

Workplace Discrimination And How Businesses Are Dealing With The Problem

Posted on December 4, 2023

Abstract

Workplace discrimination is a recurrent issue in the business world between employers, employees, and even clients. Workplace discrimination refers to the unjust treatment of other persons due to age, race, religious standing, gender, physical wellness, and marital status. For instance, if an employer is religiously inclined to a specific course, the prospective employees are likely to be considered depending on their religious affiliations rather than merit. Therefore, the discriminations are not substantially intentional, as some stem from unrealized personal attributes. However, discrimination of any nature is destructive and is likely to affect the functioning of businesses; hence, cases of discrimination should be considered illegal in all setups. Therefore, it is essential to understand the nature of workplace discrimination and its course in the competitive business industry.

Workplace Discrimination and How Businesses Are Dealing with the Problem

Introduction

In recent years, businesses have been developing models that curb systemic discrimination to create a reliable and self-sufficient business system. The models discourage discrimination and ensure the required skillset is employed for each role, thus increasing productivity. Moreover, the business industries aim to improve each client's experience, fostering business productivity. These changes are provoked by the changes in human behaviour and societal expectations of business conduct. Despite the fact that businesses have, for decades, been fighting to eradicate discrimination in the workplace, this problem is still prevalent in many organizations, which is why these businesses continue to put in significant effort to find a solution.

Methodology

This research utilizes different sources to develop a detailed discussion on workplace discrimination and how businesses handle this issue. The data used in this discussion is from different sources, including journals, immigration services, emergency operations centre coordinators, and newspapers. According to these sources, the research shows the findings on workplace discrimination cases and

provides qualitative and quantitative insight into discrimination cases in business setups. Moreover, the research uses charts to show how different discrimination cases impact businesses.

Literature Review

Discrimination cases have been rampant in the business world, and the effects have caused a downward projection of business success. Different business researchers have outlined the disadvantages of discrimination, thus creating a need to conduct anti-discriminatory campaigns. The campaigns have positively impacted business success and created a habitable society in which to conduct business operations. However, other businesses and individuals have ignored the call to incorporate anti-discriminatory policies. Consequently, governments have formulated laws and acts to eradicate discrimination and promote inclusivity. The anti-discrimination policies help increase productivity due to an increase in the possibility of hiring more skilled and diverse personnel. However, discrimination makes businesses reserved for a specific skill set, thus discouraging productivity. In this discussion, different literature will be used to discuss and analyze the cases of discrimination in workplaces and how businesses are working to eradicate these issues. This discussion will give insight into the causes of workplace discrimination, which will show the types of discrimination. Moreover, the discussion shows how businesses integrate other systems to ensure that workplaces are conducive despite race, citizenship, gender, and religious affiliations.

Causes of discrimination in a workplace

The main types of discrimination are indirect, direct, victimization and harassment. Indirect discrimination is usually unintended and not easy to identify compared to direct discrimination. This form of discrimination occurs when a universal rule or plan is implemented, is not discriminatory, and potentially disadvantages people with a particular protected characteristic (Creighton, 2017). According to law practices, indirect discrimination is where a provision, criterion, or practice, commonly referred to as PCP, is equally enforced in particular groups but only affects people who share the protected characteristic. As a result, this type of discrimination disadvantages individuals who possess the protected attribute compared to those who do not. The victim of indirect discrimination suffers since the employer cannot objectively defend it. The majority of the time, PCPs will incorporate an employer's policies, practices, regulations, rules, and arrangements, whether or not they are in writing and regardless of how informal they may be. It would be the employee's responsibility to prove that these aspects apply to them, even if these requirements must be met for a claim to be successful.



Chart 1: *Types of workplace discrimination* (Snell, 2019).

Victimization discrimination refers to a person's behaviour as unjust or inequitable, leaving them

feeling victimized (Creighton, 2017). However, victimization, as defined by the law, is only granted when the aggrieved party has acted under or about the law, any applicable statute, in reference to the discriminator or any other person; channelled allegations against the discriminator or any other person under the Act, any applicable law; or provided proof or information on any proceedings brought by any person against the discriminator or involved parties. Direct workplace discrimination occurs when an employer treats a worker less favourably based on a reserved feature. Examples of direct discriminatory practices arise from a protected characteristic that an employee embodies, also referred to as direct discrimination, a protected characteristic that an employee believes they hold, also known as discrimination by perception, or a protected characteristic that some individuals are associated with also referred to as discrimination by association (Nuseir et al., 2021). Direct discrimination can, therefore, happen because of an individual's characteristics and the manager's perception of them, irrespective of the credibility of this perception or on an association basis, as long as the unjust treatment is caused directly by the protected characteristic.

The law prohibits employers from treating employees less favourably due to protected characteristics. This shows that employees are protected from unfair treatment due to a protected attribute they possess or due to perception or a link. Whether an employer intended to discriminate against a worker or was unaware that their conduct was unfair is irrelevant. Furthermore, direct discrimination still occurs when someone experiences harm due to receiving a different treatment because of a protected attribute (Creighton, 2017). For a comparison to be regarded as legitimate, the employee's situation must be sufficiently comparable to that of a different employee getting superior treatment. The less favourable treatment is compared using a comparator, also known as a person who lacks the protected attribute. Therefore, even if a third party cannot be identified, it is still direct discrimination if it can be shown that a person lacking the individual's protected characteristic would have earned decent treatment in an identical circumstance.

A worker or group of workers may experience workplace harassment, also known as workplace bullying, when they feel threatened or denigrated by their coworkers. A workplace harasser's primary intention is to make their targets feel uneasy. Workplace harassment might be in terms of sexual harassment, verbal harassment, physical harassment, psychological harassment, and cyberbullying (Creighton, 2017). Cyberbullying is the most recent type of harassment, also called digital harassment, which arises from the technology adoption in workplaces. This type of harassment involves making false accusations online, building a site about the target to criticize and degrade them, sending threats or insults on social media, and using a fake profile to bully someone (Nuseir et al., 2021). Verbal harassment victims frequently experience career and health dangers. Slurs' derogatory, inappropriate body language and unwanted remarks constitute verbal harassment. Since this is a non-physical type of violence, it can be challenging to identify because it typically involves statements, including body shaming jokes, cruel comments, and unwelcome taunting.

Moreover, psychological harassment is closely related to verbal harassment but is more subtle and uses techniques like information hiding. The likelihood of victims of such harassment experiencing meltdowns, lack of self-esteem, and the possibility of undermining themselves is greater. Any person,

irrespective of gender, is a potential sexual harassment target. This form of harassment is depicted through unwanted touching, sending pornographic texts and videos, soliciting sexual favours, and remarks with inappropriate gestures. Physical harassment is exhibited through physical attacks, intimidation, inappropriate physical contact, or property damage. These forms of harassment at work are more likely to be experienced by those considered gender minorities. However, it might be challenging to recognize physical harassment since the perpetrators can minimize some forms of harassment through jokes or pretending the jokes do not affect others. It may qualify as physical harassment despite a lack of severe physical injury.

Racial discrimination

Denying anyone with equal work opportunities because they are of a certain race or possess individual traits such as hair texture affiliated with a particular race constitutes discrimination on the grounds of race. Denying anyone the same work opportunities due to their skin colour or complexion constitutes colour discrimination (Creighton, 2017). Treating a person adversely due to their affiliation with someone or some group often identified with a specific race or colour is another example of race or colour discrimination.



Chart 2: *The participation rate chart of African American officials between 1966-2013* (Doyle, 2010)

In the instance of any other condition or benefit of work, harassment or prejudice against people based on race or colour are all examples of race and colour discrimination. There is no denying that racial bias prevails in society and the workplace. Because it occurs so frequently, racial discrimination is the basis for more than one-third of the complaints made to the EEOC yearly (Bell et al., 2018). Particularly marginalized groups are commonly overlooked at every stage of the hiring process. The groups are not recruited, coached, promoted, or subjected to excessive and unjust examination before, in some circumstances, being unfairly dismissed. According to one estimate, over the previous 20 years, discrimination has cost the US economy \$16 trillion. Race-based prejudice is a significant issue in the modern workplace, despite the prior documentation of the Civil Rights Act's minority rights in the 1960s.

Discrimination by country of origin

Discrimination by country of origin refers to denying people the same employment opportunities as others because they are from a different country or region or because of their ethnicity, accent, or perception of their nationality; it is national origin discrimination. In some cases, discrimination based on nationality may include arbitrary English proficiency standards and English-only regulations and policies (Creighton, 2017). It may also entail treating someone poorly because of their affiliation with someone or some group typically connected with a specific national origin. If a person is subjected to

national origin discrimination, they may be denied employment, fired, not promoted, harassed, or treated differently from other employees. The law forbids discrimination against job applicants or employees based on factors such as where they were born, their accent, their ethnicity, how they looked, or if they were married to or otherwise connected to someone of a particular national origin. Therefore, if the policy or practice is not related to the employee's position or required for company operations, it is unlawful if it applies to all workers but hurts people of a particular nationality.

The Immigration Reform and Control Act of 1986 prohibits employers from selecting employees, firing them, or making them pay referral fees based on a candidate's citizenship or citizenship status. Companies cannot restrict their hiring to citizens or legal permanent residents unless a government contract, law, or regulation approves this move (Bell et al., 2018). Employers must not refuse to acknowledge legal proof that indicates an employee's legality for a position or seek more information than what is required by legislation when verifying vetting prospective employee eligibility based on an employee's citizenship status. IRCA forbids any actions against anyone who asserts their legal rights, files charges or participates in inquiries or proceedings. IRCA's anti-discrimination guidelines are enforced by the Civil Rights Division of the Department of Justice's Immigrant and Employee Rights Section.

Discrimination on a religious basis

Discrimination on a religious basis refers to when a company denies service access to anyone with a genuine religious, ethical, or moral conviction. However, if this would place an unreasonable burden on the business, an employer must offer provisions for employees' religious views, rites, or customs (Bell et al., 2018). Religious discrimination can be the refusal to hire, fire, fail to promote, harass, or discriminate against a person. It could also mean treating someone poorly because of their affiliation with someone or some group typically linked with a particular religion. Employers should be aware of any religiously motivated demands for dress or grooming modifications upon an employee or applicant's request. The employer and employee should interact to discuss the request if the employer has a legitimate need for more details. The employer must adjust if doing so will not cause an undue burden.

Discrimination on a gender basis

Denying someone with equal work opportunities due to their gender constitutes gender discrimination. Treatment of a person unfairly because they are expecting a child, based on gender preconceptions, or because they do not fit personal presumptions is gender discrimination. Also included in the definition of gender discrimination is the practice of treating someone less favourably according to their perceived or actual sexual orientation or gender identity. The treatment of a person negatively because of their affiliation with someone or some group often identified with a particular gender can also be considered gender discrimination (Nuseir et al., 2021). In terms of hiring, firing,

neglecting to promote, harassing, or discriminating against a person based on gender are all examples of gender discrimination.



Chart 3: *Percentage of reason for discrimination* (Humphrey, n.d.).

Even though a hiring policy or practice is applied to all job candidates, it is still unlawful if it discriminates against persons because of their gender identity or sexual orientation and has no connection to their jobs or the needs of the company. For instance, discrimination may be present if there is a clear trend of favouring individuals with a particular gender identification over other suitable candidates.

How businesses are dealing with workplace discrimination

Many businesses worldwide have realized the potential setback cases of discrimination impose on the progress and success of these companies. Therefore, numerous businesses have opted to find solutions to help eradicate prejudice and ensure the prosperity of these businesses. The remedies to workplace discrimination do not strictly originate from laws but from research and societal beliefs. One main strategy businesses use to address bias is establishing transparent company processes and guidelines. In current business systems, the staff's freedom to work in a setting where knowledge, talents, and competencies are utilized to reach their ultimate potential is emphasized. Therefore, many businesses resort to eliminating harassment by developing workplace policies (Creighton, 2017). Consequently, these policies urge employees to participate in harassment investigations while ensuring that identities are kept private and those who file complaints are protected. It will be simpler to refer to company policies in the event of misconduct than to a statute the employee might find unfamiliar. Therefore, business companies with reliable policies ensure that factors such as absence, work leaves, and working hours are addressed fairly to avoid any case of discrimination.

Furthermore, businesses have turned to training as another reliable tool for curbing workplace discrimination. Education is one of the most effective solutions as it improves rapport between employees and employers and promotes teamwork. In this approach, employees and employers understand the importance of championing diversity in the company, being aware that discrimination is unacceptable, and having a course of action when faced with discrimination (Bell et al., 2018). Reports show that employees and employers who receive more training and knowledge will better understand what language and behaviour constitute discrimination, which should lead to fewer instances of discriminatory behaviour and a decrease in the frequency of policy enforcement. Moreover, the most successful businesses in discrimination eradication often conduct a risk assessment to identify potential loopholes in upholding business ethics. The potential risk factors that cause discrimination in businesses are job insecurity, power imbalances, tension in the workplace,

lack of a diverse task force, and lone working.

Moreover, another reliable system is being used by businesses to curb discrimination in the development of business culture. These businesses ensure that the culture embraces diversity and opens up avenues for communication. Therefore, the employees and employers feel secure conducting business through problem-solving, knowing that any concerns would not receive backlash upon communication (Li et al., 2021). The presence of reliable business models ensures that laws are adhered to, encouraging employee retention. Besides, good business cultures are likely to increase productivity, open up other business opportunities and attract excellent business skills.



Chart 4: *Likelihood of financial performance in diversified businesses* (Wakabayashi, 2018)

Moreover, a healthy business model exhibits desirable characteristics from the management level to other posts within the business. Management inspires other employees by treating them with respect and dignity, creating a trustworthy relationship that eliminates discrimination.

In the past, business models lacked human resource managers tasked with monitoring equality. However, businesses have incorporated equality monitoring in recent years to protect each employee and ensure that all staff members are equally considered in training, recruitment, promotion, and payment (Imdorf, 2017). Besides, these models encourage all employees to speak up when encountering harassment, hence protecting the business from liabilities that could trigger the involvement of law enforcement agencies. Therefore, these models ensure that the staff involved in equality monitoring understand their role and that their actions are unbiased. Equality monitoring encourages proper conduct, boosts employee morale, and develops excellent strategic partnerships with clients and stakeholders.

Furthermore, businesses have numerous communication channels to ease interaction and expression depending on the sensitivity of the message. These businesses have a transparent and effective complaint channel that reduces the case of shunning from expressing any discrimination concerns (Li et al., 2021). The businesses have various options for reporting discrimination while ensuring that the human resources and management receive any complaints, thus ensuring that supervisors do not hide any issues from other authorities.  Chart 5: *Importance of internal communication systems* (Happeo, 2021)

Businesses use formal communication channels like letters, physical interaction, and intranet to allow for the reporting of discrimination encounters in a synonymous manner. Besides, other businesses use informal communication systems such as meetings and collaboration with staff to identify discrimination cases.

Furthermore, businesses employ retaliation prevention tactics to reduce discrimination cases within the workplace. Retaliation is a common form of discrimination that encourages misconduct and risks a

company's success. Besides, employees can quickly raise a retaliation charge, which is hard for businesses to defend and thus considered a common human resource challenge (Li et al., 2021). Therefore, businesses opt to educate their employees on anti-retaliation to understand this charge better and avoid any counteractive behaviour when faced with a challenge. Moreover, employers keep a record of actions within the organization, adequately articulating the reasons for these actions for future reference. These records act as proof in case any misunderstanding arises in the future.

Moreover, businesses are dealing with discrimination by conducting team-building activities to help create stronger relationships between employees and management (Cherry, 2019). The team-building activities include hiking, a business luncheon, and participation in games. These activities encourage each employee's involvement, breaking the work environment's bias. Besides, these activities help the participants learn the strengths and weaknesses of their workmates and avoid bringing up topics that would potentially make them uncomfortable. In addition, these activities help reduce tension between the employees and employers, thus reducing any cases of resentment that could cause discrimination.

Furthermore, businesses should ensure equal representation to prevent any cases of favouritism that could cause discrimination. For instance, if the business managers play favourites with a specific employee, other employees are likely to discriminate against them; hence, it is necessary to ensure all employees are equally treated to avoid any cases of discrimination (Petrean, 2019). Besides, all staff members should be mindful of their words to avoid triggering others who might be sensitive to these words. Using slang is prohibited in most business models to help create a conducive working environment. These business models prefer languages that are relatable to the relevant parties, thus creating a common ground for interaction.

In addition, most businesses quickly respond to any incidence of discrimination to prevent the escalation of these concerns. This helps mitigate this issue and maintain the business operations before other parties come into play, which could derail the business's success (Barak, 2022). Most businesses have guidelines that help address discrimination concerns without necessarily having to seek legal intervention. However, businesses involve legal advice when the cases of discrimination are of a higher magnitude beyond the company's handling abilities. Therefore, businesses work with legal systems to ensure an easy and quick resolution of discrimination cases.

Conclusion

In conclusion, businesses seeking to promote equality must strongly encourage diversity and inclusion in their activities and supplier networks. Staff members in business operations should be hired, placed, trained, and advanced based on skills, abilities, and competence. Businesses should create anti-discrimination rules and processes to safeguard employees from unfair treatment, whether they work directly or for one of their business partners. It should be highlighted that businesses can generally support non-discrimination by, for instance, participating in government programs that

support equal access for disadvantaged minorities in specific fields. If properly implemented, anti-discriminatory systems would significantly reduce these concerns and boost business performance on a large scale. Therefore, further research is needed on effective business models that would enhance productivity in future years.

References

Nuseir, M. T., Al Kurdi, B. H., Alshurideh, M. T., & Alzoubi, H. M. (2021, June). Gender discrimination at workplace: Do Artificial Intelligence (AI) and Machine Learning (ML) have opinions about it. In *The International Conference on Artificial Intelligence and Computer Vision* (pp. 301-316). Springer, Cham.

Imdorf, C. (2017). Understanding discrimination in hiring apprentices: how training companies use ethnicity to avoid organisational trouble. *Journal of Vocational Education & Training*, 69(3), 405-423.

Creighton, S. (2017). *Reducing risks from workplace discrimination* (Doctoral dissertation, Walden University).

Bell, M. P., Leopold, J., Berry, D., & Hall, A. V. (2018). Diversity, discrimination, and persistent inequality: Hope for the future through the solidarity economy movement. *Journal of Social Issues*, 74(2), 224-243.

Li, J. Y., Lee, Y., Tian, S., & Tsai, W. (2021). Coping with workplace racial discrimination: The role of internal communication. *Public relations review*, 47(4), 102089.

Barak, M. E. M. (2022). *Managing diversity: Toward a globally inclusive workplace*. Sage Publications.

Petrea, A. C. (2019). Consequences of Discrimination at the Workplace. *Acta Universitatis Danubius. Administration*, 10(1).

Cherry, M. A. (2019). Age discrimination in the on-demand economy and crowdwork. *Berkeley J. Emp. & Lab. L.*, 40, 29.

Snell (2019, June 14). Quotes about Employment discrimination (45 quotes). www.quotemaster.org.
<https://www.quotemaster.org/employment+discrimination#&gid=1&pid=17>

Doyle, A. (2010, August 7). Types of Workplace Discrimination. The Balance Careers; The Balance.
<https://www.thebalancecareers.com/types-of-employment-discrimination-with-examples-2060914>

Guide to Internal Communications 2021 | Happeo. (2021, February 2). Happeo – the Digital Workplace and Social Intranet Solution, Built for G-Apps.
<https://www.happeo.com/internal-communications-essentials>

Humphrey, M. (n.d.). AMERICAN EXPERIENCES VERSUS AMERICAN EXPECTATIONS. US EEOC.
Retrieved July 19, 2022, from <https://www.eeoc.gov/es/node/26640>

Wakabayashi, G. (2018, September 20). Diversity and Inclusion in the Workforce – Business Ethics. Opentextbc.ca.

<https://opentextbc.ca/businessethicsopenstax/chapter/diversity-and-inclusion-in-the-workforce/>