

A Review of Discrimination in Employment and Workplace

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Abstract

Gender discrimination in employment and at workplaces may occur in different manner and may be of different nature. Although the world community recognizes the necessity of eliminating gender bias and establishing gender equity and equality in employment, it still could not be addressed satisfactorily. There are several factors that turn every effort towards this end into a failure. These impediments may start in the family and may last up to the whole period of a woman's work life. Again, these may also lead a woman's choice of profession induced through threat upon her dignity. In almost all types of organizations, employers' predisposition is found biased towards the male employees and workers. Biasness is evident in paying, in delegating authorities, in attitudes and treatments and in similar other forms. Together these discriminations offer a hostile environment around the office or workplace. On the other hand, despite much has been achieved by women these days, most of their contribution remains officially unrecognized and undervalued. Gender discrimination continues to take place in all the sectors of a state's economy.

Keywords: Discrimination, Bias, Gender, Women, Failure factors, Equality, Employment, Workplace, Employer, Authority, Opportunity.

Introduction

Discrimination in workplaces is now one of the most debated issues around the world. There had been innumerable findings on and strong charges against discrimination. In particular, gender bias has become a common occurrence everywhere in most of the developing countries. Some reports also show that such discrimination happens even in developed countries, though the number of facts may be less compared to those in the developing and least developed countries. There are different forms in which discrimination may be evident at workplaces. In spite of the number of findings and reported cases in governmental and non-governmental institutions, the issue still remains beyond control. Environment around the office, the socio-economic status of women, the religious values and restrictions and above all the social psychology of the people can be figured out as the principal causes behind biasness. Unwillingness and lack of attention and supervision by the government adds to this to a great extent. All these have led the issue being complicated more and more. It would be easier to realize the problems in implementing non-discrimination at

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workplaces in the light of the forms and specific aspects of biasness that women encounter generally. At the same time the implementation mechanisms should be framed in the light of the factors that result in failures.

Objective of the study

This study emphasizes to find out the forms and processes which reproduce gender inequality by confining women to low status occupations than men. There is evidence that organizational cultures and work climates are not conducive to women fully participating on equal terms with their male counterparts, or sharing equally in power. The paper will also try to suggest that much more empirical work is needed to better understand the extent and variation of gender discrimination and gender bias in women's employment. With this aim the paper will concentrate on the negative effects on gender equality by limiting the access of women to better opportunities that they deserve.

Methodology

The study is conducted in two principal methods. One, by gathering information from relevant materials like reports and features published in the leading newspapers, books and articles on gender issues and related websites and the other, by interviewing some female employees of their experiences and thoughts about the issue. The subjects of the independent survey that we carried out are all full-time employees or self-employed professionals or employed otherwise than the traditional idea of employment. But they all have no less than three years of working background which we find necessary to evaluate their level of experience and the credibility of information. Later on, we applied both the two types of information for analyzing the concept of gender discrimination and biasness in employment and at workplaces. At the same time, the information were sufficient to relate to the challenges of gender justice in employment and finding the answer to why discrimination still goes on at the offices. This led us to conclude with some reformative recommendations that might be applied to the effort to remove gender bias from workplaces.

Gender discrimination and biasness explained

According to The Free Legal Dictionary, gender bias means unequal treatment in employment opportunity (such as promotion, pay, benefits and privileges), and expectations due to attitudes based on the sex of an employee or group of employees. Gender bias can be a legitimate basis for a lawsuit under anti-discrimination statutes.

On the other hand, gender discrimination refers to any situation where a person is denied an opportunity or misjudged solely on the basis of sex.

Gender discrimination is any unequal treatment based on gender and may also be referred to as sexism. The basic feature of gender discrimination is evident in any situation where a person shows a prejudice towards another that would not occur had they been the opposite sex.

Sexism has historically been enacted most often to the detriment of females, but it can apply to males as well. Gender discrimination can also extend to transgender people.

Gender discrimination can apply most commonly to workplace scenarios, but can also apply to educational rights, in household gender roles and in community and organization roles. Most frequently, it involves being denied an opportunity such as a promotion, position, scholarship, credit or a loan. It can also be used to describe receiving or failing to receive a punishment on the basis of gender.

Need for gender equity and equality in employment

One basic question that still haunts us is which one should we go for? - Should we celebrate the 100 years of International Women's Day considering what already has been achieved or should we concentrate on the returns that struggling women around the world are yet to receive? The role of women can not only be recognized at the domestic level where they are playing a multi-dimensional function in the principal economic areas, such as- micro-credit, readymade garments and in arts, culture and literature but also at the international arena through active participation in politics, diplomacy and peace-keeping.

Review of relevant literature

For example, in 2004, a UN report criticized UN peacekeepers in Liberia for assault and abuse of young women by using food and money. The UN then decided to put women peacekeepers in Liberia, who brought peace in the country.

Since 2007, Indian women have stood guard outside the President's office. It is a highly symbolic position for them. The Indian women contingent stands at 103. Some of them are monitoring local police officers. Many of them also patrol the suburbs on foot. This has led to a drastic fall in home invasions. The National Aviation Company of India has now 136 female pilots who regularly conduct internal and international flights. (The Kolkata representative for the Daily Prothom Alo on 8th March)

The United Nations Secretary General Ban Ki Moon in his message on the eve of International Women's Day, 2010, said that empowerment of women is the principal thing in achieving sustainable development, security and peace. He also said that the United Nations is going to appoint more females in its armed forces and police.

Empowerment of women in the economic sector constitutes one of the fundamental objectives of the development efforts of a country. In Bangladesh, Grameen Bank, BRAC and ASA have demonstrated that women micro-credit receivers are financially more responsible than men in paying their dues and are getting more returns from the credits. The Prime Minister, while addressing a program marking the 100th International Women's Day on 8th March, 2010, has stated that political empowerment of women is very important to increase their contribution to economy.

In 1995, the Fourth World Conference on Women held in Beijing, adopted the Beijing Platform for Action which set time specific targets for governments to eliminate the critical areas of concerns including discrimination in health, education, workplace, decision making and law.

These are all matters of pride for a nation. Despite the fact that from the grassroots women have shown the path to economic development, they are not recognized as partners in development. Women's contribution to the economy remains under-evaluated and grossly under-valued. Surely, it has to be recognized that women have some different and extraordinary needs and unless these needs are specifically acknowledged women cannot be equal citizens in a country.

Critical challenges contributing to the failure factors relating to gender discrimination in employment and at workplace

There are several factors creating a discriminatory environment for women around the office. The interesting fact about this is that the causes of gender discrimination at the workplace start to operate even from the time a woman makes her choice to work. Employment capabilities, bargaining power, nature of work and workload are the main pondering issues here. These thoughts make a woman's choice of occupation complicated from the very beginning. Most of the working ladies or women willing to enter the job market make the same complaints about these threats.

There are some other factors that are weakening the position of women labour. There is not enough institutional effort made for the improvement of the employment powers and scope for women. Still work at factories and other establishments are not satisfactorily favourable to women. The mere presence of laws or policy documents cannot change anything.

On the other hand, what often has been overlooked by those complaining about gender discrimination in the job market are the choices made by the complainants. Workplace choices made by many of them often perpetuate the disparity in income between them and males. These are six choices of women that contribute to their gender's lower incomes:

1. The frequent choice to drop out for a few years to raise children lowers women's income statistics for those dropped-out years. Moreover, mothering experience also changes many women so that they often do not rejoin the job track;
2. The workaholic behaviour of an executive to rise to the top is less often chosen by a woman than by a man;
3. In most cases women make the gender workplace choice to avoid physical jobs. For instance, women might not be attracted to be employed as airline baggage handlers though it is a good-paying job;
4. Women have more often chosen advanced degrees that result in lower-paid social welfare jobs;
5. Earning power is much more a cultural goal for men than for women;

6. Entrepreneurial women, on the average, choose to charge less than their male counterparts.

There is nothing wrong with picking up a poor-paying occupation. But with that choice women may be contributing to the discrimination statistics.

Review of relevant literature

Women Living under Muslim Laws, an international solidarity network, has recently stated that the governments in countries like Tunisia, Turkey and Malaysia have found that there are no classifications between men and women working under any provision of the religious rules. Rather it is argued that traditional social norms, lack of cultural values and fundamentalism and not religious restrictions are the principal causes of discrimination.

In Bangladesh, full exercise of women's rights enjoyed in other countries of comparable backgrounds is not yet ensured. Liberation of women from economic domination and their placement alongside men in the national decision-making apparatus on an equal footing could not be attained. Allocation of reserved seats by the constitution has further marginalized women's participation in decision making. A general trend to not nominate women for direct elections from 1970 to 2001 could perhaps be directly attributed to the reservation of seats though in the later periods changes were observed. Even in the local bodies women have been given greater representation but not an equal role.

In May, 2009, an honourable Bench of the High Court Division, after the final hearing of a writ petition, issued directives to be obeyed compulsorily in case of sexual harassment of women in workplaces and educational institutions until enactment of specific laws in this regard. But still there is no enactment in this regard and the directives could only be fulfilled through laws.

There are many laws in Bangladesh to protect women from discrimination and violence. But the implementation of these laws depends on the level of national economic prosperity, education, social awareness and enlightened attitude of local people and law enforcing authorities. Religious orthodoxy and reservations in the family very often due to patriarchal ideologies have become major obstacles to equality of women in this country.

Forms of gender bias at workplaces

The conventional approach of gender bias in a society is age-old. But significant and radical change in treatment towards female has been observed now-a-days. With all the positive movements towards gender equity, still major part of justice in non-discrimination especially for women is far to achieve. In this world of modern judgement when women are taking active part in almost every aspect of a state's life, discrimination continues to cut down the potentials of their contribution. The problem gets even more shocking at workplaces despite the fact that non-discrimination is more required there.

Gender bias at workplaces can be classified from different points of view. A general classification may be given on the basis of common or regular treatments received by a female employee or worker at her place of working as is reported through available data and experience from time to time. These may be as follows:

- a) Pecuniary bias
- b) Biasness as to opportunities
- c) Personal bias
- d) Authority bias

These forms of biasness may now be explained –

Pecuniary bias

Of all the forms of discriminations encountered by a female employee or worker at her workplace, the most complained one is pecuniary bias. It mostly happens in fixing the payment or remuneration structures framed by the relevant authority and during the time of actual payment. In our country women employed in low-paid works are the principal victims. Females who are daily workers and females working in different factories and other establishments are discriminated in respect of salaries and other payments. Again this is more evident at the private sector than at the public sector.

Prejudices are also observed in unrecognized labour like maids helping in household affairs, cooking and cleaning or taking care of children at home. Now think of a security guard whose duty is to just guard the front door of a house, receives approximately 3000- 5000 Taka per month. On the other hand, the maid as described above might receive only 500- 1000 Taka for the same course of employment. So pecuniary bias starts even at the primary unit of workplaces and from the lowest level of paid labour.

Female workers, who earn on a daily basis, such as the construction workers, are highly discriminated. A feature published in the Daily Prothom Alo on March 8, 2010, shows that in such work a female worker receives only 80 Taka after a day's work, whereas, for the same period the male counterpart gets 200 Taka.

Even in developed European countries this discrimination has become evident as well. Mia Hultin writes in *Gender Differences in Workplace Authority: Discrimination and The Role of Organizational Leaders* that Swedish women earn less than men net of a range of individual and structural factors relevant for wages. In the U.S., the Bureau of Labour Statistics cites women working 41 to 44 hours per week earn 84.6% of what men working similar hours earn.

As we carried out an independent survey on 20 women of different professions, we found that in Bangladesh discrimination in determining salary and other payments occur mostly at the private sector. Almost 70% of the ladies employed in private firms or other private organizations

answered in negative when they were asked whether they receive equal payment for equal work done as compared to a male. On the contrary, women in government service have hardly any complaint regarding this.

Biasness as to opportunities

As stated earlier, there are certain hurdles over the idea of equal opportunities for male and female in employment. The thoughts given by a woman while choosing a suitable employment for herself are mainly the consequence of their socio-economic status in a country. One of the formidable challenges for women in this respect is their restricted access to productive resources. From their childhood, the girls are made to feel inferior to the boys leading them to believe in inequality and discrimination which last even up to their professional life. In industrial and other works women are mostly found doing the entry-level jobs. It happens seldom that they can be marked out in any managerial or even mid-level positions. Even if a woman is highly educated and efficient enough to run the organization, she is deprived of an opportunity to prove that.

Employment opportunity bias is a general trend to be noticed in most of the employers' attitude. Sex segregation in employment opportunities is much observed in corporations. Women are perceived as too emotional, gentle, illogical and sensitive to succeed in the corporate environment. Sometimes in public service this gap is highly observed. Even in countries like the USA, government has been guilty of unlawful denial of promotion of women. Raymond F. Gregory writes in *Women and Workplace Discrimination: Overcoming Barriers to Gender Equality* that Angie Gobert, a woman employed in a government department could not prosper in a higher position when her competitor left the said position. The position was declared closed for any fill in rather than employing a woman there. Private industries have also acted with equal boldness in denying promotions to female workers. Svenska Handelsbanken, an international banking Corporation with Head Quarters in Stockholm, Sweden, having branch office in New York hired Victoria Greenbaum and at the same time promised her Vice Presidency after her first annual review of work. Despite repeated recommendation from her supervisor she was denied the offered position for several years. After each denial, the bank personnel offered a different explanation to support the decision that Greenbaum's promotion was inappropriate at that particular time. Goodyear Tire Company in Danville, Virginia, agreed to a \$925,000 settlement to be disbursed among some 800 women after being alleged to have practiced gender-discriminatory hiring.

Barrister Harun ur Rashid, former Bangladesh Ambassador to the UN, Geneva, writes in the law page of the Daily Star on 13th March, 2010, that out of 4,419 civil servants only 673 are women, according to the establishment ministry. There is only one woman DIG of police and four female additional DIGs in the police force. Faruq Hasan writes in *My Friend the Misogynist* published in the Star magazine on March 5, 2010, that one of his friends who owns a garments factory has no women in the management. He professes that women aren't smart enough to lead yet. So even the wealthy and educated liberals are not immune to misogyny.

Personal bias

Favouring one or some of the employees or workers around the office stimulates a hostile environment for the others and especially for the females. This is noteworthy here that female employees and workers are prejudiced not only by the biased attitudes and activities of their employer or superior authority towards their male colleagues, but very often also towards other female colleagues. It is observed in various institutions that the procedure followed in obtaining an approval for conducting a development activity is different for two employees. Very often they are both females. It is more evident in case of junior female employees alleged to have encountered this sort of humiliating treatment frequently. An arbitrarily adopted feeling that only one of the employees or workers is competent and strong enough to perform a given duty adds to the other types of discriminations at workplaces.

The worst form of personal biasness is observed in unduly taking advantage of female employees and workers through sexual harassment. The American Equal Employment Opportunity Commission (EEOC) defines sexual harassment as asking for favours of a sexual nature, physical touching, verbal behaviour of a sexual nature and sexual advances that are unwelcome. These can hardly be found from a male's working experiences. But the EEOC further clarifies that sexual harassment does not merely constitute discrimination in workplaces. The test lies when this sort of conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. In hiring, promotions and other employment benefits, women have witnessed sexual harassment in different forms. It is also one of the major obstacles that restrain women taking any type of employment.

It is found in our survey on female employees too. Some believe that at least 90-95% of their male colleagues are partial in their attitude towards females. Others say that the amount is approximately 70%. It is argued that the males are simply unwilling to accept the competence of females.

Authority bias

Another common trend found in employers is their decision to reserve powerful and influential positions for men. Still in our society, women supervise fewer subordinates than men and are less likely to control financial resources. Dilok Phanchantraurai in his writing, *Gender Perspectives on The Workplace: Advanced Organizational Theory and Inquiry*, states why men see women as threats to their advantageous position. According to him, men fear that their female colleagues may take over authoritative jobs and may thereby outperform men in the same job. Besides, they think that earning much will enable women to insist on greater equality in the family, community and national political life. Mia Hultin also writes that women are being unduly restricted from attaining supervisory positions at work, primarily within the private sector. Furthermore, it is not just the level of authority but also the type of authority where the differences between men and women emerge most clearly (Reskin and Ross 1992).

Women are excluded from positions of authority in part because they do not acquire the same amount of human capital as men do and they do not work the long hours usually associated with a position of authority (Mincer and Polachek 1974, Wolf and Fligstein 1979, Halaby 1979, Becker 1981, Reskin and Ross 1992). Becker theorizes that if energy levels are finite, women will have less energy to devote to their job than men since women devote proportionately more of their energy to domestic duties.

Some studies show that the gender-type of an occupation also influences authority level (Wolf and Fligstein 1979). For example, occupations such as clerical worker, nurse, and teacher's aide are often subject to the authority of male-dominated occupations such as managers, administrators, doctors etc. The Comparative Project on Class Structure and Class Consciousness conducted by Erik Olin Wright at the University of Wisconsin, Madison (1985) contains detailed information about respondents' workplace authority. Under that project authority was measured in two scales. The first scale was a measure of supervisory authority and the second one was a measure of policy-making scale. Both of them ranged from 0 (no authority) to an unsatisfactory level of authority desired to be occupied by females. Decisions about products or services, pace or amount of work, methods and procedures and how funds are to be distributed are more likely to be made by men than women. 40% of women on our survey have also complained that males are given preferences in all types of decision or policy making process.

The following charts show the experiences of women regarding discrimination and biasness in employment and at workplace interviewed under the questionnaire in Appendix II:

Chart 1

Issue enquired	Yes (%)	No (%)	Frequency of events experienced	Percentage of opportunity/ authority offered to males	Percentage of biasness
Equal pay for equal work	30%	70%	-----	-----	-----
Experience of discrimination	75-80%	20-25%	Often - Very often	-----	-----
Employment/ authority opportunity	60%	40%	-----	60-75%	-----
Biasness observed in male colleagues	70%	30%	Often - Very often	-----	70-75%
Number of biased colleagues	-----	-----	-----	-----	70-95%
Governmental support to remove biasness	20%	80%	-----	-----	-----

Chart 2

Most contributing factor/s in gender bias and discrimination in employment and at workplace (%)				
Socio-economic factor	Family culture	Religious restrictions/ values	Acceptance of biasness in the society	Others
60-65%	70-75%	65%	75-90%	40%

Findings of the survey

Chart 1 shows the number/ frequency/ percentage of discrimination and biasness experiences encountered by female employees. 70% female employees on our survey has expressed that they do not receive equal pay for equal work done as compared to their male counterparts. The 30% women who receive equal payment as males are all public sector employees. At least 75% women have complained about their personal experience of discrimination at the workplace. The frequency of such experience ranges from often to very often. According to the subjects interrogated, at least 60% males are given preferences at offices starting from entry into employment up to participation in the policy or decision making process. The male colleagues, as stated by the female subjects, discriminate between male and female and their number may range from 70-95%. The women don not believe much that the governmental bodies are effective enough to assist them in fighting gender discrimination. 80% women are of this view.

As Chart 2 embodies female employees mostly think that our society has the culture of accepting biasness and gender discrimination. Almost 90% women believe it to be the most contributing factor in this regard. At the second highest remains the individual family culture. It would not be aggravating to say that the parental way of teaching children the biological and psychological differences between a girl and a boy in our country offers a discriminatory attitude growing from childhood which in the course of time turns into a belief at adulthood. As a result, most adult males have the confidence that they would be preferred in the labour market rather than the females. On the other hand, the females intending to enter the job market, give too much thoughts. Religious values and restrictions and socio-economic factors are found to contribute almost to the same extent which is 60-65%. Among the other causes of gender bias and discrimination, we found that the atmosphere surrounding the workplace is a major factor. If the superior authority and the immediate colleagues do not cooperate to keep a discrimination-free environment, the female employees cannot fight alone for a long time.

Conclusions

No country in the world has yet managed to eliminate the gender gap. Until we can change some of the most damaging factors as discussed above we will continue reading terrible stories of discrimination. Some recommendations may be made on the basis of different available statistics and the independent survey that we carried out:

- a) Regular surveys and statistics by governmental departments and NGOs;
- b) Integration of gender equality dimensions into national development planning and budgeting;
- c) Strengthening monitoring progress to eliminate gender bias at workplaces;
- d) Improving knowledge and awareness on gender equality;
- e) Establishment of family codes, civil liberties and development of ownership rights for women;
- f) Women's supervisory authority should be ensured in all sectors of economic development;
- g) Coefficients of work experience and education for women should be increased to a considerable extent;
- h) Specific service rules should be framed for entry-level qualifications, promotions and other high positions in different organizations.

Gender discrimination lies at the imbalance of power in our society. Discrimination at work and in opportunities in a variety of ways, fewer opportunities in education and marginalization in high political, academic and corporate positions are the obvious images that float around the world. In Bangladesh, as most of the women we surveyed on say, family culture and religious values that are taught by the family are the root causes of gender gap in employment. Among the other causes, they feel that people of our country have developed a psychology to accept biasness and discrimination in employment and works. When this is accompanied by lack of knowledge and awareness about labour and employment rights, discrimination becomes inevitable. The world community agrees that without equal participation of males and females in development activities, the millennium goal would never be achieved. We should, therefore, start outlining more issues, possible strategies, long-term and immediate targets for gender equality and to remove all types of biasness and discrimination in employment and ensure a healthy workplace environment for women.

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Appendix I

Laws governing gender non-discrimination in employment and at workplaces

International:

- i. UN Charter (Art. 1, 8, 13, 55, 76)
- ii. Universal Declaration of Human Rights (Art. 2)
- iii. International Covenant on Civil and Political Rights (Art. 2.1, 2.2, 17.1, 26)
- iv. Convention on The Elimination of All Forms of Discrimination Against Women (Art.2, 3, 4, 11, 14, 17, 21)
- v. International Covenant on Economic, Social and Cultural Rights (Art. 7)
- vi. The ILO Convention (Art. 2)
- vii. The UNESCO Convention (Art. 1, 4)

Domestic:

- i. Constitution (Art. 10, 19, 28)

Unfortunately the Bangladesh Labour Code does not provide any specific rules about gender bias or discrimination.

Appendix II

Format of the independent survey on gender bias and discrimination in employment and at workplace

Interview of Subjects:

Questions

1. Do you receive payment equal for equal work done as compared to a male?
Ans: Yes/ No
2. How long have you been working here?
Ans:yrs/ months
3. Have you worked somewhere else before? If yes, please provide details.
Ans: Yes/ No
4. Have you ever faced any type of discrimination at your workplace? If yes, in which form?
Ans: Yes/ No
5. How frequently have you experienced discrimination (if any)?
Ans: Very often/ Often/ On few occasions/ Seldom/ Never experienced

6. Have you witnessed gender discriminations in case of other female employees/ workers at your workplace? If yes, in which form?

Ans: Yes/ No

7. What is the proportion of the male and female colleagues at your workplace?

Ans: :

8. Are all your male colleagues impartial in their attitude towards their female colleagues?

Ans: Yes/ No

9. How many of them are biased (please refer to the total no. of male colleagues)?

Ans: out of

10. Do you think that the law and the govt. provide adequate support for removing biasness from workplaces?

Ans: Yes/ No

11. Which factor do you think is mostly responsible for such biasness (you may refer to more than 1 factor)?

Ans: Socio-economic status of women/ Family culture/ Religious restrictions and values/ People's psychology to accept biasness/ Any other reason (please specify)

.....

12. What is/ are your recommendations to fight biasness at workplaces?

- Ans: a)
- b)
- c)
- d)
- e)

Personal information:

Name (optional):

Age:

Religion:

Profession:

Sector: Public/ Private