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Problems in Implementing Adequate Equal Employment Opportunity Laws and Diversity Management in Organizations

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Abstract: Organizations need to be effective and timely manage diversity. Efficient diversity management within organizations helps them to build a satisfied and happy workforce that feels safe at the workplace. A happy workforce translates into higher revenues through satisfied and loyal customers. Equal Employment Opportunity is a means to achieve effective diversity management within organizations. However, there is a gap in the literature in providing a roadmap for an organization to build a strong employee base. Therefore, this paper examines the literature and tries to identify critical issues in implementing adequate EEO law and diversity management. This paper concludes with recommendations for organizations to implement adequate EEO laws for a better work environment, which results in higher revenue generation, greater brand image, and customer satisfaction.

Key Words: Equal Employment Opportunity, Diversity Management, Organizational Performance, Discrimination, Organizational Diversity, Gender Diversity, Gender Bias

JEL Classification:

Introduction

Organizations around the globe are trying to ensure the inclusiveness of under-represented employees through dynamic efforts to manage diversity (Ahmed et al., 2021, Memon et al., 2021c, Sahito et al., 2020). Organizations formerly lacked diversity management through effective HRM (Nadiv and Kuna, 2020). Equal employment opportunity refers to distinguishing between employees based on their age, gender, color, and religion (Bishu and Headley, 2020). However, the selection should be based on skills and expertise. Diversity management is significant for

reducing the gap between all segments of society.

Globally, female managers are concentrated in the lower management and they are less authorized as compared to male employees. The evidence claims that the number of female employees is increasing over time, however, the females are not reaching top management. The Fortune Global 500 suggests that the narrowing of the gender gap in the 1990s and 2000s has decreased (Warner and Corley, 2017). The number of female employees in corporate boards and high-level management positions has lowered in recent years. In 2017, it was estimated that

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women were six percent of the Fortune 500 CEOs but the number has decreased to five percent.

Since 1988, females have outnumbered male individuals on college campuses. Evidence demonstrates that since 1980, women have gained one-third of law degrees as compared to men (McDonagh et al., [2014](#)). Similarly, since 1990, one-third of medical students are females. However, women have not reached positions of power and prominence in the corporate sector despite this representation in education (Warner et al., 2018).

Equal Employment Opportunity (EEO) laws forbid employment discrimination based on age, gender, race, color, religion, and disability (Hardt et al., 2016). EEO and its dimensions such as equal training, equal recruitment and selection, and equal payment are significant elements to improve organizational performance. The competition within organizations in their orientations, forms, and sizes have pressurized enterprises to emphasize the human element.

The Equal Employment Opportunity Commission (EEOC) is a governmental institution that came into being with the motive to end the discriminatory practices within organizations that were not only normalized but also considered legal (Moss et al., [2001](#)). The commission was created to communicate the discrimination based on gender, age, race, religion, ethnicity, cultural background, sexual orientation, and political beliefs, as immutable characteristics that had nothing to do with an individual's capability to work within the organization and bring positive results for the organization as well. The EEOC was not specifically created to protect the rights but with time, gender and diversity management issues became more prevalent. The need for protection laws was observed by the 1960s. Even today, EEOC has continued its struggle to fight against the discriminatory behaviors that take place within the organizations on a day-to-day basis so that the workplace can be made safer for the employees and they feel protected while working for the organization (Commission, [2021](#)).

This research paper aims at highlighting the significance of equal employment opportunity and diversity management in organizations. For this purpose, comprehensive literature is presented to highlight the important aspects of diversifying the workforce in organizations. Similarly, the challenges and advantages of diversification are discussed.

Literature Review

This section of the paper presents past literature and tries to synthesize scholarly work to understand the significance of equal employment opportunity and diversity management in organizations.

Diversity Management in the Organizations

The global workforce consists of individuals who are similar to each other in certain aspects but each individual also holds individuality based on the differences from other individuals. These differences can exist because of geographical backgrounds, religious differences, political backgrounds, differences in demographics, culture, race, and other such characteristics of similar nature (Yadav and Lenka, [2020](#)). Numerous reasons can explain the diversity in the workforce of an organization. Some reasons can be based on the factors and conditions under which the person was born, while some can be traced back to the surroundings of the individual (Zaid et al., [2020](#)). Based on these reasons, there are four categories of diversity. These four types are often considered as four dimensions or classifications of diversity.

Internal Diversity

This category of diversity can be understood based on the situations and circumstances under which a person is born (Memon et al., [2021a](#), Irfan Ahmed et al., [2016](#), Memon et al., [2014](#), Soomro et al., [2022](#)). These are the circumstances that a person did not choose him/herself and cannot change either because of the absolute nature of the matter. For example, race, ethnicity, sex, physical and mental abilities, cultural aspects, sexual

orientation, age, and nationality are examples of internal diversity (McAuliffe, [2008](#)).

External Diversity

External diversity can be categorized as the characteristics of a person that he/she developed with time & experience and was not born with. These characteristics are related to a person and are developed as a result of the person being influenced by another person, event, or scenario either by consent or forcibly, and without the person even noticing or acknowledging it. The most common examples of external diversity are the personal interests of a person, the level of education the person receives, appearance, religious beliefs, geography, relationship status, citizenship, experiences in life, socioeconomic status of the person, and familial status (Korshunova et al., [2017](#)).

Organizational Diversity

Organizational diversity is often referred to as functional diversity. This category of diversity deals with the differences that are created based on the roles an organization assigns to the individuals working for the organization. These roles lay the basis of developing the characteristics that individuals develop with time and these very characteristics bring diversity among the individuals. Irrespective of the role or the salary that you get from the organization, the work that you perform for the organization strengthens your position in the organization (Nadiv and Kuna, 2020). It does not matter whether a person is working for a nonprofit, public sector, private or governmental institution, even if he/she works voluntarily, the person is associated with the organization and is a part of the organizational group which could either be small or a large one (Herring, [2009](#)). Therefore, the different subsets within an organizational diversity exist and include the job function, employment status, management status, workplace, seniority level, the union with which the person is affiliated, and the payment type (Van de Ven et al., [2008](#)).

Worldview Diversity

This is the most common category of diversity

and it comes down to the individual worldviews that people align with, including the internal, external, and organizational diversity characteristics. The worldview diversity changes with time and with new experiences as people conceptualize the world differently, as they learn more about themselves and the other people around them. These include the political views, moral compass of the individuals, epistemology, and the outlook on life that the people have (Hermisson et al., [2019](#)).

Furthermore, diversity management in any organization is critical as it helps the organization to be sensitive toward the differences among all stakeholders of the organization (Shore et al., [2009](#)). The diversity among the employees has to be effectively managed to reap the benefits of a diverse workforce in an organization. An important metric to measure the effectiveness of diversity management within the organizational workforce is employee support (Avery, [2011](#)).

The importance of diversity management within the organization is increasing as the reasons to understand and consider the types of diversity increases with work requirements within the organizations. Organizations are becoming more focused on measuring the impact of diverse workgroups and they have developed metrics to measure the performance levels of such teams and groups, consisting of individuals coming from diverse backgrounds (Shen et al., [2009](#)). It has been studied that diversity brings several benefits and the performance levels of employees can also be increased with effective diversity management practices (Senichev, 2013).

Gender Diversity

There is considerable evidence in history and research that a bias exists towards men and against women finding work in the job markets and the challenges that women face as opposed to their male counterparts when it comes to inefficient diversity management within organizations (Nielsen et al., [2017](#), Liu, [2018](#), Orazalin and Baydauletov, [2020](#), Polderman et al., [2018](#), Memon et al., [2021b](#),

Memon et al., [2016](#), MEMON, [2018](#), Memon et al., [2022](#), Memon et al., [2020](#)). The basis of this bias against women lies in the gender difference from the majority. The apparent consequences of such differential treatment based on gender include the pay gap, glass ceiling, alienation, and stereotyping of women in the workplace (Birindelli et al., [2019](#)). These factors affect the performance levels of female employees, as a result of institutional-level discouragement and discrimination. Due to the similarity attraction paradigm, men are more likely to secure jobs, get promoted, or make more money by working in an organization, which consists of a male-dominated workforce. Many theories explain gender diversity and gender-based discrimination in the organizations such as similarity attraction, social identity, theories on status hierarchy, gender reproduction theory, and other such theories of stereotypes and gender roles (Bohren et al., [2019](#)). The theory of gender reproduction explains the masculine and feminine traits that occur in the workforce and the reasons why such differences occur in the human resource of an organization (Messerschmidt et al., [2020](#)). Few theories on gender diversity have no aspect of positive or negative effects while mostly highlighting the negative aspects that women face as a result of discrimination in male-led majority markets (Shore et al., [2009](#)).

Gender diversity and diversity in general in the organization bring varied perspectives as the workforce consists of people coming from different backgrounds and can add a greater variety of perspectives (Chrobot-Mason and Aramovich, [2013](#)). It also helps in better problem-solving skills as the varying degree of points made by the people result from harder work and more creativity. The quality of work also improves as a result of gender diversity. A larger audience can also be secured with the help of a diverse workforce. This gives the applicants equal employment opportunities and also helps the organizations build a better reputation and secure a larger market share (Ali et al., [2011](#)).

Job seekers can benefit from a gender-mixed workforce in an organization as the

human resource department can choose the best from a larger pool of applicants. This will boost employee engagement and productivity levels of the employees (Nishii, [2013](#)). Gender diversity may help the company in generating higher profits. This is very important for an organization to develop a diverse workforce with a zero-tolerance policy for targeted behavior and discriminatory attitude. It makes the workplace a warm place for everyone to work and the community at large a better place (Martins and Parsons, 2007).

Equal Employment Opportunity in the Organizations

It has been studied that gender diversity can have a positive influence on group efficacy or group outcome (Yarram and Adapa, [2021](#)). The performance levels of the group also increase with the increased gender diversity. The performance levels of the same-gender groups are lower than that of mixed-gender groups. Another aspect of the positive effect of increased gender diversity in organizations is that it helps to attract and recruit more females for other positions in the organization through the applicant attraction perspective (Badal and Harter, [2014](#)). This helps to apply the Equal Employment Opportunity (EEO) act more efficiently as the person-organization fit radar moves more towards women as compared to previous situations (Charlesworth et al., [2005](#)).

The EEO is a rule that states every individual is given an equal opportunity to work without considering their backgrounds and attributes such as gender, and sexual orientation (Stevens et al., [2008](#), Victor et al., 2017). According to this principle, every individual should be allowed to find employment based on their merit and not based on their diverse backgrounds.

The EEO behavior stems from four major kinds of unlawful and discriminatory behaviors;

- Sexual harassment
- Oppression
- Unlawful confrontational action
- Discriminatory behavior either direct or indirect

These unlawful behaviors are based on the personal attributes of an individual which are not relevant to the employment the individual is looking for. These attributes are referred to as protected attributes of an individual.

The protected attributes of individuals are gender, race, disability, religion, pregnancy and breastfeeding, parental status, political opinions, age, and disability. The EEO Laws are for all types of employees and the individuals seeking employment, whether permanent or fixed-term personnel, labor hire which is usually the employment agency staff, the hired staff which includes the contractors and the sub-contractors as well as the trainees and casual employees (Petrick and Furr, [2017](#)).

EEO Training involves the complete lifecycle of employees and not just after the day of joining. Organizations and employers need to treat people with dignity and respect even before they have started working for their organization. This can be done by putting up advertisements that are inclusive and are not insensitive to social issues or the organization can simply promote a healthy workplace culture and thus a solid and inclusive reputation for the brand. The recruitment process should also be carried out irrespective of any bias or without any influence of any demographical background (Alansaari et al., 2019). The recruitment should only be made based on the merit of the individuals within the pool of candidates. The organization should build a workplace culture that communicates equal employment opportunities for everyone both internally and externally (Nadiv and Kuna, 2020). Equal employment opportunity should be available to everyone including employees, volunteers, visitors, customers, hires, and contractors. The equal employment opportunity laws are not just applicable to the employees of the organization. These laws have a broad spectrum, and the scope involves the employers as well (Hardt et al., 2016).

There are numerous benefits to employing EEO for everyone. The EEO laws promote a sense of equity and fairness within the organization (Nishii, [2013](#)). This makes the employees feel better once they start believing that they are treated equally. This, in turn,

boosts the productivity levels of the employees and enhances their performance levels.

Furthermore, the EEO laws also broaden the options available for employees. Once the EEO laws are applied in an organization, the employees start eliminating the possibility that they might not be treated fairly, or they might not be welcomed at their workplace, so they start applying for other positions in the organization as well to get promoted (Stevens et al., [2008](#)). Similarly, the EEO laws in the organization can be very resourceful for the organization as they can help the organization gain the trust and confidence of the people (Noe et al., [2017](#)). The people outside of the organization and the people within the organization start believing in the organization because it advocates for the safety of the employees.

Employee Engagement at the Workplace

The EEO laws improve employee engagement within the organization. The employees can openly interact and engage with other employees without discrimination in the organization. This can be very helpful for the organization because it can be used to breed a friendly workplace culture in which anyone can help the people who need help (Macey et al., 2011). A healthy workplace environment for employees makes it easier for them to learn new concepts and apply them as well in their projects (Grawitch and Ballard, 2016). The EEO laws can help to construct transparent, friendly, and effective communication channels in the organization that enhance productivity levels and make the flow of information in real-time smoother and quicker (Macey et al., [2011](#)).

These laws are vital to building a strong brand reputation and help employees successfully increase customer satisfaction and customer retention (Singh, 2006). Moreover, the EEO laws protect the people and the business. Greater customer satisfaction can be ensured through EEO laws as the performance levels of the employees increase in a hospitable workplace for everyone. When the employees are

encouraged at their workplace based on their work, the work environment becomes more conducive to the development of all the employees leading to improved services for the customers as well (Charlesworth et al., [2005](#)).

The Challenges in the Implementation of Equal Employment Opportunity Laws

Many organizations face numerous challenges in implementing EEO laws and effective management of diversity in the workplace. Some of those challenges and their reasons have been further discussed as under:

Globally, the victims of discriminatory behavior and workplace harassment cannot speak against this marginalized and unjust behavior. They cannot file lawsuits because of financial constraints or other regulatory challenges that arise in such scenarios. Oftentimes, the victims are at a disadvantageous position due to the social norms or they simply lack legal assistance. In many cases, the victims simply do not trust the judicial systems to put forward their cases of workplace harassment (Patrick and Kumar, [2012](#)).

It is the responsibility of the organization to keep its employees informed of their rights concerning the EEO laws (Commission, [2021](#)). However, there are situations when people are teleworking or even working remotely for the organization. In such a dispersed workforce, it becomes difficult to disseminate information regarding such laws leaving the workers uninformed about their rights in many instances (Colbert et al., [2016](#)).

Mostly, it becomes difficult to manage diversity and implement EEO laws at the workplace due to the different cultural, spiritual, and political aspects of society (Cox Jr, [2001](#)). Therefore, it becomes challenging to cater to everyone's diverse backgrounds at the workplace. It is important to remind the employees that they are not allowed to impose their belief systems on others because this may result in workplace conflicts and disputes. It is important to remind employees to be mindful of their duties and responsibilities at the

workplace and not let their personal beliefs influence their professional decisions (Fassinger, [2008](#)).

It has been reviewed that men are preferred in hiring processes over women by forty percent. Similarly, in a workplace, men are more likely to get promoted to higher ranks as compared to their female counterparts (Badal and Harter, [2014](#)). Additionally, men have a higher wages as compared to women (Kugler et al., [2017](#)). All these workplace phenomena lead to the glass ceiling and wage gaps (Goldin et al., [2017](#)). The Equal Pay Act and Equal Employment Opportunity can help reduce the wage gap and the bias involving gender discrimination in the workplace (Shen et al., [2009](#)).

Recommendations

Organizations are responsible for implementing equal employment opportunity laws within the organization. Organizations are liable to strive for a workplace environment that is safe and inclusive to everyone working within the organization. It is important the organization trains and educates their employees about the incidents of conflicts at the workplace.

The organizations must ensure timely assistance to the victims of discriminatory behavior at the workplace so that they can file a complaint in time about such incidents. The process of initiation of EEO complaints should be made easy and accessible to all. In this way, the challenges regarding the flow of information in the case of a disseminated workforce can be reduced.

It is often reported that many organizations do not have proper facilities to cater to the needs of their diverse workforce (Watson et al., [2009](#)). Organizations need to invest in such facilities as wheelchair ramps, allowing service dogs for some special employee needs. For instance, to cater to the mental need of employees, organizations can develop quiet rooms for employees to spend some time when they feel anxious. It is also very important to strictly prohibit any kind of derogatory behavior at the workplace ensuring

a fair and comfortable work environment for employees with special physical and mental needs so that friendly and diverse workplace culture can be cultivated.

To encourage cultural diversity and the employment of equal employment opportunity laws in the organizational workplace, the organization should employ incentive-based schemes to encourage gender diversity within the organizations. For this purpose, government grants and relevant incentives can also be used by the organization to support its business. This is important to ensure a fair selection process, free from any direct or indirect discrimination, and talented recruits can be onboarded based on merit.

Conclusion

Diversity management is significant for organizations because it helps the organization to cater to sensitive issues, which are a matter of concern for all its stakeholders. This has been reported several times that women are often marginalized at their workplaces because of their gender and this results in low wages for women, a lesser likelihood of women getting promoted to higher ranks, stereotyping, alienation, and workplace harassment incidents. It is very critical to consider the issues regarding gender diversity in organizations so that the

workplace can be made inclusive to everyone more effectively.

In the present age of information and technology, it has become inevitable to avoid the importance of creating a diverse workforce in the organization. Equal Employment Opportunity laws advocate for providing an equal opportunity for employment to every individual without considering their race, ethnicity, color, religion, spiritual and political beliefs, sexual orientation, gender, and other such diverse backgrounds. According to this law, the hiring of employees and their onboarding should not be influenced by their attributes, however, the hiring should be based purely on the skills and expertise of the employees. There are numerous benefits to the employment of EEO laws at the workplace, some of which include greater customer satisfaction and increased customer retention rate. The EEO laws also help the company to build a strong brand reputation and spread positive word of mouth for the business. These laws also increase employee engagement, quicker and easier flow of information at the workplace, and therefore, increased productivity levels as well. The EEO laws also reduce the hindrances involved in finding talented employees for an organization. Therefore, it is very important to manage diversity effectively in a workplace so that the employees feel safe and encouraged while working at the organization.

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