

Global Matrix – Diversity and Anti-discrimination Laws for 10 Countries

Prepared for the 2004 Diversity Symposium hosted by The Alliance, a collaboration of The Diversity Collegium and the American Institute for Managing Diversity

| Employment Equity / Equal Employment Opportunity & Affirmative Action | | | | | | | | | |
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| Australia | Brazil | Canada | Chile | Italy | Mexico | Netherlands | South Africa | U.K. | U.S. |
| <p>Affirmative Action Act (1986) (Equal Opportunity for Women)</p> <p>Aims to improve the status of women in employment. Requires certain employers to promote equal employment opportunity for women by developing and implementing an affirmative action program. The Act covers all higher education institutions and employers (other than public sector employers) employing 100 or more employees.</p> | <p>Affirmative Action (2003)</p> <p>Quota system in universities applied at the Federal University of Brasilia, 20% of places are reserved for black students; at the state University of Rio de Janeiro the figure is 40%. Half of all places must be given to applicants from state schools.</p> <p>Decree # 3298</p> <p>Regulates Article 36 of Law # 7853 (1989) Demands that companies with 100 or more employees fill from 2-5% of their available positions</p> | <p>Employment Equity Act (1986)</p> <p>Must identify barriers to groups (women, aboriginal people, visible minorities, people with disabilities) and initiatives to enhance and support their rep in workplace. Requires reports, planning (5 yr plans), implementation and audits. It applies to federally regulated (banking, transportation, communication sectors, public service, and companies doing business across provincial boundaries) and contract compliance</p> | <p>Equal Opportunity for Women Plan (1994)</p> <p>Developed by government with the objective to generate opportunities and change the basis of gender relationships that have entailed social inequality for women.</p> | <p>Act 125 (1991)</p> <p>Provides for positive action to encourage true equal opportunity for women in access to employment and during employment.</p> <p>Workers with Disabilities law 426 (1968), partly modified by law 68 (1999)</p> <p>Provides for a quota system to apply for the private and public sector. Employers must submit reports on annual basis to the Ministry of Labor.</p> | <p>Labor Code (1970) Article 133</p> <p>States that employers may not refuse to accept workers for reasons of age or sex.</p> | <p>General Equal Treatment Act (1994) Article 2</p> <p>Would allow for affirmative action if the aim of the discrimination is to place, inter alia, women in a privileged position in order to eliminate or reduce de facto inequalities and the discrimination is reasonably proportionate to that aim. The act also establishes the Equal Treatment Commission.</p> | <p>Employment Equity Act (1998)</p> <p>Purpose is to achieve equity in the workplace by promoting EO and implementing affirmative action. Protected groups are women; disabled people; and blacks which means African, Coloureds and Indians. Requires employers to provide Equity Plan for coming five years to Employment Equity Commission. Employers must prepare and implement plans; report to Dept of Labour; provide summary to employees.</p> | <p>Employment Equality Act, (2003)</p> <p>Outlaws discrimination on basis of sex orientation, religion or belief.</p> | <p>(1964) Executive Order 11246</p> <p>Designed to achieve the purposes of Title VII, mandates that employers monitor their utilization of individuals from target groups to see if they reflect the availability of talent in the community. Groups for whom AA is required include racial minorities, women, disabled veterans, and veterans of the Vietnam era. Employers covered by AA must plan and report on AA programs annually.</p> |

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| | | <p>(those doing business with, or receiving minimum \$ value grants fr fed gov't.)</p> <p>Annual reports by occupational group, includes hires, promotions, terminations, salary bands; national; provincial, 10 greater metropolitan areas – where more than 100 employees. Federally regulated reports in public domain</p> | | | | | | | |
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Employment Equity / Equal Employment Opportunity & Affirmative Action (cont.)

| Australia | Brazil | Canada | Chile | Italy | Mexico | Netherlands | South Africa | U.K. | U.S. |
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| <p>They are required to submit annual progress reports. The Affirmative Action Agency, which administers the Affirmative Action (Equal Employment Opportunity for Women) Act 1986, names organizations failing to submit a report or providing a program. The report is tabled in the Australian Parliament.</p> | <p>with former Social Security beneficiaries or with qualified people with disabilities. The Ministry of Labor is in charge of supervising its implementation.</p> | <p>Audits by Human Rights Comm. once in every 5 yrs with undertakings, until labour force availability/ representation reached. Contract compliance sector audited by Human Resources & Soc Dev Cda)</p> | | | | | | | <p>AA laws include: Executive Order 11246; Rehabilitation Act 1973 , (Section 503) applies to people with disabilities; Vietnam Era Veterans' Readjustment Assistance Act (Section 4212). The Office of Federal Contract Compliance Programs (OFCCP) enforces these laws.</p> <p>Affirmative Action in Universities (2003) Upheld by Supreme Court. Permits race - conscious policies that do not use a point system or other narrow systems.</p> |

Fairness / Civil Rights / Human Rights / Antidiscrimination

| Australia | Brazil | Canada | Chile | Italy | Mexico | Netherlands | South Africa | U.K. | U.S. |
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| <p>The Human Rights Commission is responsible for handling complaints under the Racial Discrimination Act 1975, Sex Discrimination Act 1984, Disability Discrimination Act 1992, Age Discrimination Act 2004 and the Human Rights and Equal Opportunity Commission Act 1986. If a complaint is made to the Commission, it must refer the complaint to the President and the President must inquire into, and attempt to conciliate the complaint.</p> | <p>Constitution (1988) Article 7 Prohibits any difference in wages, in the performance of duties and in hiring criteria by reason of, amongst other things, sex or marital status.</p> <p>Under article 373A of the Constitution (1988) Making grounds such as sex or family situation a factor in determining remuneration.</p> <p>Also, Article 373A prohibits employment, promotion and dismissal motivated by grounds which include sex and familial status (including pregnancy).</p> | <p>Human Rights Act (1978 Rev. 1985) Prohibits discrimination on basis of age; ancestry; citizenship; color; record of offences; ethnic or national origin; family status; language; marital status; disability; political beliefs, assoc or activity; religion or creed; sexual orientation; and pregnancy. Provides for equality of benefits. Human Rights Commission enforces</p> <p>Canada Labour Code (Rev. 1985) Governs labour standards and includes equal pay; hours of work, etc.</p> | <p>Right to freedom of thought, conscience and religion (1997)</p> <p>Equality before the law (1980) Regardless of race, sex, religion, disability, language or social status.</p> <p>Chile also supports the adoption of the American Declaration on the Rights of Indigenous Peoples (1993).</p> | <p>Act 604 (1966) Prohibits dismissal for discriminatory reasons such as political and union views, religion, participation in union activities.</p> <p>The Workers' Statute (Act 300, 20 May 1970) Invalidates any agreement or action of the employer which constitutes discrimination for reasons of sex, race, language, religion, political opinion (Sect. 15).</p> <p>Pregnancy (Sect. 2110 Civil Code, Act 1204 of 30 December 1971) – see Pregnancy & Leave section</p> | <p>Labor Code (1970) Article 86 Reiterates the principle of equal remuneration for equal work.</p> <p>Articles 3 and 56 of the Federal Labor Code, which prohibit distinctions among workers based on sex.</p> <p>Article 123 of the Constitution and Articles 170 and 166 of the Federal Labor Code, which guarantee that pregnant women have the right to work in safe conditions, and prohibits employers from forcing pregnant women to</p> | <p>EC Treaty (1997) Article 119 (now 141) Equal pay for men and women for the same kind of job.</p> <p>Constitution of the Netherlands Article 1 (1983) States that all persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on other grounds shall not be permitted.</p> | <p>Labor Relations Act (1995) Sets out parameters by which workers can be employed and organized.</p> <p>South African Constitution (1996) and Bill of Rights. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.</p> <p>Code of Good Practice on Disability (1998) – see Disability section.</p> | <p>Equal Pay Act (1970) Gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment and for the same work.</p> <p>Sex Discrimination Act (1975) prohibits discrimination based on sex.</p> <p>Race Relations Act (1976) provides protection from race discrimination in the fields of employment, education, training, housing,</p> | <p>EEO federal laws prohibiting discrimination are: Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex or national origin;</p> <p>Equal Pay Act of 1963 (EPA), amended the Fair Labor Standards Act ensuring equal work gets equal pay;</p> <p>Age Discrimination in Employment Act of 1967 (ADEA), which prohibits discrimination based on age, if person is over 40;</p> <p>Title I and Title V of the Americans with Disabilities Act of 1990 (ADA) - see Disability section;</p> |

Fairness / Civil Rights / Human Rights / Antidiscrimination (cont.)

| Australia | Brazil | Canada | Chile | Italy | Mexico | Netherlands | South Africa | U.K. | U.S. |
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| <p>If a matter is considered to be (for example) lacking in substance or lodged too long after the incident, it will be terminated by the President. Otherwise the complainant may commence proceedings in the Federal Court or the Federal Magistrates Court.</p> <p>Racial Discrimination Act (1975) Covers all of Australia and can be used to ensure everyone is treated equally, regardless of their race, colour, descent, or national or ethnic origin.</p> | | <p>Employment Equity Act (1986) – see EEO/AA section.</p> | | <p>Act 903 (1977) Recognizes and guarantees equality between men and women at work.</p> <p>Act 108 (1990) Invalidates dismissal for discriminatory reasons, such as race, sex, language, political and union views, religion, and requires always the reinstatement of the dismissed worker.</p> <p>AIDS Discrimination (Act 135, 5 June 1990) Ban pre or post employment testing by the public and the private sector.</p> | <p>work in jobs that are dangerous to their health in relation to their fetus.</p> <p>Law for the Disabled Persons in the Federal District (1995) Includes provisions on health, rehabilitation, employment, promotions and defense of the rights of people with disabilities.</p> | <p>Equal Treatment Act (1994) Was adopted by Parliament. In this Act “freedom of religion is respected, while avoiding the exclusion of Homosexual”. It generated the formation of the Equal Treatment Commission that took over the tasks of the Equal Opportunities Commission.</p> <p>2000 Revised EC Treaty enacted 2 Directives against discrimination: Racial Equality Directive covering race and ethnic origin and the Framework Directive that applied only to areas of Labor and occupation related to religion or belief, handicap, age and sexual orientation.</p> | <p>Employment Equity Act (1998) – see EEO/AA section.</p> <p>Code of Good Practice on AIDS/HIV (2000) The Code seeks to eliminate unfair discrimination in the workplace based on HIV status; to promote a non-discriminatory workplace in which people living with HIV or AIDS are able to be open about their HIV status without fear of stigma or rejection; to promote appropriate and effective ways of managing HIV in the workplace creating a balance between the rights and responsibilities of all parties.</p> | <p>and the provision of goods, facilities and services.</p> <p>Disability Discrimination Act (1995) – see Disability section.</p> <p>Maternity and Parental Leave Regulations (1999) – see Pregnancy and Leave section.</p> | <p>Sections 501 and 505 of the Rehabilitation Act of 1973;</p> <p>Civil Rights Act of 1991. The EEOC commission enforces EEO laws.</p> <p>Pregnancy Disability Amendment to Title VII (1978) – see Pregnancy and Leave section.</p> |

Fairness / Civil Rights / Human Rights / Antidiscrimination (cont.)

| Australia | Brazil | Canada | Chile | Italy | Mexico | Netherlands | South Africa | U.K. | U.S. |
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| <p>Sex Discrimination Act (1984) Promote equality between men and women eliminate discrimination on the basis of sex, marital status or pregnancy.</p> <p>Disability Discrimination Act (1992) – see Disability section.</p> <p>Age Discrimination Act (2004) Prohibits discrimination on basis of age.</p> | | | | <p>Act 40 (1998) Affirms equality between foreign workers legally resident in Italy and Italian workers.</p> | | <p>Equal Treatment on grounds of Disability or Chronic Illness (2003) – see Disability section.</p> | <p>Black Economic Empowerment Act (2003) According to the Act, "broad-based black economic empowerment" refers to the economic empowerment of all black people including women, workers, youth, people with disabilities and people living in rural areas.</p> <p>Age Discrimination Covered in the Employment Equity Act and the Constitution</p> | | |

| Disability | | | | | | | | | |
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| Australia | Brazil | Canada | Chile | Italy | Mexico | Netherlands | South Africa | U.K. | U.S. |
| <p>Disability Discrimination Act (1992) Seeks to eliminate discrimination against people with disabilities; and ensure as far as practicable that people with disabilities have the same rights to equality before the law as other people.</p> | <p>Law # 7853 (1989) Criminalizes discrimination based on disabilities.</p> | <p>Human Rights Act (1978 Rev. 1985) See Fairness, Civil/Human Rights/Anti-discrimination section - includes requirement of reasonable accommodation of people with disabilities.</p> | <p>Law # 19284 (1994) on the social integration of persons with disabilities.</p> | <p>Workers with Disabilities law 426 (1968), partly modified by law 68 (1999) – see EEO/AA section.</p> | | <p>Project Reintegratie Arbeidsge handicapten (Project Re-integration of the Labor Handicapped)</p> <p>Equal Treatment on grounds of Disability or Chronic Illness (2003) People who have a disability or who suffer from a chronic illness are entitled by law to effective adaptations that will enable them to participate fully in society. The law currently applies to employment and occupation, vocational training, and public transport.</p> | <p>Code of Good Practice on Disability (1998) Covers the definition of disability; reasonable accommodation for people with disabilities; unfair discrimination and achieving employment equity during the employment cycle; confidentiality and disclosure.</p> | <p>Disability Discrimination Act (1995) gives disabled people rights in the areas of: employment access to goods, facilities and services buying or renting land or property.</p> | <p>Americans with Disabilities Act (1990) Prohibits private employers, state and local governments, employment agencies from discriminating against qualified individuals with disabilities either physical or mental. Requires physical access to/use of buildings.</p> |

| Pregnancy and Leave | | | | | | | | | |
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| Australia | Brazil | Canada | Chile | Italy | Mexico | Netherlands | South Africa | U.K. | U.S. |
| <p>Family/Care responsibility (Workplace Relations Act 1996)</p> <p>Men and women are able to take time off work, without having to resign, to care for their newborn child and during the first year of the child's life. Parental leave may also be referred to as maternity leave (for women) or paternity leave (for men).</p> | <p>Article 7 of the Constitution (1988)</p> <p>Covers maternity and paternity leave. Maternity leave is for a period of 120 days and must be provided "without loss of job and of salary".</p> | <p>Maternity Leave Canada Labour Code (1970) and Employment Standard Legislation (1988) in federal sector – 17 wks for mother with Unemployment Insurance (UI) funding; 37 wks for mother or father funded by UI, all with job protection. Also provides for 37 weeks adoptive parental leave for mother or father funded by UI, with full job protection. This standard is exceeded at some provincial levels . Some provinces provide day care subsidies</p> | <p>Maternity Leave (1980)</p> <p>Women are entitled to maternity leave for six weeks before and twelve weeks after a birth. During the first year after the baby's birth, women are entitled to leave work to take care of a sick child.</p> | <p>(Sect. 2110 Civil Code, Act 1204 of 30 December 1971)</p> <p>Female workers have special protection in case of pregnancy and maternity. From the beginning of pregnancy to one year after the child's birth, the employee cannot be dismissed (except for just cause) and during this period, a woman who resigns has the right to the same indemnities due for dismissals (provided she gives due notice). During compulsory maternity leave, the mother is entitled to 80% of her regular pay from</p> | <p>Labor Code (1970) Article 170</p> <p>Guarantees pregnant workers, among other things, six weeks maternity leave before birth, and six weeks after birth, with full pay. While on maternity leave, women workers have the right to keep their job, as well as the rights they acquired under their labor contract.</p> | <p>1996 Family Document (Notitie Gezin) Covering family and maternity leave. Provides a 16-week maternity leave at 100 percent wage replacement to a specified maximum. Unemployed women have the right to a lower benefit. Four to six weeks must be taken prior to birth, and 10 to 12 weeks following birth. Each parent also has a right to six months full-time unpaid, job-protected leave or its equivalent. Parental leave may be taken until the child is 8 years old, an extension from 4 years in 1997. In the case of multiple births, there is a separate entitlement for each child.</p> | <p>Covered in the Constitution and Employment Equity Act (1998) which includes pregnancy.</p> | <p>Maternity and Parental Leave Regulations (1999) extension of Employment Rights Act</p> | <p>Pregnancy Disability Amendment to Title VII (1978)</p> <p>Prohibits disparate treatment of pregnant women.</p> <p>Family and Medical Leave Act (1993)</p> <p>Employers who employ 50 or more employees for each working day during each of 20 or more calendar workweeks in current or preceding calendar year, must grant an eligible employee 12 workweeks of unpaid leave during any 12-month period for birth and care of newborn child of employee; for placement with employee of a son or daughter</p> |

| Pregnancy and Leave (cont.) | | | | | | | | | |
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| Australia | Brazil | Canada | Chile | Italy | Mexico | Netherlands | South Africa | U.K. | U.S. |
| | | Family Leave Employment Standard Act (2002) and Employment Standards Amendment Act (2004) In federal sector – 8 wks to care for a family member (incl. common law spouse) with UI funding. | | Social Security and the period is counted as actual work time. Act 903 (1987) Includes parental leave for both parents. | | Fathers are offered 2 days paid paternity leave. | | | for adoption or foster care; to care for an immediate family member (spouse, child, or parent) with a serious health condition; to take medical leave when employee is unable to work because of a serious health condition. |

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