

CTER December 2021 Legal Update

# Equality in the Workplace

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# What does Equality in the Workplace mean?

- When people talk about taking a stand against discrimination and achieving equality, what does it mean exactly in the context of the workplace?
- To understand what equality in the workplace means, we must first understand the different types of discrimination and the definition of equality. This gives us a better idea of where we want to go and what obstacles are in the way.





## What is Discrimination?

- There cannot be equality in the workplace when discrimination is allowed to exist.
- Discrimination takes many forms and is usually based on traits such as: Gender, Sexual orientation, Race, Age, Physical and mental disabilities, Pregnancy and Religious beliefs.

## What is Discrimination? (continued)

- A covered entity discriminates when they pay employees in the same position different salaries based on any of the traits listed on the previous slide.
- Covered entities also discriminate if they deny compensation or benefits based on traits, and if they exclude certain people during recruitment and promotions.
- Equality in the workplace is also threatened when a covered entity allows harassment and/or a culture of hostility towards certain employees. While the covered entity is not necessarily directly involved in this type of discrimination, it has not taken steps to protect employees or establish consequences for those responsible.

# What is Equality?

- Merriam-Webster defines equality as, “the quality or state of being equal: the quality of state of having the same rights, social status, etc.
- The most basic form of equality in the workplace is a absence of all unnatural and unjust inequalities.

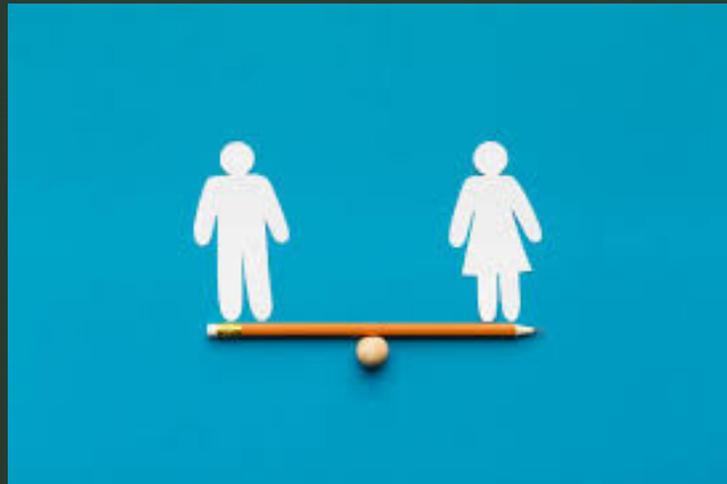


# Equality is not Absolute Equality

- **Equality does not mean absolute equality:**
- In common usage equality is taken to mean full equality of treatment and reward for all. Equality really means equal opportunities for development. In fact, when we talk of equality of all men we really mean general and fair equality and not absolute equality. We really talk of a fair distribution of opportunities reward and not equal reward for all.

## What is Equality? (continued)

- However, equality in the workplace runs deeper than simply the absence of discrimination.
- Businesses must also provide opportunities to all employees equally, so everyone has the chance to improve their skills.



# Types of Inequalities

- **There are two types of inequalities:**
- (1) Natural inequalities: are natural differences among human beings like height, appearance, intelligence, etc., and
- (2) Man-made unnatural inequalities: are man made inequalities such as discrimination, hostile social conditions, and retaliation.



# Types of Equality



 **Equality** for all



## 3 Basic Features of Equality

- Absence of special privileges in society.
  - Presence of adequate and equal opportunities for development for all.
  - Equal satisfaction of basic needs of all.
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# Types of Equality (continued)

- **1. Natural Equality:**
  - Despite the fact that men differ in respect of their physical features, psychological traits, mental abilities and capacities, all humans are to be treated as equal humans. All are to be considered worthy of enjoying all human rights and freedoms.
- **2. Social Equality:**
  - It stands for equal rights and opportunities for development for all classes of people without any discrimination.
- **Specifically, it stands for:**
  - (i) Absence of special privileges for any class or religious group or an ethnic group;
  - (ii) Prohibition of discrimination against any one on the basis of color, creed, religion, sex and place of birth;
  - (iii) Free access to public places for all the people, i.e. no social segregation; and
  - (iv) Equality of opportunity for all people. It however accepts the concept of protective discrimination in favour of all weaker sections of society.
  - A modern central theme of social equality is to end gender inequality, to ensure equal status and opportunities to the women and to ensure equal rights of male and female children to live and develop.

## Types of Equality (continued)

- **3. Civil Equality:**
  - It stands for the grant of equal rights and freedoms to all the people and social groups. All the people are to be treated equal before Law.
- **4. Political Equality:**
  - It stands for equal opportunities for participation of all in the political process. This involves the concept of grant of equal political rights for all the citizens with some uniform qualifications for everyone.

# Types of Equality (continued)

- **5. Economic Equality:**
  - Economic equality does not mean equal treatment or equal reward or equal wages for all. It stands for fair and adequate opportunities to all for work and for earning of their livelihoods. It also means that primary needs of all should be met before the special needs of few are satisfied. The gap between rich and poor should be minimum. There should be equitable distribution of wealth and resources in the society.
- **6. Legal Equality:**
  - Finally, Legal Equality stands for equality before law, equal subjection of all to the same legal code and equal opportunity for all to secure legal protection of their rights and freedom. There should rule of law and laws must be equally binding for all. In every society equality must be ensured in all these forms.



# Diversity

- Diversity acknowledges peoples' differences, so instead of being ignored or used as a justification for discrimination, the differences are celebrated.
  - Workplaces that value diversity understand that a variety of backgrounds, experiences, and skills improve work teams and business.
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# Equality Issues in Native Country

- LGBTQ rights: Employment, Marriage, etc.
- Internal discrimination: Native on Native discrimination.

# Native Two Spirit/LGBTQ discrimination

- Native Two Spirit / LGBT individuals face the highest disparities across all social and health indicators. For example:
  - 19.1% of Native gay male couples live in poverty (compared to 2.7% of white gay men), and 13.7% of Native lesbian couples live in poverty (compared to 4.3% of white lesbian couples).<sup>2</sup>
  - Nearly 41% of children being raised by Native same-sex male couples live in poverty.<sup>3</sup>
  - Overall, one out of every five children of unmarried same-sex couples is poor, compared to one out of every ten children of married same-sex couples.
  - Native American and Alaskan Native transgender and gender nonconforming people often live in extreme poverty, with 23% reporting a household income of less than \$10,000 / year—and they are also more likely to be HIV positive.<sup>4</sup>
  - While Native Americans have the highest suicide rate of any population in the United States, 56% of Native transgender and gender nonconforming respondents in a national transgender survey had attempted suicide.<sup>5</sup>
  - Over 50% of Native gay or lesbian students experience physical violence at school because of their sexual orientation,<sup>6</sup> and more than 1/3 reported missing class at least once a month for fear of being bullied or harassed.<sup>7</sup>



# Internal Discrimination

- Self-oppression
- Indian v. Indian

# Questions

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# update

- Update on EBCI TERO accomplishments if time permits.