

# Elimination of All Forms of Discrimination at Workplace and Its Impact on Sustainable Work Culture in India

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## ABSTRACT

Sustainable Development Goal 8, which seeks to "promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all," emphasizes the critical role that decent work for all plays in attaining sustainable development.

The new 2030 Agenda for Sustainable Development includes social protection, decent work, employment creation, workplace rights, and social dialogue as essential components. Discrimination is defined as the different treatment of two equally qualified individuals on behalf of their gender, race, age, disability, religion etc. an organization face challenges in providing equal opportunities for all employees at workplace. Analytically, most of the reasons of discriminations of all types in workplaces revolve around the role of human resources managers.

**Keywords:** Discrimination, Workplace, Equal pay, Constitution

## INTRODUCTION

Discrimination at workplace includes some factors that include age, gender, race, nationality, religion etc. The main law that deals with employee discrimination in India is the Equal Remuneration Act of 1976 which provides for payment of equal remuneration to men and women for work of similar nature. "Work of a similar nature" means work in respect of skill, effort and responsibility required are the same, when performed under similar working environment, by a man or a woman and the differences, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment. The constitution of India also entails the provision of equality at workplace under Articles 14,15 and 16, 38,39,41,42,43 etc. Therefore, it is immensely important to have a good legal framework for the elimination of all forms of discrimination at workplace for a sustainable work culture in India.

## VARIOUS FORMS OF WORKPLACE DISCRIMINATION<sup>1</sup>

Workplace discrimination refers to unfair or unequal treatment of individuals or groups based on specific characteristics. It can manifest in various forms, affecting hiring, promotions, pay, work conditions, or general workplace culture. Below are the common types of workplace discrimination:

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<https://pites.in/types-of-workplace-discrimination/>

<https://blog.ipleaders.in/types-of-discrimination-in-workplace-and-their-legal-protection-in-india/>

### 1. Gender Bias

It refers to treating the employees differently on the basis of Gender. It includes subjecting the person to unequal pay, denial of promotions, exclusion of individuals from various roles due to gender based stereotypes. The gender bias is so prominent that the entertainment industry such as the film industry has not also remained untouched by it. More often, the actresses have been heard complaining about the disparities in relation to gender such as gap in the payment for the work done. It is often seen that male actors are being paid more in comparison to the female actors. It is also an evident fact that the male actors who are in their 50s easily get roles in the main lead and the female actors of the same age are subjected to elderly roles at this age. The transgenders are still struggling for recruitments even if they are qualified and meet the eligibility criteria. Vishakha & Ors v. State of Rajasthan (1997)<sup>2</sup> is also a leading case where harassment on the basis of gender bias is discussed.

### 2. Racial and Ethnic Discrimination

The societal notion that divides people into groups according to physical or genetic characteristics is implied by race. Contrarily, ethnicity is defined as the state of being a member of a group that has a common nationality, culture, customs, dress code, or language. Insensitive remarks or microaggressions directed at specific ethnic groups, biased hiring practices, favoring particular racial groupings, and assigning unfavorable duties based on racial prejudice are all implied.

### 3. Age Discrimination

When employees are treated differently because they fall into specific age groups, this is known as age discrimination. It involves excluding older workers from leadership positions because of their lack of experience, presuming that older workers are less able to adjust to new technology, and denying opportunities to older workers in favor of younger candidates. An organization's current and potential employees may become dissatisfied as a result of this kind of discrimination, which may cause the current employees to perform below par.

### 4. Discrimination on the basis of Disability

A condition or impairment that may limit a person's physical, sensory, intellectual, or mental capacities and make it difficult for them to accomplish daily tasks is generally referred to as a handicap. Congenital disabilities are those that exist from birth, while acquired disabilities are those that result from disease, trauma, or other causes. From a medical standpoint, disability is frequently divided into various groups according to the type and degree of impairment. In this instance, candidates or employees with mental or physical disability are being treated unfairly. It entails rejecting qualified people based on presumptions about their ability and refusing to provide reasonable modifications.

### 5. Religious Discrimination<sup>3</sup>

Religious discrimination is treating a person or group differently because of the particular religion they align with or were born into. This includes instances when adherents of different religions, denominations or non-religions are treated unequally due to their particular beliefs, either by the law or in institutional settings, such as employment or housing. It implies Treating individuals unfairly due to their religious beliefs or practices. It implies denying time off for religious observances, harassing employees for wearing religious attire, favouring employees of certain faiths in promotions or assignments.

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<sup>2</sup> Vishakha & Ors v. State of Rajasthan (1997)

<sup>3</sup> [https://en.wikipedia.org/wiki/Religious\\_discrimination](https://en.wikipedia.org/wiki/Religious_discrimination)

## 6. Discrimination on the basis of Sexual Orientation<sup>4</sup>

Preconceptions about how men and women should look and act, as well as perceived nonconformity with heteronormativity—the social notion that being heterosexual is "normal"—are common causes of discrimination, harassment, and exclusion from the workforce. Men who are thought to be "feminine" in their behavior or appearance, or women who are thought to be "masculine," frequently experience harassment or discrimination. Lesbian, gay, and bisexual employees frequently reported being subjected to intrusive questions about their personal lives and being asked to defend their non-heterosexual identity. Others explained that in order to be accepted at work and have their contributions acknowledged, they needed to "prove" their femininity or masculinity.

## 7. Pregnancy and Parental Status Discrimination

Unfair treatment of women because of their pregnancy, parental status, or a pregnancy-related or childbirth-related medical condition is known as pregnancy discrimination.

Pregnancy discrimination occurs when a woman is treated differently because she is pregnant, has given birth, or has a pregnancy-related or childbirth-related medical condition. Discrimination may be directed at current workers or applicants.

Another term for this type of discrimination is pregnancy harassment, which refers to the persecution and nagging of women regarding pregnancy, childbirth, or a pregnancy or childbirth-related medical condition that creates a hostile work environment or leads to unfavorable employment actions like demotion or termination.

## 8. Marital Status discrimination

When workers are treated unfairly because they are single, married, divorced, separated, or widowed, this is known as marital status discrimination. It can take many different forms, such as companies believing single workers having more time to work or believing married workers are less dedicated or adaptable. Due to preconceived notions about their availability, single parents frequently experience further discrimination and are passed over for opportunities or promotions. Women who are married are frequently denied employment since it is assumed that their domicile would change after marriage.

Discrimination can also be shown in the distribution of benefits, where married employees may be the only ones eligible for particular perks like health insurance or leave policies. Such actions impede workplace inclusion and foster inequity.

## 9. Political Affiliation Discrimination

When workers receive unjust treatment due to their political affiliations, associations, or actions, this is known as political affiliation discrimination. This can involve being denied opportunities, subjected to harassment, or subjected to unjust punishment because of political beliefs or affiliations with a specific political party or movement. Although people have a right to their political beliefs, prejudices against them can create a hostile and polarizing workplace.

Employers must strike a balance between preserving workplace peace and upholding workers' freedom of speech. Companies should make sure that merit, not political bias, is the basis for choices on assignments, promotions, and employment. Diverse viewpoints can be tolerated in the workplace by promoting open communication and teaching staff members how to appreciate one another. *Dattatraya Motiram More v.*

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<sup>4</sup>[https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@gender/documents/briefingnote/wcms\\_368962.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@gender/documents/briefingnote/wcms_368962.pdf)

State of Bombay AIR 1953 Bom 311<sup>5</sup>, law providing reservation for women as municipal councillors was discussed.

### **10. Language Discrimination**

When workers receive unjust treatment due to their native tongue, accent, or level of language competency, this is known as language discrimination. This may show up as discriminatory hiring procedures, project exclusion, or unjustified criticism of a worker's communication style. Non-native speakers may be isolated and have fewer prospects if employers enforce "English-only" regulations or prohibit the use of other languages in the workplace.

People from bilingual communities and immigrants are particularly affected by this type of discrimination, which hinders their ability to advance professionally and integrate into society. It exacerbates systemic biases by frequently intersecting with discrimination based on national origin. By expanding cultural viewpoints and improving global communication abilities, diversity helps firms create more creative and dynamic work environments.

### **11. Caste based discrimination**

Caste-based discrimination still exists in hiring, promotions, and interactions at work despite legal bans. Discrimination based on caste has its roots in India's past social structure and still influences workplace relations today. Workers from underrepresented groups, such as Scheduled Castes (SCs) and Scheduled Tribes (STs), frequently experience discriminatory recruiting procedures, unequal compensation, and restricted opportunities for leadership positions. Bias is also prevalent in subtle ways, such as exclusion from informal networks or decision-making processes. In addition to being against constitutional principles, this prejudice impedes organizational progress by prohibiting advancement based on merit. Such practices are intended to be curbed by legal protections such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; yet, in order to establish workplaces that are truly inclusive, awareness and successful execution are crucial.

## **RELEVANT LAWS REGARDING MANAGING WORKPLACE DISCRIMINATION IN INDIA ARE:**

### **1. CONSTITUTION OF INDIA <sup>6</sup>**

The Indian Constitution offers a thorough framework for preventing discrimination and advancing equality in the workplace. Anti-discrimination laws are based on Article 14, which ensures equality before the law and equal protection under the law. In order to promote inclusivity and justice, Article 15 forbids discrimination based on religion, ethnicity, caste, sex, or place of birth. By guaranteeing equality of opportunity in public employment, Article 16 guards against discrimination in hiring and advancement. By outlawing untouchability, Article 17 upholds the dignity of underprivileged groups.

The right to work with dignity in a secure and equitable workplace is one of the rights to life and personal liberty that are safeguarded by Article 21. Article 23 protects workers from exploitation by outlawing human trafficking and forced labor. Furthermore, the state is encouraged under the Directive Principles of State Policy to promote welfare of people and these all together would constitute a just and fair society.

### **2. EQUAL REMUNERATION ACT, 1976<sup>7</sup>**

This law forbids wage discrimination based on gender and guarantees that men and women receive equal

<sup>5</sup> Dattatraya Motiram More v. State of Bombay AIR 1953 Bom 311

<sup>6</sup> Constitution of India

<sup>7</sup> Equal Remuneration Act, 1976

compensation for identical or comparable labor. It covers both the public and commercial sectors and is applicable to all employers and workers. The Act emphasizes pay equality by prohibiting employers from paying men and women differently for the same or comparable work. Additionally, it mandates that businesses keep wage records that specify the compensation received, taking gender-based differences into account. In order to ensure compliance, the Act also gives the government the authority to issue directives regarding pay structures. Penalties, such as fines or incarceration, may follow any breach of the laws, including unfair compensation practices. The law aims to prohibit discrimination and advance gender equality in the workplace, guaranteeing that everyone shall get paid equal for equal quality and quantity of work.

### **3. PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995**

Equal opportunities and the prevention of discrimination against people with disabilities are the goals of this act. Establishing policies for the social, educational, and career growth of people with disabilities is one of the Act's main features. In addition to quotas in education, it requires that at least 3% of government positions be set aside for those with disabilities. The Act also mandates accessible transportation and public space infrastructure.

Employers are required to give workers with disabilities a reasonable accommodation. The law also requires governmental agencies, educational institutions, and employers in the commercial sector to remove obstacles, both physical and mental, in order to foster an inclusive atmosphere. Additionally, it allows for the creation of vocational training facilities, special schools, and rehabilitation initiatives.

### **4. SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989**

It was passed in order to stop crimes and prejudice against members of Scheduled Tribes (ST) and Scheduled Castes (SC). The Act establishes severe penalties for individuals who perpetrate atrocities and makes a variety of violent and socially discriminatory practices, including physical and psychological abuse, illegal. It guarantees legal protection and prompt action against caste-based discrimination in public places, workplaces, and educational institutions.

The Act provides for the appointment of special public prosecutors and requires the creation of special courts to speed up the trials of such offenses. It also mandates that the government put policies in place for victims' rehabilitation. The Act also strengthens the rights and dignity of the impacted communities by giving them the ability to pursue justice.

### **5. MATERNITY BENEFIT ACT, 1961**

Through the provision of maternity leave and other benefits, this act guarantees the welfare of female employees. It is applicable to businesses with ten or more employees. For their first two children, qualified women are entitled to 26 weeks of paid maternity leave under the Act; for each additional child, they are entitled to 12 weeks. Additionally, it provides for a six-week leave of absence in the event of a miscarriage or medically assisted pregnancy termination.

The Act forbids discrimination or termination on the basis of maternity status while on leave, and it requires mothers to have a daily breastfeeding break. Employers must advise female employees of their Act-guaranteed rights. If employers do not provide free prenatal or postnatal care, the law also stipulates medical bonuses. Penalties for noncompliance could ensure the protection of women's health and employment rights.



## 6. SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013

Women are shielded from sexual harassment at work under this law. In order to handle complaints, it requires companies with ten or more employees to set up an Internal Complaints Committee (ICC). Sexual harassment is defined broadly by the Act to include any sexually suggestive behavior, whether it be verbal, physical, or nonverbal. Employers are required to provide a safe workplace, run awareness campaigns, and conspicuously display the Act's restrictions. There is a deadline for resolving complaints, and non-compliance carries consequences. This Act guarantees reparation for impacted women while advancing gender equality, workplace safety, and dignity.

## ORGANIZATIONAL PRACTICES FOR ELIMINATING DISCRIMINATION

- **Diversity and Inclusion (D&I) Policies:** Establishing frameworks to ensure diverse hiring and unbiased promotions.
- **Training and Awareness Programs:** Conducting workshops to sensitize employees and leaders about unconscious biases.
- **Grievance Redressal Mechanisms:** Creating transparent and effective systems for addressing discrimination complaints.
- **Accessibility Enhancements:** Adapting infrastructure and tools for employees with disabilities.
- **Equal Opportunity Policies:** Proactively promoting underrepresented groups.
- **Anonymous Feedback Systems:** Allowing employees to report discriminatory practices without fear of retaliation.
- **Mentorship and Sponsorship Programs:** Supporting underrepresented employees in career growth.
- **Regular Audits and Surveys:** Monitoring workplace diversity and inclusion metrics to identify gaps.
- **Celebration of Diversity:** Recognizing and valuing cultural, religious, and personal milestones of employees.
- **Flexible Work Policies:** Catering to the needs of employees from diverse backgrounds.

## IMPACT OF ELIMINATING DISCRIMINATION ON SUSTAINABLE WORK CULTURE

- **Enhanced Employee Morale:** Inclusivity creates a sense of belonging and motivates employees. When employees feel respected and valued regardless of their background, it leads to higher job satisfaction. A workplace that actively promotes equality fosters trust and collaboration among team members, enhancing their emotional and professional well-being.
- **Increased Productivity:** An equitable environment allows employees to focus on their work without the distractions of prejudice or bias. By eliminating discriminatory practices, organizations create a conducive atmosphere where talent thrives, leading to improved efficiency and overall performance.
- **Innovation and Creativity:** Diverse teams bring a variety of perspectives, experiences, and problem-solving approaches. This diversity drives innovation by challenging conventional thinking and fostering creative solutions. Inclusivity ensures that all voices are heard, unlocking the full potential of a workforce.
- **Employee Retention:** Organizations known for fairness and equality naturally attract and retain top talent. Employees are more likely to remain loyal to companies that uphold inclusivity and provide equal opportunities for growth and development, reducing turnover rates and recruitment costs.

- **Social Equity:** Promoting workplace equality has a ripple effect on society. By addressing systemic discrimination at work, organizations contribute to reducing societal inequalities, setting an example for fairness and justice in broader social contexts.

## RECOMMENDATIONS

- **Policy Strengthening:** Enforcing strict compliance with anti-discrimination laws is crucial to ensure accountability. Regular monitoring and audits by regulatory bodies can help identify violations and prompt corrective actions. Organizations must integrate these laws into their policies and align them with global best practices.
- **Leadership Commitment:** Senior leaders play a vital role in championing inclusivity by setting examples through their behaviour and decision-making. Leadership programs should focus on building awareness of diversity, equity, and inclusion (DEI) principles, ensuring these values are integrated into organizational strategies.
- **Education and Awareness:** Promoting diversity education at all levels is essential to address unconscious biases. Training sessions, workshops, and interactive discussions can help employees understand the importance of inclusivity and develop empathy for diverse perspectives.
- **Community Engagement:** Collaborating with civil society organizations and advocacy groups can bridge the gap between corporate initiatives and societal needs. Partnerships can help address systemic biases and create programs that benefit marginalized communities.
- **Regular Audits:** Conducting periodic diversity audits can highlight areas needing improvement. These audits should assess recruitment practices, promotion patterns, and workplace culture to ensure they align with inclusivity goals. Publishing these findings can also enhance transparency.
- **Technology Integration:** Leveraging technology to monitor and analyze workplace diversity data can provide actionable insights. Advanced analytics tools can identify patterns of bias and support data-driven decision-making, enabling organizations to implement targeted interventions.

## CONCLUSION

Eliminating workplace discrimination is fundamental to establishing a sustainable work culture in India. Inclusive practices not only enhance employee morale and organizational performance but also align with global sustainable development goals. While challenges such as societal norms and limited policy implementation persist, organizations can overcome them through leadership commitment, awareness programs, and structural reforms. The study underscores the need for a holistic approach to fostering equity, ultimately driving long-term social and economic growth.

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