



An Analysis of the Provisions of Indian Labour Laws Pertaining to Women and their Implementation

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Abstract: The gender-specific provisions of Indian labour laws are examined in depth in this article, and the article also evaluates the degree to which these sections are effectively implemented in various sectors of the economy. A robust structure has been established in India with the purpose of advancing gender equality and protecting the rights of women in the workplace. There are statutes such as the Equal Remuneration Act and the Maternity Benefit Act, as well as more contemporary employment regulations, that are included in this framework. However, women continue to face significant impediments in the form of legal and institutional barriers. The study has shed light on a number of significant challenges, some of which include the absence of legislative protections for women who are employed in informal sectors, the slack enforcement of existing legislation, and the marginalisation of unpaid care employment. Additionally, the study investigates the effects of recent modifications to the labour code from the point of view of gender, notably focussing on how these modifications have an impact on wage equality, social security, and workplace safety inside the workplace. Through the use of legal texts, secondary data, and court precedents, the purpose of this research is to facilitate the creation of Indian labour laws that are more inclusive, effective, and attentive to the realities of women workers. In doing so, it draws attention to significant gaps between the policy purpose and actual practice and offers potential remedies.

Keywords: Women, Labour Laws, Provisions, Indian

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INTRODUCTION

There has been progress for women in India's employment, but they still encounter systematic discrimination in terms of access to opportunities and treatment on the job. There is still a large informal sector, gender inequality in the workplace, and wage differences affecting India's workforce. Despite constitutional guarantees of equality and several pieces of employment law meant to safeguard women's rights, many working women continue to face discrimination, marginalisation, and an absence of legal safeguards.

Many provisions in India's labour legislation are designed to ensure the safety and well-being of female employees. A few examples of such legislation include the Equal Remuneration Act, the Protection of Sexual Harassment from Workplace Act, and the Maternity Benefit Act. The recent unification of four codes is also an effort to streamline the structure of employment regulation. Each of these codes—Code of Social Security, Code of Industrial Relations, Code on Occupational Safety, Health, and Working Conditions—are meant to govern certain aspects of labour relations. However, many are worried that these rules won't be put into play, especially in the informal sector where most women work, and that gender-

sensitive safeguards would be lost.

This research examines the parts of Indian labour laws that pertain specifically to women within the larger framework of these laws. By doing so, it highlights the differences between the intention of legislation and its enforcement process by providing an examination of both the stated laws and their actual implementation. Issues with social security systems' limited reach, difficulties in enforcing compliance in the informal sector, and cultural and institutional barriers to effective protection are highlighted. Through the use of a gender-sensitive legal method, this research aims to assess the level of inclusivity in current frameworks and propose changes that would enable women in India to enjoy a more egalitarian workplace.

OBJECTIVES

1. To investigate the main clauses of Indian labour laws that particularly address the protection and rights of female employees.
2. To evaluate how well these regulations are being implemented, especially in the unorganised sector.

METHODOLOGY

This study takes a doctrinal and qualitative approach to the evaluation of women's rights in line with Indian labour laws. The evaluation is carried out in accordance with the Indian labour laws. It makes extensive use of primary and secondary sources, such as law, policy papers, court decisions, and the literature, among other things. The four integrated labour rules, the Maternity Benefit Act, and the Equal Remuneration Act are all included in the critical analysis that places a focus on the gender-based effects of these key pieces of legislation. The examination takes into account each and every one of these laws. For the purpose of doing a more in-depth study of the coverage and practical implementation of this regulations, especially with respect to the informal sector, the article also takes use of data from academic research, labour surveys, and government publications. This will allow for a more comprehensive examination of the situation. With the goal of identifying issues with enforcement, structural disparities, and legislative loopholes, a gender lens is used throughout the whole of the process.

RESULT

This method, which was both theoretical and qualitative, uncovered significant inconsistencies between the wording of laws safeguarding female workers and the regulations that were actually put into effect. According to the findings of the inquiry, a significant number of women, especially those working in the informal sector, are unable to reap the benefits of progressive laws like as the Maternity Benefit Act and the Equal Remuneration Act because of shortcomings in enforcement, a lack of knowledge, and structural obstacles. According to the findings of the analysis, the four merged labour standards routinely disregard gender-specific considerations and run the danger of weakening existing safeguards, despite the fact that they were created with the best of intentions. Documents from the government and publications from academic institutions demonstrate that women continue to face discrimination in areas such as social security, employment safety, and grievance systems. All things considered, the findings point to the need for more robust execution plans, more legal knowledge, and legislative changes that are pertinent to the employment of women in India.

MAPPING INDIAN WOMEN'S WORK

Labour legislation and national accounting systems sometimes omit women's labour due to gendered views. This devalues women's efforts. Women's employment is confusing since women may work many jobs or unpaid labour to survive. Women may switch employment seasonally, affecting accounting and labour law uniformity. Despite their limits, macro data sets have shown Indian women's labour patterns throughout the decades. Since the 1990s, women's employment has fallen. Liberalization-driven growth has caused unprecedented mass exodus of rural women from the labour force, highlighting gendered unemployment in agriculture. Feminist economists have found various factors of this troubling employment decline. These include a lack of decent jobs, a decrease in agricultural employment due to smaller farms and more mechanisation, a rise in girls' school enrolment, a shift from paid to unpaid work due to lack of basic amenities, and persistent issues with data sets undercounting women's work. Women's labour participation declined further to 16.5% nationally in the 2020–21 Periodic Labour Force Survey (PLFS), the lowest since independence. Rural women, particularly SC/ST labourers, are suffering from this decline. Mazumdar and Neetha (2020) report 17.5% rural women's PLFS 2020–21 labour force participation. It lost 25 million women workers during 2020–21 and 47 million between 2004–05. All socioeconomic categories except SC and ST have seen female employment decline. Women lost 10% of their jobs between 2020–21 and 2020-21. Women's labour force participation rates have consistently been greater than men's, including paid and unpaid work.

This shows how much women work and how informal care supports formal economy. Women work longer and more unpaid hours than males. The January–December 2019 pan-India Time Use Survey found that women spend 2.5 times as much time as men on unpaid work everyday and 3.5 times in urban regions. Double load and time poverty affect women's physical and mental health, says feminist study. Most women's paid job is insecure—92% are informal. A gender gap in occupational segregation exists because women dominate low-productivity sectors and manual jobs. Agriculture employed 73.2% of women in 2017, along with services, manufacturing, and construction. Service employed 60% of urban women in 2017, followed by manufacturing at 20%. Construction, trash picking, street selling, and cleaning are low-paying, precarious jobs for many women.

The National Sample Survey Employment and Unemployment Survey (NSS EUS) 2020–21 and the Public Land Force Survey (PLFS) 2021–22 show that casual workers have increased from 35 to 32% of rural women's workforces, while self-employed women still make up the majority (59 percent and 58 percent, respectively). Urban regions had a bigger growth in regular employees from 43% in 2020–21 to 52% in 2021–22, a fall in self-employed from 43% to 35%, and a somewhat stable increase in casual workers from 14% to 13%. These figures show that most rural women are self-employed (58 percent in 2021–22) and that unpaid family helpers make up 39% of the self-employed category. Second, feminist economists have demonstrated that although urban women's regular employment has been continuously growing for 30 years, this merely indicates they've found continuous job, not improved working circumstances. Alarming, males still make up 80% of regular, paid employment and women earn 50% of what men earn, especially in rural regions.

GAPS IN LABOUR LAW COVERAGE

Workers: Women Slipping Through Labour Law

Feminist research on employment regulation has revealed its sexism and claim that it covers wage work rather than home and community activities. Indian women support their families by doing both paid and unpaid jobs, which affects labour law rights. Law and policy attempts to promote "work-life balance" and "reconciliation of work and family responsibilities" have highlighted the interdependence of paid and unpaid labour and work and family. Unfortunately, 92% of working women are informal workers without legal protections. Lack of legal protection characterises their work's informality. Multiple factors are involved. Starting with "standard employment relationship," most labour laws safeguard full-time, employer-employee ties.

Worker rights legislation have not effectively addressed "self-employed" or "disguised, ambiguous or not clearly defined" workers since the "employeremployee" category does not include them. Most Indian women workers are self-employed or work infrequently, making it difficult to identify a distinct employer-employee relationship, even for domestic workers. The International Labour Organisation estimated 11.4% of informal Indian women workers are employed. 62.4% of women in formal employment are employees, many as account workers. The employment and employer-employee connection, the size of the "establishment," its industry, the income level of its workers, and their kind of worker all determine whether labour regulations apply. Few laws fully address women's rights to social security and working conditions in the informal sector. Legal protections for informal workers include women.

Job type and gendered labour definitions limit these norms. Unions and labour rights groups have long sought these measures. The 1976 Acts on Equal Remuneration and Minimum Wages, 1976 Act on Abolition of Bonded Labour System, and 1979 Act on Regulation of Employment and Conditions of Service for Inter-State Migrant Workers are examples. Examples include 1926 trade union law, 2008 unorganised worker social security, and 2013 sexual harassment of women law (not in the reform). Most working women are unprotected or weakly protected by labour laws. This causes daily economic instability and precarity, including employment insecurity, salaries, and representation, poor working conditions, irregular schedules, and restricted access to flexible social security benefits like maternity and childcare.

Unpaid Care Work and Labour Laws

Feminists want a "universal carer model" to change work relations and make work-life balance the norm due to women's disproportionate unpaid labour. They also want "caring rights for workers" promoted. India supports legal protection for workers' right to care for themselves and their families and a social policy guaranteeing paid parental leave and other social security benefits, however maternity benefits are priority. The National Commission on Self-Employed Women and Women in the Informal Sector advocated a centrally controlled employer contribution plan for informal sector maternity benefits in 2019. The study recommended that the state give maternity benefits and childcare to all women when the employer contribution system fails, stressing women's unpaid labour. Childcare and maternity benefits are essential to Indian labour law for unpaid caregiving. This is limited to the organised sector by the Maternity Benefits Act 1961, Employees State Insurance Act (ESI Act) 1948, Factories Act 1948, Plantation Labour Act 1951, Mines Act 1952, Beedi and Cigar Workers' Act 1966, Contract Labour Act (Regulation and Abolition Act) 1970, Inter-state Migrant Workers (Regulation of Employment and Conditions of Work)

Act 1980,

Childcare for informal sector rural women is the goal of the 2019 Unorganised Workers' Social Security Act and 2020 NREGA. The former requires the government to provide social security maternity benefits to these moms. Federal and state programs substantially fund informal sector women's childcare and maternity benefits. Integrated Child Development Service (ICDS) overlooks women's unpaid employment, and PMMVY combines the Janani Suraksha Yojana (JSY) and the Indira Gandhi Matritva Sahayog Yojana (IGMSY), a partial salary compensation plan. The 2021 National Food Security Act (NFSA) legalised mother entitlement, launching the program. Feminists have utilised energy and water government programs to reduce, redistribute, and consider women's unpaid labour, maternity benefits, and childcare.

Issues with the Implementation of Labour Laws

Even within its authority, labour law's handling of women's work presents difficulties beyond discrimination. By establishing minimum rates for female-performed jobs, the Equal Remuneration Act of 1976 and the Minimum Rates Act of 1948 promoted gendered occupational segregation and undervalued women's work. Feminist academics have demonstrated how minimum wage announcements designate domestic work unskilled and segregate it by caste and gender. The minimum wage announcements also ignore the challenges of determining minimum working hours and rest breaks for "part-time workers" and whether time-rated or piece-rated pay is preferable. Insufficient infrastructure, methods, and resources are used to fulfil legal rights like child care and maternity benefits, casting doubt on their efficacy. The National Rural Employment Guarantee Act (NREGA)'s childcare facilities, the Unorganised Workers' Social Security Act of 2008's funding distributions, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013's coverage gaps for informal women workers are examples of poor implementation.

LEGAL PROTECTIONS FOR WOMEN WORKERS

Expanding Legal Protections for Women Workers

Legislation to include more informal workers and creative legal strategies to enforce women's employment claims have been promoted by academics and non-governmental organisations that support women's rights in the workplace. Because of the typical labour relationship, informal female workers have been theoretically excluded from labour laws. Numerous women engaged in informal employment "are neither truly selfemployed, in the sense of entrepreneurs who can develop their own independent markets, nor truly wage employed, in the sense that they fall under a clear employer-employee relationship," according to Sankaran and Madhav (2019). Sankaran (n.d.) enquires as to whether these women workers fall within the legal definition of employees or disguised wage labourers covered by labour laws. Women in five occupational groups—household workers, fish workers, forest workers, home-based workers, street sellers, and garbage pickers—were able to utilise the more general definition of "workers" to collect social security from their clients, according to Sankaran and Madhav (2020).

A higher support price for their commodities or a system of a cess to pay their welfare benefits from businesses and organisations who purchase their products are two examples of their advantages. The National Commission on Employment and Urban Strategies' (NCEUS) recommendations to broaden the

definition of "worker" to include non-wage earners and establish a more inclusive social security system that enhances access to credit and other resources in order to stimulate economic growth have been expanded upon by feminists. Workers in woods, fisheries, and rubbish must also interact with other legal frameworks, such as those governing cities, forests, and coastlines, in order to defend their right to sustenance. Since their arguments are founded on worker collectivisation, Sankaran and Madhav (2020) also call for collective bargaining reform in labour legislation, and the 2014 Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act guarantees the right to livelihood for non-traditional labourers. They think that more workers than simply corporations should be allowed to use this to negotiate with the governments, localities, and legislators that have an impact on their lives.

Childcare and Maternity Benefits in Social Security

A state-provided basic security system with partial or full contributory systems was proposed by the SNCL, who acknowledged social security as a fundamental human right. In order to accomplish its goals, the proposal suggested implementing a nationwide social security scheme. To address changing demographics, the SNCL proposed a four-tiered social security system rather than a single program. In order to oversee the development, implementation, and assessment of the policy, it suggested establishing an administration. Carer and maternity benefit plans were among the many varied social security initiatives put forward by the Commission. In their view, women in the informal economy "absolutely needed a separate legislation for providing maternity benefits" and they aimed to provide all women with income-based maternity rights. For the first three months after giving birth, this would pay for the creche and nursing expenses. Maternity payments were capped at two children since the government actively discouraged having more than that. A "multi-dimensional mechanism" for childcare was championed by the Commission, which included labour laws and initiatives such as Integrated Child Development Services (ICDS). The Commission recommended gender-neutral labour laws that mandate daycares for all businesses with 20 or more employees, irrespective of gender or the number of female or male employees.

The Commission advised firms to combine to create and run creches in places where none could afford to do so. Local tripartite bodies or panchayats might run childcare facilities if employing units contributed enough. Policy-wise, the Commission advised fixing the ICDS's implementation challenges and increasing its coverage to under-3s. In 2019, the Ministry of Labour and Employment enacted the Unorganised Sector Workers Bill to address the SNCL's long findings. In 2020, this measure was updated to control unorganised sector workers' employment and working circumstances and improve their health, safety, social security, and welfare. The Draft Bill covered paid and self-employed workers from all sectors. The coverage plan only covered scheduled workers. We all know that the NDA implemented the SNCL's labour law reform recommendations after regaining power, even if the Bill was slow to move. The proposed Codes have incorporated many of the SNCL's suggestions, but there have been a few slip-ups, most notably the suggestion that the unorganised sector should have its own umbrella law, which would have far-reaching effects on the application of labour laws to informal workers, including women. The NCEUS's informal sector employment law reform proposals are reviewed before analysing the Codes.

Minimum Wages and Equal Remuneration

The Commission advocated a national minimum wage, a piece-rate payment system, and the abolition of

employment notice in schedules when addressing minimum wages. These adjustments were made to establish minimum rates independent of employer-employee relationship. The Commission recommended setting minimum wages based on what the worker and "his" family need, in addition to the Supreme Court's Raptakos Brett & Co. ruling. It stipulated that the responsible authority should examine the industry's financial capacity before fixing the minimum pay. The Commission recommended anti-discrimination measures in wage legislation for equal pay for equal work. At least one of the amalgamated legislation should incorporate the Equal Remuneration Act's key non-salary provisions. These guidelines prohibit gender discrimination in hiring, training, transfers, and promotions. The Commission ignored many additional study group proposals, such as increasing its scope to include units based on profession, industry, and geography or strengthening the Equal Remuneration Act Committee.

Non-Discrimination in Employment

The Code prohibits gender discrimination in pay, hiring, and working conditions. This is good since the previous Bill simply banned pay discrimination and tried to incorporate the Equal Remuneration Act. The phrase includes gender, which means transgender employees cannot be discriminated against, following the Supreme Court's National Legal Services Authority v. Union of India judgement. Despite mentioning the Code's relevance to transgender persons, its applicability is unclear. The Code failed to include a non-discrimination section for caste, religion, handicap, sexual orientation minority status, and other groups that face employment prejudice. This would have more inclusively addressed substantive equality for everybody in the Code. Unfortunately, this opportunity to offer non-discrimination in employment conceptual and legal weight was a big setback for women's and minorities' workplace equality. The Code's criterion for gender discrimination in wages—"same work or work of similar nature done by any employee"—has failed to address women workers' occupational segregation and low wages. Feminists also propose "work of equal value," which would "permit disparate jobs to be assessed and evaluated for the value they add to the production process even if they are different from jobs performed by another person." When the Code omitted international principles, another opportunity was missed to end systematic, long-term employment discrimination against women. The National Platform for Domestic Workers, the Working People's Charter, and others have noted that the Code has been changed, watering down or eliminating elements that encourage non-discrimination and equal opportunity. Even with the Code, women on advisory boards have declined from 50% (under the Equal Remuneration Act) to 33%.

LABOUR CODE REFORMS: A GENDER-BASED ANALYSIS

Since economic liberalisation, businesses and employer associations have advocated for permissive labour market rules to make business easier, create employment, and stimulate the economy. Streamlining employment laws is part of this. Labour rights groups and unions have also advocated workplace regulation improvements, but they want to protect all workers, not just the few currently protected. Many government-established Commissions, like the SNCL and NCEUS, have supported labour law reform over two decades. Other commissions and committees have made various labour law reform and simplification proposals, but the proposed labour Codes are SNCL-based. The following sections swiftly discuss major aspects from the SNCL study to contextualise the Codes' recommendations. The report briefly reviews the NCEUS's labour law reform suggestions for the informal sector and women's labour to contrast. This,

together with an awareness of how labour laws affect women's employment, creates a labour rights framework for analysing the Codes' suggested amendments.

Analysing the Codes from a Gender Lens

Occupational Safety and Health Codes in September 2020, Industrial Relations Code in August 2019, and the Wages Code in August 2019, all of which followed a contentious time during the previous government's term when the four Bills were in different phases of development and consultation. After regaining power, the NDA government approved all four codes. In 2020, there were many draft codes produced by the government. In July, there was the Code on Wages (Central) Rules 2020. In October and November, there were codes on industrial relations, social security, occupational health and safety, and 17 working conditions. The "simplification and consolidation" of labour standards was met with opposition by unions and other workers' rights organisations, leading to the passage of these measures. To demand the abolition of "anti-worker" policies, 250 million workers throughout the country went on strike on November 26, 2020. To ensure that the rights of both formal and informal workers were protected, the Parliamentary Standing Committee on Labour, which examined the Bills before to their enactment, made substantial amendments. Terminology such as "employee," "worker," "employer," "industry," "establishment," etc., have their definitions standardised from the 18-previous legislative framework in order to streamline and simplify the Codes. The impact of this consolidation drive on female employees and informal labourers, however, remains uncertain.

Despite major flaws in the methods, earlier Codes attempted to apply three of the four Codes to informal/unorganized work. Presently, the Codes obfuscate this effort. To what extent the Code on Wages applies to women who labour in the informal economy for pay is debatable (more on this below). When contrasted with the prior legislation's minimal and inconsistent protections for domestic workers, this is a significant setback. The SNCL's call for laws that acknowledge member-based groups was disregarded in cases where the Codes pertain to women who labour in informal employment. This is included in the trade union chapter of the Industrial Relations Code. A significant departure from previous Code iterations that aimed for the "progressive universalisation of social security," which resulted in several issues with social security delivery, is the desire to assist the unorganised sector in obtaining social security benefits. The Code on Occupational Safety and Health and Working Conditions does not provide any assistance to women who work in informal employment. A number of parallels exist between the Codes. The government may now prescribe several laws via regulations instead of Codes thanks to delegated legislation. Workplace safety and working conditions, minimum and floor wages, the age at which various social security programs become effective, and the power to increase the age at which businesses are required to obtain approval before laying off employees are all part of this.

The government should clarify confusing phrasing in the Social Security Bill, such as "as may be specified," "as may be prescribed," "as may be framed," etc., according to the Parliamentary Standing Committee on Labour (2020). The Codes still permit them. According to attorney Arvind Abraham, the executive branch might misuse its ruling authority if lawmakers do not monitor delegated laws. A new kind of inspector-cum-facilitator was established by the Codes. This person educates businesses and employees on how to comply with the Codes and also performs inspections in accordance with government

standards. The administration seems to have caved to union demands with this proposal. The term "facilitator" was substituted for "inspector" in reference to the Minimum Wages Act in the 2015 Code on Wages Bill. It is important to put the modifications to the Codes' inspection system in the perspective of labour governance reforms, which have reduced the government's regulatory role and made random and web-based inspections less of a responsibility. Because the Codes enable violations to be repeated, they reduce the responsibility of employers. Penalties such as fines or a year in prison might be enhanced in accordance with the Social Security and Codes on Industrial Relations. Workers and labour unions, particularly in the informal economy, face significant challenges as a result of these restrictions, asserts the National Platform for Domestic Workers. Legislation with adequately deterrent punishments is necessary to prevent anti-union prejudice and unfair labour practices such as wage denial and sexual harassment. We look at all the new modifications that each code brings.

Wage Code

Payment of Bonus Act 1965, Equal Remuneration Act 1976, Payment of Wages Act 1936, Minimum Wages Act 1948, and the Code on Wages 2019 integrate and update these acts to address wages, bonuses, and associated matters. Agricultural labourers, domestic workers, dhaba workers, chowkidars, and all 500 million workers will profit from the Code, according to Labour Minister Santosh Kumar Gangwar, who proposed it in the Lok Sabha. A prior iteration of the measure maintained the same level of application and said that the Code would guarantee minimum salaries for all employees, prompt payment for all employees irrespective of industry, and an absence of salary caps. More paid workers, especially informal female workers like domestic workers, should be included by the Code's expansion to encompass all employer-employee connections without a barrier. This is an encouraging development. There are a number of arguments that suggest the Code does not cover enough ground. With the exception of anti-discrimination provisions and boards established under the Act, the Code does not include women employees or those working in informal or unorganised sectors.

This is in contrast to the Code on Social Security, which specifies an employee and makes direct reference to unorganised workers, including domestic workers, as paid workers. Workers and employees are defined differently under the Code on Wages, as pointed out by Mazumdar and Neetha (2020). First, the practice of using establishment and industry to protect domestic workers from labour laws; second, the difficulty labour law has in consistently regulating families; and third, the industry, commerce, company, production, or vocation itself. Agricultural holdings and homes are not included in the draft Code's precise definition of establishment, according to the Ministry of Labour and Employment's (MoLE) testimony to the Parliamentary Standing Committee on Labour on the Social Security Bill. This haziness is worrisome since some states have just granted minimum wage rights to domestic workers. Also, women who work from home are not protected by the Code. This does not apply to "honorary and scheme workers" such as those employed by ASHA or anganwadi, who are not technically employees but are entitled to all employment benefits, including a minimum wage. Since the Code does not address the needs of apprentices, who are known as "sumangali workers," it is possible that they will not be eligible for minimum wage benefits. The vagueness and lack of application deal a heavy blow to the long-fought recognition of women as workers and their right to minimum wage that many informal workers have been seeking for years. This goes backwards following the Minimum Wages Act of 1948's gradual improvement.

1. Minimum Wage and National Floor Rates and Their Determinants

Many firms were denied admission due to the elimination of the schedule of employment in the Code. This was especially true for industries that employ women, such as domestic work. The Code's effort to establish a nationwide floor wage, below which no state government may set the minimum wage, is another noteworthy aspect. The poor design of this has also been criticised. This provision of the Code is qualified if it permits the government to establish different national minimum wages for different areas. A national floor wage was first proposed in 1991 by the National Commission on Rural Labour and has since been reiterated by the SNCL (2002) and the NCEUS (2007). The relevant government may use the Code to set minimum wages for various types of workers according to certain criteria. Still, the regulations aren't site-specific, so they don't address things like temperature and humidity on the job or potential dangers in the workplace (s 5). For example, compared to men's labour, women's work has traditionally been seen as more physically demanding and requiring less competence. Decisions by the Supreme Court, such as *Hydro (Engineers) P. Ltd. v. Workmen* (1969 AIR 182) and *Workmen*, are disregarded by the Code's wage resolution provisions. Standing as an advocate for Secretary in *Raptakos Brett v. Management* (1992 AIR 504). Minimum wages should be determined by needs rather than money, according to long-standing legal precedence in these cases. All of these things should be considered, including but not limited to: housing, food, healthcare, education, transportation, entertainment, and retirement funds. Governments should take gendered labour standards into account when determining compensation, in addition to the Supreme Court's minimum wage ruling. Given the prevalence of gender-based occupational segregation and the disproportionate representation of women in low-skilled occupations (such as paid domestic help and home-based labour), this is not going to be an easy task. Raising the minimum wage is a necessary step in breaking the "sticky floor" for women in the workforce.

Code on Social Security, 2020

1. Benefits from Social Security, including maternity benefits

Benefits listed in Schedule 1 of the Code are, as previously stated, subject to application depending on a number of factors. Contributions to the State Insurance and Gratuity are mandatory for businesses with ten or more workers, while contributions to the workers' Provident Fund are mandatory for businesses with twenty or more employees. Chapter VI of the Code, which consolidates the Maternity Benefits Act 1961, specifies that only businesses with ten or more workers are eligible for maternity benefits. Many initiatives are available to help the most vulnerable workers, who are mostly women and employed in the informal economy and unorganised labour. so is impossible to guarantee that migrant workers are registered and covered by all schemes since there is no portability mechanism. The appropriate authorities can do so, but they aren't obligated to. Additionally, migrant workers' coverage is not guaranteed when they travel between states. We also have no idea what kinds of services are available via each plan, whether or not any credentials are necessary, or even what those prerequisites may be. Life, disability, health, maternity, old age, and education are all responsibilities that the Code expressly assigns to the federal government. On the other hand, the government takes care of things like housing, education for children, burial assistance, provident funds, workplace accident compensation, housing, and workers' skill improvements. When it comes to social security, unorganised workers have little recourse. The problematic Chapter VI of

the Code, which only applies to the organised sector, persists despite the extensive discussion around the modified Maternity Benefits Act 1961 (updated in 2019). An chance to resolve some of these concerns was missed by the government. The Code specifies that the 26-week maternity benefit extension is available only to women who are expecting their first or second child. Pregnant women, including those who have been adopted or who are commissioned mothers, were formerly barred from receiving maternity benefits for up to twelve weeks under the Maternity Benefits Act. Proposals for conditional maternity assistance have faced moral, justice, and health-related criticisms. The Code does not provide a system for maternity benefits, as has been the case with previous unorganised worker programs. According to Mazumdar and Neetha, there are no standards for deciding whether employees in the unorganised sector should get twelve or twenty-six weeks of paid maternity leave. Given that the Mahatma Gandhi National Rural Employment Guarantee Scheme only covers 22 days of compensation rates in Haryana and 35 days in Bihar, this is of special relevance under the Pradhan Mantri Matru Vandana Yojana.

2. The Code's Registration Process

Enrolment in social security benefits is mandatory for all employees according to the Code. Everyone on the job, whether organised or not, has to do their part. The worker must meet the federal standards for registration, self-declaration, and age (16 or older). The Code suggests that the relevant government establish a facilitation facility, hotline, or toll-free contact centre to assist unorganised workers in enrolling in the programs. In order to apply, she must provide her Aadhaar number, as mandated by the Code. It could be a violation of the Supreme Court's ruling in Justice K.S. Puttaswamy (Retd) v Union Of India Supreme Court, Writ Petition (Civil) 494 of 2012, September 26, 2018, if Aadhaar is required for registration in order to get social security benefits that are not paid for by the Consolidated Fund of India. The processes of registering and obtaining identification documents are intricate and extensive. It is more difficult for residents and workers to keep track of all the registrations and identification papers needed to access entitlements countrywide due to the fact that they are transferable. For the sake of portability, the Parliamentary Standing Committee on Labour recommended that the Code provide uniform registration and compliance requirements as well as comparable "minimum mandatory entitlements" for construction and unorganised workers in all states. No action has been taken on these twenty-four proposals.

Code for Health, Safety, and Working Conditions at Work

Health and safety in the workplace, working conditions, employee welfare, vacation time, and hours worked are all covered under the thirteen fundamental labour regulations that comprise the Code on Occupational Safety, Health, and Working Conditions (OSH) 2020. Job conditions, contract employment, interstate migrant workers, plantations, port workers, building and construction, and mining are all addressed in the thirteen labour statutes that make up the Code. The Code's effort to harmonise several laws with different intentions shows how difficult it is to modify the law. It deals with regulations pertaining to contract workers and interstate migrants as well as dangers, working conditions, and occupational health and safety in specialised sectors. Women working in the informal economy are mostly unprotected by the Code. An organisation must employ ten or more people in order for the Code to be applicable (s 2(u)). Businesses that employ 50 or more contract workers or more than 10 interstate migrants are subject to the Code. However, the definition of an interstate migrant has been expanded to

include those who voluntarily relocate to another state in order to take a job with a different firm. The question of whether the Code applies to migrant workers and contract workers is brought up. Put simply, the Code's regulations for health and working conditions do not apply to informal female workers. This includes provisions such as providing clean drinking water, sufficient ventilation, lighting, and an on-site restroom; compensatory time off, paid holidays and extra; paid annual leave; creches; and so on.

1. Risks and Illnesses during Work in the Informal Sector

When it comes to the unorganised sector in particular, worker safety has been a policy hot potato for a long time, yet the Code pays little attention to that. Workplace Safety and Health Policy of the Nation; Occupational Safety and Health Working Group Report for the Twelfth Five Year Plan; and Recommendations from the National Advisory Council on Workplace Safety and Health in India. Unorganised sector workers have unique obstacles, according to a recent report by the Directorate General Factory Advice Service, which is part of the Ministry of Labour and Employment. These issues include insufficient working conditions, hazardous working circumstances, and a lack of understanding about occupational health and safety. Every one of these departments is impacted by this cross-departmental problem: Agriculture, Chemicals and Fertilisers, Health and Family Welfare, Transportation and Shipping, and Urban and Rural Development. The topic of occupational health and safety for unorganised workers, such as those in agriculture, domestic services, and street vending, will be discussed and resolved by a task force. In order to propose new or altered rules, this task force may examine the agricultural and unorganised sectors, as stated in the report.

Due to a lack of comprehensive data and some exploratory studies, we know very little about the risks and illnesses faced by employees in the informal sector. "It is hard to plan for the well-being of workers" as a result "the absence of specialised data and adequate information on the magnitude and nature of OHS," the AC asserts. Research has shown that the mining, construction, and stone-crushing industries have high rates of injuries, pneumoconiosis, silicosis, and other illnesses. Farm equipment, chemical agents, weather, animal assaults, snake bites, and other disasters are common in the agricultural sector, where the majority of women labour. Serious occupational disorders such as asbestosis, silicosis, lead poisoning, and others may be caused by chemical exposure. Worker exposure to a variety of diseases, including respiratory infections, gastrointestinal issues, worms, and more, has been shown in epidemiological studies pertaining to waste management. Back, leg, shoulder, neck, and eye pain are common complaints among home-based workers, according to studies. Embroiderers and textile workers are especially affected by this. Both sexes have musculoskeletal ailments when working with fish, however women tend to experience greater back and neck issues. The Code disregarded the importance of ensuring a safe workplace for women.

2. Omission of the Sexual Harassment Act

The Domestic Workers' Rights Act of 2013 addresses the prevention, prohibition, and redressal of sexual harassment of women in the workplace. The expansion of the definition of "workplace" to include residential areas has also changed our perception of these businesses. There is no indication that this legislation has been included in the Code on Occupational Safety and Health and Working Conditions or the Code on Industrial Relations, two sets of updated labour regulations. The elimination of the labour law framework, according to feminist scholars, demonstrates the Act's challenges in adoption as it governs

women's working conditions. The denial of benefits to several women and the gender gap in employment legislation have been worsened by this. The Act does not apply to all women workers, especially informal ones, due to the ambiguity of the labour law system. It is difficult to put the Act into action due to a lack of communication and hierarchy. The Act may be enforced by collectors and district magistrates. On the other hand, employment laws are examined by the Ministry of Employment and Employment, while the Act is implemented by the Ministry of Women and Child Development.

CONCLUSION

Although several provisions have been introduced to Indian labour laws in order to promote gender equality and protect women workers, there are still significant challenges that must be overcome before these policies can be properly implemented. A number of issues, including the absence of enforcement mechanisms, the lack of awareness that women have about their rights, and the marginalisation of workers in the informal sector, continue to contribute to the persistence of prejudice and insecurity in the places of employment. A strategy that is more gender-sensitive is required in order to fully meet the diverse needs of women who are employed, despite the fact that the most recent amendments to labour legislation have been made with the purpose of improving things. For the purpose of making labour laws more inclusive and effective, it is vital to improve legal coverage, guarantee that enforcement is rigorous, and acknowledge the labour that is performed without compensation. The mismatch between the legal rights of working women in India and the reality that they experience in their lives has to be addressed via a strategy that is both inclusive and multi-level.

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