



CAUSES AND CONSEQUENCES OF GENDER DISCRIMINATION AT WORK PLACE

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ABSTRACT

Gender discrimination remains a significant challenge in workplaces worldwide, manifesting in various forms such as the gender pay gap, the glass ceiling, and sexual harassment. This paper examines the pervasive nature of workplace discrimination and its impact on individuals, organizations, and society. It explores legal frameworks and policies, including constitutional provisions and specific legislative acts in India, aimed at combating discrimination based on gender, race, age, religion, and disability. The study highlights the adverse consequences of workplace discrimination, such as reduced employee morale, mental health challenges, legal repercussions, and decreased workplace diversity. Additionally, it discusses the social and psychological roots of discriminatory behavior, emphasizing the role of learned biases and societal influences. By analyzing key case studies and legal precedents, this paper underscores the urgent need for inclusive workplace policies, legal enforcement, and cultural transformation to create equitable professional environments. Addressing workplace discrimination requires a multifaceted approach involving legal protection, corporate accountability, and societal awareness to foster a more just and inclusive workforce.

Keywords: *Gender discrimination, workplace inequality, gender pay gap, glass ceiling, sexual harassment, workplace diversity, legal protections, employment law, discrimination policies, inclusion, workplace ethics*

Introduction

Gender discrimination remains a pervasive issue in workplaces worldwide, with women disproportionately experiencing unequal treatment and limited opportunities. This abstract explores the various forms of gender discrimination, including the gender pay gap, glass ceiling, and sexual harassment. It highlights the adverse effects of discrimination on individuals, organisation, and society at large. The abstract also underscores the importance of legal protections, workplace policies, and cultural changes in addressing and eliminating

gender discrimination. The discrimination act's definition of 'discrimination when a person's dignity is violated or treated unfavourably. Discrimination can be direct or indirect. Inadequate accessibility, sexual harassment, harassment and instructions to discriminate are also forms of discrimination. Discrimination is the unfair treatment of people and groups based on characteristics such as age, gender, race or sexual orientation. Discrimination sometimes happens in a more complicated way because, the human brain naturally puts things in categories to make sense. The disfavoured treatment or the violation of the person's dignity must have a connection to one of the seven grounds of discrimination. Very young children learn the difference between boys and girls in their school days. The value we face on different categories are learned from our parents, our peers, and the observations we make about how the world works. Discrimination occurs from fear and misunderstanding. In India there are certain acts which states that discrimination is a false act and it should not be followed by the citizens of India.

1. According to Constitution of India, **Article 14, Article 15, Article 16, Article 17. Article 18**
2. According to **IPC [Indian Penal Code] 1860, section 153[A]** deals about the criminalise the use of language that promotes discrimination or violence among people on the basis of race, caste, sex, place of birth, religion, gender identity or any other category.
3. **Mental Healthcare Act** of 2017
4. **Hindu Succession Act** of 1956
5. Scheduled Caste and Scheduled Tribe [**prevention of atrocities**] Act of 1989
6. **Rights of Persons with Disabilities Act** of 2016
7. Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome [**prevention and control**] Act of 2017.
8. **The Wages Code Act 2019** defines prohibition of discrimination of wages for employees at workplace, and also prohibits reduction wages on the basis of gender. This also consolidate the provisions of other 4 acts which have been repealed, namely; minimum wages act, payment of wages act, equal remuneration act, payment of bonus act.

Work Place Discrimination

Even in our modern age workplace discrimination is still prevailing. Though there are many laws and legislations to prohibit workplace discrimination, employees still experience this from their fellow employees and employers. Work place discrimination is against the law. Workplace discrimination is unfair or unequal treatment meted out to a group or a person on certain grounds at the workplace. These grounds or characteristics include sex, gender, identity, age, disability, religious beliefs, ethnicity, race, etc. Discrimination can be done intentionally or unintentionally. It is harmful regardless of its intended purpose. Workplace discrimination take various forms, including hiring bias, unequal pay, harassment, and unequal opportunity. Discrimination not only harms individuals but also disrupts workplace harmony and productivity.

Effects of Workplace Discrimination

1. **Decreased morale and productivity;** employees who experience discrimination often suffer from lower morale and reduced job satisfaction, leading to decreased productivity and engagement.
2. **Impact on mental health;** those subjected to discrimination may experience stress, anxiety, and depression, affecting both their personal wellbeing as well as their professional performance.
3. **Legal consequences;** organisations that fail to address discrimination may face legal repercussions, damaging their reputation and financial stability.
4. **Retention challenges;** discrimination can result in higher turnover rates as employees seek inclusive environments where their talents are recognized and valued.
5. **Reduced diversity;** discrimination hampers efforts to build diverse and inclusive workplaces, limiting creativity and innovation.

Types of Discrimination at Workplace

1. **Race or ethnicity discrimination** - Race is a social construct that categorizes people into distinct groups based on physical characteristics, such as skin colour, hair type and facial features. Ethnicity pertains to the cultural, social, or national characteristics that connect a group of people. It involves treating people unfairly or unequally because of their perceived racial or ethnic identity. This form of discrimination can occur in

various settings, including workplace, education, housing and public spaces and it is a violation of human rights and anti-social discrimination laws in many countries. Some of the examples of this kind of discrimination are, hiring bias, unequal pay, racial profiling, segregation and racial harassment. It is not only harmful to the individual but also for the society as a whole. **The killing of TRAYVON MARTIN CASE** – George Zimmerman murdered Martin, a 17year – African – American teen in a deadly shooting in Sanford, Florida. He said that he shot Martin in case of self-defence but later it was proved that there was no proof related to his saying. Even though Martin assassination did not receive any justice and Zimmerman got his freedom. It was clear that this murder was based on the racial discrimination against the black by the whites.

2. **Gender discrimination** – Gender discrimination refers to the unequal or unfair treatment of individuals based on their gender, particularly in situations where one gender is favoured over the other, resulting in disadvantages, disparities, or a hostile work or social movement. This can affect Act,2000. Suhas Katti was the accused and he harassed the victim, when she refused to marry him. Defamatory and obscene message were sent by him in yahoo to her, and also, she began to receive phone calls from unknown peoples soliciting sex work. A complaint was filed by the victim on February 2004, and within 7months the accused was convicted. In an age of merciless trolls of online harassment, this judgement acts as a tool that women can use to safeguard their dignity.
3. **Age discrimination** – often referred to as ageism, occurs when individuals are treated unfairly or unequally based on their age. It can affect people of all ages, although it is most commonly associated with older individuals. Some of the examples of age discrimination are, mandatory retirement, limited carrier advancement, digital age discrimination, age - based stereotypes. **Union of India vs. Atul Shukla**, the Court has observed that “There can be no differential treatment between an employee directly recruited vis-a-vis another who is promoted. Two employees are a part of the same cadre, they cannot be treated differently either for purposes of allowances and pay, including the age of superannuation.” There is a social norm to address the needs of all age groups in a society. To create an equitable workplace, acknowledging and addressing the discrimination and creating dialogue around the same are the way forward.

4. **Religious discrimination** – it occurs when individuals or groups are treated unfairly or unequally based on their religious beliefs or practices. It involves prejudicial actions or bias against people because of their religion, or the absence of religion, and can manifest in various aspects of life, including the workplace. Some of the examples are, religious bullying in education, religious – based immigration discrimination, denial of religious accommodations, religious segregation.
5. **Disability discrimination** – unfair treatment of employees with physical or mental disabilities, often involving inadequate accommodations or exclusion from certain job opportunities. Disability discrimination can take various forms including, failure to provide reasonable accommodations, hiring bias, harassment, physical inaccessibility, medication or treatment discrimination, assumption of incompetence and disability - based bullying.
6. **Gender identity discrimination** – treating employees differently because they do not conform to traditional gender norms, affecting transgender and non – binary individuals. Misgendering – refusing to use an individual’s preferred pronouns or name, which can be disrespectful and invalidating of their gender identity. Transphobic violence and hate crimes – physical, emotional or verbal violence directed at individuals because of their gender identity often motivated by prejudice or hatred.
7. **National origin discrimination** – national origin discrimination occurs when individuals are treated unfairly or unequally based on their country of origin, nationality, ethnicity or place of birth. It not only violates the rights of individuals but also undermines social cohesion and diversity. Some of the examples are, ethnic slurs – the use of derogatory language to belittle or insult individuals from a particular national or ethnic group. National origin - based immigration discrimination – discriminating against immigrants or refugees based on their national origin, ethnicity, or nationality. National origin discrimination not only violates the rights of individuals but also undermines social cohesion and diversity.
8. **Weight or body size discrimination** – weight or body size discrimination, often referred to as sizeism, is a pervasive and harmful form of prejudice that targets individuals based on their physical appearance, particularly their weight or body size. This form of discrimination manifests in various facets of life, including employment,

healthcare, media representation, and social interactions. Weight discrimination has severe consequences for both the physical and mental well – being of those affected. Individuals who experience weight – based discrimination are more likely to suffer from depression, anxiety and low self - esteem. Weight discrimination frequently rears its head in the workplace, where job applicants and employees who are overweight or obese face significant hurdles. Some studies have shown that these individuals are less likely to be hired, promoted, or paid equally compared to their counterparts with lower body weights.

9. **Political discrimination** – is a threat to diversity and inclusion. Political discrimination in the workplace is a complex issue that arises when employees are treated unfairly based on their political beliefs, affiliations or activities. Impact of political discrimination in workplace are, conflict and division - can lead to increased conflicts among employees, particularly when their political beliefs clash. This can hinder collaboration and teamwork, leading to a less productive work environment. Hostile work environment – when employees experience political discrimination, they may feel unwelcome, or targeted in workplace, or uncomfortable. Reduced job satisfaction – employees subjected to political discrimination may experience reduced job satisfaction, affecting their motivation and overall performance. Productivity decline – workplace discrimination based on politics can result in a decline in productivity, as employees may be distracted by political tensions and conflicts rather than focusing on their tasks. **Example;** at a job, in an interview asking a candidate if they were a member of a political party, and saying the company won't hire anyone who does not share the employer's beliefs.
10. **Educational discrimination** - it is a pervasive issue that occurs when individuals are denied access to quality education or treated unfairly in educational settings based on their race, ethnicity, socioeconomic status, gender, disability, or other personal characteristics. It perpetuates social inequalities, limiting opportunities for those who are already marginalized. **Example;** a student is disciplined or graded by a teacher differently based on their sex, religion, race, disability or national origin.

Organisations That Protect Against Workplace Discrimination In India

1. **National human rights commission** – The NHRC is responsible for promoting and protecting human rights in India, including workplace related rights. It can investigate cases of discrimination and human rights violations in the workplace. It's important document and provide as much evidence as possible when filing a complaint with the NHRC to facilitate their investigation.
2. **Ministry of labour and employment** – This ministry is a government department in India responsible for overseeing and regulating various labour related matters in the country. It plays a crucial role in formulating and implementing labour laws, policies, and programs to protect the rights and interest of workers and employees. When it comes to workplace discrimination in India, this ministry is responsible for enforcing labour laws and regulations that prohibit discrimination in the workplace.
3. **State labour department** – State labour department in India are government agencies that oversee labour related matters at the state level. They conduct regular inspections of workplace to ensure Workplace discrimination.
4. **Equal opportunity cell in educational institutions** – Many educational institutions in India have equal opportunity cells [ECOs] to address discrimination on campus and promote inclusive and diverse learning environments. These cells are typically found in universities, colleges, and other educational institutions and are dedicated to ensuring that all students, regardless of their background, have an equal chance to excel in their academic pursuits.
5. **Non- governmental organisations** – Numerous NGOs in India work to promote human rights and equality in the workplace. They often provide support, advocacy and resources for individuals facing discrimination. This organisation work on various aspects of discrimination including, racial discrimination, gender- based discrimination, discrimination against individuals with disabilities, and more. **Human rights watch [HRW]** is a global organisation dedicated to protecting human rights and combating discrimination worldwide.

Procedure for Filing Complaint Against Discrimination:

If a person is discriminated in the work place based on any ground, then he/she can file a complaint through State department of labour or the **EEOC** [equal employment opportunity commission].

Procedure 1- collection of information: both the person who are being discriminated against should provide their name, address, along with phone number while filing the complaint and the business in which they have filed a complaint should also be mentioned. It is useful to have some contact information for any unfair treatment.

Procedure 2- documenting the experience: the complaint should contain a brief account of what happened, which includes the names and details such as date, time and location. It will help to structure a pattern of hostility.

Procedure 3- submitting the information: it is required to submit all the accounts of the incident to the organization which we chose to file a complaint.

WOMEN DISCRIMINATION: discrimination against women in the workplace is a persistent issue that hinders the progress toward gender equality. Despite significant advancements in women's rights, disparities continue to exist, affecting women's opportunities, career advancement, and overall well-being. Workplace discrimination against women remains a significant barrier to gender equality and hinders the progress of society as a whole. For addressing this issue requires a concentrated effort from governments, organisation and individuals. **Legal protection** – existing laws, such as equal pay act and title VII of the civil rights act, provide legal protection against workplace discrimination based on gender. Advocating for stronger enforcement and legal remedies is crucial. **Education and awareness** – promoting education and awareness about gender discrimination is essential. This includes offering training on recognizing and preventing bias and creating a culture that values diversity and gender equality. **Transparency** – promoting transparency in pay and hiring practices helps shed light on the pay gap and discrimination. Organisation can take steps to analyse and address disparities in wages and representation. **Flexible work policies** – implementing flexible work arrangements, family leave policies and supportive initiatives that allows women to balance their personal and professional lives. **Support networks** - encouraging the establishment of women's support networks and mentorship programs can help omen navigate challenges and advance in their careers.

Organizations Fighting for Women Empowerment In India

SEWA

Self-employed women's association, is a trade union made up for poor female workers for their living through self-run small business. It stimulates full employment by giving a number of services including health care, banking through SEWA bank and child care.

SNEHALAYA

It is an NGO founded in 1989 in the city of Ahmedabad. Snehayala translates to 'home of all'. This NGO supports to children, LGBTQ and women. It focuses on these vulnerable members of society and they have suffered from the disease like HIV, AIDS, poverty, sexual violence and trafficking.

NEN

North East Network – it was established in 1995 and it is a women's rights organization. It focuses on the gender justice. This NEN always fight against the gender-based discrimination for supporting the government policies.

AZAD FOUNDATION

This foundation was founded in the year 2008 and it is professional feminist organisation. It concentrates on the living condition of the women in urban area. This organisation has developed in Delhi, the first ever female bus driver.

MAKAAM

Mahila Kisan Adhikaar Manch – it a forum for female farmers right. In India, 60 – 70 percentage of the female work in agricultural land, in that only 12% of the women hold land on their own name. so the government had implemented this scheme to provide awareness and teach the women regarding the assets of their land and their rights.

Laws to Prevent Women Discrimination at Workplace

EQUAL REMUNERATION ACT – 1976

This act is a primary legislation. The main objective of this act is to ensure equal salaries are paid to both women and men doing the same work. This act prohibits discrimination against

women in matters of recruitment, transfer, training and promotions. Later, this act was amended in the year 1978 – amends by expanding certain punishments for guilty parties, and also providing for jurisdictions for a trial offence.

NATIONAL COMMISSION FOR WOMEN ACT 1990 [act of parliament]

Makes a national commission for women to survey existing statutory assurance of women, get occasional reports to the central government on matters identifying with safeguard for women's right at workplace and outside, and make research for identifying the hardship of these rights.

MATERNITY BENEFIT ACT – 1961

This act guaranteed women with a 12week employer-sponsored paid maternity benefit. This act amended in 2017, with female employees now can be entitled to 26weeks of paid maternity leave for the first two children. This act prohibits an employer from dismissing female employees during their maternity leave. In the case of **MUNICIPAL CORPORATION OF DELHI vs. FEMALE WORKERS [muster roll]** – in this it aims to provide all the facilities to a working woman in a dignified manner, so that she may overcome the state of motherhood honourably, and peacefully, undeterred by the fear of being victimised for forced absence during the pre or postnatal period. Some of the main feature of this act, **duration of leave** – The ILO guideline at the time took this into account, a woman is entitled to 12weeks of maternity under the terms of the act, not more than 6weeks of which may come before the due date. **Job protection** – it has been ruled unlawful for an employer to fire or let go of a woman at any time during or because of her absence. However, the employer may notify in writing if the dismissal or discharge is the result of serious wrongdoing of an employee. **Remuneration during leave** – women who meet the requirements for maternity leave outlined in the legislation are entitled to maternity benefit at the rate of the average daily salary for the time they are absent from work for a valid purpose.

SEXUAL HARASSMENT - RULES PASSED IN 1977

There are some reviews which demonstrated that between 40-80% of women in India encounter inappropriate behaviour at work, 66% of those cases, the culprit is the women's boss or superior. Sexual harassment can take various forms, including verbal, non-verbal, and physical behaviour. This can include inappropriate comments, advances, jokes, unwelcome

touching and displaying explicit materials. Quid pro quo harassment, this occurs when employment decisions such as promotions or job security are made contingent on a person's submission to sexual advances. **VISHAKA AND OTHERS vs. STATE OF RAJASTHAN** – After several cases of sexual harassment at workplace, Vishaka and others filed a writ petition. With an emphasis on the prevention of sexual harassment, these guidelines are a framework for workplace protocol. The Supreme Court expressed that a working woman's constitutional rights is abused by the act of sexual harassment. Through the Vishaka judgement, progressions of rules were made, including; it is the responsibility of companies to prevent sexual harassment, organisation must initiate disciplinary action against offender and victims must be protected, organisations must create a sexual harassment oversight committee headed by a woman and women workers must be made aware of their rights.

HEALTH AND SAFETY – THE FACTORIES ACT,1948, - this act mandates the employers to take necessary safety and health and welfare measures for women employees. Which include changing room, clean washrooms, and lockers for women employees and a special security protocol to engage female employees during night time hours. **For example**, the government of Haryana has laid down detailed guidelines for the employment of women in night shifts in certain classes of establishment, including provision of transportation and medical facilities.

MANDATORY BOARD REPRESENTATION- THE COMPANIES ACT, 2013- according to this act there should be at least one – women director in the board. This is to ensure that, at the highest levels of decision – making in a company woman are also represented. In the recent years one of the most significant developments in this regard is the paid menstrual leave. Companies are also beginning to build policies that recognize the unique needs of their employees, when it comes to issues such as care giving responsibilities, flexible working and fertility treatments.

CONCLUSION

Steps taken by some top most companies in India to encourage women and transgender persons rights at workplace. In 2023, **TATA STEEL**, has declared that they will recruit more LGBTQ and provide them employment opportunities. **LARSEN & TOUBRO**, this company recently hired a transgender employee, and this information was given by executive vice president and head of corporate HR, C. Jayakumar. **AVTAR & SERAMOUNT**, according to

a study 40 companies participated in a most inclusive companies index, and 90% of it focused on the LGBTQ community. Two or three companies are taking measures to attract LGBTQ talent. **CEAT**, a part of RPG group, they also started hiring transgender persons across various roles in manufacturing and HR. And currently 11 members are hired in various roles. 52 restrooms have been constructed for the purpose of gender – neutral facilities in the **IT services Mphasis**.

Employees who believe they are experiencing gender discrimination may have legal recourse depending on the jurisdiction. It is advisable for individual facing such issues to document instances of discrimination and seek guidance from their organization's HR department or legal professionals. Some of the ways to reduce gender bias in the workplace are, to review your anti-discrimination policies, provide leadership training opportunities, create an office space for everyone. In conclusion gender discrimination in the workplace is a persistent challenge that demands urgent attention and concerted efforts from all stakeholders. The multifaceted nature of this issue, ranging from unequal pay and limited opportunity to stereotyping and harassment, underscores the need for comprehensive solutions. Eliminating discrimination against women in the workplace is not only a matter of ethics but also a strategic imperative for fostering a thriving and innovative work environment. To achieve gender equality in workplace the ILO has contributed a lot.

International Labour Organization in 1919, has been established and had a significant impact on how labour laws developed throughout the world. Acceptance of the principle that 'labour is not a commodity' and the slogan that 'poverty anywhere is a threat to prosperity everywhere' have influenced the development of labour laws in all countries. The ILO has consistently established the need for improved labour laws through its ongoing investigation of workers' living conditions. It has gone through extensive reviews and deliberations, and adopted conventions and recommendations, by process of labour law. By attempting to establish uniform labour standards insofar as the world's diverse conditions and uneven economic development permit, the ILO has performed a singular service in the field of labour legislation.

As we strive for progress, it is incumbent upon organizations to champion gender equality through policy reform, cultural shifts, and accountability measures. By dismantling the barriers that hinder women's professional success, we pave the way for workplace that harness the full potential of every employee, irrespective of gender. Gender discrimination at

workplace can be prohibited only when people feel totally authentic and connected with their organizations, can they achieve their full potential at work. Only by law it is not possible to secure trans – equality, the government should implement policies and work on it to achieve trans – equality. The idea of inferiority in men versus women is stomach – churning. All different types of people age, gender, race etc. can have the same life and career goals. To fix these issues results in two aspects – the first is the process of awareness. Also, there issue of female domesticity, or the idea that the woman is meant for the home, needs to dissipate, but contrary to this statement, more women have a college education today than men. It is amazing that society has progressed this only for the betterment of just one gender, but it should be equal for all. The future for women is looking greater every single day. Civilization is dependent on women as half the society and these impacts households today and future generations for setting the standard for equality. If the change is not implemented sooner, equality will not even be a somewhat possibility until 2060. People need to have a better approach when entering new friendship, workplace relationships and the general discernment of equality in everyday life. To create a better future for all, the equality process should speedup.

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