

SECOND EDITION

GENDER in the Workplace

A Case Study Approach



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Jacqueline DeLaat



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Jacqueline DeLaat
Marietta College

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GENDER in the Workp_♀lace

*To my aspiring professional daughters,
Meghan and Michelle—with hopes for their “balancing
acts” and for easing of the conflicts faced at work.*

Preface

Attention to gender issues in the workplace heightened in the 1990s and has continued unabated in the new century, as men and women confront new challenges and difficulties in achieving gender equity and fair treatment at work. While sexual harassment has dominated recent public interest, other issues are also critical, such as the "glass ceiling" in advancement, sex stereotyping of certain categories of work, continual pay inequities between men and women, career development issues, and, perhaps most important, problems in balancing family needs with the structure and demands of the contemporary workplace. While most Americans accept the fairness of equal treatment for the genders in the workplace, few would argue that it has been achieved. At recent international gatherings, it has become apparent that the issues faced are worldwide, though their forms vary cross-culturally. Further, the issues appear quite complex and intransigent, despite a number of public policies directed at workplace equality both in the United States and abroad.

The purpose of the cases in this text is to raise awareness of the current forms that gender issues in the workplace are taking and to encourage active thinking about how these issues may be addressed on the personal, organizational, and public policy levels. Everyone who works or will soon work, male or female, can benefit from the exercise. While the majority of the issues are still faced far more often by women than by men, men do nonetheless encounter gender issues as well; further, men are often in a good position to affect them. Several of the cases in this collection involve men in very key roles and also introduce some ways in which they suffer from gender stereotypes and discrimination. The material should prove useful to students in a variety of college courses related to management, business, public administration, personnel management, public policy, and gender studies, and also to a wide variety of people already confronting the issues in the workforce.

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Introduction

Faith Daniels, the NBC news correspondent, tells an interesting story about her first “real” job after college graduation. Having been treated fairly in every way as an undergraduate mass media major, she was an honors student, mentored by a very experienced faculty member, completed a prize internship in television, and entered the job market confidently. She interviewed for a news opening with a local television station and excitedly waited for the phone call to tell her she was hired. When the call came, however, the manager said, “Well, we’re sorry but we don’t think you would work out in news; however, we do have an opening for a ‘weather bunny’ and we think you’d be great at that!” “This was my first introduction to stereotyping of women at work,” Ms. Daniels later told a group of undergraduate women, “and it shows the kind of attitudes and behaviors you may run into.”

Many successful working women have similar tales to tell. Younger people, however, seem to believe that gender discrimination and its causes are things of the past. While it is true that much progress toward work equity has been made in recent decades, there is substantial evidence that serious gender issues arise in many contemporary places of work around the world. This brief collection of cases is designed to help students and employees to understand what some of these issues are and to confront them in the “real life” situations presented in the case studies. Gender issues in the workplace are often subtle; they are often difficult to address, and it is often difficult to prepare students and workers to address them. Yet many can expect to be confronted with gender discrimination in the course of their careers.

Most college undergraduates, male and female, believe that gender inequality has been “solved” through public policy—legislation and court decisions—but are quite unaware of what current law actually

addresses, what practices in the workplace it prohibits, and how the legal system adjudicates issues of gender and work. In addition, individual organizations and professions present unique variations of these gender issues; this is why the cases here are set in a wide variety of organizations and in several countries, though many of the lessons are easily transferable among settings.

Like Ms. Daniels, many young professionals seem totally unprepared for the gender issues they encounter. It is quite difficult for employees with very little work experience to develop individual strategies for coping with gender issues at work, should they be required to do so. Fuller understanding of these matters will greatly assist young professionals as they enter the workforce; such insights are also sought in many organizations and professional groups, through employee and management training programs addressing gender issues. This text presents a brief overview of gender issues in the workplace, along with one representative case study in the United States for each category of gender issues. The text's format and content are suitable for both undergraduate students and organizational development training in work settings.

The settings of the cases also deserve some attention. This edition includes two new cases in international settings, one in Germany and one in China. These will be useful on two counts, first showing the commonality of many of the issues worldwide, and second, showing the impact of different cultures and public policies on the forms the issues may take. The international examples are valuable to U.S. students because many of them will either work abroad, supervise workers from other cultures, or both, during their careers. The cases are set in a wide variety of organizations and professions: business, law, medicine, academia, the U.S. military, the Chinese diplomatic corps. As with the international cases, looking at the ways in which various professional settings influence the same issues is very valuable. For one consideration, we know workers will work in many organizational settings during their careers. Second, any strategies for addressing gender issues need to be specific to the organization and the culture in order to succeed. Finally, several of the cases introduce ways in which men as well as women may suffer from gender discrimination, though the vast majority of such discrimination still affects women.

❖ TOPICS

The text begins with a brief exploration of the range and types of gender issues in the workplace, organized into five categories:

1. *gender stereotypes about work* (e.g., “women don’t do lumber”)
2. *gender discrimination in compensation, promotion, and benefits*, e.g., the “glass ceiling”
3. *career development and mentoring*
4. *balancing work and family responsibilities*, e.g., child care, dual-career couples, pregnancy issues
5. *sexual harassment issues*

Later in this introduction, I will define these five categories of issues and provide concrete examples of the issues in each category, chosen from a variety of current work environments. Relevant data and research on the issues will also be summarized, along with key definitions, and some illustrative examples and concepts. (The intent, however, is to provide a broad overview of these issues, useful in a variety of teaching settings, rather than an in-depth, specialized summary of the research, which is readily available elsewhere.) This material will familiarize students or trainees with the broad range of gender issues in the workplace and help bring order to the material by grouping issues in useful categories.

Each of the seven chapters is a case study illustrating one particular category of gender issues. For example, Chapter 1 presents the case *Half a Pie, or None?* that focuses upon gender stereotyping of certain positions within an organization. The cases are all based upon real situations; several were drawn from federal court cases, while others were developed from in-depth personal interviews. The two international cases focus respectively on sex stereotyping of work and work and family balance; each follows the case representing this same issue in the United States. The Student Responses promote analysis and evaluation of information in the case, as well as presenting activities that may enhance learning from the case. (Instructor’s Notes, providing additional background information useful in discussing the issues, are contained in an important companion volume.)

I emphasize case studies here as an innovative teaching technique, well suited to the objectives of increasing awareness of how actual workers, both men and women, as well as the law and the legal system, address gender issues in the workplace. Both students and employees may have very little experience with gender issues, and the use of case studies provides an effective way of increasing their ability to apply what they learn. Without concrete application, the study of gender issues can seem remote indeed, especially to undergraduates. Traditional treatment of gender issues focuses upon both the theory of

gender and data or evidence that gender discrimination occurs. While this work is very valuable, it tends to be rather theoretical. The use of some specific case studies, which engage learners more actively and directly in the issues, makes the gender content of many undergraduate and graduate courses, as well as training on gender within work organizations, much more concrete. Case studies can thus extend the experience and perspective of both students and employees who might not have encountered certain issues personally.

The case studies included in the book are based on actual legal cases, nationally reported incidents, or personal interviews, but the names of all people and places and dialogue are fictitious.

The development of cases involves researching the legal issues, choosing a good illustrative case, writing the case in a story or scenario format, and developing key objectives and questions for analysis. In some case studies, classroom simulations may be used to recreate the circumstances presented in the case and allow student responses. In all cases, discussion questions focused on the critical events in the case encourage the students to think about the gender, legal, and managerial issues in a concrete situation, thus greatly enhancing classroom or training site discussion and participation. Case studies place students directly "in the action," by requiring problem solving and personally developed responses to the situations presented. For example, in a case about gender stereotyping of work, both supervisors and the individual being denied access to certain work have practical and legal options and responsibilities; the case includes activities that reflect both these perspectives on the work situation. Case studies thus help to promote lively, active learning environments, in which most people can learn more readily than in a more passive environment.

The Conclusion is devoted to an examination of the connections between the five categories of gender issues explored in the cases. For example, sexual stereotyping of work often leads to inequities in compensation or promotion. The Conclusion highlights the importance of the organizational culture and how to change its treatment of gender issues. Students or trainees who complete all seven cases will be able to compare the differences between organizations and cultures that affect both the nature of a gender issue and how it might be most effectively addressed. Solutions that are feasible in an academic environment, for example, may not be effective in the military because of differences in the nature, values, and mission or goals of the organizations. And, obviously, what works in the United States may not work

at all in China. Consider, next, a brief introduction to each of the five categories of gender issues in the workplace.

❖ GENDER STEREOTYPING OF WORK

Regarding certain types or categories of work as male and others as female constitutes gender stereotyping of work. Industrial sociologists, among others, have studied such patterns in the U.S. workforce over time, and U.S. Census data about the gender composition of various professions and jobs provide the data for such analyses. During the 1970s and 1980s, occupational sex segregation declined for the first time in the twentieth century (Reskin & Padavic, 2002, p. 73). A variety of social and legal, as well as economic, factors contributed to this decline, including passage and initial enforcement of Title VII of the 1964 Civil Rights Act, the emergence of the second women's movement of the century in the 1970s, and an increase in educational opportunities for women resulting from other federal policies such as Title IX of the Education Amendments of 1972, which requires all educational institutions receiving federal money to treat men and women equally. As of the turn of the century, the sex segregation index for jobs held stood at 52, compared to 62 in 1980 (Reskin & Padavic, 2002, p. 74). (In a perfectly integrated organization the index would be 0.) The numbers of women in many formerly male professions—notably law, medicine, government, and academia—have increased dramatically in this period. One of the most important contributing factors has been the greater similarity in the percentages of men and women graduating from college, in their college majors, and in their choices of postgraduate education. In 1960 38% of all college graduates were female, but the percentage has risen steadily since then and passed the 50% mark in the early 1980s. Only 3% of all professional degrees were granted to women in 1960, but by 1987 that percentage was 35% (Goldin, 1990). Half of current law school graduates are female (Catalyst, 2005b), and women have also caught up with men in medical education (Jacobs & Berkowitz, 2002). Special efforts to attract women to engineering and the sciences are also bearing fruit (National Council for Research on Women, 2001). Women and men are now equally likely to hold jobs in the management category of jobs (Powell & Graves, 2003).

It is also clear that sex segregation persists in the workforce. The stark occupational data confirm that women and men are still segregated into distinct careers, despite the reduction in the overall amount

of such segregation in the past few decades. The ten most common occupations for women, according to 2000 census data, were (in order): secretary; manager/administrator; cashier; supervisor or proprietor, salesperson; registered nurse; teacher, elementary; nurse's aide, orderly, attendant; bookkeeper; waitress; receptionist. For men, the list is as follows: salaried manager, administrator; supervisor or proprietor, salesperson; truck driver; janitor; carpenter; cook; computer systems analyst and scientist; sales representative; mining, manufacturing, and wholesale laborer, except construction; supervisor, production occupations (Reskin & Padavic, 2002, p. 66, calculated from 1998, 1999, and 2000 U.S. Current Population Survey data). It is also clear that the occupations dominated by women are less compensated and less valued than those dominated by men (U.S. Bureau of Labor Statistics, 2004a). The gain in women in management masks, as Powell and Graves note, the persistent low numbers of women in top management positions; this helps explain the 67/100 female/male pay ratio among managers (Powell & Graves, 2003, p. 30).

As Reskin and Padavic so ably summarize, this segregation persists because of a variety of factors: the actions of employers, actions of male workers and actions of female workers, sex labeling of jobs, recruitment practices, and outdated assumptions all contribute to occupational segregation by gender (2002, pp. 74–95). While, as Goldin (1990) reports, most explicit rules prohibiting women from certain types of work, or requiring them to resign upon marriage, are now illegal, the impact of these earlier practices remains. It is also correct that if women's work has been characterized in one way, and men's work in another, few individuals may be willing to oppose that established pattern (p. 8).

These social norms help perpetuate job segregation, even though it is illegal. Employers may discriminate intentionally or unintentionally, both of which, of course, violate Title VII. Recruitment practices, interviewing questions and techniques, and stereotypes of initial recruiters or gatekeepers can all operate to discriminate unfairly against one gender. Further, requirements or skill qualifications may be unfair and operate against women or men; at times one sex is provided with better training opportunities denied to the other, which is also an unfair practice. Employers' control of workplace rules and structure (such as location and hours of work or shift rotations) may also operate to discourage women or men from entering a certain type of work or from advancement.

In addition to employers' actions, one gender of coworkers may create an atmosphere or workplace dynamic that effectively excludes

the other. For example, men often fear the entry of women into their profession for a variety of reasons, including the new competition, a decline in the prestige of the work, the need to clean up workplace behavior or language, or the fear that women may not do their share (Reskin & Padavic, 2002, pp. 91–93). Some men thus feel they have a stake in keeping women out of their work and act on this feeling. Of course some of these actions may be illegal.

Women, themselves, may contribute to their occupational segregation. To the extent that women do not pursue careers they obviously cannot develop them. While choices of men and women may “voluntarily” exclude them from a certain type of work, Reskin and Padavic’s (2002) analysis—that such “free choice” is largely socially and organizationally determined—is compelling (p. 79). Recent work argues that in the current era it is not clear that women avoid seeking the same careers and the same job satisfactions that men do; the numbers of women in the permanent workforce, and research about them, indicate the changes from previous eras in this regard (Jacobs & Gerson, 2004; Jacobs & Madden, 2004). It is more likely that women modify their career objectives and choices because of a combination of socialization, role-conflict, and organizational and professional realities than from true free choice.

In the case *Half a Pie, or None* issues of occupational segregation by gender are raised in the context of a highly trained, professional woman seeking career advancement to managerial levels. The case illustrates ways in which employer actions can lead to occupational segregation, in spite of the legal ban on such actions provided in Title VII. The actions of supervisors as well as coworkers, both male and female, are important in the case.

In *One Step Forward, Two Steps Back?* gender stereotyping of work is much more blatant, in that several career options for women are matters of public policy in China.

❖ GENDER DISCRIMINATION IN COMPENSATION, PROMOTION, AND BENEFITS

A second area of gender discrimination in the workforce is compensation and advancement. Government and private research has authoritatively documented the pay gap in earnings between men and women; in 1992 women earned about 74 cents for each dollar earned by men (Karsten, 1994, p. 53); in 2002 the figure was 76 cents on the dollar (U.S. Bureau of Labor Statistics, 2002, in Powell & Graves, 2003, p. 35).

Part of the gap, of course, is related to the occupational segregation of women, and the corresponding lower pay rates for "women's jobs." The improvement in women's salaries has been in part due to their entrance into formerly all-male professions.

But there is also much discrepancy between the earnings of men and women even *within the same* occupation. Only about 7% of the gap, within certain occupations, can be accounted for by education and experience differences between men and women. In fact, the female/male (F/M) salary ratio for full-time workers in some highly educated and prestigious professions is as follows: 68% for physicians; 67% for managers; 75% for college and university professors; 69% for lawyers; 88% for registered nurses. Thus, "the depressing fact for women is that the higher the educational attainment, the *lower* the F/M ratio, a depressing thought for females," (Powell & Graves, 2003, p. 30). This tends to discredit the pipeline theory, which has argued that women have not been "in the pipeline" long enough to gain the experience needed for top-level positions. (The larger number of women remaining in the workforce throughout their adult life also discredits the pipeline theory in the current context.)

As in cases of occupational segregation, there is significant national policy against unequal pay and related practices, in the Equal Pay Act of 1963. The act was passed as an amendment to the Fair Labor Standards Act of 1938; it stipulates that men and women must be compensated equally for jobs that are alike in content, that require similar skill, effort, and responsibility, and that are performed under similar working conditions. The act covers incentives and employee benefits as well as wages. Women and men may be paid different rates for doing the same work only on the basis of a legitimate seniority or merit system. The act applies only to pay discrimination within the same job.

The current movement toward *comparable worth* policies argues that the equal pay principle should extend to work of similar difficulty, even if the jobs, themselves, are different. Since men and women are not always found doing the exact same work in the same place, and so on, the comparable worth concept argues that equal pay should apply to *equivalent* work. The problem is determining comparability. Various methods of judging the difficulty, skill, and responsibility, among other factors, required in a job have been utilized to judge comparability. Despite its implementation by a number of state governments and private corporations, this movement is still controversial, whereas the basic equal pay policy—equal pay for the same work—is generally accepted.

Even as women enter more lucrative fields, however—such as law, medicine, engineering, business—it is apparent that their advancement

to the highest and best paid levels of these professions has been limited. Currently, for example, women hold only about 13% of the upper management positions in U.S. Fortune 500 corporations; at the very top of corporations, just 6% of CEO positions were held by women in 2000 (Catalyst, 2005a). Further, the pay gap is greater at the vice president level or above; women's salaries at this level are only 58% of their male peers' salaries (U.S. Bureau of Labor Statistics, 2004a). In government, as well, their advancement to top career positions has not been nearly commensurate with their numbers; by 1998, for example, women held 45% of federal jobs but just 22% of top management positions (Reskin & Padavic, 2002, p. 103).

No definitive single explanation of the pay gap has been proposed; suggestions include organizational barriers to advancement, career interruptions, and women's desires to combine strong commitment to both work and family roles. The existence of artificial barriers to women's advancement in organizations has been termed the glass ceiling. In the Civil Rights Act of 1991 a federal glass ceiling commission was created, within the U.S. Department of Labor, to do systematic research on the extent of the glass ceiling problem, its apparent causes, and policies that might help remediate it. (Major recommendations of this commission before its expiration in 1996 are reported in Appendix B to Chapter 3.)

In summary, the commission succeeded in documenting the existence of the glass ceiling and identifying the specific formal and informal barriers of which it is composed. The commission found, for example, that top managers assess male and female workers differently. Men are evaluated on perceived potential, but women are more often judged on past accomplishments (Karsten, 1994, p. 16). Further, in related research, only 8% of 201 CEOs of America's largest business firms (most of whom were male) said that women "lacked the aggressiveness" to be top managers, and only 5% said women needed to be more willing to relocate to progress in their careers, thus somewhat debunking two common explanations for women's failure to reach the highest corporate levels (Fisher, 1992).

The case *Did Attorney Evans Bump Her Head on the Glass Ceiling?* deals with the judgments made about advancement or promotion of professionals—in this case, attorneys—and the complexity of these decisions. It delves into the internal operations of a law firm to examine the process for selecting full partners. Issues about both formal and informal factors that affect such decisions are relevant to the case. Students will judge whether the glass ceiling operated in this instance.

Issues of advancement and compensation are very clearly related to each of the other four categories of gender-related workplace issues

represented in this text. The interaction of compensation and advancement issues with occupational segregation or stereotyping has been mentioned; in the Conclusion attention will return to this interaction, as well as the connections of compensation and advancement issues with those of career development and balancing work and family commitments.

❖ CAREER DEVELOPMENT AND MENTORING

An examination of career development grows logically out of the documentation of barriers to women's advancement. In attempting to break the glass ceiling, professions, work organizations, and individuals have turned to a more detailed look at the ways in which successful careers develop, the necessary ingredients of success in various professions and organizations, and gender differences in the opportunities for successful career development. The pipeline theory, previously mentioned, assumed that as women were present in careers for the requisite number of years they would naturally progress at rates similar to those of men in the same positions and holding the same general credentials. These, after all, are the basic tenets of equal treatment, and agreement that such opportunity is important formed the societal consensus in support of the equal treatment provisions of the civil-rights and equal-pay policies mentioned earlier. Forty-plus years after the passage of these policies, however, it is clear from the data previously cited that women are not progressing in rates similar to those of men, even when their basic qualifications and experience are similar (National Commission on Pay Equity, 1991).

It is now common, as a result, for individual professions and occupational groups to analyze the career paths of successful leaders within their fields. Women in both law and medicine, for example, have undertaken systematic research into the reasons for their lack of equality—in both positions attained and overall compensation—with men in their profession. Similarly, women in academia have begun to study the reasons for both their lower numbers and the small percentage of positions they held at the highest levels, and a wide variety of studies of women in corporate America have documented the obstacles to women seeking top positions there. This type of attention, within a variety of organizations and professions, has highlighted the importance of career planning and mentoring for the professional advancement of both men and women. But it appears that women face some special difficulties in this regard.