

Survey of Discrimination in the Workplace & Analyzing issues for today's corporation

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Abstract:

This paper presents a review on the different issues of Gender discrimination in employment and at workplaces may occur in different manner and may be of different nature. Although the world community recognizes the necessity of eliminating gender bias and establishing gender equity and equality in employment, it still could not be addressed satisfactorily. There are several factors that turn every effort towards this end into a failure. These impediments may start in the family and may last up to the whole period of a woman's work life. Again, these may also lead a woman's choice of profession induced through threat upon her dignity. In almost all types of organizations, employers' predisposition is found biased towards the male employees and workers. Biasness is evident in paying, in delegating authorities, in attitudes and treatments and in similar other forms. Together these discriminations offer a hostile environment around the office or workplace. On the other hand, despite much has been achieved by women these days, most of their contribution remains officially unrecognized and undervalued. Gender discrimination continues to take place in all the sectors of a state's economy.

Keywords: Discrimination, Bias, Gender, Women, Failure factors, Equality, Employment, Workplace, Employer, Authority, Opportunity.

I. INTRODUCTION:

The workplace is one of the areas of life where people with chronic illnesses often face the most discrimination. Their illness may or may not cause permanent disability. If it does not cause permanent disability, it may be disabling from time to time. Either way, people with chronic illnesses often experience discrimination and harassment in the workplace as a result of the disability that results from their illness. This document explains how people with chronic health conditions can use the disability discrimination laws to enforce their rights in the workplace. Throughout the document, reference is made to disability and disability discrimination. This is necessary because the disability anti-discrimination and workplace laws use these terms. However, the laws also apply to people with chronic illnesses, because the legal definition of disability includes the presence of disease and illness. Therefore, if you have a chronic illness, you do not need to have an obvious disability in order to be protected by disability anti-discrimination and workplace laws [6].

A. What is Discrimination?

Discrimination is treating a person with a certain characteristic or attribute less favorably than a person who does not have the characteristic or attribute. Federal and state anti-discrimination laws in Australia make it unlawful for people with certain attributes to be discriminated against in many areas of public life. The Fair Work Act 2009 provides some additional protections in workplace law for employees with disabilities. Characteristics or attributes covered by anti-discrimination laws include disability, age, marital status, sexual orientation, and political beliefs or activities. Areas of public life covered by anti-discrimination laws include employment, education, accommodation, and the provision of goods, services and facilities. Among the most important laws that impact your workplace are nondiscrimination laws. The federal nondiscrimination laws prohibit discrimination throughout the course of the employee life cycle, including hiring and firing, promotions, pay, benefits and other terms and conditions of employment.

Discrimination in workplaces is now one of the most debated issues around the world. There had been innumerable findings on and strong charges against discrimination. In particular, gender bias has become a common occurrence everywhere in most of the developing countries. Some reports also show that such discrimination happens even in developed countries, though the number of facts may be less compared to those in the developing and least developed countries. There are different forms in which discrimination may be evident at workplaces. In spite of the number of findings and reported cases in governmental and non-governmental institutions, the issue still remains beyond control. Environment around the office, the socio-economic status of women, the religious values and restrictions and above all the social psychology of the people can be figured out as the principal causes behind biasness. Unwillingness and lack of attention and supervision by the government adds to this to a great extent. All these have led the issue being complicated more and more. It would be easier to realize the problems in implementing non-discrimination at workplaces in the light of the forms and specific aspects of biasness that women encounter generally. At the same time the implementation mechanisms should be framed in the light of the factors that result in failures [5].

II WHAT CAUSES DISCRIMINATION?

Given the compelling evidence that discrimination remains an important factor in shaping access to contemporary opportunities, how can we explain the underlying basis for the differential treatment we observe? At the aggregate, all forms of discrimination produce the same consequences—excluding potentially qualified individuals from opportunities solely on the basis of their group membership. In each case, however, discriminatory decisions can be the product of a complex set of considerations, and it is helpful to consider the multiple influences underlying these decisions. It would be a mistake, though, to assume that all discrimination, or even the most common forms of discrimination, represents the expression of deeply felt prejudice or animosity toward African Americans or other racial minorities. In fact, as mentioned above, most researchers studying racial attitudes would agree that the level of explicit/conscious racial prejudice in this country has declined precipitously since the 1950s. Few would argue that levels of racial hostility remain as strong today as they were half a century ago. If by discrimination we don't mean racial animus, what other factors may help to explain the persistence of discrimination in contemporary society?

The economics literature on discrimination has increasingly emphasized a process referred to as statistical discrimination (Phelps, 1972; Arrow, 1972; Aigner & Cain, 1977). Statistical discrimination refers to a process by which individuals are judged according to the real or perceived characteristics of the group to which that individual belongs. For example, a police officer may use race as a proxy for criminality; a doctor may use race as a proxy for treatment compliance; mortgage lenders may use race as a proxy for risk of loan default. Because criminality, treatment compliance, and default risks are difficult to observe directly, evaluators rely on indirect information inferred from group membership. Even rational, non-prejudiced decision-makers, then, may wind up systematically favoring whites over non-whites if their estimate of overall reliability among whites is higher. What remains contested in this literature, however, is the degree to which these group-level attributions reflect accurate assessments. According to standard economic arguments, statistical discrimination represents a rational and efficient mechanism for dealing with the Likewise, Americans on average estimate that blacks make up roughly 50 percent of the nation's poor, nearly double the actual proportion black (Gilens, 1999).

The degree of overestimation for these characteristics differs little for residents of urban and rural communities, or areas with either high or low concentrations of blacks. Pervasive racial stereotypes, amplified through selective media portrayals, can thus substantially distort the "evidence" according to which group attributions are formed. Rational-actor models emphasizing the utility of statistical discrimination may thus be missing a substantial degree of bias built in to the "otherwise-rational" inference process. problems of information shortages. Though a reliance on group averages may lead certain individuals to be unfairly dismissed, the strategy should produce an efficient distribution of decisions overall. Competing arguments, on the other hand, argue that statistical discrimination is largely based on exaggerated and distorted differences between groups (Tomaskovic-Devey & Skaggs, 1999; Bielby & Barron, 1986). Though mean differences may exist between groups on some valued characteristics, these differences are inflated in their application, leading to much larger differences in individual evaluations than would be warranted by actual group-level characteristics (Rothschild & Stiglitz, 1982). Indeed, when asked to rate the characteristics of stereotyped groups (according to dimensions for which objective information is available), individuals tend to exaggerate group differences and to underestimate the level of within-group dispersion (Ryan, 1995; McCauley, 1995). To take one example, a 1991 survey asked, "Of all the people arrested for violent crimes in the United States last year, what percent do you think were black?" The modal response to this question was "60 percent," an exaggeration by roughly 35 percent of the actual proportion [6].

III Discrimination Laws:

Among the most important laws that impact your workplace are nondiscrimination laws. The federal nondiscrimination laws prohibit discrimination throughout the course of the employee life cycle, including hiring and firing, promotions, pay, benefits and other terms and conditions of employment.

They include:

- Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of:
 - o Race and color;
 - o Sex (including pregnancy, sexual orientation and gender identity);

- o Religion; and
- o National origin
- The Equal Pay Act, which requires that men and women in the same workplace be given equal pay for equal work.
- The Americans with Disabilities Act (ADA), which prohibits discrimination against qualified individuals with disabilities. The ADA also requires covered employers (those with 15 or more employees) to provide a reasonable accommodation to these qualified individuals, unless the accommodation would impose an undue hardship on the employer's operations.
- The Age Discrimination in Employment Act (ADEA), which prohibits discrimination against individuals age 40 and older on the basis of their age. This law also has requirements related to the treatment of pension benefits for older workers. See the Older Workers Benefit Protection Act (OWBPA), which is part of the ADEA.
- The Uniformed Services Employment and Reemployment Rights Act (USERRA), which prohibits discrimination against a person on the basis of past military service, current military obligations, or intent to serve. Many states also provide job-protected military leave.
- The Genetic Information Nondiscrimination Act (GINA), which prohibits discrimination in employment based on genetic information [8].

If you have a disability or health condition, the Victorian Equal Opportunity Act 1995 and the Commonwealth Disability Discrimination Act 1992 make it unlawful for you to be discriminated against or harassed in the workplace because of your disability or health condition. These laws protect you against discrimination in all stages of employment from recruitment to dismissal. They also protect your family, friends, co-workers and careers from discrimination in relation to your disability or health condition. The Victorian Equal Opportunity Act applies only in Victoria, and is administered by the Victorian Equal Opportunity and Human Rights Commission. The Commonwealth Disability Discrimination Act applies throughout Australia, and is administered by the Australian Human Rights Commission (previously known as the Human Rights Equal Opportunity Commission). Further, the Fair Work Act 2009 ["Fair Work Act"] provides some additional protections for employees and prospective employees who are subject to adverse action in the workplace because of their physical or mental disability.

IV Effective Strategies For Reducing Discrimination:

Examining the contexts in which discrimination becomes more or less prevalent can help us to identify strategies for reducing discrimination more broadly. Below I consider four factors that matter for the expression (or reduction) of racial discrimination:

1. Law matters:

There is substantial evidence to suggest that the legal context can and does matter for the expression of discrimination. The adoption of broad antidiscrimination statutes in the mid-1960s significantly changed the ways in which employers, landlords, and other key gatekeepers conducted business. In addition to antidiscrimination laws, the more proactive approach represented by affirmative action policy has likewise demonstrated substantial positive effects. Affirmative action requirements for federal contractors, for example, have been associated with a 25 percent increase in the share of minority workers, and a significant increase in the occupational status of Latinos and African Americans (Edelman & Petterson, 1999; Reskin, 1998). Finally, it is important to emphasize that the effectiveness of antidiscrimination law is only as great as the corresponding commitment to enforcement (Leonard, 1990) [6].

2. Institutions matter:

A second contextual factor related to the expression of discrimination is the institutional environment. Institutions can adopt specific procedures and develop well-defined norms to encourage or reduce the incidence of discrimination. The United States military, for example, is one institution in which we have seen a remarkable advancement of African Americans over time. African Americans are well-represented among high-ranking officers in the military, and the level of integration on military barracks is well beyond that in the society at large. In their study of the U.S. Army, Moskos and Butler (1996:13) attribute the significant progress toward racial equality to three primary factors: (1) an absolute organizational commitment to nondiscrimination, with serious consequences for those who violate these norms; (2) high standards of performance for all recruits; (3) opportunities to reach and maintain standards, through education, training, and mentoring. While the Army is quite distinct from mainstream American institutions, Moskos and Butler argue that many of these lessons can be generalized to non-military settings in which diversity and racial equality are made priorities.

3. Technology matters:

As suggested above, decisions made in informal settings or with wide personal discretion are often those most vulnerable to the influence of conscious or unconscious racial bias. Conversely, the formalization of decision-making can help to reduce the impact of subjective bias. Recent technological developments offer some promising strategies toward this end. Mortgage lenders, for example, increasingly make use of automated credit scoring systems, based on a formula that takes into account an individual's assets and credit risks. Based on these formal criteria, there is little room for the biases of individual lenders to influence ratings of credit-worthiness. Further, increasing numbers of mortgage lenders now offer this service online, with no in-person contact. In these cases, the race of the applicant can often remain unknown by the lender until well into the process (Harris, 2002). According to a study by Gates, Perry, and Zorn (2002), the use of automated underwriting systems is associated with a nearly 30 percent increase in the approval rate for minority and low-income clients, while at the same time more accurately predicting default than traditional methods. Technologies such as these, which demonstrate the capacity to increase performance and decrease discrimination, offer promising directions for future efforts to reduce discrimination, and to increase access to opportunities for valued social goods.

4. The economy matters:

A final contextual factor affecting the expression of discrimination is the economy. When the labor market is slack—that is, when there are a small number of job openings relative to a large number of job seekers—employers can be extremely selective in their hiring practices. For those who prefer some racial/ethnic groups to others, the abundance of applicants allows them to have their pick, even if their preferences are irrelevant to the actual quality of workers (Myers, 1989). In tight labor markets, by contrast, when the demand for labor is acute, employers are less able to exert non-essential preferences. In this context, even employers with preferences for white workers will often be forced to give minority workers a chance. Indeed, during the economic expansion of the 1990s, we saw significant gains in employment and earnings for young minority men (Freeman & Rodgers, 1999).²⁰ Likewise, earlier periods of economic expansion, such as that following World War II, have been associated with the increasing economic status of African Americans (Smith & Welch, 1989). Macroeconomic conditions are of course difficult to control; but this research suggests that investments in job creation and economic growth can have important

effects for reducing racial discrimination. While none of these factors represent a cure-all for the problems of discrimination, they provide compelling evidence that certain environments can and do reduce the incidence of discrimination. It may be the case, then, that rather than focusing on the attitudes or biases of individuals, we should focus more on the contexts in which individual preferences are expressed.

V. CONCLUSION:

Discrimination is not the only cause of racial disparities in poverty. Indeed, as the other chapters in this volume suggest, persistent inequality between racial and ethnic groups is the product of complex and multifaceted influences. Nevertheless, the weight of existing evidence suggests that discrimination does continue to affect the allocation of contemporary opportunities; and, further, given the often covert, indirect, and cumulative nature of these effects, our current estimates may in fact underestimate the degree to which discrimination contributes to the poor social and economic outcomes of minority groups. Though great progress has been made since the early 1960s, the problems of racial discrimination remain an important factor in shaping contemporary patterns of social and economic inequality. Likewise, additional research is needed to better specify the complex nature of discrimination, among individuals, within institutions, across domains of social life, and over the life course. Single point estimates of discrimination within particular domains substantially underestimate the cumulative effects of discrimination over time, and the ways in which discrimination in one domain can trigger disadvantage in many others. Developing models to better capture systems of discrimination will move us toward a fuller understanding of discrimination in contemporary society.

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