

Consequences of Discrimination at the Workplace

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Abstract: Nowadays, although work relationships should be based on the principle of equal treatment of employees, diversity at the workplace has led to an increase in employee inequality in treatment. Despite policies to regulate work-related inequalities, it still exists and develops on the basis of personal characteristics such as gender, age, geographical area, religion, sexual orientation or some chronic disease. Workplace inequality can be defined as that distinction in favor of or against a person or thing on grounds that relate to the group, class or category of which the person or work belongs and which is reflected in wage differences between men and women unfair practices and opportunities for injustice, especially in regard to employment of people of different ethnic origins.

Keywords: discrimination; workplace; inequality; employees; disciplinary liability; diversity

Workplace discrimination is common practice in all areas of work. In an ideal world, people would benefit from equal rights, opportunities and responsibilities, despite race or gender. However, the current society's tendency is to treat people differently because of the peculiarities they possess.

Unfortunately, this is happening even in places that by definition should be void of all personal prejudices, specifically in offices and other business environments. This phenomenon is called workplace discrimination.

But not any unfair behavior at work can be considered discrimination. Practically, workplace discrimination can be defined as less favorable treatment than an individual or a group of individuals at work, usually based on nationality, skin color, gender, marital status, age, trade union activity or other defining attributes.

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From the very beginning of human existence to present time, discrimination has produced significant negative effects. Each individual experienced at one point an act of discrimination.

Increasing cultural diversity at work has forced employees from different ethnicities and backgrounds to collaborate to meet the company's goals. (Chiriac, 2007) Unfortunately, differences between people generate misunderstandings and lead to conflicts and acts of discrimination. In this respect, employers have the responsibility to protect workers against acts of discrimination or unfair treatment at work.

Discrimination at work can be defined as that distinction, directly or indirectly, in favor of or against a person or a thing on grounds that belong to the group, class or category of which the person or work belonging to, to the detriment of individual merit. This action is not only offensive but also harmful. In addition to the reasons listed above, employees and jobseekers may also be discriminated against due to disabilities, genetic information, pregnancy or their relationship with another person.

Direct discrimination¹ means treating a person with a different attribute than a person without this attribute, such as the refusal to hire a person on account of his belonging to a particular religion.

Indirect discrimination² means imposing a requirement that a person with a certain attribute cannot respect, such as the obligation of a worker with family responsibilities to work on the weekend.

Labor relations are governed by the principle of equal pay for employees³. To do this, employers should not discriminate in the recruitment, hiring, or promotion of employees.

Employee protection at the workplace requires the employer to use the same workplace requirements for all individuals and to ensure that they do not exclude persons in a particular racial group⁴. However, research shows that discriminatory practices persist and manifest themselves in a variety of ways.

¹ Art.4, letter a of Law no. 202 of 19 April 2002 on equal opportunities and treatment of women and men, published in Official Monitor no. 326 of June 5, 2013.

² Art.4, letter b of Law no. 202 of 19 April 2002 on equal opportunities and treatment of women and men, published in Official Monitor no. 326 of June 5, 2013.

³ *National Strategy on Promoting Gender Equality and Prevention and combating domestic violence for the period 2018-2021*

⁴ *Combating Discrimination, Training Manual*, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities.

Racism has been identified as the conviction that race is the main determinant of human Capabilities, that a certain race is better than others and that individuals should be treated differently according to their racial name.

In working relationships, racial discrimination implies the unfavorable treatment of a person, applicant or employee, on the grounds of belonging to a particular race or because of the personal characteristics associated with the race.¹

At this time, race-based discrimination is a continuing, substantial problem that society tends to ignore on a daily basis, which is why racial discrimination at work has in some cases worsened.

Organizations that differentiate their employees by race risk losing their customers, patrons and financial support, which leads to a likely decrease in notoriety, significant fines and lengthy processes. For the most part, employers accused of discrimination are trying to cover themselves actions, justifying the loss of the employee's job through budget cuts.

Following unethical behavior towards employees at work, companies are facing loss of financial support from the community where their business is. In fact, organizations that differentiate employees on the basis of race considerations risk being penalized with significant financial penalties.

Racial discrimination at work creates an unhealthy work environment. Employees should feel comfortable at work. As a result of discrimination, employees may become depressed and fearful of losing their job, which causes them to have a high level of personal anxiety.

The consequences of racism at the workplace are massive, including lack of workflow, loss of customers and many civil cases in court. The civil cases based on racial discrimination determine the loss of notoriety and respect for clients.

Racism eliminates the efficiency of labor dynamics, in that some employees may not work effectively with others so that there is no workflow, which could negatively affect the company.

For a company to survive such situations, it is necessary to have some solutions and preventive measures for acts of racism. This can be achieved through awareness, training and disciplinary action. Companies that strive to achieve cultural diversity

¹ International Convention on the Elimination of All Forms of Racial Discrimination

are open to changes in corporate policies that provide incentives for employees who increase productivity in their departments on the basis of cultural diversity.

Studies have shown that members of the majority group, especially those holding positions of authority, are often motivated to maintain their privileged positions. A primary way of achieving this goal involves excluding people from different racial groups at the same time as offering opportunities only to people who share their demographics. Therefore, racial groups face a differentiated privilege as a result of racial discrimination, which benefits one group to the detriment of the other. Benefits granted to the privileged group, such as higher wages, necessarily limit workplace benefits for the discriminated group.

Members of the majority group can engage in discriminatory racial activities because of a sense of common trust and understanding, which is more significant when there is greater resemblance among group members.

Similarly, individuals can act in discriminatory ways as a result of institutional organization or work pressure.

Restricting, separating or classifying employees or jobseekers in any way that would deprive any person of employment opportunities or otherwise affect their employee status due to their race, color, religion, gender or the origin of the person concerned in describing the phenomenon of racial discrimination.

Although European legislation has promoted gender equality since the inception of the European community, the most prominent form of discrimination in the workplace is based on the person's gender and usually in the form of men who discriminate women, thus preventing them from obtaining certain jobs. Society rated men as more dominant figures, which is why they should have privileges in getting jobs at the expense of women, seen as the poorest sex.

In working relationships, gender discrimination involves applying a differential treatment to an employee based on sexual stereotypes¹, or because it does not conform to traditional notions of femininity or masculinity, either as a result of affiliation to a particular organization or group associated with a particular gender.

In turn, gender discrimination can be manifested directly or indirectly. We encounter direct gender discrimination when a person is treated less favorably because of sex

¹ Sexual discrimination in labor relations, wikipedia <https://en.wikipedia.org/wiki/Discrimination>.

than the way any other person of the opposite sex would have been treated under the same circumstances.

Discrimination is indirect when it requires a rule, policy or practice that a person of a particular sex is less likely to fulfill, and this puts him at a disadvantage to the opposite sex.

Nowadays, the issue of discrimination of women at work is treated with great interest. Several criteria have been identified for this purpose, on the basis of which the difference in treatment for reasons such as the applicant or the employee is obvious.

Discrimination as a difference involves giving a woman less salary for the same job. We are in the face of gender discrimination as an exclusion when a job announcement is addressed to men only. Gender discrimination as a restriction excludes women from access to training courses, and gender discrimination as a preference implies giving employers' benefits only to male employees.

Discrimination at work can take some form of menacing, known as harassment at work. This involves intimidating, insulting or humiliating the employee on the basis of characteristics such as race, ethnic origin, sex, physical or mental disability or any other characteristic specified in the legislation.

The two radical forms of harassment at work are the application of physical violence or sexual harassment.

Violence at the workplace can take several forms: direct employment of physical force against a worker who causes or is capable of causing injuries to the worker; an attempt to employ such physical force or a statement or behavior that a worker can reasonably interpret as a threat to the exercise of physical force.

Gender discrimination also includes unwanted sexual advances, sexual favors, or verbal or physical harassment of a sexual nature. Sexual harassment may also include offensive observations to employers. Of these, women are particularly exposed to this type of discrimination. Recent studies have found a significant number of situations where young women face sexual harassment and insecurity at work. Sexual harassment can take the form of obscene jokes, intrusive body contacts, inappropriate gestures or even direct actions aimed at sexual intercourse.¹ Among

¹ Sexual handling at work, Research Report, Center for Equality Partnership – CPE, 2007.

the reasons why women did not report sexual harassment at work were the fears of losing their job.

Discrimination can also occur against different age groups. ¹Both young people and the elderly have difficulties to take seriously when seeking jobs. This is due to the inclination of companies to attract middle-aged people with prejudices towards younger people.

Employees with disabilities can be treated negatively by colleagues, supervisors or managers, and this is not a legal behavior if it is solely due to the disability they have.

Discrimination can also be caused by reasons such as religion, hatred and stereotypes. One of the main reasons for discrimination is religion, which can affect the workplace. Also, at the workplace, discrimination can only occur because of hatred. For example, some employees may think that another employee has received an increase just because of his race so that he would be discriminated and hate him.

The effects of discrimination at the workplace expands on two levels. Firstly, discrimination leads directly to the ascent in unemployment. Gender discrimination in some companies significantly diminishes the employment opportunities of females. The same effect is discrimination on grounds of age. Young people cannot find jobs after graduation because some companies consider their lack of experience would not profit them.

Secondly, discrimination leads to a decrease in work efficiency. Discrimination against women will lead to the loss of work balance. Again, discrimination on grounds of age will generate the same effects. Although the advanced age of employees is often assimilated with experience, young people are full of eagerness and ideas, so these two groups are both important for a company.

Discrimination may also appear as a rejection of certain rights, negligent treatment, deliberate underestimation of a worker's personality or the results and achievements of work, and so on. A person may be discriminated against by their employers or their colleagues.

¹ Combating discrimination, training manual, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities.

At the end of the employment relationship, discrimination can occur in the form of abusive dismissal.¹

Discrimination can lead to serious psychological consequences for the victim, such as emotional stress and anxiety, and may often cause the employee to leave the job, resign from a position or, in serious cases, commit suicide or violent action against discriminators.

At the conceptual level, persistent and repeated experiences of discrimination are particularly relevant in identifying the contribution of discrimination to health conditions in which onset and progress are characterized by long periods of time.

Unfortunately, the society we live in is not perfect and not all people can enjoy equal chances and rights. This aspect refers not only to our personal lives but also to our working environment. Employees can be discriminated against and abused because of certain features they possess, such as skin color, ethnicity or gender, age, marital status, disability, and so on.

There are several ways to tackle discrimination at the workplace; such measures can be taken both individually and collectively.

People who have suffered discrimination or harassment at work are recommended to stay firm in verbal attacks, remain confident in their own skills and judgments.

Employees who face acts of discrimination may seek help by talking to a supervisor, filing a complaint or starting a lawsuit. Many employees find it helpful to discuss the situation with a boss or a superior before filing a formal complaint. In some situations, the situation can be solved internally to the satisfaction of all parties involved.

These issues are also being managed with more training courses or counseling sessions for both the victim and the perpetrator. Direct communication with a supervisor can help mitigate costs and make a complaint public.

Discrimination at work stops where employees and employers know the law, essentially the rights and the obligations. Employees have the right to work in a free harassment environment no matter their age, gender, race, ability, religion and ethnicity or other feature.

¹ Combating Discrimination, Training Manual, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities.

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