

# Only the Legislation is Insufficient

## Analyzing the Factors of Gender Inequality with a Multi-level Perspective

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### ABSTRACT

Currently, many countries promote gender equality through legislation. Evidence indicates that enacting laws that support gender equality has effectively increased levels of gender equality worldwide [1]. Thus it is necessary to affirm the role of legislation. However, it is insufficient to pin hopes on enacting laws or policies solely in response to persistent gender inequalities. Firstly, this paper will analyse and summarise the causes of gender inequality from a macro, meso and micro-level perspective, building on a relational framework. Then, it proposes measures to improve gender inequality from different perspectives.

**Keywords:** Gender equality, Employment, Woman

## 1. INTRODUCTION

As a coercive measure, legislation can explain the current progress in gender equality to a certain extent. It is seen as a macro-level factor that significantly impacts both the organisational and individual levels. For example, a better employment environment for American women was created in the 1970s by enacting acts and orders that required federal contractors to be accountable for promoting affirmative action [2]. Meanwhile, benefiting from a series of employment laws and policies, Chinese women's employment rates and women's educational attainment have improved [3].

However, inequalities, which are caused by various factors, are not adequately addressed by legislation. In 2009, Syed and Özbilgin developed a multi-level analysis, including macro, meso and micro-level factors, to capture the multiple interacting factors that lead to social circumstances and employment inequality [4]. The macro-level of society highlights national structures and institutions such as law, religion, culture, politics, and economics [4]. At the meso level, it mainly refers to organisational processes and routine behaviour in the work environment [4]. At the same time, micro-level factors relate to the individual states, for instance, individual identity, motivation and choice [4]. This paper will draw on this framework to analyse the multi-level

factors that cause gender inequalities. Finally, some feasible and targeted improvements are suggested.

## 2. MACRO-LEVEL

### 2.1. Insufficiency of legislation and policy

The aspect of the legislation that facilitates gender equality has been mentioned above. Still, factors related to law or policy can also cause inequality for women in employment or other areas since inadequacies and shortcomings in legislation can undermine gender equality. For example, while Pakistan's legislation has to uphold gender equality and prohibit gender discrimination, there is a lack of explicit legal requirements on equal pay for equal work between men and women and on the protection of labour rights of domestic workers [5]. Meanwhile, China started a differential retirement policy in 1951, implying that women retire earlier than men [3]. While this may have been seen as a 'preferential policy' for women in manual labour in the past, it is now considered to be a biased and outdated policy, as it tacitly assumes that women are weaker than men [3]. It also ignores the change that physical labour is being replaced by mental work [3]. Shortening women's working life not only discourages career advancement but may also reduce women's pensions, as wages are linked to years of work [3].

## **2.2. Economic factor**

Some studies have concluded economic growth and attitudes towards gender equality are positively correlated, demonstrating that a better economic situation leads to greater acceptance and support for gender equality [6]. This view is confirmed by Olsen et al., comparing developed and underdeveloped economic regions. People hold more positive attitudes towards gender equality if a country or region has a growing GDP and lower inflation and unemployment rates [6]. However, if economic conditions are less developed, achieving equality for women in the workplace will be more difficult [6]. On the one hand, economic growth contributes to increasing women's labour demand, increasing job opportunities, thus allowing more women to join the workforce and gain more freedom [6]. On the other hand, economic downturns may discourage women's labour force participation, as Polish women who had been motivated to take high-level jobs during the boom were expected to take on more family responsibilities during the recession [7].

## **2.3. Religion and cultural norms factor**

Religion and culture also have a very profound impact on gender inequality. Many scholars have studied the status of women in Middle Eastern countries. They have discovered that no matter the economic situation, the deep influence of Islam, including regulation and restraint on women, hinders female employment and results in gender inequality. Islam has a cultural tradition centred on modesty, not only putting specific requirements in women dressing, talking and interacting with men, but also placing restrictions on women's employment practices and encouraging women to take on family roles such as 'mother', 'sister' and 'wife' [8]. If a woman stepped out of the home and accepted a formal job, she could be criticised by society and the workplace for violating the principles [8].

In addition, different religious cultures may result in other degrees of gender inequality. For example, studies have shown that in Protestant or Catholic societies, the proportion of female members of the House of Commons is 30% and 13% [9]. In Orthodox, Confucian and Islamic societies, the ratio is smaller [9]. In Protestant societies, there are even ten times as many female members of parliament as in Islamic societies [9].

## **2.4. Inadequate social welfare support**

For women, especially married women, social welfare support is essential for their employment. Inadequate social welfare support may result in their employment being negatively affected. For example, although China has laws and policies to protect women's labour rights, the social welfare system is lagging,

leading to increased costs for women's employment, a barrier to female employment [3].

Meanwhile, childcare policies and provision are an excellent way to reduce barriers to female maternal employment [10]. But in countries like Pakistan, the lack of childcare facilities remains a structural barrier for some women in the workplace [5]. Considering the few and expensive institutions as well as their safety concerns, women sometimes have to leave their jobs for childcare responsibilities [5]. In contrast, in Europe, childcare services have increased significantly [10]. But it is worth being wary of whether these developments reflect a 'new maternalism' [10], as prioritising the needs and rights of children emphasises the role of women as mothers [11].

Moreover, maternity leave and the paternity leave systems are now evolving to involve men in child-rearing actively [10]. But this is more of a symbolic measure, implying a favourable cultural implication rather than a fundamental reshaping of roles and rights in family relations [10].

## **3. MESO-LEVEL**

### **3.1. Implement gap**

Although laws on gender equality have now been enacted in many countries, problems may arise that do not bring the desired effect. It is described as an implementation gap between legislation and practice at the organisational level. For example, many laws supporting gender equality in Poland and other countries do not work as expected because they are not adhered to [6]. Furthermore, the UK's implementation of equal opportunities policies in the workplace is not promising. Research has found that many employers only pay verbal support to equal opportunity policies without engaging in the in-depth implementation of related policies [12].

China faces a similar dilemma. On the one hand, there is a lack of a supervisory system [3]. Although trade unions have been given monitoring responsibilities, many private companies are not unionised, resulting in not receiving the monitoring or sanctions for age and gender discrimination in the recruitment process [3]. At the same time, penalties imposed by the administration are not strong enough to deter companies from discriminating [3]. Penalties for violations are mainly in demerits or warnings, administrative rather than legal sanctions [3].

### **3.2. Gender roles and gender segregation**

Gender roles are consensual beliefs and expectations about the attributes of men and women that describe the qualities or behavioural dispositions required of each gender and mainly consist of two types of expectations or norms [13] [14]. Descriptive norms, referred to as

stereotypes, describe the consistent anticipation of the actual behaviour of the group members. [14] [15]. Women's group characteristics are mainly related to caring for others, such as being sensitive, gentle, compassionate and helpful [14]. In contrast, men's descriptive characteristics tend to be assertive, decisive and controlling, such as being confident, independent, ambitious, strong and aggressive [14]. Concerning injunctive norms, these are consensus expectations of what different groups should or ideally would do [15].

When gender roles permeate the workplace, women are subject to descriptive and injunctive norms derived from norms. Women leaders are rated less favourably than male leaders regarding their leadership potential and actual leadership behaviours [14]. It may be because women are perceived to be more stereotypical in their leadership abilities, stemming from descriptive norms, where women's characteristics are different from those of the ideal leader [14]. It may also perhaps be because when women perform leadership roles, they fulfil the requirements of the leadership role without embodying the recognised ideal feminine characteristics, violating the prescriptive beliefs of the injunctive norms and thus receiving a negative rating [14]. Therefore, women may have less access to leadership positions than men and need to overcome more difficulties and obstacles to be competent in such roles [14]. In other words, all these prejudices affect women's recruitments, selections, career advancements and developments, creating an unfriendly and unequal employment environment for women [16].

Also, stereotypes of men and women can reinforce gender segregation [17]. Research has found that gender segregation in occupations in the EU did not dramatically improve from 2010 to 2017, which may have contributed to the gender pay gap [10]. In addition, many women choose to work part-time, allowing them to combine family and work [18]. But the part-time job comes at the cost of low wages, which is an essential factor in the gender pay gap and not conducive to equal economic independence [10] [18].

### **3.3. Harassment**

In some academic studies, many women interviewed recounted experiences of multiple forms of sexual harassment in the workplace, hinting at the prevalence of this phenomenon in the workplace. Sexual harassment, as a stressor, can significantly negatively impact a woman's mental health, work attitudes and work behaviours, regardless of the frequency [19].

At the same time, women may suffer in silence from sexual harassment because of cultural norms, such as the 'modesty' culture of religious cultures [5]. Women are more inclined to conceal sexual harassment than disclose it because it is considered a stigma [5]. Women suffering

from emotional stress may choose not to complain but generate behaviours like absenteeism and turnover [19] [20], which are detrimental to career progression and perhaps exacerbate employment inequalities.

## **4. MICRO-LEVEL**

### **4.1. Woman's preference**

Preference theory argues that women can select their lifestyles and career patterns with their preferences for family and work [21]. The five social changes have given them full freedom to make authentic choices in the labour market [21]. Hakim divided women who consider family and work preferences into work-centred, family-centred, and adaptive, with adaptive women making up the largest proportion [21]. In contrast to work-centred and family-centred women, more women want a balance between family and work [21]. In other words, while they do not consider family to be the whole of life, they also do not have high ambitions for their career [21]. This preference, therefore, dictates inequalities in employment [22].

However, it is important to note whether this preference is a genuine choice for women or other factors that influence it. Cultural values in regions, expecting men to cover household expenses and women to be homemakers, force women to seek more flexible work opportunities, suggesting that cultural norms and expectations may affect women's preferences at the macro-level [5].

### **4.2. Intersectionality**

Intersectionality suggests that multiple identities such as gender, class, race, religion, age, etc., are intertwined in one person [5] and need to be valued at a micro-level.

For example, links between gender, marriage and employment have been found in many studies, uncovering those single, unmarried women are more likely to be sexually harassed in the workplace [5]. The relationship between gender and socio-economic class has also been highlighted [16], reflecting that a woman's family background or financial status can impact a woman's employment situation. For example, wealthy and powerfully influential women can access jobs and promotions more efficiently by using social networks or with the help of their families [16].

### **4.3. Queen Bee syndrome**

Simultaneously, the micro-level can be impacted by the macro and meso-levels. Queen Bee syndrome is defined as those women achieving high positions in male organisational cultures that may hinder the promotion of other female subordinates [23]. It suggests that female leaders acquiesce to the disadvantage of other women in

their organisations and perpetuate workplace cultures that enable them to excel [24].

Research has pointed out that Queen Bee syndrome is affected by gender stereotypes in institutions, which is, in fact, a result of gender discrimination [23]. Due to discrimination in the workplace, some women embrace organisational perceptions and emphasise their difference from other women to enhance their status [23].

## 5. IMPROVEMENT APPROACHES

The previous discussion shows that the persistent situation of gender inequality is due to multiple factors, requiring practical and feasible interventions to improve it. First, at the macro level, it is important to improve legislation [16]. Especially for some countries with high levels of gender inequality, laws may be inadequate and can be improved continuously. At the organisational level, enhance accountability systems [16]. To keep rules from being superficial, improving accountability may be effective in holding organisations or leaders accountable for gaps in legislation and practice [16]. At the same time, a range of measures to balance family and work, such as day-care facilities and family-related leave, and policies and procedures against harassment [16], need to be put in place to create a female-friendly work environment to reduce gender inequality at work. Finally, at the micro-level, individuals should take the initiative to strengthen resilience and develop a confident and positive attitude to deal with issues and challenges [16]. For example, despite Saudi women facing many difficulties in the workplace, their resilience and agency motivate them to achieve career goals and change inequalities [25].

## 6. CONCLUSION

This paper broadly summarises and describes the factors of gender inequality by applying a multi-level analysis, where factors on different levels may interact with each other. At the macro level, deficiencies and imperfections in the legislation, less developed economic conditions, religious and cultural norms and inadequate social welfare support jointly affect women's employment. And at the organisational level, implementation gaps between legislation and practice, gender roles and gender segregation, and sexual harassment at work can all become barriers for women in employment. At the individual level, women's own preferential choices, intersectionality and Queen Bee syndrome can have a differential impact on personal career progression and lead to gender inequality. Finally, possible and practical ways to improve are discussed. In conclusion, the reasons for gender inequality are diverse and complex. There is a need to analyse and improve gender inequality from macro, meso and micro perspectives and have confidence in achieving gender equality.

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