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# Rights Of Women At Workplace: A Critical Review

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## Abstract

The position of women has significantly changed since the world is changing quickly, particularly the status of working women because they are more aware of their legal rights and independent nowadays, women. Even though women's rights are protected by the constitution, many of them nevertheless experience different forms of harassment and discrimination, both at home and at work. This is due to their ignorance of the rules and protections offered to them under the Indian Constitution. To defend herself against harassment, discrimination, and exploitation, every woman, regardless of whether or not she works, has to have a fundamental understanding of her legal rights. India's GDP is on track to reach \$5 trillion, but there are still issues with women's role in the nation. The little involvement of women in the country's different political, economic, and professional spheres exposes the state of the nation.

**Keywords:** Rights of Women, Working Women, Equality, Indiscrimination, Harassment.

## Introduction

According to International Labor Organization, the work culture of women in India represents 50% of the population and 30% of the labour force, they performed 60% of all working hours and only receive 10% of world's income and owns less than one percent of world's property. With this evaluation, the condition of working women in India is clear that they are not given the same status and value which is provided to the working man of India. Even though contributing majorly, they are provided less for their contribution. There is a kind of thinking that women work only for economic independence or two fulfill their necessity, but there are many qualified women who has the sense of achievement and work to provide something to the society. A sense of sending women outside their homes to work was felt necessary when the family needed her support in income generation. Women started doing other jobs to earn basic income and with this sense the concept of justice, equality and liberty became more popular among the women. The status of women changed with the compulsion of education when compulsory education was given a constitutional position in India. Because of the Right to Education the presence of women can be seen in every field. Despite the fact that condition of women in today's globalized world has changed and improved, in India the sense of insecurity among women can be felt due to the

indiscrimination and exploitation faced by them at workplaces. Despite making various strict laws, the condition of women is still the same (Gupta, Jaiswal, 2016).

The workplace environment was never equal for when in women in India. Despite of having equal qualification, women workers in most of the organization are provided less remuneration than men. India is the lowest ranked gender disparity country where women has been discriminated for equal pay for equal work and qualification. There might be many reasons for this gender pay gap like preference of male employees for the job and promotion. Sometimes, parental duties also hinder the growth of women, and they face indiscrimination in various aspects and their workplace. Biggest problem or crime women face in their day today life is sexual harassment. Is the biggest struggle of their life whether they are at home or outside, whether they are at the workplace. Women don't feel safe at any of these places. When the working environment for the women is unsafe, it is very important for them to have the basic understanding of their rights at workplaces because it might happen that despite filing the case or complain there issue might not be readdressed (Fletcher, Pande, Moore, 2018 and Bhattacharyya, 2015).

As women face gender inequality and sexual harassment, it is very important to understand what gender inequality means. Inequality is a sense of something been unequal or uneven. Inequality occurs in various aspects of life like economy, society, race, gender etc. Gender equality means a situation like social, legal or cultural where sex or gender determines rights and dignity of men and women which reflex the unequal access given to one where other enjoys more power and dignity. Sexual harassment means and unwelcoming gesture or request for sexual fever, verbal or physical conduct which is sexual in nature or other behaviour with which reflects the sexual nature to offend or humiliate other person is referred as sexual harassment. To protect women from such inequality and sexual harassment various constitutional rights and legal rights has been provided. Constitutional rights are those rights that are given in the constitutional provision of India while the legal rights are those that are enacted within the parliamentary legislation and state legislations of the country (Jain, 2019 and Yaqoob, 2019).

## **Literature Review**

In a study, it was found that India where patriarchy is deeply rooted and it mainly inclined more towards man, the condition of women is unexpectedly unfavorable due to this indiscrimination. Men undermining capabilities of women and preventing them from holding the upper position makes the condition worst. It was also found that, to prevent women from excelling in the field sexual harassment is used as a tool. In India, women choose to remain silent when they face such type of sexual harassment. Sexual harassment at workplace violets the fundamental rights given to the citizen of India. Any act which highlights the assault of sexual harassments violets the very fundamental right provided by

the constitution of India. These fundamental rights seek to provide and safeguard the dignity of its citizens.

- Article 14 provides equality before law and equal protection of law.
- Article 15 prohibits discrimination on the grounds of sex age cast religion or creed.
- Article 19 provides right to practice any profession or to carry out any occupation trade or business and a right to a safe environment free from sexual harassment.
- Article 21 provides right to life and personal liberty it also includes like to life with dignity (Sehgal, 2020 and Michael, 2020).

In a study it was found that in India, the POSH Act, which was specifically created to safeguard women from all types of workplace sexual harassment, is widely used. Women of all ages who are sexually harassed at work, as clients, or as consumers are protected by the POSH Act. One need for eligibility for protection under the POSH statute is that harassment has to occur at work. Both organised and unorganised organisations are subject to the POSH legislation. It also applies to government agencies, businesses in the public or private sector, as well as clinics, schools for athletes, training facilities, and other home-based businesses. The POSH legislation also addresses the definition of an employee, which includes contract workers, permanent employees, temporary employees, volunteers, and anyone hired on a daily pay either directly or through an agency. It also includes express or implied interns and apprentices, whether they are engaged in paid or unpaid labour, volunteer work or other activities, and whether the rules of their employment are spelt out. The POSH legislation also defines workplace, which refers to locations employees visit while on the job, including any transportation supplied by the organisation. Women are prevented from achieving greater success in the workplaces where they are expected to work, learn, and grow. Numerous women experience sexual harassment in different ways. The Indian court system has put in place a number of legislations to shield and prevent women from sexual harassment, including the POSH statute, which was designed expressly to shield women from sexual harassment at work (Poonia, 2019).

In a study, it was found that there are various anti-discrimination laws established to prevent discrimination and violence against women. The first legal law to prevent discrimination on the ground of equal wages was the Equal Remuneration Act 1976. It is also known as ERA. The law states that male and female employees must be paid equally for similar work and while recruiting for the similar kind of work the recruitment process should be free from any kind of discrimination. Though employee if found discriminated cannot claim compensation under Equal Remuneration Act but can claim the amount of wages they are discriminated of. The other legal right of women is the Maternity Benefit Act 1961 which aims to provide maternity benefits to a pregnant woman. According to this act it is a legal right of a woman to get paid maternity leaves, she is prohibited from any kind of termination during her pregnancy and there is prohibition on deduction of any kind of wages. The Sexual

Harassment of Women At Workplace Prevention Prohibition And Redressal Act, 2013 was enacted to prevent women from atrocities in the form of sexual harassment. It is also known as POSH act which empowers victim to claim compensation. Despite enacting so many acts and legal obligations there is no umbrella legislation to prevent discrimination on workplace and to protect the victim. The biggest drawback is there is no general Anti-Discrimination Policy in India due to which discrimination lack any statutory meaning (Singh, 2016 and Dhawan, 2019).

Maternity benefits are crucial part of womens' life. Due to the importance of maternity benefits Maternity Benefits Act, 1961 was enacted on 12th December 1961. The act provides right to payment of maternity benefits, payment of maternity benefits in case of death of women, payment of medical bonus, leave for miscarriage, leave for illness due to pregnancy, delivery, premature birth of child, miscarriage, medical termination of pregnancy or others. Under this act, women is also provided with nursing breaks, no deduction of wage in certain cases etc. The women is provided with 12 weeks of maternity leave. Woman who qualifies for maternity leaves according to the conditions mentioned in Maternity Benefits Act, 1961 is entitled to receive maternity benefits for the period of actual absence. She is also provided with a job protection. The Maternity Benefits Amendment Act, 2017 was passed in Rajya Sabha which was applicable from 1<sup>st</sup> April 2017. According to this law the maternity leave was extended to 26 weeks. This amendment act provided enough time for self-recovery and better child care which could decrease the infant mortality rate in India. This act does not apply to adoption. The other benefits remain same as provided in the maternity benefit act 1961 (Madhekar, Khurana, Begawedi, Dhingra, 2020).

In a study it was found that sexual harassment is a social evil and is increasing day by day. The cases of sexual harassment and other form of discrimination are increasing at work places therefore there is a need of an effective mechanism that can halt the situation and reduce such incidences against women. Even after the years of implementation of POSH Act 2013, the cases of sexual harassment are still increasing and women are facing such kind of discrimination every day. The unfavourable treatment is not just unethical but also it is detrimental to women mentally and physically. There is an urgent need for a consolidated and comprehensive forum to address discrimination in the form of sexual harassment, gender pay or any (Dutta, 2017).

## **Methodology**

This study is descriptive in nature in which data is obtained from 180 respondents. In the above study only working women various profession has been covered. A checklist question was used to analyze and interpret the data. In a checklist question respondents choose "Yes" or "No" for all the questions

## **Table1 Rights of women at workplace**

Sl. No.	Rights of women at workplace	Yes	%Yes	No	%No	Total
1	Women in India fails to understand the definition of Sexual harassment	156	86.67	24	13.33	180
2	Organizations halts the participation of women in various field activities	149	82.78	31	17.22	180
3	Women fails to understand the truth behind the Maternity Benefits, Act 2013	152	84.44	28	15.56	180
4	Women fails to file the complaint against any kind of discrimination	167	92.78	13	7.22	180
5	Organization does not provide any security other than cab facility for night shifts	145	80.56	35	19.44	180
6	Women lacks awareness about the Equal Remuneration Act, 1976	168	93.33	12	6.67	180
7	India lacks comprehensive framework of anti-discrimination act	162	90.00	18	10.00	180
8	The various acts fail to empower women in every aspect	147	81.67	33	18.33	180

Table1 show that 93.33% respondents agree that Women lacks awareness about the Equal Remuneration Act, 1976, while 92.78% respondents agree that Women fails to file the complaint against any kind of discrimination. 90.00% respondents agree that India lacks comprehensive framework of anti-discrimination act, while 86.87% respondents agree that Women in India fails to understand the definition of Sexual harassment.84.44% respondents agree that Women fails to understand the truth behind the Maternity Benefits, Act 201, while 82.78% respondents agree that Organizations halts the participation of women in various field activities. 81.675 respondents agree that the various acts fail to empower women in every aspect while, 80.56% respondents agree that Organization does not provide any security other than cab facility for night shifts.

## Conclusion

In India, the working environment for women was never equitable. Despite having an equal level of education, women are often paid less than males in most organizations. India has the lowest percentage of countries with a gender pay gap where women face discrimination for seeking equal pay for equivalent work and qualifications. There may be a variety of causes for the gender wage difference, including a bias for hiring and promoting men. Sometimes, having children prevents women from growing, and they experience prejudice at work and

in other areas. The biggest issue or crime that affects women nowadays is sexual harassment. The biggest issue or crime that affects women nowadays is sexual harassment. Whether they are at home, on the go, or at work, this fight is the largest of their lives. At any of these locations, women don't feel secure. It is crucial for women to understand their rights at work when their working environment is hazardous since it is possible that even after making a claim or complaint, the problem may not be resolved. Sexual harassment is a social ill that's becoming worse every day. There is a need for an efficient process that can stop the situation and lessen incidents against women because there are more occurrences of sexual harassment and other forms of discrimination at work. Even after the POSH Act of 2013 has been in effect for several years, sexual harassment complaints continue to rise, and women continue to experience this type of discrimination daily. Not only is the treatment unfair, but it is also bad for women's physical and emotional health. To address discrimination in the form of sexual harassment, unequal pay for men and women, or any other, there is an urgent need for a comprehensive and integrated platform. For the maternity Benefits Act, it is a matter of question that how many women are willing to get the benefits associated with the act, because most of the women quit their job as soon as they realize about their pregnancy.

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