

Research paper on gender issues and discrimination in the workplace

[Sociology](#), [Racism](#)



Introduction

Discrimination involves action toward individuals on the basis of their group membership; Baron and Byrne (1994) defined discrimination as prejudice in action. Discrimination can take a very overt form (e. g., refusal to hire women into certain jobs), but in many instances, gender discrimination involves the degree to which the workplace is open to versus resistant to the participation of women. Although many discussions of gender discrimination have focused on the ways managers and supervisors treat men and women, gender discrimination could involve managers, co-workers, subordinates, clients, or customers. In general, gender discrimination include behaviours occurring in the workplace that limit the target person's ability to enter, remain in, succeed in, or progress in a job and that are primarily the result of the target person's gender.

There are two reasons why gender discrimination is an especially important topic. First, the likely presence of systemic discrimination on the basis of gender suggests that the number of people who might be affected is huge, that is, discrimination against women would put half the population at a disadvantage. Given the potential impact of gender discrimination, the possibility that gender is an important influence on people's work lives must be considered. Second, there is a good deal of evidence that men and women are treated differently in the workplace. Women receive lower wages than men, are segregated into low-level jobs, and are less likely to be promoted. Sometimes it is difficult to determine exactly why men and women enter different jobs or receive different pay, and what appears to be gender discrimination in the workplace may in fact reflect much broader

societal trends. Nevertheless, there are enough data to suggest that gender discrimination is very important in predicting a person's occupation, pay, and progress, and that discrimination is at least a partial explanation for this disparity. Additionally, some specific features of the workplace appear to contribute to prejudice and discrimination against both men and women. This research will try to identify and assess gender issues and discrimination in the workplace by looking at various types of sex discrimination, features of the workplace that contribute to gender discrimination, employers retaliation against workers who claim sex discrimination, and conclusively, legal ways of proving sex discrimination and their remedies.

Types of Sex Discrimination

The Sex Discrimination Act 1975 (as amended) identifies three types of discrimination. These are: (1) direct discrimination; (2) indirect discrimination; and (3) victimisation (Chandler et al., 2003). The 1975 Act, with certain exceptions, applies equally to men and women. It not only forbids discrimination on grounds of sex or gender reassignment but discrimination also against married persons in the employment field. The 1975 Act is, of course, primarily directed towards the protection of women (SDA 1975, ss 1, 2, 3 & 4).

Features of the Workplace that Contribute to Gender Discrimination

Gender discrimination occurs in a number of settings. Men and women are perceived differently, are assigned different roles and are assumed to have different characteristics in most settings, for example household chores like

cooking and washing are usually the woman's role, whereas home repairs, mowing the lawn, and maintaining the car are the man's role. Cleveland, Stockdale and Murphy (2009) argue that to some extent, gender discrimination in the workplace can be thought of as a simple extension of beliefs most of us hold about the roles men and women should have in society. However, specific features of the workplace heighten the influence of gender on attitudes and actions, particularly the stereotypes assigned to men, women, and jobs, and the relative rarity of women in many work settings.

Sex-role spill over

The term female worker describes two-roles (woman and worker) that involve different behaviours, different demands, and different assumptions. The traditional role of a woman involves caring for others, self-sacrifice, submissiveness, and social facilitation, whereas the worker role often involves technical accomplishment, competition, development and exercise of skills, and leadership. Barbara Gutek (1992) noted that beliefs about the appropriate roles for men and women are likely to “spill over” into a work setting. That is, our expectations regarding female workers will be determined in part by our expectations and beliefs regarding women in general. Even in situations where the work has little to do with stereotypically female roles, expectations about the typical roles of men and women will likely have some influence on the way we perceive and treat male and female workers. In general, the more the cues in the environment

that point to a worker's gender, the higher the likelihood that men and women will be treated differently.

Stereotypes of People and Jobs

Decisiveness, confidence, ambition, and recklessness are traits we expect to find in men, whereas warmth, sensitivity, understanding, dependence are stereotypically feminine traits. The stereotypes of some traits are so strongly sex-typed that traits viewed as positive in men, (e. g., assertiveness) may be viewed as negative for women. Similarly, traits that are viewed as positive in women (e. g., sensitivity) may be viewed as negative in men. These same words might be used to describe jobs or, more precisely, the sort of person we would expect to find in a job (e. g., decisive executive, sensitive nurse). The same adjective can be positive when applied to others (e. g. aggressive sales manager) and negative when applied to others (e. g., aggressive kindergarten teacher). Heilman (1994) noted that some jobs are more strongly sex-stereotyped than others. He further suggested that gender discrimination is most likely to occur when the characteristics of the person do not fit with the stereotype of the job. That is, women are most likely to encounter gender discrimination when the job is seen masculine. Conversely, men are most likely to encounter gender discrimination when entering jobs or occupations that are stereotypically feminine (Cleveland et al., 2009).

Employer's Retaliation against Workers who Claim Sex Discrimination

Many employers recognize that discrimination (not on the basis of qualifications and merit, but on any grounds) is synonymous with ignoring

gender, and is therefore inimical to advancing the employer's business interests. It is safe to say that being sexually harassed is likely to negatively impact upon an employee's ability to perform his or her job and at the extreme, may cause the employee to quit. Although many employers are committed to preventing discrimination for these reasons, for some, to be sure, complying with the law and avoiding the cost of litigation and payment of damages are also significant incentives (Crosby et al., 2007).

Proving sex discrimination and the remedies available to successful litigants

Sex discrimination is prohibited in the UK under the Sex Discrimination Act 1975 and the Equal Pay Act 1970. These Acts together form a comprehensive package providing substantial protection to all workers and job applicants against all forms of gender discrimination. In general, the Equal Pay Act 1970 covers pay and all other terms of employees' contracts of employment, while Sex Discrimination Act 1975 protects individuals from discrimination in all stages of recruitment and selection. Therefore, the Sex Discrimination Act 1975 prohibits both direct and indirect discrimination, and also victimisation (Daniels et al, 2005).

When courts are attempting to determine whether or not unlawful discrimination has occurred, the nature of the discrimination or harassment that is alleged will often determine the focus of the inquiry. For example, in a claim of quid pro quo harassment or gender-based disparate treatment, the question is usually whether the employer (through supervisors or managers) acted with discriminatory intent (Crosby et al., 2007).

In order to succeed in a claim of unlawful discrimination at tribunal, the

claimant does not require proof beyond reasonable doubt, as tribunal work to the balance of probabilities' test. Moreover, there is no ceiling on the amount of compensation that can be awarded following a successful complaint of discrimination, and tribunals have flexibility to award an amount that they consider just and equitable in accordance with the particular circumstances of the individual case (Daniels et al., 2005).

Conclusion

In summation, sex discrimination is prohibited by the Sex Discrimination Act (SDA) 1975, and means unfavourable treatment on grounds of gender. The Act protects men and women equally. In order to decrease the likelihood of sex discrimination or related claims and to increase the likelihood of prevailing in court in the event that litigation is brought, employers should consider: (1) adopting and implementing an effective equal employment opportunity and anti-harassment policy; (2) training management and employees about discrimination, diversity, and harassment; (3) evaluating and compensating managers based upon their compliance with these policies; (4) periodically auditing the employer's overall compliance with its policies; and (5) formal or informal mentoring programs. In today's legal and business environment, the first two steps are virtually always warranted.

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