“Job discrimination, its ethical and legal issues”

Introduction:

This“discriminate” word appeared in the early 17th century in the English language. It is from

the Latindiscriminat- 'distinguished between. Today, this discrimination mention to

"wrongfuldiscrimination," or distinguishing among people on the basis of prejudice instead of

individual merit. In an organization discrimination exists when a disproportionate number of a

certain group’s members hold low desirable positions despite their preferences and abilities.Not

all discrimination is willfully. Sometimes people support some groups of people over others as a

matter of personal preference, whatever job discrimination is intentional or isn’t, it isalways

immoral. Job discriminations violates utilitarian, rights and justice principles of ethics. Job

discriminations breaks utilitarian principle because it causes an inefficient use of human

resources.Another name of job discrimination is employment discrimination. Dealing with

discrimination at workplacecan hurt an employee’s productivity, relationship with other

supervisors, and coworkers.

Types of Job Discrimination:

There are various types of discriminationand they differ depending on the job environment, how

well a human resources office works with employees.In this section these will be discussed in

below:

Gender Discrimination: Women have been for decades discriminated by society

.Gender discrimination arrive when an employee is treated badly due to their gender.

Female worker being paid less than their male coworker despite doing a similar or the

same job, have a similar output or productivity level, and have a similar level of

education or work experience. Many articles online highlight that gender discrimination

is one of the reasons why women make less than men, and why the CEOs of top

companies are overwhelmingly men despite more women pursuing higher education.

Most of the time women chose their careers based on what they like. On the other hand,

men chose future jobs based on high salary and status in society.

Religious Discrimination: This discrimination occurs when an employee isn't

considered for benefits, promotions, or preferable assignments and tasks due to their

religion. If a worker's religious garb isn't getting in the way of their work and

productivity and isn't hurting other workers, then there is no reason to withhold benefits,

promotions, or pay from an employee.

Agism or Age Discrimination:It occurs when employees are treated less favorably

because of their age. Senior workers are most of the time discriminated in the workplace.

Some workplaces see older employees as less productive, less healthy, and less

innovative than younger employees, which isn't always true and their work is more

expensive than younger workers.

Racial or Ethnic Discrimination:This Discrimination-occurs when people are treated

separately because of their race or color. This problem overwhelmingly affects people of

color who are entering professions that they were once barred from in the United States.

Hereemployees deal with slurs, being blamed for issues on the job that are not their fault,

or even being fired. Race discrimination can be direct or indirect.

Disability discrimination: In some organization disability person is treated less

favorably .Even having the ability, qualification or experience disability employee

sometime treat badly and being unfair

Effect of job discrimination

Employee get effected physically and mentally because of job discrimination isphysically and

also become depression, anxiety, loss of self-control or even attempting suicide. It haseffects on

both the employee and the workenvironment. Some effect of job discrimination is describe in the

below;

Decreased Employee Productivity: Job discrimination create the feel of helpless and

anxiety-ridden, and may suddenly lack interest in job responsibilities, career

advancement of employee which is bad for company's welfare.

Financial: When employee morale is down, employers often hire costly team-building

experts to motivate and encourage employees. Hiring new employees is also expensive.

Legal Trouble: An employee can take legal action against the company. If an employee

can prove discrimination, he or she can bring legal action against the company in the

form of a lawsuit or a complaint to the government

Loyalty and Turnover: Employees who feel they aren't being treated fairly are likely to

leave organization. Thus leave the organization, increasing turnover. If an employee feels

there is no future within the organization, employee will be less invested, loyal in the job

and will leave it

Employee Conflict: Employmentdiscrimination can make jealousy employees against

one another if they feel they aren't judged rightly on their merits and accomplishments.

Employeeswho feel they're the subjects of discrimination may grow increasingly angry

and may take out their negative feelings onco-workers or even on customers and clients.

Unemployment Rate: Job discrimination is one of common cause of the nation's

unemployment rate. If a company does not hire female employee, then the female

applicant does not get the job. Thus it create unemployment.

Ethical issue:

Positive job place ethics should be a part in every company. Workplace ethics are standards that

determines right and wrong moral behavior in the work environment. Workplace discrimination

deals with issues such as religion, race, gender, disability, age, and sexual orientation. For

disappearjob discrimination can take on different approaches and can involve small or large

groups of people working together to solve different issues. Building awareness at a workplace

can help employees feel empowered to get help when they are experiencing discrimination or see

another worker being discriminated against. Whenever there is a discrimination incident at job

place, it's best to address it quickly and to involve several parties if possible in order to address

the person who may have caused the problem, assist the person who had to face the

discrimination

Legal issue of job discrimination:

One of the first major laws to protect people from job discrimination was Title VII of the Civil

Rights Act of 1964. Title VII specifically directed employers not to make hiring or promotion

decisions based on a candidate's race, color, religion, sex or national origin.Employers are

required by laws to ensure that employees are treated fairly in the workplace and not

discriminated in the workplace. Victims of workplace discrimination must make many

decisions. They must decide whether to quit their jobs and attempt to find alternative

employment, they must determine whether they want to take action against their employers.

▪ Need direct evidence that discrimination occurred .Circumstantial evidence can be

extremely helpful in workplace discrimination case, but must have direct evidence of

discrimination for case to be viable.

▪ It is often advisable to place complicated situations in the hands of experts. A qualified

attorney can help laypeople wade through the legal process and determine whether there

is reasonable cause to believe that discrimination did occur.

▪ It is advisable to attempt to settle workplace discrimination cases without enduring a long

and arduous trial. Attorney should do research before entering dispute resolution against

subsequent penalties.

▪ According to EEO laws, victims of workplace discrimination may seek a variety of

remedies, where applicable. Employees may request back pay, restoration of their

original job.

Methodology:

The methodology is depending on Laws, articles and the other sources by researching website,

blogs, journal, newspaper, articles and some primary sources. Our assignment is research base

assignment.

Constitution of Bangladesh and job discrimination:

In our constitution of People’s Republic of Bangladesh talks about job discrimination in our

Bangladesh .There specific Articles are clear about these issues. In Article 29 says about

Equality of opportunity in public employment and public job sector. In Article 29(1) says that

equality of opportunity for all citizens in the respect of employment or office in the service of the

Republic and Article 29(2) clear that No citizen shall discriminated on grounds of religion, race,

caste, sex or place of birth, ineligible or disallowed for any employment or office in the service

of the Republic. So these Articles are making clear about securing their adequate representation

in the service of the Republic. In our constitution Article 27 says equality before law so it makes

clear that there is no discrimination against any job sector or human being.

Arguments for and against of job discrimination:

Arguments for:

Businesses or job sectors are ran individual and privately so it’s their own choice to

discriminated for choosing employments as their own choice. If once choose a weak person

because of priority of the society than the business or job place will not reach their destination

and fail to achieve their goal. So because of discrimination issue in the society they do not

choose less qualified people for run the industries. Sometime Age also matter for hiring any

employment because if they are younger age and not experience for that particular job then they

never get the job and obviously it is not discrimination at all. In our country there are many place

where regular happening discrimination not only job place so, only job sectors are not

responsible alone for this liability.

Arguments against:

Discriminations are strictly prohibited in our country. In many laws are prohibited the

discrimination accurately. When any job sectors or job place are retire, termination or fired any

person then they have to be given opportunity to the minor people who are youngest and newly

build their career on job life. Women’s should get job at their desire place. No discrimination

will be happed on hiring and giving upper level of position. Job discrimination effect on the

workers for age limits in job advertisements and also for decision which based on the merits of

the applicants. It affects women over 35 and men over 40 who are trying to find new

employment or change direction mid-career.1

So for solving all the problem related

discriminations at job sectors Government should take some necessary step as early as possible.

Goals:

Discrimination is morally and ethically wrong because it gives one group is less worthy than

another so it is totally unfair. Our main goal is to solving the issue of discrimination at job

sectors and build up our ethical and moral behavior on stage as early as possible. For Job

discrimination many people are jobless and the amount of unemployment is 4.37 % in December

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.So we should develop our point of view on hiring any one as a person not as to see their

cast ,race ,gender or place because that is totally against our moral behavior. If we strongly

established the moral issues and no discrimination at job place than our next generation will not

face the same problems at all. Our main purpose to study is no one treating a women or blacks

less favorably than men or whites just because they are women or blacks is morally wrong. Our

country should as early as possible take step against the discrimination on job sector which is

legally and ethically prohibited in our country.

Evaluation:

The discriminations in job place are prohibited at both legal side and also ethical point of view.

But it never demolish totally from society because some industries are still hiring employee as

their requirement. They still gives men priority than women and also experience, merit is the

highest choice for highest position .These cannot totally remove from society overnight because

many people still morally unstable to understand to which is wrong and which is right .so we all

should try to resolve the issue and Government also should provide strict attention for stopping

this kind of discrimination at job sectors.

Conclusion:Developed societies have a lower rate of job discrimination than developing

societies have. Although, it is unclear why in these societies with economic civilization and

culture development, job discrimination still exists, when the right of employment is sanctioned

and guaranteed by Labor Code and by specific laws. The most common forms of job

discriminations are discriminations based on gender, race, ethnic origin, religion, age. New

forms are based on disability, sexual orientation, genetics and lifestyle.Because of thismany

people face difficulty even our social life , work life and our personal life also face the

problem.There were low rate of employees who reported their discriminations, because people

do not really believe in justice and they have fear to lose their job if they go against their

employer. But everyone should take step against this job discrimination. There are good laws

1 Bartleby writing,‘Essay on Age Discrimination within the Workplace’, 8.

2 CEIC,’ Bangladesh Unemployment Rate.’

against discriminations in workplace. We all need to take step for this and should not support the

wrong side.