



Gender justice in management

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Abstract

The term "gender justice" refers to the integration of women's rights and needs into society at large. In this context, justice refers to the equitable distribution of societal necessities, more balanced behaviour, and an end to violence. Gender justice has been a topic of debate and discussion on both the national and international levels. The issue has gained importance and is now a topic of discussion at all levels, including the legal system, as a result of the increased participation of women in all spheres of life, particularly the workplace, and the dismantling of previously-existing social, political, and religious gender barriers. In addition to staying at home, women now play a variety of roles in society. They are top executives in MNCs, legislators in state and federal legislatures, teachers in the public schools, etc. A complicated problem, gender inequality in management of organizations can be found in organizational structures, processes, and practices. Some of the most harmful gender disparities for women are imposed in human resources (HR) practices. This is the case due to the fact that HR practices, including as policies, decisions, and their implementation, have an effect on how women are employed, trained, paid for, and promoted. This article provides a model of gender inequality in HR to illustrate the reciprocal nature of gender disparity within enterprises. This article argues that gender inequality in HR-related decision-making and the execution of HR practices is caused by gender discrepancies in more general organisational structures, procedures, and practices. Institutional discrimination in organisational structures, processes, and practices not only significantly affects HR practices but also significantly influences the levels of hostile and mild sexism among corporate decision makers. Understanding the laws, their procedural nuances, and judicial decisions aimed at strengthening the position of women in management of organizations will be the main subject of this study.

Keywords: gender inequality, human resources, gender justice

Introduction

Just as a bird could not fly with one wing only, a nation would not march forward if the omen are left behind.

Swami Vivekananda

Human dignity is one of society's most important values. At the end of the day, every human being aspires to the dignity to which he or she is entitled. According to the Indian Constitution, no citizen should have their human dignity violated because of their caste, faith, sexual orientation, or place of birth. Gender equality is a key component of sustainable development and is widely acknowledged as being necessary to advance human rights. The term "gender inequality" describes how people are perceived or treated differently depending on their gender. It results from variations in gender roles that are socially established. Women's status is crucial to human development and serves as the cornerstone for society's advancement. Even now, the birth of a girl child is not joyfully celebrated in India. In some cases, a girl child is murdered even before she is born. In Indian society, a girl child is more frequently neglected. Whether it be in the areas of work, education, health, survival, or in other broader perspectives of social life, discrimination continues unabatedly^[1].

In India, it is thought that throughout the Vedic Period, men and women were treated equally. Women have been mentioned as sages and seers in the Upanishads and the Vedas. But after that, the problem significantly worsened. A few historical customs that represent the gender disparity in Indian society are sati and child marriage. Due to legislative change, these activities are now generally illegal, but the root of dysfunctional gender equity still exists and is

manifested in today's female infanticide, violence, sexual objectification, domestic abuse, female foeticide, dowry killings, trafficking, and workplace sexual harassment.

Women lack financial resources and are reliant on men to make a life. Women's job is frequently restricted to the home; she was responsible for all household duties that went unrecognized and unacknowledged. Many women now go to work, but they also bear the burden of two responsibilities. Additionally, because she is viewed as being less productive than her counterpart, she is the last to be hired and the first to be fired. Her standing has generally been poor and unacknowledged in the family and in society. "The development of agricultural technology and the transition from a subsistence to a market economy have had a profoundly negative effect on women, excluding them from the labour force because so many women lack education and skills. Girls frequently work as children, and women frequently earn less money for doing the same jobs. All societal groups that employ women experience various sorts of prejudice."^[2]

Females experience a variety of ills from birth to death, including violence, oppression, and prejudice in the home, at work, and in society. Many of these laws, including the Widow Remarriage Act of 1856, the Child Marriage Restraint Act of 1929, the Dowry Prohibition Act of 1961, and the Abolition of Sati Act of 1829, were passed during the colonial era in attempt to improve the status of women in India.

Aside from these laws, there are other pieces of legislation related to business or the workplace that have special provisions for women. Examples include the Workmen

Compensation Act of 1923, the Payment of Wages Act of 1936, the Factories Act of 1948, the Maternity Benefit Act of 1961, the Minimum Wages Act of 1948, the Employees State Insurance Act of 1948, and the Pensions Act of 1987.^[3]

Gender justice and Indian constitution

The Indian Constitution also has a few provisions pertaining to women's rights. According to Articles 14, 15(3), 39(a), and 39(e), the State cannot deny anyone in India's territory the right to equality before the law and the equal protection of the laws. Additionally, it forbids the state from treating a citizen differently based only on their sex, caste, race, religion, or place of birth. The State shall also provide for women and children in particular ways. Article 16 of the Indian Constitution further states that discrimination against people on the basis of their gender, race, caste, or religion is prohibited.^[4]

Under Constitution of India, 1949, "Article 43.A Participation of workers in management of industries says that the State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry."^[5]

The topic of women's emancipation has been addressed independently and successfully by the Indian judicial system. The validity of the Indian Foreign Service Rules of 1961, which required a female employee to obtain written government permission before her marriage is solemnised and provided that a woman member of the service may be required to withdraw from service at any time after a marriage, was contested in "*C.B. Muthamma V. Union of India*."^[6] The Supreme Court ruled that this provision is unconstitutional since it discriminates against women."

According to the Supreme Court's ruling in *Vishakha and others v. State of Rajasthan*,^[7] sexual harassment of working women at their place of employment constitutes a clear violation of Articles 14, 15, and 21 of the Indian Constitution, as well as the rights to gender equality and life and liberty. The Court further noted that the scope of the content and meaning of the fundamental rights protected by the Indian Constitution is wide enough to cover all aspects of gender equality, including the elimination of sexual harassment and abuse.

The Supreme Court invalidated the rule that said an air hostess would lose her job if she became pregnant for the first time in *Air India v. Nargesh Mirza*^[8] because it was arbitrary and repugnant to the ideals of a civilised society.

Gender inequality in management

Due to their distinctive physical, mental, and biological traits, women have been given a specific status under the Industrial regulations. Some employment-related laws were passed both during and after India's independence from Great Britain. The aforementioned legislation guaranteed women employees' equality before the law and equal treatment, in addition to regulating work hours and containing safeguards for their health, safety, and welfare. The International Labour Organization's conventions and recommendations served as the main inspiration for the majority of these legislation. The major goals of passing these laws are to give women the ability to work more efficiently, to participate more actively in productive

activities, to safeguard the wellbeing of their unborn children, and to secure equal compensation for equal effort. In India, there are between 3% and 6% of women in management, with just about 2% of Indian women managing in Indian firms.^[9] However, the majority of statistics only consider the labour in the organised sectors, ignoring the large number of employees in the unorganised (informal), unstructured sectors of the economy, where over 96% of women are employed. The Office of the Registrar General in India reports that the 2001 India Census reveals that the rate of employment for women is 31% in rural areas and 11.6% in urban areas.^[10] Women make up 123.9 million of India's 397 million employees, according to data from *Women Workers in India in the 21st Century—Unemployment and Underemployment*. Of these, 106 million live in rural areas and 18 million live in metropolitan areas. However, just 7% of India's labour force is employed in the organised sector (93% in the unorganised or informal sectors), which includes employees who receive regular salaries in enterprises that are registered.

Indian women have been joining the workforce in the last few decades as social standards have changed. Multinational firms with Western HR practises and ideas like gender diversity in leadership roles have flooded into India as a result of globalisation. Women are entering industries that were previously thought to be the preserve of men in the corporate world, such as advertising, banking, civil services, engineering, financial services, manufacturing, police and armed forces, as well as emerging fields like IT and communications, as opportunities for women in management in India slowly increase.

India, points out that "it is true that women face a certain amount of opposition from their male colleagues, but they now have full government support to grow along with men in their respective spheres. More and more women are now enrolling in MBA and other highly professional courses, and there is no bias against them during their placements."^[11]

Titled *India Discrimination Report 2022*, the report further revealed that "self-employed urban males earn 2.5 times more than their female counterparts, and highlighted that the employment status of women does not depend on their educational qualifications"^[12]

No matter how well they perform or how much they know about their employment, institutional discrimination refers to human resource procedures that are essentially biased against a certain group of people. Institutional discrimination against women can occur during all stages of an employee's employment, including recruitment, selection, training, wage determination, performance reviews, promotion, and termination. If, for instance, specific educational criteria or prior work experience are essential to be considered for selection in an area where women are underrepresented, then women are subject to systemic discrimination, even if inadvertently.

Personal Discrimination in Decision-Making Regarding HR:

As part of the use of social cognition in decision-making about human resources, organisational decision-makers assess the qualifications, potential, and deservingness of others. Therefore, much like all other types of social cognition, HR-related decision-making is subject to personal biases. HR-related decisions are important because they influence the wages women receive and the employment prospects available to them (e.g., promotions,

training opportunities). Organizational decision-makers may have personal prejudice against women at any level of HR-related decision-making, including recruiting and training opportunities, position assignments, selection, compensation, performance evaluation, promotion, and termination.

“Studies using various approaches have demonstrated that women experience personal discrimination during the selection process. There is a tone of evidence showing that male-typed tasks subject women to biased performance ratings. Women in leadership roles are given lower performance ratings than men in similar positions, according to a meta-analysis of experimental investigations.”^[13]

In comparison to men, women are probably given less opportunities at work, which causes them to be underrepresented at positions of leadership and higher levels of management. In comparison to men, managers provide women less demanding jobs and training possibilities. In HR-related decision-making, there is prejudice against women. Every stage of HR-related decision-making is susceptible to organizational decision makers' prejudices, and it has been demonstrated that these biased HR decisions have a detrimental impact on women's salary and career chances

For undernourished women workers, working in the informal market frequently becomes dangerous. Women make substantial contributions to both the welfare of their families and the growth of the national economy by working from home in fields such as household services, domestic work, petty trades, services, construction, etc. However, neither their contribution nor the issues unique to women's issues are effectively acknowledged. They continue to be grossly underpaid, underrepresented, unorganized, and unheard.

Women who work in the unorganized sector are still not guaranteed access to support services like child care, health care, equal pay, or most importantly, promotional opportunities. The lower levels of the job hierarchy are dominated by women, who rarely advance to managerial and decision-making roles. These are cause for worry.

In Punjab National Bank by Chairman and another v. Astamija Dash^[14]

(SC), “it was held that as per provision of the maternity benefit Act, 1961 a woman can avail leave during the period of six weeks from the day immediately following the day of her delivery, miscarriage or medical termination of pregnancy. If request is made by herself she would not be asked to work for the period specified as per section 4(4). She would be entitled to the benefits of section 6 and 9 of the Act.”

Problems faced by women

- Sexual harassment forces women to leave their professions or request promotions.
- The majority of the work they do at home is unpaid and unrecognized. They continue to be underpaid even outside the family.
- When it comes to horizontal segregation, women tend to be concentrated in low-paying occupations like assembly-line work, secretary, typewriter, beautician, nurse, and beautician. In India's private sector, "equal effort, unequal compensation" is still a frequent practise.

- The treatment of old women, sexual assault, domestic violence, child marriage, infanticide, female feticide, and sexual harassment at the workplace raise serious questions about the character of society. Women's participation in decision-making bodies, whether at home, at work, or in the community, is minimal and has never reached even 25% of the total number of women in India.^[15]

Remedies for removing gender inequality in management

- Women's education is now empirically proven to be a single panacea for a myriad of social evils.
- Giving women more of a say in political processes at all levels—local, national, and international—as well as full involvement in society, starting with domestic autonomy.
- It has been demonstrated that quotas quickly enhance the representation of women in politics and corporate decision-making.
- In order to achieve equitable working conditions for men and women in rural areas, special rules concerning women's reproductive labour should also be implemented.
- Laws granting domestic workers access to social security, a living wage, and other benefits should be passed.
- Express provisions for fines as a penalty for breaking the law should be provided, and monitoring and inspection agencies should be established to assure compliance, in order to make sure that the principle of non-discrimination is respected.^[16]

Conclusion

The hiring, training, salary, and promotion of women are all impacted by HR practices, which include decision-making, policies, and their implementation. Gender imbalance in organizations is a complex topic. We suggest that gender inequality in broader organizational structures, processes, and practices including HR policy but also culture, strategy, structure, leadership, and organizational climate is the root cause of gender discrimination in HR-related decision-making and the implementation of HR practices. Additionally, there should be a reciprocal chain of events that allows discriminatory HR practices to maintain gender disparities in company strategy, structure, climate, culture, and leadership. Gender discrimination also has a significant impact on organizational decision-makers.

Gender equity emphasises that both men and women are free to develop their unique talents and make decisions without being constrained by prejudices such as political, racial, and other prejudices. Their various objectives ought to be respected equally, and they ought to be treated properly in accordance with their individual requirements. However, the law is limited in its power. To achieve this transformation, all facets of society must work together, and NGOs, the media, and people's representatives all have important roles to play. True human equality, in which neither a man nor a woman is considered inferior, is what gender justice entails. In India, the word "gender equality" refers to more than just equal representation in society. It frequently necessitates policy reforms and is closely related to women's rights. The key to all the sustained prosperity that our country ultimately merits is gender equality in India. India's hidden mantra for obtaining the ideal state of the country is gender equality.^[17]

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