

CHAPTER-05

GENDER DISCRIMINATION AT THE WORKPLACE AND ITS IMPACT ON VICTIMS: AN ANALYSIS

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ABSTRACT

Gender discrimination persists in the Indian workplace, affecting women across sectors despite legal safeguards. Cultural biases lead to unequal treatment, notably seen in the wage gap and occupational segregation. The glass ceiling hampers women's career progression, while maternity discrimination and sexual harassment remain prevalent issues. Societal expectations shape hiring and career paths, contributing to under-representation in decision-making roles. Limited training opportunities exacerbate the gender gap. Addressing these challenges demands a multi-pronged approach: strengthening legal implementation, promoting diversity initiatives, and challenging traditional norms. Companies must foster inclusive cultures for equitable career growth, paving the way for a diverse professional landscape in India.

Keywords: *Workplace, Discrimination, Gender, Law, women.*

1. INTRODUCTION

A person who engages in unequal behaviour is discriminating against women. In our society, women and men are treated equally, but in some contexts, women are excluded from certain chances. Although it's a societal process, men and women aren't always treated fairly. Individual inequality is a result of these distinctions and discrimination. While many of the differences are socially constructed, some are theoretically based. Research, education, and gender demonstrate the variety of experiences that each person has had in life. When gender is a factor in many other employment opportunities, the employment sector, the job sector, or in various employment sectors, men and women are applicable for jobs, but women are sometimes not allowed because of their safety purposes. Gender discrimination, or gender inequality, belongs to different cultures and affects people like transgender people. It is a very pitiful circumstance for any individual or person to be refused an opportunity because of their gender, as we all know that gender should not be a reason to deny anyone. However, discrimination still occurs in our culture.

2. HISTORICAL BACKGROUND

Gender discrimination at the workplace has a deep historical background that reflects the social norms and power structures prevalent in different societies over time. While progress has been made, the roots of workplace gender discrimination can be traced through various historical phases:

i. Agricultural and Early Societal Structures

The division of labour in early agrarian cultures was frequently based on physical strength, which meant that males were assigned to labor-intensive and

outdoor duties, while women were primarily responsible for household chores (Giuliano 2015). In both familial and community contexts, men held positions of authority within economic and societal organisations, which were frequently hierarchical in nature.

ii. Industrial Revolution (18th and 19th centuries)

A major transition from rural to industrial economies occurred during the Industrial Revolution. In factories, women were generally restricted to lower-paying positions and subjected to economic discrimination, while men made up the majority of the workforce.

Gender roles were reinforced by the dominant idea of "separate spheres," which valued women more for their responsibilities as spouses and mothers than for their contributions to the workforce (Miller and Borgida 2016).

iii. World War and Post-War Period

During World War I and II, women entered the workforce in large numbers to fill roles traditionally held by men who were serving in the military.

Post-war, there was a push for women to return to their pre-war roles, and the idea of the male breadwinner became entrenched, limiting women's access to certain professions and promoting wage gaps (Murray 2002).

iv. Women's Liberation Movement (1960s-1970s)

The Women's Liberation Movement in the mid-20th century brought attention to gender discrimination at the workplace. Women demanded equal pay for equal work and challenged discriminatory practices in hiring and promotion. Legal frameworks addressing workplace discrimination began to emerge during this period, such as the U.S. Equal Pay Act of 1963 (Deslippe 2018).

v. Globalization and Technological Advancements (Late 20th Century)

The late 20th century saw increased globalization and technological advancements. While opportunities for women expanded, gender-based occupational segregation persisted, with women often concentrated in lower-paying and less prestigious professions. The glass ceiling, an invisible barrier limiting women's advancement to top positions, became a focal point of discussions on workplace gender discrimination.

vi. Current Trends and Challenges (21st Century)

In the 21st century, issues of gender discrimination persist despite significant strides. The gender pay gap, lack of representation in leadership roles, and instances of harassment and bias continue to be challenges. The #MeToo movement and increased awareness have shed light on the prevalence of workplace harassment and discrimination (Ahmed, W., et., al. 2020), prompting organizations to reevaluate their policies and practices (Hillstrom 2018).

vii. Intersectionality and Diversity (Contemporary Context)

Contemporary discussions on workplace gender discrimination increasingly emphasize inter-sectionality, acknowledging that discrimination is often compounded by factors such as race, ethnicity, and sexual orientation (Hearn, Metcalfe, and Piekari 2012). Diversity and inclusion initiatives are gaining prominence, recognizing the importance of creating workplaces that value and celebrate differences.

viii. The Vishaka Guidelines (Vishaka v. State of Rajasthan)

The Vishaka Guidelines, also known as the Vishaka judgment, are a set of guidelines formulated by the Supreme Court of India in 1997 to address and prevent sexual harassment of women in the workplace. The guidelines were introduced in response to a landmark case known as Vishaka and Others vs. State of Rajasthan and Others. The case involved the gang rape of a social worker in Rajasthan and highlighted the absence of legal provisions to address sexual harassment at the workplace (Pathak and Pandey 2021).

3. KEY POINTS AND PROVISIONS OF THE VISHAKA GUIDELINES INCLUDE

i. Definition of Sexual Harassment:

The guidelines define sexual harassment broadly, encompassing unwelcome sexually determined behavior, such as physical contact, requests for sexual favors, sexually colored remarks, or any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature (Pathak and Pandey 2021).

ii. Preventive Measures

Employers and institutions are directed to take proactive measures to prevent sexual harassment. This includes developing and implementing a policy against sexual harassment, organizing awareness programs, and creating a complaints committee.

iii. Complaints Committee

Organizations are required to constitute a Complaints Committee at each office or administrative unit with more than 10 employees. The committee should be headed by a woman and comprise at least half of its members as women.

iv. Complaint Procedure

The guidelines lay out a detailed procedure for filing and addressing complaints of sexual harassment. The complainant has the right to file a written complaint to the Complaints Committee, which is required to conduct an inquiry in a timely manner.

v. Confidentiality

The guidelines emphasize the need for maintaining confidentiality during the inquiry process to protect the identity and privacy of the complainant.

vi. Action against Offenders

The Complaints Committee has the authority to recommend action against the offender, including written apology, counseling, reprimand, suspension, or termination of employment. The severity of the action depends on the nature and gravity of the offense.

vii. Legal Obligations

The guidelines place a legal obligation on employers to provide a safe working environment that is free from sexual harassment. Failure to comply with these guidelines can result in legal consequences for the employer.

viii. Mandate of Supreme Court

The Vishaka Guidelines were initially introduced as a stop-gap measure until legislation on sexual harassment could be enacted. The guidelines remained in force until the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act in 2013.

ix. Impact and Recognition

The Vishaka Guidelines were a pioneering step in recognizing and addressing workplace sexual harassment in India. They played a crucial role in shaping subsequent legislation and fostering awareness about the issue.

4. CAUSES OF DISCRIMINATIONS

i. Cultural Roots and Historical Perspectives

Gender discrimination in India has deep roots in cultural and historical contexts. Traditionally, patriarchal norms have governed societal structures, relegating women to subordinate roles. Historical practices, such as sati and child marriage, have contributed to the perpetuation of discriminatory attitudes and behaviors (Goldman 2023).

ii. Education Disparities

Despite advancements in education, gender-based disparities persist. In many regions, girls face challenges in accessing quality education, leading to lower literacy rates and limited opportunities for personal and professional growth. Educational inequalities contribute to a cycle of gender discrimination, restricting women's participation in various spheres of life (Jameel and Ahmed 2021).

iii. Workplace Inequities

Gender discrimination extends into the professional realm, with women facing disparities in employment opportunities, remuneration, and career progression. Stereotypes and biases often confine women to certain industries or roles, limiting their potential contribution to the workforce. The gender pay gap further exacerbates economic inequalities.

iv. Violence against Women

Gender-based violence remains a critical issue in India. Instances of domestic violence, sexual assault, and harassment persist despite legal measures. A pervasive culture of victim-blaming and inadequate support systems contribute to underreporting and perpetuate a climate of fear for many women (Jameel and Ahmed 2021).

v. Legal Framework and Implementation Challenges

While India has enacted laws to address gender discrimination and violence against women, implementation remains a challenge. Gaps in law enforcement, societal attitudes, and a slow judicial process contribute to a lack of accountability for perpetrators and hinder justice for victims.

vi. Cultural and Social Norms

Cultural and social norms often reinforce gender stereotypes, dictating expected behaviors for men and women. These norms limit individual choices, perpetuating

discriminatory practices. Initiatives aimed at challenging these norms and fostering gender sensitivity are crucial for fostering long-term change (Inglehart and Norris 2003).

vii. Empowerment Initiatives

Several initiatives and organizations in India are working towards empowering women and dismantling gender discrimination. Educational programs, skill development initiatives, and advocacy for women's rights contribute to creating awareness and fostering a more inclusive society.

viii. Changing Mindsets

Transforming societal attitudes is fundamental to addressing gender discrimination. Educational institutions, media, and community-based programs play pivotal roles in challenging stereotypes and fostering a mindset shift toward gender equality.

ix. Role of Men in Gender Equality

Men play a crucial role in dismantling gender discrimination. Engaging men and boys in conversations about gender equality, challenging toxic masculinity, and promoting allyship contribute to building a more inclusive society.

x. The Road Ahead

Effectively addressing gender discrimination in India requires a comprehensive, multifaceted approach. Legal reforms, educational interventions, cultural shifts, and economic empowerment must work in tandem to create a society where every individual, regardless of gender, enjoys equal rights and opportunities.

5. IMPACT ON VICTIMS

Victims of gender discrimination may experience severe and long-lasting effects that impair many facets of their personal and professional lives. In addition to being personal, the effects also have societal repercussions that feed larger trends of inequality. Key effects on victims of gender discrimination include the following:

i. Psychological Impact and Professional Consequences

Victims often experience heightened stress and anxiety due to discriminatory experiences, whether overt or subtle. The constant need to navigate a hostile or biased environment can take a toll on mental well-being. Persistent discrimination may erode self-esteem, causing victims to doubt their abilities and worth. This can hinder personal

and professional growth. Gender discrimination can limit career opportunities, hinder advancement, and contribute to a glass ceiling effect, preventing victims from reaching their full potential. Discrimination at the workplace can lead to job dissatisfaction, decreased motivation, and a lack of engagement. This, in turn, can impact overall career fulfillment.

ii. Economic Implications

Gender discrimination often results in unequal pay for equal work. This wage gap not only affects the immediate financial well-being of the victim but also has long-term consequences, including reduced retirement savings. Limited Economic Empowerment: Discrimination can impede women's economic empowerment, perpetuating cycles of poverty and dependency.

iii. Physical Health Effects

Chronic stress resulting from gender discrimination can contribute to various physical health issues, including headaches, digestive problems, and cardiovascular conditions. The toll on physical health can be substantial. Stress related to discrimination may also affect reproductive health, potentially influencing fertility and pregnancy outcomes.

iv. Emotional Toll on Relationships

The emotional toll of discrimination can spill over into personal relationships, leading to strained interactions with family, friends, and colleagues. Victims may feel isolated and disconnected, especially if they perceive a lack of support or understanding from those around them.

v. Impact on Mental Health of Social Isolation

Gender discrimination can subject victims to social stigma, making it challenging for them to fully participate in social activities or community life. Discrimination may lead to exclusion from professional networks, limiting opportunities for collaboration and mentorship. Long-term discrimination exposure may be a factor in the emergence of mental health conditions like anxiety and depression. Victims may become more vulnerable to other mental health challenges, potentially leading to long-term consequences.

vi. Legal and Emotional Challenges

Legal obstacles may arise for victims of gender discrimination who want justice. Getting through legal procedures can be expensive and emotionally taxing. Fear of retaliation can prevent victims from reporting discrimination or seeking legal recourse.

6. CONCLUSION

In India, gender discrimination is a complicated problem with a strong social foundation. There is, however, hope for a future in which gender equality is not only an ideal but a reality thanks to continuous efforts to change cultural attitudes, empower women, and alter laws. Individuals, communities, and institutions must all make a consistent and group effort to abolish gender discrimination.

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