

Empowering Women in the Workforce through Labor Legislation

Himanshu Tomar^{1,*}

Abstract

The system of laws that control how people interact with one another is known as an institution. Sections of a community may be weaker in their ability to participate in economic areas of activity when these regulations are discriminating. We investigate in this study if regulations that discriminate against women have an impact on their involvement in the economy. We take a comprehensive approach and examine a broad indicator of unfair laws, commonly known as legislative gender inequities, and relate it to various outcomes for women on the labor market. We find that unfair rules deter women from joining the workforce in the private industry as well as from rising to the position of top executives and business owners, using data from over 59,000 enterprises in 94 economies. In this study provides an overview of the status of women in the workplace, with a focus on the laws and policies that aim to protect their rights and promote equality. The article discusses the challenges faced by women in the labor market, including gender-based discrimination, wage disparities, and unequal opportunities for advancement. It also outlines the legal framework that has been established to address these issues, including anti-discrimination laws, equal pay legislation, and family leave policies.

Keywords: Legal framework, Women's labor, laws and policies, protection

INTRODUCTION

Women's labor force participation has increased dramatically over the past few decades, but despite this progress, gender inequality in the workplace remains a persistent problem. Women continue to face discrimination and unequal treatment in terms of pay, promotions, and access to benefits, and are disproportionately represented in low-wage, insecure jobs. In response to these challenges, numerous laws and policies have been enacted at the national and international level to promote equality and protect the rights of women in the workplace. The fact that Indian women are struggling to exercise their rights and enjoy certain benefits is one of the most amazing things. Additionally, the Constitution protects the rights to dignity and a sexually harassment-free workplace for women employees. By limiting the load placed on women and regulating women's working hours, all labor laws include special measures protecting the well-being and safety of women employees in order to fulfill the constitutional obligation.

It is widely acknowledged that women's participation in the labor force is essential for both individual and societal well-being. Women who work outside the home are able to support themselves and their families, contribute to economic growth, and gain greater independence and autonomy. However, despite these benefits, women still face numerous barriers in the workplace, including unequal pay, limited opportunities for advancement, and discrimination based on gender, race, and other factors [1-2].

*Author for Correspondence

Himanshu Tomar
E-mail: himanshutomer888@gmail.com

¹Student, Department of B.A. L.L.B at Mewar Law Institute, Vasundhara, Ghaziabad, Uttar Pradesh, India

Received Date: January 27, 2023
Accepted Date: February 06, 2023
Published Date: February 08, 2023

Citation: Himanshu Tomar. Empowering Women in the Workforce through Labor Legislation. National Journal of Labour and Industrial Law. 2022; 5(2): 35-38p.

In order to address these challenges, a number of laws and policies have been enacted that aim to

promote equality and protect the rights of women in the workplace. These include anti-discrimination laws, equal pay legislation, family leave policies, and others. These laws and policies have been successful in promoting equality and protecting the rights of women in the workplace, but their impact has been limited by a lack of enforcement and ongoing efforts to undermine these protections. It is clear that much work remains to be done in order to advance gender equality in the workplace and ensure that women are able to fully participate in the labor force on equal terms with men. It is important for policymakers and employers to continue to support and enforce existing laws and policies, and to work towards creating a workplace that is free from discrimination and promotes equality for all.

Women's Employment is Impacted by the Following Factors

Public Opinion

The main cause of women's low employment rates, as well as the most significant one. A mindset like this, which discourages women from seeking jobs, has its origins in a social construct that has been around for a very long time. They were only able to function as housewives as a result. Women's employment is fundamentally restricted by social ethos and perception. Women shouldn't work outside the home since doing so is wrong, undesired, and can jeopardize their chastity and ladylike virtue. Men and women are held to distinct norms of human behavior in society.

Marriage

In modern society, getting married substantially impairs a woman's ability to hold down a career. As a result, she may enter the job market later or reenter it after leaving it temporarily due to marriage. In the case of females, this particular custom takes precedence over everything, and marriage comes first. As a result, they lose their jobs and struggle to re-enter or enter the labor market later.

Household Duties

Women's primary duties have been household duties from the dawn of time, almost as if they were made for them. Only tasks that leave them with ample time for housework must be completed by them. In order to protect their domestic responsibilities and schedules, women attempt to avoid taking on jobs that could limit their chances for employment and development [3-5].

Care for Children

Given that female children are expected to care for their younger siblings even as young kids, Indian society has a tradition of giving female children some or all of the obligation for doing so. They must compromise their employment in order to bear and raise children.

Lodging

When women accept jobs outside of their hometown, they must find lodgings that are both safe and secure. Due to their concern that they might not be able to locate acceptable apartments, people who are employed and have transferrable jobs find it challenging to move so far away. Since there aren't many working women's hostels, women strive to avoid this circumstance at the expense of their jobs. People choose to work in the immediate region. Women find it difficult to get jobs because of it.

Rights of Women under Indian Labor Laws

If a worker is engaged in a job that is covered by an employment contract, labor law is applicable. One of society's largest thick peaks is made up of working women. The legislation must give women workers additional protection and equal treatment. Almost all labor legislation includes a number of legislative provisions aimed at protecting women that address issues faced by female laborers in the workplace. The laws cover a variety of topics, including social security, wages, health, gratuities, maternity leave, the control of dangerous jobs, the ban on night labor, limits on the transportation of heavy goods, etc.

In India, various labour laws exist to protect the rights of workers, including women. However, despite these laws, gender discrimination and unequal treatment of women still persist in many industries. The following are some of the key rights that women are entitled to under Indian.

Labour laws

Equal pay for equal work: Women are entitled to receive equal pay for work of equal value. The Equal Remuneration Act of 1976 prohibits discrimination in the payment of wages based on gender. In addition to being seen as a safety and health issue, sexual harassment is often seen as a violation of fundamental and human rights. It violates women's rights to fair treatment and treatment in the workplace and is objectionable on many levels. The primary and foremost goal should be to stop such harassment before it starts, but if it occurs, the perpetrators should be held accountable, and the victims should be protected. Women frequently aren't aware of their rights, and many times they keep things quiet out of concern about losing their employment. In order to prevent sexual harassment at work, employers need to take more aggressive measures to raise awareness. Employers and labor unions should be more proactive in preventing and punishing such practices. By adopting policies and processes inside the industry itself, this can be accomplished [6-8].

Maternity Benefits

Pregnant women are entitled to a maximum of 26 weeks of paid maternity leave, according to the Maternity Benefit Act of 1961. Additionally, women are also entitled to paid leave for a specified period before and after childbirth. The Maternity Benefit Act was amended to decrease inequities and introduce uniformity to the rates, eligibility requirements, and length of maternity benefits. The Mines Maternity Benefit Act of 1941, the Bombay Maternity Benefit Act of 1929, the maternity protection under the Plantation Labour Act of 1951, and all other provincial laws dealing with the same subject are repealed by this Act.

The right to payment of maternity benefits stipulates that they will be entitled to compensation at the rate of average daily wages for the time of absence actually experienced immediately prior to and including the day of her delivery. It also includes restrictions on the employment of pregnant women, which state that no employer shall knowingly employ women during the period of 6 weeks immediately after the day of her delivery, miscarriage, or medical termination of pregnancy. It states that a woman has the right to maternity benefits for a maximum of 12 weeks, not more than six weeks of which may precede the date of her anticipated delivery, protection from discrimination, leave for illness and miscarriage (she will be entitled to leave the wages at the rate of maternity benefits for a period of 6 weeks immediately after the day of her miscarriage or medical termination of pregnancy), and protection against retaliation.

Act of 2013 for the Prevention, Prohibition, and Redress of Sexual Harassment at Workplace

A unique piece of legislation called the Sexual Harassment at Employment Act of 2013 aims to give women an aggressive and confrontational and secure work environment. Their entitlement to gender equality, freedom and liberty, and parity in all workplace circumstances will all be realized with the help of an effective Act implementation. Women will be more likely to work if they feel secure in their jobs, which will increase their economic independence and contribute to inclusive growth.

Protection Against Discrimination

The Indian Constitution and various labour laws, such as the Immoral Traffic (Prevention) Act of 1956 and the Bonded Labour System (Abolition) Act of 1976, prohibit discrimination against women in the workplace based on gender, caste, religion, or other personal characteristics.

Guidelines and Suggestions

1. Government oversight of the execution of court rulings in cases involving mistreatment of women is recommended, as well as making sure that victims have quick access to efficient

redress. In order to protect the safety of female employees, organizations should adopt an internal code and take precautions to ensure that they can perform their duties in a safe environment.

2. In all industries where women work night shifts, governments should mandate that businesses install Global Positioning Systems in cars carrying women. Women should be informed of their rights and strictly adhere to the rules and directives set by the supreme court.
3. It is necessary to educate them through adult education programs, trade unions, seminars, and conferences. Through the publication of their rights in handbooks, newspapers, and through legal knowledge, the Labor Department and Law Schools can play a significant role.
4. The government must take action to prevent any form of labor exploitation. The general standard of life of women employees will be raised significantly as a result of this.
5. The fundamental subsistence requirements of employees and their families should be taken into consideration when setting minimum wages, according to a recommendation, to ensure that the wage set is fair [9-10].

CONCLUSION

Despite this, there is still a need for greater enforcement and implementation of these laws to ensure that women are treated fairly and without discrimination in the workplace. Women's rights to equal pay, maternity benefits, protection against sexual harassment, and protection against discrimination are key to promoting gender equality in the workplace and ensuring a just and equitable society. It is the responsibility of employers, employees, and the government to work together to ensure that these rights are respected and upheld, and that women are able to enjoy a safe and fair work environment.

REFERENCES

1. Rizvi LJ, Hussain Z. Empowering woman through legal reforms-evidence from Saudi Arabian context. *International Journal of Law and Management*. 2022 Jan 27;64(2):137-49.
2. Satterthwaite ML. Crossing borders, claiming rights: using human rights law to empower women migrant workers. *Yale Hum. Rts. & Dev. LJ*. 2005;8:1.
3. Satterthwaite ML. Crossing borders, claiming rights: using human rights law to empower women migrant workers. *Yale Hum. Rts. & Dev. LJ*. 2005;8:1.
4. Yaghi A, Alibeli M. The impact of selected economic and social factors on women employment in the public sector in eighteen countries. *Modern Management Science & Engineering*. 2013;1(2):145.
5. Sagade J, Forster C. Recognising the human rights of female sex workers in India: Moving from prohibition to decriminalisation and a pro-work model. *Indian Journal of Gender Studies*. 2018 Feb;25(1):26-46.
6. Misra G, Mahal A, Shah R. Protecting the rights of sex workers: the Indian experience. *Health & Hum. Rts.*. 2000;5:88.
7. Sarpotdar A. Sexual harassment of women: Reflections on the private sector. *Economic and Political Weekly*. 2013 Oct 5:18-23.
8. Gupta D, Garg J. Sexual harassment at workplace. *International Journal of Legal Science and Innovation*.
9. Borges LF. Policy Analysis-The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. *Jus Corpus LJ*. 2021;2:214.
10. Belcher P, Belcher P, Sampson H, Zhao M, Thomas M, Veiga J. Women seafarers: Global employment policies and practices. *International Labour Organization*; 2003.