

Gender discrimination



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Dukes Vs. Walter Case Study – Gender Discrimination Abstract: Over the past 25 years, the role of gender in organizational structuring and operation has been the subject of considerable discussion and research. Part of the reason for this is that organizations form the core of power and reward in society, and women felt they were being disadvantaged by being denied access to management and other senior positions.

The removal of barriers to women's participation in the workforce falls within the liberal feminist point of view. However, other feminist perspective would view both the structure of business and the way organizations are run as being incapable of serving women's interest. The gender segmentation of the workforce has a number of historical origins, but the evidence is that it is persisting beyond what could be expected given affirmative action legislation. Management is still dominated by men, whilst women still find themselves disadvantaged through their child-caring responsibilities.

Literature Review: It can be argued that the study of organizations in today's society reveals that sexual or gender discrimination exists in the Australian workplace. Gender can be defined as a concept which addresses the various actions and roles of men and women in organizations and in society generally (Oakley, 2000). It includes the different life experiences of men and women in terms of social conditioning, family roles and community expectations, and the thought processes and orientations that can arise from these (Oakley, 2000).

Taking a closer look at businesses, chances are that the board of directors, the managing director and most of the senior management will be male. The more senior the management, the fewer the number of women are likely to be seen at these top levels. Most studies regarding women's participation in the workforce have concentrated on their absence from managerial and other positions of influence. In a recent Australian study it was found that 71% of supervisors were women, but women comprised only 13.7% of Junior managers, 14% of middle managers and 1. % of senior managers (Prepare and Nelson, 2004). Moreover, most people's income and status are largely derived from the positions they hold in business and government organizations. If a section of society is excluded from holding positions of influence and power, then that section of society is disenfranchised from many of the benefits that society can provide. Further, to exclude, either by design or accident, one section of the population from the full range of opportunities available to members of society is an affront to the rights of the individual (Prepare and Nelson, 2004).

For instance, very few members of the workforce rise to senior management or decision-making positions, but it should be open to all members of society to aspire to such positions, or any other occupation, on the basis of their merits (York, 1999). Subsequently, by deeding the pool of available applicants the business makes the best use of the talent available, thus improving the chances of putting the best person in the job. Moreover, the final hurdle has been called the 'glass ceiling' referring to the fact that the barriers are invisible and difficult to identify, but real nonetheless.

The glass ceiling is a manifestation of the perpetual struggle for equal access and opportunity. It can be defined as the barriers that limit the advancement of women and minorities (Horror, 2004). In other words, it is a ceiling based on attitudes, an organization's troopers, or bias that prevents the advancement of women and minorities to high-level positions (Horror, 2004). If men do not realize women as their equals, then women are overlooked for transfer or promotion, find themselves directed into female job areas and are not offered a challenge.

Through the close study of Johanna Toasting, an English professor, she depicts that, the views of women in their roles is that of keeper of hearth and home while that of a man is to provide for and protect this 'Weaker sex', this perspective continues to define different social roles for genders (Horror, 2004). Another reason for the paucity of women in the executive suite is the subtlety of political skill which is played out at that level. In this context, by political skill, it is the use of influence, connections to the right networks and the manner in which power is exercised (Moore, 1998).

Political skills include social astuteness, interpersonal influence, networking ability and sincerity, and they are becoming increasingly important the higher the position in the organization (Moore, 1998). Without access to political networks and skills to operate in them, it is difficult to gain the inside information necessary for career positioning and the leveraging of their social capital for success. Case Study: At present, the powerhouse discount department store Wall-Mart is currently facing a gender discrimination lawsuit, *Dukes vs.*

Wall-Mart Stores, which alleges that female employees were discriminated against in issues regarding pay, Job assignments and promotions. In granting the case class action status, Judge Martin Jenkins denoted that Wall- Mart had failed to dispute the plaintiffs' evidence that women were paid less than men in every region and in most Job categories; that the salary gap widens over time even for employees hired into the same Jobs; that women take longer to reach management positions; and that the higher one looks in the organization, the lower the percentage of women (Curry, 2004). ¶ The Judge declared that Wall-Mart helps to support “ an inference that Wall-Mart engages in discriminatory practices (Curry, 2004). Wall-Mart's defense is that the inequalities between its male and female employees resulted from factors other than unlawful discrimination. In such cases, employers typically argue that women were not interested in and/or not qualified for the higher paying Jobs (Curry, 2004). Census data comparisons showing that the number of women in better paid positions was less than would be expected from the available number of qualified women in the area labor pool (Curry, 2004). The company's personnel data system shows gender-related disparities in the chances that a man and a woman hired at the same time with equal work experience, education, and skills would be assigned to certain Jobs or be paid the same (Curry, 2004). ¶ Continuation of gender-segregated Job ladders or career paths. The plaintiffs' attorneys are now attempting to develop similar evidence, much of it depending on eviscerated statistical analyses, to prove gender discrimination at Wall-Mart (Curry, 2004).

Discussion: Business – Australia has traditionally had one of the most gender-segmented workforces of the industrialized countries; it can be argued that this is due to a number of barriers in the nature of work.

With regard to the Wall-Mart case, Jeff Gerhard, Executive Vice President of Wall-Mart Stores, assures consumers that, “ Wall- Mart is a good place for women to work and fosters female leadership among our associates and in the larger business world. ” However, this is not consistent with David Nassau statement in response to the Judge’s verdict, he argues, “ Despite Wall- Mart’s efforts to stonewall, delay and obfuscate, today’s Judgment brings us miles closer to Justice and vindication for two million victims of the company’s illegal and immoral gender discrimination. Wall- mart has sought to question the presented evidence, through the barrier of biological differences, a women’s child-bearing role has been identified as a major influence upon their role and promotions in organizations and consequent disinterest and lack of genuine motivation to climb the corporate ladder. Put simply, it is difficult to combine family and child rearing responsibilities with forging a high-powered career. In many ways the child rearing issue is the most intractable problem to overcome in promoting more women to senior management (York, 1999).

Accommodating both career opportunities and the many demands that mother places on women cannot easily be resolved by legislation as it extends beyond the provision of maternity leave (Oakley, 2000). Current promotion practices are developed around male notions of freedom from domestic constraints. At the present time, many women who aspire to senior management and leadership in the professions are deciding not to have children, thus eliminating motherhood as a barrier to promotion.

Society – The attitude of society to women’s roles also militated against their pursuing a career in the paid workforce. A woman’s main role in life was

considered to be that of a wife and mother, work was seen as a transition phase between leaving school and family responsibilities (Smith, 1999).

These attitudes led to the expectation of women being submissive and for it to be inappropriate for them to aspire to higher levels of responsibility.

Nursing, teaching and secretarial work were the main career paths for women wanting more than domestic service and factory jobs (Smith, 1999).

With reference to the Wall-Mart case, the mall can be argued to be ineffective with respect to social responsibility. Through several activists, society has been vocal in the operations of Wall-Mart, many protestors such as Wake up Wall-Mart and Wall-Mart Watch detest the stores practices and threaten by advertising the effects of Wall-Mart and establishing websites that deter customers away and encourage Wall-Mart to improve their ethical standards. The social sector can have a devastating effect on the image and reputation of a business through the media.

Although, reasons for the paucity of women in top management have been subject of considerable theorizing. A study by Canter (1997) discovered that senior management of companies, which were almost exclusively male tended to reproduce itself because people would understand, and trust, people who were most like themselves. As the management team required such trust, the cloning of management from one generation to the next became common, leading to me promoting other men. In addition, research of linguistics assist in identifying why male management has become entrenched.

By language, it is the subtle nuances and word usages that are part and parcel of shared experience and close working relationships. Canter (1997) found that those in a management group in the organization she studied spent most of their time in face to face communication. The failure to share the meaning of symbolic language and phraseology is a familiar way to make women feel excluded and marginalia. Feminists would argue that, even though procedures and policies may make an organization facially neutral', in practice factors such as language perpetuate gender segregation in the workplace (Smith, 1999).

Government – Equal opportunity programs create environments that seek to make ability the main criterion for appointment to a Job regardless of gender, ethnicity or physical disability. Affirmative action programs are aimed at taking positive measures to increase the participation of certain target groups in various occupational positions. Women have been the main target group of affirmative action groups in Australia. In many countries quotas or targets are often set, specifying how many women, and members of other nominated groups, should be hired or promoted.

With reference to the Wall-Mart case, the government needs to implement certain policies which guide women through the corporate ladder, not just at the recruitment stage. However, still maintain the principle of best person for the Job being selected. In Australia, the legislation of most relevance to business has been the federal government's Affirmative Action (Equal Opportunity for Women) Act 1986. The Equal Opportunity Act covers a wide range of employment situations from traditional employment relationships to independent contractor arrangements (Fox, 2001).

It created the Affirmative Action Agency which can name non-complying companies in parliament and these can subsequently be denied government contracts (Fox, 2001). The various acts and programs are aimed at making organizations gender neutral. As well, the legislation sets out provisions that organizations must conform to, these include, washrooms must be provided for both genders, a harassment-free environment, interview panels should have members of both genders and Job descriptions should reflect the actual requirements of the task (Prepare and Nelson, 2004).

However, even though equal employment opportunity legislation has been in effect for almost 25 years, the statistics in relation to management, Walter and the gender distribution of those holding positions of influence show that men still attain management positions well in excess of their numbers in the workforce. As with Wall- Mart, Women are still overrepresented in part-time positions and work with lower levels of responsibility. Conclusion: It is fair to say that in most large organizations considerable effort has been expended on creating discrimination-free selection and promotion criteria.

Audits and surveys can provide reassurance that the employer is fulfilling its obligation to provide equal employment opportunities. Also, modern human resource practices try to avoid the situation where women with children are absent from the workforce for long periods of time. Attempts are being made by businesses such as banks and financial institutions to keep employees up to date by providing part time work for instance; this ensures continuity in an employee's development and learning.