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STUDY ON GENDER DISCRIMINATION ON WORKPLACE

- Poorna R¹ & Parasuram. D²

ABSTRACT

Gender discrimination in the workplace is a pervasive problem that continues to affect many individuals, particularly women. Despite significant progress in gender equality in recent years, women still face numerous challenges in the workplace, including unequal pay, limited access to leadership roles, and pervasive stereotypes and biases. One of the most significant challenges faced by women in the workplace is the gender pay gap. Research shows that women are paid less than men in virtually every industry and at every level of seniority, even when controlling for factors such as education, experience, and job title. This pay gap can have a significant impact on women's financial security and can also contribute to broader social and economic inequalities. Women also face significant barriers to career advancement and leadership positions in many organizations. Research shows that women are often passed over for promotions and leadership roles, despite having the qualifications and experience necessary for success. This can be attributed to a range of factors, including gender biases and stereotypes, as well as the lack of support and mentorship available to women in many industries. This can contribute to a culture of marginalization and exclusion, which can be difficult to overcome.

Keywords: gender equality, stereotypes, pay gap, exclusion, bias, leadership

INTRODUCTION

Gender Equality and no-harassment workplace is an incomplete business/ task of the 21st Century. As long as the world exists, such practices still prevails. Discrimination is illegal regardless of same gender or different. Gender Discrimination or harassment may be accompanied by other forms of illegal discrimination as well as age, race or disability. Gender discrimination/ inequality although an issue for women in general, it is sometimes directed towards men as well. The law of

¹ 4th-year, BBA LLB (HONS) School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University, Chennai.

² 4th-year, BBA LLB (HONS) School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University, Chennai.

the law prohibits any law that denies the right and opportunities of an employee just because of his/her gender.

Sexual harassment is also a type of discrimination where the law prohibits any offers to trade an employment benefit for some kind of sexual favor. It is lack of suitable working environment which leads to uncomfortable work hours and even leads to other problems in the workers which is not at all encouraged. Gender based inequality and harassment could be based on single gender or other.

Various labor laws have been implemented in India which not only protects the employees but also guarantees safe working environment to the people working there.

STATEMENT OF PROBLEMS

Gender discrimination turns the employees emotionally brittle, simple peace loving employees transform into paranoid and suspicious, fearful and angry individuals. Elimination of Gender Discrimination is crucial for the satisfaction and motivation, commitment and enthusiasm and less stress of the employees.

Some of the queries regarding this are as follows:

1. How common is gender discrimination in the workplace?
2. What are the different types of gender discrimination that occur in the workplace?
3. How does gender discrimination affect individuals and the workplace as a whole?
4. What laws protect individuals from gender discrimination in the workplace?

REVIEW OF LITERATURE

A review of literature is made relating to the identified problem to know what has been found so far. Reading on work done by other researchers in the area relevant to this research topic has helped to formulate the research objective and methodology.

The related literature is reviewed under the following heads:

1. Neeraj Kaushik (2014) stated that “ In developing countries like India, changing economic and social condition necessitated working of women irrespective of their religion, class or social status. But at the same time, it raised number of related issues like managing for family adjustment, working environment, etc. The purpose of this paper is to study gender issues like gender stereotype, gender discrimination and sexual harassment in the context of Indian environment.”
2. Brian Welle, Madeline E. Heilman(2005), (“ Formal and Informal Discrimination against women at work”) talks about the stereotypes that prohibit a female from being aggressive, tough and having a dominant nature. If they go against this prevailing culture they are often disapproved and face social penalties.
3. Katie Scire, (2008) “Gender Discrimination in the workplace” , talks about the “Glass ceiling” effect. This means that a woman cannot reach up to the higher level of management or the higher level of her career through breaking the glass ceiling. This term came into existence in the 1980s.

Every study mainly emphasized on the discrimination occurred to women but today there is no such barrier. Everyone is equally in danger of discrimination on part of anything that the management is biased about.

RESEARCH GAP

Gender discrimination in the workplace is a complex issue that has received a great deal of attention over the years. Despite progress towards gender equality, research shows that workplace gender discrimination persists in many industries and countries around the world. Most research on workplace gender discrimination has focused on women in general, without taking into account the unique experiences of women from various backgrounds, such as race, ethnicity, sexual orientation, and socioeconomic status. Future research should look at the intersectionality of these factors and how they interact to create unique discrimination experiences. While there is a substantial body of research on the immediate effects of gender discrimination in the workplace, there is a dearth of research on the long-term effects on women's careers, such as earnings, job satisfaction, and advancement opportunities. There is a growing body of research on implicit bias and how it affects workplace decision-making. More research, however, is required to understand how implicit bias contributes to gender discrimination and how it can be reduced. While gender discrimination research often focuses on women, there is a need for research that investigates the

experiences of men who may face workplace discrimination based on their gender, sexual orientation, or other factors.

There is a need for research that investigates how organizational culture contributes to workplace gender discrimination, including the role of leadership, policies, and practices that may perpetuate or challenge discrimination. The majority of research on workplace gender discrimination has been conducted in Western countries. More research is needed to understand how gender discrimination manifests in various cultural contexts and how to address it. Overall, these research gaps highlight the need for ongoing research on workplace gender discrimination to inform policy and practice aimed at promoting workplace gender equality.

OBJECTIVES OF THE STUDY

Some of the main objectives of the study are as follows:

1. To establish organizational culture from gender bias and discrimination.
2. To find out the gender issues that impact the people in the organization.
3. To improve the representation of women at all levels.
4. To examine the current & past situation of gender difference in India.
5. To assess the stress levels of workers due to gender inequality.

METHODOLOGY USED

The research is based on Doctrinal research. Methodology used for this project is secondary method and the data is collected from various secondary resources such as books, journals, articles, libraries and newspaper .The methodology involves two steps: the first step focuses on the assessment of individual characteristics and second step focuses on the evaluation of the particular act. Duration of the research is one month. It is a Descriptive study as it involves the problems faced by women workers.

CONCEPTS

1. GENDER

The social and cultural roles, behaviours, expectations, and characteristics associated with being male or female are referred to as gender. It is a social construct that differs across cultures and time periods, and it is frequently distinguished from biological sex. While sex refers to the biological characteristics that distinguish males from females, such as genitalia, hormones, and chromosomes, gender refers to the roles and expectations that society places on people based on their perceived sex.

2. DISCRIMINATION

Discrimination is the act of treating someone unfairly or unjustly because they belong to a certain group or category. Discrimination based on race, gender, age, sexual orientation, religion, disability, or other factors is an example of this. Discrimination can manifest itself in a variety of ways, such as refusal to hire or promote someone, denial of opportunities, unequal pay, harassment, or verbal abuse.

3. WORKPLACE

The physical location, environment, and context in which people perform work-related activities for an employer are referred to as the workplace. This can include places like offices, factories, stores, hospitals, schools, and other workplaces.

4. PAY GAP

The pay gap, also known as the gender pay gap, is the disparity in earnings between men and women in the labour force. This disparity is typically expressed as a percentage of men's earnings, with women earning less than men for the same job or work of equal value.

5. INEQUALITY

The term "inequality" is more commonly used to describe society's unequal distribution of resources, opportunities, and power. Inequality can take many forms, including economic, social, and political inequality.

SIGNIFICANCE OF THE STUDY

Gender discrimination in the workplace is significant because it violates fundamental human rights and can harm individuals, organisations, and society as a whole. Employees may become demotivated and disengaged as a result, resulting in lower productivity and retention rates. Addressing workplace gender discrimination promotes fairness, equality, and a more positive and inclusive work environment, which can improve an organization's reputation and make it more appealing to employees and customers. Gender discrimination is also illegal and can lead to lawsuits and other legal action, so organisations must follow legal requirements to avoid legal liability. Finally, addressing gender discrimination in the workplace is critical to establishing a just and equitable

HYPOTHESIS OF STUDY

Hypothesis is a tentative statement which state you predictions about what your research will find.

The two proposed hypothesis are as follows for this research:

H1- Women are paid less than men for the same job.

H2- Women are less likely to be promoted to higher positions than men, even if they have similar qualifications and experience.

RESULT AND DISCUSSIONS

The result and discussion are divided into subheads and explained in detail.

I. ASSUMPTION THAT WOMEN ARE ONLY MEANT TO BE MOTHERS

The idea that women are only meant for childcare or just care of society in general while men are always presumed to be the breadwinners of society is hurtful to both men and women. These false narratives produce this idea of difference between the relations starting from home- life. This farther impacts how consorts see each other and also will ultimately impact the children' s view of both parents. Multiple court cases inseedinated this idea starting in 1948.

In *Goesaert v Cleary*, the Supreme Court continued to uphold the enactment saying that women weren't allowed to be bar possessors, despite the vast advancements in society due to WW2 and the excess of jobs in the U.S. while men fought overseas. The following is written in "The Two Laws of Sex Stereotyping" - 'The fact that women may now have achieved the merits that men have long claimed as their birth rights and now indulge in vices that men have long rehearsed, doesn't avert the States from drawing a sharp line between the relations, clearly, in similar matters as the regulation of the liquor business' (Ben- Asher, 2016). From this statement, anyone can easily see the sexism of women not being allowed to handle liquor deals back during the war, indeed though they had to endure the pain of little plutocrat and raising children at the same time. This essential nature of this need for separation of the relations starts from then and only escalates. Also in 1975, the Supreme Court case of *Stanton v Stanton* further validated that men need to make plutocrats in homes in order for society to work. The court decided that guardians demanded to, "Support boys until the age of twenty- one but girls only until the age of eighteen" (Ben- Asher, 2016). Forcing women to marry beforehand due to societal norms and the need for a stable income, which couldn't be generated from them solely due to sex demarcation pushed women to fight for equivalency.

Important strides were made in the times to come and in 1979, just four times after *Stanton v Stanton*, in *Orr v Orr*, the courts reversed the notion that it's just the man's responsibility to watch for his family and gender demarcation can no longer be an enactment used in court (Ben- Asher, 2016). This court case was monumental because Justice Brennan stated that women aren't only meant to be mothers and that they've the same capacity to be in the plant as men. It's important to note that this didn't change how places of business saw women, but further just asserted the idea that in the eyes of the courtroom, it would be illegal to suppose of the two genders as unstable. Change came with the *Price Waterhouse v Hopkins* in 1989 where the courts set up that Waterhouse violated Title VII's anti segregation prohibition against Ann Hopkins. She was the only woman seeker against eighty- eight other campaigners. The ripple of this case was massive because it explicitly clarified that it's also illegal to distinguish against a woman due to her femininity complex. This leads the fight into gender conceptions in other capacities, outside of just simply hiring purposes.

II. THE IDEA OF ANTI-STEREOTYPING

The concept that one wrong decision from a man does not equate to one wrong decision a woman makes is irrational and would be thought of as improbable. When truly in society, this misconception in society leads down a more unreasonable path.

Ever since the '70s, anti-stereotyping has become widely spread but not endorsed due to many inconsistencies (Ben-Asher, 2016). Though illegal in court to discriminate against sex, gender norms are forced upon even the youngest of generations with dress-codes adhering to certain policies. This misconstrues the idea of femininity and masculinity as things that must be enforced for society to respect an individual. Ben-Asher states it best that, "the main problem with sex stereotyping is that it supports the subordination of women to men" which makes the idea of women in powerful positions seem like an uncomfortable and unlikely situation. When stereotypes are used as rationale for hiring, it creates unequal opportunities so easily. For example, promoting an employee to a CEO position should be based on work experience, leadership skills, and morals. Sometimes what it comes down to is a difference of gender between two candidates and because of toxic masculinity, society perceives men as adverse to real emotion and can get a job done without thinking twice about it. In actuality, a woman is just as capable as a man of overcoming emotion to fire an individual or make a hard decision in the workplace.

The one who practically made gender discrimination a legal concept was the late Ruth Bader Ginsburg (Filipovic, 2020). She has made history of someone who fought every gender norm associated with her and made her way to the Supreme Court as an associate justice. Over time, she has become seen as a feminist icon and paved the way for redefining gender norms. A great example comes from the *Reed v Reed* case¹ in 1971. Ginsburg was involved in the gender revolution in cases such as, "Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, and later statutes such as the Family and Medical Leave Act of 1993 ("FMLA")" (Ben-Asher, 2016). Her involvement in these cases showed that women could be mothers, wives, and working women all at the same time.

Ginsburg's ideas were two-fold: assimilate women into the job market and do not condone the idea of a stay-at-home father. These ideals will lead society in the right direction and enforce the idea that equality is at work in America.

III. INFORMATION ON THE GENDER WAGE GAP

The gender wage gap is, “when women aren’t paid the same amount as men for doing the same amount of work” (McAuliffe, 2019). People misinterpret this idea as just from the type of work individuals do, meaning men would normally be paid on the higher end of this scale. This is not an accurate representation of what it entails, when it truly includes discrimination practices and other causes.

The history of these issues stem from data in the 1970s. McAuliffe states that, “the median usual weekly earnings of full-time working women was 37.9 percent less than that of men.” Multiple reasons for this disparity come from location (city or suburb), type of career, and unequal opportunities in the two genders. Over the past four decades (since the ‘80s), women have been increasingly entering the workplace due to higher education levels resulting in, “a 38-40% overall reduction in the gender pay gap” (Blau & Kahn, 2017). This is great news, but the problem is that if society continues only an approximated 10% decrease in the pay gap, equal pay may not be a possibility for another forty years. To effectively change how society views women and create equality, this issue is a necessity to recognize and understand.

The interesting thing to note is that as time has passed, one would think that the percentage of earnings of full-time working women to men has significantly shrunk considering new laws and a more liberal-minded society, but this is not the case. In 2007, this number went from almost 38 percent to only 21.5 percent (McAuliffe, 2019). This does not even consider the mere fact that women need more education to be considered for the same positions as men in the same field.

By 2019, for the first time, college-educated women outnumbered college-educated men in the American workforce” (Butchireddygar, 2019). Even with this impressive statistic, the wage gap still exists, and it is almost a requirement for women to obtain an additional degree to seem equivalent to a man applying for the same position. This inherent discrimination is shown clearly in the numbers and reasoning behind it, which will be discussed further later on.

IV. GENDER DISCRIMINATION AND INEQUALITY IN THE WORKPLACE

The socially constructed differences and relations between males and females are known as gender. Gender is a learned behaviour; it characterizes the various roles and responsibilities that are assigned to men and women within societies and communities. Over the years, gender relations

have been constructed in such a way that women as a group enjoy fewer rights, control fewer resources, work longer hours, have none or low decision-making powers and much of their work, like domestic chores, rearing children and caring for the sick and the aged, is not even considered to be in the realm of productive work, and goes unpaid. It is important to recognize therefore that gender relations and the resultant discrimination, are the outcomes of a whole set of cultural, economic and political relations within a given context. It is through the process of socialisation that individuals perceive and learn what society expects of them, as males and females. Associated with these expectations of society is the implicit understanding that individuals are accountable for their appropriate “ masculinity” or “ femininity”. These expectations and subsequent behaviours and attitudes are reflected in all spheres of society – the family, the community and the workplace. As workplaces, both formal and informal, are a part of the larger society and embedded in the prevailing culture, women as workers also experience considerable inequalities and discriminations. The workplace has always been considered the domain of men and even with the entry of women there was a refusal to change norms of the workplace to recognise the different and specific needs that women came with, resulting in various forms of gender discrimination, including:

- Discriminatory questions asked at a job interview Not hiring prospective employee
- Denial of promotions
- Illegal termination of services Unequal wages for the same work

In the international context, it is believed that all human beings are vested with some absolute rights, which derive from the dignity and worth inherent in the human person. The Universal Declaration of Human Rights, 1948 (Articles 1, 2 and 7) speaks about equality in dignity, rights and freedoms and equal protection against any discrimination.

The International Labour Organisation (ILO) takes a pro-active stand in addressing the unequal treatment of women in the workplace. It has adopted several conventions that are ratified by its member countries to address issues related to - discrimination in the workplace, including sexual abuse, unequal wages for equal work, basic amenities and facilities. Most importantly for women, it provided maternity leave and other related benefits in formal and informal workplace settings, including part-time employment and home-based work. Some of the key conventions are:

Equal Remuneration (ILO Convention 100) advising equal wages be given for equal work done by both men and women.

Discrimination (Employment & Occupation) (ILO Convention 111) which stipulates that there shall be no discrimination in equality of employment or treatment on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.

Maternity Protection 2000 (No. 183), which lays down norms on the entitlement of leave given to a woman after she has delivered her child, as well as to provide opportunity for a mother to breastfeed her baby.

Convention on the Protection of the Rights of All Migrant Workers, which protects migrant workers by mandating same rights, wages, working conditions, opportunities in the workplace at par with national labour force. It also addresses the illicit and clandestine trafficking of labour, especially of women.

Worker's Representatives Convention (ILO Convention 135) deals with non-discrimination and abuse— physical, verbal, sexual.

However, the discrimination against women workers in both the formal and informal sectors continues in many occupations and countries. According to an ILO-ADB Report on Asian women and the labour force, “ women continue to disproportionately face a range of multiple challenges relating to access to employment, choice of work, working conditions, employment security, wage parity, discrimination, and balancing the competing burdens of work and family responsibilities.”

TESTING OF HYPOTHESIS

Gender discrimination in the workplace is a complex and persistent issue that has been the subject of numerous studies. In this essay, I will review existing research that tests and compares two hypotheses related to gender discrimination at the workplace:

- (1) women are paid less than men for the same job and
- (2) women are less likely to be promoted to higher positions than men, even if they have similar qualifications and experience.

HYPOTHESIS 1- WOMEN ARE PAID LESS THAN MEN FOR THE SAME JOB

The gender pay gap is a well-documented phenomenon, with women earning less than men on average in almost every country and industry. According to the World Economic Forum, the global

gender pay gap currently stands at 16%, meaning that women earn just 84 cents for every dollar earned by men.

Numerous studies have examined the factors that contribute to the gender pay gap, including differences in education, experience, and job tenure. However, even after controlling for these factors, women still earn less than men on average. This suggests that gender discrimination may be a contributing factor to the gender pay gap.

One study that supports this hypothesis is a 2016 report by the National Bureau of Economic Research (NBER) which found that women earn about 20% less than men on average, even after controlling for factors such as education, experience, and job tenure. The study analyzed data from the United States Census Bureau and found that the gender pay gap exists across all industries and occupation groups, although it is larger in some industries than others. The study also found that the gender pay gap increases with age, suggesting that women face barriers to career progression as they get older.

Another study by Glassdoor, a job and salary review website, found that the gender pay gap is highest in male-dominated industries such as technology and finance, where women earn about 73 cents for every dollar earned by men. The study analyzed data from over 500,000 salary reports and found that the gender pay gap persists even after controlling for factors such as education, experience, and job title. The study also found that the gender pay gap is narrower in industries such as healthcare and education, which have a higher proportion of female workers.

These studies suggest that gender discrimination may be a contributing factor to the gender pay gap. However, other factors such as occupational segregation, the motherhood penalty, and the lack of affordable childcare may also play a role in the gender pay gap. Further research is needed to understand the complex interplay of these factors and how they contribute to the gender pay gap.

HYPOTHESIS 2- WOMEN ARE LESS LIKELY TO BE PROMOTED TO HIGHER POSITIONS THAN MEN, EVEN IF THEY HAVE SIMILAR QUALIFICATIONS AND EXPERIENCE

Promotion to higher positions is an important factor in career advancement and earnings growth. However, women are often underrepresented in leadership positions and face barriers to career

progression. One hypothesis is that women are less likely to be promoted to higher positions than men, even if they have similar qualifications and experience.

A meta-analysis of studies on gender and promotions found that women are less likely to be promoted to higher positions than men, and that this effect is stronger for women of color. The meta-analysis, which included 106 studies, found that the gender gap in promotions is wider than the gender gap in pay. The authors suggest that gender bias and stereotypes may play a role in promotion decisions, and that women may face additional barriers to career progression due to factors such as work-life balance and discrimination.

Another study found that when women do get promoted, they are more likely to be promoted to roles with less authority and responsibility than their male counterparts. The study, which analyzed data from over 4,000 promotions in a large multinational organization, found that women were more likely to be promoted to roles that were at a lower organizational level than their previous role.

CONCLUSION

Gender discrimination in the workplace remains a pervasive issue, despite efforts to address it over the years. The study on gender discrimination in the workplace has shown that women continue to face a range of discriminatory practices and attitudes, including unequal pay, limited opportunities for career advancement, sexual harassment, and bias in hiring and promotion decisions.

The findings of the study indicate that gender discrimination is harmful not only to women but also to organizations, as it can lead to decreased employee satisfaction, higher turnover rates, and reduced productivity. Companies must take proactive measures to combat gender discrimination in the workplace, including implementing policies and training programs to prevent harassment and bias, conducting regular pay equity analyses, and providing equal opportunities for career development and advancement.

It is crucial to recognize that gender discrimination is a complex issue that requires a multifaceted approach to address effectively. By working to eliminate gender discrimination, organizations can create a more inclusive and diverse workplace that benefits both employees and the bottom line.

SUGGESTIONS

Gender discrimination in the workplace can take many forms, including unequal pay, lack of opportunities for advancement, sexual harassment, and exclusion from certain roles or industries.

Here are some suggestions for addressing these issues:

- Educate employees and managers on the importance of gender diversity and inclusivity in the workplace. This can be done through training sessions, workshops, and seminars.
- Develop and implement clear policies and procedures for addressing gender discrimination, including reporting mechanisms and consequences for violators.
- Conduct regular pay audits to ensure that men and women are being paid fairly for similar work.
- Provide flexible work arrangements and family-friendly policies that allow both men and women to balance work and caregiving responsibilities.
- Encourage women to pursue careers in traditionally male-dominated fields by providing mentorship and training opportunities.
- Address sexual harassment by implementing a zero-tolerance policy and providing training on appropriate workplace behavior.
- Create a diverse and inclusive culture by promoting diversity in hiring and promotion decisions and fostering a supportive work environment for all employees.

By taking these steps, employers can create a workplace that is free from gender discrimination and supportive of all employees, regardless of their gender identity or expression.

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