

Women discrimination essay sample

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For decades, the status of women in the workplace has been debated everywhere from the boardroom to the courtroom. Working women are sometimes subjected to bias because of sex, in spite of numerous laws and regulations that prohibit employment discrimination targeting women. Court cases from district courts all the way to U. S. Supreme Court cases render decisions based on discriminatory employment practices against women and other protected groups in the workplace.

Historically, women were relegated to office support and administrative positions such as clerk typists, secretaries and administrative assistants. Employers who engaged in unfair hiring practices attempted to justify making discriminatory hiring decisions for several reasons. Some employers believed women lacked the skills and qualifications necessary to perform nontraditional and higher-paid positions simply because of gender. Other employers who hired or promoted women into supervisory or management positions prevented those women from attaining higher-level roles, which is referred to as the “ glass ceiling.” The glass ceiling is a metaphor used to describe a barrier where the targeted group—in this case, women—can see the higher rungs on a career ladder but are prevented from attaining more responsible and influential positions due to discrimination based on sex and business decisions that convey the message that men are more suited to leadership roles. This is evidenced by a study in 2003 conducted by University of California-Hayward professor Dr. Richard Drogin who discovered “ women make up 72 % of Wal-Mart’s total workforce, but only 33 % of its managers.”

Laws Prohibiting Discrimination against Women

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There are many anti-discrimination laws enforced by the U. S. Equal Employment Opportunity Commission, as well as each state and local Fair Employment Practices Agency. The earliest laws on the books prohibiting discrimination against groups of underrepresented population groups in the workforce, including women, include Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964. The recently enacted Lilly Ledbetter Act of 2009 also prohibits discrimination against women, as well as older workers. The U. S. Department of Labour, Wage and Hour Division enforces the Family Medical Leave Act (FMLA), which protects persons who need time off from work to receive care for serious medical conditions, or for workers who must have time off from work to care for a family member with a serious medical condition. The reason FMLA is considered among the laws that prohibit discrimination against women because women are generally the primary caregivers in family strife and situations where personal care and attention are necessary.

Women Discrimination Phenomena's

Lower Pay

According to a 2009 survey by the Bureau of Labor Statistics, the median income for women was 78. 2 % of men's earnings, a small rise from the 77. 7 % of 2008. According to the same report, in all 50 states the average wages for women was lower than for men. The only exception was Puerto Rico, where women's earnings were higher than men's earnings. Managerial Positions

Another aspect where gender dominance discrimination is evident in the workplace is the type of jobs women hold. According to a report by the United States Government Accountability Office, 49 % of workers in non-managerial positions were women, while only 40 % of managers were women. As the same report pointed out, this represents a modest improvement from the 2000 figures for women: 49% of non-managers and 39 % of managers. Pregnancy

Unfair dismissal due to pregnancy is another type of discrimination which is prevalent in the workplace. According to a report by USA Today, the number of women complaining of being discriminated because of becoming pregnant is rising even as birth rates are dropping. This type of discrimination includes firing female workers who become pregnant or even encouraging pregnant women to terminate their pregnancy to keep their jobs. Sameness-Difference Theory

The sameness-difference theory bases the treatment of women on their similarities or differences to men. For instance, women deserve equal pay because of their sameness to men, but also deserve the right of maternity leave because of their biological differences, which creates a kind of philosophical paradox. According to some scholars, such as Catherine Mackinnon, this view often helps men more than women and makes it hard for women to argue for special treatment if the standard applied is equality between genders. An alternative approach, championed by Mackinnon, is the dominance approach, where the standard is to not allow the abuse of women based on their gender.

Case Regarding Women Discrimination

Most of working women probably are facing different kinds of cases regarding women discrimination. An employment contract would sometimes be vague in a way that some women rights are simply by intention not included. Thus, women are tender to face more indirect discrimination than those direct ones even if some didn't even notice it really exists. Here we will study a case of a working mother that examines a face of those different faces of women discrimination regarding Lactation as an issue of “pregnancy-related condition”. Is firing a mother for her need to feed her baby – lactation – a sex discrimination case? Donnicia Venters, Woman Fired For Lactation: Judge Says Not Sex Discrimination HOUSTON — A federal judge's ruling against a Houston mother who says she was fired after asking for a place to pump breast milk has highlighted a question left unanswered by higher courts: Is firing a woman because she wants to pump at work sexual discrimination? In his ruling, U. S. District Judge Lynn Hughes said it wouldn't be illegal even if Donnicia Venters and the Equal Employment Opportunity Commission were correct in assuming that Houston Funding, a debt collection agency, fired her because she'd asked to pump breast milk at work.

The judge reasoned that lactation was not pregnancy-related and, as a result, “ firing someone because of lactation or breast-pumping is not sex discrimination.” Several other district courts have issued similar statements, but no higher-level appeals court has ruled on the issue, leaving many new mothers in legal limbo, said Carrie Hoffman, a labor lawyer in Dallas. She

said President Barack Obama’s health care law addresses breast feeding and requires employers to give new mothers a break to nurse, but it doesn’t specifically protect women from being fired if they ask to do so. 0 “ The intent was to get nursing mothers back to work but allow them to continue to nurse because of the health benefits associated with nursing,” Hoffman said. “ But even so, that law doesn’t have anything to do with terminating the employee ... it just requires break time. There appears to be a hole.” Venter’s story began in December 2008, when she took maternity leave and gave birth to her now 3-year-old daughter, Shiloh.

She kept in close contact with Houston Funding during her roughly 10-week leave, according to cellphone records obtained by the EEOC and written statements by her former supervisors, said Tim Bowne, a senior trial attorney with the EEOC in Houston who helped litigate the case. At least twice during her leave, Venters told her direct supervisor, Robert Fleming, she wanted to pump milk while on her break at work and asked him to get permission from their boss, Vice President Harry Cagle. “ He was completely fine about it,” she said of Fleming. “ I never got an answer back and I didn’t think anything of it.” Venters, 30, had worked at the company for almost three years, earned a promotion and figured that at worst Cagle might feel uncomfortable and deny her request.

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“ I didn’t think I would get the boot for it,” Venters told The Associated Press. “ It didn’t really make sense to me.” In a signed affidavit provided to the

judge, Fleming said that when he told Cagle that Venters wanted to bring a breast pump to work, Cagle responded with a strong “ No. Maybe she needs to stay home longer.” Bowne said Venters told the EEOC that when she told Cagle she wanted to use a breast pump in a back room during breaks at work, his “ demeanor changed. He paused for a few seconds and said, ‘I’m sorry. We’ve laid you off.’” The company issued a statement Thursday evening saying it welcomed the court’s ruling, denied discriminating against Venters and would comply with new laws protecting women’s rights to breast feed in the workplace. In response to the lawsuit, Houston Funding had argued that Venters was terminated because she failed to keep in good contact with the company and didn’t return to work as scheduled. But Fleming said he had spoken to Venters at least weekly during her medical leave, which the EEOC argued was evidence that Houston Funding’s excuse for firing Venters – “ job abandonment” – was simply a “ pretext for unlawful discrimination.”

Hughes sided with the company in his ruling last week, but he also wrote: “ Even if the company’s claim that she was fired for abandonment is meant to hide the real reason – she wanted to pump breast milk – lactation is not pregnancy, childbirth or a related medical condition. “ She gave birth on Dec. 11, 2009. After that day, she was no longer pregnant and her pregnancy-related conditions ended. Firing someone because of lactation or breast-pumping is not sex discrimination,” the judge wrote. But Hoffman and Bowne said the issue won’t be definitively determined unless an appeals court takes up the case. The EEOC has not yet decided whether to appeal Hughes’ ruling, Bowne said. “ It’s quite likely that we’ll seek an appeal, but that

decision is made in headquarters,” Bowne said, noting that decision would probably be made in April. Current law clearly protects pregnant women from being fired simply because they are having a child, and many of the arguments made regarding lactation have focused on it being a “ pregnancy-related condition.” Hoffman believes, however, that attorneys seeking to get stronger protection for new mothers should instead focus on sexual discrimination. “ It’s certainly sex-based. Men can’t lactate,” Hoffman said.

So the case shows that Venters , who had been on maternity leave after the birth of her daughter, kept in touch with the debit- collection agency afterward, expecting that she would return to work soon. However, when she called to set a date to return to work and asked about breast-pumping arrangements, she says, she was told her position had been filled.

Conclusion:

Does being fired for requesting to pump breast milk fall under pregnancy discrimination? A federal judge in Texas says a mother was not protected by law from losing her job even if it’s true she was fired for asking to pump breast milk at work for her baby. “ Lactation is not pregnancy, childbirth, or a related medical condition,” and hence there is no cause of action for “ lactation discrimination” under federal civil rights law protecting pregnant women, said U. S. District Judge Lynn Hughes “ Discrimination because of pregnancy, childbirth, or a related medical condition is illegal.

Related conditions may include cramping, dizziness, and nausea while pregnant,” the judge explained, and here it isn’t the case.... Breastfeeding is a basic human activity, vital to infant and maternal health and of immense

economic value to households and societies. Yet breastfeeding remains a threatened activity in many parts of the world, often because of misinformation, or because it is seen to be incompatible with other roles women choose or are forced to play. Clearly, something is wrong in the way social life, work, and women's nurturing role are organized. Dominant social values, structures and institutions, which are rapidly spreading across the globe, often exploit and undervalue women's physical needs, their work and reproductive contributions. Hence there is a need to include the protection of women's right to breastfeed as a component of human rights.