Workplace Discrimination and Employment Practice in Delta State Judiciary, Nigeria

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Abstract: This study examined the effect of workplace discrimination and employment practice in Delta State Judiciary. A 12-item validated structured questionnaire served as the research instrument to 102, eighty to junior staff and fifty-six to non-staff in Delta State Judiciary. The findings suggest that when workers perceive workplace discrimination in their organization, their commitment and engagement are affected. The researcher therefore concluded that Gender discrimination is now universally recognized as unethical, every country strives towards gender equality by ensuring that both men and women enjoy equal opportunities in such important fields as education, politics, economy and commerce. Hence, the researcher recommends that government should adopt gender mainstreaming as a strategy for women development. Gender mainstreaming is the process of ensuring that gender is taken into account in all government policies, programmes and interventions. It involves bringing into account the experiences, concerns, knowledge and interests of women and men to bear on programming in all areas and at all levels.

Keywords: Gender Discrimination; Age Discrimination; Religion Discrimination; Employment Practice

Introduction

There exists nexus between human rights and employment opportunities; thus, rights to life, movement, peaceful assembly and association, privacy, and human dignity, liberty, property and other classes of human rights will only be functional per excellence when a person's source of livelihood is unhindered. It can be argued that the sustainability of a man anchors on his economic value. In civilized and developed economies where social security services are provided for the benefits of the unemployed, the question may shift from the paradigm of what is "sustainable" to what is gross or net surplus for savings of disposable income which is total income less taxation (Thomas and Johnson 2005).

Those which are recognized under the constitution of nations are often termed human rights. Right to freedom from discrimination is a specie form of human rights that is fundamental to the very existence of man. United Nations in its preamble states the determination "to affirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large or small".

In 1991 the Civil Rights Act forbids employment discrimination on the basis of race, colour, sex, religion, and national origin (Equal Employment Opportunity Commission, 2014). In 1991, the Act was amended to expand the remedies available to victims, include jury trials, and describe disparate impact. Despite laws put into place to protect employee rights and an increase in corporate investments in diversity and equality management practices (Richard, Roh, and Pieper, 2013), people continue to experience workplace discrimination (Dipboye and Colella, 2005; Equal Employment Opportunity Commission, 2014; Goldman, Gutek, Stein and Lewis, 2006; Tomaskovic-Devey, Thomas and Johnson, 2005). Providing total equality is a challenge because discrimination is ingrained in our culture; this needs to be appreciated in order to craft an effective solution. Section 21 of the Human Right Act (HRA) contains a list of prohibited grounds of discrimination. These are: sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status and sexual orientation. Discrimination on a prohibited ground is only unlawful if it occurs in a specified area, such as employment or the provision of goods and services. For example, it is unlawful for an employer to discriminate by reason of any of the prohibited grounds when hiring, firing or offering terms of employment. Discrimination can be direct or indirect (Stein and Lewis, 2006). Indirect discrimination prohibits behaviour which on its face may be neutral, but "nonetheless has a discriminatory effect on people or groups because of a prohibited ground." The focus is on the effect of the conduct and "whether that effect results in a person or group being treated differently.

Equality is achieved by changing assumptions and structures that lead to discrimination. This is fundamentally difficult, because traditionally equality is measured by comparing what women have against a male standard. This is what society calls sex equality. There is a tension between the concept of equality which presupposes sameness and the concept of sex which presupposes difference. Sex equality thus becomes a contradiction in terms. Age also poses a challenge to the concept of equality, because it is a changing state, which affects every person, therefore it is difficult to establish a comparator group to say when age equality is achieved (Stein and Lewis, 2006).

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Women suffers gender discrimination in all aspects of social life such as politics, commerce, agriculture, industry, military, religious and educational institutions and find it extremely difficult to advance in social status except through the status they gain from either their husbands or fathers (Alemika and Ogugua, 2001). Women have been stereotyped, marginalized and trivialized in such a way that whatever men know and do in the society is considered superior to that which women do and know (Amadi, 1982). Gender discrimination has been encouraged, fuelled and reinforced by the traditional/cultural and religious factors militating against women's status and their participation in various sectors of the society.

Religious discrimination against women is minimal; there are many priestesses in traditional Nigerian religion, although some of the famous gods such as Amadioha, Chukwu and Igwekala are always served by men priests. Admittedly, not much can be done in this area for the gods themselves are supposed to elect their priests. The imported religions are much more discriminating than the native ones; the advent of Islam, Christianity and Colonialism did not advance the interests of women (Alemika and Ogugua, 2001).

Educationally, Nigerian women recorded significantly lower levels in the country's tertiary institutions, teaching and medical profession (Alemika and Ogugua, 2001). In the occupational structure women have faced severe gender discrimination that hinders their social mobility. They are socialized into lower statuses and more restricted self-images. In terms of rewards women's occupation usually have lower rewards than men's occupation. Women in the workforce are systematically discriminated against, kept in lower paying jobs, denied equal opportunities for advancement and laid off quicker than the men. From the negative impact of this on national prosperity, it has become obvious that the marginalization of women in employment has reduced their access to substantial regular income and social status in the society. All these issues call for research efforts in order to understand the evaluation of workplace discrimination and employment practice in Delta State Judiciary.

Statement of the Problem

The workplace discrimination has over time and space, and within the historical conjectures of the Nigeria public service suffered untold subordination and discrimination. Despite the fact that the majority of the staffs who work in the delta state judiciary in Nigeria occupy junior position of power within the Nigeria judiciary, few women are however, handicapped by the lack of affordable childcare, escalating rate of spousal abandonment, an increasingly high cost of living and gender stereotyping. These conditions deny women in the delta state judiciary the requisite skills, training and capital to secure more lucrative and secured employment.

Delta State Judiciary discrimination is attributed to tribal discrimination in developed societies, religion discrimination, nation of origin, age discrimination and disabilities discrimination. These aforementioned facts impede empowerment of judiciary staffs within the rank and files. These could be reciprocal pitfalls and bottlenecks that engulf employment practices in judiciary. There are numerous challenges that possess severe obstacle to the human resource management among which is the workplace towards hiring and firing policies.

The casual workers are usually paid a fraction of what their permanent counterparts, doing similar jobs earn. Worse still, the casual workers are not entitled to any fringe benefits or entitlements and have virtually no right. The strategy of most of the judiciaries that engage in this sort of practice is to create a subsidiary employment agency that recruits staff and post them to work in the local councils.

The proliferation of workplace discrimination has poses a lot of threat in the Delta state judiciary. Discrimination occurs as basis on grounds of religion, age, race, disability, health status, gender, occupation, nation of origin and others.

The problem of discrimination in judiciary has affected the employment practices in the judiciary institution. Thus, this seems to cause chaos in the firing and hiring policy. Employment practice such as firing and hiring has been a major fundamental problem for government and private employer towards getting the right, reliable and best competent human resource person on the job so to enhance productivity, profitability and delivery of judgment on time. Thus, the negligence of this has led to loss of man-hours on input, output, productivity and profitability. However, because of multinational merchandizing functions, private sector finds it difficult to integrate and synchronize recruitment and firing policy measures on discrimination dexterity, especially towards religion, age, nation of origin and others. The facts that judiciary cannot align its discrimination dexterity towards enhancing their employment practice measures, has created a lot of loss and success factors.

The fundamental problems judiciary encountered is to align the hiring and firing in alignment, race discrimination nation of origin, religion discrimination, health discrimination, age discrimination, disabilities discrimination so as to create positive influence on the judiciary growth. It has thus, become imperative to fill this research gap with a view to discourse discrimination on employment practice in the judiciary.

The general objective of this research study is to evaluate workplace discrimination and employment practice in Delta State Judiciary. The specific objectives are:

- i. Determine the impact of gender discrimination on employment practice.
- ii. Assess the influence of age discrimination on employment practice.
- iii. Examine the influence of religion discrimination on employment practice.

Review of Related Literature Concept of Workplace Discrimination

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Discrimination in workplace based on personal characteristics such as sex, race, religion, national origin or disability occurs in all the continents of the world. In Asian nations female executives are much more uncommon than in United States and South Africa. In France, statistics have shown that 8 percent of the resident Muslims have no high-ranking jobs in the government. Some employers prefer their tribe men and women even where other persons have all the merits required for the job. This has been extended to political appointments and nepotism is appearing to have been legalized.

In South Africa, another form of segregation took place sometimes ago when non-South Africans were greatly persecuted for allegedly competing against the citizens in the search for jobs and the non-reduction in unemployment level. In the United States before anti-discrimination policies of the United States, statistics have also shown that there exist employment discrimination among Blacks, Hispanics and Whites. However, the phenomenon of workplace discrimination has only recently attracted attention (Gutek, Cohen, and Tsui,1996). For example, Gutek, Cohen, and Tsui (1996) contrasted the experiences of perceived sex discrimination of male managers and psychologists and of female managers and psychologists, all of whom were primarily white. Both the men and the women perceived that women experienced greater sex discrimination overall than men. However, among women, perceptions of discrimination were associated with negative outcomes, such as more work conflict and more hours spent on paid work activities, whereas men perceived little relationship with these same outcome variables. Employment practices and commitment to an organization are critical components of employee attitudes that are likely to be affected by workplace discrimination. Perhaps because of this dearth of research related to race, workplace discrimination, and employment practices, there is a lack of consensus among researchers on the effects of these variables on employment practices (Cox and Nkomo, 1993).

Gender Discrimination and Employment Practice

Based on findings by Western Carolina University, comparing a 2001 study to a 1994 study, sexual harassment may actually be on the rise in workplace settings with the majority of complainants being female and employed as cleaners, messengers and secretaries with the majority of all complaints being against managers. It appears that the larger employment practices are more prone to being sued for discrimination and sexual harassment by their employees. In those larger practices there is more to be gained for the plaintiff because the suit goes against not only the defendant but against all within the practice.

Carr et al. (2000) report that almost half of the women in an organization experience gender discrimination and sexual harassment, claiming that this is a primary reason for the lack of advancement in their careers. Anthony (2004) offers a different perspective on gender discrimination in employees by discussing the difficulty of male employees within the profession. Anthony reviews the current research on the experiences of male employees, and finds that most management programs do not take into account the different learning styles of men. Male employees also report additional expectations of having to assist with any heavy lifting and transporting of loads.

Age Discrimination and Employment Practice

A recent Lexis Nexus release indicates that one in four people aged 50–69 has experienced discrimination when working or looking for work despite the proven advantages of an age-diverse workforce. When staff reduction decisions are made, it is typically older workers who are encouraged to leave positions. Age discrimination is the result of an assumption that as persons age, their abilities decline. In reality, studies have shown that older workers are absent less, are more productive, and are more likely to remain in their positions. In the United States, the average age of employees is approximately 44 years old. Letvak's (2005) study of older RNs and the connection between job satisfaction and job-related injuries revealed that employees were more likely to experience an injury at work if they worked in a production and manufacturing setting, and had a high intensity job. Letvak (2005) recommends job accommodation and job redesign to take into account an aging employee population as a strategy to retain valuable employees.

Religious Discrimination and Employment Practice

Perceived discrimination refers to an individual's perception that he/she is unfairly treated because of his/her group membership (Sanchez and Brock, 1996). According to Robbins and Judge (2013), people of different religious faiths often get into conflict. Employees in religiously diverse organizations might be prone to increased interpersonal conflicts and misunderstandings, which can increase prejudice between co-workers (Day, 2005). Religious discrimination is defined as "valuing or treating a person or group differently because of what they do or do not believe or because of their feelings towards a given religion" ("Religious Discrimination", 2013).

In this study, perceived religious discrimination is defined as an individual's perception that he/she is unfairly treated because of his/her belonging to a certain religious group or sect. Whether discrimination is overt or covert, what matters is how employees perceive discrimination. According to Ensher, Grant-Vallone, and Donaldson (2001), discrimination, as perceived by employees, can affect key areas, such as recruitment, organizational culture, compensation, employee relations, and legislative decisions, and ultimately, it can have a financial effect on organizations. Sanchez and Brock(1996) reported a link between perceived discrimination and increased work tension and job turnover.

Discrimination can range from simple comments, for example, about grooming or traditional dress, to termination from work. Nevertheless, current studies that deal with religion in the workplace focus mainly on management practices, such as dress codes, and the scheduling of religious holidays or consider them when planning meetings and/or other activities (see for example Borstorff and Arlington, 2011;Wolkinson and Nichol, 2008). According to Morgan (2004), it is a common practice for individuals nowadays to express their personal religious views and to seek religious accommodations in the workplace. This could cause some conflicts for managers. Still, these issues merely scratch the surface of deeper issues at hand, such as behavioral outcomes that affect the

organizational performance like employment practice. Having dealt with issues of religious diversity for generations, Nigerian exemplifies an environment that attempts to manage them harmoniously, and it offers an example of what organizations have just begun to experience.

Theoretical Review

Unconscious Bias Theory in Employment Discrimination

The nature of discrimination today is dramatically different from the pernicious, overt discrimination that existed prior to the passage of the Civil Rights Act of 1964.2 While advocates of the 1964 Civil Rights Act championed the need to protect minorities and women from intentional discrimination that limited their employment opportunities, the discrimination that civil rights advocates are currently challenging is of a more subtle nature. A burgeoning body of social science literature has empirically demonstrated the existence and prevalence of unconscious bias in today's society (Linda, 1995).

Bias against another thus begins to occur at the point when new information is processed by the individual, continues with each interaction between two people (Linda, 1995). This understanding of human bias is at odds with the current employment discrimination.

Participants' preferences are measured by their response times in pairing "positive" words, such as "peace," and negative words, such as "war," with alternating white and black faces, with quicker association response times indicating an implicit preference for one association (e.g., white face and "wonderful") (Nilanjana, 2000). The test is premised on the ending that it takes a subject longer to associate two items (white or black face with positive or negative word) that he views as incompatible; the test creators argue that this time differential may be quantized to provide an objective assessment of people's implicit attitudes (Shankar, 2005). Researchers have documented a general preference for white over black among study participants of multiple races,(Nilanjana, 2000), which contradicted their self-avowed indifference between the two races. Thus, racial preferences appear to be attributed, at least in part, to unconscious biases.

Method of investigation

Nwachukwu (2007), Research design refers to a plan for research investigation. It is a formulated scheme setting out stages of procedures. As relates to this work, the researcher intends to adopt descriptive survey design. The population of this study comprised of staff of judiciary Delta State which are; eighty junior staff and fifty-six non staff which will be drawn from a Delta State Judiciary thus, the population was one hundred and thirty six (136) which selected equally from the Judiciary. From the population of 136 a workable sample of 102 will be chosen bearing in mind the fact that it is easier to use a sample size because of the limited resources (Olannye 2017). The sample was being dully chosen with the belief that, it assisted in ascertaining the evaluation of workplace discrimination and employment practice in Delta State Judiciary.

Data Analysis

Gender discrimination and employment practices

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.439ª	.193	.184	2.1517

a. Predictors: (Constant), Gender discrimination

Coefficients^a

	Unstandardized Coefficients		Standardized Coefficients		
Model	В	Std. Error	Beta	t	Sig.
1 (Constant)	9.584	1.723		5.563	.000
Gender discrimination	.445	.098	.439	4.536	.000

a. Dependent Variable: Constant

Source: Analysis of Field Survey, 2022

From the linear regression result in table above, the p-value critical is at 0.05 which is greater than the P-value calculated (0.000). The decision to take therefore is to reject the null hypotheses while the alternate hypotheses will be accepted. This implies that there is a significant relationship between gender discrimination and employment practices. Also, from the beta value observed (i.e.B = 0.439 or 43.9%) shows that a change in the gender discrimination will bring about 43.9% changes in employment practices.

Model Summary

Model	P	D. Source	Adjusted D. Source	Std. Emer of the Estimate
Model	ĸ	R Square	Adjusted R Square	Std. Error of the Estimate
1	.512ª	.262	.253	2.0577

Predictors: (Constant), Age discrimination

Coefficients ^a								
	Unstandardized Coefficients		Standardized Coefficients					
	C notan di Le							
Model	В	Std. Error	Beta	t	Sig.			
1 (Constant)	7.977	1.706		4.675	.000			
Age discrimination	.563	.102	.512	5.527	.000			

a. Dependent Variable: Constant

Source: Analysis of Field Survey, 2022

From the linear regressions result in the table above, the p-value critical is at 0.05 which is greater than our calculated value (0.000). The decision to take therefore is to reject the null hypothesis while the alternate hypothesis will be accepted. This implies that there is a significant relationship between age discrimination and employment practice. Also, from the beta value observed (i.e. B=0.512 or 51.2%) shows that a change in age discrimination will bring about 51.2% changes in employment practice.

Religion discrimination on employment practice

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.831ª	.690	.686	1.3340

a. Predictors: (Constant), Religion discrimination

Coefficients^a

	Unstandardiz	ed Coefficients	Standardized Coefficients		
Model	В	Std. Error	Beta	t	Sig.
1 (Constant)	3.041	1.043		2.916	.005
Religion discrimination	.855	.062	.831	13.831	.000

a. Dependent Variable: Constant

Source: Analysis of Field Survey, 2022

From the Linear regressions result in the table above, the p-value critical is at 0.05 which is greater than our calculated value (0.000). The decision to take therefore is to reject the null hypotheses while the alternate hypotheses will be accepted. This implies that there is a significant relationship between religion discrimination and employment practice. Also, from the beta value observed (i.e.B= 0.83.10r 83.1%) shows that a change in religion discrimination will bring about 43.2% changes in employment practice. **Conclusion**

Gender discrimination is now universally recognized as unethical, every country strives towards gender equality by ensuring that both men and women enjoy equal opportunities in such important fields as education, politics, economy and commerce. In Nigeria, deliberate efforts are made towards improving the status of women through policies and programmes based on gender considerations. The feminists and women liberation movements emphasized the need for education enlightenment and national awareness on the citizens' constitutional and fundamental human rights in order to remove legal, cultural religious and other constraints against the full integration of women into the development process.

Recommendations

The development of women cannot occur within the context of gender discrimination, injustice and socio-economic underdevelopment. No society can progress when half of its population suffers systemic discrimination. Government should put to end all forms of gender and religion discrimination in both public and private sectors in education, employment and housing, and also protect equal property and inheritance rights.

Government should adopt gender mainstreaming as a strategy for women development. Gender mainstreaming is the process of ensuring that gender is taken into account in all government policies, programmes and interventions. It involves bringing into account the experiences, concerns, knowledge and interests of women and men to bear on programming in all areas and at all levels. It addresses the underlying root causes such as gender stereotypes and social norms that perpetuate and compound inequality and discrimination. Gender mainstreaming include removing restrictions to women's mobility, providing full access to sexual and reproductive health and rights, ensuring access to education and employment opportunities as well as access to economic resources such as land and financial services.

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