

Breaking Barriers, Ensuring Safety: Protecting Women Workers Under Indian Labour Law

Sneha Ganesh Mhatre
St. Wilfreds' College of Law, Panvel

Abstract— Women are crucial to the economic and social advancement of India. They are involved in numerous fields, such as agriculture, manufacturing, education, healthcare, construction, information technology, domestic services, and the gig economy. Nonetheless, female workers encounter various obstacles, including gender bias, unequal pay, sexual harassment, hazardous working environments, insufficient maternity support, and restricted access to social security benefits.

The Constitution of India ensures that women are treated with equality, respect, and have access to equal opportunities. Several labor laws have been established to safeguard women's employment rights and enhance the conditions in which they work. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, along with the four Labour Codes, introduced essential protections concerning wages, industrial relations, social security, and workplace safety. The four Labour Codes became effective on November 21, 2025, representing a significant advancement in the framework of labor laws in India.

Legal provisions by themselves are insufficient to ensure adequate protection for women workers, as various challenges hinder their effectiveness. These include weak enforcement of laws, lack of awareness among workers about their rights, underreporting of violations, the prevalence of informal employment, and limited access to channels for lodging complaints. This paper examines existing safeguards, analyzes relevant judicial decisions, highlights ongoing challenges, and offers recommendations for reforms aimed at creating a safer and more inclusive working environment for women.

Index Terms— Women Workers, Indian Labour Law, Gender Equality, Equal Wages, Social Security, Workplace Safety, Sexual Harassment, Maternity Benefits.

I. INTRODUCTION

Women's involvement in India's workforce plays a crucial role in driving economic growth and fostering social progress across various sectors, including manufacturing, corporate offices, and agriculture. Their participation not only contributes to increased productivity but also promotes diversity and innovation within workplaces. Despite these benefits, women face numerous challenges that restrict their full engagement, such as discrimination, wage disparities, workplace harassment, unsafe transportation options, and inadequate support systems. Addressing these barriers is essential to ensure equal opportunities, empower women, and sustain inclusive development in the country.

Women engaged in informal employment frequently do not have formal contracts, consistent wages, paid leave, or access to grievance procedures. This lack of protections makes it difficult for them to claim their rights, particularly in sectors such as domestic work, agriculture, and gig economy jobs.

The Indian Constitution and legal framework are designed to protect women workers' rights by promoting equality, ensuring safety in the workplace, providing maternity benefits, and offering comprehensive protection against discrimination and exploitation.

In November 2025, the four Labour Codes consolidate Indian labor laws, creating a unified framework that governs wages, industrial relations, social security, and safety standards across the country.

Research Methodology

This legal research relies primarily on foundational sources such as the Constitution, statutes, and judicial decisions to establish a solid legal framework. These primary sources are complemented by secondary

materials, including legal commentaries and scholarly articles, which help deepen understanding. The focus is on analysing specific statutory provisions and examining how they are practically applied in real-world situations.

II. HISTORICAL DEVELOPMENT OF WOMEN'S LABOUR RIGHTS IN INDIA

Women were employed in mining, plantations, textile mills, agriculture, and other labour-intensive businesses during British administration. Long hours, low pay, dangerous working conditions, and no legal protection were commonplace for women.

Certain limitations and safeguards on labor conditions and hours were implemented by early factory legislation. However, complete equality between male and female employees was not established by these efforts.

Legislation pertaining to the welfare, health, and safety of female workers became more and more necessary as industrial employment grew.

The Indian Constitution enshrined social justice and equality as cornerstones of government following independence.

Articles 14, 15, 16, 21, 39, and 42 became crucial constitutional pillars for safeguarding women in the workplace.

After that, the government passed laws pertaining to factory safety, equal pay, maternity benefits, and other issues pertaining to work.

The Equal Remuneration Act of 1976 addressed discrimination in compensation and hiring, while the pregnancy Benefit Act of 1961 offered job protection connected to pregnancy.

The Supreme Court's ruling in *Vishaka v. State of Rajasthan* (1997) was a significant advancement.

The Court developed standards for preventing and dealing with workplace sexual harassment, recognizing it as a violation of basic rights.

Until Parliament passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, these rules continued to be crucial.

In order to combine and update a number of central labor regulations, India implemented four primary labor codes:

1. The Code on Wages, 2019.
2. The Industrial Relations Code, 2020.

3. The Code on Social Security, 2020.

4. The Occupational Safety, Health and Working Conditions Code, 2020.

On November 21, 2025, the four codes went into force.

III. DEFINITIONS

Gender Discrimination

Unfair treatment based on sex or gender in areas including hiring, compensation, advancement, training, working conditions, or termination of employment is referred to as gender discrimination.

Paying a woman less than a guy, for instance

The goal of these reforms is to improve protections for wages, employment relations, social security, and working conditions while streamlining labour regulations. However, enforcement and the creation of suitable administrative procedures are necessary for their efficacy.

Sexual Harassment

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013's Section 2(n) defines sexual harassment as any unwanted sexual acts or behaviour, whether explicit or implicit.

Unwanted physical contact, requests for sexual favours, sexually suggestive comments, and the presentation of pornography are a few examples. The legislative term may also apply to other unwanted sexual behaviour that is verbal, physical, or nonverbal.

Workplace Safety

Workplace safety refers to the precautions needed to shield employees from risks related to their jobs, such as violence, harassment, occupational disease, and physical harm.

It covers safe equipment, hygienic practices, sufficient illumination, emergency protocols, and suitable accommodations for women who work at night.

Maternity Benefit

Maternity benefits are legally granted financial and employment-related benefits related to pregnancy, childbirth, and certain related situations.

According to the relevant provisions of the Code on Social Security, 2020, eligible women may obtain maternity benefits, leave, and other protections.

Unorganised Women Workers

Women who work in jobs that may be sporadic, informal, or not adequately covered by traditional employment arrangements are considered unorganised women workers.

Domestic workers, agricultural labourers, home-based workers, and some independent contractors are a few examples.

The applicable schemes, coverage limitations, and pertinent statutory definitions determine their eligibility for specific benefits.

Constitutional Provisions

Article 14 — Equality Before Law

Equal protection under the law and equality before the law are guaranteed under Article 14. When regulating employment and safeguarding employees, the State must uphold constitutional equality.

Article 15 — Prohibition of Discrimination

The State is not allowed to discriminate on certain grounds, including sex, according to Article 15. Special provisions for women and children are allowed under Article 15(3).

Article 16 — Equality of Opportunity in Public Employment

Equal opportunity in subjects pertaining to public employment is guaranteed under Article 16. It shields women against illegal discrimination in hiring and employment in the public sector.

Article 21 — Right to Life and Personal Liberty

Life and individual freedom are safeguarded by Article 21. The significance of bodily integrity, dignity, and the prerequisites for a meaningful life have all been acknowledged by judicial interpretation.

Therefore, a workplace that allows sexual harassment may give rise to significant constitutional issues.

Article 39(d) — Equal Pay for Equal Work

The State is required by Article 39(d), a Directive Principle of State Policy, to guarantee equitable compensation for equal labour for both men and women.

Article 39(e) — Protection of Workers' Health

The State is required by Article 39(e) to protect workers' health and strength, both male and female, and to prevent individuals from being forced into unsuitable employment due to economic need.

Article 42 — Humane Working Conditions and Maternity Relief

The State is required by Article 42 to provide for maternity assistance and fair and decent working conditions.

Article 51A(e) — Fundamental Duty

Citizens are required by Article 51A(e) to abstain from actions that diminish the dignity of women.

When taken as a whole, these clauses provide a crucial constitutional basis for worker welfare, workplace dignity, and gender equality.

Code on Wages, 2019

Important regulations pertaining to minimum wages, wage payment, bonuses, and fair compensation are consolidated in the Code on Wages, 2019.

Gender discrimination in compensation for comparable or identical employment is forbidden by Section 3. Subject to the legislative restrictions, it also deals with gender discrimination in hiring for such jobs.

The Code is significant since a key element of women's empowerment is economic freedom.

However, efficient wage inspections, easily accessible complaint mechanisms, and open pay practices are necessary to maintain formal equality in legislation.

Code on Social Security, 2020

Maternity benefits, employee-related social insurance, and provident fund safeguards are among the social security elements that are consolidated in the Code on Social Security, 2020.

Protections for maternity payments, eligibility, and some associated entitlements are provided by its maternity benefit chapter.

A framework for social security programs for unorganized workers and specific types of gig and platform workers is also provided under the Code.

Women whose employment arrangements do not often provide them access to typical workplace perks are especially affected by these restrictions.

However, a worker's real benefits are contingent upon statutory eligibility, relevant schemes, and implementation arrangements.

Occupational Safety, Health and Working Conditions Code, 2020

Occupational safety, health, and working conditions are covered under the Occupational Safety, Health, and Working Conditions Code, 2020.

Its rules are to workplace amenities, employer obligations, and the control of women's employment. As long as they provide their permission and the necessary safety precautions are met, women can work in all kinds of enterprises including at night.

This strategy acknowledges that women should be able to work without needlessly being barred from certain professions.

Employers must simultaneously take the necessary steps to guaranty safe working conditions and adhere to the relevant regulatory obligations.

Sexual Harassment of Women at Workplace Act, 2013
A key piece of legislation addressing sexual harassment of women at work is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Among its principal provisions are:

- Section 2(n): Definition of sexual harassment.
- Section 2(o): Definition of workplace.
- Section 4: Constitution of the Internal Committee.
- Section 6: Constitution of the Local Committee.
- Section 9: Complaint of sexual harassment.
- Section 11: Inquiry into the complaint.
- Section 16: Prohibition on publication of specified complaint-related information.
- Section 19: Duties of the employer.

Industrial Relations Code, 2020

The 2020 Industrial Relations Code unifies laws pertaining to labor unions, job conditions, and labor disputes.

Its paradigm is pertinent to workplace conflict resolution, collective representation, and employment security, even if it is not just focused on female employees.

Without prejudice or intimidation, female employees should be free to actively engage in trade unions and workplace decision-making.

International Labour Standards

The evolution of women's employment rights is also influenced by international labor norms.

Among the crucial tools are:

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) mandates actions to end discrimination against women, particularly in the workplace.

Convention No. 100 of the International Labor Organization addresses paying men and women equally for labor of comparable worth.

Convention No. 111 of the International Labor Organization addresses discrimination in the workplace.

Convention No. 190 of the International Labor Organization addresses harassment and violence in the workplace.

These tools offer helpful global benchmarks for assessing country labor laws. Their specific domestic legal impact is determined by the relevant constitutional and statutory framework as well as India's treaty obligations.

IV. MAIN BODY

One essential component of a just employment system is gender equality.

In terms of hiring, training, advancement, compensation, and professional growth, women need to have equal chances.

Employers may discriminate against women if they believe they are less competent of doing specific tasks or are less dedicated due to family obligations.

These presumptions could impede women from moving up into leadership roles or higher-paying professions.

A legal protection against gender discrimination in pay and hiring for the same or comparable employment is provided under the Code on Wages, 2019.

However, hurdles to advancement, unequal access to training, and occupational segregation can all contribute to wage disparities.

Maternity Benefits and Employment Security

Pregnancy and delivery shouldn't be grounds for illegal discrimination or job termination.

Women are able to continue their careers, take care of their children, and preserve their health thanks to maternity protection.

Maternity benefit provisions are incorporated into the 2020 Code on Social Security.

Maternity payments and other specific benefits are available to qualified women.

For qualifying mothers with fewer than two surviving children, maternity benefits are typically available for up to 26 weeks under the statutory system. In specific

situations, such as with particular adoptive and commissioning moms, other rules apply.

The relevant provisions determine the eligibility requirements and the type of reward.

For women working informally or without a steady job, there is still a big obstacle. They might not be able to use paid time off or other benefits.

Workplace Safety and Women's Employment at Night Healthcare, manufacturing, hospitality, transportation, and information technology are among the areas where women are increasingly employed beyond regular business hours.

While working at night might increase job prospects, it can also raise issues with transportation, loneliness, harassment, and emergency support.

According to the Occupational Safety, Health and Working Conditions Code, 2020, women may work at night and in any kind of establishment as long as they provide their agreement and adhere to certain safety regulations.

Safe transportation, sufficient lighting, emergency communication, security plans, and efficient complaint processes are examples of appropriate precautions.

Employers have to evaluate the hazards connected to certain jobs and workplaces.

Prevention of Sexual Harassment at the Workplace

One of the biggest obstacles to women working is sexual harassment.

It can happen at workplaces such as offices, industries, schools, hospitals, hotels, and construction sites.

Fear of reprisals, job loss, reputational harm, or lack of trust in the complaint process might make women reluctant to report harassment.

A legal framework for prevention, prohibition, and reparation is established under the POSH Act, 2013.

Employers are responsible for workplace prevention, committee formation, awareness, and managing complaints.

Nevertheless, the presence of an internal committee does not ensure that it operates autonomously or efficiently.

Women may have more trouble finding an appropriate complaint procedure in smaller organizations and informal employment.

Protection of Women in the Unorganised Sector

Many women are employed in home-based production, construction, domestic service, agriculture, and other unorganized jobs.

Although their labor is economically useful, their employment may be sporadic and their benefits may be restricted.

Some women might not have access to written contracts, pay records, paid time off, or efficient channels for filing complaints.

The 2020 Code on Social Security establishes a framework for certain social security programs and acknowledges unorganized labor. Additionally, it acknowledges platform and gig workers under its legal framework.

However, legal recognition does not guarantee that every employee will get every advantage.

The relevant scheme, eligibility conditions, registration requirements, and execution all affect access.

Work-Life Balance and Care Responsibilities

Social expectations about childcare, housework, and family care are frequently placed on women.

These obligations may have an impact on access to professional training, working hours, and career progression.

Workplace childcare services and maternity benefits can support women in keeping their jobs.

Crèche facilities must be provided in compliance with the legislation by qualifying enterprises that employ the required number of employees under the appropriate maternity benefit scheme.

When appropriate, flexible work schedules may help individuals balance their obligations to their families and their careers.

But caregiving obligations shouldn't be used as an excuse to deny women leadership or advancement chances.

Emerging Challenges in Digital and Platform Employment

Women now have more options to make money through online freelancing, delivery services, transportation services, and other platform-based employment thanks to the expansion of digital platforms.

Although these agreements could provide flexibility, they may also include inconsistent pay, algorithmic

management, harassment of customers, and ambiguity about job status.

When visiting clients or traveling to new places, women using internet platforms may also worry about their safety.

A legal framework that recognizes gig and platform workers and permits some social security programs is provided under the Code on Social Security, 2020.

However, each individual worker's level of protection is contingent upon the applicable legislative laws and implemented programs.

V. CASE LAWS

Vishaka v. State of Rajasthan (1997)

Citation: 6 SCC 241 (1997).

Facts: Bhanwari Devi, a social worker in Rajasthan, was gang-raped in this case, which brought attention to the lack of a sufficient legal framework to stop sexual harassment at work.

The Supreme Court ruled that sexual harassment in the workplace was a violation of basic rights, such as the right to equality and a dignified existence. The Court established the Vishaka Guidelines for preventing and dealing with sexual harassment in the absence of particular law.

Legal Principle: Employers must safeguard women's fundamental rights and stop sexual harassment in the workplace.

The ruling laid the groundwork for the POSH Act of 2013 to be passed.

Municipal Corporation of Delhi v. Female Workers (Muster Roll) (2000)

Citation: 3 SCC 224 (2000).

Facts: Maternity benefits for women working on a daily-wage or muster-roll basis were at issue.

Conclusion: The Supreme Court rejected an overly restrictive strategy that would deny maternity benefits to female muster-roll workers, acknowledging the significance of maternity protection for women workers.

Legal Principle: Social fairness and decent working conditions depend heavily on maternity protection.

The ruling supports a welfare-oriented interpretation of maternity provisions and is important for women in temporary work.

Air India v. Nergesh Meerza (1981)

Citation: (1981) 4 SCC 335.

Facts: The lawsuit contested employment service requirements placed on air hostesses, including requirements related to pregnancy, marriage, and age.

Conclusion: Using the principles of constitutional equality, the Supreme Court considered the contested service conditions. It demonstrated the need of checking employment regulations for arbitrariness and prejudice by invalidating certain undesirable sections while upholding others.

Legal Principle: Constitutional obligations, such as equality and non-arbitrariness, must be taken into consideration while evaluating employment circumstances that impact women.

Although its particular rulings must be interpreted in light of their historical and legal context, the case is still pertinent to conversations about gender discrimination and unequal service conditions.

Anuj Garg v. Hotel Association of India (2008)

Citation: (2008) 3 SCC 1.

Facts: The lawsuit contested a law prohibiting women from working in specific venues that provided alcohol.

Conclusion: The Supreme Court rejected the notion that women should not be allowed to work only because the State thought such jobs would be dangerous. Substantial equality and the necessity of addressing hazards through suitable protective measures rather than discriminatory exclusion were highlighted by the Court.

Legal Principle: Rather than perpetuating prejudices, protective laws should empower women and advance equal opportunity.

The ruling is extremely pertinent to the idea that workplace safety should support women's employment rather than unduly restrict it.

VI. CHALLENGES IN IMPLEMENTING WOMEN'S LABOUR RIGHTS

Absence of Knowledge

Many female employees are ignorant of their social security benefits, maternity rights, complaint procedures, and legal rights.

Inadequate Enforcement

To make sure that employers fulfill their legal responsibilities, inspections, investigations, and compliance monitoring might not be enough.

Fear of Retaliation

Because they fear being fired, being isolated at work, or having their professional reputation damaged, women may choose not to report harassment or discrimination.

Insufficient Institutional Capability

Certain businesses might not have accessible complaint processes or members of Internal Committees with sufficient training.

New Forms of Employment

Work that is digitally controlled and platform-based raises issues with social protection, job status, safety, and accountability.

VII. SUGGESTIONS

Prevent Retaliation Against Complainants

Women who report sexual harassment or discrimination at work should be protected from illegal retribution by appropriate procedures.

Boost Legal Rights Awareness

Awareness campaigns outlining women's workplace rights and appropriate remedies should be organized by employers, trade unions, educational institutions, and governmental organizations.

Make Sure POSH Committees Work

When mandated by law, employers should establish internal committees and make sure their members obtain the necessary training.

Women who are unable to approach an Internal Committee within the legislative structure should have access to Local Committees.

Encourage Fair Compensation and Open Hiring

Employers should employ objective standards for hiring, compensation, evaluation, and advancement. Pay structures and wage records should be kept up to date as mandated by law.

Increase Access to Social Security and Maternity Benefits

To enable qualified women to get their social security and maternity benefits, authorities should enhance awareness, registration, and benefit-delivery mechanisms.

Women who work in informal and unstable jobs should receive special attention.

Expand Childcare Access

Employers should take into account appropriate childcare solutions that enable workers to continue working and adhere to any applicable childcare regulations.

Promote the Representation of Women

Workplace committees, trade unions, grievance procedures, and management should all provide significant chances for women to engage.

Their involvement can guaranty that employment regulations accurately represent real-world job realities.

Boost Research and Data Gathering

Government organizations should provide trustworthy, suitably broken-down data about social security access, women's employment, labor law compliance, and workplace grievances.

Such data may be used to find gaps and enhance public policies.

Evaluate the Success of Labor Reforms

To ascertain if the four Labor Codes' provisions are enhancing women's safety, salaries, maternity protection, and access to social security, their implementation should be routinely assessed.

Evidence, discussions with female employees, and the real-world experiences of businesses and law enforcement should all serve as the foundation for reform.

VIII. CONCLUSION

In order to achieve equality, social justice, and sustainable economic growth in India, women workers must be protected. Despite the fact that women make a substantial economic contribution to the nation, many of them still experience discrimination at work, sexual harassment, hazardous working conditions, uneven pay, and insufficient social security.

Women's employment rights and dignity are strongly protected under the Indian Constitution. An essential foundation for controlling salaries, employment relations, social security, and working conditions is established by the Code on WAGES, 2019; the Code on Social Security, 2020; the Industrial Relations Code, 2020; and the Occupational Safety, Health, and Working Conditions Code, 2020. A particular method for stopping and dealing with sexual harassment is provided under the POSH Act, 2013.

The legal concepts guiding workplace dignity, maternity protection, and substantive equality have been shaped by court rulings including *Vishaka v. State of Rajasthan*, *Municipal Corporation of Delhi v. Female Workers (Muster Roll)*, and *Anuj Garg v. Hotel Association of India*.

Therefore, India has to bolster enforcement, raise legal knowledge, encourage open employment practices, guaranty efficient complaint procedures, and increase social security access.

In order to break down barriers, women must be able to work securely, be treated fairly, exercise their rights, and progress with dignity in addition to being able to enter the workforce. Employers, families, and society at large all gain from a workplace that upholds women's equality and safety.

The ultimate goal of Indian labor legislation should be to provide a workplace where all women may engage in economic life without facing prejudice, harassment, or preventable instability.

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