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Steel barrier: Legal implications from a gender equal opportunity perspective

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ABSTRACT

In recent decades, legal Acts, norms, and regulations have proliferated in order to ensure equal opportunities for women and men in multiple contexts, including public and private organizations. Nevertheless, there is sufficient evidence to suggest that, to date, real and legal equality do not match. The current context of the global economy suggests that there may now be a new barrier, related to the fact that women have been partially excluded from positions abroad which would facilitate the acquisition of professional and personal skills which are essential in the present century. This new inequality in access to senior management seems to be in contradiction with the different pressures and initiatives put in place to achieve equality of opportunities between women and men, protected in our national and international laws. In this paper, the main causes excluding women from international assignments, and consequently from senior management, are reviewed, highlighting the motivational and legal aftereffects that this trend may have.

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Barreras de acero: implicaciones legales desde una perspectiva de género e igualdad de oportunidades

RESUMEN

En las últimas décadas han proliferado diversas disposiciones legales y normativas con el objetivo de garantizar la igualdad de oportunidades entre mujeres y hombres en múltiples contextos, entre ellos el que atañe a las organizaciones públicas y privadas. Pese a ello, existe suficiente evidencia de que la igualdad real no se acerca, hasta la fecha, a la legal. El contexto actual de economía globalizada sugiere que puede aparecer una nueva barrera, al quedar la mujer excluida parcialmente de puestos en el extranjero que le facilitan la adquisición de capacidades profesionales y personales imprescindibles en el siglo actual. Esta nueva desigualdad en el acceso a puestos de alta dirección no parece responder a las distintas presiones e iniciativas por conseguir la igualdad de oportunidades entre hombres y mujeres, protegida en nuestro ordenamiento jurídico nacional e internacional. En este trabajo revisamos las principales causas que alejan a la mujer de los puestos internacionales y, en consecuencia, de la alta dirección, resaltando las derivaciones motivacionales y legales que dicha tendencia pudiese tener.

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In the last decade, in the European Union especially but also in other countries, legislators have developed various norms with the aim to protect and guarantee equal opportunities in employment. Directives 2010/41/EU (European Union, 2010), 2006/54/EC (European Commission, 2006), 2004/113/EC (European Union, 2004), 2002/731/EC (European Union, 2012a), and 2000/78/EC (Council of the European Union, 2010a) provide examples in this sense. Spain, as a member of the European Union, has assumed those regulations and, in a further step towards the achievement of real equality, approved in 2007 a law for the effective equality of opportunities between women and men, with the rank of Organic Law (*Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres*). This law, which is considered pioneering within the EU, introduces new aspects in its provisions, such as the concepts of direct and indirect discrimination, the shift of the burden of proof in cases of discrimination, the contemplation of affirmative actions, the prevention of discriminatory behaviors, and the recommendation of the design of active procedures to implement the principle of equality. This law also introduces the idea of the “mainstreaming” of the proceedings, extending its scope to all socio-economic, cultural, and educational dimensions of the environment in both the public and private dimensions. In this regard, it is noteworthy that it highlights the need to increase the presence of women in the corporate boards of organizations in order to achieve a gender balance.

In the current global economic context, many companies are choosing the path of globalization, not as a traditional growth strategy, but as a strategy for survival (Baum, Schwens, & Kabst, 2013). In this regard, the Upper Echelons Theory (Hambrick & Mason, 1984) suggests that the characteristics of the people who are leading these organizations have an influence over the corporate strategies implemented. It means that firms with talented and interculturally skilled leaders will be more prepared to undertake international expansion (Bartlett & Ghoshal, 1990, 1992; Harvey & Moeller, 2009). One of the most effective ways of achieving this global competence is the occupation of successive international assignments (Black, Gregersen, Mendenhall, & Stroh, 1999; Boyacigiller, 2000; Caligiuri & Tarique, 2009; Insch, McIntyre, & Napier, 2008). The concept of International Assignment means the allocation of a person from one country, with a particular culture, to another country, with different characteristics and culture (Harzing, 2001). Such assignments are mainly occupied by men (Adler, 1984a, 1984b, 1984c; Collings, Scullion, & Morley, 2007; Linehan & Scullion, 2001; Linehan, Scullion, & Walsh, 2001; Sinangil & Ones, 2003), although the percentage of participation of women in international assignments has increased steadily from 3% in the early 80s (Adler & Izraeli, 1994) to 14% in the late 90s (Tung, 2004). The most recent data indicate that such participation has grown to be around 20–24% (Brookfield Inc., 2013; Cartus Corporation 2014).

Under these conditions, at companies that compete in the international context, women are at a disadvantage in accessing senior management positions, due to the fewer opportunities they have to acquire the required global competence for those positions. The “glass ceiling” concept has been widely used to refer to the set of seemingly invisible obstacles (e.g., gender stereotypes, exclusion of formal and informal organizational networks, and difficulties in leadership) that prevent women’s access and promotion to managerial levels (Arfken, Bellar, & Helsm, 2004; Singh & Vinnicombe, 2004). Today, the global context might suggest the emergence of a new barrier, which we call the “steel barrier” as a reference to a set of impediments that prevent women from reaching senior management and are more difficult to overcome as a result of their greater subtlety. Very specifically, we are referring to a lack of international experience, due to the fact that women’s participation in international assignments is significantly less than that of men.

This paper reviews the characteristics, organizational impact, and legal implications of the steel barrier for the access of women to senior management positions. To do this, in the first place, the main provisions of European Union law which apply to the case are discussed. Next, the empirical evidence concerning the relationship between international assignments, advancement, and promotion in international organizations, with particular attention to the situation of women in this context, is discussed. Third, the theoretical explanations that have been offered for the evidence found will be reviewed. Finally, the main conclusions are added, including some possible suggested actions that could be implemented in order to break the steel barrier and comply with the law.

Equal Opportunities: European Legal Framework

Equality of opportunities between women and men is a broadly recognized and protected right under national and international law: the Declaration of Human Rights (United Nations, 1948), the Declaration of the UN Assembly (United Nations, 1979), successive treaties on the functioning of the European Union, i.e., Rome (European Union, 2012b), Maastricht (European Union, 1992), Amsterdam (European Union, 1997), Lisbon (European Union, 2007), the Directives 2006/54/EC (European Commission, 2006), 2004/113/EC (European Union, 2004), 2002/731/EC (European Union, 2012a), 2000/78/EC (Council of the European Union, 2010) of the European Parliament and Council, and the Spanish Law for the Effective Equality of Women and Men (*Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres*) are some examples of norms and laws that protect such a right.

Of particular importance is the legislative activity resulting from Spain’s membership of the EU, where equality is a fundamental principle. The right to equal opportunities was initially conceived in a limited way, confined to remuneration (Treaty of Rome, art. 119). Its subsequent, constant development has determined that this right is currently recognized as one of the fundamental principles of the European Union. The Treaty of Amsterdam (European Union, 1997) reinforces the principle of equality in the social sphere, establishing it as a fundamental objective of what was in those days known as the European Community. The Charter of Fundamental Rights of the European Union (European Union, 2000), binding according to the Lisbon Treaty (European Union, 2007) also establishes the equality of women and men in all areas. The latter text establishes that it is a crosscutting objective in all the activities in European Community, “to eliminate inequalities between men and women and promote equality.” This right shall be guaranteed across all areas, including employment, work, and payment (art. 23), and to do this it sets the maintenance or adoption of measures with specific advantages in favor of the under-represented sex.

As a result, the work of the various institutions of the EU around gender equality has been fundamental. Specifically, within the law and to ensure equal opportunities between women and men, there are different directives, agreements and resolutions (Council of the European Union, 2011; European Commission, 2006, 2010; European Union, 2004, 2012a) calling for a series of measures to combat inequalities. There is even a specific delegated committee (Committee on Women’s Rights and Gender Equality) and both special formal and informal units have been created to handle such issues, i.e., the European Commission’s Advisory Committee on Equal Opportunities for Women and Men, the European Institute for Gender Equality, and the High Level Group on Gender Mainstreaming.

In parallel to this, various programs have been developed, including the Roadmap for Equality between Women and Men 2006–2010 (Commission of the European Communities, 2006), which cites among its priority areas for action the elimination of inequalities in the workplace and the promotion of proportional representation of

women and men in decision-making. This same target, to increase equality in decisional areas, has been labeled a priority area in the EU Strategy for equality between women and men 2010-2015 (European Commission, 2010a).

Despite the profusion of norms, recommendations, and communications, inequalities persist. The Declaration of Madrid (Council of Europe, 2009) urges member states to commit themselves to converting theoretical legal equality to actual equality, to the elimination of the causes that generate power imbalances between women and men, and to ensure that real equality is applied in the workplace. Strategy 2020 of the European Union (European Commission, 2010b) recognizes the need for keeping the implementation of equality policies because, despite all efforts, real equality has not been achieved. Thus, a recent communication of the European Council (Council of the European Union, 2014) recommends that state members shall adopt a series of measures for the implementation of this strategy. These include promoting the participation of women in the labor market, the visibility of women, and strengthening the fight against gender stereotypes.

Summarizing, we can argue that despite policy and declarative efforts to guarantee the right to equality of opportunity, there is some consensus and concern in the recognition that real equality is not matching legal equality and that inequalities thus persist. Similarly, the European Union is making great efforts and providing resources to redress these inequalities.

International Assignment and Promotion: The Steel Barrier

The internationalization of the marketplace and economy are among the most important characteristics of the current economic environment. Companies are impelled to compete without borders to remain competitive (Schuler & Tarique, 2007). The factors that promote or enhance the international expansion of a given enterprise are multiple and varied, but several studies have shown that adherence to a global culture in the organization is crucial. Under the assumptions of the Upper Echelons Theory (Hambrick & Mason, 1984), the international experience in the top managers of multinational companies (MNC) has been identified as an important driver of internationalization (Carpenter & Frederickson, 2001; Carpenter, Sanders, & Gregersen, 2001; Maruca, 1994; Reuber & Fischer, 1997; Sambharya, 1996) and its role in contributing to the achievement of better results in the internationalization process highlighted (Hutzschenreuter & Horstkotte, 2013). For companies that compete in a world without borders it is essential to have leaders with global talent, international capabilities, and effective intercultural skills (Bartlett & Ghoshal, 1990; Harvey & Moeller, 2009). There is a general consensus that globally relevant organizations heavily depend on their international staff (Harvey, Novicevic, & Speier, 2000) and that international mobility is a competitive difference factor for the success of organizations in a global context (Altman & Shortland, 2008).

Different authors have suggested that one of the most effective ways to obtain global capabilities is the successive occupation of international assignments (Black et al., 1999; Caligiuri & Tarique, 2009; Insch et al., 2008). According to Chen, Kirkman, Kim, Farh, & Tangirala (2010) expatriates – namely, people who are allocated to inter-

national assignments – face a new context where they may gain skills to learn specific job roles, standards of performance, expectations, and leadership responsibilities. Consequently, it is expected that the expatriate will develop a high capacity for professional performance abroad (Benson & Pattie, 2008), which will be essential for the international development of the allocation (Aycan, 2001; Black, 1998; Carpenter et al., 2001; Daily, Certo, & Dalton, 2000; Dickman & Harris, 2005; Oddou, Gregersen, Black, & Derr, 2001). Managers in jobs with these characteristics acquire high levels of management competence and specific international skills (Aycan, 2001; Carr, Inkson, & Thorn, 2005; Dragoni, Tesluk, Russell, & Oh, 2009; Fink, Meierewert, & Rohr, 2005; Kraimer, Shaffer, & Bolino, 2009). In fact, it has been argued that many managers remain in the international assignment precisely because they hope that the experience in the new culture will enrich them personally and will help them gain promotion in the organization (Bhaskar-Shrinivas, Harrison, Shaffer, & Luk, 2005; Harrison, Shaffer, & Bhaskar-Shrinivas, 2004). In a study of 231 expatriate managers, Dragoni et al. (2014) found that the time spent in international assignments was directly related to the competence of strategic thinking, particularly when they had been in culturally distant countries.

Moreover, in the context of “boundaryless career” (Arthur & Rousseau, 1996; Parker & Inkson, 1999), managers often mention that their international experience has had positive results for the rest of their career (Harris, Kacmar, & Carlson, 2006), so the desire to advance up the organizational pyramid should be considered one of the foremost reasons why people apply to be assigned overseas (Banai & Harry, 2004; Tharenou 2010). Figure 1 summarizes the sequence of the path to the senior management of international companies.

Thus, the most valuable and in-demand managers nowadays seem to have the common characteristic of having been sent by their company on one or more international allocations. Unfortunately, the data suggests that this is more characteristic of men than women (Insch et al., 2008). For example, the recent survey provided by Brookfield Inc. (2013) among multinational companies in Europe, USA, the Middle East, Africa and Asia shows that only 20% of international assignments are occupied by women, although this increased to 24% in the study by Cartus Corporation (2014). In this sense, the only indisputable assertion that can be made regarding women in international management is that there are very few (Adler, 1984a; Selmer & Leung, 2003; Tharenou, 2010). While the participation of women working outside the home has substantially increased in recent years, the numbers of women who are sent abroad by their organizations has not grown at the same rate (Guthrie, Ash, & Stevens, 2003; Tharenou, 2010).

According to Insch et al. (2008), promotion to senior management levels among middle managers with international experience is a common practice in multinational companies, so international assignments are considered a kind of “springboard” for top management. Traditionally, these assignments have been masculinized and are considered inappropriate for women (Insch et al., 2008). As Tharenou (2010) notes, “the influence that international experience has in the advancement of managers has created a new glass barrier to women” (Insch et al., 2008). We will use the term “steel barrier” to make



Figure 1. Process Path to Senior Management

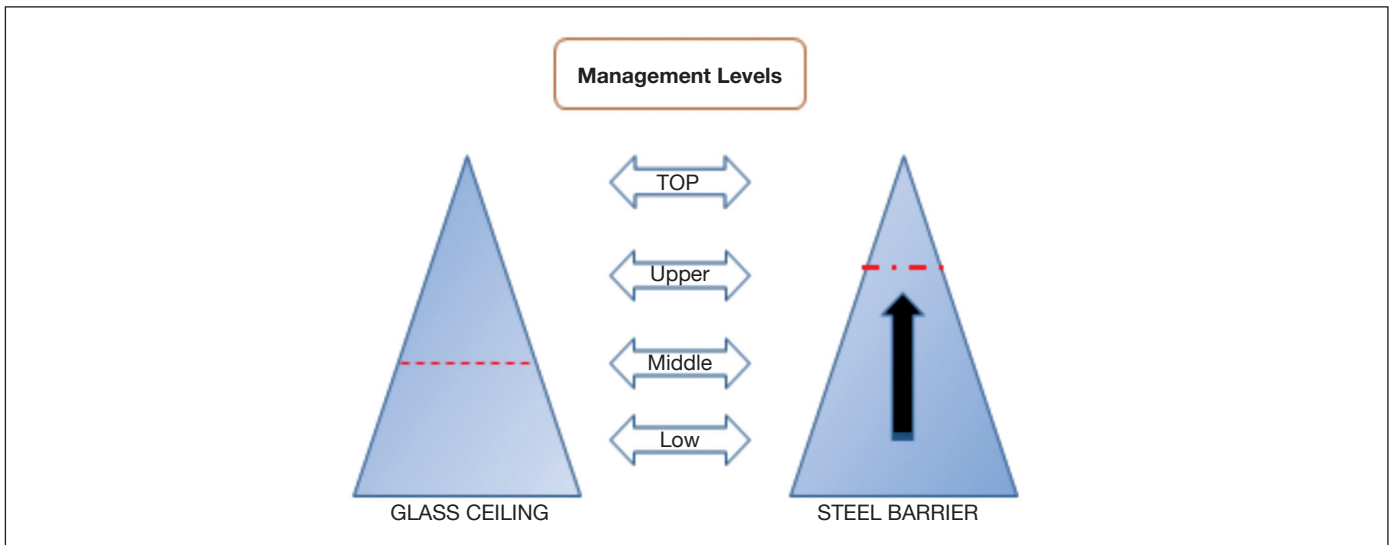


Figure 2. Glass Ceiling vs. Steel Barrier

reference to this new obstacle in the promotion of women managers, with two distinguishing factors regarding the glass barrier (Figure 2).

Level. The glass ceiling sets the traditional impediment to the promotion of women in organizations in low and medium management levels. Unlike the above, in this case we are referring to difficulties in accessing the very summit of the organizational pyramid, namely top management. Therefore, what we are proposing is a vertical displacement of the barrier.

Resistance. Metaphorically, we refer to steel because it represents a nearly insurmountable obstacle. One of the most cited reasons for not sending top managers on international assignments is the rejection that may arise in the host country (Adler, 1987; Tung, 2004; Varma, Toh, & Budhwar, 2006). Some studies suggest that almost half of multinational companies use this argument for not selecting women for international assignments (Adler, 1984, 1987) and almost 70% cite foreign prejudice against women as a reason for not sending them (Sinangil & Ones, 2003). If this is so, the organization's own awareness in terms of equal opportunities and objective merit recognition will not be enough, since this would be an exogenous barrier, outside the jurisdiction of legislative norms and of the scope of affirmative action practices. Figure 2 represents the difference between the glass ceiling and the steel barrier:

Barriers for Women on International Assignment

The underrepresentation of women on international assignment has been addressed from many different perspectives: the shortage of women with the capacity to be transferred abroad (Adler, 1984b; Caligiuri & Cascio, 1999; Caligiuri & Tung, 1999; Fischlmayr, 2002; Tharenou, 2010); women that are not selected due to biases in the selection process (Altman & Shortland, 2008) or their lack of interest in expatriation (Adler, 2002); the concern for the physical safety of women; the inherent risks of traveling to underdeveloped countries or possible rejection by foreigners (Adler, 2002; Altman & Shortland, 2008; Tung 2004); and, especially in the case of singles, their isolation and loneliness (Adler, 1984a). Paradoxically, nobody argues that a woman is unable to deal with the extreme workload of managers, the most popular reason to exclude them from potential promotions (Maume, 2004). Table 1 presents a classification of barriers that deny women the chance of expatriation, distinguishing between exogenous and endogenous factors:

The common element to all of these factors is the negative impact on sending women abroad, with the priority given to men in allocat-

tions. In the medium term, this practice creates the base of the steel barrier. Below, a review of these is presented.

Exogenous Factors: Environment and Organization

Ultimately, the decision of who will be sent abroad depends on the organization, and most female expatriates admit having experienced some resistance from the organization toward her assignment abroad (Stroh, Varma, & Valy-Durbin, 2000). The most important reasons mentioned for such exclusion are: (1) foreigners reject the role of leadership, representation, and responsibility of women, (2) a woman will not be efficient on international assignments, and (3) the conditions of the host country mean that it would be better to send a man (Sinangil & Ones, 2003). Therefore, two sources of resistance coexist: the country where the assignment will take place and the theoretical reduced effectiveness of women in the destination, as a result of the perception towards women there.

The host country. The behavior of foreigners towards women seems to be the main obstacle to increasing their presence on international assignments (Shortland, 2014). Most companies believe that their female managers will experience prejudice in their dealings with the people of the country where the assignment will take place: sex discrimination, rejection of women in the host country, and rejection towards foreigners in general or foreigners from the West

Table 1
Classification of Factors that Deny Women of Expatriation

ENDOGENOUS FACTORS (RELATED TO WOMEN)	EXOGENOUS FACTORS (CONTEXT AND ORGANIZATION)
Negative self-perception: women think that they cannot perform effectively abroad.	Companies decide not to assign women on the grounds that foreigners generally rejected them.
Personal and family problems, usually related to career management of their spouses.	Organizations believe that women may not be effective in an international destination.
Lack of interest in pursuing an international career.	The sociopolitical and cultural conditions of the intended country make it advisable for sending a man.

(Insch et al., 2008; Napier & Taylor, 2002). As a result, women are less effective, due to prevailing stereotypes of what a senior manager should be (Sinangil & Ones, 2003).

However, there is also abundant evidence that contradicts these predominant stereotypes. For example, Adler (1994), in a study of expatriate women in Asia, found that they had a higher status and visibility among foreigners than their male peers. Other studies have found similar results: women have full acceptance in the assignment countries (Stroh et al., 2000), particularly in those in which they are fully incorporated into working life (Caligiuri & Tung, 1999), where womanhood is not relevant (Taylor & Napier, 1996a, 1996b) and they are even likely to be preferred to men (Guthrie et al., 2003; Tung, 2004; Varma, et al., 2006).

More recent studies have found that women have full acceptance even in countries where one might expect some reluctance, such as the UAE (Harrison & Michailova, 2012; Hutchings, Michailova, & Harrison, 2013), South Africa (Mathur-Helm, 2002), and Iran (Ghorbani & Tung, 2007).

It should be noted that some researchers found that female expatriates suffer worse problems from their male expatriate peers from the home country than among people in the host country, possibly suggesting that we attribute behaviors that characterize our own country's culture to host countries (Paik & Vance, 2002; Stone, 1991). As Van der Boon (2003) notes, prejudice against foreigners seems to be a perception of national culture.

Ineffectiveness. In the last thirty years, research has shown that women can be as successful as men on international assignments (Adler, 1984, 1987; Caligiuri & Tung, 1999; Linehan & Scullion, 2004; Napier & Taylor, 2002; Van der Boon, 2003; Westwood & Leng, 1994), even in countries traditionally considered hostile to them, such as Turkey (Sinangil & Ones, 2003).

It should be noted that some of these studies were based on self-reports, but other authors have used other indicators, providing accumulating evidence suggesting that gender does not affect job performance abroad (Cole & McNulty, 2011). Thus, in a study of 96 British expatriates, Forster (1999) found that only two returned early (considered as the failure rate of expatriation). Using the same indicator, Caligiuri and Tung (1999) found no significant differences between men and women in their intention to return, and Tharenou (2010) contributed similar results. Also, using expatriate adjustment as a performance indicator, Taylor and Napier (1996b) found no differences between the adjustment of men and women. Meanwhile, Cole and McNulty (2011) found that the adjustment of women in their interaction with the people of the host country was actually superior to that of men. This result is consistent with the importance given by other authors to relational and collaborative characteristics of women, considered to be a key factor in their success on international assignments (Adler, 1994; Caligiuri & Cascio, 1999; Fischmayr, 2002).

Endogenous Factors

A second set of studies have examined the possibility that women are not assigned to posts abroad because they themselves do not want to become candidates, (a) because of a lack of interest (Adler, 2002), (b) because they believe that they will not perform well (Firschlmayr, 2002), or (c) due to issues around managing their personal life (Linehan & Walsh, 2000). The evidence for these potential explanations for not sending women on international assignments is reviewed below.

Lack of interest. The interest of women in the pursuit of an international career has been the subject of several investigations. Most of these studies found that they are as interested as men in positions abroad (Adler, 1987; Linehan & Walsh, 2000; Stroh et al., 2000), and there were even cases where women had a higher interest (Hill & Tillery, 1992). It should be noted that Adler (1987) contributed

a further piece of information which reinforces the results found: in most cases, women asked for an international destination personally, while men would wait for the company to offer them the position. The latest research on so-called "self-initiated-expatriation" – that is, the situation in which the person decides to go to an international destination, and once there, look for work (Suutari & Brewster, 2000) – suggests that the percentage of women in this situation is higher than that of men (Tharenou, 2010; Vance, 2005) and that the presence of women in this type of assignment is superior to traditional assignments, driven by organizations (Fitzgerald & Howe-Walsh, 2009).

Recently, we conducted a study to examine it (Bastida & Moscoso, 2014). The participants were 454 individuals (253 women and 201 men) who worked in international organizations across the world. All the participants were Spanish. Potential 454 participants were employed in a number of jobs of medium and high levels of complexity. They received mass e-mail and through social networks messages announcing the opportunity to complete an online survey on perceptions and opinions about expatriate assignments. The mass e-mail messages included a link to the survey website, which contained an online consent form and the survey items.

Among the items, the survey included information on sex, age, previous experience, and whether or not the expatriation was self-initiated or was sent by the company. With regard to age, no differences were found between women and men.

As can be seen in Table 2, the contingencies of women and men participating in the study with previous international experience are practically the same, and the percentage of women and men among those with previous international experience is around 50%. However, the percentage of women without international experience is large (59.68%) and significantly higher, $\chi^2(1) = 5.40, p < .05, \phi = .109$ (a small effect size), than for men (48.76%). With regard to the motivation for the present expatriation, 83.00% of women self-initiate expatriation (59.70% of men). Conversely, 17.00% of women versus 40.30% of men were assigned by their companies. Thus, women are significantly higher expatriated by self-initiative than men, and men more by an organizational decision than women, $\chi^2(1) = 30.64, p < .001, \phi = .260$ (a medium effect size).

Therefore, the lack of interest shown by women in international assignments has a very weak base as a potential explanation, if it has any at all. It should be noted that the motivation for expatriation is one of the best predictors of assignment success, as was corroborated in the study by Selmer and Leung (2002), which showed that women who take the initiative requesting assignments often have success in them.

Negative self-perception. This factor was revised by Firschlmayr (2002), who suggested the possibility that women themselves could contribute to their under-representation in international management, through decisions not to take part in the selection process. According to this author, personnel managers would tend to value women less, which could separate them from important tasks and would hinder their promotion. This could also mean that women have a poorer perception of their own performance, a circumstance

Table 2
Gender Contingencies in Previous Experience and Motivation for Expatriation

	Previous Experience	Without Experience	Self-Initiated Assignment	Organizational Assignment
Men	103	98	120	81
Women	102	151	210	43
Total	205	249	330	124

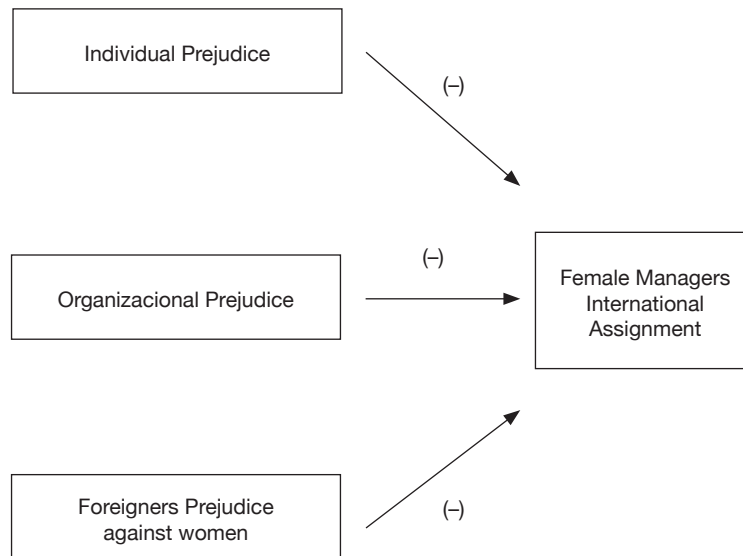


Figure 3. Individual, Organizational, and Cultural Antecedents that Negatively relates to Female Managers Allocation.

which contributes to their not applying for these assignments in the first place. It affects their self-esteem and confidence, factors positively associated with adjustment and performance abroad (Caligiuri & Cascio, 1999; Mendenhall & Oddou, 1988). In this regard, further research is necessary in order to allow us to contradict Fischlmayr's potential explanation.

Personal vs. professional life. There is remarkable agreement in reference to the impact that family structure has on careers (Schneer & Reitman, 2002). Several authors have identified that dual careers – namely, those cases in which both partners have professional careers –, marital status, and, particularly, children are factors affecting the decision to accept or reject expatriation (Chew & Zhu, 2002; Tharenou, 2008; Zhu, Luthans, Chew, & Li, 2006). According to Linehan and Walsh (2000), these pressures particularly affect women, who suffer higher levels of stress (Linehan & Scullion, 2001). However, Linehan and Walsh (1999) suggest that women balance their professional responsibilities better than men. It should be noted that this problem is not limited to women who are assigned to international posts, since men in dual careers and/or with children are equally affected (Fishlmayr, 2002). According to Reynolds and Bennett (1991), if these pressures for women were higher than those received by men, then women should show a lower predisposition to being expatriated, which does not occur, as seen above.

The above review of the factors that reduce women's opportunities to go on international assignments suggests that there are some entrenched assumptions (Figure 3) in organizations about the individual behavior of women and the expected behavior of foreigners that negatively affect their chances of being assigned abroad. Figure 3 summarizes these effects.

Steel Barrier, Loop of Resistance, and Legal Implications

In the preceding sections we have argued that in the current economic context, where international assignment is a key competitive element for organizations, a new set of obstacles may appear for the career development and promotion of women to senior management levels. We called such obstacles the “steel barrier”, which prevent women from going on international assignments, and thus meaning that they are less likely than men to gain access to the senior management levels of multinational corporations. In recent decades, several studies have been carried out trying to find the causes of this

lower female presence in international positions, with the conclusion that there are no objective reasons to support it. Certain beliefs or prejudices about the behavior of women at work, their interests and aspirations, as well as the treatment of certain cultures towards women seem widely entrenched in organizations, and mean that women are less likely to be selected for an international destination. However, abundant empirical evidence has demonstrated the weakness of such beliefs and prejudices (Adler 1984a, 1984b, 1984c, 1987, 1994; Altman & Shortland, 2008; Inch et al., 2008; Linehan, 2002; Shortland, 2014; Sinangil & Ones, 2003; Stroh et al, 2000; Vance, Paik, & White, 2006).

Moreover, the lack of women in these positions implies the scarcity of effective models of leadership and patterns of behavior suitable for emulation by other women in the organization, which may result in fewer women applying personally for international positions (Adler, 1984; Linehan & Scullion, 2001). Also, this absence may adversely affect the existence of female mentors or guides in the organization, which has been proven to be an effective way of giving visibility to women and facilitating their promotion to positions abroad (Harvey, McIntyre, Thompson, Heames, & Moeller, 2009). This could reinforce the idea that women are not interested in international assignments and could increase the belief that they are not effective in these positions and that people living in foreign cultures are resistant to expatriate women. In other words, we believe that fewer women in top management positions in multinational companies could help to reinforce prejudices about the effectiveness of female managers in overseas assignments.

In these circumstances, feedback could occur of prejudices, which in turn would reinforce the situation. This suggests a loop of resistance that could lead to increasingly fewer women working abroad if it is not interrupted. This could also affect the pool of women with global capabilities and international skills qualified to fill positions in the senior management teams of international companies. Ultimately, this loop helps to strengthen the steel barrier. Figure 4 depicts the loop of resistance.

Regardless of the implications that the loop of resistance proposed may have with respect to the motivation of women in order to promote in their work, this phenomenon could give rise to another kind of problem, with legal implications. The Spanish law for the effective equality of women and men (Ley Orgánica 3/2007, de 22 de marzo, para la Igualdad Efectiva de Mujeres y Hombres) establishes, in Title I, the principle of equal opportunities for women and men,

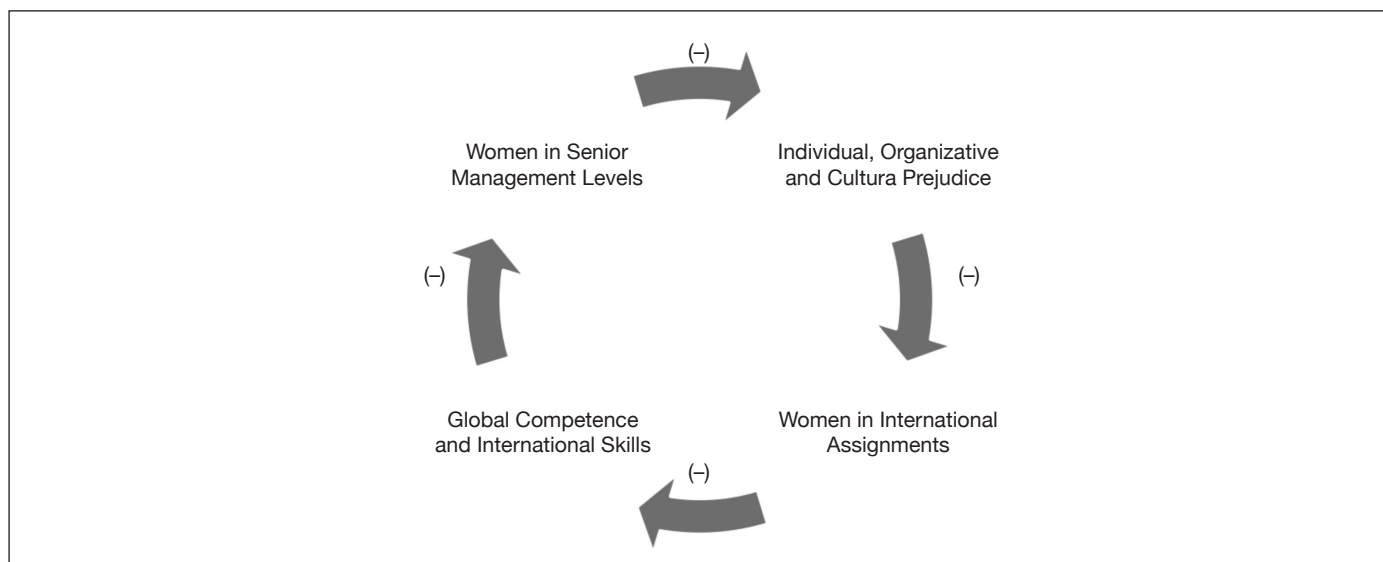


Figure 4. Loop of Resistance against Female International Assignment

also applicable in private organizations (art. 5). Article 6 establishes the concept of indirect discrimination, defined as “the situation where a provision, criterion or practice would put persons of one sex at a particular disadvantage compared with other persons, unless that provision, criterion or practice are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.”

However, it should be noted that differential treatment can be considered discriminatory if there are no objective and reasonable grounds for doing so. As has been argued above, the practice of assigning managers overseas usually results in the allocation of male managers abroad in a higher proportion than women, which actually reduces the possibility of female managers getting access to top management of international companies. Moreover, the existence of certain prejudices about the disadvantages of the allocation of female managers abroad may cast doubt on the idea that the practice be due to a legitimate purpose, such as the lack of success or adjustment of such expatriate woman which would result in a lower performance levels or cause a negative outcome for the organization.

Following the provisions of the Organic Law for the effective equality of women and men, companies are forced to respect the equality of treatment and opportunity in the workplace and, consequently, they shall compulsorily adopt measures to prevent any labor discrimination between men and women (art. 45). We believe that, as a result, companies must implement a wide range of initiatives to prevent the reproduction of this loop of resistance, which places their female managers at a disadvantage in terms of opportunities to the promotion.

Discussion

According to the regulations deriving from Spain’s membership of the European Union, and also in accordance with various international provisions, the right to equality of opportunity between men and women is recognized. However, despite the plethora of rules and directives, inequalities still persist: the 2020 Strategy (European Commission, 2010b) recognizes the need to continue to implement equality policies because, despite all efforts, real equality has not been achieved to date. We must highlight that this equality is among the five values on which the EU relies, and there is an explicit and implicit commitment to fight for equality between

women and men in all the activities of the Union (“eliminate inequalities between men and women and promote equality”, Art. 8 of the Treaty on the Functioning of the European Union; European Union, 2012a) and the Charter of Fundamental Rights (European Union, 2000) of the EU enshrines gender equality and sets out the principles that should govern proceedings in this matter. Three among these principles are related with the organizational and labor context (economic independence, equal pay, and decision-making).

This paper has reviewed the inferiority of opportunities that women could face in getting promotion to senior management positions of multinational organizations. A review of various studies related to the international allocation of women managers suggests that the removal of women from posts abroad is due to strongly held beliefs within organizations in relation to their apparent lack of interest, their expected low effectiveness, or the supposed negative behavior of foreigners toward women (Adler 1984a, 1984b, 1984c, 1987, 1994; Altman & Shortland, 2008; Caligiuri & Tung, 1999; Firschlmayr, 2002; Insch et al., 2008; Linehan, 2002; Linehan & Scullion, 2001; Linehan & Walsh, 2000; Selmer & Leung 2003; Sinangil & Ones, 2003; Stroh et al., 2000). According to Culpan and Wright (2002), the data shows that there is a bias in organizations that prevents women from being assigned overseas. This practice can cause women to be passed over in selection, since managers maintain traditional stereotypes of women in international destinations.

In these circumstances, women have more difficulty in acquiring the international skills and competences which are critical for current global companies. Consequently, their lack of international experience, or the slower acquisition of this competence, places women in a position of inferiority in relation to their male counterparts, in order to be promoted to senior management. This creates a barrier of steel, which is extremely difficult to surmount, for women’s access to the management of large multinational corporations.

The removal of women from leadership positions in global and multinational organizations can increase their under-representation in management levels (24% of management positions) (Grant Thornton, 2014). Companies could therefore run a risk of incurring in indirect discrimination. Discrimination exists when people receive different treatment in similar situations without a legitimate reason (Borrillo, 2013). This may be a voluntary act (direct discrimination) or result

from an apparently neutral practice that detrimentally affects a particular group compared with another, similar group (indirect). In the latter case, there is no individual responsibility, but there is an effect or result that can be verified.

European law requires member states to implement the law in order to prevent any kind of discrimination, and also commits them to promoting equality. It also requires them to take specific actions to correct situations of structural discrimination and under-representation of women in management positions. In this context, it is particularly relevant to the European Pact for Gender Equality 2010-2020 (Council of the European Union, 2011), which proposes specific actions to reduce inequalities in employment. The implementation of initiatives by companies and social partners to promote equality, implementing plans in this regard in such organizations, and promoting the equal participation of women and men in decision-making at all levels and contexts are among these actions.

In our view, companies face the need to take positive action measures to correct the problem and encourage the presence of more women at senior management levels.

Conflict of Interest

The authors of this article declare no conflict of interest.

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