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# WAGE DISCRIMINATION AGAINST WORKING WOMEN

by SARAH M. GANASEGERAM

## ABSTRACT

This research generally sets out to study wage discrimination against working women. Specifically, the study has three objectives. First, it examines sex-role stereotypes resulting from a colonial background, as a cause of wage discrimination. Second, the study explores gender-related job segregation existing in government policies, as a cause of wage discrimination. Lastly, it examines gender differences in human capital resulting from lack of access to education, as a cause of wage discrimination against working women. The study uses legal research methodology. The nature of this method incorporates advocacy and persuasion. Case studies based on decided equal pay claim cases are chosen. The case studies chosen are *Shields v E.Commes (Holdings) Ltd* [1978], *Bromley & Others v H. & J. Quick Ltd* [1988] and *Pickstone & Others v Freemans Plc* [1987], which highlights the instances of *like work*, *work rated as equivalent* and *work of equal value* respectively. These instances are equality clauses under the Equal Pay Act 1970 of the United Kingdom. Specifically, these case studies are chosen to help us achieve our aim of advocating for changes in a Malaysian scenario. Several areas in the Malaysian scenario which are relevant to the study are colonial background, federal constitution and labour laws, government policies and education system. Specifically, the colonial background highlights the existence of sex-role stereotypes. The area of federal constitution and labour laws highlights the lack of protection against wage discrimination and stresses the need for equality laws in the legal framework of our country. The third area highlights one specific government policy, which is linked towards gender-related job segregation among working women. The last aspect links gender differences in human capital as a result of the lack of access to education. In addition, the importance of equality laws promoting equal pay is shown with a detailed discussion on three equal pay claim cases mentioned above. Comparison between the legal provision in United Kingdom and relevant areas in the Malaysian scenario indicates a less than desirable the situation of equality in the country. Major reforms are needed towards achieving greater equality in the country. Strategies and the major players are identified to stimulate change. The major players are identified as the government, employers, trade unions and women themselves. Actions and strategies were also identified specific to the various players.

At the forefront of all reform effort towards lesser discrimination in general and equality for working women is education.