

LIFETIME DISADVANTAGE, DISCRIMINATION AND THE GENDERED WORKFORCE

Lifetime Disadvantage, Discrimination and the Gendered Workforce fills a gap in the literature on discrimination and disadvantage suffered by women at work by focusing on the inadequacies of the current law and the need for a new holistic approach. Each stage of the working life cycle for women is examined with a critical consideration of how the law attempts to address the problems that inhibit women's labour force participation. By using their model of lifetime disadvantage, the authors show how the law adopts an incremental and disjointed approach to resolving the challenges and argue that a more holistic orientation towards eliminating women's discrimination and disadvantage is required before true gender equality can be achieved. Using the concept of resilience from vulnerability theory, the authors advocate a reconfigured workplace that acknowledges yet transcends gender.

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Cambridge University Press

978-1-107-12353-3 — Lifetime Disadvantage, Discrimination and the Gendered Workforce

Susan Bisom-Rapp, Malcolm Sargeant

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CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107123533

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First published 2016

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Bisom-Rapp, Susan, author. | Sargeant, Malcolm, author.

Lifetime disadvantage, discrimination, and the gendered workforce / Susan Bisom-Rapp, Malcolm Sargeant.

Cambridge [UK] ; New York : Cambridge University Press, 2016.

LCCN 2016028939 | ISBN 9781107123533 (hardback)

LCSH: Sex discrimination in employment – Law and legislation. | Sex discrimination against women – Law and legislation. | Equality before the law. | BISAC: LAW / Labor & Employment.

LCC K1772 .B57 2016 | DDC 344.01/4133–dc23

LC record available at <https://lccn.loc.gov/2016028939>

ISBN 978-1-107-12353-3 Hardback

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To Charles, Skylar and Ezra, and to the memory of my dear
colleague Michael J. Zimmer

SUSAN BISOM-RAPP

To Gill for her patience and support

MALCOLM SARGEANT

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PREFACE

This book is the culmination of nearly a decade of collaboration between its co-authors. We are both law professors with expertise in employment law and a special interest in equal employment opportunity. We teach and write on opposite sides of the Atlantic. One of us is based in the United Kingdom and the other in the United States. Beginning with a project that examined the plight of older workers during the global economic crisis, we have been struck by the divergences in workplace law and social protection in our respective countries. Equally notable, however, are the convergences in outcomes. Figuring out how and why the former nonetheless coexist with the latter is an aim of this book. Moreover, our end results are instructive for understanding a problem that transcends national borders.

Our book grapples with the global challenge of the gendered nature of inequality in old age. To comprehend it, we develop a descriptive model of lifetime disadvantage, which captures the way in which gender and other factors play out for girls and women creating unequal outcomes during their lives. As law professors, we believe that law and policy could effectively address cumulative, temporally amplified gender disadvantage. That our systems nonetheless produce suboptimal results for millions of older women requires explanation. In short, the solutions our countries have produced are piecemeal when what is required to vanquish gendered disadvantage is law and policymaking that is holistic and contextual and operates across the life course. At a time in which an ageing population makes a retirement crisis a distinct possibility in many countries, and work has become increasingly precarious for all who labour, we recommend a regulatory approach that would enhance work life and retirement for all.

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