CHAPTER 4 : POLICY IMPLICATIONS FROM OUR STUDY FOR WOMEN IN MANAGEMENT

4.1 **Women Managers and Law**

Law and legal decisions are important, but they determine the status of women only partially.

As Rani Jethmalani (1988) says, "A Woman's inability to reach and sustain a management position is not determined by law alone, it is also the result of women and men unthinkingly acting according to cultural stereotypes. This thinking pervades the law courts and the legislature.

It is also a fact that unlike the American women, Indian women did not have to fight for their constitutional rights.

Indian constitution has severl provisions which articulate gender equality. The specific sections are Articles 14, 15 (1), 16,38,39 and 42. For example

- discrimination on the grounds of sex is prohibited
- men and women have equal opportunity in matters of public employment
- men and women have equally have the right to an adequate means of livelihood
- equal pay for equal work for men and women
- State shall make provisions for securing just and humane conditions of work for maternity relief
The text of the provisions is given in Appendix II.

While the provisions are unequivocal, three seminal cases which are quoted by Rani Jethmalani and other writers draw our attention to existing practice in industry and government which law courts have found to be discriminatory.

The seminal case is that of C.B. Muthamma Vs Union of India and others (1979). The contention of the petitioner was

"one of the reasons for the petitioner's supersession is the long standing practice of hostile discrimination against women. Even at the very threshold when the petitioner qualified for the Union Public Services at the time of her interview, the Chairman of the U.P.S.C. tried to persuade (dissuade?) the petitioner from joining the Foreign Service. On subsequent occasion he personally informed the petitioner that he had used his influence as Chairman to give minimum marks in the viva. At the time of entry into the Foreign Service, the petitioner had also to give an undertaking that if she were to get married she would resign from the service."
That on numerous occasions the petitioner had to face the consequences of being a woman and thus suffered discrimination though the Constitution specifically under Art. 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth and Art. 14 of the Constitution provides the principles of equality before law.

The issue related to the provision that a woman member of the Indian foreign service needing permission to get married and the express provision that women shall not be entitled *as of right* to be appointed to the service. Both these were struck down and the Judgement contains some refreshing gender sensitivity.

"This misogynous posture is a hangover of the masculine culture of manacling the weaker sex forgetting how our struggle for national freedom was also a battle against woman's tharaldom. Freedom is indivisible, so is Justice."

But it also (perhaps as a matter of abundant caution) says:

"we do not mean to universalise or dogmatise that men and women are equal in all occupations and all situations and do not exclude the need to pragmatise where the requirements of particular employment, the sensitivities of sex or the peculiarities of societal sectors or the handicaps of either sex may compel selectivity. But save where the differentiation is demonstrable, the rule of equality must govern."
Not all women managers can move the judiciary for redress, it needs perseverance, support and a deep feeling of being wronged.

In my interaction, at least some if not all the women managers voiced concern about discrimination. Universal implementation of constitutional provisions is still some distance away.

The case of Air India Air hostesses, though not dealing with the managerial cadre deals with terms of employment, viz retirement age, bar on marriage within four years of service etc. while increasing the age of retirement from 35 to 45 the court took interesting positions regarding termination on pregnancy and bar on marriage.

While the provision regarding termination of job on pregnancy the court felt

"is a most unreasonable and arbitrary provision which shocks the conscience of the court": the bar on marriage does not seem to worry them.
They said

"The argument of Setalvad (that such a bar on marriage is an outrage on the dignity of the fair sex and is per se unreasonable) is extremely attractive but having taken into consideration an over all picture of the situation and the difficulties of both the parties, we are unable to find any constitutional infirmity or any element of arbitrariness in the aforesaid provisions. The argument of Mr. Setalvad as also of those who followed him on this point is, therefore, overruled.

While some managements believe that women cannot effectively do some jobs (heavy shopfloor supervision, extensive travel, stay in smaller towns and villages etc), the legal position is unequivocal. The judgement appreciatively quotes the U.S. Supreme Court decision in Department of water and power V. Marie Manhart:

"It is now well recognized that employment decisions cannot be predicated on mere 'stereotyped' impressions about the characteristics of males or females. Myths and purely habitual assumptions about a woman's inability to perform certain kinds of work are no longer acceptable reasons for refusing to employ qualified individuals, or for paying them less."

The real problem of ensuring equality in practice is very well expressed in the State of Andhra Pradesh V Nalla Raja Reddy (1967) 3 SCR 28:
"Official arbitrariness is more subversive of the doctrine of equality than statutory discrimination (where) one knows where he stands, but the wand of official arbitrariness can be waved in all directions indiscriminately."

"The wand of official arbitrariness" can be wielded by the State. State owned enterprises and private employers and in the opinion of some of my respondents it does get wielded that way.

Even in the case of extension of retirement age to 45 years there is an interesting background to the decision. For example international practice is far more liberal. The retirement age of AHs in KLM (Royal Dutch) and Ghana Airlines is 50 years whereas in the case of Swiss Airlines it is 57 and in the case of Malaysian airlines it is 45 years. In the case of Singapore airlines the retirement age of Check stewardess is 45 years. Similarly, in other airlines like Austrian, German air, Lufthansa and Nigeria Airways the retirement age of female AHs is 55 whereas in the case of Air International, U.T.A. (France) and Air France it is 50. In case of Sudan Airways and British Airways the retirement age is 60 whereas in Nordair (Canada) and Transair (Canada) airlines the age is 65 years.
The stand of Air India management was that their Air hostesses "have to deal with the passengers of various temperaments, and a young and attractive air hostess is able to cope with difficult or awkward situations more competently and more easily than an older person with less personal prepossessions."

The learned judges found 45 years reasonable for Air India.

One sees the distance Indian organisations have to travel in matters of gender at the work place. And Air India is a national carrier, a state owned organisation with enlightened management combining the best in public and private sectors. What might the position be in other less enlightened organisations?

The case M/s. Mackinon Mackenzie Co. Vs Audrey D’Costa is under the equal remuneration act of 1976 introduced by Mrs. Gandhi as a symbolic gesture to the international decade of woman. The judges held that the contention of the company about differential pay for men and women stenographers due to variations in duties and inability to pay was untenable. They said

"the Act does not permit the management to pay to a section of its employees doing the same work or work of a similar nature lesser pay contrary to Section 4 (1) of the Act only it was not able to pay equal remuneration to all. The applicability of the Act does not depend upon the financial ability of the management to pay equal remuneration as provided by it."
There have been many more cases under various constitutional provisions before the various the administrative tribunals, in all of these instances

"once legal access to the courts is gained the courts have been sensitive to respond to the complaints of women executives and workers".

But the real change has to come within employing organisations, that will take a longer time, unless concerted efforts are made to sensitive the managements and policy makers to the discrimination in practice, which undoubtedly exists and which is unconstitutional.
4.2 Women Managers and Company Policy

As far I know, no Indian company has a written policy on WIM (women in management). Neither is there a declared policy of state owned enterprises. So, company policy is what managements do, similar to what said about law, that it is what the judges decide.

Consequently, the policy is to a great extent influenced by the chief executive. When he supports women managers, the organisation rallies round, when he is neutral or negative, it sends similar signals.

In a manner of speaking, the policy is not made by the organisation but the changing composition of the job market. Some professions attract more women than men. In others women do better than men. In some others more women pass the entrance examinations.

(There is an example of a South Indian Agricultural University which drew 98% of its entrants from among women applicants because they did extremely well in the competitive examinations. The University had a problem of finding suitable accommodation for them because hostel accommodation planned for women was small, in line with traditional thinking).
Given a choice very few organisations discriminate against women candidates except where they feel that they cannot physically cope with the strain.

Competitive entrance examinations are great gender levellers. There is equal chance for men and women to do well. Even if personal interviews are subjective, it can be only be of a limited significance.

In industries where there is attrition (turnover) there is a preference to women who are seen as more settled and loyal and less flighty and foot loose.

In the organisations I have visited for my field work there were few complaints about bias in selection.

In State owned enterprises open bias is unlikely because they are governed by Art 12 of the constitution in addition to other legal obligations.

Some managements especially in the I.T. industry seem to want to increase the number of women in their management cadre. Women have made a name for themselves in some functions like personnel, design, R & D.

The effect of these, in the absence of a conscious policy are uneven. As one manager said
“Everybody keeps carping about having few women (managers) in the company - nobody does any thing about it”.

Another made a less charitable remark

"Top management has a James Bond attitude towards women: have them floating around".

Whatever the the innuendo in the statement, it does bring out the truth, Indian industry has yet to development a policy for WIM.

In some industries women are seen as natural, so in some func­tions, building company strength on the talents of women managers is still not done not withstanding the use of the buzz word androgynous management.

Some jobs are out of bounds for women, though officially it is not said so. May be women themselves many not want to enter. But there is a grey area.

Inspite of some complaints of discrimination, I did not get the feeling that promotions in my sample were hopelessly anti women.
I also found that as one went up the decision making scale, there is greater understanding of women's issues and their potential. The gender stereotypes are not serious discussion in the decision making groups.

The ignorance and antipathy is at the middle levels among those who are unlikely to go up in the hierarchy. It will not affect the future of women in management but will make their progress a little bumpy.

In some companies there is a policy of appointing women managers as executive assistants to the top management. It gives them a good organisational understanding but as in all such positions, the reflected power might hinder their progress unless the assignment task is a part of a well thought out job rotation, without it, it is remains a gesture or worse.

In organisations where women have reached top levels, the acceptability is more: no one questions the competence of WIM.

I feel that a policy statement by organisations on this subject will help both them and the prospective women managers.
4.2.1 Flexible hours, parental leave etc

The main criticism levied against Schwartz (1989) is that she did not amplify the real financial and productivity benefits women contribute to organisations ... by paying particular attention to the quality and substance of what they do. However, there is no doubt that the organisation will have to pay attention to provide flexible working hours, parental leave and childcare benefits to dual career couples. In a survey by Boeker et al (1985, pg. 152) of the most important benefits and policies important and available to women managers a significant number of them (listed below with importance and availability rank respectively) related to problems faced by dual-career couples.

* Maternity Leave (1,1)
* Flexible Working Hours (2,5)
* Organisational Attempt to Reduce the Need to Relocate for Promotional Opportunities (4,6)
* Placement Assistance for Spouse (8,15)
* Split Location Positions (12,12)
* Paternity Leave (15,19)
* On-site Daycare (16,21)
* Four-day Work Week (18,16)
* Organisation Subsidizes Off-Site Daycare (20,22)
* Part-Time Managerial Positions (22,13)

Apart from the organisation's role in lessening the problems of dual-career couples so that they can benefit enormously from the
talented labour pool that women represent, there are other ways that women can cope with these problems. The emotional support of the husband is most critical to a woman's career. Arnott (1972) and Rapoport & Rapoport (1969) found that emotional support provided by a spouse had a "direct bearing on her entry into the labour force, the intensity of her participation and the degree of her subsequent success" (Falkenbery & Monachello, 1988, pg. 3.18). Physical assistance in domestic chores can also be important in lowering the role overload of women (Yogeve & Brett, 1985). For success, couples have found that the flexibility, mobility, independence and interdependence, common interests and self-actualisation are most important ingredients that must come from both, the husband and the wife (Maples, 1981, pg. 88-89). Another coping strategy is the 'superwoman' or a reactionary strategy. Such a strategy will ultimately show in a woman's career and/or family problems.

4.2.2 Child Care:-

One aspect of the family/work dilemma which we have detailed is that relating to child care. Child care issues increase the dilemmas faced by women in dual-earner families, especially feelings of guilt (Stanfield, 1985). Child care and parental responsibilities which are unevenly imposed on women also increases the role overload problem of women.
An important study showed that conflicts between the career and family, especially the care of children, as a primary reason why women remain economically weaker than men. The source of this conflict is located in the fact "that on average, women want children more than men and feel a greater concern for their well-being ... to accommodate their desire they have typically made choices that curtailed their economic power" (Stone, 1989, pg. 51). The only exception to the rule that women have made no progress since the 1960s and continue to face barriers in their career were young, white, unmarried, educated and childless women.

With more and more entering the work force, and with more and more dual-career couples in higher managerial positions, it has become imperative for companies to formulate parental leave policies. Companies in the U.S. have taken getting involved in child care by (Friedman, 1986, pg. 29-30):

- providing services where the community services are lacking
- offering information on available child care facilities
- giving financial assistance for community child care facilities
- freeing up time by flextime, part-time work and job sharing measures

In 1989 IBM Corporation, U.S.A., introduced an innovative leave policy which allowed parents to take up to three years of unpaid leave with continuing benefits.
These measures are being implemented because companies have realised that child care is a competitive issue and better policies can give a company several advantages. Three surveys in the U.S. found several advantages in providing better child care policies:

* recruitment advantages
* improved employee morale
* lower absenteeism
* lower employee turnover
* overcoming the 3 o’clock syndrome by which productivity is reduced when parents’ mind turn to their children when school leaves
* overcoming the 3 o’clock syndrome also results in lesser number of errors and accidents
* greater employee work satisfaction
* better community relations

Child care as seen above has received much attention in western literature. However, given the importance of family and motherhood responsibilities, these studies can provide a hint to Indian companies. With more and more dual-career couples, and with the importance which ‘family’ is given in India, child care and maternity benefits is a serious issue facing Indian organisations. On the other hand, the high cost of providing child care facilities to employees make it unlikely that Indian companies will invest in such facilities so that we would have to look more
and more towards private endeavours outside the organisations or state sponsored facilities.

Entrepreneurship:-

An area where little research has been undertaken is women entrepreneurs. Women entrepreneurs are also likely to manage their own businesses. Though some of the issues discussed above are still pertinent, the nature of problems faced by a women entrepreneur are likely to be different.

Some of the important areas of research will be (Stevenson, 1988, 5.41):-

- growth strategies of women owners
- family and business
- success/survival rate of women owned firms
- management styles of women entrepreneurs
- role of women in family businesses
- risk behaviour of women entrepreneurs
- women in partnership concerns - (Collerette, 1988, pg. 5.8) point out that "almost half of the women in partnership with a spouse earn a gross personal income that is lower than his".

Apart from the normal barriers faced by women workers including managers (discussed above in the context of WIM), El-Namaki and Gerritsen (1987, pg. 16) point out the various infrastructural barriers faced by women:-
- control of financial and government institutions by men leading to practical and attitudinal barriers
- legal constraints (inheritance laws)
- lack of credit for small businesses where women entrepreneurs are more likely to be found, eg. the informal sector
- credit-worthiness based on reputation - women are discriminated vis-a-vis men
- credit-worthiness based on collateral - women are less likely to own property (land) due to inheritance laws
- women spend more of their income on the family and therefore may start businesses with lesser funds and lesser investments
- family responsibilities and maternity may lead to discontinuity in business which is unfavourable from the creditors/lenders point of view.

The increasing pressures of unemployment have forced women to start business in the informal sector and in more service oriented industries. We will have to address their issues in addition to the problems faced by WIM.

4.2.3 Training & Development

Training, it is believed, can overcome the barriers to women’s development in management. The central question in the issue of training is, "who needs training: women or organisations?" (Reavley, 1989, pg. 55).
The belief that it is women who need training comes from the trait approach. Sex-Based Training is designed "to teach women the skills and abilities required to become effective managers and to provide for their effective integration into the existing corporate culture" (ibid, pg. 55). Assertiveness training (Col, 1982, pg. 11) is an example of this approach for training programmes. The problem is that women lack certain characteristics necessary to be successful managers and the solution is to develop masculine attitudes towards work and family (Ames & Heide, 1982). This has given rise to a 'double-bind' dilemma for women. If they don't acquire masculine traits they can be considered incompetent for senior managerial positions, if they do, they are branded 'bitchy' or 'iron-maiden'. Stress, inefficiency and other emotional conflicts can arise for such training programs.

Bem's androgynous behaviour model has taken away the focus from women and stressed the need for helping both men and women to become successful managers while retaining and expanding their concepts of themselves as individuals" (Sargent, 1981). Human-Resource Management Programs (HRMP) are designed to incorporate the androgynous manager idea. Persons with more masculine "genes" are taught to communicate more, express feelings, examine attitudes and exhibit behaviours. On the other hand, managers with more feminine "genes" are taught to make a visible impact, take risks, be task-oriented and acquire skills in decision-making. Thus HRMPs aim at developing 'effective' managers.

In recent years many top American companies have reduced differ-
ential treatment of men and women managers. IBM and Hewlett-Packard provide no training at the corporate level for women per se. Du Font began a 'Men and Women Working Together' program. (Morisson & Glinow, 1990, pg. 204).

The organisation-structure and the GOS approach have taken away focus from the women to the organisation and to the socio-cultural environment which women have to cope with. These approaches have changed the perceived need for training to the need for greater support systems within an organisations. The organisation must critically review its current human resource management policies and practices in the areas of job analysis (stereotyping jobs sexually), recruitment, selection performance appraisal (particular sex is suited to a particular job so that job incumbents of the opposite sex to that believed appropriate will be evaluated as less effective) and career planning (Reavley, 1989, pg. 60).

The organisation can also develop programmes which assist women managers in the mentoring and networking processes. In designing these programs and support systems, it has been argued that they should be all women programs. This is based on the following arguments (Fischer, 1985):-

- most mixed sex programs are usually majority men with an occasional woman,
- it is easier to identify women role models in an all-woman group,
- career women are very isolated and an all-woman group can bring together women from the community
- it is easier to share experiences in an all-woman group
- mixed groups repeat the problems faced in the actual work situation so that there is nothing new offered.

Apart from providing active encouragement for such support programs, organisations will have to rethink how work is organised. This applies to Indian companies as well. This involves thinking "whether management hours need to be so long and inflexible, whether managers need to travel so far so often, whether transfers are necessary, whether highly structured, hierarchical relations are essential to effective management" (Armstrong, 1989, pg. 14). These changes can have a significant positive impact on the socio-cultural environment taking us to a new higher plane where one and all can benefit - people (men and women), organisations and society.