

Gender Discrimination Against Women in Workplace

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Abstract

Since time immemorial, society instruct and encourage men to value (or devalue) women throughout the world even where there are anti-discrimination laws in place to discourage such attitudes. In the workplace, women are frequently subjected and treated as 'the other' to subtle discrimination by both sexes. When they are promoted, they are discouraged by both and women. Women are also more likely to be judged by their looks and how they dress than are their male counterparts. Women are discriminated against for being not pretty enough, poverty, or, in some positions (especially sales and public relations) for not being attractive. The term "glass ceiling" is also a form of gender discrimination. It refers to the invisible barriers that prevent women from reaching the ranks of management because the upper level and executive positions are given to men. If men work for more than their allotted working hours, better compensation packages or benefits than women based on unfair gender bias -- it's gender discrimination and it is illegal. Despite protective anti-discrimination laws making gender discrimination illegal, management practices at small, mid-size, and even giant corporations often still favor the advancement of men.

Introduction

It is against the law to discriminate against anyone in the workplace because of their sex. Employees have to be protected from discrimination at all stages of employment including recruitment, workplace terms and conditions and dismissal. Gender discrimination may be direct or indirect. When direct, an employee is treated unfavourably because of their gender sex. Indirect can occur if employers or managers hold assumptions about what sort of work women and men are capable, or not capable, of doing.

Gender discrimination could include:

- Not hiring a woman because the boss thinks she won't fit into a traditionally male workplace
- Offering women and men different rates of pay or benefits for the same job
- Not promoting a woman to a more senior position because it's assumed the other staff won't respect her authority
- Dividing up work tasks based on whether staff are male or female
- Insisting women has to wear different clothing at work to men, for example, short skirts
- Not considering women for a particular role.

The exceptions in regard to gender discrimination include:

- Maintaining decency and privacy (for example, in a fitting room or toilets)
- Performing searches of people or their clothing.
- Maintaining authenticity and credibility in regard to an artistic, photographic or dramatic performance, modelling work or similar activity.

For example, an employer may limit the offering of employment to people of one gender if it is a genuine occupational requirement for this to happen.

Liability

Employers are liable for their employees' acts of discrimination or sexual harassment. They also have a positive duty to eliminate discrimination, sexual harassment and victimisation as far as possible. Like, complaints of discrimination made to the Commission are resolved through a process called conciliation. Sexual harassment or abuse is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. It can be physical, psychological, verbal or written.

Sexual harassment is covered in the workplace when it happens:

- At work
- At work-related events
- Between people sharing the same workplace
- Between colleagues outside of work.

The context related to sexual harassment – no matter how large or small or who is involved – require employers or managers to respond quickly and appropriately. Just because someone does not object to inappropriate behavior in the workplace at the time, it does not mean that they are consenting to the behavior.

Against Law

Sexual harassment is against the law. Some types of sexual harassment may also be offensive and has been categorized under criminal law and should be reported to the police, including indecent exposure, stalking, sexual assault and obscene or threatening communications, such as phone calls, letters, emails, text messages and postings on social networking sites. If the person sexually harasses someone else is liable for their behavior, employers can also be held vicariously liable for acts of sexual harassment by their employees or agents.

Perpetrators

Sexual harassment can involve employees, managers, contractors, agents, clients, customers and others connected with or attending a workplace. It can happen at work, at work-related events or between colleagues outside the work environment. A workplace covers any place that a person attends for the purpose of carrying out their work or trade. They do not need to be an employer or employee of the workplace. Employees or members of industrial organizations must not sexually harass other employees or members of the organization, or people seeking to become a member. Employees or members of a qualifying body, such as a professional association, must not sexually harass other employees or members, or people seeking action on an occupational qualification.

A partner in a firm must not sexually harass another partner or anyone seeking to become a partner at that firm. Volunteers and unpaid workers have the same rights and responsibilities in relation to sexual harassment as paid staff. If a woman faces the confrontation against discrimination either sexually harassed, victimized or vilified, contact and talk about with the concerns concerns. Our dispute resolution service is free and confidential. Once it is taken into

accountability. Severe punishment will be preceded. A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

Bullying and Harassment

The discrimination is possible through bullying and harassment when it happens because of someone's disability, race, sexual orientation, age, physical features or any other protected attribute under the Equal Opportunity Act 2010. Bullying and harassment can be verbal, physical or in writing, and includes behavior that intimidates, degrades or humiliates another person. This is an unfavorable treatment covered by the law. If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. In most cases, bullying behavior is not controllable and becomes persistent and happens over a period of time. However, under the *Equal Opportunity Act 2010*, this behavior does not have to be repeated to be discrimination – it may be a one-off event.

Bullying can occur wherever people work together and in a range of different workplace relationships. It can be verbal or in writing, including online.

Bullying can happen:

- By managers towards workers
- Among co-workers
- By workers towards managers.

Bullying can take many forms, such as:

- Publicly humiliating someone
- Verbal abuse
- Spreading malicious rumours or gossip.

Reasonable Management Actions

Reasonable management actions carried out in a fair way are not included into the form of bullying. For example:

- Allocating work and setting performance goals, standards and deadlines
- Informing and warning a worker about unsatisfactory work performance

- Informing and warning a worker about inappropriate behavior
- Undertaking performance management processes and providing constructive feedback.

Employers should respond to instances of workplace bullying in a way that is appropriate to the seriousness of what has occurred. Serious instances of bullying, including threats to harm a person or damage to property, can be criminal matters and should be referred to the police.

An employee who believes and comes to know that they have been discriminated against or sexually harassed has the right to make a complaint, either using the organisation's internal complaints procedure or to an external agency such as the Commission. He is responsible to ensure that a person is not victimised, or treated unfavourably, because he or she has made a complaint or supported another person to make a complaint. Victimisation is specifically prohibited under the *Equal Opportunity Act 2010* and federal anti-discrimination laws.

Victimisation

Victimisation means punishing or threatening to punish someone. It is against the law to punish or threaten to punish someone because they have:

- Asserted their rights under equal opportunity law
- Made a complaint
- Helped someone else make a complaint
- Refused to do something because it would be discrimination, sexual harassment or victimisation.

Victimisation in the workplace can include:

- Bullying and intimidation by co-workers
- Being denied a promotion or being moved to a position with lower responsibility
- Dismissal from employment
- Being refused further contract work.

The legal definition of victimization is when someone 'subjects or threatens to subject the other person to any detriment'.

Gender Discrimination

Gender discrimination is against jury. It has to focus on the treatment that negatively affects the terms or conditions of employment. Gender inequality includes treating an employee or an applicant differently based on sex stereotypes or because he or she does not conform to traditional notions of femininity or masculinity; includes unwelcome sexual advances, requests for sexual favors and other verbal or physical harassment of a sexual nature. Sexual harassment may also include offensive remarks made about women. The following are the ways that how women face the confrontation in work space.

- Hiring

Being woman, one cannot be hired though she has enough experience and educational qualification because some of the company's long-time clients are more comfortable dealing with men.

- Firing

A woman is told that she is laid off due to company cutbacks and reorganization. However, men in the same position and/or with less seniority keep their jobs.

- Promotion

The work of a woman as a sales clerk at a retail store for ten years but have been repeatedly denied the opportunity to advance. Men with less experience, some of those woman even when she is trained and/or supervised, receive the promotions instead.

- Job Classification

It is understood that most of the sorting jobs, which are low-paid and offer little opportunity for promotion, are held by women, while most of the better-paying office positions are held by men.

- Benefits

In private concerns, women are required to use sick and vacation leave to take time off for your pregnancy because the employer does not provide disability leave for pregnancy, but does provide such leave to employees with other temporarily disabling health conditions. A male coworker was on leave for six months because he had a heart attack and he was able to access the benefits under the disability plan.

- Pay

A woman is not given equal wages on par with men especially in daily wages job.

- Sexual Harassment

If the boss is male and manager of the company, he repeatedly makes unwelcome comments about your body and routinely puts his arm around your waist when discussing work-related matters. Even when a woman warns about his behavior, the company wont take severe action on him.

- Gender Identity

You apply and are hired for a position at a new company. Before beginning your job, you inform your employer that you are undergoing a gender transition and will presenting as a woman instead of as a man. Your new employer then informs you that the job is no longer available due to budget constraints. You later find out that another person was hired for the position.

- Sex Stereotyping

A woman working in the sales department of a major retail chain has to be in short hair and dress in pants most days. Although she meets deadlines and sales quotas, she receives poor performance evaluations, which include comments about your lack of femininity and “aggressive” nature. Men with similar personality traits and equally or less impressive sales records and are promoted more quickly.

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