

## THE CHALLENGES OF RELIGIOUS AND SEXUAL DISCRIMINATION IN THE WORKPLACE

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### ABSTRACT

*Men and women make up a cart's two wheels. Discrimination against women in our country has existed for a very long time and continues to do so in numerous forms. Typically, cultural norms and traditions, religion, geography, and other factors influence discrimination. biologically from a sociological perspective, each has a unique role. In terms of physical roles, women are required to take care of the home, the kids, the family, and the relatives, whereas males are made to work hard and earn a living. All of these ideas, however, have weakened and deprived our women of necessities. Both have equal rights under the law. In this largely male-dominated society, women face discrimination. Most women are therefore unable to comprehend their own rights and freedom. Inside this so-called "society," they are not free. So, prejudice not only harms the future of women but also slows down national development. The Indian government has put into effect a variety of legislation since independence to shield women from harassment, gender discrimination, and other abuses they may confront in society. Creating laws is very different from putting them into practice, altering the general mentality, and eliminating structural prejudice in society. Women are multitaskers; they support their families, raise children, manage home chores, and provide services, but they are still denied their constitutionally guaranteed fundamental rights to gender equality, dignity, and place in society.*

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### Introduction

The term "gender" is frequently used to refer to the roles, behaviors, activities, and characteristics that are socially constructed to be proper for men and women in a given community. Men and women, the two sexes that makeup gender, are basically. Biologically speaking, both have distinct tasks to play and important duties to carry out. Physically, a woman's responsibility is to take care of the home, the kids, the family, and the relatives, whereas men are intended to be the breadwinner, work hard, and battle for money. All of these ideas, however, have weakened and deprived our women of necessities. Both have equal rights under the law. In this largely male-dominated society, women face discrimination. Gender prejudice could result from different responsibilities and behaviors.

The unfair treatment of an individual or group because of their gender is known as gender discrimination.

Nobody has a biological definition of gender discrimination; rather, gender discrimination is a culture that is created by society, customs, people, etc. Women are typically referred to as the victims of gender inequality or discrimination since they are viewed as the most vulnerable group in our society. Fifty percent of the people in our country are women. Two-thirds of them lack literacy. It's extremely unbelievable. India is a society where men predominate, and there is routine gender discrimination.

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A woman in our nation occupies a special and significant place in society. We respect the standards of deities such as Sara Swati, Durga, Lakshmi, Kali, and Chandi and worship women in a variety of ways. It implies that we adore women in various ways. They are the most reputable member of the family, as has long been recognized. There are several well-known proverbs from antiquity that emphasize the value of women, including the following: Namō, Namah, Namastasya, Namastasya, Ya Devi Sarva Bhuteshu, Matrirupen Sansthitē.

Acharya Devo Bhava, Matra Devo Bhava, and Pitra Devo Bhava.

These ancient sayings, however, make it quite obvious that women are also known as goddesses and are deserving of the honor. In the past, women have had respectable positions in society.

They believe that males have an equal claim to everything. They all have the same chance to make religious sacrifices. These words have no relevance in the world we live in today. Women are not given the equitable treatment they merit. When women are losing status anywhere, they too need to be treated with respect. They are viewed as a lower class in our society. This explains why the majority of women experience discrimination in this society. Men and women have various statuses and roles according to our culture and the laws of nature.

Men and women are both considered to be members of the gender. For instance, when a child is born into a family, the process of gendering and the emergence of gender distinctions begin automatically.

Even though we are in the twenty-first century, this way of thinking is still prevalent in India. Sometimes, rather than from society, gender prejudice starts in the family. These various variables not only contribute to gender discrimination but also act as major roadblocks to the advancement of society and the nation.

### **Gender Discrimination**

In India, gender discrimination is not a particularly recent occurrence; it was present during the ancient period as well. In contemporary society, discrimination against women comes in all forms. They are denied access to necessities like schooling. The centuries-old traditions in our culture completely influence the lives of women. They also had a lot of boundaries. So, according to the Manu, who lived in 200 BC, "nothing must be done autonomously, even in her own house, by a young girl, by a young woman, or even by an aged one. When a woman is young, she must be submissive to her father, when she is married, to her husband's sons, and never be allowed to be independent.

The patrilineal or male-dominated society that exists in India and many other nations still maintains that the father is the family's head. The matrilineal system, in which the mother makes all family decisions, is typically found in northern countries, but some households do practice it in the south. She is, in other words, the family's ownership. Customized gender discrimination occurs frequently. Discrimination based on gender hinders economic progress, which is detrimental to development goals. Gender discrimination is not the answer to any problem. It makes it more difficult for women to participate in social, political, and economic activities. That might negatively impact our culture.

In fact, even today at this stage where we talk about equality, in many developing countries including India a lot of gender discrimination and gender inequality is still going on in terms of education, health, employment, social values, and customs, on the name of caste, as well as on the norm of sexual harassment. Discrimination comes in a variety of shapes and sizes. Even today, educated people had misconceptions about women, believing that the only work women should perform in their lives is housework, childcare, and cooking. How can we end discrimination against women or gender inequity if males don't respect women?

Due to its social, economic, and religious practices, which led to a significant disparity in the status of men and women in society, India has been a country that has experienced gender inequality throughout its early history. How can we fail to remember that equality of participation between men and women is essential for the advancement of our country?

We cannot envision the growth of another without the development of the first. Males and women are the two parts of humanity, and without one, the other cannot excel. They require equal support and cooperation. Women experience discrimination from a young age. They face prejudice in every sphere of life. Parental discrimination towards female children is a major issue. This wickedness is mostly committed by illiterate individuals.

To eradicate gender discrimination from society, education is crucial. In India, there are many individuals who celebrate the birth of a male but are unhappy when a girl is born. They didn't think their daughter should go to school. The main strategy for eradicating gender inequality and advancing women is education. Sons are preferred above daughters in Indian society. For instance, if a person doesn't have a boy, who will take care of their family, provide for them when they are elderly, maintain their family structure, and other responsibilities?



### Religious Discrimination in the Workplace

Any employment-related behavior that has an effect on employees differently because of their religion, beliefs, or spiritual practices constitutes religious discrimination in the workplace. It also holds true if staff members suffer because of their requests for a reasonable accommodation for those views. This also applies to those who have no religious affiliation at all. The legislation forbids discrimination against members of well-known and recognizable groups, such as Christians, Muslims, and Jews, but it also offers protection to those who really value religion, ethics, and morality but does not belong to any formal church or religion.

Even though there is no recognized organization, it is still legitimate. Whether or not other people comprehend or agree with a belief is irrelevant if it is truly held.

A person may be the victim of workplace discrimination if they are denied employment, dismissed, or otherwise negatively affected at work due to their religious beliefs or lack thereof. Also, discrimination may be taking place if the employee requests a reasonable accommodation, and that request is turned down.

In addition to criminal discrimination based on race, national origin, or citizenship status, a person may occasionally experience prejudice based on their religion.

There are three primary ways that religious discrimination at work might occur.

- One is choosing a job based on your religious beliefs. This could manifest as a choice to hire or fire someone or to promote or not promote them based on their religion. These are a few instances: Rejecting a candidate because they keep the Sabbath on Saturday Firing a worker for being absent from work due to a religious holiday Promoting someone with the stipulation that they start going to church.
- Relocating someone to a less visible position because you believe her hijab offends people.
- Refusing to grant a worker a promotion unless he quits trying to convert his coworkers in his spare time.
- The second situation is when a worker is harassed at work. Here are a few instances of
- Teasing or penalizing employees for violating the dress code by donning a turban or yarmulke as a sign of their faith.
- Making fun of a coworker's religion
- Making fun of a Muslim employee who abstains from eating pork.
- Allowing coworkers to attempt to persuade an atheist employee while they are at work.

The third situation occurs when the employer refuses to provide a reasonable accommodation. The most typical kind is this one. A "reasonable accommodation" is frequently defined as a modification to a rule or policy at work that permits a person to follow their religion without interfering with their job duties. Employers must comply with this unless doing so would be prohibitively expensive or difficult.

According to the Equal Employment Opportunity Commission (EEOC), an undue hardship is anything that is more expensive to manage, has an impact on productivity or safety, violates the rights of another employee, or adds to the workload for other employees. If the accommodation clashes with other rules or laws, it is an additional unreasonable hardship.

If accommodating one employee's religious beliefs results in depriving another employee of a job or shift preference that would otherwise be guaranteed under the seniority system, employers can demonstrate undue hardship in the event of modifying a seniority system. It could be advisable in this situation for the employee to request a shift exchange from their coworkers.

The employee may also request permission from the company to complete the task later or move into a different position that doesn't require them to work on those specific days.

Examples of failures to accommodate include the following:

- Forcing a worker to work on a holiday when other workers are prepared to switch shifts.
- Making a woman take off her hijab while allowing other workers to don baseball caps.
- Allowing other personal objects, such as family photos, but forbidding staff members from having religious symbols on their desks or at their workplaces.

#### **Title VII of the Civil Rights Act of 1964**

- People are protected against this kind of discrimination by Title VII of the Civil Rights Act of 1964.
- This law prohibits religious discrimination in hiring, firing, promotions, compensation, and training.
- It also mandates that employers make reasonable accommodations unless doing so would put an undue burden on the business.
- Flexible scheduling, allowing staff to trade shifts, and allowing lateral transfers are a few potential allowances.

- Clarifies that participation in or forced absence from religious activities by an employer cannot be a condition of employment. Requires employers to take all reasonable steps to prevent harassment by other employees.
- Declares that employers cannot take adverse action against workers who use their Title VII rights.
- The majority of states also have their own laws against religious discrimination in addition to federal legislation. In addition to the additional protections mandated by federal law, several states offer more.

### **Sex Discrimination in the Workplace**

Any workplace practices that treats someone unfairly or has a negative effect on them due to their sex is considered gender or sex discrimination. This can relate to decisions regarding hiring and firing employees, responsibilities or tasks that are assigned, or even the work calendar in terms of who works where and when. This form of discrimination may also affect how much you are paid or if you have the chance to advance professionally.

Given their established triumphs in practically every discipline, women can perform office jobs equally as proficiently as men. Women are now in positions of leadership in government, academia, and businesses of all sizes. Nonetheless, sex discrimination issues continue to limit the freedom of many women.

There are instances of sexism towards men, despite the fact that it primarily affects women. Even though it primarily affects women, there have been instances of sexism toward men. As an illustration, the Equal Employment Opportunity Commission (EEOC) recently launched a lawsuit against the Ventura Company, a business that sells beauty goods, for its decision to not hire males as sales representatives.

Sex and gender are frequently used interchangeably in speech, although they have separate meanings. According to social scientists, "sex" refers to the body, whether it be male or female. The traits typically connected to men or women are known as gender. Yet, discrimination based on either or both of these is prohibited by law.

Yet, discrimination based on either or both of these is prohibited by law.

Sexual harassment at work is one example of this. Employers are required to treat both genders equally in terms of compensation and opportunities, but they also have a responsibility to watch out for and respond appropriately to instances of sexual harassment.

Sexual harassment among coworkers is still unlawful regardless of whether it includes two employees at the same level in the organization, a subordinate, and a supervisor, or a subordinate and a supervisor. Unwanted sexual advances, requests for sexual favors, and other verbal or physical sexual behavior are all examples of harassment.

It is against the law for an employer to make sexual behavior a requirement or term of employment, to base hiring choices on such behavior, or to tolerate sexual behavior that unreasonably impairs an employee's ability to perform their job duties or fosters an intimidating, hostile, or offensive work environment.

Discrimination based on sex is when an employer or job applicant is treated differently because of gender stereotypes or because they don't fit into preconceived notions of what it means to be a man or a woman.

### **Does Federal Law Cover Sex or Gender Discrimination?**

Section VII of the Civil Rights Act of 1964 prohibits discrimination based on sexual orientation or gender. Although this is at the federal level, many states also have laws in place that forbid this same kind of discrimination.

Your employment with a federal contractor qualifies you for this protection as well. According to Executive Order 11246, these organizations are included if they conduct more than \$10,000 in annual business with the government. The Department of Labor is releasing new regulations to modernize this rule's standards and make them more in line with court precedent. In areas like equal pay, hostile workplaces, pregnancy and childbirth and related medical difficulties, and stereotypes based on gender identity and expression, more clarification is provided.

Executive Order 13665 also prohibits discrimination against employees of federal contractors based on inquiries about or disclosures regarding salary.

The government's stance that it is unlawful for those doing business with the federal government to discriminate in employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a veteran is further strengthened by Section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

#### **Whom does the Law Protect?**

If there are at least 15 employees, all state and local governments, private companies, and educational institutions are safeguarded. Furthermore, covered are employment agencies in the public and commercial sectors, joint labor-management committees, and labor unions.

It's crucial to remember that both candidates and workers are protected.

Many states have safeguards above and beyond what is required by federal law, so check with your state's labor division to find out what regulations are unique to your state.

#### **The Religious Freedom Restoration Act, or RFRA**

According to the Religious Freedom Restoration Act (RFRA), which was approved in 1993, the federal government must demonstrate that any law it makes that restricts the free exercise of religion serves a "compelling interest" and is implemented in the least restrictive manner possible.

This statute has several variants in twenty states, some of which were established by governing bodies and others through judicial precedent. For information on the precise wording used in your state, contact the labor department there.

#### **Avoiding Religious Conflicts at Work as an Employee**

When job and faith conflict, employees must bear some of the blame. Employees must first notify their employer as soon as they become aware of a problem or prospective conflict. To greatly reduce difficulties, be as clear as possible. Workers should always submit their requests in writing along with a justification and ideas for appropriate modifications. Employers and employees should retain all correspondence in case it becomes necessary for clarification in the future.

#### **What to Do in Case of Religious Discrimination**

An employee has the right to register a grievance if their request for reasonable accommodation is turned down. The majority of firms offer this procedure, and if the worker belongs to a union, a union official can assist with the filing.

The employee handbook or other personnel policies typically contain an employer's policy for resolving disputes of this nature. Also, the human resources division can offer advice.

Workers should be aware that even if he/she is pursuing a grievance with the employer, deadlines to file suit administratively or in court still apply.

#### **Solution How We Can Lower the Gender Discrimination Are As Follow:**

- End gender disparity at home before moving on to society.
- Offering both boys and girls an equal education.
- Providing women an equal chance in social, economic, and political arenas.
- Increase social consciousness among society and the country.
- The most crucial thing is to educate parents about the value of females so that they can appreciate them.
- Women need to be aware of their rights.
- People from both the lower and higher socioeconomic classes should adopt new perspectives.
- Women should be able to make decisions inside the family.
- Empowering women is more important now than ever.

#### **Conclusion**

Making laws and upholding them is not sufficient; there must also be a societal awakening and a change in the general public's mindset in order to eradicate gender discrimination and grant women equal rights. Their life belongs to them alone. The time has come for women to take charge of their own lives. Eliminating prejudice based on gender can support the empowerment of women. The time has

come for women to stand up for their own rights. It is crucial to eradicating many types of injustices that are still pervasive in Indian society if we truly want our half population—women—to advance and be empowered. We should live by the maxim "Educate Women, Educate India" currently.

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