

**Forum:** SDG 5

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**Be sure to consult the [UNIS MUN LibGuide](#) for additional resources.**

## **TOPIC 3: Question of positive discrimination**

### **I. Introduction to the Topic**

The last topic, which this committee will debate on, is the issue of positive discrimination. Positive discrimination refers to the action of favoring someone due to a protected characteristic and providing that person with more or better opportunities and options. This is a commonly used strategy in several companies as they aim for larger diversity, however it can be argued that this treatment is unfair towards those who do not possess a protected characteristic. The discrimination of the majority for the benefit of a few has been prohibited in several places and is not tolerated as it is a form of discrimination. Nevertheless, it is to be noted that positive discrimination has had beneficial influences in trying to achieve gender equality, therefore its complete prohibition and illegalization could set back the attempts to accomplish the UN's Sustainable Development Goal 5.

On an **individual level** positive discrimination can take the form of:

- favoring or prioritizing an individual due to a protected characteristic
- hiring someone because they belong to a minority and rejecting other candidates who do not possess a protected characteristic

On a **community level** positive discrimination can take the form of:

- preferential treatment demonstrated with the intent of bringing an underrepresented group to a level of equity in the workplace

On an **international level** positive discrimination can take the form of:

- nations supporting bills and quotas for the implementation of special measures
- making the employment of women mandatory in governmental organizations
- creating job opportunities for minority groups
- providing minority or underrepresented groups with opportunities that will create equity and raise them to the same starting level as the majority

### **II. Definition of Key Terms & Concepts**

**Positive discrimination:** The practice and policy of favoring individuals belonging to groups regarded as disadvantaged or subject to discrimination. It is crucial to understand the implications and effects of positive discrimination as it is argued to further help create equity and reduce prejudicial situations. Delegates are required to fully understand this definition and acknowledge its benefits and weaknesses in the perspective of their allocated country, in order to create a resolution on the possible uses of these special measures.

**Protected characteristic:** According to discrimination laws, this phrase refers to one of nine characteristics or situations that cannot be used as a reason to discriminate against an individual.

The nine characteristics are:

- age
- gender reassignment
- sex
- sexual orientation
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- religion or belief
- race including color, nationality, ethnic or national origin

Understanding the individual significance of each of the characteristics and the reason why these aspects cannot lead to discrimination is a critical key in this committee, as achieving gender equality will not occur without the creation of equity which can only be accomplished when people no longer have to face discrimination due to one of the reasons characteristics above.

**Discrimination:** The unjust or prejudicial treatment of a group of people on the grounds of ethnicity, sex, religion, age or disability. Recognizing the difference between discrimination and positive discrimination is a key to presenting a country's standpoint on the topic, as there is a fine line between putting special measures to action and implementing discrimination against larger groups, which would counterbalance this council's goals and values. That being the case, it is crucial to understand the positive implications of special measures, while also keeping in mind that as it is still a form of discrimination, hence has its limitations.

**Equity:** Refers to fairness and justice in the form of realizing that people do not start at the same place, hence adjustments to imbalances must be noted and made in order to allow individuals to start on the same level, with the same capacity.

**Equality:** A situation in which men and women, people of different races, religions and backgrounds receive the same treatment and opportunities. It is crucial to understand the difference between equality and equity and see why one of the two can further enhance discrimination.

### **III. Key Stakeholders**

**United Kingdom of Great Britain and Northern Ireland (UK):** In 2010, the government of the United Kingdom passed the Equality Act. The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone. Overall, positive discrimination is generally prohibited under the Equality Act 2010, unless an occupational requirement applies. Positive discrimination because of a person's disability is allowed, and may sometimes be required if there is a duty to make reasonable adjustments.

**International labor organization (ILO):** Freedom from discrimination is a fundamental human right, and it is essential for workers to be able to choose their employment. All workers and job seekers have the right to be treated equally, regardless of any attributes other than their ability to do the job. 1998 ILO Declaration on Fundamental Principles and Rights at Work calls on all member States to promote and realize within their territories the right to be free from discriminatory employment practices. As one of the key methods of implementing discriminatory acts is through the employment or lack thereof of people from minority groups, it is crucial to understand the standpoint of the ILO. This organization argues for positive discrimination as they believe that people cannot be discriminated against due to a protected characteristic and need to be given the opportunity to start on the same levels as the rest, who are not subject to prejudice.

**European Union (EU):** EP and EU countries' negotiators finally agreed on a bill to increase the presence of women on corporate boards. With the new "Women on Boards" Directive companies are required to introduce transparent recruitment procedures, so that at least 40% of non-executive director posts or 33% of all director posts are occupied by the under-represented sex. According to Parliament, companies must comply with this target by 30 June 2026. In cases where candidates are equally qualified for a post, priority should go to the candidate of the under-represented sex.

#### **IV. Key Issues including Background Information**

**Discrimination based on age:** Many people face discrimination on the basis of age during hiring processes. This type of discrimination is mainly targeted towards individuals above the age of 40 and can lead to the loss and exclusion of valuable experience and skills, therefore this issue needs to be addressed and tackled, hence more people with personal knowledge can receive job opportunities.

**Discrimination based on disabilities:** Disability discrimination is when a person with a disability is treated less favorably than a person without the disability in the same or similar circumstances. The prohibition of this action could lead to the improvement of the public image of people with disabilities and refine the opportunities these minorities are provided with. It is essential to address this issue as it affects 16% of the world's population.

**Discrimination based on sex:** Sex discrimination occurs when a person is treated less favorably because of that person's sex, which includes sexual orientation, gender identity or expression, pregnancy or pregnancy-related condition (including lactation), or a sex stereotype.

**Discrimination based on religion and beliefs:** Religious discrimination is treating individuals differently because of their religious beliefs and practices, and/or their request for accommodations of their religious beliefs and practices. It also includes treating individuals differently because of their lack of religious beliefs or practices. Religious practices are not just those required by a church or other religious group, but include moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views.

Beliefs may be “religious” in nature even if no religious group holds such beliefs or religious groups to which others in the workplace belong do not accept such beliefs.

**Discrimination based on race/color and/or origin :** Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color. Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

**Discrimination based on pregnancy:** Pregnancy discrimination takes a variety of forms. It can include being denied a request for temporary accommodation or being fired or denied a promotion as a result of being pregnant. Such denials may stem, in part, from perceptions or stereotypes about the capacities and abilities of pregnant women. They may also be motivated by biases about pregnant women or mothers themselves, particularly those from certain racial, ethnic, or economic backgrounds.

## V. Timeline of Resolutions, Treaties, and Events

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Date	Description of the events
1975	U.S Department of Labor creates the Age Discrimination act in order to prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance
1984	The Federal Government Australia creates the Equal Opportunity Act aiming to promote equality of opportunity between the citizens of South Australia, prevent certain kinds of discrimination based on sex, sexuality, marital status, pregnancy, race, physical or intellectual impairment or age and facilitate the participation of citizens in the economic and social life of the community
2004	Hungary adopts the Law “On Equal Treatment and Equal Opportunities”, which introduces the concept of direct and indirect discrimination and prohibited discrimination on the grounds of age, sexual orientation, illness, race, ethnicity, religion or belief.

2009	The Charter of Fundamental Rights of the European Union comes into force, including Articles 20 through 26, all aiming to promote and ensure equality within the European Union
2010	The Equality Act by the UK is published, including Part 2, Chapter 1 describing and analyzing all the protected characteristics
2015	New anti-discrimination law was enacted in Buenos Aires, Argentina, after 5 years of campaigning for the adoption of overarching anti-discrimination laws.
2022	UN Human Rights and the Equal Rights Trust have joined forces to launch <i>Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation</i> . The guide, the first of its kind, details the human rights obligation to adopt comprehensive anti-discrimination laws at national level, as well as on the scope and content of such legislation as set out under international human rights law.

## VI. Possible Challenges & Solutions

**Discrimination based on age:** As this type of discrimination is mainly targeted against individuals above the age of 40, it could be challenging to solve this issue due to stereotypes about the physical health of older people. Creating more job opportunities that do not require manual labor can decrease the factors of age based discrimination. Furthermore the approach to layoffs based on age needs to be excluded from workplaces and replaced with experience and productivity based layoffs.

**Discrimination based on disabilities:** First and foremost employers need to provide regular equality and diversity training to all staff, as discrimination of disabled individuals by their coworkers appears to be one of the main obstacles disabled people face. Moreover making workspaces easily accessible for everyone would be an essential and beneficial step towards enhancing special measures.

**Discrimination based on sex:** In workspaces, in order to reduce sex based discrimination, employers need to create a policy that gives females and males equal chances to promotions, specify the salaries based on the position held by the individual rather than their sex and sexual

orientation. When hiring or providing services the sexual orientation and gender expression of a person should not be identified as a strength or weakness and should not hinder the employment or service nor should change its quality.

**Discrimination based on religion and beliefs:** In the workspace, employers need to devise and implement an equal opportunities policy and ensure that it states clearly that there must be no discrimination or harassment against any employee or job applicant on the grounds of religion or belief. This means that individuals cannot be laid off due to their religion, promotions should not occur based on preference of one's religion and projects cannot be given to or taken away from an employee on the grounds of religious distinction.

**Discrimination based on race/color and/or origin:** In formal environments people need to thrive for equality by avoiding personal questions concerning one's origin and by implementing policies that do not differentiate between individuals based on their skin color and place of origin. Moreover children need to be taught and trained about equality and the importance of judging people based on characteristics and personal traits rather than birthplace and race. To accomplish this a training program should be included in all educational systems.

**Discrimination based on pregnancy:** Steps for curing pregnancy based discrimination can include:

- addressing the assumptions, and help supervisors and others to implement tools that will reduce the likelihood that the assumptions will affect personnel decisions
- providing education about employers' legal obligations with respect to pregnant employees
- implementing good management techniques can help maintain workflow and productivity for all employees, including pregnant ones
- carry out culture adjustments to reduce the prevalence of bias

## **VII. Recommendations for Resolution Writing including Research**

When writing, discussing and voting resolutions, delegates should consider multiple aspects of this complex issue. Most importantly, delegates should carefully consider any effects these resolutions may have on their own countries, as well as their relationship with the key stakeholders involved, primarily The United Kingdom of Great Britain and Northern Ireland, European Union and International Labour Organization or allies of either, will be more likely for the implementation of . Many countries, especially western democratic and modern states, are also likely to be vehemently for resolutions which are thriving for equity and equality. This may make them more likely to support special measures and the generalization of positive discrimination.

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## **IX: Additional Resources**

If there are any relevant maps, images or data that will help your delegates better understand the issue, include those in this section.