

Study On Gender Discrimination in The Workplace in India

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ABSTRACT - The Research was undertaken to analyse the concept of the “Study of Gender Discrimination at Workplace” In this context the objective of this analysis is to evaluate and bring into light issues like gender stereotypes, and gender discrimination in the context of the Indian environment. It was conducted to know what changes Government law makes in the workplace towards female employees and how it helps them. The Research employed a survey design and a questionnaire was made for data collection. The 30 respondents were selected randomly from corporate fields, medical fields, Schools, and Colleges.

This mainly focuses on the different factors leading to discriminatory problems that females are facing. Many studies and research have been conducted to understand the discriminatory issues related to females in different sectors but this study evaluated the underlying factors that not only contribute more to discriminatory problems faced by working women but also focus on the male perspective, as now both are getting equal opportunity, still there are few work-places where gender is prioritized by type of work.

Keywords: *Delayed promotions Gender Discrimination, gender wage gap, lower pay package, sexist comment, Workplace.*

I. INTRODUCTION

In India as well as other countries, gender discrimination is a widespread problem that continues to impede national development. Gender-based workplace discrimination has long been a major issue in India, affecting not just the country's overall development but also the social and economic well-being of individual citizens. Despite notable advancements in a number of areas, gender inequality still exists and is shown in the continuation of gender stereotypes, uneven opportunities, and wage discrepancies. The objective of this study is to review the various aspects of gender discrimination in Indian workplaces, providing a thorough examination of the problems, their root causes, and possible remedies. As we learn more about this topic, it becomes clear that the difficulties women have in the workforce are systemic issues that call for coordinated efforts from the business community, the government, and society as a whole.

In India, the issue of gender discrimination at work is deeply intertwined with cultural norms, historical legacies, and socio-economic factors. The societal expectations of women as primary caregivers, coupled with deeply rooted patriarchal norms, create barriers to women's participation and advancement in the workforce. This paper will explore how these norms and expectations impact women's career

choices, progression, and economic empowerment. In the past ninety years, women have fought for equality with men in all spheres of life, including the workplace. Despite significant advancements in education and the workforce, women continue to face barriers to pay parity and advancement in the job. It is already well-established, generally acknowledged, and the subject of discussion, that women earn less.

There are severe economic repercussions from gender discrimination. In India, women are frequently employed in lower-paying positions with little opportunity for advancement into leadership and decision-making positions. The glass ceiling is still an impenetrable barrier for many people, and the gender wage gap is still rather large. Not only is it important to comprehend the economic effects of gender discrimination on women's rights, but it is also essential for the overall economic development of India. This research will also look at India's legislative and policy framework for combating workplace discrimination against women. It will evaluate the efficacy of current laws, rules, and company policies and point out any areas in need of change.

In addition, the paper will present case studies, and empirical data to shed light on the real-life experiences of women men, and LGBT+ in different industries in the

Mumbai region. In conclusion, the aim of this research paper is to contribute to a deeper understanding of the multifaceted issue of gender discrimination at work.

II. GENDER DISCRIMINATION

MEANING: Discrimination happens in the workplace where an employer treats one employee less suitable than others. An employee is not paid the same wages for performing the same work, not given the same opportunity for training, mentoring, or promotion, or is not hired, usually a woman because the employee believes that she won't fit into a traditionally male-dominated workplace. It could also mean an employee from a minority ethnic community is refused the same salary, training opportunities, or promotion as offered to the other colleagues.

Reeves and Baden¹ asserted that the systematic and unjust treatment of people based on their gender is what deprives them of resources, opportunities, and rights. racism, sexual harassment, unequal pay, and disparities in promotions are just a few of the ways that gender disparity in the workplace appears. Often, it shows up in more subdued forms, with working mothers given fewer opportunities and women experiencing burnout at higher rates. There are several ways that gender inequality in the workplace overt itself, including racialism, sexual abuse or molestation or exploitation, unfair compensation, and unbalanced promotions. It frequently shows itself in subtler ways, such as reduced chances for a mother to have a child and an increased rate of burnout among women.

According to the labour force surveys carried out in the year 2020-21, the estimated worker population ratio for men and women was 73.5% and 31.4%. According to data from the World Bank, approximately only 19% of women nationwide are estimated to be employed. gender inequality is caused by a number of variables, such as social background, mindsets, and ignorance. In India, where patriarchy predominates, gender inequity is frequently visible from an early age. Girls frequently have fewer options when it comes to marriage, education, and mobility. This greatly affects a woman's social and professional life as an adult. This article focuses on gender disparity in the workplace, however, it is important to address gender inequality both inside and outside of the workplace

III. TYPES OF DISCRIMINATION²

The four types of discrimination include:

DIRECT DISCRIMINATION: Based on Caste or a particular aspect employer or interviewer rejects a candidate. For eg: the Candidate belongs to Scheduled Caste.

RACIAL DISCRIMINATION: He/she belongs to a Scheduled Caste or Tribe (racial discrimination). Racial discrimination in the workplace is based on race, skin colour, ethnicity, or national origin. Racial discrimination examples include not hiring a qualified candidate, giving someone an undesirable job or task for which they are overqualified, not given an expected promotion over others, or making the workplace a hostile environment.

DISABILITY DISCRIMINATION: As he/she is disabled i.e., a candidate having hearing, visual, and psychological disabilities should be given fair treatment. This includes equal employment opportunities, equal pay, and a friendly(non-threatening) work environment.

INDIRECT DISCRIMINATION: Discrimination while hiring / promotion:

GENDER/SEX DISCRIMINATION: Despite being prohibited, gender and sex discrimination in the workplace occurs frequently. This includes treating an employee unfairly because of their gender, sexual orientation, or gender identity. Pregnancy and parental discrimination are also included. For instance, a company cannot discriminate against a pregnant employee by refusing to hire them, promote them, or deny them a job. Likewise, discrimination against parents—male or female—by an employer is prohibited. An employer fires a female employee after her marriage or being pregnant because he makes the assumption that married women/mothers do not make efficient workers. As mothers, their devotion to their family and childcare makes them less committed to the office work, and are unable to put in long hours like their male colleagues, especially in top-level jobs.

AGE DISCRIMINATION: Men/women who are forty and older cannot be fired, passed over a promotion, or forced to retire simply because of their age.

HARASSMENT: Bullying, calling nicknames, gossip, intrusive or inappropriate questions, and off-colour comments ents comments can be harassment. It includes excluding someone from important meetings or events. Any inappropriate behaviour cannot be excused as banter or “was not meant to cause offense”. With harassment, it is more important how the victim sees the conduct rather than how the harasser sees it. A person can claim harassment if he/she witnesses this type of conduct if he/she is having a negative impact on his/her dignity at work.

VICTIMASITION: Treating someone less favorably than others or labeling them as a ‘troublemaker because they tried to make, or made, a complaint about discrimination. For example, not giving the opportunity for training courses, unfair disciplinary actions, or exclusion from company social events.

¹ Reeves,H., & Baden, S, Gender and Development

² <https://www.hr-solutions-uk.com/4-types-of-discrimination/>. (n.d.). *THE 4 TYPES OF DISCRIMINATION: WHAT EVERY EMPLOYER NEEDS TO KNOW.*

IV. FACTORS OF DISCRIMINATION AT THE WORKPLACE

Being in the 21st century, even today gender discrimination is one such problem people are still battling with. Women, men, and the LGBT community still face a lot of problems in achieving equality in the workplace.

Factors causing gender inequality at the workplace are Lack of employment equality, job segregation, lack of legal protection and social mindset, Sexual harassment, and pregnancy are a few examples of gender discrimination among men women, and the LGBT community. As said by Frieda Pinto “GENDER EQUALITY IS HUMAN’S FIGHT AND NOT THE FEMALE FIGHT”³

UNEQUAL PAY/WIDE WAGE GAP: In India, female workers are still striving for equal compensation for equivalent labor. When women are paid less than males for performing the same work, this is referred to as unequal pay. The gender pays gap results from the disparity between the number of men and women who, in many domains, including the workplace, mostly work against women and in favor of men. There are a number of more nuanced factors that contribute to the gender wage gap in a nation like India, including socioeconomic and structural factors. Girl children are sometimes kept out of school or made to drop out of school early. Many women are prevented from working by their families, even if they have an education.

When women do enter employment, they frequently need to take long periods of absence for child care, pregnancy, and even other family members' medical needs. Over time, these many obstacles cause women to lag significantly behind men in terms of income.

Frequently, management pressurizes the victims of harassment to withdraw their complaints.

Indian companies are reluctant to employ women for reasons of breaks after marriage and motherhood.

BARRIERS TO PROMOTION⁴: Women entrepreneurs are more impacted by inadequate infrastructure than men are because they typically devote a greater amount of time and energy to domestic tasks. Women are more likely to have their regional mobility restricted by social conventions and safety concerns.

BIAS AGAINST MOTHERS: Women’s devotion to their families and children makes them less committed and unable to put in long hours like their male colleagues, especially in high-level jobs.

HIGHER BURNOUT IN WOMEN: Stress levels of women are higher than men as they have to struggle more with the work-life balance. To cope with that woman, seek more flexible working patterns or to leave their employers or jobs completely.

The hybrid way of Working Presents Opportunities if implemented properly. The hybrid style of working offers benefits, such as allowing many people to keep the flexibility that comes with remote work. However, it also raises the possibility of exclusion for individuals who are not there in person. Nearly half of women who work in hybrid contexts claim they do not get adequate exposure to leaders, which is a crucial component in facilitating career advancement and sponsorship, and nearly 60% of them feel they have been left out of important meetings.

INCIDENTS OF SEXUAL HARASSMENT: Most women have encountered harassment in the form of unwanted physical approaches, persistently insulting remarks, microaggressions (such as being talked over, interrupted, or patronized), or derogatory sexist remarks. Women in ethnic minority groups and LGBT+ women are more likely to have experienced microaggressions. For Example, LGBT+ women are more than 10% more likely to say they have been patronized or undermined by managers because of their gender, Women in ethnic-minority groups are significantly more likely to be excluded from informal interactions, feel patronized, and receive disparaging or belittling comment about their race or ethnicity compared to those in their country’s ethnic majority.

V. RESEARCH METHODOLOGY

STATEMENT OF PROBLEM:

Issues faced in the implementation of such Policies at the workplace can be effective for both Men and Women. Implementation and Execution of such policies are tasks mainly for management.

Not only Women are affected by gender discrimination but Nowadays men are also affected by the same. But most of the policies in the workplace support women more than men.

Planning and Coordination play a vital role as proper planning has a powerful impact on the workplace. If there is any obstacle in the planning process it plays a barrier in implementation and this results in improper coordination amongst the Workers/Employees and Authoritative management.

Lack of awareness and understandability is the main issue where the implementation fails as the people don’t take active participation and when they find it difficult most of the people don’t understand and so they blame the policies rather than understanding.

Hence, I took this topic to Highlight the Impact of Gender Discrimination in the workplace and the factors that affect work culture.

³ (Tharwani, 2022), Causes of Gender Inequality at Workplace

PROCESS OF RESEARCH:

WHAT ARE THE RESEARCH PROBLEMS: To analyse the Impact of Gender Discrimination in the Workplace, and also to understand the problem not only suffered by women but also by Men in the workplace. We surveyed different workplace sectors to understand factors more precisely.

WHAT ARE THE RESEARCH APPROACHES: The approach of research used in the study is Descriptive Research. Some analytical methods are also used for the evaluation of facts and information.

RESEARCH: Survey method.

RESEARCH INSTRUMENT: Questionnaire.

SAMPLE PROCESS SAMPLING UNIT:

All corporate employees working in IT have at least experience of 6-8 and More Years.

Senior School Teachers having experience of 10 or more years.

Healthcare workers with 6 to 8 years of experience.

VI. OBJECTIVES

To study gender discrimination in the workplace.

To assess the impact of gender discrimination in the workplace.

To promote diversity and equality at the workplace

To improve the results of the activities and to contribute in society.

VII. SCOPE OF THE STUDY

This research was conducted to study gender discrimination in the workplace in public as well as private organizations in Mumbai. IT sector, health sector, and education sector were taken to study. The survey was conducted and feedback from 30 people was collected to study and measure the effect of gender discrimination in the workplace. The survey was conducted between the age group of 18 to 60 years of males and females working in different sectors. It covers the strategies implemented by the government to reduce gender discrimination in the workplace and the benefits of diversity and inclusion in the workplace. It also covers the judgments which prohibit gender discrimination in the workplace. The data interpretation gathers the percentage of gender discrimination faced by the people at their workplace. The scope of the methodology is it can help in implementing better policies for the reduction of gender discrimination in

private as well as public organizations and the development of society.

VIII. THE STRATEGIES OF REDUCING DISCRIMINATION

Several provisions have been introduced in The Constitution of India to reduce discrimination at the workplace. Also, several Laws have been passed for the benefit and upliftment of people who are discriminated against on the basis of gender, race, caste, religion, or place of birth.

CONSTITUTIONAL PROVISIONS: article 14 to 18 under The Constitution of India. It guarantees equality as a Fundamental Right to every Citizen in India. Equality⁵ before the Law and Equal Protection of Laws. Prohibits⁶ discrimination on the grounds of religion, race, caste, sex, or place of birth. Equality⁷ of opportunity in matters of Employment in the Public Sector. Untouchability⁸ is abolished and its practice in any form is forbidden. Abolishment⁹ of conferring any title to any citizen by the state or acceptance of any titles by the citizens of a foreign country

"equality" is a Fundamental Right that is guaranteed to all Citizens of India under The Constitution of India. All residents must be given equal opportunity, and the state is not allowed to discriminate against anyone based on their ethnicity, caste, or sexual orientation. Additionally, the constitution gives the government the authority to implement special policies that benefit women. The introduction of specific laws that apply to a larger population is necessary because the provisions of the Constitution can only be enforced against the state and do not apply to private Corporations.

Article 39A: Every citizen has the right to get equivalent compensation for equivalent.

Article 42: Seeks to ensure just and fair working conditions and secures from inhumane conditions and also provides maternity relief.

LEGISLATIVE PROVISIONS¹⁰: Additionally, attempts have been made to guarantee that women and transgender individuals are represented in legislative bodies and in the government's policy divisions. India has advanced significantly as a country throughout the years. Through the adoption of many progressive regulations that also apply to employment in the private sector, India has over the years made great strides toward improving women's involvement and retention in the workforce.

INDUSTRIAL DISPUTE ACT (IDA) 1947¹¹: Section 2 of IDA, 1947 covers unfair labour practices by employers and

⁵ Article 14. The Constitution of India

⁶ Article 15(1) & 15(3). The Constitution of India

⁷ Article 16. The Constitution of India- Equal employment opportunity in public sector

⁸ Article 17. The Constitution of India – abolishment of untouchability

⁹ Article 18- The Constitution of India- abolishment of titles

¹⁰

¹¹ (Anshul Prakash, 2018), Workplace Discrimination - Laws and Recourse for Employees

their trade unions. Employers are not allowed to prevent workers from engaging in any activity related to collective bargaining, interfere with their ability to create, support, or join a union, or use coercion to deter them from doing so.

Dismissing employees by victimizing them and favoring one group of employees over another, regardless of merit, is considered an "unfair labor practice" under Section 25T of the Industrial Disputes Act 1947 read with Schedule V. This is punishable by a fine and/or imprisonment of the employer.

THE MATERNITY BENEFIT(MB) ACT 1961: This has long existed in India, providing women with a paid 12-week maternity benefit supported by their employers. After amendments in 2023, the MB Act became one of the world's most liberal laws, granting female employees access to daycare, paid Maternity Leave for the first two children up to twenty-six weeks, and Surrogacy and Adoption Leave. Additionally, The Maternity Benefit Act clearly forbids employers from firing female workers while they are on maternity leave. Employers are also not allowed to adversely affect female employees' terms of service while they are on maternity leave.

TITLE VII OF THE CIVIL RIGHTS ACT, 1964: It is illegal to discriminate someone against on the basis of colour, race, religion, national origin, or sex. It also protects employees against discrimination at the workplace.

THE EQUAL REMUNERATION (ER)ACT,1976: It is mandatory for companies to ensure that women and men perform similar or equivalent amounts of work for the same pay. Recruitment, training, transfers, and promotions are all prohibited by the ER Act from discriminating against women.

SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013: Workplace sexual harassment is regarded as an infringement on the rights of a specific sex. This makes the workplace unfriendly and insecure, which deters women from entering the workforce. In order to put an end to this violence against workers especially women, this act (commonly known as The POSH Act) was introduced. The Supreme Court of India also laid down certain rules and guidelines and declared that the laws were to be treated under Article 141 of the Constitution. Employers now have to make sure that women have a harassment-free workplace. The employer's duties are: to establish a policy, to set up an internal committee, to investigate grievances, to carry out regular training, and to publicly report statistics on the number of sexual harassment grievances raised and handled every year.

Significant observations on many aspects of maternity leave and childcare have also been expressed by the judiciary. The

Supreme Court recently emphasized the need to strike a balance between the right to maternity leave and the right to work in order to safeguard women's participation in the workforce. The Court underlined that social rules in the nation must be interpreted deliberately rather than literally in order to close the gap between law and society.

In addition, the Court noted that familial structures may alter (for example, taking the form of queer relationships or live-in relationships (unmarried couples living together)), and in such cases, courts must uphold the intent of the relevant legislation rather than block its application. This is a step toward the recognition of "atypical" family structures in India. The judiciary suggested (but didn't require) that employers should consider redefined familial roles when extending employees benefits, such as a woman needing maternity leave to care for her partner's children, an unmarried couple or single household wanting to adopt a child, or an LGBTQIA+ person wanting to start their own family.

In order to foster a non-discriminatory work environment and provide equitable chances, the court recommended that companies incorporate these revised family arrangement elements into their corporate social responsibility policy.

PERSONS WITH DISABILITY(PwD) EQUAL OPPORTUNITIES, PROTECTIONS OF RIGHTS AND FULL PARTICIPATION)ACT, 2016: Persons with disabilities include blind persons, persons with low vision, leprosy-cured people, hearing impaired, locomotor disabled, intellectually disabled, and mentally ill, a person with cerebral palsy disorder, dwarf, a person with muscular dystrophy, acid attack victims, speech and language disabled, specific learning disabled, autistic person, suffering with chronic neurological disorders such as multiple sclerosis and Parkinson's disease, a person with blood disorders such as Haemophilia, Thalassemia, and sickle cell anemia, and multiple disabilities.

This Act safeguards the rights of differently-abled persons in India, at the workplace:

3% of seats are reserved for differently abled people in all the government establishments.

Section 24A: Makes provisions for disabled persons not discriminated at any workplace.

Section 24C: Makes provision for the prohibition of discrimination in promotion owing to disabilities.

Section 24D: Equal opportunity policies for disabled persons.

Section 24F: Makes provisions for the removal or reduction of any rank on acquiring or having a disability.

STATE-SPECIFIC SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 2017: In order to protect

employees' rights, state laws such as Section 13 of the Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017 introduced changes to the working conditions of employees in areas specifically pertaining to hours worked, overtime, holidays and leave welfare, health, and safety of employees and more. It states that discrimination against women in the workplace is prohibited in the areas of hiring, training, transferring, promoting, and compensation. If this is violated, the company faces fines. These laws have long compelled companies to take particular security and other precautions when hiring women in night shifts, in order to encourage women's involvement at the workplace. Additionally, discrimination against transgender and disabled individuals is illegal in India, and businesses are required to have a comprehensive complaint redressal process to handle these kinds of grievances.

THE WAGES CODE 2019: The 2019 Wage Code aims to control salary and bonus distributions in all jobs where manufacturing, trade, business, or industry is conducted. The Payment of Wages Act of 1936, the Minimum Wages Act of 1948, the Payment of Bonus Act of 1965, and the Equal Remuneration Act of 1976 are all replaced by this Code. This Code has attempted to eradicate the pay disparity at the workplace.

The key elements of this code are: Eradication of gender-based discrimination in wages for the same work or work of a similar nature, applicability to all the employees of organized as well as unorganized sectors without any wage limit, introduces the concept of "floor wages", which cannot be lower than the national rate (a rate set by the Central Government after accounting for the minimum living standards of workers across areas), the decision on Penalties for offenses committed by an employer which varies depending on the nature of the offenses. The maximum penalty is imprisonment for 3 months along with a fine of up to one lakh rupees.

HUMAN RESOURCE POLICIES¹²: The employer should make strong and anti-discrimination HR policies such as equal opportunity policies and determine what is and what is not acceptable at the workplace, Also the employer should take care of the following: Educate employees about discrimination, should give a quick and effective response to complaints of inappropriate behavior, should deal with complaints of discrimination promptly and confidentially, develop a workplace policy that prohibits discrimination, train supervisors and managers on how to respond to discrimination in the workplace, make sure the policy is properly enforced and review the policy to ensure that effectiveness is maintained.

IX. STEPS TO DEAL WITH THE DISCRIMINATION AT THE WORKPLACE BY EMPLOYEES

The Employees should follow the following steps in order to deal with discrimination at the workplace: employees should also respect cultural and racial differences at the workplace, they should also be professional in conduct and speech. An employee should not initiate, participate or approve and accept discrimination and harassment, and should avoid offensive humour or pranks at the workplace which are culturally and race-based. An employee should familiarize oneself with the organization's workplace policies and follow them. they should attend training on The Equal Employment Opportunity Commission (EEOC) principles and learn about their legal rights and responsibilities under the discriminatory laws. And if one comes across any incidents of inappropriate, discriminatory, harassing, or abusive behaviour it should be reported to the immediate supervisor, Human Resources Department, Union, or Management. And if the employee faces any discrimination by The State or Government bodies – including State and Central Governments on any grounds mentioned in Article 15, a writ can be filed to the concerned High Court or The Supreme Court of India.

X. BENEFITS OF DIVERSITY AND INCLUSION IN THE WORKPLACE

Although they are not the same, diversity and inclusion are related. Diversity pertains to the representation and composition of the organization. The degree to which perspectives, presence, and value are included in the workplace is known as inclusion.

The following are the benefits of having a diverse and inclusive workplace:

BIGGER TALENT POOL: An organization can enhance its recruitment and talent pool leading to more diverse candidates.

BETTER EMPLOYEES ENGAGEMENT: When employees feel included, they are most engaged with the organization. This leads to greater trust between employees and top management.

BETTER DECISION-MAKING: Diverse teams bring better decision-making. Diverse minds, diverse backgrounds, and experiences bring better solutions and decisions in different circumstances.

SKILLS: People from diverse backgrounds bring diverse skills. These skills can be put to use by the organization as they deem fit and will benefit the organization. Employees can get together and learn these different skills from each other leading to better unity and efficiency.

¹² Workplace Discrimination: What Is It? How Can It Be Prevented?, (n.d.). *Labor & Employment*.

<https://www.indialawoffices.com/legal-articles/workplace-discrimination-how-to-prevent-it>

CUSTOMER SATISFACTION: In the customer service industry, having a diverse workforce is quite advantageous because many clients may feel more at ease interacting with staff members who share their backgrounds. It may result in more business and opportunities for the company.

XI. CASE LAWS

Case law related to gender Discrimination in the workplace

AIR INDIA vs. NARGIS MIRZA: In this case, the discrimination at the workplace was kept aside, where the rule of a state-owned aviation company namely Air India stated that a woman will be terminated after her first pregnancy and after the age of 35 as the clause is discriminatory in nature was rule out.

C.B. MUTHAMMA vs. UNION OF INDIA: In this case law the petitioner was an employee of the Indian Foreign Service and stated that there was inequality practice towards women as they were not paid as equal as men for the same work and were stopped from getting promotions and terminated from work if married.

PUNITA K SHODHI vs. UNION OF INDIA: In this case, sex-based discrimination is not limited to sexual harassment but includes the whole act of action. The ACT like the Discrimination Act of 1975 provides the rights to women, to prohibit discrimination on the grounds of sex and allow women of every age to bring direct or indirect claims of discrimination on the grounds of sexual harassment.

LANDMARK CASE OF VISHAKA vs. STATE OF RAJASTHAN: The Supreme Court upheld that women should have a free sexual harassment environment at their workplace and to prevent this, the poSH act was passed in the year 2013 to keep the interest of working women and the redressal of grievance of employee.

S. NARKARA vs. UNION OF INDIA¹³ The Supreme Court stated equal pay for equal work. The court used the unenforceable part of the Indian Constitution, i.e., Part IV-Directive Principles of State Policy (DPSP). The Court referred to Article 38 and stated that the state should take the necessary action to strike out the unequal pay for the same work and promote equal pay for the same or similar work.

THE SECRETARY, MINISTRY OF DEFENCE vs. BABITA PUNIYA AND ORS.,2020: In this case, the Supreme Court pointed out that equal benefits for females should be on par with male counterparts in appointment, advancement, position, and pensions and that the all-women army officers are competent for permanent commissions and should allow them to be in the commanding role. The army was committed to providing equal opportunities to all personnel including the women officers to pay equally as they are as capable as males of commanding appointments

to serve the nation. Such action is been discriminatory in its nature toward women.

PUNJAB & ORS. Vs. JAGJIT SINGH: The Supreme Court ruled that an employee employed for the same or the same type of work cannot be paid less.

XII. DATA ANALYSIS AND INTERPRETATION

The survey on the topic of “STUDY ON GENDER DISCRIMINATION AT WORKPLACE”. We did the survey and collected the Data of Employees from the Private and Government sectors as well as Educational Institutions and healthcare sectors. This primary data was collected through a questionnaire which is the firsthand source of data collected. This Reliable source of data is collected with the help of a structured questionnaire headed to 30 people selected in the workplace. It clearly specifies the Age group, Gender, and opinion on discrimination in their workplace accordingly they filled out the Questionnaire and responded simultaneously.

Here is the following Survey with the Interpretations:

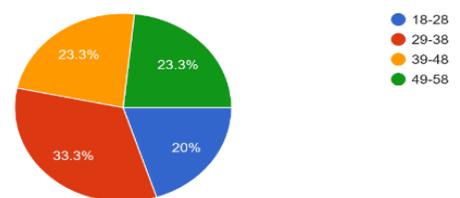
1. Respondents Age Group:

Table: -1.1

| AGE GROUP | RESPONDENTS | PERCENTAGE |
|-----------|-------------|------------|
| 18-28 | 6 | 20% |
| 29-38 | 10 | 33.3% |
| 39-48 | 7 | 23.3% |
| 49-58 | 7 | 23.3% |

Fig:1.2

30 responses



Interpretation:

From the above table no.1.1, it is to be considered that the Age groups 18-28 and 29-38 which mean to be the active age groups having a total percentage of (50.33%) means that Active Age Group people are more participative. Further, the Age Groups of 39-48 and 49-58 have Average participation as this Age group mainly get settled down with seniority position.

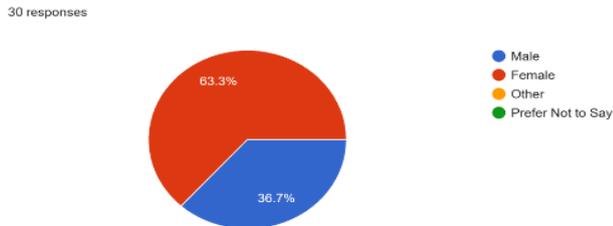
¹³ www.indianlawoffices.com

2. Respondents Gender:

Table:2.1

| GENDER | RESPONDENTS | PERCENTAGE |
|--------|-------------|------------|
| Male | 11 | 36.7% |
| Female | 19 | 63.3% |
| Others | 0 | 0 |

Fig:2.2



Interpretations:

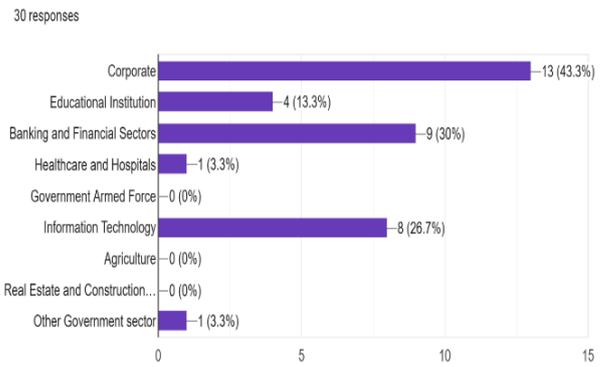
The above pie chart 2.2 shows the clear percentage of gender participation in the survey. Males are probably less than females so the number of the population of Males is (36.7%) and the Female percentage is 63.3%. Probably because female respondent faces more discrimination. But herein we consider all genders and give equal opportunity to give their views.

3. In which sector do you work:

Table:3.1

| WORKING SECTORS | NUMBER OF RESPONDENTS | PERCENTAGE |
|--|-----------------------|------------|
| Corporate | 13 | 43.3% |
| Banking and Financial Sectors | 9 | 30% |
| Information Technology | 7 | 26.7% |
| Government Armed Force | 0 | 0% |
| Educational Institution | 4 | 13.3% |
| Agriculture | | 0% |
| Healthcare and Hospitals | 1 | 3.3% |
| Real Estate and Construction Development | 0 | 0% |
| Other Government sector | 1 | 3.3% |

Fig: 3.2



Interpretation:

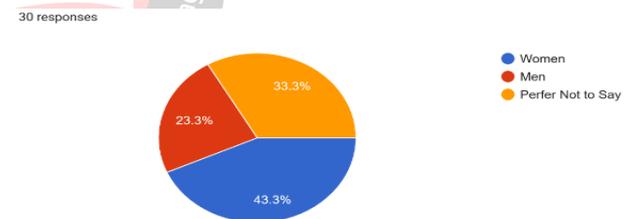
From Above Table 3.1, we understand the sectors in which people work. We also got responses from individuals, who work in double shifts in different sectors. Mainly people working in corporate 43.3% or in IT, whose percentage is 26.7% work as visiting faculty Health care is 3.3 and other government sectors are probably 1%. Herein Number of percentage working in the corporate and private sectors is comparatively high.

4. Would You like to have more women or men in the workplace?

Table:4.1

| GENDER | RESPONDENTS | PERCENTAGE |
|-------------------|-------------|------------|
| Men | 07 | 23.3% |
| Women | 13 | 43.3% |
| Prefer not to say | 10 | 33.3% |

Fig:4.2

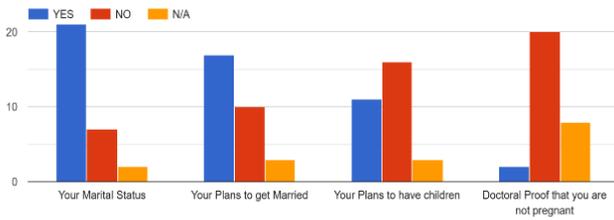


Interpretation:

The aforementioned pie-chart Fig 4.2 makes it evident which gender people would want to have more in the workplace. Women's percentage is higher that is 43.3% because women are known to have more patience than men, and they have better collaborative skills, in the survey I came to know that Relationship building capabilities are greater in women. Men percentage is 23.3%, People prefer not to say in 33.3%.

5. In the Job Interview, Have you been asked questions concerning?

Fig:5.1

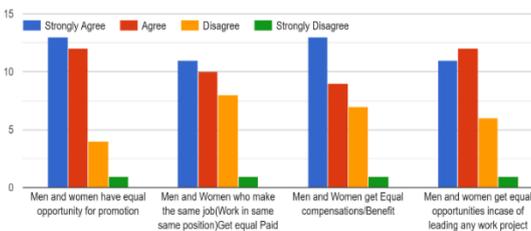


Interpretation:

From the above graph 5.1, It is clear that Most employers or Interviewers ask Questions about Marital status or planning to get married as marriage is one of the factors, where interviewer may think to gauge an employee's level of commitment to the job and also believe that unattached workers will show higher level of job dedication. Often interviewers may also ask about planning to have children and doctoral proof that female employee is not pregnant, because Women mostly stop being productive in working occupation or leave their jobs after getting maternity benefits. Though professionally these questions are not appropriate, but mostly interviewers ask this to predict the level of commitment an individual can have toward their work.

6. Do you agree or disagree with the following assertions:

Fig: 6.1



Interpretation:

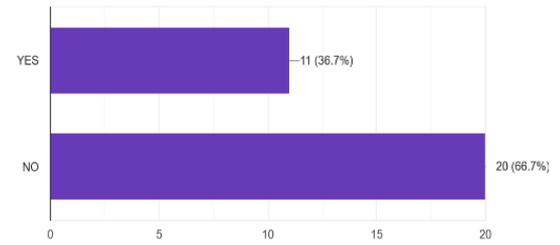
From the Above graph 6.1, Respondents strongly agree that Men and women working in the same organization have equal opportunities for promotion and get equal benefits and compensation for the same. Men and Women both have equal status nowadays and get equal opportunities. Every sector believes that gender is not a hurdle nowadays, the thing that matters is that the more productive an individual is the more equal recognition an individual gets.

7. While looking for jobs, did you ever experience that the job advertisement you were interested in, had a criterion not related to the potential worker's Experience, Skill,

Education, etc. (e.g., individuals of a certain age are welcome to apply?)

Fig:7.1

30 responses



Interpretation:

According to the above graph 7.1, only 36.7% of respondents reported having encountered discrimination in a job advertisement; the remaining respondents did not report any such incidents. A few criteria where people have shared their experiences are listed below.

Professionals who are single and should be available for extended work hours, etc.

Few organizations took personal interviews to know the appearance of the candidate.

Functional experience in a technical role.

Location Should not be more than No. of Kilometres.

Age criteria or gender criteria are specified.

Only Men having Experience of 8 years can apply.

Some job fields are clearly mentioned for men only, sometimes the reporting managers are more comfortable with men on the team.

In spite of good communication skills, a female is not able to apply for a government teaching job because of coverage.

Jobs for customer care support services that gender-specific.

Most individuals experience gender discrimination for the late-night shift, Marital status, and Physical Appearance, Also The age factor is the main reason, Now Companies are focusing on new youth experience thus they often reject senior age employees.

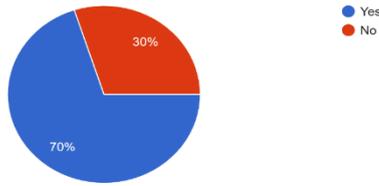
8. Does Your Organization have any internal procedure rules, which prohibit unethical/immoral behaviour?

Table:8.1

| Responses | Number of Respondent | Percentage |
|-----------|----------------------|------------|
| YES | 21 | 70% |
| NO | 9 | 30% |

Fig: 8.2

30 responses



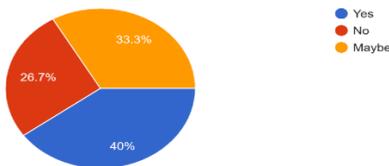
Interpretation:

From the Above Pie chart 8.1, it is been experienced that about 70% majority of all workplaces there is internal procedures and guidelines to reduce unethical and immoral behaviour. And about 30% which probably include small firms and the teaching field have not such policies

9. Did you ever feel that upper management give priority to their reference, despite having more compatibility with other employee having higher qualification and experience?

Fig: 9.1

30 responses



Interpretation: According to the above chart 9.1, people felt more discriminated against when superiors gave preference to their references rather than giving the more capable person equal opportunities. This is indicated by the 40% of respondents. Though the percentages are lower here, at just 26.7%, there are a few workplaces where people have similarly refused and said that advancement and better positions are subject to an individual's ability.

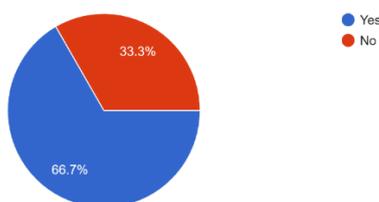
10. Do you have ever received training that covered the legal measures of sexual harassment and discrimination or about the company's policy on the same?

Table:10.1

| Responses | No. of Respondent | Percentage |
|-----------|-------------------|------------|
| Yes | 20 | 66.7% |
| No. | 10 | 33.3% |

Fig:10.2

30 responses



Interpretation:

From the Above Chart 10.2, it is been clear that in most organizations new employee gets training or induction on the policy that the workplace mostly has to avoid discrimination and sexual harassment. About 66.7% of the workplaces give induction on such serious issues for employee benefit. And 33.3% of the workplaces do not give an induction on such serious issues. Induction and Training is for people's knowledge and learning and employee should get benefitted from such induction.

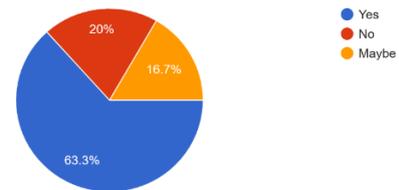
11. Do you feel Enfranchised to address inappropriate sexual conduct by a coworker/ Supervisor at your workplace?

Table:11.1

| Responses | Number of Respondent | Percentage |
|-----------|----------------------|------------|
| Yes | 19 | 63.3% |
| No | 06 | 20% |
| Maybe | 05 | 16.7% |

Fig:11.2

30 responses



Interpretation-

From the Above Pie chart 11.2, it is clear that now more employees are empowered to report inappropriate sexual conduct in the workplace. About 63.3% of employees have the courage to speak up on this critical issue. About 20% of respondents still do not have the courage to take a stand on such an issue and about 16.7% of people are not sure or maybe will react to the situation.

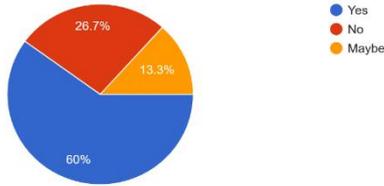
12. Do You Know About the Posh Policy and did you get training for the same?

Table:12.1

| Responses | Number of Respondent | Percentage |
|-----------|----------------------|------------|
| Yes | 18 | 60% |
| No | 08 | 26.7% |
| Maybe | 04 | 13.3% |

Fig:12.2

30 responses



Interpretation:

From the Above Pie chart 12.2, it is been clear that Respondents have knowledge of the POSH Policy which is about 60%. Still, there are 26.7% do not have knowledge of the POSH Policy and about 13.3% are not sure about such policy and its advantages.

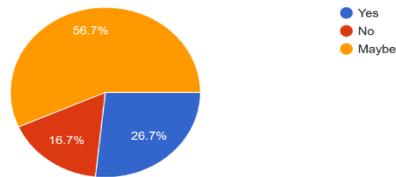
13. Does your company/ Organization support LGBTQ employment?

Table: 13.1

| Responses | Number of Respondent | Percentage |
|-----------|----------------------|------------|
| Yes | 08 | 26.7 |
| No | 05 | 16.7% |
| Maybe | 17 | 56.7% |

Fig: 13.2

30 responses



Interpretation: From the above pie chart 13.2, it is transparent that People are not sure or have hesitation to give their views that companies support LGBTQ about 56.7%, and there are very few organizations i.e., 26.7% that openly support LGBTQ and about 16.7% of the workplaces do not support LGBTQ as an employee.

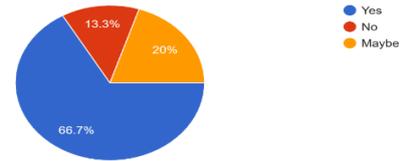
14. Do you feel that only for women’s rights there is a policy or men can also avail of such policy?

Table: 14.1

| Responses | Number of Respondent | Percentage |
|-----------|----------------------|------------|
| Yes | 20 | 66.7% |
| No | 04 | 13.3% |
| Maybe | 06 | 20% |

Fig14.2

30 responses



Interpretation: From the Above Pie Chart 14.2, it is clear that Now workplaces have equal policies for both women and men, about 66.7% of employee organizations have equal rights and policies which can be availed by both. Still, there are 13.3% of employee organizations where there is no such policy that can be availed by both. And about 20% of employees are not clear about such rights. Mostly men do not have an idea about policy which they can avail for their protection.

XIII. SUGGESTIONS AND RECOMMENDATIONS

Suggestions and Recommendations to achieve gender equality in the workplace¹⁴

There are plenty of ways to achieve or improve gender equality in the workplace. Here are some of the suggestions:

CHANGE IN HIRING PROCEDURE: As a first step toward promoting gender equality, you can change your job descriptions. Examine your job descriptions to see if anything should be added in order to increase the number of applicants you receive. People's perceptions are greatly influenced by the language they hear. For example, using terms like "dominant" and "assertive" will draw more men and less women.

If you've noticed, more women are employed in support and help-oriented roles in the tech business, whereas more men are found in tech industry roles. This needs to be adjusted, and both locations need to find equilibrium.

Among the most effective methods to encourage gender diversity in employment are:

Establishing a Workplace with Gender Diversity

Better, impartial job descriptions

Both genders should be represented on the interview panel.

PAY PARITY FOR MEN AND WOMEN

One crucial factor that needs to be taken into account is the idea of equitable remuneration for all employees in the company. Pay should differ according to positions held and job duties, not according to a person's gender. By implementing a consistent wage system, a degree of transparency should be controlled. By doing this, problems pertaining to discriminatory pay will be resolved. It is recommended that an annual pay audit be carried out to assess the presence of gender bias within the business. Even

¹⁴ Aarav Goel, 01-May-2023, How to Improve Gender Equality in the Workplace?

in multinational corporations, women can be seen in every role. Since they are no longer viewed as the weaker gender, men, and women should be paid equally for the responsibilities and labour that they perform. Gender equality is an issue that requires careful consideration and appropriate action. This is a big step toward improving workplace gender equality.

PROSPECTS FOR WOMEN AND MEN IN LEADERSHIP

It is a misconception that women belong in support positions and that only men are capable of being leaders. Workplace discrimination against women is a result of these kinds of people. Any applicant who possesses the necessary skills for the leadership position should be awarded it, regardless of gender, as long as they are deemed worthy.

Offering leadership based on abilities rather than gender is one of the finest methods to advance gender equality. Women leaders would help in achieving gender equality in the organization as more women would be hired. Seeing female leaders and mentors there might encourage other women to consider that specific company.

STRICT GUIDELINES AGAINST HARASSMENT AGAINST CONCERNS

Many people have spoken out about harassment they have encountered at work. It is imperative for all companies to establish stringent regulations regarding various offenses such as racism, bullying, and sexual harassment within the premises. Strict measures should be taken against the offender if this kind of offense is common within the company in order to prevent such incidents in the future.

A study of statistics indicates that about one in four women have experienced physical or psychological harassment at work. Every employer has a main responsibility to monitor these matters and prevent them from occurring in the workplace. Employers should take preventative action to avoid such situations because failing to recognize such activities could have major consequences for the company. Not only would it undermine gender equality, but it would also damage the company's standing in the marketplace.

ENCOURAGING A BALANCED WORK-LIFE

Lack of assistance with childcare and housework makes it harder for women to achieve their goals and grow in their careers. Women have a lot on their plates because they have to concurrently take care of the business, the home, and the children. Support for childcare should be given to female employees in order to advance gender equality in the workplace.

Companies ought to go forward and provide paternity leave to fathers because raising a kid is a responsibility shared by both parents, not just the woman. An efficient work-life balance in the workplace helps to reduce stress levels. Corporate organizations that implement flexible work

arrangements to preserve the work-life balance can see significant benefits.

CREATING A CULTURE OF OPEN MINDS

Employers, supervisors, and team leaders must collaborate with an open mind in order to create a work climate that values gender equality. If the bulk of the organization's members exhibit gender bias, this will eventually hinder the organization's ability to grow. Instead of basing praise and appreciation on the employees' own preferences, it is important to consider their abilities and contributions.

UPDATE TRAINING

A second review should be made to ensure that the training being provided by the organization complies with gender equality rules. It is expected that employee training will have a more positive impact on the company's operations. Making gender equality education a yearly requirement is a noteworthy alternative. The employees' activities would be consistent with their understanding of the company's policies thanks to this training.

SENSITIVE TOWARD FEMALE HEALTH ISSUES

The organizations/employers should be more focused on female health issues and support women in their menstrual and pregnancy time. A day's leave in a month should be allowed for menstruating women. Support for pregnant women is required. There should be support for female colleagues during their menstrual cycle and during difficult times.

Body shaming of girls (People should not be selected on the basis of their looks) should be avoided.

Married or single both should be given an equal chance. Also, the POSH ACT should be applicable to both men and women. There has to be a strict POSH policy for women workers but there should also be some policies for male workers as well, there are instances where they suffer and do not even come forward to speak up.

The Bias towards extra working hours should be avoided. Everyone should follow Indian culture in their outfits, behaviour, and ethics.

In addition to these approaches, employee recommendations ought to be taken into account since they would be highly valuable in enhancing the work culture.

XIV. CONCLUSION

From the above research, I'll conclude that Discrimination in the workplace is a common factor that is basically based on the situation of work. Not only women are been targeted but men are more often going through the same factors. Policies are for both but still, there are some organisations that don't follow legal policies that are mandatory in the organisation therefore employees there, also do not have knowledge of their rights in working workplace. It's not just

a matter of being capable and educated but also working with each other for the growth of well-being.

In India, discrimination is illegal according to the Constitution. Discrimination is a factor in Article 15 and other fundamental rights like "equality before the law." India is widespread – largely owing to ancient beliefs and customs.

Nonetheless, workers are better armed to combat employment discrimination and have more legal options than they had in the past—at least in the organized sector. The unorganized sector is however a major source of worry. Organizations now are more sensitive and focused on reducing discriminating factors as nobody wants negative publicity or liabilities, especially in an era of social media.

REFERENCES

- [1] <https://www.indiawalaooffices.com/legal-articles/workplace-discrimination-how-to-prevent-it/>
- [2] <https://www.wenzelfenton.com/blog/2019/08/12/4/4-examples-of-discrimination-in-the-workplace/>
- [3] https://www.forbes.com/sites/deloitte/2022/04/26/women-continuing-to-face-alarming-high-levels-of-burnout-stress-in-the-new-normal-of-work?_3e7e79f4432e/
- [4] https://www.peoplesmatters.in/site/interstitial?return_to=%2Farticle%2Flegal-and-compliance-outsourcing%2Flegal-hr-workplace-discrimination-laws-and-recourse-for-employees-17201/
- [5] <https://prsindia.org/billtrack/the-code-on-wages-2019/>
- [6] <https://www.hrassured.com.au/blog/how-to-prevent-discrimination-in-the-workplace/>
- [7] <https://www.hrassured.com.au/blog/how-to-prevent-discrimination-in-the-workplace/>
- [8] www.indianlawoffices.com
- [9] <https://www.iasparliament.com/current-affairs/gender-discrimination-at-workplace>
- [10] Articles 14 to 18, 39 & 42. The Indian Constitution of India.
- [11] <https://www.koenig-solutions.com/blog/gender-equality-in-the-workplace>