DISCRIMINATION IN THE WORKPLACE:
HOW IT IMPACTS A BUSINESS

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E DE EMPRESAS PARA OBTENÇÃO DO GRAU DE MESTRE

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ABSTRACT

Discrimination, in its best form, is a hard concept to fathom as an employee or ordinary citizen. In the workplace, there are times when discrimination is necessary due to extenuating circumstances that revolve around the form or act of discrimination. It could be conveyed to save a life or avoid future conflict. However, it must be clearly stated as a written law that the act is lawful. When unlawful discrimination occurs, it stages an entirely different tone, as it is mainly conducted out of malice, hatred, greed, control, or ignorance. Over the last few decades, discrimination has existed in the workplace, although Federal laws mandate that it does not occur. It does not exist in just one geographical area or is country specific, but covers a wide spectrum, linking countries together from their points of view to creating rifts amongst those who are affected and those who are not, not only from a business perspective, but social humanistic relationships as well.

This thesis will use quantitative and qualitative data to support discrimination of sexual harassment, race or color, and gender issues, as well as personal experiences, and how it has and will continue to impact businesses if the acts do not cease, permanently. Leadership, from the Presidents and Heads of Countries, Chief Executive Officers (CEOs), managers, lowest-ranking supervisor, and employees should make it their personal goal to ensure these issues do not continue or arise in their perspective areas of responsibilities. When employees understand that they are valued, will be taken seriously when reporting acts of discrimination, and that some form of action will be taken, performance and productivity will escalate, and morale will increase in the workplace, resulting in higher productivity and subsequently higher profit margins for the company.

Keywords: discrimination, Supreme Court, sexual harassment, leadership, organizational behavior, human behavior, exclusion, inclusion, biases
The research and writing of this thesis is dedicated to everyone who has fought for justice, equality, and helped me along the way, especially to those who had to endure the hardships.

Many thanks,
Deidre R. Whitfield
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<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>EEOC</td>
<td>Equal Employment Opportunity Commission</td>
</tr>
<tr>
<td>U.N.</td>
<td>United Nations</td>
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<tr>
<td>LGBT</td>
<td>Lesbian, Gay, Bisexual, Transgender</td>
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<tr>
<td>Title IV</td>
<td>Portion of Civil Rights Act prohibiting discrimination based on race, color, national origin, creed, or sex pertaining to entities receiving federal government funding</td>
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<tr>
<td>Title VII</td>
<td>Portion of Civil Rights Act prohibiting discrimination based on race, color, national origin, creed, or sex</td>
</tr>
<tr>
<td>Title IX</td>
<td>Educational Amendment prohibiting sexual harassment in public schools, programs where entities receive federal government funding</td>
</tr>
<tr>
<td>VMI</td>
<td>Virginia Military Institute</td>
</tr>
<tr>
<td>ADEA</td>
<td>Age Discrimination in Employment Act</td>
</tr>
<tr>
<td>PDA</td>
<td>Pregnancy Discrimination Act</td>
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<tr>
<td>IRCA</td>
<td>Immigrant Reform and Control Act</td>
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<tr>
<td>ADA</td>
<td>American Disability Act</td>
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<tr>
<td>ILO</td>
<td>International Labour Organization</td>
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<td>OECD</td>
<td>Organisation for Economic Cooperation and Development</td>
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1. INTRODUCTION

Discrimination in the workplace is unethical and prohibited by law. However, when it does occur, it should be handled in a fair and expeditious manner to avoid negatively compromising the business. The concept of “discrimination” is subject to a range of diverse interpretations. It has become one of the most highly used words in our history and society has been taught how biased and discriminatory civilizations once were. United States history, by itself, contains some of the world’s most deeply rooted discriminatory practices towards different groups of people. From the enslavement of African-Americans, to the mistreatment of Native-Americans, to the set of or lack thereof, rights afforded to women for many years, the history of the United States is saturated with unfair treatment, biases, and discrimination. However, with the creation of powerful documents and legislation, citizens are perceived as being protected from such discriminatory practices in the workplace.

The Constitution of the United States begins with “We The People of the United States,” and discusses that this document was formed in order to ensure its citizens were granted liberty, justice, peace, and security as part of their rights of living in the United States (Mr. Brady, 2007). However, this document that was signed on September 17, 1787, constructing the foundation for our national government, did not include the rights of enslaved humans, as they were the property of their slave owners, and therefore did not have the rights of free men. The Thirteenth Amendment was proposed in January 1865 to utilize slavery only as a form punishment for a crime and was ratified in December 1865 (U.S. Constitution, 1787).

Senator Lyman Trumbull, co-author of the Thirteenth Amendment, wrote and introduced the Civil Rights Act of 1866 (there are at least nine amendments throughout history), to protect the civil rights of African-Americans during the American Civil War era. Introduced in 1865,
this Act was the first United States federal law that provided definition to U.S. citizenship and mandated that the law protected all citizens equally (Mr. Brady, 2007). Although originally vetoed twice by President Andrew Jackson, Congress passed the bill in 1866 by a two-thirds majority vote. A portion of the act is as follows:

_The Civil Rights Act of 1866 also said that any citizen has the same right that a white citizen has to make and enforce contracts, sue and be sued, give evidence in court, and inherit, purchase, lease, sell, hold, and convey real and personal property. Additionally, the Act guaranteed to all citizens the “full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and ... like punishment, pains, and penalties...” Persons who denied these rights on account of race or previous enslavement were guilty of a misdemeanor and upon conviction faced a fine not exceeding $1,000, or imprisonment not exceeding one year, or both (Civil Rights Act, 1866)._ 

Section 1981 of this Act, was the first major employment anti-discrimination law, abolishing discrimination against race and color. President Abraham Lincoln, who was assassinated in April 1865 for abolishing slavery and granting African-American voting rights, also stated the following:

_In what I have done I cannot claim to have acted from any peculiar consideration of the colored people as a separate and distinct class in the community, but from the simple conviction that all the individuals of that class are members of the community, and, and, in virtue of their manhood, entitled to every original right enjoyed by any other member. We feel therefore, that all legal distinctions between individuals of the same community, founded in any such circumstances as color, origin, and the like, are hostile to the genius of our institutions, and incompatible with the true history of American liberty (Civil Rights Act, 1866)_

Ninety-eight years later in 1964, Titles VI and VII of the Civil Rights Act were created to further abolish discrimination practices and affirm the rights of citizens and employees. In 2009, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act outlawed crimes against lesbians, gays, bisexuals, and transgenders (LGBT); the United States Equal Employment Opportunity Commission (EEOC) enforces all of these Acts (EEOC website, 2013).
1.1 STATEMENT OF PROBLEM

As a result of the numerous Civil Rights Acts and Employment Acts, company workforces have become very diversified, albeit government or private industries. Over the course of my twenty-one year military career, there has been a false sense of non-discrimination in the workplace. Conversations of majority vs. minority are often the primary rebuttals heard when addressing issues, such as promotions, or quotas, but it is not only race related; sexual harassment is rampant amongst the services; considerably male against female is reported, gender related issues such as pregnancies, and race, although it is hard to believe. After personally being subjected to sexual harassment by a military instructor, gender discrimination-I perform the job of the caucasian male and he receives the promotion-, and observing the demographics of the Senior Enlisted Leadership, particularly in the United States Air Force and Navy, and in speaking with others who have experienced similar situations, these topics remain an issue. Although various discrimination topics will be mentioned, the main focus will be on these three discrimination issues: 1) Sexual harassment 2) Race/Color biases and 3) Gender in the military, other government institutions, and the private industry.

1.2 STATEMENT OF PURPOSE

The purpose of this research is to correct the myth that discrimination does not exist in the military, other government institutions, and the private sectors, even though the federal laws prohibit it, by providing evidence and logic. Hopefully, it will shed light on the issues and assist with corrective actions employed by the United States government, from the lowest to highest levels of authorities; to ensure these issues do not continue to be a hindrance to employees or
potential employees; and that the United States is not only about making laws, but ensuring they are adhered to for fair and equitable treatment to all citizens.

1.3 RESEARCH QUESTION

This research will explore the following questions:

1. Are there Federal or local Non-Discrimination laws in the workplace?
2. Have people reported discrimination within their workplace or other areas?
3. Are people reluctant to report discrimination within their workplace or other areas?
4. Do people feel as if they are or have been discriminated against within their workplace or other areas?
5. What is the race of the individuals?
6. What is the gender of the individuals?
7. Are there biases, if so, where?
8. Based off of the evidence provided, what are the beliefs and/or perceptions of discrimination within the workplace?

1.4 FEDERAL ANTI-DISCRIMINATION LAWS

Title VII, which is considered the most comprehensive and powerful of all federal laws prohibiting sex discrimination in employment, did not have smooth beginnings. A civil rights bill was introduced in Congress, 1963, prohibiting race discrimination pertaining to voting rights, public facilities and accommodations, and federally assisted programs, in addition to banning employment discrimination, *inter alia*, based on race, national origin, creed, or color, and sex (Halberstam, DeFeis, 1987). Title VII applies to businesses that employ fifteen or more people,
part-time or full-time. In addition, most states laws have been established to protect employers with fewer employees. Title VI applied the race, color, and national origin verbiage to any activity or program receiving financial assistance from the government (Steingold et al, 2011). Title VII does not specifically cover illegal harassment, however, it does prohibit it.

Title VII also created the federal agency, EEOC. Its goals are to investigate, appease employment discrimination complaints, and bring justice against employers in the federal court system. If they are state and local governments, the U.S. Justice Department has prosecution authority. A suit must be filed with the EEOC prior to introducing the case to the federal court. In Title VII suits, three broad categories of discrimination can be declared or claimed (Jasper, 2008):

1. Disparate Treatment – The employer treats different races or sexes differently. The question of whether it was done due to the person’s protected sex or race trait, or for another reason. The employee files discrimination charges and the employer provides a nondiscriminatory reason for what occurred. The employee counteracts the employer’s explanation as coverage for the discrimination act(s). These are the most common cases and do not often reach the Supreme Court. In some cases, two reasons exist for this treatment, sex discrimination and nondiscriminatory reasons.

2. Facial Discrimination – This is the most straightforward type. Intentional discrimination clearly exists on the basis of sex. The employer must be able to defend its policy by showing that sex is a legitimate “bona fide occupational qualification (BFOQ) for the job, otherwise the Court will declare the policy illegal under Title VII.

3. Disparate/Discriminatory Impact – Employment practices are not used to discriminate, but select applicants to promote or hire in a discriminatory manner. The employer must be able to prove that the policy is related to the job and is necessary to
conduct business in order to continue with the policy, otherwise if another avenue can be shown on obtaining the same business goals without utilizing the discriminatory acts, the employer is in violation of Title VII (Cushman, 2011).

The EEOC provided guidelines for harassment in the workplace in 1980, deeming it a form of sex discrimination. A 1986 Supreme Court case ruled that sexual harassment on the job is sex discrimination and can create a hostile work environment, to include abuse. Later, in 1993, the Supreme Court ruled that any employee that has been harassed on the job is entitled to legal relief without proving that they were psychologically injured (Steingold et al, 2011).

In 1998, the Supreme Court also decided that employees who are sexually harassed and reject their supervisors’ sexual advances, and not undergo any form of retaliation, are able to hold their superiors accountable by filing a lawsuit. The Court system had previously established that employers were automatically responsible for quid pro quo harassment - this favor for that favor concept -, due to those reprisals representing legitimate actions by the company (Cushman, 2003). The new question arose as to were companies now responsible when superiors never followed through with the threat or bluff, when demanding sexual favors from a lower-ranking employee, who neither suffers nor submits adverse consequences on the job? The threat is never carried out and the company is unaware of the misconduct due to the employee not filing a complaint. In two Supreme Court cases where this form of discrimination occurred, the Court decided that the company and employer are indeed responsible for the conduct and the sexually hostile work environment that was created, even without knowledge, or if the employee did not suffer consequences. The company does however, have the opportunity to defend itself against the liability.

There are also other Discrimination Acts mandated by federal law that prohibit discrimination in the workforce. The following lists some of the Acts (Steingold et al, 2011):
A. The Age Discrimination in Employment Act (ADEA) - 1967, prohibits discrimination against 40 years or older and does not allow favorable treatment to younger groups. It applies to the federal government as well as private businesses with twenty or more employees. However, only the EEOC can take action to protect state employees.

B. The Pregnancy Discrimination Act (PDA) – 1978, is an amendment to Title VII and falls under the gender umbrella. It states that illegalities of mistreating an employee due to pregnancy, medical conditions, and childbirth.

C. The Immigration Reform and Control Act (IRCA) – 1986, states the unlawfulness of discriminating against non-United States or national employees when there are more than four.

D. The American with Disabilities Act (ADA) – 1990, modified in 2008, states it unlawful to discriminate against those with disabilities. If an applicant is qualified to perform the job or when reasonable accommodations are made, that person must be treated equally to those without disabilities.

E. The Civil Rights Act - 1991, limited employee rights when suing their employers for discrimination. It provided the right to a jury trial and introduced the possibility of emotional distress damages, with monetary limitations.

Other Civil Rights Acts pertaining to citizens’ rights are the Employment Non-Discrimination Act, Equal Pay Act of 1963, Force Acts of 1870 and 1871, Lodge Bill, Reconstruction Acts, and Voting Rights Act of 1965. Due to the EEOC, businesses today should be more diligent to seek out and eliminate any type of discrimination within their practices, whether it is related to hiring, promotion, benefits, or termination of employees. Failure to do so allows the company to be susceptible to possible large monetary damages via civil lawsuits (Civil Rights Act of 1866, Klarman, 2004).
Globally, certain discriminatory conditions occur as in the U.S. The International Covenant on Economic, Social and Cultural Rights, which includes employment-related nondiscrimination articles, was ratified on January 3, 1976 by 167 states, to include the United States, United Kingdom, Japan, China, and Germany, in addition to the Middle Eastern countries of Afghanistan, Pakistan, Iraq, and Syria (United Nations Fact Sheet, No. 2, 2014). However, despite the Covenant, some countries are not reinforcing the agreement, as in certain cases in the United States, United Kingdom, and Japan (Wilson, 2003) regarding employment. Global demographic trends are considered a significant attribute when creating an ethnic diverse work environment that is the underlining reason for discrimination and hostile relations, (Mor Barak, 2014, Stotzer & Hossellman, 2012), but are manageable. On January 31, 1999, The United Nations (U.N.) initiated the United Nations Global Compact in order to establish shared values and principles (Buhmann et al, 2011), officially launching it on July 26, 2000. The Global Compact’s mission is to engage the private sector to collaborate with the U.N., in partnership with Non-Government Organizations (NGOs), academia, and the global market to ensure moral corporate practices are carried out in the areas of human rights, environmental protection, anti-corruption, and labor rights (Buhmann et al, 2011), based on ten universal principles divided into four categories:

1. Human Rights
   a. Business should support and respect the protection of international human rights within their realm of influence.
   b. Ensure they are not complicit in human rights abuses.

2. Labor
   a. The effective abolition of child labor.
   b. The elimination of discrimination in respect of employment and occupation.
c. The elimination of all forms of forced and compulsory labor.

d. Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining.

3. Environment

a. Encourage the development and diffusion of environmentally friendly technologies.

b. Undertake initiatives to promote greater environmental responsibility.

4. Anti-corruption

a. Businesses should work against all forms of corruption, including extortion and bribery.

In order for the Compact to work effectively, the current 5,300 businesses, which are considered the heart of the Compact, must integrate the ten principles within their operations and maintain open lines of communications; governments must create regulatory frameworks on a national level to foster a cohesive environment and promote the ten principles, and last, civil society organizations - who are mostly NGOs -, and labor are crucial because they are subject matter experts in regards to practical issues, acting as the enforcement when business members violate any of the principles (Buhmann et al, 2011). The Human Rights section specifically mentions international human rights, but does however, share characteristics equivalent to United States laws and other countries, regarding human rights, as the importance of upholding the law when pertaining to humans.

1.5 SUMMARY

Discrimination is a very difficult and challenging subject to discuss, especially when the evidence proves its existence. An approximation of over one hundred and fifty years, plus many
labor hours, have been spent creating documents and passing laws and legislations, to ensure that the citizens of the United States are treated fairly, although not equally at the onset of these laws; if not, recourse is available to appeal and seek restitution from those not adhering to these laws. Even in today’s society, however, these laws are not adhered to, creating hostility in the workplace. Are people forgetting these laws exist or simply do not care and conduct themselves in a manner in which benefits them? Do we ask for too much respect and allow everything disregarding that respect push us to the limits; too petty, not considerate enough of others’ desires, or looking to eliminate our perceived competition however we can? There are many cases documented on these types of behaviors, but yet, these forms of discrimination continue to exist, requiring further research and documentation on the negative impact discriminations have in the workplace and on the workforce.

2 LITERATURE REVIEW

In this review, the effects that sexual harassment, race/color biases, and gender discrimination will be explored. Documented Supreme Court and federal law cases, personal experiences with these issues, analysis, and surveys will be used to provide the evidence. This literature review seeks to answer the following questions:

1. What constitutes these forms of discrimination?
2. What cases proved these forms of discrimination occurred?
3. Were there reasons why the discrimination occurred, if so what were they?
4. What were the outcomes of these cases?
5. Were corrective measures taken to ensure the discrimination did/does not occur again?
Businesses who condone discrimination in the workplace carry the burden of being less successful than those who adhere to anti-discrimination laws. When the laws set in place are not followed, it puts all parties involved at a disadvantage, in particular, the victim(s), ultimately resulting in economic inequality due to loss of wages, time away from the workplace, potentially having to seek employment elsewhere, or having to pay astronomical lawyer fees to have their case heard, with the possibility of not winning, as in the Ledbetter v. Goodyear trial. Goodyear Tire and Rubber is a global corporation, with companies in countries expanding from the Americas (14, to include the U.S.), Europe and the Middle East (32), and Africa, Asia, and Australia (13) (Goodyear Tire and Rubber, 2014). Had Goodyear been a smaller corporation with less money, would Ms. Ledbetter still have lost her case?

2.1 HUMAN BEHAVIOR PERSPECTIVE – PSYCHOLOGICAL IMPACT

One of the most challenging global facets of today is successful management in the workplace, from the corporate leader to the hiring managers. The main issue lies within the inability of leaders to rid themselves of their personal prejudices and attitudes and invest in their multicultural workforce, thereby promoting positive change. Employees perceive that they are not regarded as a significant entity to the organization, thus are being socially excluded in the workplace (Mor Barak, 2014). Inclusion or exclusion into a group or organization has a significant impact on job satisfaction, performance, and subsequently the attrition rate. Based on observations, comments, and experiences in the workplace, it can be determined that people do not appreciate being disregarded when it comes to their job, income, or if the feeling of maltreatment is subjected to their well being. Human beings, in general understand and know how to interact with others, regardless of the diversity of the setting. It is when discrimination is
observed, especially overtly, that impacts the opportunity to perform at maximum potential and advance in the organization, the psychological impact is experienced, resulting in changes in behavior and attitudes, inciting possible hostility and aggression in the organization (Vardi, 2004).

2.2 SEXUAL HARASSMENT REVIEW

Since the Supreme Court’s first sexual harassment case ruling in 1986, it has been faced with many challenges in defining different categories of harassment and deciding under which circumstances an employer should be held accountable for an employee’s sexual misconduct. In an effort to protect their investments and assets, employers have adopted several anti-sexual harassment programs. Unfortunately, this issue is not strictly related to employers, but it also affects students at school; either by teachers and administrators, or their peers, resulting in the enactment of Title IX – 1972 Education Amendment stating no person in the U.S., on the basis of sex, attending or part of any educational program or activity receiving federal funding shall be discriminated against. Federal Code 29 C.F.R. Section 1605.11 (a) defines the definition of sexual harassment as any unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by individuals, regardless of gender, when submission to or rejection of such conduct by an individual is used as the basis for employment decisions, submission to such conduct is made implicitly or explicitly a term or condition of a person’s employment, or the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, offensive, or hostile working environment (Bennett-Alexander, Hartman, 2011).
To determine whether sexual harassment occurred, the EEOC views the case as a whole, as well as the total circumstances, nature of the sexual advances, and in which manner the alleged incidents occurred. The facts will determine the legality of any particular action. Employers are responsible for the conduct of all employees’ behavior pertaining to this matter, understanding that they knew or should have known the issues, unless it can be proven that immediate appropriate actions were taken to correct the problem. This also applies to non-employees, with the employer’s control and other legal responsibilities taken into consideration when determining the legalities of the situation.

Comprehensive studies have been conducted regarding sexual harassment in the federal workplace. The findings showed that forty percent of the employees reported incidents, while forty-two percent reported it seven years later, conducting the same study. The New York Times reported that four out of every 10 women reported experiences; another survey reported sixty percent of female attorneys experienced harassment, while seventy percent of military women and fifty percent of Capitol Hill congressional staffers reported forms of sexual harassment (New York Times, 2013).

The United States Supreme Court heard its first sexual harassment case in 1986, when Mechelle Vinson, an employee, sued the Vice President of the bank, after being fired, charging him with coercion of sexual relations with him and making sexual demands while in the workplace. She cited that he had created a hostile working environment and unlawful discrimination under Title VII of the Civil Rights Act of 1964 (Cochran III, 2004). The next case occurred seven years later when Teresa Harris, who was a manager for two years at Forklift Systems, Inc., located in Nashville, Tennessee, filed a suit. A sexual harassment complaint was filed against the company’s President, citing an abusive work environment based on offensive sexual advances, languages, and gender biases, resulting in her leaving the job on her own
accord. Although the case was considered close in the verdict process, the court agreed with the employer, stating the severity of the harassment was not severe enough to cause psychological damage (EEOC, 2013).

In the 1990s, the United States experienced the beginning of a sexual harassment revolution, as the number of cases increased, more laws were created in order to set new precedents and protect individuals against sexual harassers. Since then, people from all backgrounds, social, and culture positions have found themselves involved in sexual harassment cases, either as victims, witnesses, leaders, lawyers, or judges. Presidents, professional sports players, and church leaders have been accused of this despicable phenomenon. It is important to be aware of sexual harassment laws and precedents when dealing with this sensitive topic in the workplace. While some cases seem very bizarre and unbelievable, they truly occurred and represent how widespread, subjective, and damaging some of these cases can be. Every complaint should be treated with respect, ensuring both parties’ testimonies are heard before rendering any conclusions. CEOs should be especially careful not to portray or provide an impression that sex or sexual innuendos are required in a business to generate a profit. When developing a market strategy to create a company brand, careful consideration should be taken into deciding and knowing what the values are and how certain images can be detrimental to the business (ABC News, 2014).

After reading the Hiring, Firing, and the Workplace chapter in The Wisdom of Steve Jobs, the questions arise as to what are the motives for applying for and working a particular job or selecting a certain organization? Is it because those places are the best and you want to be among the best? What is the motivation? Jobs stated that recruiting is hard and he would always ask the question “Why are you here?” (Kelly-Gangi, 2012). He comments that in his business, no one
person can perform the job; it takes a team of people to complete the tasks and that when a person is not measuring up, they must be fired, no matter how hard it may be to terminate an individual(s).

This concept should be taken into consideration during any aspect of the job when employees are not measuring up in order to create a positive work environment in the organization, as in instances where there are incidents of discrimination. This is also stated in Max Weber’s Economy and Society, when discussing social actions, although we cannot completely understand certain human actions, we can derive a conclusion intellectually and therefore can make a rational decision as to what measures should be taken to correct the action(s).

What type of behavior is this and what is causing the behavior? Is the behavior being caused to hinder another individual or group of individuals? Or is this purely an emotional type of behavior and is understood as “this is what happens when people are brought together in a large organization but have limited space and are expected to live and work together on a daily basis? Whatever the reasoning and outcome, these types of behavior do and will negatively affect the economics of the individual(s) and the organization.

2.3 SUPREME COURT SEXUAL HARASSMENT CASE

One of the most publicized sexual harassment cases in the United States was that of plaintiff, Professor Anita Hill against Supreme Court Justice Clarence Thomas, in 1991. During the time of the hearings, Justice Thomas was then a U.S. Court of Appeals judge, after having served as chairman of the EEOC, where Professor Hill, worked as Justice Thomas’ assistant. Her allegations raised race and gender issues, as Justice Thomas accused her of attacking his
character and position, referring to the complaints as a “high-tech lynching.” (Stein, 1999). At
the conclusion of the hearing, Justice Thomas was exonerated, leaving Professor Hill’s testimony
and character at stake, placing irreparable damage on her career and her integrity. In October of
1991, Justice Thomas was nominated for Associate Justice of the United States Supreme Court,
winning by a vote of 52 to 48.

2.4 RACE/COLOR DISCRIMINATION REVIEW

The Fourteenth Amendment of the United States Constitution, ratified in 1868, mandates
that “No state shall deny to any person within its jurisdiction the equal protection of the laws.”
(Cushman, 2001). The original intent of what is also known as the Equal Protection Clause was
to ensure that the Southern states did not hinder the rights of the emancipated slaves. However,
the Court system expanded the clause to not only protect the rights and demand equal treatment
of races, but that all persons “similarly situated” should be treated the same. In order for a group
of people to be treated differently from another group, not necessarily based on race, the law had
to prove that a reason existed for this treatment, going beyond ordinary hostility toward the
targeted group. Another provision of the Fourteenth Amendment, titled the Due Process Clause,
also provided freedom to all persons, stating that no state will deprive any person of life, liberty,
or property, without due process of the law;” although African-Americans were not considered
during this time as a person, but more so as property. The Supreme Court used the Due Process
Clause more frequently than the Equal Protection Clause to rid of economic legislation and social
reforms on the basis that they were unreasonable.

During a Supreme Court case in 1938, the Courts decided that a much more serious
review should be taken on statues directed towards certain religious groups, national, or racial
minorities, meaning that the Court may need to intervene when the political process is not sufficient enough to ensure justice, because it discriminated against insular minorities who could be victims of prejudices and unable to protect their rights in political areas or even worse, legislation interfered with rights central to that particular process. In the 1960s, under the liberal Warren Court, a two-tier system was born, reviewing ordinary issues and social and economic legislation, using a rationality test. From this, two types of claims were guaranteed hard looks: 1). Infringement on fundamental rights (right to appeal in a criminal case, right to vote, and the right to interstate travel) and 2). A suspect classification was created based on race, religion, or ethnicity; products of hostility and prejudices (Cushman, 2001).

Other forms of employment discrimination have also taken place in organizations, such as certain educational requirements and intelligence tests used as conditions of employment acted to exclude African-American job applicants. These tests did not relate to job performance and were prohibited. The requirements were not directed at or intended to measure ability to learn to perform a particular job or category of jobs. The court decided that with the exception of such discriminatory purpose, use of the requirements was permitted but were unlawful unless shown to be job-related (Cornell University School of Law, 2013). Today, if exams are required for applicants to take prior to employment, there is no discrimination as to what majority or minority group must take the exam, the standard must be adhered to by all, however, racial biases still exists in certain areas of employment.

Certain groups are and have been overtly and covertly excluded from job opportunities, team membership, information networks, and decision-making processes due to their minority identity group. Evidence has shown that inclusion into the favored or majority groups has led to better job opportunities and career advancements in work organizations-including the military-, organizational commitment, and most importantly, job performance (Shore et al, 2011,
Cunningham 2007, Cho & Mor Barak 2008). Work organizations should ensure all barriers are removed and ensure the inclusion of ethnic, racial and religious minorities, the disabled, and women. Social and economic tensions between minority and majority groups need to be overcome if the organization wants to succeed and maintain its highly skilled employees.

Lowe’s Companies, Inc. was sued for racial discrimination in March 2004, in Memphis, Tennessee. The complainants cited, as qualified applicants, were denied positions in Lowe’s Reload Distribution Center from 2002-2003 due to their race. The EEOC filed a suit after the inability to reach an agreement during the pre-litigation settlement, seeking Lowe’s provide back pay, compensatory damages, and interest on back pay for emotional and psychological harm and punitive damages (EEOC.gov). Lowe’s agreed to pay the parties $60,000.00 in damages.

2.5 SUPREME COURT RACIAL DISCRIMINATION CASE

On April 1, 2003, Barbara Grutter’s case was heard before the Supreme Court. She had filed a suit against the University of Michigan’s School of Law, claiming they had used affirmative action to deny her-a caucasian-admission into the school. She alleged that the admission policy was unconstitutional, citing violation of the Fourteenth Amendment - Equal Protection Clause - that forbids denying any person within its jurisdiction equal protection of the law. The Law School’s program was very competitive and although its mission is to acquire a diverse group of students with various backgrounds and experiences, it denied any allegations of utilizing racial quotas or percentages in its admission process, but stated it was seeking a certain number of underrepresented minorities in each class. Although Grutter won her case in the lower court system, federal appeals reversed the decision, hence her filing to the U.S. Supreme Court. In a 5 to 4 decision, the Supreme Court declared Michigan’s admission process constitutional,
citing that although the perception of violating the Equal Protection Clause exists, the school’s goal of promoting diversity was sufficient enough to face strict scrutiny (U.S. Supreme Court website, 2014).

2.6 GENDER DISCRIMINATION REVIEW

The typical worldview of leadership positions in the workplace is that the males are managers, known as the "male-as-norm model, creating significant employment and occupational barriers for women (Wilson, 2003). Housework is associated with the female's responsibilities, while men go to work, is the social attitude, causing effective barriers and implicit discrimination. In the United Kingdom, women account for 44 percent of the workforce and 83 percent of part-time workers, although they prefer to work full-time. The majority of this part-time work category is due to their domestic responsibilities. Part-timers are in low-paying, low-skilled positions (retail, education, medical, hotels, and catering). During this last century, women's participation in the formal economy has steadily increased. Caucasian, highly educated, middle class women have made extraordinary moves into careers once dominated by men, but less so for ethnic female minorities in working class and less well educated categories.

Ethnic minorities, men and women, experience lower employment rates than caucasian and ethnic minority women experience lower employment rates than male ethnic minorities. According to British labor force data, 9 percent of ethnic minority females are found in Professional, Employer, Manager, and Employees and Managers positions - large establishments, as opposed to 11 percent of caucasian females (Wilson, 2003). African-American women are less likely to become managers, more likely to do shift work, and are more unemployed than caucasian women.
Although Britain has had over two decades of equal opportunity legislation, women are still clustered in certain areas of the economy and are at the bottom of organizational hierarchies. As a result, very little progress has been made. 93 out of 100 university professors, 96 out of 100 company directors, and 96 out of 100 general surgeons are men. Issues, such as childcare arrangements, access to training, and the unavailability of flexible working are impeding their work progress. Management promotion opportunities for women appear to be limited by the perception that they are not committed to the job, although the equality of men and women educational levels and some voluntary discontinuous employment do not substantiate this claim. Signs of progression towards a more family friendly environment that allow flexible working arrangements, such as job sharing, do not exist; forever creating barriers for women to "break the glass ceiling (Wilson, 2003).

Women may not perceive themselves as favorable as men in the workplace. Research on pay equity demonstrates that women view themselves differently and less positive than men, valuate their contributions less and are more modest. Laboratory studies have concluded that women will grant themselves less monetary amounts for the same work as their counterpart, work longer hours, and expect or request rewards for their contributions. In a study of beginning salaries for MBA students, men received higher increases than women, 4.3 percent and 2.7 percent respectively (Wilson, 2003). The bottom line is that women perceive themselves as less qualified than men.

According to research, men are responded more favorably to when they are less modest and self-promote themselves, as opposed to women who are viewed as more favorable when more modest and less self-promoting. In particular, undergraduate men find less modest females unappealing unless there is value gained from that relationship. This may be the reason some
women or unwilling to promote themselves or maintain commitment to the job, hence contributing to their own lack of equal opportunity. Therefore, if too much modesty exists, women appear less competent, creating the belief that they are not qualified. In order to advance in the workplace, there must be competency, social acceptance, and approval. Regarding evaluating performance in the workplace, women are rated less favorably than men with identical evidence. Women’s performance was attributed more to luck vice skill with men attributed more to skill, explaining the reason why few women are selected for senior and middle management positions. (Wilson, 2003).

In the workforce, some jobs are perceived as “male-only” jobs, excluding females from being selected for these positions. Although some lawful stipulations allow for this type of discrimination, some of the attitudes are biases and not lawful. Some jobs do require masculine characteristics, e.g. firefighting, whereas some require feminine characteristics. Some jobs are also stereotyped as being a male or female job based on the proportion of men to women filling those positions. The performance of the job is then based on how well the person performing the jobs fits the stereotype, thus causing the rater to discriminate unfairly, although the belief is they are doing so fairly; the employee does not have the required characteristics, failing to fit the stereotype. One firefighting study concluded that few women are in those positions due to the above-mentioned perception and stereotypes, fostering a sexual harassment environment. In one fire brigade, there where a total of 6 females out of 1,103 employees. The only lawful discrimination allowed was the 5ft 6in height requirement. However, in order to join the “male-club,” male terms are adhered to. An investigation revealed that females were forced to watch pornography, referred to as “firetarts”, and had their hair cut by their male colleagues. Women were sexually harassed during the night watches and did not have private sleeping areas or
facilities for washing (Wilson, 2003). Women in law enforcement positions have reported experiencing the same or similar situations as those in firefighting and military positions, as well as other male-dominated occupational fields.

Japan’s gender roles belief is similar to that of the United States. Their thought was that women would fulfill the role of the traditional housewife and mother by remaining at home and caring for the husband and children, okusama – women inside the house (Nomaki, 2011). It was not until 1945 that Japanese women were allowed to vote, setting the tone of the prevalence of sexual discrimination in Japan. In viewing the history of women’s suffrage, New Zealand was the first country to pass this law, in 1893, with Switzerland not following suit until 1971. The United States granted the right in 1920, United Kingdom in 1928, Japan, France, and Italy in 1945, and China in 1949. Japanese women, as in the United States, have suffered discrimination in the workplace, resulting in the Law for Equal Employment Opportunity of Men and Women in 1986, however, the law was in the hands of the employer, calling for a significant revision in of the law in 1999, stating that gender discrimination-detrimental treatment, was illegal (Nomaki, 2011).

According to OECD (Organisation for Economic Cooperation and Development), Japanese women have the highest level of education in the world, but their unemployment rate is fifteen percent lower than those of the five top rated most educated countries: Canada, Israel, Japan, United States, New Zealand (Education News, 2013). Among those in government, of the 48 local, two are female. Other issues attributing to the low percentages of women in the workplace are childcare-not insufficient amount of daycare centers available, leaving the sole responsibility of childrearing to the mothers. Civil Rights acts do not exist that will assist with guaranteeing equality, or at a minimum of enforcing the law, in the event of discrimination. The
rate of divorce has also increased over the past 20 years; with the women now having a sense of independency-ability to survive without husbands. This thought process expands from young to middle-aged women.

Historically, India has been struggling with hierarchical social structure in its traditional caste system (Zacharias & Vakulabharanam, 2011). Their 1998 Employment Equity Act documents a commitment to implementing affirmative action clauses to ensure equitable representation in all occupational categories and levels of the workforce. To ensure these measures are adhered to, India utilizes reservations, which are systems of quotas in the public service system set aside for minorities, hence affirmative actions programs.

The question is “Who gets what?” In the many forms of inequalities, social, racial, economic, power, and political, to name a few, income inequality has been an issue between men and women for many years; with men always receiving higher incomes than their female colleagues. With regards to U.S. economic history, most of the twentieth century experienced major gains with respect to income equality. Broken by the Great Depression and until 1973, times were more economically equal. The last half of the twentieth century, however, is when income inequality began, based off of economic, sociological, and political (power resources) theories; technological change, supply of or demand for skilled labors, a growing female labor force, single-female headed households, and business cycle fluctuations, showing an inequality incline in the early 1970s, after almost 25 years of declining. The power resource theory states the strength of the lower class power resources in the form of left political parties and labor unions and that the upper and lower classes have different distributional preferences, with the upper class favoring less egalitarian outcomes. In order for the lower classes to have an impact or influence outcome, there must be collective voices, via politics and economics (Kelly, 2009).
Organization in the economic realm is measured by labor union strength, while measured by the strength of the left parties in government in the political arena, which both in turn, influence distributional outcomes (Kelly, 2009). In summation, distributional outcomes can be influenced through the government and the market, promoting income inequality.

In the United States, the Democrats and the Republicans of the House of Representatives create policy, with having views shaped by ideology, intellectual tradition, and practical considerations necessary for making policy. In 2004, a study was conducted by the author of *The Politics in Inequality in the United States*, Mr. Nathan J. Kelly, to determine how Democrats and Republicans responded to the question of what should the salaries be for 10 different occupations. With the exception of two occupations listed, CEO and Certified Financial Planner, Democrats favored a higher salary wage than the Republicans, with of difference of -50.0 and -11.9 respectively; the highest differential rate was 18.7. Democrats requested higher wages for the lower paying occupations, while Republicans requested higher wages for the elite or highest paying jobs. Republicans preferred a 33.4 ratio, meaning that the highest paid occupation earn over 33 times the amount earned by the lowest paid occupation; the Democrats preferred a 26.1 ratio, stating that Democrats prefer less income inequality than their Republican colleagues (Kelly, 2009).

During President Clinton’s first presidential term is when the U.S. saw the largest declines in pre-redistribution inequality. The average aggregate income ratio of the top to the bottom quintiles declined by .16 during Democratic presidencies, but rose by .30 during Republican presidencies (Kelly, 2009). The definition of pre-redistribution is the amount of inequality that exists prior to government activity, excluding income from government taxations and antipoverty programs (e.g Social Security). Of the many different trends pointing to additional inequality
increases in the future, the most important is the increasingly service-based global economy. This is attributed to declining market power resources and industrialism, in addition to increased executive salaries in relation to other employees, an aging population resulting in an increase in retirees, and the elderly, with decreasing health. However, there is belief that distributional outcomes as part of the U.S. government system remains a primary focus, income inequality may not rise, therefore, decreasing in the near future (Kelly, 2009).

Women were not allowed to serve in the military until the twentieth century, and then served as nurses and clerks during World War I and in noncombatant roles during World War II. Congress lifted the ban on women serving in 1948, but under certain conditions, in particular, only allowing two percent of the military being female. In 1967, the two percent rule changed, allowing women to command the highest obtainable positions, serve in combat, as in the 1991 Persian Gulf War, and lifting the ban on the male-only acceptance at the Virginia Military Institute (VMI), allowing females to attend the state college. The 1970s Affirmative Action programs assisted women, along with minorities to advance in the workplace. In 1998, women comprised 3.8 percent of high corporate office positions in Fortune 500 companies due to prejudices, menial assignments, lack of mentoring, family obligations, the “good old boy” club, and factual evidence of taking years for previously excluded groups to reach the top positions (Cushman, 2001).

Although the Equal Pay Act of 1963 was passed, requiring men and women to be paid equal pay for equal work, Lilly Ledbetter worked for the Goodyear Tire Company nineteen years before realizing that she received at approximately $11,000 less, annually, than her male area manager colleagues; she began working for Goodyear in 1979. The law however, only applied to instances where men and women worked performing the same or similar jobs, but did not cover
the great number of segregated low-paying, leaving no room for growth, or promotions, “female jobs.” In addition, it did not apply to instances where men and women who were working in different jobs, could prove that the responsibilities required similar skill, effort, and responsibility levels.

2.7 SUPREME COURT GENDER DISCRIMINATION CASE

Lilly Ledbetter of Possum Trot, Alabama was an Office Assistant and an H&R Block Manager prior to gaining employment at the Goodyear and Rubber Tire Company in 1979. Although she had not attended college, she was hired as a manager and after several months of training, worked the 11 PM – 7 AM shift. She faced discrimination and resentment, from her male colleagues during her tenure at the plant, but did not realize until later that she had been discriminated against monetarily. After being informed by a co-worker that her wages were substantially lower than her male colleagues ($44,724.00 annually, $59,028.00, $55,679.00, $57,696.00, $58,226.00, and $58,464.00 respectively), suffering a severe knee injury, being suspended, and being offered a buyout due to circumstances beyond her control, she filed her complaint with the EEOC (Ledbetter & Scott, 2012). During the verdict, Goodyear was found guilty of violating the Age Discrimination and Equal Pay Acts, while also being charged of paying Ledbetter less because of her sex. She was awarded $3,285,979.00 in punitive damages, but did not obtain any amount of the money. Goodyear appealed and won, with the courts stating she had missed the allotted time permitted to file a claim. An appeal was filed to the Supreme Court, resulting in the lower courts verdict being sustained. However, since the Supreme Court did not agree with the pay discrimination ensued by Goodyear, the Lilly Ledbetter Fair Pay Restoration Act was signed by President Obama on January 29, 2009.
2.8 UNITED STATES MILITARY STATISTICS

There are racial and gender biases within the United States Military that require immediate attention, particularly in the United States Air Force and the United States Navy—for racism— and all five services pertaining to gender, regarding promotions in the senior enlisted ranks. The standard timeframe for Senior Enlisted Military Members are 4-year terms. This is the highest ranking enlisted position in the services, requiring hard work, dedication, separation from families, extensive traveling, and in some cases, combat missions. Each of the services are subordinate to the United States Government and are therefore bound by law to ensure the highest standards are maintained and in keeping within the guidelines of all Federal laws, unless deemed otherwise in writing. The following lists the current biases for each of the four branches of the Department of Defense and the U.S. Coast Guard, now a branch of the Department of


2. United States Navy – Master Chief Petty Officer of the Navy (MCPON) positioned established on January 3, 1967. First minority MCPON was Joe R. Campa, of Hispanic heritage, from July 10, 2006 – December 12, 2008, 39 years later.


5. United States Coast Guard – Master Chief Petty Officer of the Coast Guard since 1969 (45 years). First minority to hold position was Vincent W. Patton II, from 1998-2002.

Women have made great strides in the military, after Congress passed laws allowing inclusion into the services and combat. Females are subjected to sexual harassment for no obvious or apparent reason, as well as men, but women are as less hesitant to report violations than men. Men are raped by other males and suffer a great loss and again, are less hesitant to report for fear of reprisal or deemed a homosexual. Regardless of the reasons why it is done, it needs to stop, especially when you are told “No,” or to not disrespect their privacy.

3 METHODOLOGY

Although, according to history and documented cases, discrimination has been in existence since the beginning of time and occurs in every corner of the world, even with written
laws, the acts are perpetuated by those who: 1). Lack consideration of others. 2). Disrespect authority, 3). Do not perceive it as detrimental to others, or 4). Find it necessary to behave in a certain manner to “fit in” or eliminate their competition. Regardless of the reason why, discrimination still exists today and should be documented in order to assist with the permanent elimination of these malicious and heinous acts. In order to write this thesis, past cases, along with new documentation is used to emphasize the problem and the reason for the research and topic. Qualitative and quantitative data was used to provide understanding of the behaviors, the timeframe they occurred, those involved and who was negatively affected, what form of discrimination used and when, and the outcome of the occurrences.

3.1 RESEARCH METHODS

After careful consideration was given to the fact that there are numerous discrimination cases in existence today and to their validity, I know from personal experience that discrimination does exist, particularly in the military, which is a direct observation method. Colleagues and strangers have similar cases or stories, pertaining to other documented cases. Some of the cases never made it past the informal or formal complaint resolution, which in these instances, were started at the lowest level possible, as that is the correct, mandated method to file a complaint; formal or informal. Surveys and interviews were conducted, substantiating the thought concept of what impact discrimination has in the workplace, regardless of where the workplace is. Some stories are similar while others are different, but each carrying its own unique malevolence, adding another blemish to our already tarnished society.
4 DATA ANALYSIS

4.1 SURVEYS AND INTERVIEWS

The following figures represent the analysis of the “Discrimination in the Workplace: How It Impact a Business” survey. Face-to-face interviews have also been conducted regarding sexual harassment in the workplace, racial biases, and gender issues occurring in the military, government and private industries. The general consensus is that more males and females have been sexually harassed in the military than in any other sector of the working industries, females are in more senior roles, along with minorities, in the private or non-military industry, dispelling the biases of the military. More often than not, from friends’ and colleagues’ experiences, they have not seen or heard of sexual harassment outside of the military, not to say that it does not exist, but it is rarely seen, if at all. The thought pattern is, “I want to make my money and go home.” Time away from spouses, children, and other family members are not as prevalent is some circumstances, however, are in some, which may be an attributing factor to the mindless behavior of the harassers, but still not an excuse or a defense on their behalf. To caveat the civilian mentality, most personnel in the military understand how to interact with others and abide by the rules, and therefore do not commit such crimes. It is those who have positions of authority, or are in more senior positions, that do not comprehend the detrimental impact their behavior has on the person being subject to their insincerity, thus creating ambiguity to those who follow the rules and regulations and still miss the mark of climbing up the corporate ladder.
4.2 SUMMARY OF FINDINGS

1. In your opinion, how much diversity does your workplace have?

![Pie chart showing responses]

*Figure 2: own source, created from survey; note: a total of 13 respondents out of 28 surveyed.*

2. In your opinion, are your workplace discrimination laws adhered to?

![Pie chart showing responses]

*Figure 3: own source, created from survey; note: a total of 14 respondents out of 28 surveyed.*

1 Comment:

1. “It depends on the organization and its leadership.”
3. Have you ever reported issues regarding discrimination?

Figure 4: own source, created from survey; note: a total of 14 respondents out of 28 surveyed

4. Have you ever been discriminated against?

Figure 5: own source, created from survey; note: a total of 14 respondents out of 28 surveyed
5. Do you believe discrimination can impact the success of a business? If so, how?

![Pie chart showing 100% 'Yes' for the question about discrimination impacting business success.](image)

Figure 6: own source, created from survey; note: 14 out of 28 respondents. 0 percent for "No" answers.

9 Comments:

1. Because discrimination negatively impacts productivity, morale, professionalism and individual self-confidence.
2. Valued talent can be lost.
3. If employees are unhappy for whatever reason, not feeling valued or discriminated even on a minor level, they will not perform to the best of their abilities.
4. If a person is not comfortable in the environment they are in, they may not be able to work to the best of their ability. Unhappy employees are less productive.
5. By taking decisions based on appearances. Is not allowed by law in many countries against teamwork and leadership.
6. By tarnishing it’s reputation… By creating a hostile working environment that will impact productivity.
7. It disregards talent, experience and skills in favor of preference.
8. I believe that it can lower morale if people do not feel a sense of partnership and equality among peers.
9. It can lower staff moral, which can affect performance.
6. Are you male or female?

![Pie chart showing gender distribution with 21% female, 79% male, and 0% decline.]

Figure 7: own source, created from survey; note: a total of 14 respondents out of 28 surveyed. 0 percent for “declined” responses.

7. Are you a government or private employee?

![Pie chart showing employment status with 38% government and 62% private.]

Figure 8: own source, created from survey; note: a total of 13 respondents out of 28 surveyed.
8. If you have experienced discrimination or was aware of it in the workplace, would you be afraid to report it?

![Pie chart showing 79% Yes, 21% No]

Figure 9: own source, created from survey; note: a total of 14 respondents out of 28 surveyed

9. If you have served in the military, do you believe unlawful discrimination exist in the military?

![Pie chart showing 43% Yes, 36% No, 21% I do not know, 0% Decline]

Figure 10: own source, created from survey; note: a total of 14 respondents out of 28 surveyed; 0 percent responded “No”.
5 DISCUSSION

Regardless of how long discrimination has been in existence and certain individuals or group ignore the mandated laws permitting anti-discrimination; avenues can be taken to counteract those instances. Instead of basing evaluations, promotions, and job performance on race, gender, or other forms of discrimination, view the guidelines from other perspectives, such as competition, cooperation, or individuality. In the 1999 *Time Magazine* interview given by anthropologist Margaret Mead, she stated to never doubt the fact that a small group of thoughtful committed citizens can change the world. Her belief that the cultural environment defines human behavior put her into many years of exploring the concept by studying primitive societies and later the American society. In 1937, after observing 13 different cultures to determine what influences and impacts have on personalities regarding cooperative and competitive behaviors,
Mead wrote the book *Cooperation and Competition Among Primitive Peoples*. After studying their cooperative, competitive, and individualistic behaviors, she concluded that competition does not lead to conflict and co-operation does not lead to solidarity (Dennehy, 2012, Mead 1937).

Psychologists asked Mead and her associates, what does the literature on primitive peoples yield on the subject of competitive and cooperative habits, which will shed light on the problem of culture and personality? During their research, which was considered in the inconclusive, tentative, and experimental phase, individual studies of 13 cultures were conducted to determine how humans of different ethnicities, tribes, and geographical locations behave in regards to their competitive and cooperative habits. The culture and personality approach request consideration of the individual’s addition to the group and life histories in order to view and understand how a given type of culture develops or causes particular behaviors within the individual (Mead, 1937). In order to produce a background for the study of the relationship between competitive and cooperative behavior, along with the problem of culture and personality, it is necessary to understand what form of culture perpetuates certain aspects of adult behavior and prohibits others, thus forming the cultureless child into an adult (Mead, 1937).

The study listed six points to consider and documented information when seeking answers to the aforementioned question (Mead 1937):

1. Study of Economics – The relationship between the group habits and the economic conditions from an environmental point of view. To what extent the environment controls cooperation, what activities, and at what age in order to determine if this influences other areas. Group vs. individual occupations and their outcomes, the number of skills required, and the availability of resources, such as food, wood, and metal and their
acquisition dependencies (skill, aggression, or luck). Status of the community, property arrangement, nature of economic activity, and position of the skilled worker.

2. Study of Social Organization - Annotate defined statuses of family members and if certain relationships are considered cooperative or competitive, interaction and treatment of members, and how members behave in certain manners and stages of their lives, in particular, before marriage and after a divorce. To what extent does the family structure reinforce or crosscut other solidarities in society (e.g. age, occupation, sex, and rank).

3. Study of Political Structure – The fixture of the political structure and its integration with other forms of power; if change is desired, does the individual change his position or the structure? What are the steps to obtaining political power?

4. Social Structure – Characteristic behaviors in sex, occupation, age, ranking groups, and dual organizations in addition to the amount of conflict and crosscutting. Do individual interests and loyalties compete with other interests and loyalties of the same individual or is an integrated social life allowed, possibly affecting the conceptualization of competition by the competition of different loyalties for his attention?

5. Working Out the View of Life – What is the theory of personality in relation to competition and cooperation; is education perceived as a stimulant or suppressant? Are people competing in order to cooperate or cooperating in order to compete and are there periods of exemption from the two? Is competition limited to one facet of life or is it a continuous cycle?

6. Study of the Educational Process – Does survival begin at childhood; is survival of the fittest taught during the childhood stage? What are the rules laid out and who does a child spend most of its time with, other children or adults? Are there rewards for bad behavior or temper tantrums? Can the interrelationships set up between individual children of the
same or both sexes be maintained throughout life or hindered by moving to different places or locations?

At the conclusion of the studies, it was determined that no society is exclusively competitive or cooperative, but they both must coexist within the society. Competition did not necessarily denote conflict nor solidarity during periods of cooperation; competition is often presented as an associative mechanism meaning that in certain cases, cooperation is not affected by competition, even among those of the same tribe, group, or family. The sole purpose is to create higher productivity (Mead 1937), as can be the case with individualistic societies. Powerful ego development can occur in all three societies as well.

There have been challenges to Mead’s conclusions, such as from Alfie Kohn who wrote *No Contest: The Case Against Competition*, claiming that the concept is undesirable and causes break downs in education, work, and rest. Like Mead, Kohn established three ways to achieve a goal: 1). Competitively – working against others, 2). Independently – working without regards to others, and 3). Cooperatively – working with others and believes that everyone’s success is related in competition and cooperation, although possibly in opposite ways, but unrelated when working independently (Kohn, 1992). Arthur W. Combs stated that competition’s goal is to prove superiority, even when it is non-existent, placing emphasis upon gaining the buyer rather than producing a quality product (Combs, 1957).

5.1 ALTERNATIVES TO DISCRIMINATION

In order to present the idea of how competition can positively impact an organization, Dennehy designed an eight dimensional Competition model, illustrated in Figure 12.
1. Personal Competition – Focus is on individual knowledge and career-development, can be used to assess own strengths and weaknesses, providing self-challenges that are associated with achievements, motivation, and satisfaction at work and in their personal life. This can assist with future growth and promotion within the organization, possibly putting member in leadership and mentorship roles.

2. Interpersonal Competition – How well available resources are used to perform a task(s) in individual and team settings. This can show managers how well individuals perform under pressure, when resources are unavailable to perform the job, how well do they adapt and overcome challenges.

3. Internal Competition – How well divisions and departments access power, resources, and authority to achieve goals. Understanding that the goals of other departments and divisions may differ from those of others, but the ultimate goal is to reach the objective,
however, there still must be fairness (e.g. one division cannot be able to buy or receive resources to complete the tasks and while a different division is not afforded the same opportunity).

4. External Competition – Relationship between the organization and individual manager where the manager is representing the interests of the company from a national, regional, local, and global marketplace perspective.

5. Symbolic Competition – Individual managers conveying their own values and beliefs regarding work situations.

6. Temporal Competition – How and why we work remain constant, money and purpose, but traditional social roles have evolved and dynamic thinking should be taken into account when conducting business.

7. Positional Competition – As an individual climbs up the management ladder, the experiences of the various external and internal works they incur.

8. Collective Competition – Using group resources to gain knowledge, achieve goals, and set and obtain career goals as a result; as an individual or group.

This model is not indicative of finalizing the problem, but it can be a countermeasure to some of society’s biased interpretations against others from different backgrounds, ultimately linking rewards to performance. As Mead stated, education cannot change the fact that a child will be in most important respects like the culture in which he or she is raised, it may be the mechanism that impacts development in terms of outlook, temperament, and habitual choice, thereby creating their personality (Mead, 2001). In my own studies, experiences, and observations, competition is rewarding for all involved, as it assists with development and can create a higher self-esteem that may not exist in an individual, as a result of
various circumstances. Cooperation and individualism can produce the same results at a higher, lesser or equal rate, depending on the person, how they learn, and interact with others. It does not matter how someone looks, or what he or she are wearing, but how you interact, treat one another with respect, and their work ethic. It is astonishing as to how much we can learn and grow from those who look differently than us, if we just take the time to realize that a person’s external characteristics will not change, in relation to race, gender, or looks. Common sense and courtesy will always be the primary remedy for these forms of issues.

5.2 INDICATORS FOR FUTURE STUDIES

One of society’s greatest challenges is to eliminate discrimination and most importantly, the psychological and economic impact it has on citizens. Diversity is a fact of life in the U.S. and other countries, however, even with the written laws, ethnic groups continue to experience discrimination, with some at higher levels than others and in specific areas. At what point in our lives does it stop? If necessary, can separate but equal groups coexist and flourish economically? What affect will this have on our future generation’s social skills? Education is a major gateway to changing attitudes, with positive education and reinforcement beginning at home.

According to the 2013 Unemployment Rates from the United States Department of Labor, Bureau of Labor Statistics, African-Americans have the highest unemployment rate of 13.1 percent, 5.7 percent higher than the U.S.’s 7.4 percent. Asians have the lowest at 5.2 percent followed by Caucasians at 6.5 percent. Each group respectively, experienced a decrease from 2012 (United States Department of Labor, 2014). U.S. Asian males 16 and older, working full-time or salaried, earn a weekly average of $457.00, Caucasians $377.00, African Americans $285.00, and Hispanics $259.00. Females in each ethnic group earn approximately $37.00 less
than the males. A study conducted by the Institute For Women’s Policy Research (IWPR) projected that by the year 2058, the gender wage gap will close (Institute For Women’s Policy Research, 2014). It has also been predicted that by the year 2050, the racial and ethnic groups will shift in the U.S., creating an adjustment to the majority and minority groups.

Research indicates that there is a significant educational gap among the ethnic groups, with the minority groups falling below the levels of the majority groups. Further research should be continued to show if the gaps increase or decrease and the impact the data has on discrimination. More systematic research on the sources and consequences of bias deemed for targeted groups beyond race and ethnicity should be conducted, reaching the underresearched areas, as well as empirical, evidence-based interventions that have shown to reduce discrimination and biases. Finally, studies should focus on who benefits from integration and under what conditions, not only for today, but in the years ahead.

5.3 CONCLUSION

Prayerfully, discrimination will not exist in the near future, particularly the forms that hinder a person’s growth, promotion, well-being, and love for all of mankind. As it has been documented, societies past, not just in the United States, have endured unfathomable hardships just for being the person they were born to be, and needless to say, in most cases, they are the same person today as they were back then. Discrimination is not only detrimental to human beings, but to the success of the business. Any form of unlawful discrimination creates negative undertones to the work environment; causing employees to have low performance rates, atrophy in the organization, and employment successions, and other negative consequences. Studies have shown that workplace factors are associated with work-related aggression. Any activities resulting in the perception of and actual unfair treatment may induce unpleasant thoughts and
feelings that lead to aggression (Sagie et al, 2003, Vardi 2004), feelings of outrage, resentment, anger, and the worst case, some form of retaliation, which could lead to death.

Vardi states that retribution and revenge are prevalent in organizational behaviors and employees should attempt to avoid aggression whenever possible. Sexual harassment could lead to death, as the victim perceives themselves as being bullied and do not have control of the situation. The easiest remedy is to remove the discrimination barriers, work well with others, or leave them to their own vices, treat everyone with humanly respect, and watch how the business or organization will prosper. It requires more energy to be angry and upset than it does to be nice. The understanding that we all must sometimes face challenges in order to complete a task, but if it is done with dignity and compassion, it will be completed. If money and purpose are our daily objectives, that concept should be taken into consideration for others and treat the next person as you, yourself, would like to be treated. It is always a good day, to be alive and in the presence of others; let us do so without destroying one’s integrity, dignity, and zest for life, family, and work.
6 APPENDIXES

6.1 APPENDIX A

One Hundred Eleventh Congress of the United States of America
1st Session
Begun and held at the City of Washington on Tuesday, the sixth day of January, two thousand and nine

S. 181

AN ACT

To amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

1. Short title
This Act may be cited as the “Lilly Ledbetter Fair Pay Act of 2009”.

2. Findings
Congress finds the following:
(1) The Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.
(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil
rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person’s right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

3. Discrimination in compensation because of race, color, religion, sex, or national origin

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

(3) (A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.

4. Discrimination in compensation because of age

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking “(d)” and inserting “(d)(1)”;
(2)in the third sentence, by striking “Upon” and inserting the following:

(2) Upon; and

(3) by adding at the end the following:

(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

5. Application to other laws

(a) Americans with Disabilities Act of 1990

The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

(b) Rehabilitation Act of 1973

The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) Conforming amendments

(1) Rehabilitation Act of 1973

Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—
(A) in paragraph (1), by inserting after “(42 U.S.C. 2000e–5 (f) through (k))” the following: “(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)”;

(B) in paragraph (2), by inserting after “1964” the following: “(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)”.

(2) Civil Rights Act of 1964

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.

(3) Age Discrimination in Employment Act of 1967

Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and”.

6. Effective date


Speaker of the House of Representatives

Vice President of the United States and President of the Senate

This bill has 3 versions. Select a version to view:
Jan 9, 2009: Placed on Calendar in the Senate

Jan 22, 2009: Passed the Senate (Engrossed)

Jan 28, 2009: Passed Congress/Enrolled Bill

Jan 9, 2009: Placed on Calendar in the Senate

Jan 22, 2009: Passed the Senate (Engrossed)

H.R. 11 Lilly Ledbetter Fair Pay Act of 2009 (RFS)

H.Res. 87 Providing for consideration of the bill (S. 181) to amend title VII of the Civil ... (EH)

H.R. 11 Lilly Ledbetter Fair Pay Act of 2009 (IH)

Source: Internet
### Top 10 Most Educated Countries in the World

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<thead>
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<th>Rank</th>
<th>Country</th>
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<tbody>
<tr>
<td>1</td>
<td>Canada</td>
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<td>2</td>
<td>Israel</td>
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<tr>
<td>3</td>
<td>Japan</td>
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<td>4</td>
<td>United States</td>
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<td>9</td>
<td>Australia</td>
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<td>10</td>
<td>Ireland</td>
</tr>
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*Source: Education News; Educationnews.org*
6.3 APPENDIX C

1. Are there Federal or local Non-Discrimination laws in the workplace?
2. Have people reported discrimination within their workplace or other areas?
3. Are people reluctant to report discrimination within their workplace or other areas?
4. Do people feel as if they are or have been discriminated against within their workplace or other areas?
5. What is the race of the individuals?
6. What is the gender of the individuals?
7. Are there biases, if so, where?
8. Based off of the evidence provided, what are the beliefs and/or perceptions of discrimination within the workplace?
9. If you have served in the military, do you believe unlawful discrimination exists in the military?
10. In your opinion, do you believe the laws are being adhered to?
REFERENCES


Taplin, Ruth, *Decision-making and Japan, A study of corporate Japanese decision-making and its relevance to Western companies*, Japan Library, 1995, pgs. 5-70.


