

## Religion, Women and Gender Discrimination in the workplace: The Status of the African woman

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### ABSTRACT

Gender is a social construct specifying socially and culturally prescribed roles that men and women are to follow. Status issues are integral, with women typically occupying lower status positions than men, but the extent of the gap between the sexes varies between cultures and across different times. There is no such thing as a genderless culture, and as such the status of women in the society is very diverse worldwide. Among the many important traits associated with the differentiation of gender discrimination is religion. Religion must be regarded as a fluid concept with interpretations and practices 'embedded' and thus varying with respect to cultural and historical relations. Admitting the complexity of the issues, some religious norms and traditions can contribute to the formation of gender discriminations and to subordinate the role of women in the society. Again, in studies pertaining to gender patterns in religions, it has been widely accepted that females are more likely to be religious than males. We note therefore that the overall gender participating rate for men and women in Africa do not appear to be proportional. It has been in favour of the men in many areas. A number of excuses have also been given for this, such as cultural, political and religious as we pointed out. But in the modern society, changes brought by civilization, colonialism and the attendant consequences have restructured societal needs. Domestic needs while increasing have also become varied. So, for families to meet their increasing and varied needs, it has become imperative that women work to augment the salaries of their husbands or even become sole bread winners of their families. It is therefore an undisputable fact that there is an immense need for women to work. The society as well as nature has therefore endowed women with the performance of certain functions and roles. With time, women felt that in addition to these natural and societal roles, they can work and contribute meaningfully to the society. This work posits that since a majority of religions emphasize women as caretakers of the home, the societal expectation of women to take greater responsibility than man for the upbringing of a child makes religion an appealing commitment. In seeking employment therefore, women only attempt to expand the frontier through which they achieve the objective of caring for the society and not working to destroy it.

**Keywords:** Religion, Gender Discrimination, Social Contract, Status, Genderless culture.

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### INTRODUCTION

The history of womanhood dates back to the biblical story of the Garden of Eden when God, in His infinite wisdom, deemed

it fit and proper to create woman alongside man. Ever since then, women have moved from merely being domestic

helpmates to their male folks, who are traditionally the bread winners of the family, to protecting the home front by training and nurturing members of the family for nation building. All over the world, men have been found to dominate the economy and social institutions. The importance of effective promotion of gender equality and the empowerment of women has been at the forefront of international summits. If the goals of sustainable development are to be attained gender equality has to be promoted. "This was reinforced at the world summit on Social Development [1], and the Beijing Platform for Action adopted at the fourth World Conference on Women (FWCW) in 1995".[2]. It was discovered that women are shifting to new role identities from the relational mother, to that of the provider (traditionally attributed to men). Businesses in many developing countries employ women because of cheaper wages and supposed greater efficiency as workers, generating the feminization of labour. The old adage that, "a woman's place is in the kitchen" has long flown out of the kitchen window.

Since the Beijing Conference, progress has been made in a number of areas, most significantly in education .Women are now the root, the stem, and the branch of their households. As the root, a woman's life is like a well wrapped parcel with layers of hard work, morals, education and training. As the stem, women are the neck, the turning of the head, as without

the neck, the head cannot function. This explains why many great men in history have had wonderful helpmates and teammates in women in their political, economic, and social lives. As the branch, women are pillars of the home, which simply put, translates into pillars of the society

Regrettably, many challenges to gender equality and women's empowerment require urgent and priority attention from all. These include maternal mortality rates, violence against women and girls, women's access to decent work and women's equal participation in senior decision-making positions. Again, while gender-sensitive legislation and policies have addressed inequalities and discrimination against women, overall progress remains uneven. Disparities exist between regions and within countries. Global averages also hide differences among women based on location, economic status, ethnicity, age, disability, religion and other factors

Gender discrimination in the workplace is one of the most dangerous crimes against women. The problem began to manifest itself as women entered into the workforce. Women, instead of being seen as equal partners, were regarded in the workplace as lacking in competence. Derogatorily, they were viewed as objects for sexual gratification and not as serious workers. Abused sexually and intimidated in the workplace, the society will not be the better for it.

#### **GENDER DISCRIMINATION**

Discrimination, according to the *International Convention on the Elimination of Discrimination Against Women(CEDAW) 1979*, is defined as: 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 fields.

Discrimination is the practice of treating somebody or a particular group in the society less fairly than others: age/ racial/ sex/ sexual discrimination. [3]. Women discrimination emphasizes the interplay between societal norms, patterned opinions and fundamental women rights. In the African cultural milieu, women are emotionally, mentally and psychologically subjugated which has in many cases led to the under- or in extreme cases, non development of the females.

Again, in everyday language as well as in the law, the terms “gender” and “sex” are used inter-changeably, but the two terms have different meanings. Social scientists use the term “sex” to refer to a person’s biological or anatomical identity as male or female, while reserving the term “gender” for the collection of characteristics that are culturally associated with maleness or femaleness. Discrimination is generally illegal regardless of whether it is based on sex, or gender or both sex and gender. The flagrant subjugation of the rights of the African women is depressing. People’s rights and opportunities should not depend on whether they are born male or female, but their interests and needs should be considered at all times.

In Christianity, men explore such Biblical verses on Adam being the first creature, men being the head of the home, St. Paul’s injunction on the submissiveness of women and other similar verses to legitimize the dehumanization of women. The religious implications of being a woman in the indigenous religion are just painful as the woman is expected to be seen and not heard. Her faithfulness in marriage must be proved by oath taking, she must prove her innocence in the

cause of the death of her husband by health threatening kind of swearing, after which she is exposed to some dehumanizing widowhood rites to enable her late husband rest in peace. At menstruation she is socially detested and she is often accused for any negative occurrence. She is generally perceived to be an evil creature with low status, whose birth is not important and whose death is of no consequence. Under this condition, discrimination against women does not arouse any guilt feeling. It is clearly seen here that there is no clear line demarcating religion from culture. The people’s culture is interwoven in their religion.

Gender behavior is taught and mastered. In many Countries in Africa (Nigeria inclusive), many women do not belong wholly to themselves. According to [4], ‘Most African societies are patriarchal in constitution. This implies a male dominated social system, where women are only tangential within the scheme’ (345). As a result of the patriarchal nature of these societies, women remain properties to either their fathers, brothers or husband all their lives. Their physical well-being, health and integrity are often beyond their control. When women have no control over money, they cannot choose to get healthcare including, especially reproductive healthcare including HIV/AIDS. Now, the danger is that where women are not empowered, it would seem that the easiest way for them to acquire some status or value for themselves is through continuous breeding of children. By this fact, frequent pregnancy and labour become life threatening.

From the beginning of time, it was recorded in the bible that God created them ‘male’ and ‘female’. So, from the

religious perspective we note that among the things God created, man (woman inclusive) is special and highly esteemed, valued and honoured. Hence it is stated in the Christian Holy Bible thus: "So God created man in His own image, in the image of God" He created them; male and female He created them. God blessed them and said to them, "Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish of the sea and the birds of the air and over every living creature that move on earth" [5].

The biological roles of men and women should not determine the precise structure of the social relations between them. The universal biological roles of women like the process of giving birth to children have been used as an anti egalitarian fact to work against the female gender in Africa. This obnoxious behavior of abandoning the woman at home to care for the husband and children keeps the woman economically bankrupt as she is not given the opportunity of contributing her quota to the economic development of the world around her.

### ANTI-DISCRIMINATION PROTECTION

There are few anti-discrimination laws in most African countries. Fewer still are litigations on them thereby rendering the jurisprudence on the subject non-existent or at best under-developed. Using the case of Nigeria as an example, there is an anti-discrimination protection in **section 42** of the constitution. The section provides that 'a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person be subjected either expressly by or in the practical application of any law in force in Nigeria or any executive or administrative action of the government to disabilities or restriction to which

We note, though sadly, that discrimination is a global phenomenon. There is gender preference in education, especially in the midst of meager resources where boys are chosen over the girls, which in turn leads to more women being academically deficient. Looking at the situation in India where irrespective of the caste, creed, religion and social status, a female child is considered inferior to a male child. There, a male child is considered a blessing and his birth brings great joy while a female is considered a burden and her birth is not celebrated at all. India is globally considered the fourth most dangerous country for a female child in the world. In countries like Yemen women are about the least empowered women in the world, in Nepal, if a woman is raped or assaulted, the perpetrators are neither arrested nor punished and in Saudi Arabia, women are not allowed to drive. Also of greater worry is that even in some advanced countries discrimination still exists, although subtly.

citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject'.

**Section 42** is limited in many ways. First, it seems to protect Nigerian citizens only. Second, it merely protects a person against discrimination based on statute or arising from the application of a statute or discrimination based on executive or administrative action of the government. Given the fact that government is increasingly becoming an insignificant employer vis-à-vis the private sector, it follows that there is no constitutional protection as such for employees in the

private sector in respect of discriminatory policies in the workplace.

Discrimination in the workplace is also forbidden by **section 17** of the Constitution. The section states that the state social order is founded on the ideals of freedom, equality and justice. It goes on to provide that every citizen shall have equality of rights, obligations and opportunities before the law. More specifically, the section stipulates that the state shall ensure that 'all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment' and that 'there is equal pay for equal work without discrimination on account of sex, or any other ground whatsoever'

Again, Nigeria is a member of the **International Labour Organisation (ILO)** which regards the elimination of discrimination in respect of employment and occupation as a fundamental principle which all member states are obliged to respect. Although Nigeria has ratified the **ILO Equal Remuneration Convention, 1951 and the Discrimination (Employment and Occupation) Convention, 1958**, one can state without equivocation that the state of protection against discrimination in Nigeria is very weak. The **Convention on Equal Remuneration for Men and Women for Work of Equal Value 1953** enjoins state parties to ensure the application to all workers of the principle of equal remuneration for work of equal value without discrimination based on sex. This principle may be applied by means of national laws or regulations, legally established machinery for wage determination and collective (trade union)

agreements between employers and workers.

On the 13<sup>th</sup> of June, 1985, the Federal Government signed and ratified the **Convention on the Elimination of all Forms of Discrimination against Women [6]** which provides that discrimination against women is fundamentally unjust and constitutes an offence against human dignity. Subsequently, the Federal Government began to initiate policies and programmes aimed at improving the lives of women. The creation of the National Commission of Women and a ministerial portfolio for Women Affairs provides additional avenues for the promotion of women-related issues and the enhancement of the role of women in national development by way of statutory body and a Ministry. In line with these goals, public authorities have a duty to pay "due regard" to promoting gender equality and eliminating sex discrimination. This means that service providers and public sector employers have to design employment and services with the different needs of women and men in mind. It requires public bodies to set their own gender equality goals in consulting with their service users and employers and to take action to achieve them. Government policies such as affirmative action and gender equality duty fall under this head. However, one can quickly add at this point that it is not enough to adopt laws and policies; they have to be effectively implemented. This falls in line with the closing remarks made by the United States Secretary of State, Mrs. Hillary Rodham Clinton on 12<sup>th</sup> March, 2010. [7] quoting Mrs. Hillary says " she called for political will and leadership as critical for generating a sustained action for gender equality and empowerment of women and girls,

and for progress in development, peace, security and human rights. According to her, it is only then will States be able to finish the agenda they committed

to 15 years ago in Beijing, achieve the Millennium Development Goals and respond effectively to global issues.”

## **B. Offshoots of Gender Discrimination**

### **1. Unequal Opportunity**

After the domestic arena, the next major place which women fight for equal opportunity is in the workplace. In the 1950s, equal opportunity did not exist and most women worked as secretaries or nurses. Only one in every three women had a job. Men had positions of power in the work place. Some brave women began fighting for equal rights early by trying to achieve success within their carriers. Even as late as the 1980s, seeing a business woman was rare. As of 2008, the Nigerian workforce as a whole was made up of 38% women and 62% men.

Equal opportunity is still not so equal though. Women still statistically earn lower salaries than men do. Jobs that have lower salary tend to have more equal opportunity available for women. At the top of business game however, women generally earn less money than their male counterparts. Jobs that pay large salaries do not have a reputation for giving equal opportunity to men and women. In fact, many jobs paying upwards of N100,000 pay men a higher salary than women.

### **2. Workplace Discrimination or Labour Discrimination**

Workplace discrimination may be either direct or indirect. According to [6] **Direct sex discrimination** is when a person is treated differently because of her sex or marital/parental and when the different treatment negatively affects the terms or conditions of employment. “Terms or conditions of employment” include position, pay, title, being hired or fired from a job and advancement and training

opportunities. It is also direct discrimination to treat a woman less favorably because she is pregnant or has taken maternity leave. This includes a pregnancy- related illness. The following situations are examples that could give rise to a claim for direct discrimination:

**a. Hiring:** You apply for a job as a marketing executive. Although you have experience and excellent qualifications, you are not hired because some the company’s long time clients are more comfortable dealing with men. You are giving the impression that as women you are incapable of grasping the intricacies of the money/finance market.

**b. Job Classification:** You work at a company that has a defined job classification and hierarchy system. Your responsibilities have increased over time, but your job classification has remained stagnant. Male colleagues have their job classification reflect their diversified responsibilities. For instance, they may have been transferred from janitorial cadre to clerical whereas, despite your virtually acting as personal assistant to your boss, you remain in the janitorial cadre.

**c. Pay:** You work your way up from the position of maid to store keeper. And yet, when a male with similar training and work experience is recruited as co-store keeper, you discover that he is being paid more than you.

**d. Benefits:** Even though differences between the sexes may result in different benefits costs to the law for an employer, it is against an employer to discriminate between men and women with regard to benefits. Employers are also not allowed to condition benefits available to employees and their spouses and families and whether the employee is the “head of the household” or “principle wage earner” in the family unit, since that status bears no relationship to job

performance and discriminatorily affect the rights of women employees. It is also against the law for an employer to have a pension or a retirement plan which establishes different optional or compulsory retirement ages based on sex, or which differentiates in benefits on the basis of sex.

**e. Promotion:** You work as a sales clerk at a retail store for ten years but have been repeatedly denied the opportunity to advance. Men with less experience, including men that you trained and/ or supervised, received the promotions instead. **f. Firing:** You are told that you were laid off due to downsizing as a result of the economic meltdown. However, men in the same job and with less qualifications keep their jobs.

**g. Marriage/Pregnancy and Discrimination:** You are required to use your sick leave and annual leave to take time off for your pregnancy because your employer doesn't allow maternity leave with pay. You may also be required not to get pregnant within the first few years of employment.

Work place or labour discrimination could also come in sexist language. This has influenced to a great extent the

involvement of women in the labour force. In the igbo ethnic group of Nigeria, there is this saying that "Ego nwanyi enweghi isi" meaning that the wealth and maybe the hustle of a woman is both meaningless and useless. The possibility of this statement imposing a limitation to the self drive of the woman is not far-fetched, realizing that no matter how much she strives and accomplishes financially, her efforts will weigh little or nothing on the social scale. This is a dangerous phenomenon because it not only leaves the potentials of the woman untapped, it could also on the large scale affect the overall productivity of the community, the nation and the world at large.

Another side to some of these sexist languages is that they could naturally create a social label where the woman is perceived as selfish, hostile and wicked. On the contrary, this perception contradicts the inherent ideals of the female folk such as selflessness, gentility and care. These have obviously, to a reasonable extent affected the engagement of the female folk in the labour force and productivity.

### CONCLUSION

At the commencement of colonialism (and of course, christianity), rigid binaries about everything including gender perceptions were imposed on the African mind. Thereafter, the woman's role has come to be limited to sexual and commercial labour; satisfying the sexual needs of men, working in the fields, carrying loads, tending babies and preparing food (Hammond and Jablow, as cited in Adeniran, 2007). Our society had denied women their rights which had led to psychological repression and the acquiescence of a male dominated world. The spheres were roughly commensurate with the binary gender distinctions. The

public sphere belonged to men: it was the sphere of business and money-making, of politics and empire building, of industry and struggle. The private sphere, on the other hand, was considered to be feminine preserve: it was the space of the home and the hearth, of sympathy and nurture, of simple piety and child rearing. Men obviously crossed into the private sphere when they are back home from their business- where they were to be "softened" by the gentle ministrations of their dear home angels - but women had limited access to the public sphere. Today, "the wind of change" is particularly explosive because women

have resolved not to watch the menfolk overrun them. African women are asserting themselves in different ways and thus evolve strategies to keep their homes. They believe that they have the golden tools such as tenderness, massive strength, moderating influence, endurance, prudence and above all exclusive partnership to enable them achieve their objectives. Women are peace ambassadors who sacrifice for the well-being of the family in particular and the world as a whole. This helps to prevent broken marriages and promotes the African culture contributing to nation-building.

Women have being seen to weather through several storms in the administration of their duties within and outside the home. Removing gender discrimination therefore will naturally do society more good than harm. It is obvious today that by empowering a woman educationally, she is equipped politically (to help develop the nation and the world), socially (to interact with the lost world), economically (to help redeem the less privileged) and of course linguistically (to be the voice of the 'forgotten'). The paper therefore concludes with the suggestions that :

-all cultural and traditional practices that make women submissive to the point of slavery by packing them in a corner (at home )without empowering them should be done away with. Many of such practices endanger the lives of women by making it difficult for them to control the incidence of pregnancy, child-birth, ante-natal care, and treatment for diseases such as HIV/AIDS and others in their lives.

- Government and its agencies should take a bold step at working towards achieving the realization of the Millennium Development Goals especially eradication of poverty.

-with the increasing awareness about the inalienable right of women to freedom from discrimination, I believe the goal of gender-parity is well underway in Nigeria. Men should therefore be educated on what constitutes discrimination. The rationale for this is men can no longer behave in the workplace as they used to do when the domain used to be men's divide. Today, the landscape of the workplace has changed. As a consequence, men must change their pattern of behaviors to make working environment safe for both sexes.

-again, public and private establishments should be made to know that all forms of harassment or discrimination against women is illegal and will not be tolerated and strong punitive action should be taken against those who engage in discrimination/harassment of women while proper reporting and procedures should be set up. We could also borrow a leaf from the United States Equal Pay Act which specifies that men and women must be paid the same rate if they have the same job title in the same work place.

Empowering women naturally means empowering the nation and the world as against empowering a man which translates to empowering an individual.

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