



## GENDER DISPARITY IN WORKPLACE - BREAKING BARRIERS AND BUILDING BRIDGES

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**Abstract** - Equal access to employment is crucial both from the perspective of global economic growth and empowerment of women. Gender equality in workplace can promote more female engagement and retention in the workforce. Further it makes it easier for them to obtain important managerial positions and develop their own businesses. However, women are likely to face discrimination at all levels of career, making it extremely challenging for them to break the glass ceiling. In spite of significant improvement over years and having legal protection in place, women still continue to be underrepresented in top management roles and senior positions. Examining the variety of activities that women do in course of their work with a focus on the representation of women in managerial jobs is the primary objective of this study. The paper tries to analyse the lower representation of women in managerial roles and leadership positions in India by focussing on the differences in parameters related to workplace such as access of women to get employed in similar manner like a man without any discrimination based on the nature and timings of the job along with existing legal sanctions or civil remedies for workplace sexual harassment. Finally, the paper tries to put forward certain suggestions with the aim of increasing female representation in top management positions.

**Keywords:** Women Employment; Workplace Discrimination; Legal; Access to Resources; Glass Ceiling

### INTRODUCTION

*"I measure the progress of a community by the degree of progress which women have achieved"*  
 -'Dr. B.R. Ambedkar'<sup>1</sup>

The above quoted words from one of the greatest architects of Indian Constitution speaks volumes about his contribution in recognising the legal rights of women in Indian culture. Women acts as a backbone for the development of any progressive society. The march of globalisation and liberalisation has generated substantial employment opportunity in various sectors. March 8th which is celebrated as an International Women's Day outrightly signifies that today women's place is no more confined to the four walls of their houses. Further, every individual has a right to have a dignified birth, according to the "Universal Declaration of Human Rights", which was ratified on December 10th, 1948, by the United Nations. Therefore, the word 'human rights' has gained momentum over the years. Human rights are the inherent or moral rights of every individual. Pool of politicians, activists, media, policy-makers etc. on a daily basis often are observed advocating numerous instances of women's human rights violations.

"Men in India earn 82% of the labour income, while women only make up 18% of it", according to the World Inequality Report 2022<sup>2</sup>. Till date, it is always the women who falls into the cruel jaws of unjustified workplace recruitment questions like 'marital status', 'marriage plans', 'plans for children' etc. and the men continue to be immune from facing such questions. Be it corporate boardroom or government departments or courts etc., the dearth of women in senior positions

<sup>1</sup> Business Insider India, (2023) <https://www.businessinsider.in/india/news/dr-babasaheb-ambedkar-quotes-and-thoughts/articleshow/90813546.cms>

<sup>2</sup> Tackling the Issue of Gender Pay Gap, <https://www.drishtias.com/daily-updates/daily-newseditorials/tackling-the-issue-of-gender-pay-gap>



continues. So, in a man’s world, being a successful woman is constantly backed by challenges and unnecessary hassles.

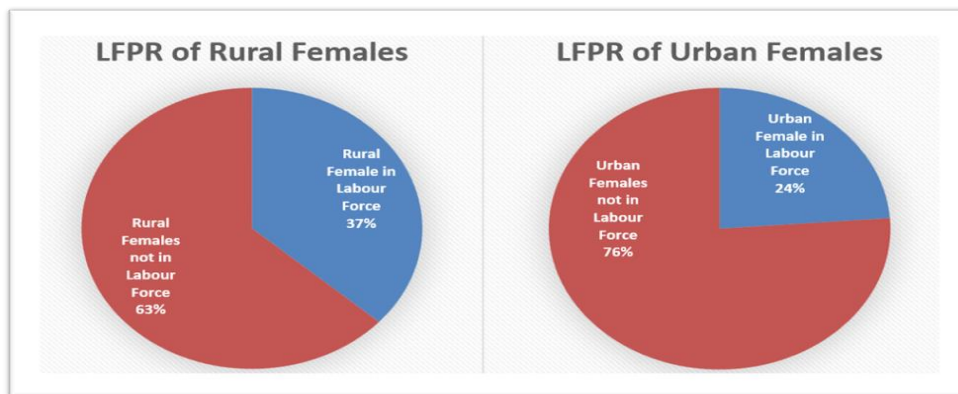
**1. INDIAN LABOUR MARKET - A GENDERED ANALYSIS**

*A. Distribution of Females in Labour Force and Outside Labour Force*

Since the objective is to explore the diverse activities that women in labour force engage in with an emphasis on representation of women in managerial roles, it is important to understand the trend of rates of female participation in the labour force. The broad activity status divides females into two categories, firstly ones who are ‘in the labour force’, that consists of women who are working (employed) and those who are not working but want to work (unemployed) and second category consists of females who are ‘not in the labour force’ that consists of women who are not working neither looking for work. Women are automatically forced to place their careers lower on their priority lists due to the preconception that they are the primary carers for the family while males are the main providers of income. This is seen in the 10 years following the birth of a first child, when mothers’ earnings decline by 60% relative to fathers’ incomes (PwC, 2023) .The unequal share of unpaid care work leads to more women staying outside the labour force. In addition to factors such as "societal norms" and practises that connect respectability with women staying out of the labour market, women are discouraged from entering the workforce for ‘family reasons’, a lack of safety related to travel, and time constraints of occupations.

According to the Annual PLFS 2021-22, as shown in figure 1.1.a, in rural areas about 36.6% of women above the age of 15 are working, compared to 78.2% of men. So, the ‘labour force participation’ of rural women is just a little more than one-third. With only 23.8% of females in labour force compared to 74.7 percent male, the situation for urban women is far worse. A closer examination of the data reveals the depressing reality of female employment in India, where despite several employment-generating policies and projects, only 37% of women in rural areas and 24% of non-rural women participate in the labour force.

**Figure 1.1.a - Labour Force Participation of Females in India 2021-22**



Source - Periodic labour Force Survey 2021-22

*B. General Trend of Female Labour Force Participation Rates*

Women are always considered essential for the development of the Indian economy. They play significant roles as farmers, breadwinners, and business owners. They are also responsible for meeting the requirements of their family members such as providing food, caring for young children and the elderly. According to the Economic Survey of 2022-23, the agriculture sector is by far the most significant for female employees, especially in rural areas, where more than 75% of rural females are employed (Government of India, 2023). Growing male rural-to-urban migration has resulted in "feminization" of the agricultural industry, with more women playing numerous roles as farmers, entrepreneurs, and workers. For female workers in urban areas, the manufacturing, trade,

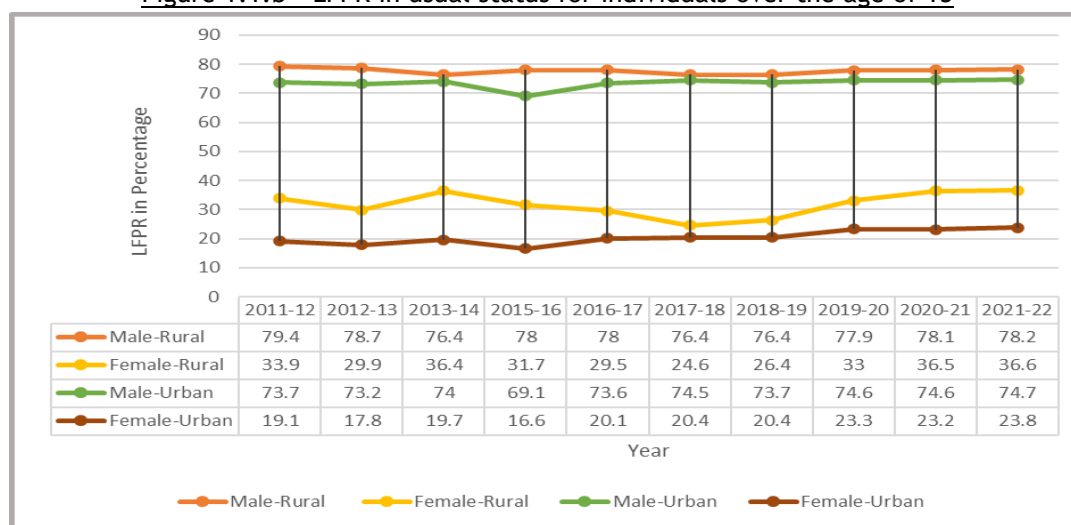


hotel, and restaurant industries are relatively dominant. The service industry has gained its significance for urban areas women (Ministry of labour and Employment, 2022).

In the span of 2011 to 2022, both rural and urban female labour force participation rates (LFPR)<sup>3</sup> for people over the age of 15 years have showed an increasing trend, but they still significantly lag below that of men in India. The increased ‘labour force participation’ rates indicate that women now contribute significantly more to economic growth. The figure 1.1.b shows the ‘labour force participation’ rate for people aged 15 and above for the years 2011-12 to 2021-22, disaggregated into rural and urban areas. It demonstrates that there is a sizable disparity between the rates of female labour force employment in rural and urban areas, with rural female participation remaining higher than the rate in urban areas throughout time. A decomposition study conducted by Oxfam India, 2022 finds that discrimination against women is so severe that all women, regardless of their socioeconomic status, experience severe prejudice. 98 percent of the employment gap between salaried males and females in urban areas is a consequence of gender-based discrimination.

The data demonstrates that in this time period, LFPR for rural females have increased from 33.9 percent to 36.6 percent, that is only by 2.7 percentage whereas for urban females it has increased from 19.1 percent to 23.3 percent which is by 4.7 percentage. So, the rural sector provided the primary impetus. Urban areas in spite of achieving a greater increase in the overall participation of women in workforce still fall 12.8 percentage points short of their rural counterparts. Although it exists across the nation, the gender employment gap is particularly severe in urban regions, where it averages around 53 percent, compared to rural ones, where it is 46 percent. The highest gender-based employment gap in urban areas was observed in the year 2012-13 (55.4 percent) and for rural areas it was in the year 2016-17 (51.8 percent).

Figure 1.1.b - LFPR in usual status for individuals over the age of 15



Source - Compiled by the author from Labour Bureau Survey Reports for 2011-12 to 2016-17 and Annual Periodic labour Force Survey Report of 2017-18 to 2021-22

C. Distribution of Females in Labour Force by Activity Status

In order to better comprehend women involved in economic activity, we can look at some statistics. The breakdown of females according to activity status from 2017-18 to 2020-21 for

<sup>3</sup> For all ages, the LFPR is expressed as a percentage based on usual status (ps+ss). The estimation of the labour force in the usual status (ps+ss) includes (a) individuals who either worked or were available for work for a significant portion of the 365 days prior to the date of the survey, as well as (b) people from the remaining population who had worked at least 30 days during the reference period of the 365 days prior to the date of the survey, according to NSSO



different geographic dimensions is shown below graphically in Figure 1.1.c.1. it is observed that during these years all categories of work except casual labour in urban areas have shown an increase. Majority of working women in urban areas are more likely to be in regular wage/salaried jobs (11 percent), whereas rural women are least likely to be engaged in it (2.9 percent). Also, the rate of growth in this category of employment for rural women has been the smallest. Female employment in rural areas has grown but it is skewed towards ‘Self-employment’ followed by ‘Casual Labour’ that are mostly concentrated in agriculture.

In urban areas it is Regular wage or salaried jobs followed by ‘Self-employment’. This can be attributed to females having higher education levels and diploma or certificate courses who make up a sizable component of the "Regular Salaried/Wage Employees" workforce whereas most often in the agricultural sector that is more prevalent in rural areas, self-employment has the greatest percentage of illiterate females.

Figure 1.1.c.1 - Female Labour Force Participation by Activity Status

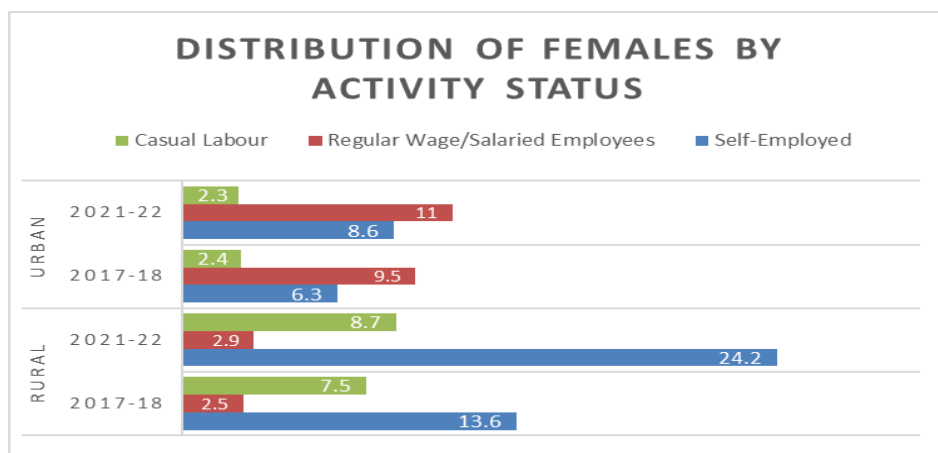
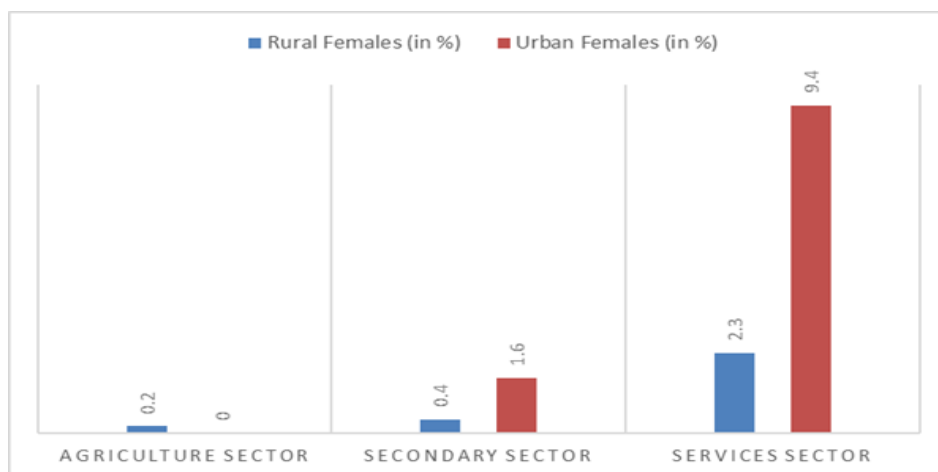


Figure 1.1.c.2 Sectoral Distribution of Female Regular Wage/Salaried Employees



Source -Compiled by the author from (Ministry of Labour and Employment, 2023)

It is crucial to examine the employment situation across industries (including agriculture, secondary, and the services sector) in order to have a clear picture of how women are employed. The above figure 1.1.c.2 suggests that as per Periodic Labour Force Survey 2021-22, service sector is the biggest employer of salaried females. 11 percent of urban females are regular wage or salaried employees of which maximum women (9.4 percent) are in the service sector followed by secondary sector (1.6 percent). There are no salaried urban female employee in agriculture. For

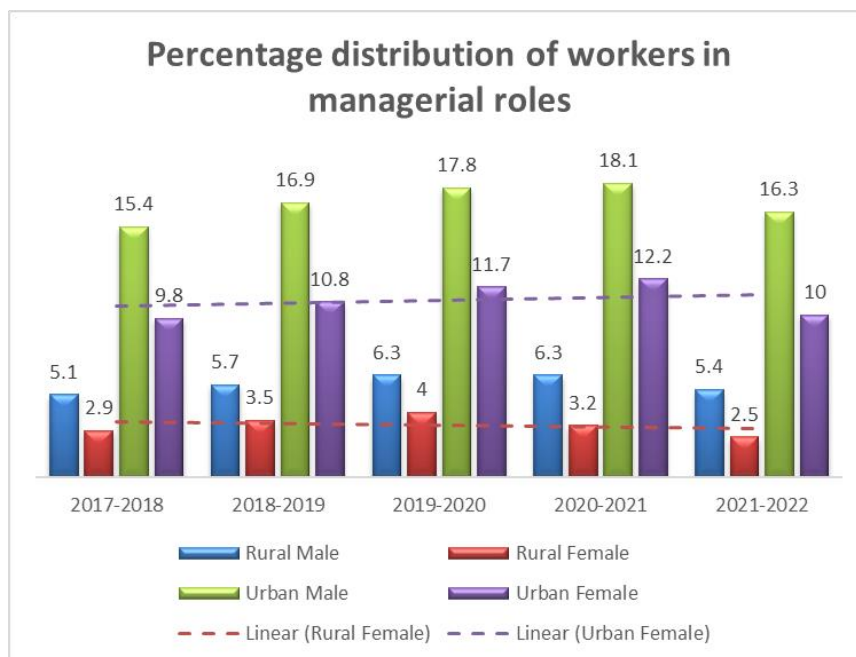


rural females the percentage of salaried ones is itself very low, the number being only 2.9 percent. Out of this 2.3 percent are employed in the service sector, 0.4 percent in the secondary sector and 0.2 percent in the agricultural sector.

**D. Representation of Females in Key Managerial Roles**

The discrimination against women becomes more critical as one climb up the career ladder. It has been observed that service sector is the largest employer of salaried females both in rural and urban areas. If we delve deeper into the position of women in service sector it is not surprising that they are highly underrepresented in key managerial positions and senior officials<sup>4</sup>. The figure 1.1.d, highlights the gender gap in top managerial positions in the time period of 2017-18 to 2021-22 (Ministry of Statistics and Programme Implementation, 2022). In this period, there has rarely been any improvement in the status of women in managerial positions, either in rural or urban areas. The situation for rural women has become worse; from 2.9 percent of women in managerial jobs in 2017-18 to 0.4 percent in 2021-22, their representation has decreased. Compared to rural women, urban women have a higher representation in managerial positions. Urban female presence in senior management has increased from 9.8% in 2017-8 to 10% in 2021-22, a mere 0.2 percent improvement. Females in urban areas have been better represented in managerial roles compared to rural females. Though the number is still pretty low, it does give us an idea that in spite of less urban female labour force participation, they still have a better opportunity to work in top management positions.

**Figure 1.1.d Distribution of Female Workers in Managerial Roles**



Source -Compiled by the author from Periodic Labour Force Survey 2021-22

**2. BARRIERS TO WOMEN’S ECONOMIC OPPORTUNITIES**

For women’s rights and gender equality to be realised, economic empowerment of women is crucial. Women’s economic empowerment includes their capacity to participate equally in markets, their control over productive resources, their access to secure employment, and their ability to manage their own time, lives, and bodies. It also includes their ability to have a greater say and

<sup>4</sup> National Classification of Occupation 2004 has been used for years prior to 2021-22 where Division 1 represents Legislators, senior officials and managers  
National Classification of Occupation 2015 has been used the 2021-22 where Division 1 represents managers



meaningfully participate in economic decision-making across all levels, from households to global organisations (Ministry of Statistics & Programme Implementation, 2022). Various, intricately interrelated economic and social aspects both at the household level and at the macrolevel determine whether women are able to join in the labour force. The rate of female ‘labour force participation’ is an intricate amalgamation of structural and socioeconomic components. Economic growth, level of education, fertility rates, availability of daycare and other supportive services, and finally the cultural and normative backdrop of society and social norms, are some of the main determinants of women’s labour market involvement. Increase in access to education, a fall in fertility levels and governments initiatives to increase employment of women can be categorised as ‘push factors’ that have cumulatively contributed to an overall rise in the ‘labour force participation’ of women compared to previous years (Ministry of Labour and Employment, 2023). Many studies suggest some of the most significant drivers as urbanisation, economic growth and cyclical effects, age of marriage, fertility rates and educational attainment (Ministry of Statistics & Programme Implementation, 2022).

Multiple studies have similar findings that might be categorised as ‘pull factors’ contribute towards keeping women outside the labour force. Significant gender-related prejudices amongst employers, several constraints related to nature of work, conditions of work, late hours of work and travelling to remote areas often force employers to employ men over women (Oxfam India, 2022). According to the Time Use survey of 2019, 81% of women spent 5 hours each day providing unpaid domestic services to household members. For the age range of 15 to 59 years, this percentage persists to be higher at 92. Even when they were 60 years old or older, 78% of women still performed these responsibilities. In contrast to these, just 29% of males in the 15-59 age range provided unpaid domestic assistance to members of the home. In this age range, women are more than twice as likely (33%) as men (16%) to be providing unpaid care.

Periodic labour Force Survey 2021-22 highlights that, 44.5 percent women are unwilling to join the labour market in order to cater to household and child care responsibilities, 33.6 percent due to higher studies, 9.3 percent due to health conditions, 3.4 percent due to social norms, 3.2 percent due to lack of training and qualification, 0.7 percent due to good financial stability and 0.6 percent due to lack of employment opportunities at a convenient place (‘Ministry of Statistics and Programme Implementation’s, 2022) . The biased gender norm of females being homemakers leads to disproportionate sharing of burden of unpaid domestic work, leaving them with very little time to participate in outside work. Further disparity in wage discourages educated and skilled women from joining the labour force. For women with higher household income, it acts as an added disincentive (Ministry of Labour and Employment, 2023).

### **3. AN OVERVIEW OF THE CURRENT LEGISLATIVE FRAMEWORK PROMOTING WOMEN'S RIGHTS**

Understanding how a discriminating policy may affect general participation requires analysis of the legal obstacles to female employment, such as limitations on working hours or different skill levels. Other regulations also are at times affected by these limitations<sup>5</sup>. Equal access to employment is crucial both from the perspective of global economic growth and empowerment of women. Legal gender equality can promote more female engagement and retention in the workforce and make it easier for them to obtain important managerial positions and develop their own businesses. However, according to the ‘Women, Business and the Law’ report, 2023, around 2.4 billion women of working age are living in nations that fail to grant them the same rights as men, and internationally, women only have 77% of the legal rights that men have. Despite the fact that during the past ten years, there have been a number of gender-related laws that have given legal equality to nearly 90 million women of working age, the speed of reforms worldwide reached a 20-year low in 2022. The objective of achieving legal gender equality worldwide will likely require another 1500 reforms and another 50 years if things continue as they are (World Bank, 2023). It is a

<sup>5</sup> Erin K. Fletcher, Rohini Pande, and Charity Troyer Moore CID Faculty Working Paper No. 339 December 2017, Women and Work in India: Descriptive Evidence and a Review of Potential Policies, Working Papers, Center for International Development at 14



sad reality that a woman who enters the workforce today will likely retire before achieving parity with men's rights in many nations.

As soon as more women becomes part of leadership positions, greater insightful conversation happens, better decisions are made since multiplicity of perspectives steps in, which in turn leads to greater collaborative management and robust governance system within the organisation. Businesses that support and promote empowerment of women makes long term growth due to increase in profitability and productivity<sup>6</sup>. Women's inclusion in higher management roles lately has been a highly debatable matter of concern. Deeply entrenched notion that women can only act as care givers and men as bread winners no more acts as a detriment towards the development of a society. The quote<sup>7</sup> mentioned in the opening statement of this study is self-sufficient to highlight the reality that having diverse workforce definitely adds more feathers to the long-term success of a company. As such many countries at a global level have been trying to bridge the never-ending gender gap of purposely not appointing women at the top management position. Even though it seems that there are various laws that protects women and considering the nature of the progressive society, the fight by women towards their empowerment has been tremendous yet the implementation, till date is not done to a larger extent. The stereotypical mindset is still required to be changed.

The legislative regulations have helped to enhance the position of women and put a stop to numerous discriminatory processes. The Indian government is dedicated to advancing gender equality in all areas of society and at all levels of government. The government's top objective is to ensure the safety and security of women and children in the nation. The key to the Indian Constitution emphasises on the fact of assuring equality for all. This is again further comprehended under chapter III of the Indian constitution which deals with fundamental rights. 'Right to equality'<sup>8</sup>, creation of equal opportunity for all in matters of employment<sup>9</sup> are some of the clear-cut provisions that negates gender discrimination. Some inroads can be witnessed under Article 15(1) and 15(3) of the Indian Constitution which prescribes formulation of special provisions for women. Also, the state's guiding principles of policy which are not binding on courts yet act as a yardstick for better governance of any state, clearly showcases that men and women cannot be denied adequate means of livelihood<sup>10</sup>.

Women in the nation should be educated about their rights beginning in childhood, and society should support them in overcoming the shame associated with reporting crimes. Although various constitutional safeguards are striving towards gender equality yet there still exist an extensive gap between formal and substantive equality. Formal equality is more about the specific provisions expressed in the Indian constitution whereas substantive equality is about the real impact of the law in the society which many a times proves detrimental for women<sup>11</sup>. It still exists as a black letter of law since many instances can be found wherein the implementation of equality clauses are vehemently criticised.

India has been able to receive the fruits of a comprehensive legislation which has been formulated in the year 2013 i.e. The Companies Act, 2013<sup>12</sup>(Act). The Board of Directors (BOD) of a company signifies an association of persons who are entrusted with the responsibility for managing the effective functioning of a company's business. The compulsory inclusion regarding appointment of minimum one women director to the Board for certain classes of companies, as prescribed, is a

<sup>6</sup> Council for Board Diversity, WHY GENDER DIVERSITY MATTERS : A COMPETITIVE ADVANTAGE <https://www.councilforboarddiversity.sg/why-gender-diversity-matters-a-competitive-advantage/>

<sup>7</sup> *Supra* note 1

<sup>8</sup> The Constitution of India, Art. 14

<sup>9</sup> *Ibid.* Art 15,6

<sup>10</sup> *Ibid.* Art 39 a

<sup>11</sup> The Oxford handbook of The Indian Constitution, edited by Sujit Choudhry, Sujit, Madhav Khosla, and Pratap Bhanu Mehta, South Asis Edition (eds), The Oxford Handbook of the Indian Constitution (2016; online edn, Oxford Academic, 6 Feb. 2017), <https://doi.org/10.1093/law/9780198704898.001.0001>

<sup>12</sup> Hereinafter referred to as Act



remarkable step that has been initiated by the makers of the Act<sup>13</sup>. Regulation 17 of the SEBI (Listing Obligations and Disclosure Requirements) 2015 (last amended on 2022)<sup>14</sup> comprehends the requirement to have at least one women director in the BOD.

There is also an interrelationship that spans around the number of females representing the corporate boardrooms and the implementation of policies relating to 'Corporate Social Responsibility' (CSR). Section 135 of the Companies Act, 2013 prescribes that certain classes of companies mandatorily are required to establish a CSR committee for effective integration of social and business activities. The step also fosters good corporate governance practices within organisation which act as an important tool to accelerate concrete decision-making process.

Further to address the issue of workplace sexual harassment, the year 2013 witnessed the enactment of 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act'<sup>15</sup> whose primary intention was to protect women from workplace sexual abuse by providing a safe and dignified working environment.

These legislative provisions further spill over into various judicial approaches. In order to solve problems and challenges related to gender and development, it is essential to understand where, why, and how gender inequality occurs. As such, the analysis attempts to highlight on the differential access to labour market in terms of absorption and wages based on gender in India by concentrating on certain cases.

➤ *Women may obtain employment in the same manner as men.*

In the case of Charu Khurana there was clear cut contravention of gender equality. The lady was denied a membership card as a 'Make-up Artist' by an Association. The Association had an internal discriminatory bye-law that restricted the position of a female as 'Hair-Dresser' only and not as a 'Make-up Artist' which was reserved only for male. This clause was purely irrational and unfair in nature and it nullified the very objective of a welfare society<sup>16</sup>.

➤ *A woman can work late nights in the same manner as a male.*

In a landmark case<sup>17</sup> it was observed by the Kerela High Court that no women will be deprived of her fundamental right to employment on the basis of her gender i.e., if she is a woman, she will not be fit to work during night hours. The Factories Act of 1948<sup>18</sup> which prohibits a woman from working at night cannot be used as a cloak to justify that women cannot be employed for work during night hours. The provisions are merely a safeguard that can be used to prevent exploitation of women. However, that cannot be a ground for denial to an employment opportunity.

➤ *A woman can work in any manufacturing or marketing unit in the same way as a man.*

In one of the landmark case laws<sup>19</sup>, seven women as per 'Rule 7(37) of the Abkari Shops (Disposal in Auction) Rules, 2002', were denied appointment as helper or peon in the Kerala State Beverages (Manufacturing & Marketing) Corporation Ltd, in spite of meeting the selection criteria. This act was considered to be unjust, unconstitutional and discriminatory. It was clearly stated by the supreme court that government policies or rules which restricts a woman from being employed in

<sup>13</sup> Sec. 149, The Companies Act, 2013- (1) Every company must have a board of directors made up of people who serve as directors, and it must have a minimum of three directors for public companies, two for private companies, and one for one-person businesses, as well as a maximum of fifteen directors: With the proviso that upon the adoption of a special resolution, a business may select more than fifteen directors: Additionally, the class or classes of businesses that may be prescribed must have at least one female director. (2) Within a year of the date this Act takes effect, any corporation that existed on or before that date must abide by the requirements of subsection (1).

<sup>14</sup> SECURITIES AND EXCHANGE BOARD OF INDIA (LISTING OBLIGATIONS AND DISCLOSURE REQUIREMENTS) REGULATIONS, 2015 No. SEBI/LAD-NRO/GN/2015-16/013

<sup>15</sup> Hereinafter referred as POSH Act

<sup>16</sup> Charu Khurana and Ors v Union of India and Ors AIR 2015 SC 839

<sup>17</sup> Treasa Josphine v State of Kerala in WP (C). No. 25092 of 2020 (J)

<sup>18</sup> Sec. 66 (1) (b)

<sup>19</sup> Sanuja B. and Ors v Kerala State Beverages Corporation Ltd. and Ors. [2017 (1) KLT 44]





any commercial industry would substantially lead to violation of Article 14,15,16 and 19 of the Indian Constitution.

➤ *There are legal or criminal punishment for sexual harassment in the workplace.*

The phrase ‘sexual harassment at workplace’ had gained its momentum when the apex judiciary formulated the Vishaka guidelines that acted as a bedding rock for enactment of the landmark POSH Act. Unfortunately, women are subjected to sexual harassment in the workplace which has become a matter of grave concern since ages. A cursory glance to one of the most prominent instances i.e., ‘Rupan Deol Bajaj & Anr vs Kanwar Pal Singh Gill & Anr’, also popularly known as “butt slapping case”, drags our attention to an important aspect regarding women in topmost position at work. It clearly depicts that a woman always remains a woman irrespective of the position she holds and enjoys no immunity from sexual harassment when she belongs to the topmost gentry. The case played a paramount role in laying down the foundation for violating women’s modesty under Indian Penal Code.

➤ *The law requires equal compensation for equal work done by men and women.*

The Wage Code of 2019 (Code)<sup>20</sup> strives towards eradication of gender discrimination pertaining to wages and recruitment of employees for work of similar nature along with making provision for increasing job opportunities for women<sup>21</sup>. Section 42 of the said Code also provides that one-third of the members of the Central Advisory Board shall be women. Additionally, myriad of labour legislations which provide specific protective provisions for creating congenial atmosphere for working women like ‘Code on Social Security Act, 2020’, ‘Occupational Health and Working Conditions Code, 2020’ and ‘Industrial Relations Code, 2019’ have also been enacted.

Therefore, every woman should be educated about their rights beginning since childhood and society should support them in overcoming the fear and disgrace associated with reporting crimes.

### CONCLUSION

The accomplishment of numerous additional developmental goals is dependent upon gender equality, which is both a development goal as well as an objective itself. By making changes that support women’s economic participation as entrepreneurs and workers, the economy will become more dynamic and shock-resistant while also balancing the playing field. It is extremely challenging for nations to recuperate from the global slowdown in economic development unless all workers can work at their full productive capacity. Needless to say, that numerous variables have contributed to the long-term stagnation and recent dramatic fall in working-age women’s ‘labour force participation’ rates in India. Some of these elements, like more educational participation and better household income levels, are unquestionably good for overall society and a reflection of India’s quick economic growth. However, the biggest problem has been India’s women’s dearth of access and admission to jobs. The employment prospects of both men and women in the labour market are being hampered by persistent informality and poor growth in wage and salaried jobs. Additionally, social conventions in India also provide women extra disadvantages, such as gender-based prejudice and vocational segregation.

On one hand, due to lack of education, fear, poverty etc., the cases of sexual harassment at workplace in rural sector remains unreported and on the other hand, since the organisational Internal Complaint Committee’s that are formulated in urban workplaces are not allowed to share details of both the parties publicly, it becomes a challenge to get names of such harassment cases, unless it reaches the courts. As such, it has a deterrent effect on the representation of women in workplaces particularly in top management positions. While the sexual harassment of women, off late in the urban areas are frequently campaigned through mediums like #Me Too movement, the rural women repeatedly fall prey to such offensive situations due to the deep-rooted patriarchy

<sup>20</sup> The Code on Wages, 2019

<sup>21</sup> Ibid, Sec 3(2)(ii), 42(2), 42(3)(b), 42(4)(b)



that is embedded in the rural sector. It is very clear that pay disparity plays a pertinent role in mushrooming social injustice towards women.

Indian Government has time and again taken several initiatives to ensure increased participation of women in labour force. However, policy implementation at ground level requires better understanding of why majority of Indian women stay outside the labour force. In order to improve the employability of female employees, the government is teaching them through a network of "Women Industrial Training Institutes," "National Vocational Training Institutes," and "Regional Vocational Training Institutes.". Additionally, the government launched the skill India Mission to secure the financial security of women via skill development and vocational training. In a survey conducted by IWWAGE it has been noted that although more than 30% of women have completed some type of vocational training, 85% of these women have done so in traditionally feminine fields as sewing and tailoring (62%), beauty/makeup applications (16%), and mehendi application (7%)<sup>22</sup>. In many cases in spite of having required educational background and skillset women are unable to join the labour market since they are 'denied permission' to do so<sup>23</sup>. So, besides providing opportunities of economic empowerment for women, it is important to ensure that they have decision-making capabilities at household level. Women also tend to prefer flexible work policies and are more inclined towards working from a fixed location owing to additional responsibilities at home.

Law in books cannot be a solution unless the laws are put into motion. A healthy competition increases productivity which in turn enhances customer services and satisfaction. As such, workplace gender bias or non-maintenance of workplace diversity staggers the competitive spirit of an organisation. In a way it curbs the opportunities for hiring the best talents. Apart from children, women are the most vulnerable group of our society and therefore, protecting their rights is of the utmost significance. The current legal framework is required to be strengthened and new laws can be formulated to prohibit gender discrimination. More awareness building coupled with training sessions for women can instil courage amongst them. Company policies are required to encourage women's access to work across a variety of industries and occupations. Setting up proper channels for reporting grievances relating to sexual harassment at workplace would also attract more female employees. Revamping strategies to recruit equal number of men and women at the entrance level would definitely promote inclusivity and gender diversity. Women who have strong support networks at home and at work can fulfil both obligations effectively. Therefore, companies should implement best practises which includes flexible work schedule alternatives, work from home possibilities, transportation facilities, creche at workplace etc. to not only accelerate hiring process of women but also to motivate them to march towards top management roles.

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