

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 1

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.

Women, Age and the C-suite

ARYAN JAISWAL¹

ABSTRACT

The paper highlights the challenges faced by women, especially as they age, and the impact of gender and age discrimination on their career progression and focuses on the underrepresentation of women in the upper levels of corporate leadership, particularly the C suite. The "glass ceiling" concept, which represents invisible barriers preventing women from reaching the top of their companies, is being examined in both history and today's contexts. Detailed data are provided on the unique challenges faced by women executives, as well as their impact on stereotypes, biases, and unconscious gender bias in promoting discrimination at work.

We are looking at the negative impacts of gender and age discrimination on women's career development, e.g., low representation in leadership positions or limited access to influential networks. In addition, this paper analyses the impact of gendered ageism on pension planning and shows significant differences in perceptions about employment opportunities for older women. In addition, the importance of salary transparency and compensation audits for redressing discrimination practices in each area is underlined the C-suite.

In addition to emphasizing the need for fair compensation negotiations and promoting transparency, the document suggests that there should be specific and collective measures against discrimination in terms of pay. It sets out the power of class actions to expose systemic discrimination and lay down legal precedents. The Commission is also exploring government legislation to promote pay equity and transparency, providing details of legal provisions, reporting requirements as well as enforcement mechanisms.

The paper concludes by highlighting the evolution of attitudes towards gender equality and diversity and acknowledging the contribution of women of all ages to the C-suite. Recognizing that diverse views and experience are important tools for fostering innovation and efficient decision making, it promotes an age neutral environment. In conclusion, it encourages organizations to establish pathways that enable women of all ages to take up executive positions through mentoring, training, and development opportunities in order to be able to prioritize their respective capacities and leadership potential over arbitrary age limitations.

Keywords: Women, C-suite, Age, Discrimination, CEO.

¹ Author is a student at XIM University Bhubaneswar, India.

I. INTRODUCTION

There is a lack of representation of women on the tops of corporate hierarchy. The share of women decreases with each step up the hierarchy. This has grown over the last few years. focus on diversity and inclusion in corporate leadership, particularly concerning the representation of women in top Executive positions, usually called "the C-suite". Chief Executive Officer (CEO), Chief Financial Officer (CFO), Chief Operating Officer (COO), Chief Marketing Officer (CMO), and Chief Information Officer (CIO) are among the positions that usually make up the C-suite.

Historically, women have been under-represented in the C-suite, with the majority of these positions being held by men. However, in recent times, there has been a gradual shift towards greater gender diversity at the executive level, driven by various factors, including societal changes, advocacy efforts, and recognition of the business benefits of gender equality.

One important consideration when discussing women in the C-suite is age. Age can play a role in shaping the experiences, opportunities, and challenges faced by women in their career progression. In the past, it was common for women to face barriers and biases that hindered their advancement to top leadership positions. These barriers often included limited access to mentorship, unconscious biases, and societal expectations surrounding traditional gender roles. The representation of women in the C-suite has been an ongoing focus, and age is a relevant factor in understanding the experiences of women in leadership positions. However, efforts are being made to break down barriers and biases, create more inclusive environments, and promote the value of gender diversity at all levels of corporate leadership. As the business landscape continues to evolve, it is hoped that more women of all ages will have the opportunity to excel and contribute to the highest echelons of organizational leadership.

II. THE GLASS CEILING

First used in the 1980s, the term "glass ceiling" refers to the man-made, imperceptible hurdles that prevent women from moving up the corporate ladder to management and executive roles.

Despite their growing presence in the workforce, women continued to be underrepresented in executive jobs inside firms, as acknowledged by the US Congress in 1991. Congress determined that the progress they were making was impeded by artificial hurdles. The Glass Ceiling Commission was subsequently established because of the Glass Ceiling Act's inclusion in Title II of the Civil Rights Act of 1991.

According to the findings of the Glass Ceiling Commission in 1995, the majority of

management positions in corporations were occupied by white men. The commission also highlighted a division within the workforce, with women having limited access to leadership opportunities.

III. UNIQUE CHALLENGES FACED BY WOMEN EXECUTIVES AS THEY AGE

According to on a Pew Research survey, Forbes reports that there are now only 26 women in CEO positions at Fortune 500 businesses, making up a measly 5.2% of all women. Where world continues to evolve so fast, women still continue to lag behind when it comes to leadership roles in business.

While women strive to reach the pinnacle of their careers, encounter multiple challenges; their male CEO counterparts often fails to understand. These are the issues that act as a barrier, preventing women's progress in achieving their goal of getting up to a C-suite position, at their company. Thereby, creating an obstacle in their overall advancement in the business realm.

15 members from the Forbes Coaches Council share their insights on the main issues that their female clientele are presently facing. The challenges are listed below. Additionally, they also provide valuable advice and guidance for women leaders everywhere.

1. Being Treated Equally

Equality is one of the most challenging problems female workers face in their workplace.

2. Building a sisterhood

Another biggest challenge that the women employee face today is support and helping hand from their peer employes. Rather being just, humble and kind, they envy and be rude to their fellow colleagues.

3. Generating Revenue

Money gives an individual freedom and choices subsequently leading to the solution to every problem. Women today face the challenge of growing revenue too in their jobs.

IV. STEREOTYPES AND BIASES INFLUENCING SEX/AGE DISCRIMINATION AT WORKPLACE

Unconscious gender bias refers to unintentional and automatic mental associations formed based on gender, which generally arises from societal traditions, norms, values, culture, and personal experiences. Such automatic associations enable rapid assessments of the individual based on their gender and related stereotypes, thus enabling decision making processes to take place quickly.

The top challenges to women's leadership have been identified in a survey of companies published by the ILO Bureau for Employers' Activities, ACT, EMP. Among these five were identified as being related to discrimination and unconscious gender bias. The impact of social roles assigned to women and men has also been highlighted as a second most cited barrier. In addition, respondents have pointed out that men are perceived to be most suitable for management positions. The fact that there is a masculine corporate culture was the third most frequently cited barrier. Furthermore, they also emphasized the presence of stereotypes against women and inherent gender bias in recruitment and promotion processes.

V. IMPACT OF SEX/AGE DISCRIMINATION ON WOMEN'S CAREER PROGRESSION

- Lack of representation

Biases and stereotypes create the perception that women are less suited for executive roles, leading to under-representation and limited opportunities for advancement. Sex and age discrimination often results in a lack of representation of women in senior leadership positions.

- Limited access to executive networks

Male-dominated networks and old boys' club may exclude or marginalize women, making it harder for them to gain visibility, mentorship and sponsorship opportunities necessary for c-suite roles. Sex discrimination hinders women's access to influential networks that are crucial for securing c-suite.

We no more live in a patriarchal society where women are dominated by men. Today, women are more woke, stands for themselves and confront the challenges whatsoever.

According to a recent survey conducted among individuals by Forbes, Gendered ageism is found everywhere. 77% reported experiencing gendered ageism in the workplace. Of those 41% considered it to be either "very" or "moderately" prevalent. The survey also revealed that individuals working at public companies were more likely to report the prevalence of gendered ageism, with 82% of them indicating its existence, compared to 73% at private corporations. These findings highlight the significant presence of gendered ageism and suggest that public companies may have a higher incidence of such discrimination than private corporations.

- A No-Win Situation

The situation presents a dilemma where women find themselves caught in a challenging circumstance: they lack sufficient financial resources to retire comfortably, while simultaneously facing limited prospects for employment.

The impact of gendered ageism extends to retirement planning, as over 50% of respondents in

a survey expressed insufficient funds for retirement. Additionally, a significant majority of individuals aged 53 and above, including those in the 65-70 age group, expressed a desire or necessity to continue working. However, concerning findings emerged, with 28% of women aged 59-65 perceiving their chances of ongoing employment as "fair" or "poor." The primary reason cited for this sentiment was the belief that their company did not value older workers.

VI. PAY TRANSPARENCY AND PAY AUDITS

(A) Introduction to pay transparency as a tool to address discrimination

In terms of dealing with discrimination in boardrooms and promoting fairness and equal treatment at work, salary transparency is a powerful tool. It refers to an open exchange of information between the organization and its staff regarding employee compensation, for instance salaries, bonuses or similar forms of remuneration.

By implementing pay transparency, organizations aim to achieve several important objectives. Firstly, it helps expose and address any existing pay gaps or disparities based on factors such as gender, race, or age. When salary information is accessible to employees, it becomes easier to identify instances of pay discrimination and take corrective actions.

Moreover, pay transparency contributes to a culture of fairness and responsibility. A feeling of trust and a decline in the likelihood of favoritism or bias should be fostered when employees have access to information on compensation structures and how decisions are made. The employees can understand more precisely how their compensation is calculated, and they may freely discuss and deal with such issues if there are any discrepancies.

In the context of the C-suite, pay transparency is particularly crucial. Senior executive positions often carry significant influence and responsibility, making it essential to ensure that compensation decisions are made based on merit and without biases. Transparent pay practices in the C-suite can help counteract any gender, race, or age-related disparities that may exist, promoting diversity and inclusion at the highest levels of an organization.

By implementing pay transparency in the C-suite, organizations can send a clear message that they are committed to addressing discrimination and promoting equality. It encourages organizations to critically evaluate their compensation practices, identify any potential biases, and take steps to rectify them. Additionally, it empowers employees to have informed conversations about their own compensation, negotiate fair salaries, and advocate for equitable treatment.

While implementing pay transparency may require careful planning and consideration of

privacy concerns, it can serve as a catalyst for positive change. By creating an environment of openness and fairness, organizations can foster a more inclusive and diverse C-suite that values and rewards talent based on merit rather than discriminatory factors.

(B) Individual actions: Negotiating fair compensation and advocating for transparency

Negotiating fair compensation and advocating for transparency in the C-suite requires proactive individual actions. Firstly, individuals should conduct thorough research to understand industry standards and prepare a strong case for fair compensation based on their skills and achievements. Seeking support from mentors and advocates can provide guidance and insight during the negotiation process. Additionally, advocating for transparency in compensation practices is crucial. Engaging in discussions, sharing experiences, and highlighting the benefits of transparency can help drive change. Supporting diversity and inclusion initiatives, and leading by example in promoting transparency and fairness, further contribute to creating an equitable workplace. By taking these actions, individuals can work towards achieving fair compensation and fostering a transparent environment in the C-suite.

VII. CLASS ACTIONS: COLLECTIVE EFFORTS TO EXPOSE DISCRIMINATORY PAY PRACTICES

Class actions provide a collective platform for individuals to expose and address discriminatory pay practices in the C-suite. By banding together, individuals who have experienced unequal treatment can unite their efforts and seek legal recourse against organizations engaging in such practices. Through class actions, plaintiffs can bring attention to systemic discrimination, highlighting patterns of bias that may not be apparent in individual cases. This collective approach amplifies their voices and strengthens their case by presenting a broader picture of discriminatory pay practices within the organization.

Class actions also offer increased leverage in negotiations and settlements. By uniting as a class, plaintiffs demonstrate the scope and impact of the discrimination, compelling organizations to take the matter more seriously. Successful class actions can result in remedies such as changes to compensation policies, monetary compensation for affected individuals, and measures to prevent future discrimination.

Additionally, class actions can set legal precedents and establish guidelines for addressing discriminatory pay practices, encouraging other organizations to proactively address pay disparities based on gender, race, or other protected characteristics. Pursuing a class action

requires legal expertise and coordination among affected individuals, but it can be a powerful tool to expose and combat discriminatory pay practices in the C-suite.

VIII. REGULATORY INTERVENTION AND LEGISLATIVE MEASURES

(A) Government regulations promoting pay equity and transparency

These regulations aim to address discriminatory practices, close gender and other pay gaps, and ensure fairness in compensation. Here are some examples of government regulations that promote pay equity and transparency in the C-suite:

- **Equal Pay Laws**: Many countries have implemented laws that prohibit pay discrimination based on gender or other protected characteristics. These laws require organizations to provide equal compensation for employees performing substantially similar work. They often mandate transparency in pay practices and may include reporting requirements to monitor and address pay disparities.
- **Pay Transparency Laws**: Legislation specific to the promotion of pay transparency has been adopted in some jurisdictions. Those rules may require employers to publish the salary range for a particular job role, inform employees about their rights of equitable remuneration and prohibit employment policies that restrict discussions on wages. Such measures help employees make informed decisions, promote accountability, and expose pay disparities.
- **Reporting and Disclosure Requirements**: Governments may implement reporting and disclosure requirements for organizations, particularly larger companies, to provide transparency in compensation practices. This includes disclosing executive compensation, pay ratios, and diversity data at the senior management level. These requirements enhance accountability and encourage organizations to address pay disparities and diversity gaps in the C-suite.
- **Affirmative Action Policies**: Affirmative action policies aim to increase representation and opportunities for underrepresented women employees, in leadership positions. These policies may require organizations to set targets or quotas for diversity in the C-suite and implement proactive measures to ensure equal access to senior-level positions.
- **Enforcement Mechanisms**: Government regulations are often supported by enforcement mechanisms, such as dedicated agencies or commissions, that investigate complaints of pay discrimination and take action against non-compliant organizations. These enforcement bodies play a vital role in ensuring compliance with pay equity and

transparency regulations and addressing instances of discrimination in the C-suite.

By setting clear standards, encouraging transparency, and enforcing compliance, these regulations contribute to creating a more equitable and inclusive business environment.

IX. LEGAL ASPECTS

(A) STEP (Support to Training and Employment Programme for Women) Scheme

Aims to equip women with valuable skills that enhance their employability and empower them to pursue self-employment or entrepreneurship. This program is designed to benefit women nationwide who are 16 years of age and older, enabling them to acquire competencies and expertise for their personal and professional growth.

(B) National Crèche Scheme for the Children of Working Mothers

The "National Crèche Scheme for the Children of Working Mothers" aims to establish creche facilities that allow working parents to safely leave their children while they are at work, providing them with a nurturing environment that fosters their comprehensive development.

The objectives of the scheme are as follows:

- i. To offer day-care services to children between the ages of 6 months and 6 years, whose mothers are employed, within their local communities.
- ii. To enhance the nutritional and health status of the children in the creche, ensuring their well-being.
- iii. To promote the overall development of children by providing them with a conducive setting that stimulates their growth across multiple domains.
- iv. To educate and empower parents and caregivers, equipping them with the knowledge and skills needed to provide quality childcare.

X. CONCLUSION

However, as the understanding of gender equality and diversity has evolved, so too has the recognition of the value that women of all ages bring to the C-suite. Many organizations now actively promote age-inclusive environments that value the experiences and perspectives of women at different stages of their careers. Age diversity in the C-suite can contribute to a broader range of insights, increased innovation, and better decision-making. Moreover, it is crucial to acknowledge that age should not be a limiting factor for women aspiring to reach the C-suite. The emphasis is increasingly placed on individual capabilities, skills, and leadership potential, rather than arbitrary age-related constraints. Companies are recognizing the

importance of nurturing talent and creating pathways for women of all ages to progress into executive roles, providing opportunities for development, mentorship, and training.

XI. REFERENCES

- Corinne Post, Boris Lokshin, and Christophe Boone, Adding Women to the C-Suite Changes How Companies Think, <https://hbr.org/2021/04/research-adding-women-to-the-c-suite-changes-how-companies-think>
- Merida L. Johns, Breaking the Glass Ceiling: Structural, Cultural, and Organizational Barriers Preventing Women from Achieving Senior and Executive Positions, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3544145/>
- Melanie Lockert, Understanding what the glass ceiling is and how it affects women in the workplace, <https://www.businessinsider.in/personal-finance/news/understanding-what-the-glass-ceiling-is-and-how-it-affects-women-in-the-workplace/articleshow/90145163.cms>
- <https://www.forbes.com/sites/forbescoachescouncil/2018/02/26/15-biggest-challenges-women-leaders-face-and-how-to-overcome-them/?sh=398d223e4162>
- https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---act_emp/documents/publication/wcms_601276.pdf
- Bonnie Marcus, Gendered Ageism Affects Women's Job Security And Financial Viability, <https://www.forbes.com/sites/bonniemarcus/2021/09/20/gendered-ageism-affects-womens-job-security-and-financial-viability/?sh=38d313242bc4>
- Pay transparency can address the gender pay gap, https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_856203/lang--en/index.htm
