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# CAN HR DEAL WITH PROBLEMS OF DISCRIMINATION THAT ARISE FROM SEXUAL ORIENTATION AND RELIGION?

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## Abstract

Since the issue of combating sexual and religious discrimination has long been beyond the scope of purely theoretical discussions and has become practical in nature, it is crucial to study these concepts in more detail, from a new perspective. Discrimination is reflected in many aspects, but restrictions on the rights of a potential (or current) employee and bias are manifested the most acutely at work, in dealing with human resources. Therefore, this study aims to determine whether HR management is effective enough in protecting the rights of the employee. If certain shortcomings are identified, solutions will be proposed. Many pieces of research will not only be analyzed and systematized but also transformed into a kind of methodology that can be used for the prevention of sexual and religious discrimination (it seems unreasonable to limit oneself to stating the existing problem and to occupy the academic "space" without offering solutions). It is hoped that existing gaps will be filled in with new knowledge and the study, in general, will stimulate fruitful scholar accomplishments in the future. Having researched the literature, we identified that the issue proposed for study should be analyzed (and solved) through the prism of various social and behavioral theories, as well as through Freud's theory of group psychology. In addition, the results of the study show that HR management is only one factor that affects the level of protection of employees from sexual and religious discrimination. This element can be effective only in combination with others, which will be reflected in the research.

**Keywords:** Social psychology theories, organizational culture, knowledge management, geographical factors, legislative improvement.

## Introduction

Although the human rights system has evolved over the second half of the 20th century, and especially in the last 20 years, it would be incorrect to assert that the issue of various forms of discrimination has lost its relevance.

Different stereotypes, gaps in legislation, reluctance to follow modern trends in multiculturalism (or vice versa: overindulgence in these trends when the principle of meritocracy is completely ignored in recruitment), a tense social atmosphere at work are just some examples of the challenges that need to be addressed.

Whether we like it or not, it is primarily the responsibility of the HR management to deal with all the basic issues of gender and religious discrimination at work. Hence, this department (or person) must be efficient in carrying out their duties. Any anti-discrimination novelty in the country's legislation will have no meaning if it is not properly implemented in a specific company. Metaphorically speaking, HR managers are soldiers on the frontline of the fight against discrimination. They are to be professionals.

That is why the importance of the researched topic now becomes clear. The study aims to identify the existing problems in HR, explain the nature of the problems, and propose solutions. The results of the study are of great significance. After analyzing academic journals (and other sources), it will be possible to come to simple and practical conclusions, to a kind of formula for success, to a guide for HR managers in the fight against discrimination.

The success of the study will be reflected positively in at least two ways. Firstly, the novelty of the work will stimulate other researchers to fruitful activity in the future. Secondly, the formulation of clear and, importantly, universal recommendations, not depending on the legislation of a particular country, will allow HR managers from any company all around the world to apply the results of the study in professional life.

Let us pay attention to the research literature. The selection of the necessary sources was done with very simple criteria in mind: to find a sufficient amount of information about sexual and religious discrimination (although other types were also indirectly analyzed), to see general trends, and to find gaps in knowledge. The academic journals of the Taylor & Francis, Cambridge University Press, Oxford Press, and JSTOR database were the foundation of this. In the context of various social and behavioral theories, it is worth mentioning such an Internet resource as Investopedia (and its analogs). They have been used mainly to gain a conceptual understanding of this or that theory and hence to describe the roots of discrimination at work.

Even the naked eye can see a major gap in most academic journals: an underemphasis (and often a complete lack of emphasis) on addressing discrimination-related issues (Clain & Leppel, 2001; Gilbert, 2004; Sabia et al., 2017).

Researchers, akin to scientists in a laboratory, examine an object under a microscope, describe each of its atoms in detail, and write down the results on paper. Unfortunately, the matter does not go further than the statement of fact. In addition, the studies that have been analyzed lack focus on the HR management department and its anti-discrimination impact. It is these gaps that our study seeks to fill. The research

is about solution-oriented recipes rather than a comprehensive description of the problem.

Despite such a seemingly critical evaluation of other researches, on the whole, there is a consensus between our study and others. We all agree on the fact that the issue of discrimination exists (Jones et al., 2017), that diversity and equality in the workplace are to be properly managed (Sharma, 2016), and that there are some gaps in anti-discrimination legislation (Chan, 2005).

When analyzing sexual and religious discrimination at work it is worth mentioning the following theoretical frameworks: social identity theory (Tajfel & Turner, 1979, as cited in Ghumman et al., 2013, p. 447), system justification theory (Jost et al., 2004, as cited in Ghumman et al., 2013, p. 447), realistic group conflict theory (Levine & Campbell, 1972, as cited in Ghumman et al., 2013, p.447), the theory of herd instinct (Hayes, 2021).



*Figure 1 – Conceptual framework*

The above elements have a direct impact on the level of protection against discrimination. As one can see, HR management is linked with the other three factors. Without the efficiency of all elements, HR management alone is "helpless."

Having carried out systematic research of more than 30 academic journals, it makes sense to state that there are the following factors that correlate the level of anti-discrimination measures in a firm: personal preconceptions, gaps in legislation, biological factors, economic factors, geographical factors, lack of discrimination-related knowledge management, and others. Only by comprehensive influence on these factors can we improve the effectiveness of HR and therefore reduce the level of discrimination.

Just as a successful business project is not possible without a solid business plan, so high-quality research is impossible without the formulation of an algorithm of phases, steps. Therefore, let us consider the Research Design.

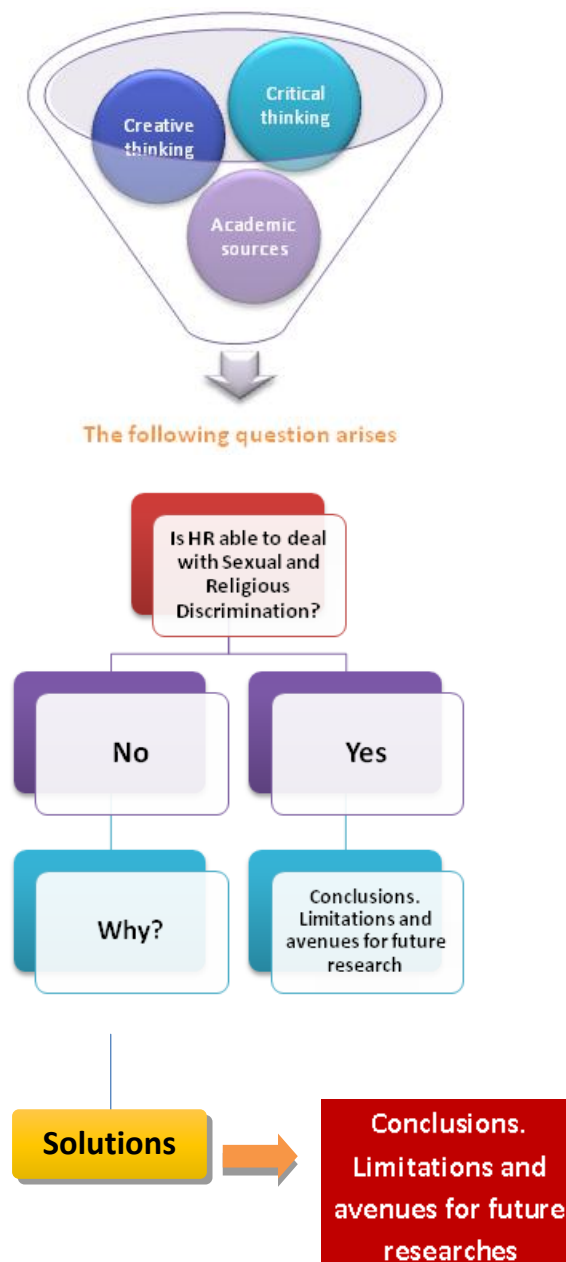


Figure 2 – Research algorithm

## Literature Review

Using the keywords “religious discrimination”, “sexual discrimination” and their analogs in Taylor & Francis, Cambridge University Press, Oxford Press, and JSTOR database, we found 150 articles. The main criterion for selection was the year of publication and journals’ relevance to our study’s issue. In addition, we wanted to find evidence that, despite current anti-discrimination trends, there are still gaps in law and practice. After all the filters, 30 academic journals formed the backbone of the study.

Conventionally these sources can be divided into three groups:

- Problem-statement articles (Adam & Rea, 2017), (Nelson et al., 2019). They are rich in specific information about different kinds of discrimination, consist of statistical data. They can be used primarily in identifying the issue;
- Solution-oriented empirical articles (Ghumman et al., 2013), (Latham, 2020). They are useful to explain the nature of different types of discrimination. In addition, they served as the foundation for our creative solutions;
- “Discrimination and legislation” type of articles (Yang & Li, 2009), (Palmiotto et al., 2005). They focus on how the law system of a certain country influences the level of discrimination prevention. These articles are useful in identifying legislation gaps or in seeing the vivid example of a successful anti-discrimination effort.

As one can see in the Introduction section, the intention is to research the issue in three simple steps:

- ✓ To find out if discrimination exists (if yes, it means that HR is not able to deal with it)
- ✓ To explain the causes of the discrimination (to put it simply, to understand why does the problem exist)
- ✓ To suggest anti-discrimination solutions

It would be reasonable to do the literature review through the prism of these steps.

Sexual and religious discrimination. Does the subject merit close attention?

Before moving on to an analysis of such complex, profound categories as the causes of discrimination, we must first ask whether the problem still exists at all. One might think that such research has long since lost its relevance in light of modern anti-discrimination trends. Whether or not this is the case, we can find out in this section.

Let us consider a study on discrimination against “lesbian, gay, and bisexual police officers in England and Wales” (Jones & Williams, 2013). It is noteworthy because of two aspects. Firstly, it focuses on the discrimination against sexual minorities over the past 20 years, on the evolution of this issue (p. 208). Secondly, it is of interest to study the problem in such seemingly democratic, highly developed countries as England and Wales (pp. 188-209). After analyzing a survey of representatives of sexual minorities working in the police, as well as several other sources, the researchers come to rather discouraging conclusions (pp. 208-209). While acknowledging some positive steps toward reducing discrimination, overall the authors highlight “the failure of the police to accommodate and reflect a social difference due to the restrictions of their monolithic and antiquated practices” (Jones & Williams, 2013). Unfortunately, “instances of barred promotional opportunities, resentment from heterosexual colleagues and derogatory discourse were widely reported” (Jones & Williams, 2013). From all of the above, we can conclude that at least in the area of the police service, there are problems that HR management has yet to deal with (M. Jones & Williams, 2013, pp. 189-209).

Keeping with the issue of sexual discrimination, let us consider the phenomenon of sexual harassment. Bimrose (2004) explores this concept both in terms of terminology and in terms of negative consequences for the employee. The author carries out a comprehensive analysis of different studies that show that almost half of all employed women in the UK suffer from sexual harassment in this or that way (pp. 113-114). In addition, he throws into sharp focus the negative consequences of the studied phenomenon that are reflected in “humiliation, self-blame, anger, loss of self-confidence, reduction in the ability to perform in the job, resignation, transfer, demotion, loss of jobs, decreased job satisfaction, decreased morale; damage to interpersonal relations at work and various economic losses” (Bimrose, 2004). Although the ineffectiveness of HR management has not been the subject of research, we can nevertheless draw such a conclusion based on the given data.

When analyzing sexual harassment, it is impossible not to consider another specific issue – workplace bullying (Tye-Williams et al., 2020). Though difficult to spot and rare, it still exists, and still has its negative impact both on individual and organizational levels (p.637). The scholars have different takes on the routes of workplace bullying (pp. 638-643). However, they all agree that race, gender, and other marginalized identities are among the primary causes of bullying (pp. 643-646). Again, albeit indirectly, the inability of HR management to deal with discrimination is traceable.

To make our study more systematic and include geographical factors in the analysis, let us consider sexual discrimination in other European countries. Götz and Blanz (2018) demonstrate that discrimination exists in Germany, Ferfolja and Hopkins

(2013) – in Australia. The research from Hennekam et al. (2019) reveals another acute issue – circumvent anti-discrimination legislation in France, using social power.

A logical conclusion to this block of our study could be the research on “discrimination and exclusion on grounds of sexual and gender identity” (di Marco et al., 2021). Though small, it perfectly illustrates the problem of subtle and interpersonal discriminatory actions (p. 3). The authors pay attention to the fact that “while many organizations condemn blatant aggressive acts and mistreatment of minority groups, including LGBT people, they often fail to call out subtle and ambiguous acts, seeing them as harmless, indirectly contributing to normalizing modern discrimination” (di Marco et al., 2021, p. 3). Researchers highlight supportive organizational culture and HR management as instruments of countering discrimination and state that, unfortunately, management does not always cope with its anti-discrimination duties (di Marco et al., 2021, pp. 2–5).

Let us consider another kind of discrimination: religious one. Perhaps things are somewhat better in this context. Lawrence and King(2008)quite accurately highlight the modern challenges concerning religious expression at work in the light of multiculturalism, diversity, and equality trends. The problem is most acute in America, where human resource managers “have experienced a rise in requests for accommodation of religious holiday observances, the display of religious artifacts and religious activity (e.g. prayer, study, discussion) at work” (Lawrence & King, 2008, p. 251).Though the authors throw into sharp focus “the determinants of religious expression in the workplace” (Lawrence & King, 2008, pp. 252–263) (not the HR management’ ability to deal with new challenges), it is reasonable to assume that there is room for improvement when it comes to anti-discrimination measures (especially, given that religious expression issues are relatively new and there isn’t a universal corporate methodology that could regulate them comprehensively).

Another research focuses on religious literacy in organizations and its importance in managing employees with different beliefs systems (Crisp & Dinham, 2019). In particular, the authors draw attention to the fact that “there are many occupations for which there is no prescribed training at all on these issues [religious literacy-related]” (Crisp & Dinham, 2019, p. 367).Although the researchers themselves do not mention if it is good or bad (p. 367), we believe that human education (especially religious literacy) will become more and more relevant every year (and, of course, human resource managers should be among the first to acquire the specific knowledge).

When analyzing religious discrimination, it is impossible not to pay attention to Muslims – an integral part of the US society. In this context, the study by Zainiddinov (2016)is of incredible interest. Comprehensive in nature, it is worth analyzing also because the author does not limit his study to one socio-ethnic group of Muslims (pp. 2701–2718).Instead, he focuses on women, white Muslims, and Hispanics (pp. 2701–

2718). We consider such an approach to be proper since “Muslim Americans face discrimination on multiple fronts. They are discriminated against based on color, ethnicity and religion” (Zainiddinov, 2016, p. 2701). To support this statement, the researcher provides ample evidence that religious discrimination against Muslims is still a burning issue (Zainiddinov, 2016, pp. 2701–2718).

It would be incorrect to limit our study to America and England. Such an approach completely ignores the geographical factors. So let us take ourselves to another part of the world, Turkey. Toker Gökçe (2013) does a simple yet practical and important thing: he designs a structured questionnaire to collect statistical data on different types of discrimination among students in Turkey and concludes that religious discrimination is the most widely spread (p. 77). Lecturers, teachers, and staff – are among the main perpetrators (pp. 78-79). Hence, it is reasonable to assume that HR managers are not able to deal with discrimination.

## Methodology

To answer whether HR can deal with sexual and religious discrimination, let us consider Figure 3 below. It vividly demonstrates the methodology of research.

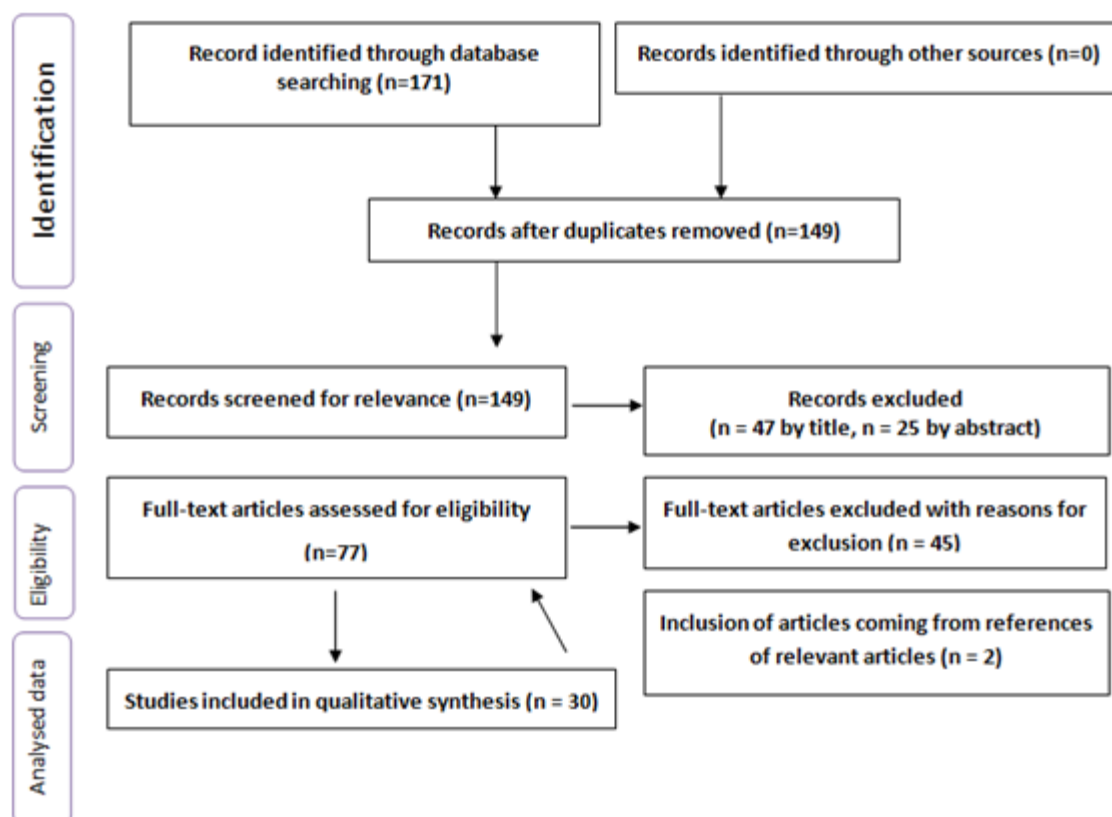


Figure 3 – Methodology of Research

Thus, we analyzed 30 academic journals with the following criteria in mind:

- Selection of high-quality sources. Academic journals that are comprehensive and systematic in nature have formed the foundation of the study;
- An objective approach to the analysis of the sources. Truth is the highest value;
- A systematic approach, meaning that we study the issues from different angles. We do not take one negative example out of context and overgeneralize. Instead, we put puzzles together and conclude if only we get a coherent picture.
- Since the study issue is not limited to a certain country, we research the discrimination in different places (in other words, take into account geographical factors). Countries with different socio-cultural and legislative features were chosen for the analysis. With this approach, we prove that the problem is global and, therefore, that it is relevant.



*Figure 4 – Overview of the Process*

It is worth emphasizing that the studies we have analyzed have by no means demonstrated the ineffectiveness of HR as an anti-discrimination regulator. It would be more appropriate to conclude that there are new challenges in front of HR managers that are yet to be faced. However, if we are framed in the yes-no question, then yes: HR is not able to deal with sexual and religious discrimination.

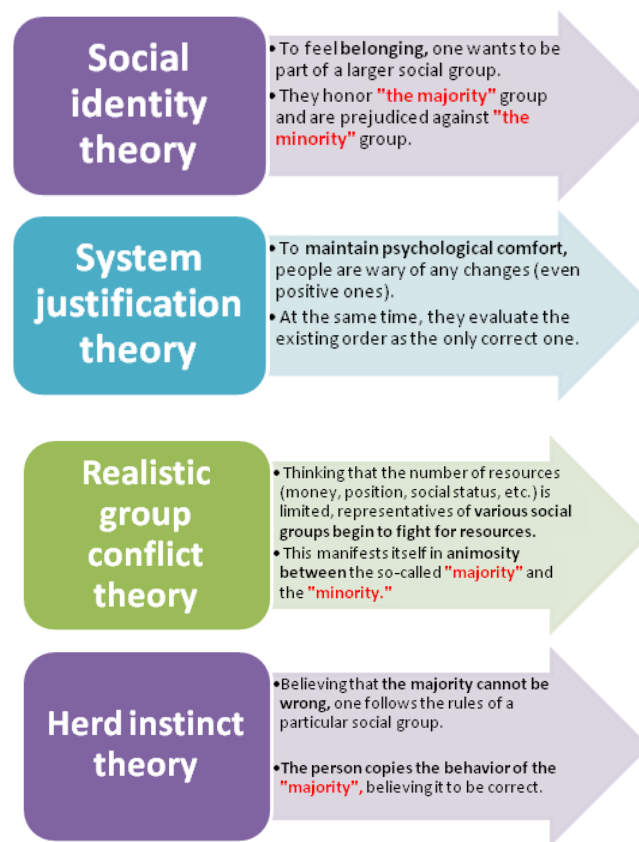
Why is sexual and religious discrimination still burning issues?

### **General Review**

Having conducted a systematic analysis of academic sources, we came to rather disappointing conclusions: HR management cannot deal with sexual and religious discrimination, at least on a proper level. The problem exists and manifests itself in different forms and various contexts. Moreover, it is relevant in many countries, regardless of their socio-political order.

Consequently, in our search for the roots of discrimination and the causes of management ineffectiveness, we need to be guided by knowledge from such fundamental, universal disciplines as psychology, sociology, and, most importantly, biology.

With this in mind, let us consider the SmartArt below. It vividly demonstrates the theories through the prism of which we can explain the causes of discrimination and management ineffectiveness.



*Figure 5 – the basics of social psychology theories*

It is reasonable to assume that the above four theories explain the foundation of sexual and religious discrimination in the workplace. In the following chapters, we will describe how these theories manifest in the discriminatory behavior of employees and HR managers. Moreover, using the knowledge that the above theories give, we will propose solutions that will help, if not completely eliminate discrimination, then at least smooth over the sharp corners of prejudice against "minorities."

Of course, it would be incorrect to limit ourselves to social psychology theories as the only explanation for discrimination at work. Equally relevant in this context is the legislative improvement. Since corporations can violate human rights both through the

lack of anti-discrimination legislation (Chan, 2005) and by cleverly circumventing gaps in the law (Sharma, 2016) this aspect also deserves proper attention.

Nor should we forget about the high-quality knowledge management related to discrimination at work. The companies spend millions on preserving and spreading intellectual capital. However, it is not so when it comes to the information about different types of discrimination in a firm. As a result, the HR manager may not even know that the rights of any of the employees are violated, let alone respond effectively to the offense. We will focus on this in the following sections too.

## **Discussion**

The found data positively reflects in two key aspects. Firstly, having identified the problem, we prevented ourselves from the faulty assumption that the study's issue, given the modern anti-discrimination trends, is irrelevant. To put it simply, acknowledging a challenge is the first step to overcoming it. Secondly, by offering practical guidance in combating discrimination (in this section), we expand the boundaries of the topic under study, providing fertile ground for subsequent research.

Let us focus our attention on solutions that will help reduce discrimination in the workplace and increase the efficiency of HR management.

Firstly, it seems reasonable to agree with the data provided in research from King et al. (2010) and recognize that diversity training reduces discrimination and increases job satisfaction. Understanding that each company has its specifics of the organization, we still suggest that in one form or another oblige the HR manager to coordinate diversity training that would bring an atmosphere of mutual understanding and teamwork. The choice of the training format and the person who will conduct it is also up to the HR manager.

Secondly, we propose the introduction of a mandatory exam that will check the HR manager for understanding the theories of social psychology and the basics of sociology. Since the primary function of this employee is to work with people, he must have a good understanding of what motivates each specific employee and, accordingly, what leverage is worth using in a particular situation. Competence in psychology and sociology will allow the HR manager to feel confident and adjust the work of human resources with ease. In this context, one academic journal develops our thought: "knowledge about social identity construction, categorization processes and diversity management have several implications for human resources practitioners. For instance, creating diverse teams with superordinate goals might help members to perceive themselves as part of a new group, where co-operation and interdependence are important to achieve common goals" (di Marco et al., 2021, p. 4).

Thirdly, speaking of the interrelationship between normative regulation and the level of discrimination at work, it is reasonable to agree with one of the researches that "it is not sufficient for workplaces to rely solely on informal expressions and gestures of inclusion. These practices are based on work relationships that can easily change, depending on the movements and turnover of staff. Policy implementation is required to cement inclusive values and practices into organizational frameworks; these formal requirements need to be brought to the attention of all employees and carefully monitored. Likewise, senior staff and managers need to be appointed not only on the basis of their skill level but also on their capacity to uphold the inclusive values and policies of the organization" (Willis, 2009, p. 644). Another research proposes a creative and practical idea: "in-house counsel, compliance officers, lawyers, mediators, and arbitrators who could hear claims and handle disputes" (Martinez et al., 2013, p. 460). In addition, the author throws into sharp focus the role of organizational leaders who could not only follow the letter of the anti-discrimination law but also set an example for others and therefore create an organizational culture that respects the rights of everybody. In addition, the author throws into sharp focus the role of organizational leaders in combating discrimination. They could not only follow the letter of the anti-discrimination law but also set an example for others. Therefore, it will create an organizational culture of respecting everybody's rights.



*Figure 6 – Organizational culture as an anti-discrimination factor*

Developing the concept of organizational culture as an anti-discriminatory factor, we would like to draw your attention to the SmartArt below.

The right organizational culture will work better than the "punishment-incentive" approach. When any form of discrimination is perceived as exclusively negative at all structural levels of the company, then each fresh employee, by virtue of the theories of social psychology mentioned on the left, will automatically follow the established rules and respect their colleagues, regardless of their gender, sexual orientation or religion.

In other words, the professional organizational policy mitigates the vices of human behavior, turns them to the company's advantage, and steers them in the right direction. With such an approach, the potential offender would follow the rules that most employees do. Consequently, cases of discrimination, if not eliminated, will definitely lose their systematic nature and become rare.

### **Conclusion**

Having analyzed many academic sources, we concluded that sexual and religious discrimination are still burning issues. Despite modern anti-discrimination trends, HR managers are not always able to effectively protect the rights of different social groups at work.

To impart the most crucial characteristics into our study-objectivity and open-mindedness-we analyzed the given question through the prism of geographical factors. For this reason, the backbone of our source base is academic journals, which reflect on discrimination in different countries with different socio-political systems. As a result, the main conclusion we reached was that sexual and religious discrimination is a pressing issue in the United States, Northern Ireland (Dingley & Morgan, 2005) Botswana (Mogapaesi, 2019), Turkey (Ozgener, 2007) or China (in other words, the problem is still global).

Finally, we tried to explain the reasons for discrimination at work and offer creative and practical solutions. The latter is very important because we have achieved one of the study's objectives: propose solutions to the challenge. In addition, we have prepared a fertile ground for future research.

### **How it is helpful for HR managers to understand sexual and religious discrimination?**

Knowledge is not only power but also the ability to make effective decisions depending on the situation. Therefore, an HR manager must understand the causes of discrimination, quickly identify the source (a specific employee) that brings instability in the team and respond correctly to the situation (to form workgroups effectively or even fire the offending employee).

In this context, it seems reasonable to develop the topic touched upon in one of the previous sections, discrimination-related knowledge management. To respond to a case of discrimination, one needs to know about it. We propose the implementation of interactive applications. The employee will use one to report discrimination, while the HR manager will learn about it. Via chat, HR managers from all parts of the world could share their approaches to conflict resolution, methods of encouragement, knowledge about the causes of discrimination, etc. Not only will it provide the free flow of specific information but also prevent companies from the so-called "silo-mentality," when every

employee thinks about himself and refuses to combat sexual and religious discrimination (which results in lower profits and damaged corporate culture) (Kenton, 2020).

In addition, an HR manager's understanding of the different types of discrimination (definitions, forms in which they manifest themselves, etc.) will help avoid the other extreme - ignoring the principle of meritocracy in favor of the interests of a "minority. It is no news that some people manipulate others with "sexual harassment", "I was a victim of sexual orientation prejudice" to get a position or a big paycheck. Using the threat of a lawsuit (or as a result of winning a case), a person can move up the career ladder. That is why the HR manager should not only protect the rights of a minority but also unmistakably identify cases of deception, manipulation when no discrimination took place. He must protect the rights of all employees (including his own) and think about the company's interests. Only in-depth knowledge of the different types of discrimination will do that.

### **How will the organizations benefit?**

Freedom results in creativity, which equals innovation, which equals profit. The main advantage of understanding and combating discrimination at work are a comfortable atmosphere and, therefore, productive work. Only by knowing that his rights are protected (in other words, feeling safe) can an employee fully immerse himself in the work process, demonstrate his abilities, freely express his ideas. No wonder that successful corporations spend enormous resources to create a comfortable, strong organizational culture, for only it enables the individual to realize himself.

Consequently, a talented woman, a gay man, or a Muslim (for example) can create a business project that will take the company to the next level. This confirms again that issues of discrimination (and the combat against it) are practical, useful, and not just theoretical.

### **Limitations and Avenues for Future Research**

The comprehensive academic work was done in the course of the study. Having answered the research question, we offered solutions. Despite achieving these crucial goals, we cannot claim that our work is flawless.

Firstly, the focus was on a variety of countries: from America to China. Though it allowed us to examine discrimination at different workplaces, it also blocked us from paying precise attention to a specific state. Therefore, future researches could develop the "HR-management-discrimination" issue by analysis in exact country.

Secondly, the main goal of our study was to answer the question of whether HR management is capable of dealing with discrimination. The matter of proposing solutions, recommendations to counteract discrimination at work was characterized by

secondary. Hence, not only weren't we able to cover all of the creative ideas, but we also failed to analyze those proposed in more detail. That is why other researchers have the complex yet vital task of proposing hypotheses for combating discrimination and synthesizing them into clear and viable recommendations. In this context, one can try to develop the theme of organizational knowledge and discrimination - how to make sure that the HR manager knows that the offense took place. In addition, future researchers can offer their format of the exam for HR managers, which we mentioned only in brief.

Thirdly, the link between state legislation and the level of discrimination at work was not reflected enough. This shortcoming is a fertile ground for future research. Scholars will not only be able to propose their anti-discrimination innovations to national legislation but also to suggest local regulations to corporations, which will take into account the peculiarities of a particular enterprise. In addition, we have not developed the issue of preventing the circumventing the gaps in the legislation.

Fourthly, we have explained human behavior through the prism of only four social psychology theories. Although it was a very innovative idea to draw the connection between the organizational culture and the employees' acceptable behavior, the fact that only four theories served as foundation remains the white spot on our study. Future researchers can offer their anti-discrimination recommendations based on other theories. In addition, it would be reasonable to develop the idea of incentives as an encouraging factor.

Of course, it would be wrong to put the fight against discrimination on the shoulders of HR managers alone. Future research could focus on other subjects in corporations. The role of senior management in combating discrimination could serve as a topic for discovery.

Finally, it is worth paying close attention to the relationship between company size and the level of discrimination. Is it more challenging to defend the rights of minorities in a small firm or a large corporation? Is there any difference between who is responsible for anti-discrimination: the HR manager alone or the HR department?

The list of suggestions could go on and on as discrimination-related issues in the workplace will continue to evolve for a very long time. Therefore, instead of recounting the gaps in the knowledge of the academic world, it is better to start filling them as soon as possible.

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