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## **WOMEN, WORKPLACE & INDIA: AN UNITED TRIANGLE**

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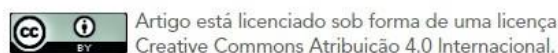
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**ABSTRACT:** All through the beginning of time, women have been viewed as second-class citizens. In a culture where males predominate, patriarchal standards have prescribed the dos and don'ts for women in every area of their life, including how they should behave in public to how they should choose to reproduce. The public realm has long been considered the domain of men, with few women dashing into the dangerous waters of the workforce. Those working women confront a variety of difficulties in the job, regardless of their position. Women frequently encounter issues with harsh treatment, lengthy workdays, a lack of vacation or holidays, poor pay, and job instability. Women confront discrimination at work in the form of uneven compensation for equal effort, sexual harassment, inadequate sanitary facilities, dangerous roads and transportation, promotion denials, and other issues. This chapter aims to offer a critical and analytical viewpoint on the different problems that the women face in the workplace. This chapter will explore the current worldwide legislative frameworks protecting women workers based on secondary sources. It also emphasises the part played by the Indian Government in ensuring that workplaces are safe and equal for



women by upholding the various articles of the Constitution. The study ends with a few ideas that, if put into practise, may significantly help empower women and give them the confidence they need to succeed in the workplace.

**KEYWORDS:** Women, Workplace, India, Safety, Legal Obligation.



## INTRODUCTION:

In the early times women were restricted within four walls of the house to perform all household chores; they were not permitted to become read or acquire jobs. One of the most serious issues that has arisen is the deprivation of women's rights and privileges. Women have struggled for social prestige and a legitimate role in society since antiquity. In the early times women's were used to suffer a lot although there have been serious concerns regarding women thus they were not allowed to go outside the four pillars of the house and they have been domesticated by the patriarchal men. Women have been deprived of their rights and safety as there have been no single judicial pronouncement which recognised the required safety and protection for those women. The breakthrough of this issue was when *Vishakha*<sup>1</sup> and others filed a case, accusing of rape and molestation charges. The Supreme Court of India recognized the loophole in the environment which was usually leading to domestication of women and provided a judicial judgement in their favour. The order have been later penned down as judicial law but there have a lack of implementation as there in a rare presence of any

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<sup>1</sup> Vishakha and others v. State of Rajasthan, 1997) 6 SCC 241.



statutory body that will take care of it. The main problem arises out when there are no legislative law, which have a fixed working procedure and the said law can be implemented.

## **OBJECTIVES:**

The purpose of this chapter is to:

- 1) Examine the wide range of challenges that women encounter at work and offer a critical and analytical viewpoint on the numerous concerns that women face in this area.
- 2) Examine the many international legal mechanisms that guarantee women workers equal rights, and highlight the Indian state's contribution to improving women's working circumstances.
- 3) Provide suggestions on how to empower working women and give them equal opportunity at work in order to enhance their quality of life.

## **METHODOLOGY:**

This paper's methodology is primarily qualitative in nature. It looks at pertinent information gathered from many secondary sources in an effort to comprehend the numerous difficulties that women in India encounter at work. The problem is stated and then an attempt is made to examine it while simultaneously presenting the current legal protections that safeguard women. The article ends with a few proposals that would guarantee that women had equal rights in a secure workplace.



## **LIMITATIONS AND DILEMMAS INDIAN WOMEN FACE IN THE WORKFORCE:**

The workplace is filled with a variety of problems and difficulties that the working Indian woman must deal with on a daily basis. Although the scope and severity of these problems might differ, the most common ones can be summed up as follows:

**Gap in Gender Pay:** Women do not receive equal pay for equal labour in any nation on earth. Even the Nordic nations, who have extremely high overall gender parity, cannot claim to have equal compensation for equal work.<sup>2</sup> India holds the distinction of having the lowest ranking among the BRIC (Brazil, Russia, India, and China) countries for gender parity, which includes wage parity. The 2010 Global Gender Gap Report made this clear. Since roughly a century ago, there has been a concern regarding gender equity in earnings. Yet, following the early successes, development has been sluggish.

Based on data from the years 2018, 2019, and the first three quarters of 2020, the most recent Monster Salary Index study analyses wages. The analysis is based on information gathered from the Monster Salary Index and the paycheck.in compensation calculator across eight various industries. According to the research, India has a 25.4 percent gender pay disparity overall. Thus, a woman's median hourly salary is 25.4% lower than a man's median hourly wage. The preference for male workers over female employees, preference for advancement of male

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<sup>2</sup> “Business News - Read Latest Start-up, Tech, Markets, Finance, Science News - Business Insider India,” available at: <https://www.businessinsider.in/> (last visited February 28, 2023).



employees to supervisory roles, and career pauses for women owing to motherhood obligations and other factors, according to the research, might all be contributing factors to the gender pay disparity. A salary study based on data from the years 2018, 2019, and the first three quarters of 2020 is presented in the most recent Monster Salary Index report. Based on information gathered from the Monster wage index and the paycheck.in compensation calculator across eight different industries, the report was created. Overall, the research determines that India has a 25.4 percent gender wage disparity. The median hourly salary for women is therefore 25.4% lower than the median hourly income for men. According to the survey, the preference for male personnel over female employees, the preference for promoting male employees to supervisory roles, and career pauses for women owing to motherhood obligations and other socio-cultural factors are some of the causes of the gender pay disparity.<sup>3</sup>

**Sexual Harassment:** For Indian women, sexual harassment is an unpleasant fact of their daily life. Maintaining their purity in their homes, on the road, at their educational institutions, and in their workplaces is their greatest daily fight. According to data from the National Crime Records Bureau, the number of incidents of sexual harassment in workplaces more than quadrupled between 2019 and 2020, going from 57 to 119. In addition, there has been a 51% increase in instances of sexual harassment at locations connected to the workplace, from 469 in 2014 to 714 in 2020. Despite an increase in numbers, women are finding that companies do not adequately address their complaints. Employers

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<sup>3</sup> “Business News Today: Read Latest Business News, Live India Share Market News, Finance & Economy News,” The Mint. *available at:* <https://www.livemint.com> (last visited February 28, 2023).



either haven't implemented all of the law's requirements or have only done so partially. Even those that have internal panels set up have members who aren't properly trained.

**Gender based Discrimination:** According to a research by the employment company Team Lease Services, five out of ten employees at India Inc. had encountered some form of prejudice. In terms of benefits, hours, leave, pay, opportunities, promotions, etc., there is gender segregation at work. According to the company's most recent poll, "Bias@Workplace," India Inc. (mostly in the top 8 cities) has not yet fully embraced the idea of equal opportunity. According to the survey<sup>4</sup>, biased hiring and workplace practises are quite common. The Team Lease Survey also showed that women who are expecting or who have small children face relative disadvantages while competing for jobs and during the hiring process.

**Lack of Work-Life Balance:** The term "work life balance" refers to the harmony between a person's personal and professional lives. Due to the conventional attitude, where women are perceived as largely responsible for the smooth operation of the family's day-to-day activities regardless of their job profile and formal obligations, juggling work and home responsibilities may be quite challenging for women.<sup>5</sup> Working women are under a great deal of stress as a result of the dynamics of the workplace, which require them to manage almost two full-time jobs: one at the office and the other at home. Such an imbalance has a significant impact on working women's personal lives, which has led to societal

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<sup>4</sup> People Matters Media Pvt Ltd, "People Matters" *People Matters*, 2023 available at: <https://www.peoplesmatters.in/> (last visited February 28, 2023).

<sup>5</sup> *Ibid.*



hazards including an increase in divorces and infertility owing to high stress levels.

## **THE INTERNATIONAL SCENARIO FOR THE PROTECTION OF WOMEN WORKERS**

A central tenet of the UN is that women's rights should be equal to men's rights. The International Workers Congress approved a Declaration in Philadelphia in 1944. It said that "all people, regardless of colour, creed, or sex, have the right to seek both their material well-being and their spiritual growth in circumstances of freedom and dignity, of economic stability, and of equal opportunity."<sup>6</sup>

The ILO's mission to advance social justice and decent work, which is properly compensated, productive labour done in conditions of freedom, fairness, security, and dignity, is fundamentally based on values, principles, and objectives that include women's rights. The 2004 resolution on gender equality, pay equity, and maternity protection as well as the March 2005 decision of the ILO's Governing Board are two significant pieces of ILO legislation. Gender mainstreaming is now a requirement for all ILO technical cooperation projects. The 2021 World Labour Conference Resolution reaffirmed it.

The UN General Assembly approved the CEDAW, or Convention on the Elimination of All Forms of Discrimination against Women, in 1979.<sup>7</sup> In 1981, it became law. The State Parties have a unique responsibility to end discrimination and remove barriers that prevent women from exercising their legal and constitutional rights. The phrase "international

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<sup>6</sup> "The Nobel Peace Prize 1969," *NobelPrize.org* available at: <https://www.nobelprize.org/prizes/peace/1969/labour/article/> (last visited February 13, 2024).

<sup>7</sup> "Text of the Convention on the Elimination of All Forms of Discrimination against Women" available at: <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (last visited February 13, 2024).



"Bill of Rights" for women has been used frequently to describe it. It outlines the fundamental rules for equality between men and women, outlaws prejudice against women on all grounds, and addresses a wide range of issues related to women's rights, including as marriage, family relationships, political involvement, health, and equality before the law. The Commission on the Status of Women has made significant contributions to the cause of women's rights. In order to execute the idea that men and women should have equal rights, it has developed suggestions for pressing issues in the area of women's rights as well as plans to put these recommendations into action. Instruments for defending the rights of women include the Conventions on Equal Pay for Equal Work (1951), <sup>8</sup>Discrimination (Employment and Occupation) (1958), Workers with Family Responsibilities (1981), Elimination of the Worst Forms of Child Labor (1999), Part-time Workers (1994), Home Workers (1996), Maternity Protection Convention (2000), Termination of Employment (1982), and Employment Policy (1964).<sup>9</sup>

## **The Indian Government's responsibility to protect female workers**

There are several regulations in place to preserve a woman's freedom to work, and the Indian Constitution guarantees equality for women before the law. Institutional support for women also looks to be progressive.<sup>10</sup> There are several rules for the organised sector, however they are generally poorly implemented and are routinely broken by employers. There are a number of causes for this, including legislation

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<sup>8</sup> "Leadership\_Gap\_in\_India\_Inc.\_Myths\_and\_Realities.pdf,"

<sup>9</sup> Sonali Das et al., "Women Workers in India: Why So Few Among So Many?" <https://www.imf.org/external/pubs/ft/wp/2015/wp1555.pdf>.

<sup>10</sup> "The Times of India," available at: <https://timesofindia.indiatimes.com/defaultinterstitial.cms> (last visited February 28, 2023).



that is poorly worded or that fails to specify enforcement, allocate accountability, or define coverage.<sup>11</sup> Moreover, India's labour laws can be centralised, industry-specific, or region-specific, and the latter two options may incorporate state-specific revisions, which further adds to the country's uneven labour regulations. Even though the efforts of the Indian feminist movement, as well as globalisation and modernity, progress against gender inequality has been gradual. A first step towards achieving gender parity in India is understanding the legal structure of the organised sector of women in the workplace.<sup>12</sup>

As a "Fundamental Right," equality is guaranteed by the Constitution.

Article 15 includes protections for women, children, and anyone who are less advantaged socially or academically. These rules shouldn't be viewed as discriminatory.

In terms of public employment, equality of opportunity is guaranteed by Article 16.

Women are guaranteed one-third seats in Panchayats by the 73rd Amendment Act of the Constitution, and one-third seats in Municipalities under the 74th Amendment Act.

### **Equal Remuneration Act, 1976**

This regulation prohibits gender discrimination in employment, advancement, and training. It may be gotten around by reclassifying the earnings of skilled and unskilled workers. Women are frequently assigned

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<sup>11</sup> "Workplace Rules For Business Owners & Employees | Wolters Kluwer," available at: <https://www.wolterskluwer.com/en/expert-insights/workplace-rules-for-business-owners-and-employees> (last visited February 13, 2024).

<sup>12</sup> Ministry of Women and Child Development, *"Handbook on Sexual Harassment of Women at Workplace"*. 2015.



to unskilled, lower-paying wage categories, while males are assigned to skilled, higher-paying wage categories, regardless of the nature or degree of a work.

The Act prohibits discrimination in hiring practises and working conditions, with the exception of situations where employment of women is prohibited by law. It also guarantees equal remuneration for work that is the same or equivalent for men and women (such as night hours or industry-specific restrictions).

### **Equal Remuneration (Amendment) Act, 1987**

Increases some penalties for violators and adds jurisdiction for a trial of offences, amending the Equal Remuneration Act of 1976.

### **National Commission for Women Act, 1990 (Act of Parliament)**

This Act establishes the National Commission for Women, whose duties include reviewing the laws that currently protect women, reporting to the central government on a regular basis about issues pertaining to the protection of these rights, looking into complaints about violations of these rights, and providing financial support for women's legal cases.

### **Supreme Court: Vishaka and Others vs. State of Rajasthan<sup>13</sup>**

Vishaka and others filed a writ suit in response to many instances of workplace sexual harassment. The rules provide a framework for workplace behaviour with a focus on sexual harassment avoidance. The Vishaka Judging principles have gained sway in the workplace because to the tenacious efforts of women's organisations. The constitutional rights of working women are violated by sexual harassment, according to the

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<sup>13</sup> (1997) 6 SCC (241).



Supreme Court. The Vishaka Decision established a number of rules, including:

- 1) A sexual harassment oversight committee led by a woman must be established by organisations.
- 2) Organizations must take steps to discipline criminals, and victims must be safeguarded.
- 3) It is important to educate women employees about their rights.

### **The Maternity Benefit (Amendment) Bill, 2016**

On March 9, 2017, the Indian Parliament passed a law offering women who work in the organised sector compensated maternity leave of 26 weeks, up from the current 12 weeks. This move will help almost 1.8 million women. The law will be applicable to all businesses with ten or more employees, and the first two children will be covered. The benefit period for the third kid will be 12 weeks. India now has the third-highest amount of maternity leave in the world. As paid maternity leave, Canada and Norway offer 50 weeks and 44 weeks, respectively.

### **Factories Act, 1948**

The statute mandates that childcare services be made available for kids under the age of six in companies with more than 30 women employees. It is uncommon for an employer to be prosecuted for breaking the Factories Act, and inspectors seldom check the percentage of women working or the required crèche or childcare facilities. There hasn't been a single instance where an inspector visited a workplace to determine how many women were employed, according to the records. Moreover,



companies get around the Factories Act by hiring less than 30 women or by using contract, part-time, or temporary workers.

### **Beedi and Cigar Workers (Conditions of Employment) Act, 1966**

By regulating the terms of employment, such as the maximum number of hours per week and the security of the workplace, it ensures the wellbeing of the workers in beedi and cigar factories. Also, working moms must have access to childcare services. In accordance with this law, women must be appointed automatically to the Advisory and Central Advisory Committees.

### **RECOMMENDATIONS**

There are now severe concerns regarding women's security in India as a result of the current wave of crimes against them. The workplace has evolved into a considerably more diversified environment during the last three decades. Personal security has become essential to women's physical, intellectual, mental, emotional, economic, and spiritual well-being in India, where women make up 24.4% of the workforce overall. The Federation of Indian Chambers of Commerce and Industry (FICCI) and the Confederation of Indian Industry (CII) have made several recommendations that, if followed, will significantly increase workplace safety for women and give them the self-assurance they need to succeed in the workplace. The four categories of these recommendations are physical, environmental, organisational, and educational.



## **Physical**

The physical safety of women employees in a company is the main emphasis of this. It ensures the security of female employees when they are on the job or within the office; the workplace must be secure and women must be guaranteed of fundamental security while working and inside the office. Physical security measures include collecting identification documents (driving licences, photo IDs, address verification, and fingerprints) from drivers, security guards, and all temporary workers; installing electronic doors that only allow authorised personnel access to the workspace; requiring a security guard or a co-worker to ride in the cab with the driver; and GPS-based monitoring of cabs and transport vehicles.

## **Environmental**

The environmental component of security supports the physical component and aids in upholding a safe and secure standard across any facility. The provision of company transportation for women working night shifts both to and from the workplace, clearly displayed emergency contact numbers, a designated officer or officers who are available round-the-clock in case of emergency, well-lit work areas, staircases, and parking lots until the last woman employee leaves the site.

## **Organizational**

It is the responsibility of the employer to provide an environment where women are motivated to come to work, certain that they will be treated with respect and dignity and safeguarded from harassment. This can be accomplished in a number of ways, including making sure that



during orientation, women in organisations are informed of their rights, available resources, and actions they can take regarding sexual harassment; paying salaries directly into bank accounts to prevent any type of harassment by supervisory staff over subordinate women employees/casual women employees; and creating a sexual harassment committee that reports to the managing director or a senior member of management and heads the committee.

### **Educational**

The more encouraged women employees are to report any incidents of discrimination without fear, and the more informed they are of the company's rules on sexual harassment and gender discrimination, the more empowered and secure they will feel. This can be accomplished by raising awareness and providing training on security and safety, dos and don'ts when using company taxis, emergency contacts, police help lines, company contact points, awareness of the company policy on sexual harassment, on gender discrimination or gender biased approaches, and the complaint process, by providing training to all female employees and educating them about their rights and facilities, by sensitising male employees through training sessions, and by encouraging self-discipline.

### **CONCLUSION:**

The number of recorded crimes against women has been steadily rising, but it is clear that many more incidents go unreported due to shame and fear. Criminal law precedent demonstrates that sexual



aggression is both an act of power and a sexual desire. Hence, all of a woman's rights—including those to her property, health, and education—must be acknowledged, safeguarded, and realised. Law and order must especially investigate these crimes and use an iron fist to successfully stop them. Women are restricted from fully engaging in public life due to a lack of safety. Hence, within a framework of rights, it is also necessary to provide safety or develop solutions. Women won't be able to exercise all of their constitutional rights until that time. We are the same nation that celebrated P.V. Sindhu's Olympic victory and admired Kalpana Chawla's space mission. When given the proper opportunity to develop her ability and explore her potential, a woman has countless opportunities at her disposal. If we treat women fairly, they will return the favour by giving us a never-ending list of things to be proud of.