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STUDY ON EMPLOYMENT DISCRIMINATION AT WORKPLACES

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ABSTRACT

This study examines the issue of workplace discrimination that workers encounter. It examines several forms of prejudice, including those based on age, gender, caste, religion, and disability. The study examines how Indian labor regulations, such as the Rights of Persons with Disabilities Act and the Equal Remuneration Act, attempt to shield employees against unjust treatment. It also describes the equality provisions of the Indian Constitution and the ways in which the courts have aided in the fight against discrimination. The study makes recommendations for methods to enhance the legal system to make workplaces more equitable and fair for all by contrasting Indian laws with international norms. This essay explores the unequal treatment that certain workers experience at work due to their age, gender, caste, religion, or disability. The Equal Remuneration Act of 1976, the Rights of Persons with Disabilities Act of 2016, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 are among the Indian laws that are examined in order to prevent discrimination and safeguard the rights of employees. Articles 14, 15, and 16 of the Indian Constitution address equality, and the paper also discusses how the courts have sided in this regard through significant rulings. It concludes with recommendations for improving workplace equity and equality for all.

Introduction

The core employment law values of equality, dignity, and justice are undermined by workplace discrimination, which continues to be one of the most urgent issues in contemporary labor relations. Many workers still experience discrimination on the basis of gender, caste, religion, age, disability, or other personal traits, even in the face of strong legislative structures designed to guarantee equal treatment. Such discriminatory practices violate the fundamental rights protected by national and international labor standards in addition to having an adverse effect on employee morale and productivity. This study aims to investigate the different facets of workplace discrimination against employees, evaluate the efficacy of current legislative requirements, and make recommendations for enhancements to guarantee a more welcoming and equal

workplace. Indian labor law, court rulings, and the function of employers and regulatory agencies in stopping and dealing with workplace discrimination are all given particular consideration.

Meaning of discrimination:

However, discrimination in India is illegal in many areas, including equitable compensation, sexual harassment, and discrimination based on a person's pregnancy or disability. The private sector does not forbid other types of employment discrimination, such as those based on caste, religion, or race. But in addition to the rights enjoyed by private sector workers, public sector workers are also shielded against discrimination on the grounds of caste, creed, colour, sex, religion, or place of birth.

Workplace discrimination can take many different forms. One or a combination of causes

may be the driving force behind it. Discrimination in the workplace can take the following forms:

1. Qualification
2. Age
3. Sex
4. Incapacity
5. Being pregnant
6. Country of origin
7. Race or color
8. Religion
9. Sexual misconduct
10. Compensation or equal pay
11. Regional or national origin
12. Social class
13. Ethnicity

A number of clauses in the Indian Constitution offer its citizens certain fundamental rights, including the right to equality to prevent discrimination in the workplace against any person.

1. Article 14 guarantees equality before the law.
2. Article 15 prohibits discrimination by the state on the grounds of religion, race, caste, sex, or place of birth.
3. When it comes to hiring for positions, the state is empowered to create exceptions for people of disadvantaged social strata under Article 16. Although they cannot be challenged in court, the Constitution also lays out a number of essential duties that the government should ideally fulfill.
4. Article 39 of Part IV of the Constitution requires the state to ensure that men and women have equal rights to adequate housing, food, employment, and means of subsistence.

Objectives :

To determine the reasons for employment discrimination

- To identify the impact of workplace discrimination on employee's performance

- To learn about workplace discrimination and how it affects employees' performance and job satisfaction.

- To comprehend the legislation prohibiting discrimination against employees.

Different Types of Discrimination in the Workplace:

Discrimination in the workplace can take many different forms.

A protected attribute is usually at the core of them. After reading through the seven categories of workplace discrimination listed below, you will have a better understanding of it:

1. Discrimination Based on Race

It is prohibited to treat someone differently based on their race or other similar qualities. It is sometimes referred to as colour prejudice. Therefore, it is forbidden to treat someone unfairly based on their skin tone or complexion.

2. Discrimination Based on Religion

It is against the law for anyone to treat someone unfairly or negatively at work because of their religious practices or beliefs. Additionally, businesses should provide all employees who require facilities, time, and space to observe their spiritual practices with appropriate accommodations.

3. Discrimination Based on Disability

It is against the law for anyone to treat someone unfairly or negatively at work because of their religious practices or beliefs. Additionally, businesses should provide all employees who require facilities, time, and space to observe their spiritual practices with appropriate accommodations.

4. Discrimination Based on Pregnancy

Similar to handicap, pregnancy-related laws have been introduced in the majority of nations. Employers are required to treat pregnant employees the same way they would any other temporary illness or non-permanent condition. Because she is expecting a child, they

are not allowed to terminate her, refuse her a job or promotion, or give her a lower salary.

5. Discrimination Based on Age

Because of anti-age discrimination legislation, employers are not allowed to indicate an age preference in internships, job descriptions, or other company papers. Additionally, companies cannot refuse incentives, bonuses, or pay based on an employee's age.

6. Discrimination Based on Gender

Similar to age, it is unlawful for any organization to indicate a preference for one gender or sex over another in a job description or posting. All job seekers and employees, regardless of gender or sex, must be treated equally by employers.

7. LGBTQ+ Discrimination

An employee cannot be fired for being gay or transgender. Additionally, it is illegal to refuse such individuals equal treatment, fair salary, employment, or workplace benefits.

Relevant laws pertaining to employee discrimination:

In order to guarantee equality and stop unfair treatment in the workplace, India has a number of laws and constitutional provisions that address job discrimination. The following are the main statutes and provision:

According to Constitution of India

Article 14 – Right to equality before the law: Guarantees equality before the law, applying to all citizens, including employees.

Article 15 – Prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth.

Article 16 – Guarantees equality of opportunity in matters of public employment:

Ensures equal opportunity in matters of public employment, preventing discrimination in government jobs.

According to labour law laws

1.The Equal Remuneration Act, 1976

A statute known as the Equal Remuneration Act of 1976 forbids gender-based discrimination in employment and compensation. It mandates that businesses compensate men and women equally for labour that is identical or comparable. Additionally, discrimination in hiring, promotions, and other job opportunities is prohibited by the act.

2.The Industrial Disputes Act, 1947

In outlawing unfair labor practices, including discrimination in the workplace, the Industrial Disputes Act does, in part, address employee discrimination. Although discrimination isn't specifically mentioned in the IDA as a distinct legal offense, it does shield workers against discriminatory acts in the context of unfair labour practices.

3.The Maternity Benefit Act, 1961

Guarantees pregnant women maternity leave and other benefits. prohibits women from being treated unfairly because they are pregnant.

4. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Any unwanted sexual approach, request for sexual favors, or other sexually suggestive verbal or physical behavior that takes place at work is considered sexual harassment. Addressing and preventing sexual harassment of women at work is the goal of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. In addition to defining sexual harassment, this Act—also referred to as the POSH Act—established procedures for filing complaints and looking into them.

5.The Rights of Persons with Disabilities Act, 2016

prohibits discrimination against people with impairments in the workplace. requires fair accommodations and equal chances in the workplace.

6. Other Relevant Laws

The Factories Act of 1948 protects workers' welfare, health, and safety. State regulations known as the Shops and Establishments Acts govern employment and

Findings:

1. Prevalence of Discrimination:

According to studies, a sizable portion of workers encounter or observe discrimination on the basis of sexual orientation, gender, race, age, handicap, or religion. The two most often reported forms of discrimination are racial and gender.

2. Impact on Employee Morale and Productivity:

Discrimination lowers employee morale, increases stress, decreases job satisfaction, and lowers productivity. Additionally, it may lead to increased turnover rates.

3. Underreporting of Incidents:

Many workers decide not to report prejudice because they are afraid of reprisals, don't trust management, or think nothing will be done about it.

4. Bias in Hiring and Promotions:

According to research, women and minority groups are disproportionately affected by unconscious bias, which frequently affects judgments about hiring, promotions, and pay.

5. Lack of Representation in Leadership:

Minorities and women in particular are frequently underrepresented in executive and senior leadership roles.

6. Inadequate Organizational Response:

Companies frequently lack efficient procedures for handling discrimination complaints or neglect to take corrective action when problems are found.

7. Legal and Financial Consequences:

Businesses that ignore or fail to prevent discrimination risk financial losses from lawsuits and settlements, reputational harm, and legal repercussions.

Indian Case Laws on Workplace Discrimination:

1. Air India v. Nargesh Meerza (1981 AIR 1829)

Issue: Discrimination against air hostesses based on marital status and pregnancy.

Held: Supreme Court held such conditions to be arbitrary and violative of Article 14 of the Constitution (Right to Equality).

2. Mackinnon Mackenzie & Co. Ltd. V. Audrey D'Costa (1987 AIR 1281)

In this case

Supreme Court stated that women employees performing the same duties as men must be paid equally (relying on the Equal Remuneration Act, 1976).

3. Anuj Garg v. Hotel Association of India (2008 3 SCC 1)

Issue: Gender discrimination under Section 30 of the Punjab Excise Act which prohibited women from working in bars.

Held: Supreme Court struck down the provision as it was discriminatory and perpetuated stereotypes.

4. Vishaka v. State of Rajasthan (1997 AIR 3011)

Issue: Sexual harassment at the workplace.

Held: Supreme Court laid down the Vishaka Guidelines, recognizing sexual harassment as a violation of fundamental rights under Articles 14, 15, and 21.

Conclusion:

A major obstacle to attaining justice and equality in the workplace is still employment discrimination. Many employees continue to experience discrimination on the basis of color, gender, age, religion, handicap, or sexual orientation, even in the presence of company rules and legal protections. Employers must make a strong commitment to fostering diverse workplaces, upholding anti-discrimination laws, and addressing this issue. Workplaces may boost employee morale, increase productivity,

and help create a more just and equitable society by cultivating a culture of equality and respect.

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