

GENDER BASED PAY DISCRIMINATION

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Abstract

Gender-based pay discrimination is a system problem and will take systems thinking to overcome it. Complexity science provides a lens through which a difficult systemic problem can be approached.

Keywords: Discrimination, Gender, Pay

I. INTRODUCTION

Find a study that uses systems analysis to inform how to solve a complex problem. Conduct an analysis of gender-based discrimination. Propose a strategic and tactical response to gender based pay discrimination

II. STUDY USING SYSTEMS ANALYSIS FOR COMPLEX PROBLEM-SOLVING

A. Overview of Systems Analysis in Social-Ecological Systems

This research provides an in-depth analysis of the implementation methodologies and their challenges to solve a real-life complex problem. To do that I would like first to introduce below research paper where its identities complex problem in the premises of social system and provide few paths to resolution by doing system analysis. The paper is known "Learning How to Solve Problems in Social-Ecological Systems: Definition, Practice and Barriers of transdisciplinary Research" *Ambio*. 2013 Mar; 42(2): 254-265. written by Angels tam et al. The abstract states that "there are various challenges in implementing regulations about equitable growth as a process of society with long-term outcomes in the actual world of social-ecological systems." Hence, research policies advocate improved innovative problem-solving ability. One approach is transdisciplinary research that integrates research disciplines, researchers and practitioners. We used group modelling to map observed hurdles and bridges for researchers' and practitioners' shared knowledge generation as well as development towards transdisciplinary research, drawing on 14 years of problem-solving experiences. The analysis showed that the transdisciplinary research process is influenced by (1) the amount of traditional disciplinary formal and informal control, (2) adaptation of project applications to fill the transdisciplinary research agenda, (3) Involvement of stakeholders; and (4) Development of functional teams through introspection and seasoned leadership. Using the application of environmentally friendly infrastructure strategy as a unifying factor for the provision of ecosystem-related services and human welfare, we

address the diagnosis of social-ecological systems and the application of knowledge creation and cooperative learning as therapeutic approaches.

Where suggested research techniques stress the need for cooperative investigations to detangle, for example mechanisms behind diseases related to ecological change (Plowright et al. 2008). These techniques and other recent scientific attempts to approach questions of complexity in social-ecological systems prove the irrelevance of talking only in terms of basic and applied science. In basic research the main motivational force is usually considered to be the researcher's curiosity and wish to expand knowledge related to a certain topic.

The causal loop diagramming (CLD) method was used to map and analyze major system connections, important feedback and system structures affecting researchers' and practitioners' ability to become involved with and be successful in transdisciplinary research. A major advantage of the CLD notation is that it uses a common unambiguous language for Describe relationships between components within a system, thus clearly communicating the system's construction, easing peer review and quality control of the proposed system. The model development process is collaborative and dialectic, characterized by successive cycles of suggestions for important systems relationships, critical assessment and critique within the larger group and later redevelopment and improvement. The result is a collaboratively created, validated, and approved model that is predicated on a consensus regarding the causal relationships among its elements.

This process needs all participants to be actively involved, carefully argumentative, and good listeners to others' arguments and counter arguments. As a language, the CLD method is easily learned, and it requires no advanced mathematical knowledge or specialized educational background (Hjorth and Bagheri 2006).

The experiences that the group modelling was based on consisted of the authors' experiences from working with different combinations of global (biophysical), social, and human systems (sensu Komiyama et al. 2011). First, a case study involving extreme predatory herbivorous animals and their biophysical environment largely illustrates a global system. Interactions among these elements, and forest and wildlife managers, affect lichen and bird species that depend on deciduous tree species such old aspen and willow trees which are the preferred food of moose.

III. ANALYSIS OF GENDER-BASED DISCRIMINATION

A. Conceptual Framework and Research Findings

The topic of gender discrimination as it appears in the field of human resources development (HRD) is the main subject of this study. On the basis of earlier research, a conceptual framework is created. Comprehensive interviews provide scenarios of discrimination against women in businesses. Results of content analysis show that gender

discrimination in HRD have four forms of manifestation, namely occupational gender segregation, employment gender discrimination, glass ceiling, and gender salary discrimination.

Guttek et al. (1996) employed three items—promotional, employment, and permanent position acquisition discrimination—to gauge the perception of gender discrimination in a company. According to Haberfeld's (1992) model of organizational employment gender discrimination, gender discrimination in an organization includes employment discrimination, job arrangement discrimination and salary discrimination. Jacobs (1993) introduced another item of gender inequality—occupational gender segregation, while Yamagata et al. (1997) found that occupational gender segregation and glass ceiling are always the most common items of gender inequality in the workplace of their analysis on gender discrimination in the internal labour market. Li and Zhao (1999) argued that gender discrimination in the labour market is embodied as occupational discrimination and salary discrimination.

B. Employment gender discrimination

As the primary stage of HRD, employee recruitment is a crucial step because it affects organization HR distribution and development to a certain degree. Hence, employment gender discrimination will have significant impact on female HRD. Based on the argument of Bellizzi and Hasty (2000), employment gender discrimination in HRD means employment decision is made based on certain gender characteristics, rather than recruitment requirements. As we observe, an employment choice involves two considerations: whether to hire a candidate and what kind of role to assign the new hire to. The manifestation of gender discrimination of the former one is that female applicants are more likely to physiological and social gender characteristics, even though these female applicants are qualified for the job. The latter is that, compared to their abilities, newly hired female employees have a greater likelihood to be placed in jobs of lesser ranking. The term "employment gender discrimination" in this research relates to the former as HRD often uses a uniform recruitment process.

C. Occupational gender segregation

Occupational gender segregation has always been a focus in gender discrimination studies, which mainly concerns why female, are excluded from some positions being high prestige, technology requirement and salary (Wang, 2004). According to Cai and Wu (2002), the trend of occupational gender disparity is more serious and higher occupational gender inequalities occur in societies with more gender segregation posts. Cai and Wu (2002) and Zhu et al. (2003) examined occupational gender segregation from the standpoint of the external labor market, defining it as the likelihood of different genders entering particular industries and occupations. While the proportion of male and female in a certain occupation is the same as employment proportion in a society, it implies no occupational gender

segregation, however, if the former exceeds the latter, it implies the existence of occupational gender segregation. These scholars emphasized gender distribution features in a certain occupation and industry. However, Jacobs (1993) argued that, besides distribution features, process features are also manifestations of occupational gender segregation. Hence, he introduced the concept of “flow” to refer to occupational gender composition and occupation-crossing individuals.

D. Glass ceiling

The concept of glass ceiling, as an important indicator of gender discrimination, was coined in 1986 because of a three-year study, which reached a conclusion that glass ceiling is a serious obstacle for the progress of female and that some behaviors are unacceptable to female, while acceptable for male (Inman, 1998). Inman (1998) argued that glass ceiling is an invisible obstacle of preventing female in middle management level from being promoted to top management level. Wright and Baxter (2000) proposed that glass ceiling mainly exists in top management level, that is, glass ceiling means that the female face more disadvantages when they are promoted from lower managerial levels to top ones rather than among low managerial levels. As Powel and Butterfield (1994) and Kete et al. (2002) pointed out, glass ceiling is an invisible obstacle based on gender, irrelevant with job situations, which is faced by female who are going to be promoted to top managerial levels in an organization. Yamagata et al. (1997) pointed out that the concept consists of two dimensions, namely internal glass ceiling of primary occupation (occupational dimension) and external glass ceiling of primary occupation (organizational dimension). Based on their empirical study on second-hand data, Groot and Van den Brink (1996) found that female employees have less access to jobs with great promotion potentials. Even if female employees get such kind of jobs, they do not enjoy equal promotion opportunities as their male colleagues. The reason responsible for such phenomenon is that male and female are being treated differently based on their genders rather than individual’s capabilities relevant with jobs.

E. Salary gender discrimination

Salary gender discrimination has the most direct impact on female’s economic status in society. There has been a large amount of earlier research focusing on salary gender discrimination. In 1986, Cain reviewed literature on salary gender discrimination and found that most studies divide the salary differences between male and female into two parts: one is legal one, which reflects employee’s productivity differences; the other is illegal one, which is based on gender discrimination. OFCCP defines salary discrimination as different treatment to individuals with similar skills and qualifications in jobs and responsible hierarchy. And gender salary discrimination refers to that female employees receive less salary than their male peers because of organization custom or enterprise policy, even if these female employees do the same job, have the same educational background and experience as their male peers (Alkadry, 2006).

IV. STRATEGIC AND TACTICAL RESPONSE TO GENDER-BASED PAY DISCRIMINATION

A. Propose a Strategic and Tactical Response to Gender Based Pay Discrimination

The new economy reflects a global shift from redistribution strategies to a free market political climate that benefits capital and promotes shareholders' interests while also increasing social and economic inequalities among disadvantaged groups. As this chapter proves, the process of labour market restructuring is not gender neutral. Combined, many changes resulting from the new economy's political and economic processes have increased women's social and economic vulnerability. To best address the dangers of the new economy with respect to the gender wage gap, women's movements and equity supporters must embark on a new struggle towards redesigning the law so it will effectively confront and address the practical difficulties that are inherent in the new economy. The following chapter addresses these difficulties and the proper legal framework for new effective pay equity legislation in the federal authority.

B. The Pay Equity Process

Achieving pay fairness is a difficult task that typically involves multiple steps. It begins by finding the female-predominant and male-predominant job classes. Each job class is then evaluated, and a wages comparison of the closed-value job classes is performed. The last step involves deciding and setting adjustments to be paid. Contemporary trends of the new economy has complicated the pay equity process as the meanings of 'job', 'payment', 'skill' and 'work' have become flexible and vague. To keep this procedure's relevance, these contemporary trends must be accounted for and redressed within the new legislation. Approximately half of the Pay Equity Report is devoted to the pay equity process itself and its complex elements and difficulties. A description of this complexity follows, outlining several factors concerning job classes, allowable exemptions and employees' participation in the pay equity process.

- **Finding, Valuing and Comparing the Female and Male Job Classes**

Every pay equity process begins by finding the job classes - single jobs or groupings of jobs such as nurses, firefighters, secretaries or teachers - which are going to be evaluated and compared. This step is especially important since it structures the unit of analysis for the whole pay equity process, and it is complicated given the difficulty of defining "job" or "occupational group" (the term used in the Guidelines). Historically, jobs were defined according to certain known duties, tasks and performances. Today, due to the need for flexible production lines and work arrangements, employers broadly define the responsibilities and qualifications of jobs. Many small establishments are affected by this and have had trouble in grouping similar positions and jobs. 89 The report intends to set up homogeneity of job classes and avoid arbitrary effects on predominance. Rather than focusing on the titles or classifications of the jobs as defined by the employers, (which may reflect gendered assumptions), the report proposes to define the scope of jobs based on four

criteria: "similar duties or responsibilities; similar qualifications; the same rate of pay or the same pay scale.

- **Allowable Exceptions**

Most pay equity laws exempt wage differences that are recognized to reflect legitimate differences in pay rather than discriminatory practices. Federally regulated employers, based on section 16 of the Equal Wages Guidelines, can justify a difference between male and female employees' wages if resulting from one or more of these factors:¹⁰⁴ different performance ratings; seniority; re-evaluation and downgrading of a position; a rehabilitation assignment; non-disciplinary demotion; temporary training; internal labor shortages; reclassification of a position to a lower level; and different regional wages. These exemptions give employers the necessary flexibility to apply the legislation and to distribute labor according to its most efficient uses.¹⁰⁵ They are in effect, the "last hope" for employers to keep some discretion in terms of the renewed pay equity process. However, the report recommends that these exemptions be narrowly defined to keep the integrity and effectiveness of the scope of the legislation and the principle of pay equity. The basic principle here, common to all legitimized exemptions, is that their application must be gender neutral as well as "logical, justifiable and suitable in the context of their management of compensation under normal conditions (i.e., prior to pay equity implementation)."

- **Employees Participation in the Pay Equity Process**

One of the Task Force's innovative suggestions for the new legislation relates to employees' participation in pay equity decision-making. The current provisions under the CHRA do not provide employees with a "voice" in the preparation of a pay equity plan and the employer do not have to consult with either the employees or their representatives. In recent years, however, different models of employees' involvement in workplace's decision-making have become widespread in many legal systems. In Canada they can be found, for example, under the federal Employment Equity Act, which requires employers to consult with employees and unions when implementing programs of employment equity.¹²⁴ They can also be found provincially in the Ontario Pay Equity Act which requires employers to inform their employees about the content of the pay equity plans and allows workers to file objections with the Pay Equity Commission regarding these plans.¹²⁵ Under the Quebec Pay Equity Act, employers of 100 or more employees are required to establish a pay equity committee, composed of employees' and employers' representatives, which is responsible for developing and monitoring the pay equity plans.

The pay equity process is complex and has many details and stages. Presented are several prominent recommendations of the Pay Equity Report which strive to change the basic elements of the pay equity regime to best adapt to the changing features of the new economy. As noted, such relevant features include non-standard work, the shift to smaller establishments and multi-faceted workplace structures and the fluid definitions of skills and jobs. The basic principle throughout the report is that the new pay equity law should cover

as many employees and forms of employment relationships as possible, to ensure an effective implementation of the law. Each recommendation within the report independently contributes to the overall transformation of the pay equity legislation into an effective legal tool that will promote women's economic equality. The remaining question now regards the future of this report and whether the proposed reform will languish or be taken up by the government. While the report presents the social aspects of the gender wage gap and the proposed legislation, it is almost entirely void of economic considerations that might influence its acceptance as a promising labour policy.

IV. CONCLUSION

Systems analysis helps in solving complex problems by understanding how different parts of a system interact. For example, the study "Learning How to Solve Problems in Social-Ecological Systems" shows how analyzing these interactions can lead to better solutions. Similarly, to tackle gender-based pay discrimination, it is important to understand the different ways it shows up, such as unequal pay for similar jobs, fewer promotions for women, and barriers like the glass ceiling. To address these issues, we need to take strategic and practical steps. Strategically, updating laws to better address modern work practices and ensuring they tackle the gender pay gap are key. Practically, the pay equity process should involve finding and comparing job roles, making fair adjustments, and allowing employees to have a say in decisions. Laws should be updated to match new job definitions and work structures. Overall, addressing gender-based pay discrimination requires both thoughtful changes in the law and practical steps to ensure fairness. By doing this, we can work towards closing the gender pay gap and creating a more equitable workplace.

REFERENCES

1. Per Angelstam, Kjell Andersson, Matilda Annerstedt, Robert Axelsson, Marine Elbakidze, Pablo Garrido, Patrik Grahn, K. Ingemar Jönsson, Simen Pedersen, Peter Schlyter, Erik Skärbäck, Mike Smith, and Ingrid Stjernquist; Solving Problems in Social-Ecological Systems: Definition, Practice and Barriers of Transdisciplinary Research, *Ambio*. 2013 Mar; 42(2): 254–265.
2. Revital Goldhar (2004); Restructuring Pay Equity in the Era of the New Economy YAN Shimei, YAN Shizhi, ZHANG Man; Manifestation of gender discrimination in human resources development – A content analysis based on interview data, *Front. Bus. Res. China* 2009, 3(3): 470–491
3. Canada. Parliament. House of Commons. Standing Committee on Foreign Affairs and International Development, Allison, D., New Democratic Party, & Liberal Party of Canada. (2012). Driving inclusive economic growth: The role of the private sector in international development: Report of the Standing Committee on Foreign Affairs and International Development. House of Commons Canada.
4. Angelstam, P., Andersson, K., Annerstedt, M., Axelsson, R., Elbakidze, M., Garrido, P., Grahn, P., Jönsson, K. I., Pedersen, S., Schlyter, P., Skärbäck, E., Smith, M., & Stjernquist, I. (2013). Solving problems in social-ecological systems: Definition, practice, and barriers of transdisciplinary research. *Ambio*, 42(2), 254–265. <https://doi.org/10.1007/s13280-012-0372-4>
5. Yan, S., Yan, S., & Zhang, M. (2009). Manifestation of gender discrimination in the process of human resources development – A content analysis based on interview data. *Frontiers of Business Research in China*, 3(4), 470–491. <https://doi.org/10.1007/s11782-009-0023-1>
6. Goldhar, R. (2004). Restructuring pay equity in the era of the new economy [Thesis, University of Toronto]. <https://hdl.handle.net/1807/121330>