



International Journal of Innovative Research in Science Engineering and Technology (IJIRSET)

(A Monthly, Peer Reviewed, Refereed, Scholarly Indexed, Open Access Journal)



Impact Factor: 8.524

Volume 14, Issue 1, January 2025

An Overview of Women Rights in Workplace in India

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ABSTRACT: The article talks about what women are facing in regards to their rights and dignity which is in the introduction then the factors which are affecting the women's right at workplace which includes social as well as economic factors which talks about the traditions, customs, infrastructure and discrimination. And some laws and acts are explained like labour law which consist of three acts which talks about the condition of employment, conditions of services, unsafe operations and labour limits. Under sexual harassment: prevention, prohibition and redressal is being discussed. The right of women and men to receive equal pay for equal labour.

And lastly consistency in maternity rates. Towards the conclusion it gives the readers a clear view as to what problems women face at work place, what steps and available solutions are available through law to rectify these issues and how there has been upliftment in making things better for them day by day. Women in India have always been regarded as the most powerful and conscious members of society. They were confined to four walls of the home, and their work was limited to traditional household tasks such as cooking, housekeeping, and child rearing. They should not look for work outside of the family that pays well. This halted the monetary trend and alleviated their social problems.

KEYWORDS: Workplace, equality, maternity, discrimination and employment.

I. INTRODUCTION

The problem of women's rights and benefits in India is one of the most pressing issues that women face. Women have struggled to find financial security and a good place in society since antiquity. Certain rules were required at the time in order for Indian women to advance socially. They have a right to be protected from mental and physical harm.

Dr. B.R. Ambedkar made several significant and vital advances for Indian women at the time. Because of the progressive developments brought about as stated in our constitution and the efforts of them, Indian women have gained good reputation in front of the general public and are treated similarly to males. The constitution not only grants women equality, but it also directs the adoption of proportions of positive techniques for women by the state.

Female workers' dignity is likewise protected by the Constitution, which mandates that women work in a safe workplace free of indecent behaviour. To comply with the sacred order, all work laws include special precautions for female workers' health and safety, such as limiting their working hours and minimising the weight they must carry, are in place. A special law was enacted in recent years to safeguard employees from inappropriate workplace behaviour.

Factors affecting women's rights in the workplace in India

- **Social factors:**

1. **Attitude toward others:** This is the most crucial factor, as well as the cause of women's low productivity. Such a mindset that does not encourage women in business has its roots in the general population and has existed for centuries. It limited their ability to play the role of homemaker. Social ethics and intuition severely choke women's work.

2. **Traditions and customs:** Families have come to terms with the fact that their daughters will not be permitted to work for a living. If they are allowed to work, the money they earn will not be enough to keep the house running. Fathers are wary of allowing their daughters to work in the first place, and of spending their money on family outings. Female children, in general, are unable to leave town for training or job.

3. Domestic tasks: Ladies' primary responsibility has been homegrown errands since antiquity, as if they were created for it. It has a negative impact on employment opportunities. They must work in positions that will provide them with many opportunities to perform homegrown jobs.

Economic factors:-

1. Unionism: Women, in particular, require unionism since they are responsible for both men and women. Lack of unionism among female workers renders them powerless in the face of sex-based concerns like as progression and preparation programme reservations. As a result, in India, the oppression of women was unavoidable.

2. Infrastructure: A lack of organisation and various offices stymie the work of women. Even the guarantee regulation does not recognise women as underwriters unless they've registered their assets in their own names.. In India, there is a prejudiced approach to granting infrastructure positions to women. It also limits their opportunities for employment.

3. Payment: The widespread mistreatment of women stems from the belief that they are not vital providers and only contribute additional income to their families. Ladies have been limited to the lower unit in business due of the low instalments supplied to them. Furthermore, because this labour isn't formally compensated and is often overlooked, women's contributions to the home and privately owned companies (such as maintaining vegetable plots or poultry) go unnoticed..

LABOUR LAWS:- Work law governs the movement of labourers who are employed under a business agreement. Working women make up a large portion of society's upper crust. The women who work in the fields require particular legal protection and parity in the law. To protect women, several administrative measures have been included in nearly all work standards to address concerns that women face in the workplace. The legislation addresses issues such as restrictions on the carriage of heavy cargo, prohibition of night work, pay, well-being, tipping, maternity relief, equal recompense for equal effort, government-managed retirement, and so forth.

Overall, labour law defines the rights and obligations of workers, supporters, and businesses in the workplace. Work law, for the most part, covers:

- Labour relations – association accreditation, board of directors , relations, aggregate dealing, and unjustified work practises;
- Health and safety in the workplace;
- General employment concepts, such as general holidays, annual leave, working hours, unjustifiable excuses, the lowest salary allowed by law, cost-cutting strategies, and severance compensation. Work legislation is divided into two categories.

The work laws of autonomous India derive their starting point, motivation, and strength in part from perspectives communicated by significant patriot pioneers during times of public opportunity battle, in part from discussions in the Constituent Assembly, and in large part from the Constitution's arrangements and international conventions and recommendations. The Labour Laws were influenced by significant shared freedoms, as well as UN shows and directives.

There are several work laws that govern the health, safety, and government aid provided to female labourers, are as follows:

1. The Factories Act, 1948¹:

The Act was revised in 1987 to provide precautions against the use and treatment of hazardous substances with the intent of establishing unsafe operations, such as individual toilet and urinal offices, and labour limits in hazardous occupations, and a prohibition on women cleaning, greasing, or changing any part of a central player of any transmission apparatus, oiling, or changing anything that would put the ladies in danger from moving any part of that hardware, washing and washing offices are occupied by female labourers and will be kept clean. This mandates that each processing facility give a suitable environment for the use of children under the age of six years of such ladies, which must be adequately perfect, ventilated, convenient, and sterile. Work hours have been set at 9 a.m., which ensures that adult specialists can work for long periods of time every day (Section 54 of the Factories Act, 1948).

¹ Factories Act,1948.

The question in *Pearson v Belgium Co LTD*².(1896) 1 Q B 244³ was whether or not ladies could clean fixed parts of a machine while the machine was moving in general. The court ruled that if the machine is moving in general, a woman is unable to clean even the machine's immovable parts.

2. Building and other Construction Workers' Regulation of Employment and Conditions of Service Act, 1996⁴:
The goal of this Act is to regulate the business and administration of construction workers, as well as to provide for their safety, well-being, and government assistance. This demonstration is unique in that it covers all private constructions with a development cost of more than one lakh rupees. Building and other development work is classified as construction, repairs, and so on. It includes special arrangements such as toilets and urinals, as well as convenience, creches, and other general arrangements.

3. The Beedi and Cigar Workers(Condition of Employment) Act, 1966⁵:
The purpose of this protest is to accommodate government help for independent workers in beedi and stogie foundations, as well as work conditions guidelines. Except for independently employed people working in their own homes, the Act applies to all representatives in beedi and stogie foundations. Night work, creches, bathroom and urinal offices are among the things that are prohibited other general arrangements.

II. SEXUAL HARRASEMENT PROTECTION⁶

Inappropriate behaviour is viewed not just as a separation issue related to health and safety, but also as an affront to fundamental liberties and rights. It is extremely antagonistic, and it effectively undermines women's ability to advance to a promising position and receive equal treatment in the workplace. The most crucial effort should be made to avoid such badgering in the first place, but if it does occur, it should be rebuffed and the casualties ensured.

Lewd behaviour at Workplace (Prevention, Prohibition and Redressal) Act, 2013⁷: The Sexual Harassment at Workplace Act of 2013 is a ground-breaking piece of legislation aiming at ensuring a safe and hostile-free workplace for women. A solid implementation of the Act will contribute to the acknowledgement of their right to sex balance, life and freedom, and work-life balance in general. The belief that everything is fine at work will boost women's support at work, resulting in financial stability and overall growth. Only women are covered by the Act.

B.Medha Kotwal Lele and Ors. V. Association of India and Ors⁸:- Dr.Medha Kotwal of Aalochana (a non-governmental organisation) wrote a letter including several examples of inappropriate behaviour, claiming that the Vishaka¹⁰ Guidelines were not being followed effectively. After transforming the letter into a writ appeal, the Supreme Court proceeded with caution, asking state governments to document their actions and testimonies detailing the efforts they took to apply the Vishaka Guidelines across the country. " The Supreme Court stated in its decision that "the execution of the Vishaka Guidelines must be in structure as well as substance and soul in order to make accessible free of any danger climate for ladies at working environment in every viewpoint and thus empowering working ladies to work with poise." "Conventionality and respect" are two words that come to mind when thinking about this topic. It advised states to set up suitable processes to ensure successful implementation of the Vishaka Guidelines, as it was dissatisfied with the way they were being carried out. Finally, the Supreme Court maintained that if the Vishaka Guidelines are resisted or disobeyed, the offended parties have the option of pursuing separate High Courts.

² Article 82 in The Constitution Of India 1949.

³ 2004 56 SCL 365 CLB.

⁴ Building and other Construction Workers' Regulation of Employment and Conditions of Service Act, 1996 (27 of 1996).

⁵ The Beedi and Cigar Workers(Condition of Employment) Act, 1966.

⁶ <https://legislative.gov.in/sites/default/files/A2013-14.pdf>.

⁷ Lewd behaviour at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

⁸ Article 141 in The Constitution Of India 1949.

⁹ CIVIL APPEAL NO. 5009 OF 2006.

¹⁰ CIVIL APPEAL NO. 5010 OF 2006.

III. EQUAL PAY FOR EQUAL WORK

The phrase "equal remuneration for equal work" means that each person who is employed for the task that is assigned to him should receive the same level of compensation as the others. The Equality Act of 2010¹¹ establishes the equivalent compensation, which allows for equal pay for equal labour for both men and women. There should be no segregation during the compensation instalment process. According to the sex pay hole, it is most commonly used in relation to sexual segregation.

The Act specifies that the right of women and men to receive equal pay for equal labour applies to:

- all representatives (including students and those who work from home), whether on full-time, low-maintenance, relaxed, or impermanent agreements, paying little attention to the period of administration,
- various labourers (model: self-employed) whose agreements require them to complete the work on their own.

The standard of equivalent remuneration for equivalent work is established in the preamble of the International Labour Organization's Constitution. Article 4(3) of the European Social Charter, which guarantees the right to appropriate remuneration and recognises the right of workers to raise their wages. Different organisations, including the United Nations, have deemed this to be a good practise. The Indian Constitution has also included a number of other Acts to protect citizens from unfair payment methods for job performed.

The Equal Compensation Act of 1976¹² was a significant government initiative.

- pay equivalency for equivalence of labour.
- This Act was primarily passed with the goal of providing equal remuneration to all workers and preventing isolation based on sexual orientation in all matters connected to company and employment opportunities or openings. This organisation not only empowers women to demand equal pay, but it also allows any disparities in enrolment procedures, job preparation, advancement, and movement within the organisation to be investigated in a court of law.

Because employees are poorly coordinated and have less bargaining power, the Minimum Salaries Act¹³ lends a legal commitment to the lowest wages working in specified occupations. The lowest wage allowed by law is assessed and changed over a period of years. In August 2019, India's Equal Remuneration Act 1976¹⁴ (ERA) was repealed, and the Code on Wages 2019 took its place (Code).

In *Markendeya vs. Territory of Andhra Pradesh*¹⁵, The pay scale distinction between graduate bosses with an engineering certificate and non-graduate managers with a permit was preserved. It was determined that a compensation differential based on differences in instructional ability was justified and would not aggravate Articles 14 and 16.¹⁶The Court stated that where two classes of representatives accomplish identical or comparable obligations and complete similar capacities with a similar proportion of accountability and scholastic abilities, they are entitled for analogous recompense.

¹¹ Equality Act of 2010.

¹² Equal Compensation Act of 1976.

¹³ Minimum Salaries Act.

¹⁴ India's Equal Remuneration Act 1976.

¹⁵ Civil Appeal No. 764 of 1978.

¹⁶ Article 14 & 16 of the Indian Constitution.

IV. MATERNITY BENEFIT ACT,1961¹⁷

The Act was created to eliminate inconsistencies in the current Maternity Benefit Act¹⁸ and to ensure consistency in maternity benefit rates, qualifying circumstances, and duration. The Mines Maternity Benefit Act of 1941¹⁹, the Bombay Maternity Benefit Act of 1929, the Plantation Labour Act of 1951's maternity insurance system, and any remaining conventional institutions are all repealed by the Act a comparable topic

It applies to any foundation that is a production line, a mine, or a ranch, including any such foundation with a government affiliation, and to any foundation that employs people to do equestrian, aerobatic, or other acts. Right to Maternity Benefit instalment, which means they will be eligible for instalment at the rate of normal daily compensation for the period of genuine non-attendance for a month and a half before and after her delivery.

V. CONCLUSION

The preceding information leads to the conclusion that women's respect in the public sphere is proportional to societal progress. Nowadays, women are interested in agribusiness, estates, mine beedis, crafts, locally located job, and so on. However, there are a number of factors that have contributed to women falling behind men, including social attitude, customs, customs, marriage, and so on, , sex-based division of labour, uncertainty, and the fear of indecent behaviour.

It is reasoned that females labourers' problems can't be improved unless they are offered distinctive insurance and the administrations have given adequate consideration to hopeless working and working surroundings, Ladies' daily environments The Indian Constitution has given special emphasis to the needs of women, allowing them to exercise their rights on an equal footing with males and participate in public activities. It also entails the creation of a completely new friendly request in which all residents are granted freedoms for development and advancement and no distinction is made on the basis of ethnicity, religion, sex, station, shading, or other factors.

It is clear from the different unusual arrangements developed for government support to women that there has been a trend toward increasing women's rights in labour legislation at both at the national as well on international levels. In India, there has been a fair effort toward making comparable compensation, equivalent admission to a promising circumstance, avoidance and redress of lewd behaviour, and maternity benefits arrangements a reality.

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