

A Study on Workplace Labour Discrimination with Special Reference to Female Discrimination in India

Mohammed Thauheed R¹ and Ms. Akalya Nathan²

BA.LLB(HONS)¹

Assistant Professor of Law²

mohammed132003@gmail.com and akalyan.ssl@saveetha.com

Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), Chennai

Abstract: *Discrimination hurts everybody in its path. Discrimination affects human capital whiles creating a hostile work environment for the employers and employees. There are several factors that are responsible for the discriminations in the organizations. Discriminations in the workplace occur because of factors such as negative stereotypes about people of specific traits, personal tests and preferences, and inability to understand personal conflicts. The objectives of the research is to know about the discrimination happening to female in the workplace, to analyse the causes of discrimination at workplace, to know about the effects of workplace discrimination on employees performance and to know about the initiatives taken by organisation against discrimination. The type of research method followed here is empirical research. A total of 200 samples have been taken out of which is taken through random sampling. The independent variables taken here are age, gender, occupation, education qualification and monthly income. The dependent variables are the female discrimination, paid less to females, causes of discrimination, effects of discrimination on employees performance and action taken by organisation. The statistical tool used by the researcher is graphical representation and pie charts. The results observed from the analysis of the study is that the female employees discriminated more than male employees, female employees are paid less despite their academic qualification, gender is the main cause of discrimination at workplace, decline in quality of work by the employees is the effect of workplace discrimination on employees performance and mere action has been taken by the organisation against the complaint of discrimination.*

Keywords: Workplace, Discrimination, Employers, Employees and Employees performance

I. INTRODUCTION

Workplace gender discrimination comes in many different forms, but generally it means that an employee or a job applicant is treated differently or less favorably because of their sex, gender identity, or sexual orientation. Even though the words “sex” and “gender” have different meanings, laws against discrimination at work often use them interchangeably. Sometimes workers experience discrimination because of their gender and something else, like their race or ethnicity. For example, a woman of color may experience discrimination in the workplace differently from a white female co-worker. She may be harassed, paid less, evaluated more harshly, or passed over for promotion because of the combination of her gender and her race.

All organizations are set up to achieve certain particular goals. These goals can be fully achieved with the optimal utilization of available resources like men, materials, machines and money. An employee, which is a resource for any organization, plays an important role in harnessing all other resources. Workplace discrimination refers to discrimination in hiring, promoting, job assignment, termination and compensation. Discrimination happens when an employer treats an employee differently from others.



The Constitution of India in Article 15 it is mentioned that the state shall not discriminate against any citizen on the grounds of religion, race, caste, sex, place of birth. The Equal Remuneration Act 1976 prevents gender-based discrimination in the workplace and prescribes that men and women must be paid equal wages for the same or similar work and also no such discrimination to be made while recruiting. The Maternity Benefit Act 1961 aims to provide paid maternity leave to women employees and prohibits termination of employment of pregnant woman employees. The Rights of Persons with Disabilities Act 2016 says no discrimination in Government employment against persons with disabilities. Section 2(ra) and Section 25T of the Industrial Disputes Act 1947 read with Schedule V makes dismissing workers by victimising them and showing partiality to one set of workers over another punishable with fine and imprisonment of the employer.

Discrimination of individuals occurs at two stages- pre-recruitment and post-recruitment. The pre-recruitment entails rejecting potential candidates on the basis of their gender, religion, caste, marital status, pregnancy etc. Post-recruitment discrimination manifests in lesser pay, fewer benefits and or leave or even termination, based on the same grounds. Six main types of discrimination are disabilities discrimination, sexual harassment, ethnic discrimination, race discrimination, sexual orientation discrimination and gender discrimination.

Discrimination results in inequalities and could result in poor performance of employee, high turnover, poor involvement and subsequently result in negative impact on the organizational performance. Employee poor performance results in low productivity resulting in less earning, psychological stress, low employee involvement, lack of loyalty of employee, reduced organizational and goodwill. Low employee performance negatively affects both individuals and the entire organization.

A recent Gallup survey of U.S. workers finds that workplace discrimination affects employees' attitudes towards an organization, coworkers and their opportunities. Workplace discrimination can also affect their feelings of safety and their ability to do their best work. 24% of Black and Hispanic employees reported experiencing discrimination at work more than that of 15% of White employees and 16% of Asian employees. But 75% of Black employees say that discrimination was related to their race or ethnicity, compared with 61% of Hispanic and 42% of White workers. The Gallup study finds that discrimination affects employee wellbeing, more for Black and Hispanic workers than White ones. The aim of the research is to analyse the impact of workplace discrimination on employees' performance in India.

Objectives

- To know about the discrimination happening to female in the workplace
- To analyse the causes of discrimination at workplace
- To know about the effects of workplace discrimination on employees' performance
- To know about the initiatives taken by organisation against discrimination

II. REVIEW OF LITERATURE

Alice A. Tolbert Coombs (2005) studied the growing concern regarding physician discrimination in the workplace. Surveys were mailed to 1930 practicing physicians in Massachusetts and concluded that sixty-three percent of responding physicians had experienced some form of discrimination. **Cheung, H.K., (2016)** provided a comprehensive review and analysis of contemporary theory and evidence on the nature, causes, and consequences of discrimination before synthesizing potential methods for its reduction. Found nonwhites were more likely to report that discrimination based on race/ethnicity was significant. **Banerjee (2008)** investigated perceptions of racial minorities about workplace discrimination in Canada. Results indicated that while both of these factors affect perceptions of discrimination, expectations for equity may be especially important. **Heilman, M. E., & Caleo, S. (2018)** reviewed the conditions which give rise to gender discrimination and hinder to women's career advancement. It explored how descriptive and prescriptive gender stereotypes through distinct mechanisms promote inequities in the selection, promotion, and evaluation of women. **Arnold B. de Castro, and David T. Takeuchi, (2008)** examined the association between work discrimination and morbidity among Filipinos in the United States. Surveyed 1652 participants who were employed. Racial discrimination in the workplace resulted with poor health among Filipino Americans. **Ali, Zahid & Abbasi,**



Zareen & Ujan, Imran Anwar (2011) analysed about the issues of gender discrimination in workforce and its impact on employees. Survey was administered from 526 males and females. Findings show that females are discriminated against more than males in the private sector than in the public sector. **Erik (2006)** has conducted research on women being discriminated against on sticky floor or glass ceilings. Found through his research that women in Sweden suffer more from sticky floor effects than glass ceilings. **Susan (1998)** have analysed on the gender discrimination in workplace. The findings of their research showed that businessmen discriminate against women and people at the top of the organization are more biased against women than people at the bottom. **Habib (2000)** has studied the effects of Brick Wall and Glass ceiling effects in Bangladesh. His analysis has shown that women are discriminated against in civil services of Bangladesh for promotion to higher posts. Social cultural factors are the principal blockage for women to enter into civil services. **Uzma (2004)** found out that the identity of an individual is created through the society, environment and parents. Finding of her research was that the women's earnings are not considered as the main financial source for the family, but only as secondary to the income of their males. **Rabia Mian (2016)** explored the existence of the gender discrimination at work place in education sector of Pakistan and how work place environment effects the gender discrimination. Interviews have been made for data collection. Results indicated that politics found in every department of the organizations whether it's public or private but did not find more discrimination. **Prof. Suzette DC. Domingo and Dr. Walter P. Salva (2019)** study was undertaken to present the functions of gender for promotion and describe the forms of gender discrimination in the workplace. The researchers used a descriptive method and found employers and employees both believe in the patriarchal leadership that male are superior but women communicate properly in the workplace because they are more perfectionist and meticulous. **Felicity Tom (2021)** described that there are so many ways of the gender biasness and discrimination in organizations due to the unfair actions of the employer, discrimination in type of job and job promotion, hiring discrimination, and biasness in wage setting. **Foster, N. (1999)** claimed that gender discrimination is disturbing gender terms and relations drastically. It looks like that western well developed countries are well aware of this issue but don't like to address gender biasness and inequality among male and female employees. **Rosefed, R. A., & Kallerberg, A.L. (1990)** explains that managing gender diversity at the work environment involves employment of heterogeneous workforce, where no member of a group has an advantage or disadvantage. Research shows that gender inequality leads to less production and turnover of high employees at work places. **Cotter, D. A., (2001)** studied the impacts of gender inequality on the employees at the workplace. Both qualitative and quantitative analysis are used in this research. Found gender equality is supposed to close any form of discrimination and enable every employee to compete equally at work. **Winnie Njoki (2021)** summarizes gender discrimination against working women in the workplace. Content analysis shows that females are discriminated against more than males in private organizations. **Tiwari, M., Mathur, G., & Awasthi, S. (2018)** analysed persistent problem of gender discrimination in the workplace. The results show that gender discrimination decreases satisfaction, commitment and enthusiasm of employees, and increases the stress level in the employees. **Osah Dennis Isaiah (2017)** examines the extent to which discrimination in workplace affects the efficiency of employees. Found gender discrimination, religion discrimination and ethnic discrimination were negatively correlated with quality of work and employee efficiency. **Abbas, Hameed and Waheed (2011)** studied about the impact of gender discrimination on employee performance. Surveyed 200 telecom supervisors of Pakistani industry. The study discovered that gender discrimination in promotion and facilities are more responsible for the level of employee performance.

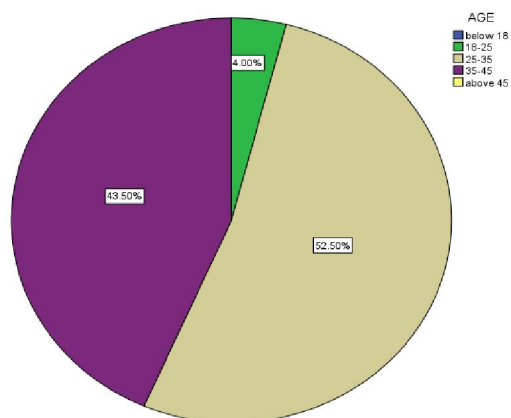
III. METHODOLOGY

The research method followed here is empirical research. A total of 200 samples have been taken out of which is taken through random sampling. The sample frame taken by the researcher is through a survey conducted in Chennai. The independent variables taken here are age, gender, occupation, education qualification and monthly income. The dependent variables are the female discrimination, paid less to females, causes of discrimination, effects of discrimination on employees performance and action taken by organisation. The statistical tool used by the researcher is graphical representation and pie charts.



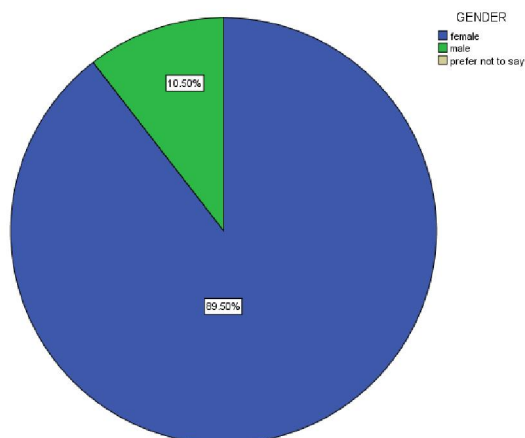
IV. ANALYSIS

Figure 1



Legend: The figure 1 shows the distribution of age with 4% respondents are at the age of 18-25, 52.5% respondents at the age of 25-35, 43.5% respondents at the age of 35-45 and no respondents are below the age of 18 and above the age of 45.

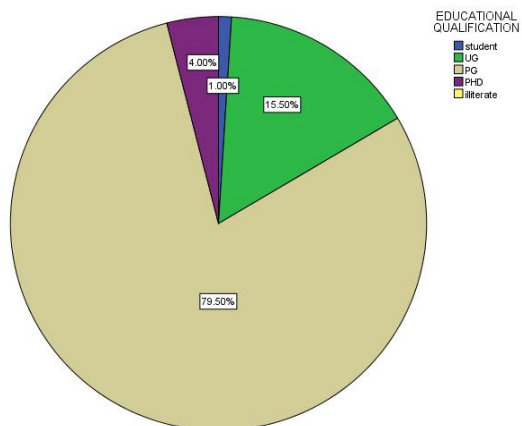
Figure 2



Legend: The figure 2 shows the distribution of gender with 89.5% of female respondents, 10.5% of male respondents.

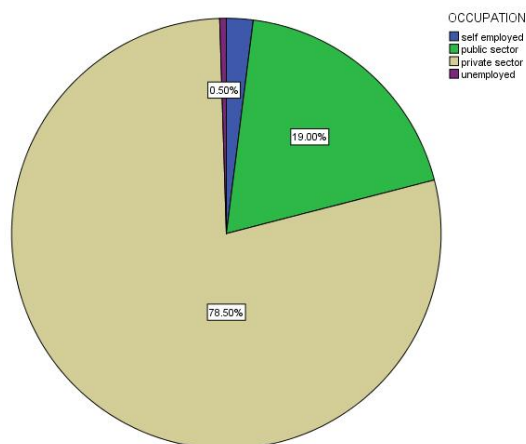


Figure 3



Legend: The figure 3 shows the distribution of educational qualifications with 1% of respondents having qualifications as students, 15.5% of respondents are undergraduate, 79.5% of respondents are post graduates, and 4% of respondents are PHD.

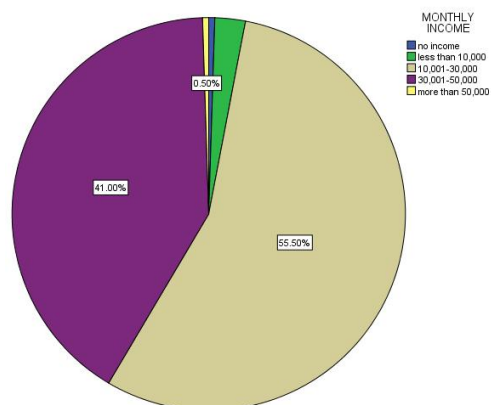
Figure 4



Legend: The figure 4 shows the distribution of occupation with 2% of respondents are self employed, 78.5% are in the private sector, 19% of respondents are working in the public sector and 0.5% are unemployed.



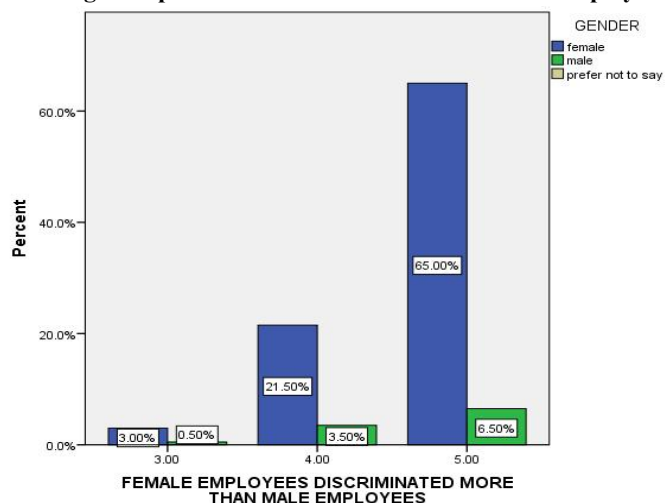
Figure 5



Legend: The figure 5 shows the distribution of monthly income with 2.5% of respondents earning less than 10,000, 55.5% up to 10,001-30,000, 41% up to 30,001-50,000 and 0.5% earning more than 50,000.

Figure 6

Female employees experiencing workplace discrimination more than male employees

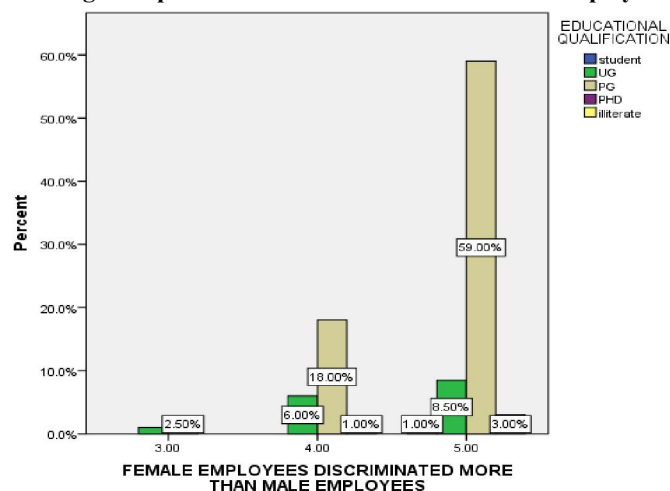


Legend: The figure 6 shows the distribution of gender with respect to the opinion about the female employees experiencing discrimination more than male employees.



Figure 7

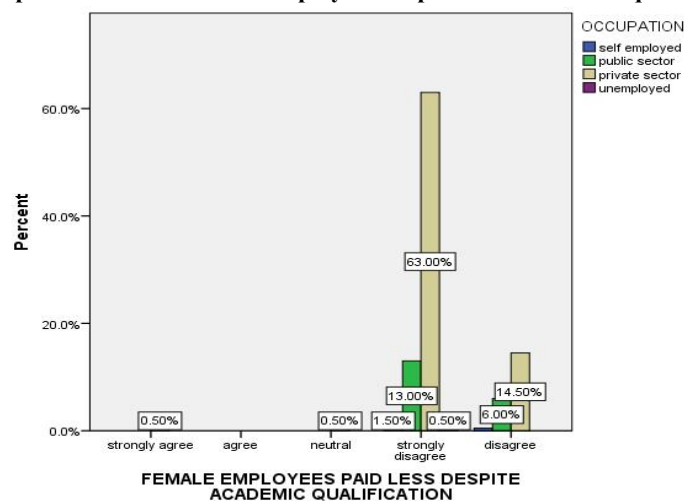
Female employees experiencing workplace discrimination more than male employees



Legend: The figure 7 shows the distribution of educational qualifications with respect to the opinion about the female employees discriminated more than male employees.

Figure 8

Female employees are paid less than the male employees despite their academic qualifications

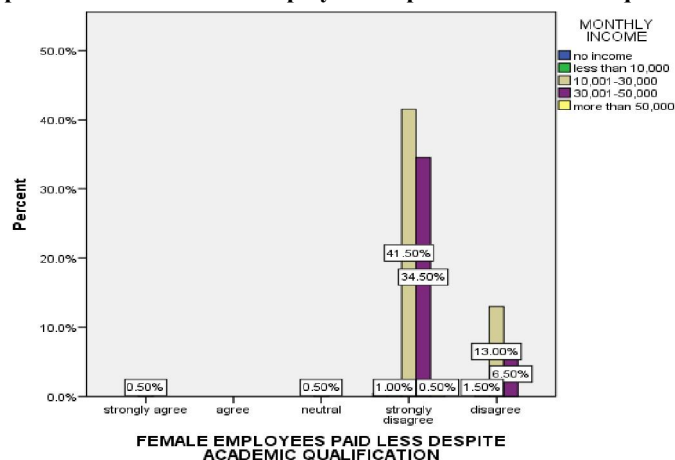


Legend: The figure 8 shows the distribution of occupation with respect to the opinion about the female employees paid less despite their academic qualification.



Figure 9

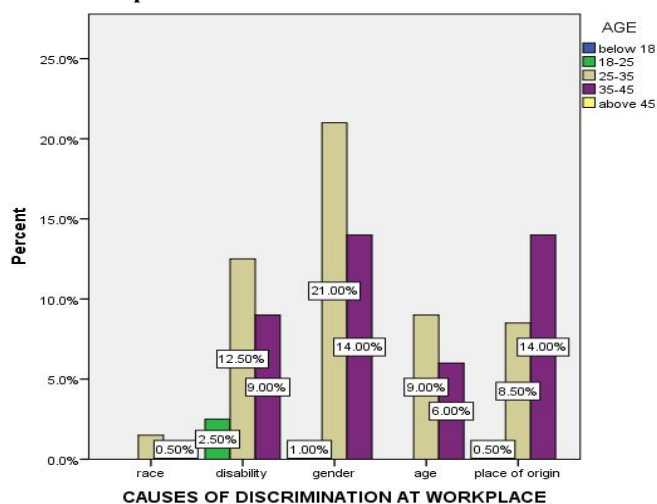
Female employees are paid less than the male employees despite their academic qualifications



Legend: The figure 9 shows the distribution of monthly income with respect to the opinion that female employees paid less despite their academic qualification.

Figure 10

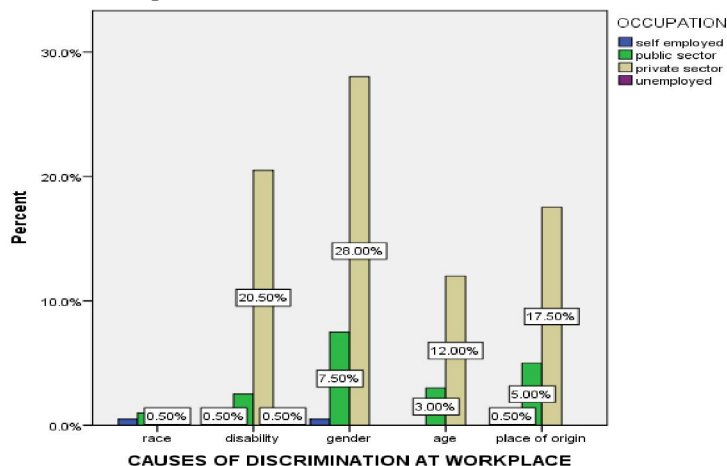
Causes of discrimination at workplace



Legend: The figure 10 shows the distribution of age with respect to the opinion about the causes of discrimination at workplace.

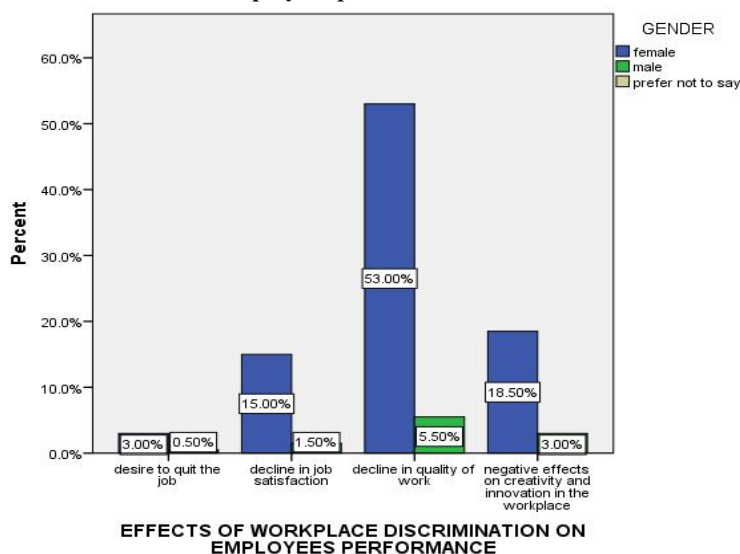


Figure 11
Causes of discrimination at workplace



Legend: The figure 11 shows the distribution of occupation with respect to the opinion about the causes of discrimination at workplace.

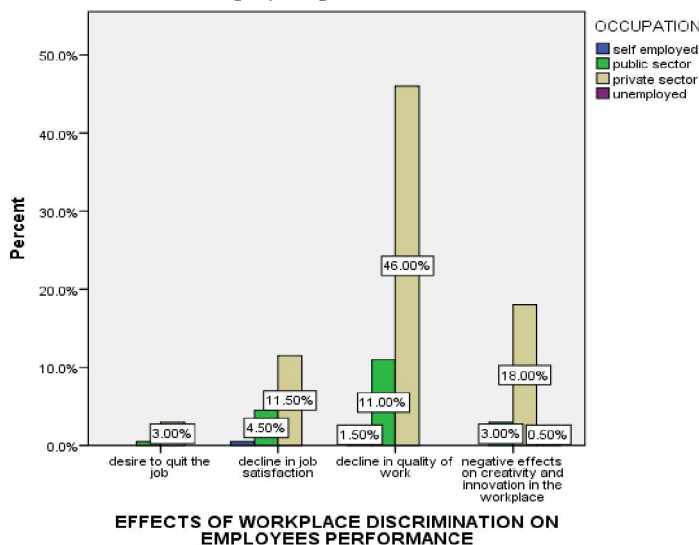
Figure 12
Effects of workplace discrimination on employees performance



Legend: The figure 12 shows the distribution of gender with respect to the opinion about the effects of workplace discrimination on employees performance.

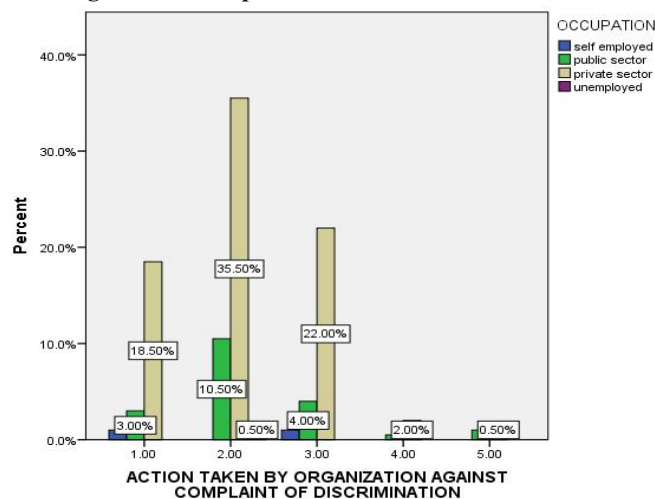


Figure 13
Effects of workplace discrimination on employees performance



Legend: The figure 13 shows the distribution of occupation with respect to the opinion about the effects of workplace discrimination on employees performance.

Figure 14
Action taken by organisation against the complaint of discrimination

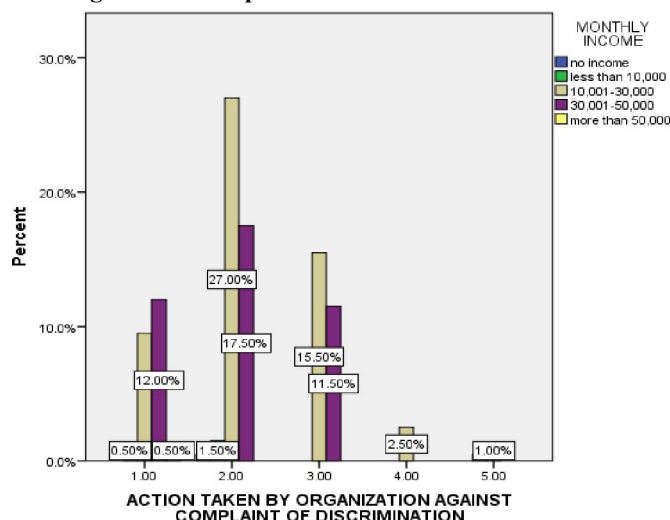


Legend: The figure 14 shows the distribution of occupation with respect to the opinion about the action taken by organisation against the complaint of discrimination.



Figure 15

Action taken by organisation against the complaint of discrimination



Legend: The figure 15 shows the distribution of monthly income with respect to the opinion about the action taken by organisation against the complaint of discrimination.

V. RESULTS

In **figure 6** the majority of the female respondents about 65% and 6.5% of male respondents said female employees discriminated more than male employees. In **figure 7** the majority of the respondents about 59% of PG and about 8.5% of UG said female employees discriminated more than male employees. In **figure 8** the majority of the respondents, about 63% working in the private sector and about 13% in the public sector, completely disagreed that the female employees are not paid less despite their academic qualification. In **figure 9** the majority of the respondents, about 41.5% earning monthly income of 10,001-30,000 and about 34.5% up to 30,001-50,000, completely disagreed that the female employees are not paid less despite their academic qualification. In **figure 10** the majority of the respondents about 21% at the age of 25-35 and 14% at the age of 35-45 said gender is the main cause of discrimination at workplace followed by 14% at the age of 35-45 said place of origin is the second cause for discrimination at the workplace. In **figure 11** the majority of the respondents about 28% working in the private sector said gender is the main cause of discrimination at workplace followed by 20.5% said disability is the second cause for discrimination at the workplace. In **figure 12** the majority of the female respondents about 53% said decline in quality of work by the employees is the effect of workplace discrimination on employees performance. About 18.5% said it discrimination has negative effects on creativity and innovation in the workplace. In **figure 13** the majority of the respondents about 46% working in the private sector said decline in quality of work by the employees is the effect of workplace discrimination on employees performance. About 18% said it discrimination has negative effects on creativity and innovation in the workplace. In **figure 14** the majority of the respondents about 35.5% working in the private sector and 10.5% working in the public sector said mere action has been taken by the organisation against the complaint of discrimination. In **figure 15** the majority of the respondents about 27% earning monthly income of 10,001-30,000 and 17.5% up to 30,001-50,000 said mere action has been taken by the organisation against the complaint of discrimination.



VI. DISCUSSION

From figures 6 and 7 it is observed that the majority of the female respondents about 65% and 6.5% of male respondents and about 59% of PG and about 8.5% of UG said female employees discriminated more than male employees. Being discriminated against because of gender is extremely unfair. No one should be put through such hostility. The law is written for equal treatment, equal pay, and equal opportunity. So female employees need to be treated fairly. From figures 8 and 9 it is observed that the majority of the respondents, about 63% working in the private sector and about 13% in the public sector and about 41.5% earning monthly income of 10,001-30,000 and about 34.5% up to 30,001-50,000, completely disagreed that the female employees are paid equally to male employees. The reason might be because women in India have to deal with a set of complex issues ranging from less access to education to social stigma surrounding work after marriage and childbirth. There is also a general stereotype of women not performing well in leadership positions, possibly due to their commitments to their family or household, which leads to a fall in the number of women who get the opportunity to undertake such roles. From figures 10 and 11 it is observed that the majority of the respondents about 21% at the age of 25-35, 14% at the age of 35-45 and about 28% working in the private sector said gender is the main cause of discrimination at workplace. It is clear that the discriminations because of gender reduced the employee's motivation to work hence a decline in quality of work. Some managers preferred working with people of specific sex thus discriminating the employee of other sex. From figures 12 and 13 it is observed that the majority of the female respondents about 53% and 46% working in the private sector said decline in quality of work by the employees is the effect of workplace discrimination on employees performance. Because of discrimination in workplaces result in a decline in job satisfactions where most employees showed a desire to quit the job. The discrimination has a negative effect on creativity and innovation in the workplace. From figures 14 and 15 it is observed that the majority of the respondents about 35.5% working in the private sector, 10.5% working in the public sector and about 27% earning monthly income of 10,001-30,000 and 17.5% up to 30,001-50,000 said mere action has been taken by the organisation against the complaint of discrimination. The reason might be because some managers ignore reported cases of discriminations in the workplace thus promoting the reoccurrence of the behavior. Besides, an organization that employs employee with a low level of education had problems with cases of discrimination. Due to which poorly trained employees did not understand discriminatory laws.

Limitation

My major limitation of the study is the sample frame. It is collected through surveys within Chennai because of which most responses are from people within Chennai and not from other cities. The restrictive area of sample size is also another major drawback. Another drawback is that no responses from transgender respondents.

VII. CONCLUSION

Discrimination is a vice in the organization. It affects productivity and creativity of employees in the organization. There are several factors that are responsible for the discriminations in the organizations. Some employees are discriminated against because of their gender, place of birth, color, age, and academic qualification. Irrespective of the type of discriminations, the results of the discriminations are always negative to the developments in the organization. The objective of the research is to analyse the impact of workplace discrimination on employees performance in India. The result observed from the analysis of the study is that the female employees discriminated more than male employees, female employees are paid less despite their academic qualification, gender is the main cause of discrimination at workplace, decline in quality of work by the employees is the effect of workplace discrimination on employees performance and mere action has been taken by the organisation against the complaint of discrimination. Suggestions to stop discriminations in an organization includes formulation of policies that cover all the employees equally, inspect the employees well before they are offered jobs and training the employees regarding the diversity in the organizations. There is a need for a positive organizational culture that sees all the employees as equally. There is a need to evade stereotypes that encourage a negative perception of employees of diverse backgrounds.



REFERENCES

- [1]. Alice A. Tolbert Coombs (2005), Workplace discrimination: experiences of practicing physicians, Journal of National Medical Association. 97(4): 467-477
- [2]. Cheung, H.K.,(2016), "Understanding and Reducing Workplace Discrimination", Research in Personnel and Human Resources Management, Vol. 34, pp. 101-152, ISSN: 0742-7301
- [3]. Banerjee, R. (2008) An Examination of Factors Affecting Perception of Workplace Discrimination. J Labor Res 29, 380 (2008). <https://doi.org/10.1007/s12122-008-9047-0>
- [4]. Heilman, M. E., & Caleo, S. (2018). Gender discrimination in the workplace. In A. J. Colella & E. B. King (Eds.), The Oxford handbook of workplace discrimination (pp. 73-88). Oxford University Press.
- [5]. Arnold B. de Castro, and David T. Takeuchi, (2008), Workplace Discrimination and Health Among Filipinos in the United States, American Journal of Public Health 98, 520-526, <https://doi.org/10.2105/AJPH.2007.110163>
- [6]. Ali, Zahid & Abbassi, Zareen & Ujan, Imran Anwar. (2011). Gender Discrimination in Workforce and its Impact on the Employees. Pakistan Journal of Commerce and Social Sciences, Vol. 5 (1), 177-191
- [7]. Erik, Bihagen., Marita Ohls. (2006). The glass ceiling-where is it? Women's and men's career prospects in the private vs. the public sector in Sweden 1979-2000. The Sociological Review, 54(1), 20-47, DOI:10.1111/j.1467-954X.2006.00600.x
- [8]. Susan, Trentham., Laurie, Larwood.(1998). Gender discrimination and the workplace: an examination of rational bias theory, Sex Roles. A Journal of Research, 38, 1-28, <https://doi.org/10.1023/A:1018782226876>
- [9]. Habib, Zafarullah. (2000).Through the brick wall and the glass ceiling: women in the civil services in Bangladesh. Gender, Work and Organization, 7(3), 197-209, DOI:10.1111/1468-0432.00107
- [10]. Uzma Shoukat.(2004). Literacy and women's identity, Proceedings of the International Conference on Social Sciences: Endangered and Engendered, Fatima Jinnah Women University, Rawalpindi, Pakistan, 84-96.
- [11]. Rabia Mian (2016), Gender Discrimination at Work Place: A Case Study on Education Sector of Pakistan, International Journal of Management Sciences and Business Research, ISSN (2226-8235) Vol-5, Issue 12
- [12]. Prof. Suzette DC. Domingo and Dr. Walter P. Salva (2019), Battle of Sexes in the Workplace, International Journal of Advanced Engineering, Management and Science (IJAEMS), Vol-5, Issue-7, ISSN: 2454-1311
- [13]. Felicity Tom (2021), Gender discrimination: A close investigation of its impact on employee performance in an organisation, Journal of International Business Research Volume 20, Issue 5, 1-2, ISSN: 1544-0230
- [14]. Foster, N. (1999). Another 'glass ceiling'?: the experiences of women professionals and managers on international assignments, Gender, Work and Organization, Blackwell publishers Ltd., 6(2), 79-89.
- [15]. Rosefed, R. A., & Kallerberg, A.L. (1990). A cross national comparison of the gender gap in income. American Journal of Sociology, 96(1), 69-106, ISSN: 0002-9602
- [16]. Cotter, D. A., Hermson, J.G, Ovadia. S., Vannerman,R. (2001). The glass ceiling effect. Social Forces, 80(2), 655-682, DOI:10.1353/SOF.2001.0091
- [17]. Winnie Njoki (2021), Gender discrimination in the workplace. A critical literature review , Journal of Gender Related Studies, Vol.2, Issue No.2, pp 9- 17
- [18]. Tiwari, M., Mathur, G., & Awasthi, S. (2018). Gender-based discrimination faced by females at workplace: A perceptual study of working females.Journal of Entrepreneurship Education, 21(3), 1-7, ISSN: 1528-2651
- [19]. Osah Dennis Isaiah, Dr. Ukoha Ojiabo and Dr. A. D. Alagah (2017), Workplace discrimination and employees performance in Nigerian food and beverage sector, International Journal of Advanced Academic Research, ISSN: 2488-9849 Vol. 3, Issue 11
- [20]. Abbas, Q, Hameed A & Waheed, A. (2011). Gender discrimination and Its effect on employee performance/productivity. International journal of humanities and social science.Vol 1, No 15, 171-176. Ku

