



**Issue:** Measures to prevent career obstacles caused by name or religion

**Forum:** Economic & Social Council

**Position:** President

**Name:** Stuart Verkerk

## Introduction

Discrimination based on religion and ethnicity has been a part of society for centuries. Although thoroughly prohibited by both national and international law, these types of discrimination can be seen in all aspects of society. In the past two decades, it has become inherently clear that in education and in the workplace, such discrimination has severely affected minorities across the globe. Both in LEDCs and in MEDCs a person's religion and name have major effects on job opportunities and career development. The major difference between now and the time before the twenty-first century is that minority groups have been able to form a resistance and have found the power to unite and demand respect for their basic human rights and that authorities are willing to listen.

The issue of equal treatment has been going on for centuries and the lack thereof has manifested itself in society for many reasons. It is impossible to resolve this issue in a single debate or resolution. It is, however, possible to tackle certain aspects of this issue with pragmatic solutions. This research report will elaborate on discrimination in the workplace and actions we could and should take to prevent an individual's name and religion from becoming career obstacles.

## Definition of Key Terms

### **Career obstacles**

Something that stands in the way or upholds progress relating to a person's career is called a career obstacle. In this case, we are talking about career obstacles caused by name or religion, which would be not being hired or being treated differently in the workplace and related to promotions because of your name or religion.

### **Religion and belief**

As described by the University of Minnesota Human Rights Library: "Religion is commonly, but not always, associated with a particular system of faith and worship of a transcendent deity or deities. In human rights discourse, however, the use of the term "religion" also includes support for the right to non-religious beliefs, such as atheism or agnosticism. In

1993 the Human Rights Committee, an independent body of 18 experts selected through a UN process, described religion or belief as “theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.”

## General Overview

### Universal rights of employees

In article 1, 2, and 18 of the Universal Declaration of Human Rights (UNDHR) the basic human rights concerning religion and race are outlined. By all means, it is the common goal to respect these rights and to adhere to them.

In article 1, the principle of all humans being born free and equal is stated. There should be no difference in the way individuals are viewed and treated based on any grounds. In article 2, it is stated that everyone is entitled to the same rights, no matter their “race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or another status”. Lastly, in article 18 the freedom of thought, conscience and religion are described. All persons are entitled to their own beliefs and expressing and implementing them in a peaceful nature.

Furthermore, the fundamentals of combatting racial discrimination are outlined in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICEARD), as stated below:

#### “Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

d. Other civil rights, in particular:

vii. The right to freedom of thought, conscience and religion;

e. Economic, social and cultural rights, in particular:

i. The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;”

### Obstacles caused by name

In 2011, researchers sent out nearly 13,000 fake resumes to over 3,000 job postings, according to researchers at Ryerson University and the University of Toronto. The results

came out in 2017 and they found that people with Chinese, Indian or Pakistani-sounding names were 28% less likely to be asked to come back for an interview than the other fictitious candidates with English-sounding names. Even though their academics were exactly the same, the people with foreign-sounding names were still at a disadvantage. These studies were all conducted using job listings in Canada, but this issue is not limited to just one country, it is universal.

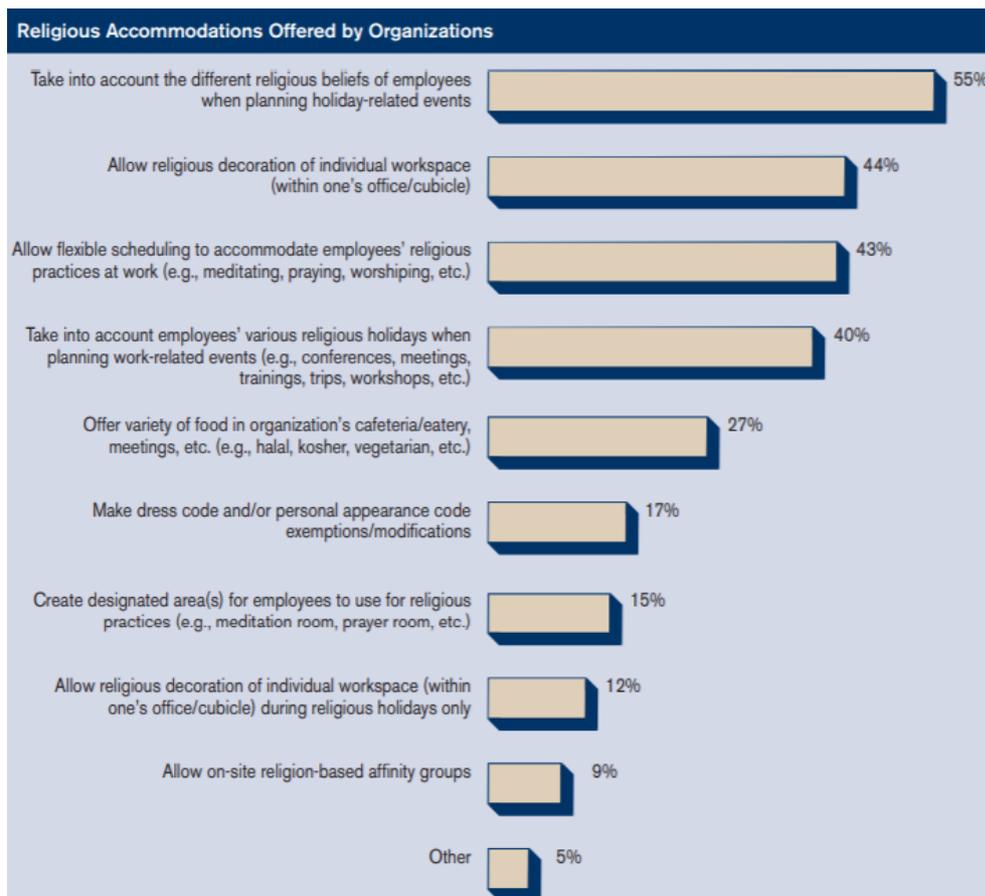
A smaller study commissioned by the French government is a perfect example. From their research, they could conclude that candidates with North African-sounding names were less likely to be interviewed.

Also, in the United Kingdom, it was found that women who “whitened” their names only had to send in half as many applications before being asked to come back for an interview as women with foreign-sounding names.

Sadly, a person’s name does not only form an obstacle in the application process. On the work floor, the difference in treatment of people with “white”-sounding and foreign-sounding names is evident. Additionally, one’s name also plays a role in the vertical climb up the pay scale.

### **Obstacles caused by religion**

One of the most difficult conflicts is between the desire of an employee to take time off and the potential cut in productivity and profitability. Religion is one of the main reasons to take days off work. The employer is then faced with a problem. Especially in under-staffed companies, religion in the workplace can form major problems if no accommodation is provided by the employer. Resolving the issue of career obstacles formed by religion requires understanding the law and balancing the company’s needs with the desire of employees to practice religion. The main career obstacle caused by religion is the lack of accommodation which then violates the human rights of the employee.



In the graph from the World Economic Forum (WEF) above, all the different kind of religious accommodations are shown in percentages. As can be seen, worldwide less than half of all workplaces provide adequate accommodation. This is a serious issue and violation of human rights.

### National legal frameworks

Many countries have specific legislation protecting religious beliefs at work. In some countries, such as Canada, New Zealand, Peru, and the United States, employers have a duty to accommodate employees' religious beliefs and practices.

In several European countries, including Belgium, Denmark, Germany and Italy, a manifestation of religious beliefs is protected through provisions that prohibit discrimination. In other countries, however, such as Mexico and Turkey, employers are not obliged to accommodate workers' religious beliefs, leaving decisions regarding time off work for prayer or permission to wear religious clothing to the individual employer

An example of legislation countering discrimination in the workplace is Title VII of the American Civil Rights Act of 1964:

“It shall be an unlawful employment practice for an employer ... to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, colour, religion, sex, or national origin.” — Title VII, Civil Rights Act of 1964

Title VII forbids discrimination in any aspect of employment, including

- Hiring and firing
- Compensation, assignment, or classification of employees
- Transfer, promotion, layoff, or recall
- Job advertisements
- Recruitment
- Testing
- Use of company facilities
- Training and apprenticeship programs
- Fringe benefits
- Pay, retirement plans, and disability leave
- Other terms and conditions of employment

However, legislation means nothing if it is not enforced. Not only in the USA, but over the entire world, laws concerning employment and discrimination are not always enforced properly. A law might be perfectly written, but innocent people are still being affected by discrimination.

## Major Parties Involved

### **Office of the High Commissioner on Human Rights (OHCHR)**

The OHCHR is in the lead in ensuring the Universal Declaration of Human Rights is adhered to. It sets up programmes and aids in any way they can to make sure human rights are respected. Also, in this issue, they play a key role, as human rights are being violated.

### **Special Rapporteur on Freedom of Religion and Belief**

As stated by the UNOHCHR: “The Special Rapporteur on freedom of religion or belief is an independent expert appointed by the UN Human Rights Council. The mandate holder has been invited to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles.

The Special Rapporteur has been mandated through Human Rights Council resolution 6/37 to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles;”

### **World Economic Forum (WEF)**

As the WEF describes itself: “It was established in 1971 as a not-for-profit foundation and is headquartered in Geneva, Switzerland. It is independent, impartial and not tied to any special interests. The Forum strives in all its efforts to demonstrate entrepreneurship in the global public interest while upholding the highest standards of governance. Moral and intellectual integrity is at the heart of everything it does.”

The WEF has played an active role in overcoming career obstacles caused by name and religion. Namely, they have presented a report “Equality at work: The continuing challenge”, which was a follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.

### **Minority groups**

Minority groups are being disadvantaged by the majority. At the moment, most career obstacles caused by name or religion are a result of being oppressed by a group which does not have the same religion and norms and values as the oppressed.

## **Previous attempts to resolve the issue**

One of the two main previous attempts to resolve the issue is setting up legal frameworks, to make sure discrimination in the workplace is eliminated. In the past years, the workplace is becoming to get more regulated concerning the issue of career obstacles on hand. In Canada, New Zealand, Peru, and the United States, employers have the responsibilities to accommodate religious beliefs. In many other countries, career obstacles caused by name or religion are prohibited through anti-discrimination laws. In some countries, employers can still accommodate religion or not at their own discretion.

The second of the two main previous attempts is to create guidelines and handbooks for managing religion in the workplace. The Equality and Human Rights Commission in the United Kingdom has published guides for employers and workers explaining the 2010 Equality Act. They explain that reasonable accommodation for religious observance is not required, but if an employer decides to arrange the working time of some employees for the

purposes of religion, that must then be offered in an equal manner to employees of all religions.

In 2009, the French employer organization IMS Entreprenre pour la Cité published a guide for managing religious diversity in the workplace. The guide explains the French legal framework on religious discrimination in the workplace. It also explains the restrictions related to the diet of various religions, gives a calendar of religious holidays, as well as descriptions of a variety of forms of religious dress. This quick reference guide is a useful tool for employers to help them in understanding certain religious activities and restrictions and managing effectively a diverse workplace

The EEOC has published a “best practices” guide which provides advice for both employers and employees on the issue of religion in the workplace. In the guide, it is stated that it is necessary to clearly define, and consistently apply, policies on time off for religious observances. It also says that it would be beneficial if employees were to state their religious practices at the beginning of the employment relationship so that notice is given in advance of any time needed for religious observance. It emphasizes that constant dialogue can go a long way towards minimizing any difficulties that might arise.

## Possible Solutions

One possibility is to ensure national frameworks for discrimination in the workplace are going to be set up. There is no way of combatting the issue of career obstacles caused by name or religion without a legal base to fall back on and to hold as a standard.

Another possible solution is educating the recruiters better. They need to become aware of the decisions they're making and why they need to be made aware of their bias. Some say this is not necessarily an issue of racism and that it can be resolved easily. However, some experts are sceptical, saying that there are studies that show this type of training doesn't work, and could possibly be having a negative effect on the recruiters' decision making.

Another possibility would be to make companies strip out names and other characteristics and identifying features in resumes. This is already in the works in some countries, for example in the UK, where some big companies have already implemented the so-called “name-blind recruitment”. This type of recruitment could, however, only delay the bias, as the recruiter will have to face the applicant in an interview later on.

## Appendix/Appendices

- I. <https://www.forbes.com/sites/lyndashaw/2016/03/20/7-ways-to-handle-diversity/#36fa6ac56e9a>

## Bibliography

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

<https://www.entrepreneur.com/article/184334>

<https://www.weforum.org/agenda/2017/05/job-applications-resume-cv-namediscrimination/>

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_166583.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_166583.pdf)

<https://www.ohchr.org/en/issues/freedomreligion/pages/freedomreligionindex.aspx>

<https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/ReligiousIntoleranceAtWorkplace.aspx>