

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 5

2024

© 2024 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

An Analysis of Gender-Based Wage Discrimination at Work

DR. K. PUSHPAM¹

ABSTRACT

Gender-based wage discrimination has been a persistent issue in the workplace for many years. In spite of efforts made towards gender equality, but still exists a significant level wage gap between men and women. In this study aims to inspect the extent of gender-based wage discrimination in the workplace and its underlying causes. The study also explores the impact of this discrimination on individuals and society as a whole.

Keywords: *Gender Equality, Gender Wage Gap, Pay Parity, Workplace, Discrimination, Wage, Inequality, Disparity, Transparency, Pay Equity.*

I. INTRODUCTION

The problem of gender-based wage discrimination in the workplace has become widespread and urgent in today's society. Despite progress achieved in many areas toward gender equality, there are still large differences in compensation, with women frequently earning less for equivalent labour than men. The gender gap is a phenomenon that not only perpetuates systematic injustices but also calls into question the values of equity and equal opportunity. Studying gender-based wage discrimination in the workplace is essential to comprehending the intricate processes at work and coming up with workable solutions for this persistent problem.

This research aims to shed light on the complex nature of gender-based wage discrimination and offer workable solutions for promoting greater equity and inclusivity in professional environments. It will do this by looking at the factors that contribute to wage disparities, investigating the experiences and perceptions of individuals in various industries and roles and assessing the effectiveness of current policies and interventions.

(A) Statement of the Problem:

This research paper aims to inspect of gender-based wage discrimination in the workplace and its underlying extent causes. The study also explores the impact of this discrimination on individuals and society as a whole. The problem raised in the current study are:

¹ Author is an Assistant Professor at School of Law, SRM Institute of Science and Technology, Kattankulathur, Chengalpattu District, India.

- What is the major reason for wage inequality of prevail in today's society?
- Whether the wage discrimination among genders exists only in particular fields or across all fields
- Whether there are any policies in India to Regulate this issue?

(B) Review of literature

According to **Chakraborty and Mukherjee's (2014)** analysis on the gender wage gap, a sizable female wage difference across all industries and occupations was seen. The study confirmed the existence of pay discrimination and bias in the labour market against women by finding a significant amount of discrimination in rural and urban Locations. The analysis result of the urban and rural areas was combined 37% pay difference. A further positive outcome of the research was that education served as a levelling agent for men and women, with better education paving the way for women to receive greater compensation. Unfortunately, the gender wage gap has not decreased despite a growth in the participation in all areas and industries by women. As a result, the survey confirmed the unsettling reality that there is a gender wage difference in the nation.

According to **Varkkey and Korde's (2013)** study, which used paycheck India data as a basis, the wage gap data behaves in age, experience, education and marital status relation to demographic factors. Women who were over under 30 years old made 23.07% less money than males, while women who were over30 to 40 years old made 30.24% less money than men. From 2006 to 2011, there was an average gender pay discrepancy of roughly 54%; however, from 2008 and 2011, the gap narrowed from 70% to 40%(Shrivastava,2016). It was discovered that the age group 20-30 years old had the lowest gender pay difference, at 38%, and the age group of 50-60 years old, at 15.7%. This research indicates that the pay difference is influenced by marital status. Unmarried women made 26.53% less money than men, and divorced women made 28.53% less money. According to same report, women who worked in the hospitality and food services sectors made 4.19% less money than man, while working women in the arts, entertainment, and recreation sectors made 41.17% get less money.

Pooja Sengupta and Roma Puri suggest that the gender pay disparity could be a result of companies purposefully hiding employee wage information, which would have made the system opaque and biased. Women unknowingly receive the short end of the stick as a result of it. Women have to be provocative during pay talks and take a more active position in the negotiations like men do. The government may also take direct action by enforcing strict pay parity regardless of gender and altering the minimum wage laws for men and women. The

bottom portion of the wage distribution is probably going to be impacted by changes in minimum wage regulations. Rakesh Kochhar suggests that more sustained success in eliminating the pay gap may require longer-term improvements in workplace flexibility as well as societal and cultural norms that influence how men and women integrate their personal and professional lives. Parenthood still considerably reduces men's and women's salaries, even in nations like Denmark that have led the way in implementing family-friendly regulations. Recent research suggests that family-friendly laws in the US may be keeping the salary gap from closing. Even though they are hard to assess, discrimination and gender stereotypes seem to be among the final impediments inhibiting growth.

According to Tushar Agrawal, discrimination accounts for a significant portion of the pay gap between men and women, meaning that women's human capital may not be fully realized like that of men. Anti-discrimination laws and equal job opportunities should be scrupulously adhered to. Additionally, policies should support women's education, especially in rural regions.

(C) Objectives of the Study:

- To examine the major reason for wage inequality to prevail in today's society
- To find out whether wage discrimination among genders exists only in particular fields or across all fields.
- To find out whether there are any policies in India to regulate this issue
- To analyze the policies existing to solve this issue
- To understand how wage discrimination affects the female population

(D) Methodology

The type of research study conducted here is non-Doctrinal research. The source of data for this study is primary data obtained through surveys and also there is use of secondary data from books, journals, research papers, reports, articles and e-sources. The jurisdiction of the research is national level jurisdiction that is concentrated within India.

(E) Concepts

Gender Wage Gap: The average difference in pay between working-age men and women is known as the gender wage gap. Wages between workers with various genders, races, and other characteristics frequently differ significantly. We refer to these discrepancies as wage gaps.

Gender Equality: This refers to persons of either gender pursuing any job route, lifestyle, or skill set without discrimination. Their gender has no effect on their rights, opportunities, or

access to society. Gender equality does not necessarily mean that everyone is treated equally. Every one of their varied goals and dreams is given equal weight.

Pay Parity: Pay parity is a cornerstone of modern workforce management that guarantees equitable remuneration for workers performing equivalent tasks in the same place. The primary goal is to provide parity in pay for workers in comparable positions in order to close pay disparities and foster a feeling of justice in pay scales.

Workplace: A workplace is a specific location or environment where individuals carry out tasks and obligations assigned to them by their company or organization. This environment might be anything from inside office spaces to outside construction sites, depending on the sort of job.

Discrimination is the practice of treating individuals unfairly or discriminatorily on the basis of groups, classes, or other categories to which they really or allegedly belong, such as physical appearance, sexual orientation, age, gender, or race.

Wage: Usually paid on a daily or weekly basis, wage is a set, regular sum of money earned for labor or services.

Inequality: When some people in a society have more opportunity, wealth, or other resources than others, it is unfair and leads to inequality.

Disparity: A disparity is a treatment or level discrepancy, particularly one that is perceived as unjust.

Transparency: the capacity of external parties to obtain timely and accurate information about how public or private organizations are run.

Pay Equity: The legal idea of pay equity holds that all workers should get the same compensation for equal effort, regardless of their gender, age, race, religion, or other non-work-related characteristics.

(F) Significance of the Study:

- The significance of this study lies in its ability to offer a more profound comprehension of the problem of gender-based wage discrimination and its effects on both individuals and society.
- The findings will help policy makers and organizations to develop measures to promote gender equality and address this issue.

- It will also contribute to existing literature on the topic and serve as a reference for further research.
- Understanding and addressing gender-based wage disparities help organizations comply with relevant labour laws and regulations, such as the equal remuneration act in India and other anti-discrimination law globally.
- Adherence to these regulations not only averts legal sanctions but also cultivates an environment of equity and deference for the rights of workers. Pay methods that are just and fair also improve employee motivation and morale. Employees are more likely to be engaged, productive, and dedicated to their work and the objectives of the company when they feel appreciated and appropriately compensated. Fairness, equality, and social responsibility are highlighted in the values and principles that many companies have set out.
- Studying and addressing gender-based wage discrimination aligns with these core values and demonstrates a commitment to upholding them in practice.

(G)Hypothesis:

- In my perspective compliance with equal pay laws and regulation significantly reduces gender-based wage disparities, indicating the effectiveness of legal interventions in promoting wage equity.
- There is a negative impact of gender discrimination on job satisfaction. In all fields of work, there is wage discrimination among genders.

(H)Limitation of the study

- The draw backs in the current study are as follows:
- The duration of the current research is short term period which is a very short time for the research and all aspects may not be covered in such a short time.
- This research does not include a lot of information from the previous years and mostly focuses on data from recent years.
- Since this is a non-doctoral research, and some data has been collected through surveys which is not as reliable sources of information, some of the data may not be very reliable.
- As the research is a non-doctoral research, there may be challenges in data collection such as there may not be relevant sources and the data may be incomplete or unreliable.

II. RESULT AND DISCUSSIONS

Despite notable progress towards gender equality, discrimination based on gender in the workplace persists globally. Fairness, equality, and meritocracy are undermined in the workplace when gender-based wage discrimination persists. For equivalent labor, women are still paid less than men, which is a result of systemic injustices and institutional biases that support gender pay gaps. Gender based wage discrimination stem from a combination of systematic, societal, and organizational factors. Deep rooted gender stereotypes and biases perpetuate the undervaluation of women's work and contribute to disparities in wages. Wage disparities are made worse by occupational segregation, which places women disproportionately in lower-paying industries and positions. The gender pay gap is also influenced by other elements like unequal access to education and opportunities for career growth. The impacts of gender- based wage discrimination is far-reaching and multifaceted. Women on average, earn less than men for comparable work, resulting in financial insecurity, diminished economic autonomy, and reduced retirement savings. Wage disparities also perpetuate gender inequalities in wealth accumulation, exacerbating the gender wealth gap. Moreover, gender-based wage discrimination contributes to broader societal inequalities, including gender-based poverty and socio-economic disparities.

The gender pay gap could appear like an individual problem-with a guy simply earning more than a woman because of merit, experience or any other acceptable criteria until you look at the data. The World Economic Forum (WEF) asserts that there is a gender pay gap in practically all firms and professions worldwide, independent of objective factors that should affect income. The World Economic Forum (WEF) reports that, globally, women are paid just 68% of what men are paid for performing the same profession, and that the average pay gap is 40% in the countries with the lowest gender parity. The WEF calculated that at the current rate of progress, it will take 2567 years to close the gap and achieve pay fairness globally. Furthermore, the COVID-19 epidemic has exacerbated the situation by disproportionately affecting women in the workforce. In fact, data indicates that the epidemic will lead the gender pay gap to increase by 5%.

Addressing Gender -based wage discrimination poses numerous challenges. The lack of transparency in pay practices and entrenched gender biases within organizational cultures hinder efforts to achieve pay equity. Legal frameworks and enforcement mechanisms may be inadequate or effective in addressing systematic inequalities. Additionally, resistance to change and a lack of accountability among employers perpetuate wage disparities, further complicating

efforts to promote gender equality in the workplace.

In order to reduce gaps, firms can create transparent pay policies, conduct frequent pay equality audits, and offer unconscious bias training. Addressing gender-based wage discrimination needs a multifaceted approach including stakeholders at all levels. Governmental interventions, including the enactment and enforcement of equal pay legislation, is essential to hold employers accountable and promote equitable compensation practices. Furthermore, collective bargaining and advocacy efforts by trade unions and civil society organizations plays a crucial role in advocating for fair wages and gender equality in the workplace. Moreover, gender -based wage discrimination perpetuates broader societal inequalities, including the gender wealth gap and poverty rates among women. Women are more likely to experience poverty and economic hardship due to lower wages and limited access to resources and opportunities. These disparities have intergenerational effects, perpetuating cycles of poverty and inequality within families and communities.

The gender pay gap can be attributed to a number of factors. When men are paid more for performing equivalent work than their female coworkers for reasons unrelated to gender, it is essentially direct pay discrimination. For example, the female cast members of the comedy Big Bang Theory reportedly made only a fifth of what their male peers did before they found out and demanded equal pay. It has an impact on more than simply entertainment, though. In the US and many other countries, women are paid less than men in nearly every field, including teaching, nursing, and software engineering. Working women frequently endure the "pregnancy penalty" in the lack of robust workplace rights, such as parental and family leave.

This can include suffering prejudice or a lack of opportunity while pregnant, getting fired or passed over for a promotion, or having trouble returning to the workforce after giving birth. Furthermore, women still perform a disproportionate amount of unpaid caregiving and domestic work worldwide, including raising children and taking care of the home. These are systemic issues that limit women's earning potential by preventing them from giving their careers the same priority as men. But it goes beyond simply unequal opportunity or compensation. In many countries, women are discouraged from entering the labour and are not allowed to work in certain professions.

Numerous countries have enacted laws and regulations aimed at addressing gender-based wage discrimination and promoting pay equity in the workplace. For instance, the Equal Pay Act mandates equal compensation for equal work and forbids salary discrimination based on gender in the United States. Comparably, India's Equal Remuneration Act stipulates that men and

women must be paid equally for similar or equally valuable work. Despite these legal protections, enforcing pay equity remains challenging due to factors such as pay secrecy, lack of transparency in pay practices, and limited resources for enforcement agencies. Moreover, gaps in existing legislation, such as exemptions for certain industries or occupations contribute to disparities in pay and hinder efforts to achieve gender equality in compensation.

Punjab State the Supreme Court upheld the equal pay for equal work concept in the case of V. Amar Singh Harika, ruling that temporary workers, including those with daily salary or ad hoc appointments, should receive the same compensation as permanent workers carrying out equivalent tasks. This judgement affirmed the right to equal remuneration for all workers, regardless of employment status or gender. In case of *Air India V.Nargwsh Meerza & ors*, the supreme court of India held that denying women the same opportunities as men in the airline industry, including lower wages or restricted job categories, constituted gender based discrimination. The judgement emphasized the principle of equal pay for equal work and set a precedent for addressing wage disparities based on gender.

In India several legal policies and regulations are aimed at addressing gender-based wage discrimination and promoting pay equity in the workplace. Some of the key policies include:

Equal Remuneration Act 1976: This law requires equal compensation for equal work for men and women and forbids salary discrimination based on gender. It applies to all establishments in the public and private sectors and covers various aspects of remuneration, including basic wages, allowances, bonuses and benefits.

Maternity Benefit Act 1961: maternity benefits Acts provide for maternity leave and related benefits for pregnant women in the workforce. It ensures that women employees receive paid leave during pregnancy and childbirth, protecting their employment rights and promoting gender equality in the workplace.

Payment of Bonus Act 1965: The Bonus Payment Act requires employers to provide yearly bonuses to staff members in accordance with their output and performance. It prohibits discrimination in bonus payments based on gender and ensures that both male and female employees receive fair and equitable bonuses for their contributions to the organization.

Sexual Harassment of Women at work place (prevention, prohibition, and Redressal) Act 2013: The purpose of this legislation is to protect women from sexual harassment at work by creating procedures for handling complaints and making sure that they work in a secure and encouraging atmosphere. It prohibits any form of unwelcome sexual conduct or behaviour that creates a hostile work environment and provides for penalties for non-compliance.

Minimum wages Act 1948: The Minimum Wages Act establishes the minimum wages that firms are required to pay employees across a range of sectors and professions. Its goals are to stop worker exploitation and guarantee fair living conditions for all workers, including women, by setting minimum wage rates that account for several aspects such skill level, cost of living, and general economic conditions.

Companies Act 2013: the companies act includes provisions related to corporate governance and social responsibility, requiring companies to disclose information on their policies and practices regarding gender diversity, equal opportunity, and pay equity. It encourages transparency and accountability in compensation practices and promote gender equality within corporate entities.

Theses legal policies and regulations provide a framework for promoting gender equality, prevent discrimination, and ensuring fair and equitable treatment of employees in the workplace. By enforcing these laws and implementing measures to address gender-based wage discrimination, India can move closer to achieving its goals of inclusive growth and social Justice.

III. TESTING HYPOTHESIS

1. Compliance with equal pay laws and regulations significantly reduces gender-based wage disparities, indicating the effectiveness of legal interventions in promoting wage equity. The above hypothesis is accepted as the intervention of such laws and policies will be effective in reducing pay gaps among genders.
2. There is a negative impact of gender discrimination on job satisfaction. The above hypothesis is also accepted as gender discrimination in workplace will of course provide a bad workplace provide a bad environment and will have a negative effect on job satisfaction.
3. In all fields of work there is wage discrimination among genders. This hypothesis is rejected as there are certain fields where both genders are treated equally and paid equally.

(A) Interpretation

1. Awareness about gender wage gap across different industries

Awareness	Female	Male	Total
Yes	30(60%)	14(28%)	44(88%)
No	04(8%)	02(4%)	06(12%)

Total	34	16	50 (100%)
--------------	-----------	-----------	------------------

Sources: Primary data

88 percent of respondents are aware of the gender-based wage discrepancy across various industries, according to the above table, while 12 percent are not.

It concludes that a greater number of respondents are getting awareness about gender wage gap across different Industries.

2. Opinion about the evolution of gender- based wage gap has improved over the past decade

Opinion	Female	Male	Total
Agree	17(34%)	10 (10%)	27 (54%)
Disagree	04(8%)	01(01%)	05(10%)
Neutral	13(26%)	05(10%)	18 (36%)
Total	34 (68%)	16(32%)	50(100)

Sources: Primary data

Out of the total respondents selected for the study, it can be seen that 54 percent of the respondents agree that the wage gap has improved over the past decade followed by 10 per cent of them disagree with the given statement and 36 per cent of them neutral.

It concludes that the greater number of respondents stated that agree about the evolution of gender-based wage gap has improved over the past decades.

3. Awareness about any existing legislation or Legal Frameworks aimed at combating wage discrimination Based on gender

Particulars	Female	Male	Total
Yes	10(20%)	10 (20%)	20(40%)
No	24(48%)	06(12%)	30(60%)
Total	34(68%)	16(32%)	50(100)

Sources: Primary data

It can be inferred from the above table, 60 per cent of the respondents are not aware of the

policies related to wage gaps and 40 per cent of them are aware about the same.

So, majority of the respondents are not awareness about any existing legislation or legal Frameworks aimed at combating wage discrimination based on gender.

4. Women perceived as less competent than men in workplaces

Particulars	Female	Male	Total
Yes	12(24%)	06(12%)	18(36%)
May be	16(32%)	08(16%)	24(48%)
No	06(12%)	02(04%)	08(16%)
Total	34(68%)	16(32%)	50(100)

Sources: Primary data

By looking at the above table, one can deduce that more than 36% of respondents believe that women are not viewed as less capable than males in the workplace, while 48% are unsure and 16% do not believe that this is the case.

It was found that a higher percentage of respondents were unsure if they should be viewed as less capable than men in the job.

5. Access to opportunities for career advancement and Professional development differs based on gender

Particulars	Female	Male	Total
Yes	24(48%)	14(28%)	38(76%)
No	10(20%)	02(04%)	12(24%)
Total	34(68%)	16(32%)	50(100)

Sources: Primary data

76 per cent of the respondents believe that access to opportunities for career advancements and professional development differs based on gender and 24 per cent professional development differs based on gender.

Most of the respondent are access to opportunities for career advancement and professional development differs based on gender.

IV. FINDINGS

- The present study found to be a greater number of respondents are getting awareness about gender wage gap across different Industries.
- The present Research reflects greater number of respondents stated that agree about the evolution of gender-based wage gap has improved over the past decades.
- The present study shows majority of the respondents are not awareness about any existing legislation or legal Frameworks aimed at combating wage discrimination based on gender.
- It concluded a greater number of respondents are not sure about perceived as less competent than men in workplaces.
- Most of the respondent are access to opportunities for career advancement and professional development differs based on gender.

V. SUGGESTION

- Promoting pay transparency by encouraging organizations to be transparent about their pay practices, including salary ranges for different positions and criteria for determining wages.
- Gender-based salary discrepancies can be identified and addressed with the support of this transparency. In order to increase awareness of unconscious biases that may affect hiring, promotion, and compensation choices, firms might provide managers and staff with training programs.
- By addressing these biases, organizations can promote fair and equitable treatment for all employees.
- By following the legal policies and implementing various methods to reduce wage discrimination, we can achieve a society free of gender wage discrimination.

VI. CONCLUSION

Gender based wage discrimination persists as a pervasive barrier to gender equality in the workplace, perpetuating systemic inequalities and hindering women's economic empowerment. Addressing this issue requires concerted efforts from policy makers, employers, and civil society to dismantle structural barriers, challenge gender norms, and promote fair and equitable compensation practices. By prioritizing pay equity and fostering inclusive work environments,

we can create a future where all individuals are valued and compensated fairly, irrespective of gender.

VII. REFERENCES

- Bhaumik S.K., & Chakarabarty M. (2009), is education the panacea for economic deprivation of Muslims? Evidence from wage earners in India, 1987-2005, *Journal of Asian Economics* 20(2), 137-149.
- Varkkey B., & Korde R (2013) gender pay gap in the formal sector: 2006-2013: Preliminary evidence from Pay check data (working paper No.5571). *e Social Sciences*.
- Agrawal .2014, Gender and caste -based wage discrimination in India: some recent evidence,
Journal for Labour Market Research 47(4):3279-340
- Joe Mc Carthy, 12 March 2021, what is the gender Pay Gap How do we Close it?
