

CHAPTER – 3: LITERATURE REVIEW

3.1 Occupational Gender-based Segregation

Occupational gender-based segregation is the practice of employing men and women in specifically different positions or occupations in any society. Usually, occupational gender-based segregation starts from the typical and biased assumptions or stereotypes in the society based on the biological and social differences found between men and women. This is because, biologically, men are considered to be physically stronger and less emotional whereas women are considered as less strong and more emotional. There are also different qualities associated with men and women that lead to the occupational gender based segregation.

Anker, Melkas and Korten (2003: p.1) list five factors for occupational gender-based segregation and they are:

1. Social norms and stereotypical perceptions regarding men and women, family life, family responsibilities and work life.
2. Education and vocational training
3. Taxation and social security
4. Structure of the labour market
- and 5. Discrimination at entry and in work.

They also mention that these factors can serve as direct or indirect obstacles for men and women in getting jobs. Early in life, children learn that society expects and assigns men and women with different roles and these roles are often reinforced by the media, education system and the social practices. Thus, children will grow up with the mindset that men and women are different because they are not only biologically different, but they are also expected to have different roles to play and expected to do different things in life.

The U.S. Higher Education Research Institute states that men and women are inclined to choose different fields of study when they enrol in higher educational institutions for study.

According to the study conducted in 1996, men and women differ greatly in their intended field of study where male students are more inclined to choose engineering and female students usually choose to study professional courses. Thus, the difference in choice of study will eventually lead to difference in the choice of work of these graduates. In addition, although there are some women who possess education and qualifications in fields traditionally dominated by men, their education and qualifications are often not highly valued for other hindering factors.

According to Anker, Melkas and Korten (2003), social security policies and the type of comprehensiveness of the welfare state can provide better opportunities for women in the job market. At the same time, another factor, namely, the structure of the job market also serves as a factor in the segregation of gender in the labour market. A study conducted by Bertrand and Mullainathan (2003) found that the administrative jobs are often targeted at women more than men thus making it as an area of work dominated by women. Furthermore, as mentioned earlier, Barber (2010) says that women prefer to work in the public sector for the better security and working hours and all around the world, the public sector is mostly dominated by women. Although the public sector provides more job opportunities for women, Melkas and Anker (1998) in Anker, Melkas and Korten (2003) report that it also increases the gender segregation gap in the job market. This is further supported by the situation in Malaysia where the concern of the increasing number of women entering the public sector has recently highlighted. The government is also urged to monitor and implement the gender equal policy carefully, so that representation of both genders in the civil service will be balanced.

Another factor of occupational gender segregation is the discrimination at the entry level. This can be seen in the explicit and implicit discriminatory requirements listed by the employers in their job advertisements and the preference given for men or women in recruitment for certain type of jobs. This situation is made worse when the job seekers associate with and approve the traditional labour division by choosing to work in areas that are considered suitable for them by the society.

Although gender segregation at work is found to slow down in the 1990s, Cotter, Hermsen and Vanneman (2004) state that there is still significant progress for women in the labour market in U.S since 1950s. Meanwhile, in Malaysia, the number of women joining the workforce has shown increase from 30.8% in 1957 to 46.7% in 2000 as reported in the *The Progress of Malaysian Women Since Independence 1957 - 2000* (2003). This shows that over the years, more women are joining men to work outside home, challenging the traditional notions of male and female characteristics and proving that they too, can work alongside men outside home. In addition, this also proves that gender segregation in workplace is also challenged since more and more women are working outside home today.

Occupational segregation refers to the trend of employing men and women in different type of positions and working areas. This is usually caused by gender bias and gender stereotypes commonly held by the society. Simpson (2004) mentions that social perceptions on gender and gender representation in social discourse have important roles to play in promoting and sustaining the gendered employment and the social definition of jobs as belonging to men or women. Thus, these biased ideologies and stereotypes automatically limit the job placement in workplaces based on to gender. In addition, Morgan (as cited in Simpson, 2004) says that works related to masculine identities and organizations are shaping the idea of being a 'man'. Therefore, jobs that calls for more typical masculine

qualities associated with men such as aggressiveness, possessing more analytical skills and physical strength attract more men than women as these jobs reflect more on the idea of being a 'man'. At the same time, stereotypical assumptions that women are more caring, paying more attention to details and possessing more physical attractiveness confine them to be placed as nurses, teachers, administrators or beauticians.

Even when men and women possess the same qualification, men are viewed to perform better and more men are selected compared to women for any male dominated position in any company. This kind of stereotype leads people to believe that women do not have the necessary skills to work in any male-typed jobs. In addition, women have always traditionally been considered as being second to men when it comes to working outside home. This is because women are associated with activities that do not involve lots of physical strength such as house chores and taking care of the families.

3.2 Equal Employment Opportunity

Yu (2002) states that in Jiangsu Province, China, it was found that 80% of female students drawn from five universities in Nanjing had been refused by the prospective employers because of gender discrimination and 34.3% of female students had been refused job offers many a times. This shows that although the issue of gender equality in workplace and employment has long been raised and discussed, there are still companies which have gender biased policies when it comes to actual employment and recruitment. Moreover, Kuhn and Shen (2009) also point out that about 10 percent of job advertisements in their study in China, listed gender as a requirement showing that discrimination of gender does exist at the entry level, contributing to the problem of gender-specified jobs in the job market.

Several international treaties prohibiting job discrimination against women were signed by the Ukrainian government. These include the *Convention against All Forms of Discrimination against Women* (CEDAW) and the *International Labor Organization's Discrimination Convention No. 11* in an attempt to address the issue of gender discrimination in employment in Ukraine. In 2006, the UK government made it illegal to discriminate any individual based on his or her race, sex and age. On the other hand, in the United States of America, the *U.S. Equal Employment Opportunity Commission 2004* explicitly states that any discrimination in job advertisements is illegal whereas in Canada, the equal employment opportunity policies are formed under the *Employment Equity Act*. All these aim at achieving equal opportunities and treatment in workplace and diminishing unequal employment opportunities for reasons other than academic or professional qualifications and physical abilities. In addition, *The Employment Equity Act* in Canada also specifically refers to those working in the private sector and public service.

The *Information for Employers—Good practice, good business: Eliminating discrimination and harassment in the workplace* provided by the Australian government also aim at eliminating the discriminatory practices in employment and in the workplace. In addition, it also provides information on the many of the Acts which protect employers and employees in Australia such as the *Occupational Health and Safety Acts*, *Equal Opportunity in the Workplace Act*, *Public Service Act*, *Sex Discrimination Act* and the *Workplace Relations Act*. Moreover, there are strict guidelines available in the *Best Practice Guidelines for Recruitment and Selection* where it is clearly stated that the stereotyped and discriminatory language or requirements should not be used in the job advertisements. One of the guidelines mentioned is that there should be no discriminatory language or discriminatory requirements mentioned in the advertisements.

As in Malaysia, Singapore's Constitution also states that all persons have equal legal rights and protected equally under the law. Thus, employers are expected not to select candidates based on criteria which are of no relevance to a job such as age, physical attractiveness and vehicle possession. Singapore also has their own guideline which is known as *Tripartite Guidelines on Non-Discriminatory Job Advertisements* used in order to promote equal employment in the selection of workers. Explanation is given on the types of discriminatory criteria where age, race, language, gender and marital status should not be listed as part of the requirements unless explicitly explained and supported by valid reasons. The guidelines also serve as guiding principles for other Acts and Codes meant for employment such as the *Singapore Code of Advertising Practice (SCAP)* and *Singapore Press Holdings (SPH) Newspapers Advertisement Copy Vetting Guidelines* (2004).

Salbiah Ahmad (2005) and Muhammad Shahriar Haque (2005) point out that the Malaysian Federal Constitution in Article 8 (1) states everyone is equal before the law and equally entitled for protection under the law. But in Article 8 (2), the protection against gender discrimination is not mentioned as the only discrimination based on religion, race and place of birth are mentioned. It is also stated that there should be no discrimination against citizens regardless of their religion, race, descent, place of birth or gender including in employment. However, Article 8(2) and 136 states that protection against gender discrimination is guaranteed for those in the public sectors but not for those working in the private sectors. Article 136 also states that everyone under the service of the Federation should be treated equally though subjected to the terms and conditions of their employment. In addition to that, though it is mentioned in those articles and clauses that no one can be discriminated in terms of gender, it seems that the practice of excluding certain gender is still prevalent until today especially at the entry level.

The *UN Convention on the Elimination of All Forms of Discrimination against Women, 1979* has been endorsed by the government as follows:

“...discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

(CEDAW, Article 1)

It was reported in the Women’s Equality in Malaysia, March 2001 where in the Sixth and Seventh Malaysian plans (1990-1995 and 1996-2000), a special section for women is allocated in which the government promised to take specific actions and implement strategies to include women in gaining more places in the workforce to help develop the society and its economic activities. However, the implementation of the plans and various guidelines are not thoroughly monitored since there is little control over various gender-related issues in the job market. An example to this is the publication of many job advertisements in the newspapers that clearly and publicly display gender discrimination when the gender of the prospective applicants for the position advertised is listed as one of the requirements. Thus, gender discrimination is less likely to be heard, as not much interest is shown by the society on this issue of gender discrimination, specifically in terms of employment.

There seems to be no specific guidelines in Malaysia that prevent gender discriminatory practices in the print media. This is because most of the guidelines and codes of ethics are only applicable to the commercial advertisements given through the electronic media like advertisements in radio, television and internet but not with reference to the classified advertisements in the print media. In addition, a report submitted to the International Labour Organization (ILO), namely, *The Elimination of Discrimination in Respect of*

Employment and Occupation (2003) also states that there are no specific rules and guidelines for discrimination in employment and occupation available in Malaysia but those discriminations in employment and occupation are recognized and activities to raise awareness on the issue of discrimination in employment have been carried out to promote public awareness on the issue.

The absence of any law or policy to control this kind of discriminatory practice makes it difficult to deal with the issue of gender discrimination in employment since the employers are free to select the gender of their desired employee by limiting the gender of applicants who wish to apply for any vacancies available in their companies. Ironically, the reasons for their preference are not explicitly explained and supported in the job advertisements and since there are no rules or laws asking for the explicit explanation or relevant reasons for the gender preference, they continue to list gender as part of the requirements in job advertisements to show their preference for a specific gender for the positions advertised.

3.3 Job Advertisements

Job advertisement is used by employers to attract the attention of job seekers to apply for the vacancies advertised. Job advertisements usually listed requirements that must be fulfilled by potential job seekers so that employers can receive applications from candidates that they wish for. Arthur and Chambers (as cited in Muhammad Shahriar Haque,2005) say that advertising the vacancies in newspapers is one of the most popular ways in attracting many job seekers to apply. It is also deemed as the cheapest way of getting many applications for the employers to choose from. There are so many ways to advertise vacancies such as through employment agencies, online advertisements and career fairs.

However, most employers still prefer to advertise vacancies in the classified sections of the newspapers as confirmed in a study by Gerard, Gubern and Rodriguez (2000) because newspapers are easily accessible to the public. Although job advertising is just a small step in the process of employment, Muhammad Shahriar Haque (2005) argues that it plays a significant role because it exposes the employment and job service policy of the company to the public. Thus, job advertisement is not just a simple advertisement but it has a sense of social responsibility on the part of the firm. This has reference to the company's policies and preference of potential employees because they are always revealed through the list of criteria used to limit the job seekers from applying. Job advertisements are used as means to attract potential job applicants and the public in general, towards the companies and organizations and at the same time, by providing the criteria need to be fulfilled by job seekers, employers managed to avoid unqualified job seekers from applying. However, some of the criteria listed by the employers as 'preference' are difficult to be justified such as gender, age, physical appearance and vehicle possession and by providing these unjust criteria, they appear to look as important as or even more important than the academic qualifications and skills as well as the experience possessed by the job seekers.

Job advertisements also serve as the first contact between job seekers and the company or organization advertising the vacancies. This is the first step in filtering or short listing potential employers at the entry level by excluding unqualified candidates for the position advertised by the requirement lists provided and the job descriptions given in the advertisements. Therefore, apart from revealing some policies of the company, job advertisements also serve as means of communication by employers given to potential job seekers of what they actually want and need as their employees.