

## Rights of women in the workplace – laws every Indian employer should know

The world celebrated International Women's Day last month and it was heartening to see organisations, both large and small, take steps to understand and #embraceequity. That being said, employers often use the month to celebrate their female workforce but leave much to be desired in the steps that they take for accelerating gender parity at the workplace. The World Economic Forum, in its Global Gender Gap Report, 2022, ranked India at 135 out of 146 countries in terms of gender gap, and noted that gender parity is not recovering and that it would take another 132 years to close the global gender gap.

While gender inequality can be attributed to several systemic socio-economic, and political causes, organisations and employers have great potential in driving change and bridging the gap. A first step would be for employers to understand and comply with the laws applicable to women at the workplace. In this this article, we aim to provide a quick overview of employment related rights available to women employed by private sector organisations in India.

***Constitutionally guaranteed rights:*** The Constitution of India, considered the supreme law of the land, itself guarantees every person equality before the law and prohibits discrimination against any citizen based on sex. The Constitution also guarantees to citizens of India, the right to practise any profession, or to carry on any occupation, trade or business.

***Right to equal remuneration and opportunities:*** The Equal Remuneration Act, 1976, provides for equal remuneration of men and women workers for work of the same and similar nature. The statute also prohibits discrimination of women workers in recruitment, promotions, training and other employment conditions. Employers are required to maintain records and registers related to compliance and make them available for inspection by relevant authorities.

***Right to harassment free work environment:*** The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was introduced to provide a safe working environment for women at the workplace, whether or not employees. In addition to taking steps to prevent workplace sexual harassment, an employer is required to set up an internal committee to receive and redress sexual harassment complaints in a time bound and confidential manner. Employers are also mandated to carry out regular training for the employees on the subject.

***Maternity benefit and protection of employment:*** The Maternity Benefit Act, 1961 entitles eligible women employees to up to twenty-six weeks of paid maternity leave, which makes it one of the most generous maternity benefit laws in the world. This legislation also allows twelve weeks of paid maternity leave to surrogate mothers and to women who adopt a child below three months of age. Additionally, women employees are eligible to paid leave in case of illness arising out of pregnancy or delivery, premature birth, miscarriage, and medical termination of pregnancy. Further, the statute includes protections for women on maternity leave from termination of employment and prejudicial changes to their conditions of employment. Employers are also required to provide benefits enabling women to return to work after the maternity break, such as, providing creche facilities, and nursing breaks. Employers may also allow the women employees to work from home post the period of maternity benefit if the nature of work is such that she may work from home. The Employees' State Insurance Act, 1948, also provides benefits to insured women employees, including medical care, sickness benefits, maternity benefits and disablement benefits.

**Health and safety:** The Factories Act, 1948, mandates employers to take necessary health, safety and welfare measures for women employees. These include providing separate washrooms, changing rooms and lockers for women employees, and following special security and other protocols to engage female employees during night-time hours. State-specific shops and commercial establishments also stipulate similar obligations on employers. For example, the Government of Haryana has laid down detailed guidelines for the employment of women in night shifts in certain classes of establishments, including provision of transportation and medical facilities.

**Mandatory board representation:** The Companies Act, 2013, requires certain classes of companies to have at least one woman director on its board. This is to ensure that women are represented at the highest levels of decision-making in a company.

In conclusion, it is the responsibility of every employer to ensure that women are given their due rights in the workplace. By being aware of and adhering to the requirements of various labour and employment legislations, employers can foster a positive workplace that values gender equality and diversity. This, in turn, can contribute to higher employee satisfaction, retention, and productivity. Employers must also look beyond the requirements of the legislation and adopt measures to accelerate equity in the workplace.

In recent years, companies in India have been increasingly taking steps towards building policies that go beyond what is prescribed under the law. One of the more significant developments in this regard has been the introduction of paid menstrual leave. Companies are also beginning to build policies that recognize the unique needs of their employees, especially when it comes to issues such as care giving responsibilities, fertility treatments, and flexible working. While knowing and adhering to the laws is an essential first step towards parity at the workplace, it is imperative for organisations to work towards building a culture of inclusion, create a forum and framework for open conversations and effective grievance redressal.

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