## **To what extent is the legislation on diversity and equality of opportunity enforced in Tanzania?**

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**Abstract**

This article explores a number of issues related to the extent the legislation on diversity and equality of opportunity is enforced in Tanzania. The paper questions whether there is a public debate about diversity in Tanzania and if there is a debate, what is this debate, and concerning what type of diversity? It further uncovers factors behind the continuing domination of women and the resultant effects of less participation of women in the workforce. Lastly, the paper explores gender roles and the extent to which Tanzanian culture which is dominantly patriarchal has increased the propensity for male domination over female rights and equality of opportunity. This article recommends that women who are underrepresented in many disciplines such as science and technology should be protected not only by the legislation, but also by strong political will. Without protecting women, the situation will perpetuate male domination over women. Practical aspects which should be explored further in ensuring that there is equal treatment legislation in the country are discussed.

Keywords: Gender diversity, gender roles, equality of opportunity, legislation, Tanzania.

## **1. Introduction**

In this article, we are exploring a number of issues related to the management of equality and diversity policies in Tanzania. The underlying issue is whether there is an equal treatment legislation in Tanzania and what is its content. The Constitution of the United Republic of Tanzania 1977 (amended 1985, 2008) stipulates on the equality before the law (act no. 15 of 1984, art. 6; Act. 4 of 1992 art. 8). The Constitution states that no person shall be discriminated against by any person or any authority acting under any law or in the discharge of the functions or business of any state office. It further states that the expression “discriminate” means to satisfy the needs, rights or other requirements of different persons on the basis of their nationality, tribe, place of origin, political opinion, colour, religion, sex or station in life. In the same manner, in the implementation of the five year strategic plan (2017/2018-2021/2022) the government of Tanzania expressly states its objectives including seeking all possible solutions on gender-based violence. Besides the constitutional rights of every citizen in the country to be treated equally, for several decades since independence the country developed strategies, laws and regulations to support equal treatment among its subjects including gender equality and women empowerment.

In 2006 the World Economic Forum ranked Tanzania number 1 of 115 countries with respect to women economic participation sub-index (World Economic Forum, 2006). Likewise, researchers such as Ellis, Blackden, Cutura, MacCulloch & Seebens (2007) highly commended the Government of Tanzania and civil society for developing numerous policies and strategies in support of gender equality and women’s empowerment. Besides these recent initiatives by the government towards gender equality such as putting in place tax exemption on sanitary towels for women (refer for example 2018/19 government budget), based on fundamental principles of equality, the government has extensively explored numerous areas which people might not be treated equally in order to foster equal treatment in the country. The Village Land Act 1999, Art. no. 5 (2), for example, stipulates the following: ‘the right of every woman to acquire, hold, use and deal with land shall to the same extent and subject to the same restriction be treated as the right of any man, is hereby declared to be law.’ Similarly, the government established the Legal Aid Act 2017, which regulates and coordinates the provision of legal aid services to indigent persons, to recognise paralegals, to repeal the Legal Aid (Criminal Proceedings) Act and to provide for other related matters. The Legal Aid Act is one of the steps by the government to make sure that there are legal service providers who should endeavour in supporting equal treatment of men and women in the country. In the same vein, the Tanzania Development vision of 2025 among other things strategizes on the equal treatment of women and empowerment. Notwithstanding, recent reports from the World Economic Forum (2019) and Human Rights Watch (2018, 2020) challenge the progress made by the country in implementing various aspects of the legislation on equal treatment. In particular, the challenges are directed towards gender equality issues and related equality of opportunity policies (Badstue, Farnworth, Umantseva, Kamanzi & Roeven, 2020). In line with such criticism, these reports show that Tanzania has fallen from the 2006 record of being number 1 of 115 countries with respect to women economic participation to number 70 in 2018 (World Economic Forum 2019).

## **2. Statement of the Problem**

We are observing a gap in the way diversity and equal treatment in the country develop. These current reports from the World Economic Forum (2019) and the Human Rights Watch (2018, 2020) make one question the extent to which the government and non-governmental organizations implement the policies and practices to ensure the existence of diversity, equality and equal opportunities in the country. Diversity management in a country should not be considered as a matter of legal compliance only. Diversity management is a cross-cutting issue since if people in the workforce treat others differently because of their gender, ethnic origin, religion, education level, etc, then the society at large has to review its regulations and assess how they have enforced the law which (based on the Constitution) requires that all people are treated equally.

## **3. What is at Stake?**

In Tanzania, the employment and labour laws for almost four decades have stipulated the mandate to the employer to employ people from all walks of life including the vulnerable and the disadvantaged. On the same vein, the Employment and Labour Relations Act, 2004 (URT) promulgates the rights and protections of different groups of people in employment and labour relations. One of the objectives of the act is to provide the legal framework for effective and fair employment relations and minimum standards regarding conditions of work. Another objective is to give effect to the provisions of the Constitution of the United Republic of Tanzania of 1977, in so far as they apply to employment and labour relations and conditions of work (Employment and Labour Relations Act, 2004). In this regard, this act is aimed at protecting people against injustice that may arise if there is lack of minimum standards to protect employees as well as employers in labour and employment relations. In terms of dimensions of diversity which the Tanzanian legislation addresses, the act among other things stipulates that: no employer shall discriminate, directly or indirectly, against an employee, in any employment policy or practice, on any of the following grounds: (a) colour (b) nationality (c) tribe or place of origin (d) race (e) national extraction (f) social origin (g) political opinion or religion (h) sex (i) gender (j) pregnancy (k) marital status or family responsibility (l) disability (m) HIV/Aids (n) Age or (o) station of life (Employment and Labour Relations Act, 2004). Likewise, harassment of an employee shall be a form of discrimination and shall be prohibited on anyone, or combination, of the grounds prescribed in subsection (4) of the Employment and Labour Relations Act (2004). The Act further states that it is not discrimination - (a) to take affirmative action measures consistent with the promotion of equality or the elimination of discrimination in the workplace; (b) to distinguish, exclude or prefer any person on the basis of an inherent requirement of a job; or (c) to employ citizens in accordance with the National Employment Promotion Services Act, 1999. In this regard, there is an equal treatment legislation in Tanzania and it has been in place for more than four decades now. With the above-mentioned reports (from the World Economic Forum (2019) and Human Rights Watch (2018, 2020) challenging the progress made by the country in implementing various aspects of the legislation on equal treatment; one should accommodate and respond to the concerns raised with an understanding that in every policy implementation a gap may exist between what the policy states and how the policy is implemented. Specifically, the existence of a legislation on equal representation of women in the workplace, should go hand in hand with workforce diversity policies and practices in every organization.

A study by Sawahel (2020) reveals that many manufacturing industries in Tanzania do not have in place workforce diversity policies and procedures. This observation highlights the importance of examining the extent to which every employer implements the policies and regulations which have been promulgated by the lawgiver. Kenya, for example, is one of the developing countries which enacted the policy of equal representation of men and women in the workforce. The Kenya Public Service Commission developed new guidelines and approaches to recognize the one third representation rule for women and ethnic groups in public employment (Wambui, Wangombe, Muthura, Kamau, & Jackson, 2013). It should likewise be noted that studies show that organizations which recognize, value, manage, and celebrate diversity are capable of attracting, recruiting, and retaining best employees (Wambui, Wangombe, Muthura, Kamau, & Jackson, 2013). It is very true that managing workforce diversity is more than acknowledging differences in people and cultures, it includes recognizing the value of differences, combating discrimination and promoting inclusiveness (Ogunjimi, 2015).

## **4. Is there a public debate about diversity in Tanzania? if there is a debate, what is this debate, and concerning what type of diversity?**

Whilst in the presence of legislation, another interesting research question is related to what is the public debate on diversity in Tanzania? Tanzania is signatory to the 1979 Convention on the Elimination of All Forms of Discrimination against Women. This ratification, in itself, expresses the government’s commitment to gender diversity and inclusion, at least from outside. This convention is normally referred to as the international bill of rights for women. In 2010, the United Nations created the UN Women which is the United Nations Entity for Gender Equality and the Empowerment of Women. This organ among other objectives, pleads overtly to reducing gender parity in all aspects of life by increasing accessibility and equity of women in various areas. Not only that but also demonstrates the extent to which Tanzania treasures the important benefits of gender diversity to both individuals and organizations, including well-being and organizational performance (Jackson & Joshi, 2011). Yet, commitment to gender diversity and inclusion, particularly in work setting, is not just good news. It has been suggested that individuals sometimes struggle with being different from their colleagues in terms of gender, as manifested in lower levels of affective and productive work outcomes (Guillaume, Brodbeck, & Riketta, 2012). What is central here is that even though women and men are encouraged to work together for individuals’ and organizations’ competitive advantages, gender dissimilarity remains a principal source of inequality and poor performance (Seguino, 2013). In fact, this has become a pressing issue as research indicates that feeling included in a diverse work setting is by no means straightforward. A highly consistent finding is that people who are different from their co-workers in terms of gender attributes tend to experience less work satisfaction and feel less attached to their organization than those who are similar to their peers (Guillaume, Brodbeck, & Riketta, 2012).

In explaining how gender diversity and inclusion in a diverse work setting is by no means straightforward, self-categorization theory (Turner, Hogg, Oakes, Reicher, & Wetherell, 1987) asserts that people use observable differences, such as gender or demographic attributes, to place themselves and similar others into in-groups and dissimilar others into out-groups. This is true in social identity theory (Tajfel & Turner, 1986) which posits that in order to enhance and maintain a positive social identity, people like and trust in-group members more than out-group members. As a result, gender diversity and inclusion create us-them distinctions which undermines the unity of the organization (Van Knippenberg, De Dreu, & Homan, 2004). Accordingly, there is a strong need for research and public debate that clarify clearly on how and under which conditions the problems associated with gender differences can be evaded, especially in a diverse work setting. This means that there is a need for insight into how and under which conditions being different from others in terms of gender may not be problematic in a diverse workforce, even in the presence of legislations and conventions that stand against all forms of gender discriminations. At this juncture one is left to ask himself or herself; in the presence of legislation in Tanzania, what is the public debate on gender diversity? It is fair to say that a question of this nature has received less interest from diversity scholars in Tanzania. As such, there is still considerable ambiguity and lack of consensus in the country regarding (a) the appropriate theoretical conceptualization of gender diversity or inclusion (Shore, Randel, Chung, Dean, Holcombe, & Singh, 2011), and, as a related matter, (b) the proper measurement of these concepts (Jansen, 2015). Before we jump into what kind of research and/or public debate is required for gender diversity in Tanzania, we begin by explaining why such a public debate matter.

## **5. Factors behind the continuing domination of women**

This study is aware of the obscured understanding of patriarchal relations in Tanzania as it is in many parts of the world. In Tanzania, as in many parts of the sub-Saharan Africa, the accumulations of power by certain men and the doing of power and dominance in many men’s practices continue to be neglected, accepted and not resisted, or taken for granted and/or unrecognized (Hearn, 2004: 51). Accordingly, hooks (2004: 18-19) explains that the gender roles assigned to us as children, which guide how we should operate for the rest of our lives, obscure our understanding of the complex set of factors that interact to create, recreate and sustain a system that controls women and nature. In the family, for example, the socialization processes observed for boys and girls are designed and rigorously applied to instil a feeling of superiority mostly in boys, while girls are groomed to undergo and accept subjugation (Walby, 1990). The gender roles assigned to us as children reinforce the notion that patriarchy is the nature of things – and like other laws of nature, this too cannot be changed (Parsons & Bales, 1955). This process described above explains why in some societies in Tanzania, girls and women are often socialized to believe that it is their obligation to be chaste, modest, submissive and obedient to their male counterparts in order to uphold family honour (Gill, 2011). As a result, the man’s status as head of the household entitles him to unquestioned obedience from the rest of the family, and the differences between the genders are legitimized from there onwards to other institutions of society such as religions, education, judicial systems, the market, mass media, politics, social welfare and healthcare, to mention but a few (House, Dallinger & Kilgallen, 1998). This androcentric thinking often obscures rather than reveals men’s subordination of womenfolk to the extent that gender discrimination is now inscribed in our blood (Sewpaul, 2013: 116).

It is in the above androcentric thinking that hegemony has found place in many societies in Tanzania. Hearn (2004: 52) explains: ‘hegemony involves both the consent of some men, and, in a very different way, the consent of some women to maintain patriarchal relations of power. At least some powerful men are dominant in the construction of women’s consent and the reproduction of men’s consent.’ Accordingly, men’s power is often construed, rather simply, as a capacity or ability to dominate or influence others through reward or punishment (Hearn, 2004). In some societies in Tanzania, for example, some powerful men are viewed as semi-divine beings, or as ordained by gods. These semi-divine beings often enforce laws believed to be divinely ordained and use them as legitimate tools through which to take control over others, especially women (Christ, 2016: 222).

For that reason, several scholars generally agree that there are active structures which create gendered power relations to dominate women and which are taken for granted through consent (Christ, 2016: 216; Hearn, 2004: 59). As such, it is hard to recognize and oppose the agents of the systematic domination of women. Consequently, girls and women often accept a lesser status in exchange for protection and privilege, forming a relationship that is likened to paternalistic dominance or benevolent patriarchy. Such cultural practices and perceptions – even those that are seemingly non-violent in nature – impact on the status and prospects of girls and women. What is at issue here is that it is hard to justly comprehend unfair positioning of women in Tanzania unless it is reflected within the contexts and dynamics embedded in patriarchy (Janeway, 1980: 582).

Thus, it is not surprising that Tanzania, even though is a signatory to the CEDAW, entertains some traditional practices and laws, including customary and religious laws, which discriminate women in many ways. The marriage law promulgated in 1971, for example, does not abide to the CEDAW’s 18 years as the minimum age of marriage, and allows young girls to marry at the age of 15 years if their parents agree. The Law of the Child Act 2009, on the other hand, fails to point out that marriage of under 18 years violates the international agreement to respect and protect children’s right. As a result, girls are pushed to marry as early as possible as a way to reduce the chances of sexual promiscuity (Stark, 2017) or to obtain family income (Wighta, Plummer, Mshana, Wamoyi, Shigongo & Ross, 2006). Consequently, early marriage is treated with impunity, even if it is illegal (Maswikwa, Richter, Kaufman & Nandi, 2015). Early marriage, among other things, impacts on the status, health and education prospects of girls and young women.

To that end, girls and young women in Tanzania, particularly in areas where cultural practices are strong, have been regarded as inferior human beings whose roles being home making (Ellis, Blackden, Cutura, MacCulloch & Seebens, 2007). Within the constraints of homestead tasks, girls and young women face heavy responsibilities: from doing all the household chores to taking part in subsistence agriculture to feed the family, and also engaging in income-generating activities for cash. Tasks such as food preparation, fetching water and collecting firewood are full-time jobs. This situation leaves girls and young women with little or no time at all to have formal education or be involved in formal (salaried) activities or jobs (Ellis, Blackden, Cutura, MacCulloch & Seebens, 2007). As a result, girls and young women lack opportunities for self-actualization and wellbeing. Unless these conditions are improved, girls and young women will increasingly participate less in a diverse workforce (Ellis, Blackden, Cutura, MacCulloch & Seebens, 2007), and when they manage to participate, they are likely to face challenges related to gender biases (Yoon, 2011).

This observation leads us to another question on whether there is public debate on gender diversity and inclusion and what does extant research say about it. The above discussion explains why research and/or public debate which pay interest on gender diversity and inclusion, particularly on how being different may affect the extent to which the group is perceived to include the individual, does not exist in Tanzania (Jansen, Otten, Van der Zee, & Jans, 2014). Accordingly, there is a lack of thorough discussion in Tanzania which provides a deeper understanding of when being dissimilar is most consequential and the extent to which the group is perceived to be open towards and appreciative of gender differences (Harquail & Cox, 1993). As a result, there is a lack of an understanding of how gender inclusion in diverse work settings in Tanzania can implacably be fostered, meaning that it is not just enough to enact registrations and assume that all people will fee included.

Herewith, inclusion is thought to satisfy two fundamental human needs: the need for belonging and the need for authenticity (Jansen, 2015). The need for belonging is the motivation to form and maintain strong and stable relationships with other people which requires frequent and affectively pleasant interactions in a stable group or environment (Baumeister & Leary, 1995). Research suggests that when the need for belonging is thwarted, individuals may experience cognitive, emotional, behavioural, and health problems (DeWall, Deckman, Pond, & Bonser, 2011). Thinking about this from the patriarchal relations of power in Tanzania, one is left to wonder if girls and women do really feel to belong to a group in a diverse work setting when they form part of it. This is especially critical on the ground that some studies have pointed out that women in employment face challenges related to gender biases; they are considered to be weak, soft and less committed to work than their male counterparts (Yoon, 2011). It should be noted that gendered differences among males and females are based among other things on perceptions of social roles which stem from general view that women are likely to be responsible for caregiving and thus inferred to possess communal traits, such as being warm or nurturant, and males are likely to be responsible for economic provision and leadership roles, and thus inferred to possess agentic traits such as being competitive and aggressive (Brown & Diekman, 2010). Gender differences are also marked by the way people equate manhood with toughness and bravery while equating womanhood with softness and caring attitude (Vandello & Bosson, 2013). These shared understanding of social roles have a big impact on future careers for males and females in a society. In a household-based sample of women aged 20–44 in the urban district of Moshi, for example, women faced discrimination at the hands of men, but also some women were not allowed to go to work by their husbands (McCloskey, Williams & Larsen, 2005).

The need for authenticity, on other hand, is the desire to feel and act in accordance with one’s true self (Jansen, 2015). Satisfying this need requires that group members perceive to be allowed and encouraged to be themselves in a group or diverse work setting. That is, they should perceive that their idiosyncratic personality, opinions, and skills are recognized and appreciated by the group members. Similar to the need for belonging (Baumeister & Leary, 1995), satisfying one’s need for authenticity has been shown to be positively associated with individual well-being (Wood, Linley, Maltby, Baliousis, & Joseph, 2008) and organizational performance (Sheldon, Ryan, Rawsthorne, & Ilardi, 1997). In a society which predominantly practise roles based on the sex of an individual, where women are expected women be modest, tender and worried with the quality of life (Yoon, 2011), do women really feel and act in accordance with their true self when they are part of a group in a diverse work setting. In other words, do girls and women really perceive that their idiosyncratic personality, opinions, and skills are recognized and appreciated by the group in a male dominated society? The answer to this question might be complex. However, we can get some hints from the social role theory, which among other things suggests that gender differences in self-representation emerge from the roles that men and women typically occupy in society (Brown & Diekman, 2010: 568). The theory further suggests that the historical overrepresentation of women in care-oriented roles (in particular health care, early education and domestic roles) results in societal gender stereotypes of women as inherently more communal, i.e., oriented toward care for others than men.

In addition, research and public debate on gender diversity will also touch on another important feature of inclusion which explicates that individuals need for belonging and authenticity are based on signals sent out from the group. This means that in the process of inclusion it is the group that primarily determines whether an individual is included or not. This conceptualization is in line with sociometer theory (Leary & Baumeister, 2000) which poses that people constantly monitor their social environment for cues or signals that pertain to one’s inclusionary status, and fits with experimental manipulations of inclusion (and exclusion) in which it is the group that includes (or excludes) the individual (DeWall, Deckman, Pond, & Bonser, 2011). In the context of Tanzania, this may necessitate a public debate which reviews the kind of signals girls and women (marginal) often receive from their male counterparts (dominant) in a diverse work setting. On the other hand, this situation can also be examined from the role congruity theory which suggests that people generally experience social and personal benefits when they fit to valued social roles. This means that, there are rewards for role congruity and punishments for role incongruity (Diekman & Eagly, 2008). By and large, unequal treatment of women in a society due to gendered differences leads to unjustly punishing girls and women while rewarding boys and men based on baseless understanding of communal social roles.

## **6. Gender roles and the extent male domination undermines female’s development**

Researchers, media and funding agencies consider gender imbalance in social roles as an area which needs further research. Gendered differences among males and females are based among other things on perceptions of social roles which stem from general view that women are likely to be responsible for caregiving and thus inferred to possess communal traits, such as being warm or nurturant, and males are likely to be responsible for economic provision and leadership roles, and thus inferred to possess agentic traits such as being competitive and aggressive (Brown & Diekman, 2010). Gender differences are also marked by the way people equate manhood with toughness and bravery while equating womanhood with softness and caring attitude (Vandello & Bosson, 2013). These social and communal differences generate men’s gender role conflicts which are exhibited by perceptions of what men can do or not do. Literature shows that some scientists’ works and discoveries, were side-lined simply because of their gender. They were women. Blickenstaff (2005), for example, identifies this situation as a barrier to women’s participation in science. It is claimed that “Barbara McClintock’s discovery of ‘jumping genes’ is among the most significant breakthroughs in science in the 20th century” (CohenMiller et al., 2019: 215). Likewise, Margaret Dayhoff was a scientific pioneer, who launched the application of computational technologies to collecting and analysing molecule patterns. She too was ignored and alienated from the science community without recognising her contribution in the science (CohenMiller et al., 2019: 215; Strasser, 2010). The Global Education Monitoring Report (GEMR-2020) among other things reminds all nations that as human beings we have a moral obligation to ensure every child has the right to an appropriate education of high quality and no child by any means should be excluded in education. The recent GEMR (2020) has emphasised explicitly the reference to inclusion in the 2015 Incheon Declaration, and the call to ensure an inclusive and equitable quality education in the formulation of Sustainable Development Goal 4 (SDG 4), the global goal for education. An article by Wagdy Sawahel which featured in the University World News as one of the Africa Top Stories was titled “Women in science will not increase without radical change” (UWN, 3rd December 2020, Issue No. 294). This article summarizes various African scholars’ views and recommendations on resolving the problem of a widening gap between males and females in Science, Technology, Engineering and Mathematics. It should be remembered that gender differences in self-representation emerge from the roles that men and women typically occupy in society (Brown & Diekman, 2010: 568).

In the above context, a public debate on inclusion and gender diversity is likely to reveal that girls and woman in Tanzania are either perceived to be accepted group members in a diverse work setting, but at the same time experience difficulty with fully disclosing their true selves, and sometimes none of them (Ellemers & Jetten, 2013). This usually implies that minority members or the weaker segments of society are compelled to conform to the norms of the majority group or the powerful member of society. In some instances, however, girls and women may feel treated as marginal members by the group but at the same time are allowed and encouraged to be authentic. Although marginal members (girls/women) who can remain themselves within the group may potentially offer the group the opportunity of enlarging their external social capital, there is the risk though that they may not feel motivated to do so, because they lack a sense of belonging to the group (Ellemers & Jetten, 2013). In the worst-case scenario, girl and woman may perceive exclusion to the extent that they are treated as an outsider and also receive signals from the group that they are not allowed to be themselves (Jansen, 2015). Here, girl and woman facing exclusion may neither be able to satisfy the need for belongingness nor the need for authenticity. This is likely to reduce work satisfaction and well-being, but most probably the productivity of group members. If the society makes females feel that their roles are less important than males, then they will not fulfil their social roles adequately. Likewise, if females feel that they are not expected to be or behave in a certain manner, then their level of expectancy drops down. It suffices to emphasize what GEMR on Inclusion and Education (2020) reports, that ‘the association between girls’ education and development outcomes is not straightforward and may materialize only in specific circumstances. Education attainment is necessary but not sufficient to empower women (GEMR, 2020:313).

## **7. Conclusion and recommendations for further research**

It is important, therefore, to encourage research and/or public debate on inclusion and gender diversity in Tanzania, which may explore some organizational diversity approaches, for example, to reflect stances on how gender differences within the organization or group can effectively be dealt with so as to ensure that both men and women members feel included in the diverse work settings or organization. Empowerment of women, in particular, goes hand in hand with the concern about empowerment of men who are underrepresented in the healthcare, early education and domestic roles. A study by Block, Croft, De Souza, & Schmader (2019), for example, explores the extent to which people perceive gender imbalances in male-dominated careers as more problematic than gender imbalances in female-dominated caregiving careers. Their study is focused on whether the society cares when men don’t care about caring roles. The study findings indicate that there is more support for the inclusion of women in male-dominated careers, compared to the inclusion of men in female-dominated careers (Block, Croft, De Souza, & Schmader, 2019: 111). All these aspects are related to diversity and equality of opportunity and need to be explored further in the country. The issue of gender equality among men and women in careers connects to the issue of pay equality between different types of careers. It is understood that, on an individual level, societies with high communal values predict to pay a higher salary to health and domestic related roles compared to science and technology occupations (Block, Croft, De Souza, & Schmader, 2019). Other societies especially in countries which have been labelled to have individualistic ideology (Hofstede, 1980, 2001), the tendency is the prediction to pay scientists more and healthcare and education professionals less (Block, Croft, & Schmader, 2018). In this kind of situation, women who are underrepresented in science and technology end up being paid low salaries. This perpetuates male domination over women which needs radical change to attain equality of opportunity.

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