. – ^{c)} High, medium and low, respectively, refer to a situation where the core legal framework to ban discrimination in the labour market is built on both specific legislation and general laws or codes (be they labour, civil or penal codes, employment acts or constitutional laws); on a combination of anti-discrimination laws covering specific areas (e.g., equal pay, working condition, etc.) or grounds (gender, ethnicity); on a single, comprehensive anti-discrimination law (covering all grounds). – ^{d)} Low, medium and high, respectively, refer to a situation where the responsibilities attached to the promotion and enforcement of anti-discrimination policies are held by: a single body, two bodies and more than two bodies. – ^{e)} Country notes: Japan: there is no specific anti-discrimination legislation covering racial/ethnic minorities. For this reason, discrimination on ethnic or racial grounds is not covered in the analysis conducted for the purpose of this article, although some legal provisions exist that in principle allow workers to bring a discrimination case before the courts. Korea (complexity of the institutional framework): while there is a single equality body, the latter is not really specialised in discrimination issues. Rather, the National Human Rights Commission aims at securing human rights in general, which tends to make its role on discrimination cases per se less visible (at least compared to a situation where there is a unique equality body dealing with discrimination cases only). Netherlands: equal treatment bodies have no explicit role on information campaigns, publication of statistics or code of good practices for employers, but the government does have these goals and tries to reach them actively. Spain: there is no specific anti-discrimination legislation covering racial/ethnic minorities. For this reason, discrimination on ethnic or racial grounds is not covered in the analysis conducted for the purpose of this article, although some legal provisions exist that in principle allow workers to bring a discrimination case before the courts. Switzerland: there is no specific anti-discrimination legislation covering racial/ethnic minorities. For this reason, discrimination on ethnic or racial grounds is not covered in the analysis conducted for the purpose of this chapter, although some legal provisions exist that in principle allow workers to bring a discrimination case before the courts. Moreover, the Federal Commission against Racism and the Service for Combating Racism may offer guidance and counselling to victims of discrimination. More specific equality bodies can be found in a small number of cantons.

Source: European Commission (2007).

A comparison of the different frameworks of the observed countries shows that complexity is greater with regard to the legal frameworks (the case in 9 countries) than with regard to the institutional frameworks (the case in 6 countries). In Denmark, Finland, Poland, Portugal and Mexico the legal and institutional anti-discrimination framework is quite complex. Less complex legal frameworks are found in Germany, the Netherlands, Canada and the United States (Table).

Effective enforcement of legal rules largely relies upon employers' understanding of the legal framework, but here too evidence indicates that improvement is necessary.

Introducing a single equality act would be one way for many countries to simplify the legal and institutional frameworks, which would give ordinary people and employers a clearer picture of the overall statutory and institutional regulations. This would improve information campaigns and lead to better enforcement of the anti-discrimination laws. Discrimination cases and their court outcomes, if well publicised, would also be an important vehicle of cultural change.

U.J.

References

- OECD, Employment Outlook 2008, 162–168.
 European Commission (2007), Discrimination in the European Union, Special Eurobarometer 263, Wave 65.4.