

Legislative protection from discrimination in access to employer-provided training

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This article provides an analysis of laws across all 193 United Nations countries that protect workers from discrimination in access to employer-provided training. We assessed the overall level of protection and the characteristics most commonly protected, as well as the extent of variation across geographic regions and country income. Overall, 60% of countries were found to offer specific protections from discrimination in access to training for at least one of the seven protected characteristics, which was significantly less than the percentage of countries offering protections from discriminatory hiring or terminations. Gender was the most commonly protected characteristic, whereas sexual orientation was least commonly protected. These findings suggest that employer-provided training is less well-protected from discrimination when compared with other aspects of employment and that there is variation in protection across socio-demographic characteristics and geographic regions. Additional legislation may be needed to ensure equitable access to training for all workers.

Introduction

Job-related training has well-documented benefits from the perspective of employees, including increased wages, skills and opportunities for career advancement (Bishop, 1996; Knoke & Kalleberg, 1994; Konings & Vanormelingen, 2015; Parent, 1999). Training is also beneficial for employers, due to the increased productivity of employees and enhanced competitiveness of the firm (Aguinis & Kraiger, 2009; Bartel, 2000; Cooke *et al.*, 2011). Research also suggests broad societal benefits from training, including

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increased flexibility, improved opportunities for social mobility and inclusion and economic growth (Aguinis & Kraiger, 2009; ILO, 2010; Nilsson, 2010).

Employers play an instrumental role in providing training for workers across low-, middle- and high-income countries. Survey data indicate that a high percentage of employers from 28 European countries provided job-related training in 2015, such as Germany, approximately 77% of employers with 10 or more employees provided some type of continuing vocational training to their employees (Eurostat, 2019). Although data on other regions are scarce, national surveys of employers in Latin America and East Asia suggest that there are examples of countries with high levels of employer-provided training in both regions, especially for specific sectors such as manufacturing (González-Velosa *et al.*, 2016). In regions with lower levels of training, such as South Asia (Riboud & Tan, 2009), efforts are currently underway to increase opportunities for work-based training. For example, a recent International Labour Organization (ILO) report states that the national government of Ethiopia is aiming to increase the number of workplaces with accreditation for cooperative training from 55,000 in 2015 to 100,000 in 2020 (ILO, 2017).

However, although there is a high level of interest in employer-provided training across contexts, access to training often varies, which may present barriers to advancement for workers from groups known to be vulnerable to discrimination. In this study, we argue that global inequalities in access to employer-provided training have created the need for legislative protections from discrimination in access to training. In addition, the need for legislative protections for training has been noted in international conventions such as the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination. The following section reviews the existing literature on differences in access to training, as well as the effectiveness of current laws and policies in preventing or mitigating the effects of discrimination.

Socio-demographic differences in access to employer-provided training

Despite the extensive benefits of training, there is substantial empirical evidence of differences in access to employer-provided training and advancement opportunities by gender (Evertsson, 2004; Knoke & Ishio, 1998; Olsen & Sexton, 1996), age (Jeske *et al.*, 2017; Newton, 2006), race and ethnicity (Tomaskovic-Devey, 1993), class (O'Connell & Jungblut, 2008), disability status (Hernandez *et al.*, 2000; Schur *et al.*, 2009), religion (Kottis & Dur, 2016) and sexual orientation (Tejeda, 2006). These disparities have been documented in a wide range of settings, including West Africa (Nordman & Pasquier-Doumer, 2014), Eastern Europe (Csoba & Nagy, 2012) and the Caribbean (Jayasinghe, 2001). Research has demonstrated that discrimination is often an underlying cause of these types of differences in access to training. In some cases, discriminatory practices can be traced to employers' attitudes toward workers, as documented through employer surveys (for example, see Poulston & Jenkins, 2016; Quintrell & Maguire, 2000). Evidence of discrimination in access to employer-provided training has also been captured through reviews of lawsuits and audit studies (Darity & Mason, 1998), experimental studies (Carlsson & Rooth, 2007), panel studies using matched employer-employee data (Jones & Simon, 2005), interviews with workers (Maya Dhungana, 2006) and case studies of firms (Castilla, 2008).

Gender inequality in employment, including access to training, has been documented across low-, middle- and high-income countries (Dieckhoff & Steiber, 2011; Evertsson, 2004), and remains after controlling for educational and occupational variables (Aisa *et al.*, 2016; Evertsson, 2004). Using data from 23 European countries, for example, Dieckhoff and Steiber (2011) found that male employees received training more frequently than their female counterparts. Research suggests that gender inequality in training is likely, at least partly, due to employers' discriminatory practices.

There is also a consistent evidence of differential access to training by age. Research suggests that older workers may have less access to training than younger workers (Bassanini *et al.*, 2005; Taylor & Urwin, 2001), for several potential reasons. First, employers may assume that older workers have fewer years left in the workforce

compared to younger workers, diminishing the return on investment to pay for training. Second, employers may assume that the opportunity cost of an older worker's time is likely to be higher than that of a younger worker (Taylor & Urwin, 2001). Employers may also offer fewer opportunities for training to older workers due to prevailing stereotypes that they are less able to understand the complicated concepts and ideas or adapt to technological change and that they experience more difficulties in learning new information than younger workers (Newton, 2006).

In addition to differences by gender and age, a significant body of literature documents racial and ethnic differences in access to employer-provided training. A review of the literature on racial and ethnic identity and workplace learning in the United States, for example, revealed a variety of structural barriers that keep African-American workers from accessing employer-provided training, including being explicitly denied training and being discouraged from seeking out opportunities for promotion (Brooks & Clunis, 2007). In addition to racial discrimination, studies have also documented discrimination in access to employer-provided training on the basis of ethnic origin and nationality in countries including Ireland, New Zealand and Switzerland (Barrett *et al.*, 2013; Gibson & Watane, 2001; Imdorf, 2007).

Existing studies also suggest that there are differences in access to training by social class, which is related to social markers such as level of education, socioeconomic status and social origin. Those with higher levels of skill or educational attainment are more likely to participate in all types of job-related training, including employer-provided training (O'Connell & Jungblut, 2008). One study of 6600 Canadian workplaces by Cooke *et al.* (2011), for example, found that workers who had a high school diploma or higher were 38% more likely to participate in training than workers who did not have a high school diploma – a trend that has remained relatively stable over the past several decades (Stern *et al.*, 2004). Similar differences in training by social class can be found in many countries (Asplund, 2004; Lynch, 1992; OECD, 2006).

Evidence suggests that workers with disabilities may also have less access to training than other workers, both in the United States and internationally. According to a study of 30,000 workers in the United States, employees with disabilities often receive lower levels of not only employer-provided training, but also informal training from co-workers, when compared with workers who did not have disabilities (Schur *et al.*, 2009). These lower levels of training may be at least partially attributed to some of the challenges that workers with disabilities commonly face in the workplace, including the visibility of the disability, discrimination, lack of knowledge by employers and stigma associated with the condition. (Lindsay *et al.*, 2018). Previous studies have also documented differences in access to training by religion. A study of over 11,000 Christian and Muslim workers in the United Kingdom found that Muslims were significantly less likely to participate in employer-provided training than Christian workers. In addition, the training that Muslim workers did receive was of a lesser duration (Kottis & Dur, 2016). These differences in training, taken together with substantial evidence of religious discrimination in hiring (King & Ahmad, 2010) and in the workplace environment (Ghumman *et al.*, 2013), suggest that there is a need for additional legislation to ensure equitable access to opportunities for promotion and advancement.

Finally, there is a growing body of literature on discrimination in the workplace based on sexual orientation. Tejeda's (2006) study of gay male workers in the United States, for example, found that workers who disclosed their sexual orientation to a supervisor reported significantly more hostile work environments and significantly lower perceived promotion opportunities. Perceived workplace discrimination has also been found to reduce the odds of obtaining a mentor for gay and lesbian workers in the United States (Church, 2012), thus limiting workers' opportunities for advancement in the workplace.

Role of laws and policies in preventing or mitigating the effects of discrimination

As research studies continue to document widespread discrimination in access to employer-provided training and advancement opportunities, the need for laws and

policies to counteract the effects of such discrimination has become increasingly apparent. In response, a number of countries have begun to enact legislation that prohibits discrimination in the workplace on the basis of a wide range of protected characteristics; however, workers from different socio-demographic groups differ in the extent to which they are explicitly covered by these laws (Chopin & Germaine, 2016).

Anti-discrimination legislation is critical, for while private employers may create anti-discrimination policies independently (Agócs & Burr, 1996), national laws may be more effective in extending protections to all sectors and to all workers. One cross-country study of 58 low- and middle-income countries found a statistically significant, positive relationship between laws that prohibited discrimination in hiring by gender and the percentage of female full-time workers at a stratified random sample of private firms (Amin & Islam, 2015). Likewise, a study of panel data from approximately 100 countries by Gonzales *et al.* (2015) found that the existence of fewer discriminatory laws toward women was associated with higher rates of female labor market participation. Studies on the effectiveness of anti-discrimination legislation in particular countries have documented the impact of this legislation in combating discrimination based on race/ethnicity in the United States (Donohue & Heckman, 1991), disability in the United Kingdom and the United States (Bruyere *et al.*, 2004) and race in Canada and South Africa (Thomas & Jain, 2004). It should be noted that previous studies have generally focused on the effectiveness of anti-discrimination legislation related to employment opportunities and wages. A small number of studies, however, have begun to document the effectiveness of anti-discrimination legislation in improving access to training.

In addition to recent research, attention from intergovernmental and civil society organizations has also brought increased recognition of the importance of legislation in creating more equitable access to training. For example, in 2004, the ILO adopted Human Resources Development Recommendation 195 (R195), a new set of guidelines for United Nations (U.N.) countries regarding the development of training systems and policies. Although ILO Recommendations are not binding sources of law, they are considered to be 'international labor standards,' which ILO member states must submit to their national legislature or other 'competent authority' within 18 months, with the goal of translating the Recommendation into national legislation. R195 called on governments and employers to 'promote access to education, training and lifelong learning for people with nationally identified special needs, such as youth, low-skilled people, people with disabilities, migrants, older workers, indigenous people, ethnic minority groups and the socially excluded; and for workers in small and medium-sized enterprises, in the informal economy, in the rural sector and in self-employment' (ILO, 2004, p. 3). This Recommendation reiterated the importance of training from earlier standards, including the Human Resources Development Convention 142 (1975) and the Employment Policy (Supplementary Provisions) Recommendation 169 (1984), and extended them by explicitly connecting vocational training with social and economic development. In addition, it provided more detailed, strongly worded Recommendations regarding the types of measures that countries should adopt in order to reduce discrimination in access to lifelong training and opportunities for professional advancement.

To date, 127 countries have submitted ILO Recommendation 195 to their national governments, a process designed to spur new legislation or other national action to put the Recommendation into effect. However, there have been few systematic attempts to determine whether countries have in fact enacted national laws explicitly aimed at reducing discrimination in access to employer-related job training, in reflection of their expressed commitment to the principles of the Recommendation. This information is critical in order to understand the role that international standards such as these can play in encouraging countries to take steps to address employment disparities.

This article provides the first detailed comparative analysis of laws related to protection from discrimination in access to employer-provided training across 193 U.N. countries. Existing comparative data on laws and policies to reduce discrimination in access to training across regions and income levels are limited and generally focus on a small subset of countries (for example, see Fredman, 2012). Second, it explores differences across gender, age, race/ethnicity, disability status, social class, religion

and sexual orientation to identify whether some workers are better protected from discrimination in access to employer-provided training than others. It is important to note, however, that countries around the world offer legislative protections from discrimination for various other characteristics, and that the seven characteristics included in this study were selected based on the high volume of existing literature on the differences in access to training for these characteristics. Finally, it examines whether protections vary by region or country income level and whether countries that have made international commitments to equality in access to job training have followed through this commitment. This analysis is critical for identifying in which settings strong policy protections have been feasible and where there are gaps that may need to be addressed to ensure that all workers have access to employer-provided training.

Methods

Data source

Data for this study were drawn from an original database of indicators around legislative protections from workplace discrimination in all 193 U.N. member countries. To create this database, our multilingual research team systematically consulted national legislation related to labor and employment; conditions of employment; employment policy, security and termination; and equality of opportunity and treatment in the workplace. Additionally, we considered general anti-discrimination measures, as well as legislation addressing specific protected characteristics such as gender, race/ethnicity, age and disability. All legislation was accessed through the ILO's NATLEX database, World Bank's Women, Business, and the Law project or via targeted Google searches.

Each country was assigned to two research analysts, who independently compiled and read legislation for language addressing equality of access to or opportunity in employer-provided training. Terms that were considered relevant include 'training,' 'vocational training,' 'professional training,' 'professional development,' 'technical training' and 'retraining.' Analyst pairs assigned to each country are systematically coded the legal protections from discrimination in access to employer-provided training using legislation in its original language or official translations to English, Spanish or French where available. Each pair met to compare coding. In instances where differences could not be resolved, the question was brought to the full research team, and final coding decisions were made through consensus. The final database reflects legislation up to date as of August 2016.

Protected characteristics

To determine the bases on which discrimination was prohibited, analysts systematically captured terms related to seven specific characteristics: gender, race and ethnicity, religion, sexual orientation, age, social class and physical, mental, or general disability. Protections from discrimination were considered to pertain to gender when the terms 'sex,' 'gender,' 'female' or 'women' were used, as well as when anti-discrimination measures were outlined in gender-specific legislation. For race and ethnicity, relevant terms included 'race' or 'ethnicity,' 'color' or 'skin color,' 'ethnic origin,' 'clan' or 'tribe,' 'indigenous,' 'aboriginal' or 'minority ethnic group.' Age was considered a protected characteristic when either the specific term 'age' or 'age group' was used. For social class, we considered the following terms relevant: 'social origin,' 'social class,' 'social background' or 'social extraction,' 'social or economic condition,' 'standing' or 'status,' 'economic situation,' 'financial position,' 'standing' or 'status,' 'property,' 'property status' or 'property ownership,' 'station of life,' 'personal status' or 'public status,' education or 'school attended,' 'caste,' and 'wealth.' Protections were considered to pertain to disability status when the terms 'disability,' 'physical disability,' 'physical handicap,' 'physical impairment' or 'physical condition,' or 'mental disability,' 'mental handicap,' 'mental impairment,' 'mental disorders' or 'mental status' were used,

as well as when anti-discrimination measures were contained in legislation specifically addressing the rights of persons with disabilities. For religion, relevant terms included 'religion,' 'creed,' 'religious belief,' 'religious opinion,' 'religious adherence' or 'religious community.' Protections from discrimination were considered to pertain to sexual orientation when the terms 'sexual orientation,' 'sexual preference' or 'homosexuality' were used.

Variable creation

Utilizing this database, we created variables for protection from discrimination in access to employer-provided training across each of the seven protected socio-demographic characteristics examined in this paper: gender, race or ethnicity, religion, sexual orientation, age, social class and disability. A graduated valuation was then assigned to these variables in order of increasing protectiveness. The least protective end of the gradient represented the absence of any prohibition of discrimination in employer-provided training for the characteristic of interest (shown in red on maps in Figures 2 and 3). Next, the presence of specific protections from discriminatory access to training without mention of the worker group of interest was coded as a 'general' protection (shown in yellow on maps). Although these types of provisions were considered as less protective than those that extended protections to a specific group, they may be sufficient to provide workers with a legal basis for an anti-discrimination claim and were thus noted. Finally, provisions that explicitly protect the worker group of interest from discrimination in access to training were considered the strongest level of protection (shown in green on maps). This included legal documents that broadly protect workers from discrimination based on the specific characteristic and then separately prohibits discrimination in accessing training. For example, Article 17 of Argentina's Law of Employment Contracts (*Ley de Contrato de Trabajo*, amended to 2016) states, 'This law prohibits any type of discrimination among workers on the basis of sex, race, nationality, religious, political, trade union or age,' and Chapter VIII of the same law later specifies that, 'Vocational training and on-the-job training, under equal conditions of access and treatment will be a fundamental right for all workers.'

To compare the prevalence of protections related to access to training with other aspects of employment, similar variables were constructed to assess the level of protection from discrimination during hiring and terminations. Protection from discrimination during hiring included references to hiring and access to employment. Protection from discrimination in terminations included legislative protections from discriminatory firing or unjustified termination of a job contract.

Analysis

Descriptive statistics were used to examine the presence and relative strength of protections from discriminatory practices surrounding employer-provided training across countries. We tabulated the frequency of protections for each of the seven socio-demographic groups by countries' income level and geographic region, as classified by the World Bank (World Bank, 2016). We also assessed the level of protection for training compared with two other aspects of employment: hiring and termination. In order to determine whether the frequency of protections from discrimination in access to training differed significantly from those for hiring and termination, we conducted McNemar chi-squared tests. McNemar chi-squared tests were also used to examine the distribution of countries with and without protections from discrimination in access to training by whether countries submitted R195 to their governments. Finally, we used geographic information systems (GIS) mapping to compare the strength of protection for each worker population of interest globally, highlighting differences in the level of protection afforded to each group and across regions. All analyses were conducted using StataMP 14.2 (StataCorp, College Station and TX), with tables and

figures produced in Microsoft Excel (Microsoft Corporation, Albuquerque and NM) and ArcGIS 10.5 (Esri, Redlands and CA).

Results

In total, 60% of the 193 countries analyzed were found to either prohibit discrimination in access to employer-provided training for all employees, or to prohibit discrimination on the basis of at least one of the seven protected characteristics examined: gender, race/ethnicity, age, class, disability, religion and sexual orientation. Only 12% of countries extended explicit protections from discrimination in access to job training for all seven characteristics. Countries that did extend protections for job training across all seven characteristics were distributed across income levels (1 low-income, 12 middle-income and 10 high-income) and regions (1 in the Americas, 2 in East Asia and Pacific, 3 in Sub-Saharan Africa and 17 in Europe and Central Asia). Compared to protections from discrimination in hiring or termination, access to employer-provided training was consistently less common across each of the seven characteristics we examined (see Table 1). These differences were statistically significant ($p < 0.05$), with the exception of the difference in protection for training and termination on the basis of age, which was not statistically significant.

Countries with employer-provided training policies in place protected against gender-based discrimination most frequently (52%), followed by protections on the basis of disability (44%), race or ethnicity (38%) and religion (37%). Less than a one-third of countries had specific protections from discrimination in access to training on the basis of age; less than one-quarter had specific training protections in place on the basis of social class (24%) or sexual orientation (22%).

Disparities in training protection coverage were also observed across countries' income levels and geographic regions (see Figure 1). Across six of the seven characteristics we examined (gender, race/ethnicity, age, disability, religion and sexual orientation), high-income countries offered specific protections for access to training most frequently, with lower levels of protection in low- and middle-income countries. For example, 72% of high-income countries explicitly prohibit gender discrimination in access to vocational training, but only 45% of middle-income countries and 42% of low-income countries do so. In contrast, legal protections on the basis of social class were more common in low- and middle-income countries (26% and 27%, respectively) than in high-income countries (19%). Whereas 65% of high-income countries and 45% of low-income countries prohibit discrimination in vocational training based on disability, only 31% do so among middle-income countries.

Explicit protections from discrimination in access to employer-provided training were found in every region (as shown in the maps in Figures 2 and 3, which illustrate regional differences in protections for two of the seven characteristics—disability status and race/ethnicity). Europe and Central Asia had the highest proportion of countries with specific protections for employee training across all seven protected characteristics: gender (83%), disability, (65%), race/ethnicity and sexual orientation (62%), religion (60%), age (58%) and class (35%). Notably, sub-Saharan African countries had the second highest collective prevalence of vocational training protections across five of the seven characteristics (gender, race/ethnicity, class, disability and religion). In the Americas, legislation most commonly prohibited discrimination on the basis of gender and disability (37%), whereas less than one-third of countries included protections on the basis of race (29%) or religion (26%), about one-quarter prohibited discrimination on the basis of age (26%), 11% prohibited discrimination on the basis of social class and only 6% of countries prohibited discrimination on the basis of sexual orientation. East Asian and Pacific countries followed a similar pattern, with worker protections on the basis of gender (40%) more than twice as common as those for age and social class (17%). In South Asia, sexual orientation was the least protected worker characteristic (no countries with protections), followed in increasing protectiveness by age and disability, race class and religion and finally gender. In the Middle East and Northern Africa, sexual orientation and social class were the least protected

Table 1: Protection from discrimination in access to job training compared to other aspects of the workplace

Countries legislating: n (%), of 193 countries total					
Protected characteristics	Specific protection from discrimination in employer-provided training	Specific protection from discrimination in workplace hiring	Specific protection from discrimination in workplace termination	p-value	p-value
Gender	101 (52%)	123 (64%)	119 (62%)	<0.05	<0.05
Race/ethnicity	74 (38%)	103 (53%)	102 (53%)	<0.05	<0.05
Age	57 (30%)	76 (39%)	65 (34%)	<0.05	0.09
Class	47 (24%)	70 (36%)	67 (35%)	<0.05	<0.05
Disability	84 (44%)	117 (61%)	105 (54%)	<0.05	<0.05
Religion	72 (37%)	101 (52%)	103 (53%)	<0.05	<0.05
Sexual orientation	43 (22%)	50 (26%)	50 (26%)	<0.05	<0.05

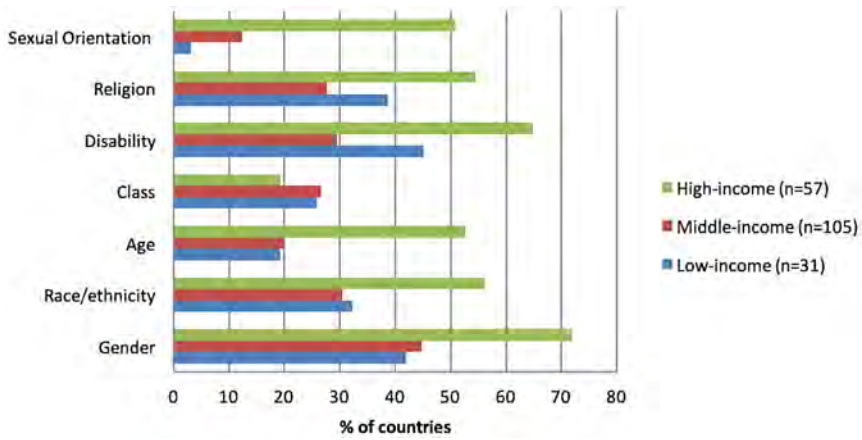


Figure 1: Percentage of countries with specific protections against discrimination in access to employer-provided training, by income level.

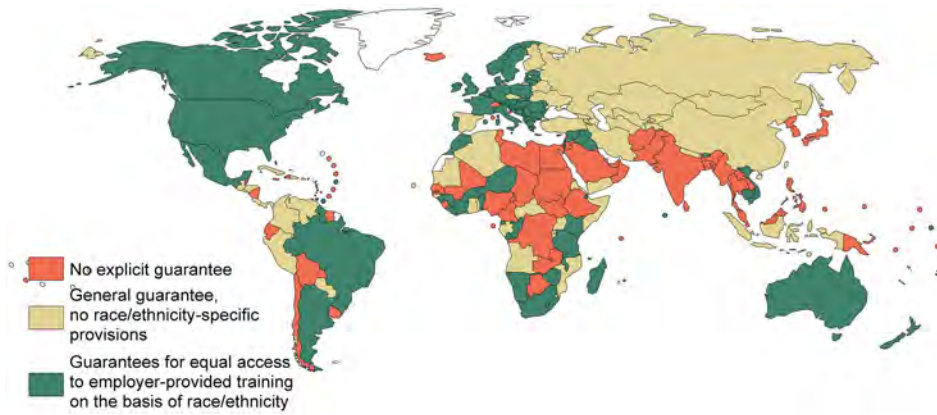


Figure 2: Are there specific guarantees for equal access to employer-provided training on the basis of race/ethnicity?

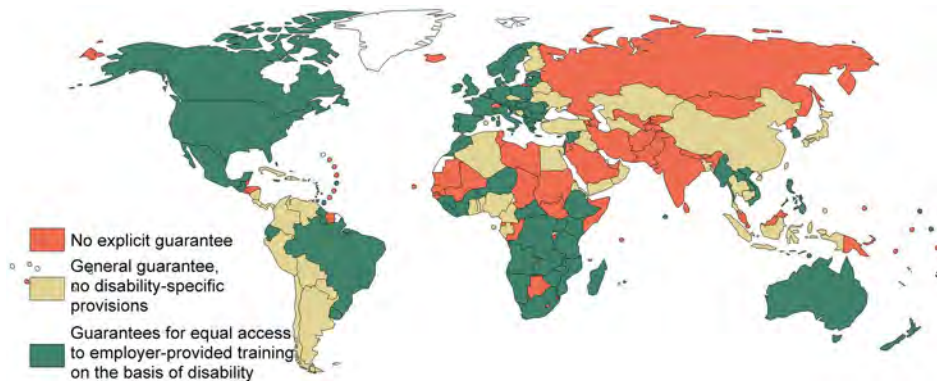


Figure 3: Are there specific guarantees for equal access to employer-provided training on the basis of disability?

characteristics, followed by age, disability, religion, race/ethnicity and gender. There were no major differences in protection found between common law countries (such as the United Kingdom) and civil law countries (such as France or Spain).

Countries that submitted ILO R195 to their governments were significantly more likely to have explicit protections from discrimination in access to training for all of the seven protected characteristics than those that did not ($p < 0.05$). For example, 60% of the 131 submitter countries protect from gender discrimination in vocational training compared to only 36% of the 62 non-submitter countries. However, the overall percentage of R195 submitter countries that have enacted anti-discrimination legislation covering all seven characteristics remains low and similar to non-submitters at 12% and 11%, respectively. Therefore, although the Recommendation appears to have made a difference, gaps in legislative protections remain for both countries that submitted and did not submit R195 to their governments.

Discussion and conclusion

This study contributes to the existing international scholarship on employer-provided training by providing the first comparative analysis of legislative protections from discrimination in access to training across 193 U.N. member countries. Despite the benefits of employer-provided training to both workers and employers, two in five countries fail to prohibit discrimination in access to training for at least one of the seven categories we examined in this study. Although a majority of countries address non-discrimination in entering a job, failing to ensure equal access to training opportunities limits workers' opportunities for future career advancement, including promotions and wage increases.

Protections vary greatly by socio-demographic characteristic. Whereas more than half of the countries included in our analysis explicitly protect from discrimination based on gender in job training, fewer countries protect on the basis of disability, religion, race/ethnicity and age, and less a quarter do so based on social class or sexual orientation. This difference in level of protections may reflect the effectiveness of women's rights movements in advocating for equal rights in the workplace. However, research also clearly documents the barriers other groups face in access to employer-provided training (Evertsson, 2004; Jeske *et al.*, 2017; Newton, 2006). Policymakers should be mindful of ensuring protections extend to all workers that face marginalization and exclusion in advancing their careers. Moreover, even in the case of gender, protections against discrimination in access to training were significantly less common than those for hiring and termination.

In addition, although explicit protections tend to be more common in high-income countries and those in Europe and Central Asia, countries with specific protections across all seven socio-demographic characteristics can be found across regions and income levels. Although more research is needed, the differences in protections for training by country income level could be due to the high number of workplaces in those countries that offer training (OECD, 2013). Existing theoretical and empirical literature has identified several factors to explain inter-country differences in training, including: the supply of high-skill jobs, the overall educational attainment and education stratification at the country level, and institutional factors such as the influence of unions, wage agreements and employment protection legislation (Vogtenhuber, 2015). It may be that legislation to protect workers from discrimination in access to training is particularly common in high-income countries, where there are high rates of training, and inequality in access to training is widely recognized. Indeed, as an ILO report stated, for many countries in the European Union such as Scandinavian countries, Germany and the United Kingdom, 'training remains the most popular policy option to counter [occupational] segregation' (Bettio *et al.*, 2009).

Alternatively, differences in levels of protection for training could be due to differences in countries' abilities to implement legislation protections for training. More specifically, the ability to successfully implement policies has been attributed to: the managerial and political skills of key political actors, critical mass of organizations

supporting the policy and stability in political conditions (Cerna, 2013). In order to ascertain the reasons behind the differences in protection for training by country income level, future studies might wish to consider examining the roles of union membership, political leadership and prevalence of employer-provided training. In addition, future research might explore reasons for regional differences in protections for training, which could be related to differences in political and economic histories (Acemoglu & Robinson, 2013). Given the importance of training for mobility, understanding the reasons behind differences in protections across income levels and regions will be an important area for future research to explore.

These protections can help to prevent the consequences of discrimination, which include worsened employment and wage outcomes for workers, reduced competitiveness of firms and less economic development and output for countries. International commitments to non-discrimination in job training are not enough to ensure that employees have explicit protections. Although countries that submitted R195 to their governments were more likely than non-submitters to have explicit protections from discrimination in access to training, overall, very few countries provided explicit protections for all seven socio-demographic characteristics, regardless of whether they submitted R195. These findings highlight an example of existing gaps between international commitments and legislative protections at the national level. They also demonstrate how comparative policy analysis may be one approach to increasing the accountability of policymakers, as well as providing examples of approaches that have been feasible in other similar countries.

This study focuses on explicit protections from discrimination in access to training opportunities. Explicit protections—meaning legislation protections that name the socio-demographic characteristic of interest as well as access to training—are considered the strongest level of protection from discrimination. In some countries, broad protections from discrimination at work may have been interpreted to include vocational training through regulations. These protections, however, may not be as strong as legislative protections that specify training and explicitly name groups of workers who may not be discriminated against. Interpretations are more likely to change with government administrations or during economic or social shifts than are laws (Botero *et al.*, 2004). Another way by which to categorize legislation is to assess differences between countries based on their legal system (in other words, whether common law countries such as the United Kingdom and the United States differed from civil law countries such as France or Italy). This study did not uncover major differences in protection for countries with differing legal systems; however, this is an area that could be explored further in future studies.

Finally, although this study provides an overview of legal protections against discrimination in access to employer-provided training, it does not address the presence or nature of enforcement mechanisms used to implement these protections. In the absence of strong enforcement mechanisms, anti-discrimination provisions may not be effective in protecting workers from discrimination in access to training. Previous studies have documented the many difficulties that workers—particularly workers from disadvantaged groups—continue to face in seeking to challenge discriminatory practices in the workplace, even in countries with legal protections against discrimination. In addition, in parts of the world where there are limited employment opportunities, workers may be reluctant to come forward at all, for fear of antagonizing existing or prospective employees. In order to ensure effective enforcement of anti-discrimination legislation, countries need to invest in a range of strategies including: the creation of an enforcement body to take on active investigation of employment discrimination, the widespread provision of educational and technical services, access to legal services, and the regular monitoring of workplaces (Goss *et al.*, 2000).

In this paper, we argue that developing anti-discrimination legislation is a crucial first step toward reducing discrimination, both because of its instrumental value and because it helps to shape group norms (Martinsson, 2011). However, legislation alone is not sufficient. In order for large-scale change, enforcement must be prioritized and funded. In addition, enforcement efforts must extend to low- and middle-income

workers, as well as high-income workers. Future studies should delve more deeply into the legal provisions that support full implementation of non-discrimination in access to training. In addition, although this study provides large-scale comparative policy data on legislative protections from discrimination from training, more research will be needed to link these policies to outcomes, in order to assess where policies are effective at improving employment and wage outcomes, and where policies may need to be strengthened or changed. In particular, comparative research that connects large-scale policy data with individual- and household-level data will be critical for developing new knowledge on how policies function in various contexts.

Considering the importance of training as a tool not only for poverty alleviation and social inclusion but also for economic growth, it is critical that researchers, policymakers and employers work together to promote more equitable access to training. Although private employers may choose to implement anti-discrimination policies at individual workplaces, national laws are essential to ensure protections are extended to all sectors, and to all workers.

References

- Acemoglu, D. and Robinson, J. A. (2013), 'Economics versus politics: pitfalls of policy advice', *Journal of Economic Perspectives*, **27**, 2, 173–92.
- Aguinis, H. and Kraiger, K. (2009), 'Benefits of training and development for individuals and teams, organizations, and society', *Annual Review of Psychology*, **60**, 451–74.
- Agócs, C. and Burr, C. (1996), 'Employment equity, affirmative action and managing diversity: assessing the differences', *International Journal of Manpower*, **17**, 4/5, 30–45.
- Aisa, R., Gonzalez-Alvarez, M. A. and Larramona, G. (2016), 'The role of gender in further training for Spanish workers: are employers making a difference?', *Feminist Economics*, **22**, 3, 154–82.
- Amin, M. and Islam, A. (2015), 'Does mandating nondiscrimination in hiring practices influence women's employment? Evidence using firm-level data', *Feminist Economics*, **21**, 4, 28–60.
- Asplund, R. (2004). *The provision and effects of company training: a brief review of the literature* (No. 907). ETLA Discussion Papers, The Research Institute of the Finnish Economy (ETLA), Helsinki.
- Barrett, A., McGuinness, S., O'Brien, M. and O'Connell, P. (2013), 'Immigrants and employer-provided training', *Journal of Labor Research*, **34**, 1, 52–78.
- Bartel, A. P. (2000), 'Measuring the employer's return on investments in training: evidence from the literature', *Industrial Relations: A Journal of Economy and Society*, **39**, 3, 502–24.
- Bassanini, A., Booth, A. L., Brunello, G., De Paola, M. and Leuven, E. (2005). *Workplace Training in Europe*. IZA Discussion Paper No. 1640. Available at <https://ssrn.com/abstract=756405> (accessed 16 September 2019).
- Bettio, F., Verashchagina, A., Mairhuber, I. and Kanjuo-Mrčela, A. (2009), *Gender Segregation in the Labour Market: Root Causes, Implications and Policy Responses in the EU* (Luxembourg: Publications Office of the European Union).
- Bishop, J. H. (1996). *What we know about employer-provided training: a review of literature*. CAHRS Working Paper #96-09, Cornell University, School of Industrial and Labor Relations, Center for Advanced Human Resource Studies, Ithaca, NY. Available at <http://digitalcommons.ilr.cornell.edu/cahrswp/180> (accessed 16 September 2019).
- Botero, J. C., Djankov, S., Porta, R. L., Lopez-de-Silanes, F. and Shleifer, A. (2004), 'The regulation of labor', *The Quarterly Journal of Economics*, **119**, 4, 1339–82.
- Brooks, A. K. and Clunis, T. (2007), 'Where to now? Race and ethnicity in workplace learning and development research: 1980–2005', *Human Resource Development Quarterly*, **18**, 2, 229–51.
- Bruyere, S. M., Erickson, W. A. and VanLooy, S. (2004), 'Comparative study of workplace policy and practices contributing to disability nondiscrimination', *Rehabilitation Psychology*, **49**, 1, 28.
- Carlsson, M. and Rooth, D. O. (2007), 'Evidence of ethnic discrimination in the Swedish labor market using experimental data', *Labour Economics*, **14**, 4, 716–29.
- Castilla, E. J. (2008), 'Gender, race, and meritocracy in organizational careers', *American Journal of Sociology*, **113**, 6, 1479–526.
- Cerna, L. (2013), *The Nature of Policy Change and Implementation: A Review of Different Theoretical Approaches*. Available at <https://www.oecd.org/education/cei/The%20Nature%20of%20Policy%20Change%20and%20Implementation.pdf> (accessed 16 September 2019).

- Chopin, I. and Germaine, C. (2016), 'A comparative analysis of non-discrimination law in Europe', prepared for the European Commission. Available at http://ec.europa.eu/justice/discrimination/files/comparative_analysis_nd_2015.pdf (accessed 16 September 2019).
- Church, R. (2012), 'National differences in effects of perceived workplace discrimination on the mentoring relationships of gay and lesbian protégés', *Journal of Organizational Culture, Communications and Conflict*, **16**, 2, 105.
- Cooke, G. B., Chowhan, J. and Brown, T. (2011), 'Declining versus participating in employer-supported training in Canada', *International Journal of Training and Development*, **15**, 4, 271–89.
- Csoba, J. and Nagy, Z. É. (2012), 'The evaluation of training, wage subsidy and public works programs in Hungary', *The Hungarian Labour Market*, 96–122.
- Darity, W. A. and Mason, P. L. (1998), 'Evidence on discrimination in employment: codes of color, codes of gender', *Journal of Economic Perspectives*, **12**, 2, 63–90.
- Dieckhoff, M. and Steiber, N. (2011), 'A Re-assessment of common theoretical approaches to explain gender differences in continuing training participation', *British Journal of Industrial Relations*, **49**, 1, s135–s157.
- Donohue, J. J. and Heckman, J. (1991). *Continuous versus episodic change: the impact of civil rights policy on the economic status of blacks*. No. w3894, National Bureau of Economic Research, Cambridge, MA.
- Evertsson, M. (2004), 'Formal on-the-job training: a gender-typed experience and wage-related advantage?', *European Sociological Review*, **20**, 1, 79–93.
- Eurostat. (2019), *Vocational Education and Training Statistics*. Available at [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Enterprises_providing_CVT_2005_2010_and_2015_\(%25_of_all_enterprises\)_ET18_II.png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Enterprises_providing_CVT_2005_2010_and_2015_(%25_of_all_enterprises)_ET18_II.png) (accessed 16 September 2019).
- Fredman, S. (2012). 'Anti-discrimination Laws and Work in the Developing World: A Thematic Overview', Background Paper for the World Development Report, 2013. Available at http://siteresources.worldbank.org/EXTNWDR2013/Resources/8258024-1320950747192/8260293-1320956712276/8261091-1348683883703/WDR2013_bp_Anti-Discrimination_Laws.pdf (accessed 16 September 2019).
- Ghumman, S., Ryan, A. M., Barclay, L. A. and Markel, K. S. (2013), 'Religious discrimination in the workplace: a review and examination of current and future trends', *Journal of Business and Psychology*, **28**, 4, 439–54.
- Gibson, J. and Watane, C. (2001), 'Why is job security lower for Maori and Pacific Island workers? The role of employer provided training', *New Zealand Economic Papers*, **35**, 1, 1–24.
- Gonzales, M. C., Jain-Chandra, S., Kochhar, M. K. and Newiak, M. M. (2015), *Fair Play: More Equal Laws Boost Female Labor Force Participation* (International Monetary Fund). Available at <https://www.imf.org/en/Publications/Staff-Discussion-Notes/Issues/2016/12/31/Fair-Play-More-Equal-Laws-Boost-Female-Labor-Force-Participation-42721> (accessed 16 September 2019).
- González-Velosa, C., Rosas, D. and Flores, R. (2016), 'On-the-Job Training in Latin America and the Caribbean: Recent Evidence', in M. Grazzi and C. Pietrobelli (eds), *Firm Innovation and Productivity in Latin America and the Caribbean* (New York: Palgrave Macmillan), pp. 137–66.
- Goss, D., Goss, F. and Adam-Smith, D. (2000), 'Disability and employment: a comparative critique of UK legislation', *International Journal of Human Resource Management*, **11**, 4, 807–21.
- Hernandez, B., Keys, C. and Balcazar, F. (2000), 'Employer attitudes toward workers with disabilities and their ADA employment rights: a literature review', *Journal of Rehabilitation*, **66**, 4, 4–16.
- Imdorf, C. (2007), *The Hiring of Trainees: Institutional Discrimination Based on Nationality in Swiss Enterprises*. Available at http://www.cee-recherche.fr/colloque_tepp/discriminations/pdf/Imdorf.pdf (accessed 16 September 2019).
- International Labour Organization (ILO). (2004), *The NEW ILO RECOMMENDATION 195. Human Resources Development: Education, Training and Lifelong Learning*. Available at https://www.ilo.org/sites/default/files/file_evento/recom195_en.pdf (accessed 16 September 2019).
- International Labour Organisation (ILO). (2010), *A Skilled Workforce for Strong, Sustainable and Balanced Growth: A G20 Training Strategy*. Available at http://www.ilo.org/skills/pubs/WCMS_151966/lang-en/index.htm (accessed 16 September 2019).
- International Labour Organization (ILO). (2017), *Investing in Work Based Learning*. Available at https://www.ilo.org/skills/pubs/WCMS_565923/lang-en/index.htm (accessed 16 September 2019).
- Jayasinghe, D. (2001), '“More and more technology, women have to go home”: Changing skill demands in manufacturing and Caribbean women's access to training', *Gender & Development*, **9**, 1, 70–81.

- Jeske, D., Stamov Roßnagel, C. and Strack, J. (2017), 'Training older workers: resource-oriented strategies', *International Journal of Training and Development*, **21**, 2, 167–76.
- Jones, D. C. and Simon, K. I. (2005), 'Wage determination under plan and early transition: Bulgarian evidence using matched employer–employee data', *Journal of Comparative Economics*, **33**, 2, 227–43.
- King, E. B. and Ahmad, A. S. (2010), 'An experimental field study of interpersonal discrimination toward Muslim job applicants', *Personnel Psychology*, **63**, 4, 881–906.
- Knoke, D. and Ishio, Y. (1998), 'The gender gap in company job training', *Work and Occupations*, **25**, 2, 141–67.
- Knoke, D. and Kalleberg, A. L. (1994), 'Job training in US organizations', *American Sociological Review*, **59**, 4, 537–46.
- Konings, J. and Vanormelingen, S. (2015), 'The impact of training on productivity and wages: firm-level evidence', *Review of Economics and Statistics*, **97**, 2, 485–97.
- Kottis, N. and Dur, R. (2016), *An Empirical Analysis of Workplace Discrimination against Muslims in the UK*. Master's Thesis. Available at <https://pdfs.semanticscholar.org/4791/cc58204211b9c118095bca54e782f3501568.pdf> (accessed 16 September 2019).
- Lindsay, S., Cagliostro, E. and Carafa, G. (2018), 'A systematic review of workplace disclosure and accommodation requests among youth and young adults with disabilities', *Disability and Rehabilitation*, **40**, 25, 2971–86.
- Lynch, L. M. (1992), 'Private-sector training and the earnings of young workers', *The American Economic Review*, **82**, 1, 299–312.
- Martinsson, J. (2011), *Global Norms: Creation, Diffusion, and Limits*. World Bank Group Open Knowledge Repository. Available at <https://openknowledge.worldbank.org/handle/10986/26891> (accessed 16 September 2019).
- Maya Dhungana, B. (2006), 'The lives of disabled women in Nepal: vulnerability without support', *Disability & Society*, **21**, 2, 133–46.
- Newton, B. (2006), 'Training an age-diverse workforce', *Industrial and Commercial Training*, **38**, 2, 93–97.
- Nilsson, A. (2010), 'Vocational education and training—an engine for economic growth and a vehicle for social inclusion?', *International Journal of Training and Development*, **14**, 4, 251–72.
- Nordman, C. J. and Pasquier-Doumer, L. (2014), 'Vocational education, on-the-job training, and labour market integration of young workers in urban West Africa', *Prospects*, **44**, 3, 445–62.
- O'Connell, P. J. and Jungblut, J. M. (2008), 'What do We Know About Training at Work?', in K. U. Mayer and H. Solga (eds), *Skill Formation: Interdisciplinary and Cross-national Perspectives* (New York, NY: Cambridge University Press), pp. 109–25.
- OECD. (2006), *Boosting Jobs and Incomes: Policy Lessons from Reassessing the OECD Jobs Strategy*. Available at <https://www.oecd.org/els/emp/36889821.pdf> (accessed 16 September 2019).
- OECD. (2013), *Indicators of Skills for Employment and Productivity: A Conceptual Framework and Approach for Low-income Countries*. Available at <http://www.oecd.org/g20/topics/development/indicators-of-skills-employment-and-productivity.pdf> (accessed 16 September 2019).
- Olsen, R. N. and Sexton, E. (1996), 'Gender differences in the returns to and the acquisition of on-the-job training', *Industrial Relations*, **35**, 1, 59–77.
- Parent, D. (1999), 'Wages and mobility: the impact of employer-provided training', *Journal of Labor Economics*, **17**, 2, 298–317.
- Poulston, J. and Jenkins, A. (2016), 'Barriers to the employment of older hotel workers in New Zealand', *Journal of Human Resources in Hospitality & Tourism*, **15**, 1, 45–68.
- Quintrell, M. and Maguire, M. (2000), 'Older and wiser, or just at the end of the line? The perceptions of mature trainee teachers', *Westminster Studies in Education*, **23**, 1, 19–30.
- Riboud, M. and Tan, H. (2009), 'Improving skills for competitiveness', in E. Ghani and S. Ahmed (eds), *Accelerating Growth and Job Creation in South Asia* (New Delhi: Oxford University Press), pp. 204–45.
- Schur, L., Kruse, D., Blasi, J. and Blanck, P. (2009), 'Is disability disabling in all workplaces? Workplace disparities and corporate culture', *Industrial Relations: A Journal of Economy and Society*, **48**, 3, 381–410.
- Stern, D., Song, Y. and O'Brien, B. (2004), 'Company training in the United States 1970–2000: what have been the trends over time?', *International Journal of Training and Development*, **8**, 3, 191–209.
- Taylor, P. and Urwin, P. (2001), 'Age and Participation in Vocational Education and Training', *Work, Employment and Society*, **15**, 4, 763–79.
- Tejeda, M. J. (2006), 'Nondiscrimination policies and sexual identity disclosure: do they make a difference in employee outcomes?', *Employee Responsibilities and Rights Journal*, **18**, 1, 45–59.

- Thomas, A. and Jain, H. C. (2004), 'Employment equity in Canada and South Africa: progress and propositions', *The International Journal of Human Resource Management*, **15**, 1, 36–55.
- Tomaskovic-Devey, D. (1993), *Gender & Racial Inequality at Work: The Sources and Consequences of Job Segregation* (No. 27) (Ithaca, NY: Cornell University Press).
- Vogtenhuber, S. (2015), 'Explaining country variation in employee training: an institutional analysis of education systems and their influence on training and its returns', *European Sociological Review*, **31**, 1, 77–90.
- World Bank. (2016), *World Bank Country and Lending Groups*. Available at <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups/> (accessed 16 September 2019).