

STUDY OF LEGAL PROVISIONS FOR WOMEN AT WORKPLACE IN INDIA

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ABSTRACT

The presence of women in the workforce is crucial for economic development and societal progress. Recognizing the need to create a conducive and equitable work environment for women, India has implemented various legal provisions aimed at safeguarding their rights in the workplace. This research paper aims to provide a comprehensive analysis of the legal framework in India concerning women's rights at the workplace, exploring the evolution, effectiveness, and challenges associated with these provisions.

Keywords: Legal Provisions, Women, Workplace in India.

INTRODUCTION

In India, the legal framework for women at the workplace is designed to ensure gender equality, prevent discrimination, and promote a safe and conducive working environment. Over the years, several laws and regulations have been enacted to safeguard the rights and interests of women in the professional sphere. These legal provisions aim to address issues such as equal opportunities, prevention of sexual harassment, maternity benefits, and overall workplace safety.

Ensuring safe working conditions for women has been widely recognised as having a significant beneficial effect on their employment participation and productivity, ultimately benefiting the whole country. From an economic standpoint, the nation's comprehensive progress relies on the empowerment of women. However, this can only be accomplished by guaranteeing a safe and secure work environment for women in all sectors and regions of the country. It is crucial to prioritise preventive over punitive measures. This necessitates the dissemination of comprehensive knowledge about the Act among employers, managers, and the workers themselves.

Oftentimes, female employees may encounter instances of sexual harassment without realising that it is a violation of their rights and that there are actionable steps they may take to address it. It is important for them to understand that they can take action in response to the situation. Alternatively, some individuals may hold the belief that it is a private issue that should be settled by the parties directly concerned. To alter the current situation, it is necessary to implement measures aimed at transforming mindsets and attitudes. This may be

achieved by raising awareness on the definition of sexual harassment and the appropriate actions that can be taken to combat it.

WORKPLACE SEXUAL HARASSMENT

The Act acknowledges that every woman, regardless of her age or job or labour status, has the right to a safe and secure working environment in the workplace. As a result, the Act safeguards the right of any woman who is employed or visits any workplace, regardless of whether she is employed on a permanent, temporary, ad hoc, or daily salary basis. It encompasses all women, regardless of whether they are employed directly or indirectly via an agency, including a contractor, and whether or not the major employer is aware of their employment. There is a possibility that they are working for compensation, either on a voluntary basis or elsewhere. It is possible for their employment conditions to be either stated or inferred. In addition, she could be referred to as a coworker, a contract worker, a probationer, a trainee, an apprentice, or any other term that is often used in this context. Another person who is protected by the Act is a woman who is employed in a dwelling place or residence.

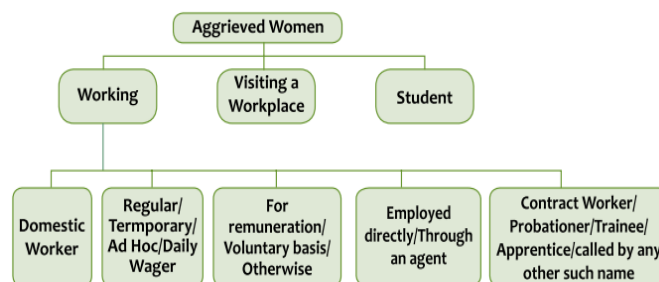


Figure 1.1

A workplace is defined as "any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey." Working conditions might be described as "any place visited by the employee." According to this definition, a workplace encompasses both the structured and the unorganised categories of work environments. Moreover, it encompasses all workplaces, regardless of whether they are owned by an Indian or a foreign corporation and have a location of employment in India.

LITERATURE REVIEW

Bhattacharya, Ce Dr Sumanta & Sachdev, Bhavneet (2021) In India, women make up half of the population, and the development and empowerment of women is the cornerstone of India's efforts to improve its economy. The yearly growth rate of India's GDP might increase from 1.5% to 9% if fifty percent of the country's women actively participate in the labor force.

Pandya, Foram & Bharad, Bhavesh (2020) It was in the year 2018 that the #MeToo campaign began to gain traction in India. To preventing sexual assault and harassment of women, a worldwide campaign was launched. Women from all around the globe came forward and revealed their experiences of being abused by men in positions of authority at some point in their lives. These women came forward and published their tales online. The Me Too movement was considered as a movement that was inspired by the worldwide fight against sexual harassment of women in the workplace.

Jan, Salfia & Kumar, Anil (2019) Given the current dynamic society, in which women, who make up half of the world's population, are entering the workforce with greater access to education and job opportunities, the old parameters of "division of labor" are being altered, and women are now able to enter the workforce in the same way that men do. Considering that women are relatively new to this environment, they are subjected to a variety of responses that are a direct result of the fact that the opposite gender is already dominant in the office. One of these reactions is the sexual harassment that women experience daily in the workplace.

RESEARCH METHODOLOGY

The importance of methodology is crucial in the realm of research. In the methodology section, a researcher provides a detailed account of the methodologies and procedures used in performing

the study. It pertains to the excessively rational approach to problem-solving. The choice of methodology and approach for the research study is contingent upon the nature and extent of the issue. The objective of this research was to examine the correlation between personal values, workplace exploitation, and work-life balance among female professionals in Northern India. The objective is to compare the personal values of women professionals in Northern India who are engaged in teaching, engineering, medical, and legal professions. The primary objective of this research was to investigate the occurrence of workplace exploitation and the level of work-life balance among female professionals in Northern India, namely in the fields of education, engineering, medicine, and law.

RESULT AND DISCUSSION

In order to mitigate workplace exploitation, input was sought from female professionals and specialists. Undoubtedly, both men and women experience workplace exploitation, however, women are more susceptible to such circumstances due to their perception as the more vulnerable segment of society. The Constitution of India acknowledges the vulnerability of women in terms of their social, emotional, and physical strength compared to males. Thus, in order to prevent the exploitation of women in the workplace, certain recommendations should be implemented.

1. Women in Indian society are often not seen as equal to males. The mentality manifests itself from the very foundation of the family unit. Consequently, the birth of a female child is often scorned in the majority of households. As they mature, they are maintained inside a protective habitat. Wherein, they are unable to fully develop their individuality. To address this deficiency, it is necessary to provide a nurturing atmosphere for women where they do not see themselves as inferior to male family members and, therefore, to society as a whole.
2. Women should get education that strengthens their inner self and equips them with the courage to confront societal difficulties.
3. Women should be educated from an early age to speak out against injustice and have a positive attitude even in difficult circumstances.
4. It is imperative that self-defense lessons be made mandatory for ladies in order to enhance their confidence and physical strength.

5. Furthermore, achieving gender equality necessitates a shift in the societal attitudes. When a woman displays extreme self-confidence, society tends to view her with distrust. Furthermore, if any wrong is inflicted against her, she is often held more accountable for it.
 6. In order to maintain order in society and ensure the safety of women, a nation need stringent laws and their rigorous enforcement.
 7. In addition to legislative formulations, the executive and judiciary also have important roles.
 8. It is imperative that all government, semi-government, and commercial entities actively participate in the rigorous enforcement of these laws.
 9. The Vishakha Guidelines were established by the Supreme Court of India in the case of Vishakha and others against State of Rajasthan in 1997. These guidelines specifically address the issue of sexual harassment in the workplace. The standards include the establishment of an Internal Complaints Committee at each office, as well as Local Complaints Committees at the district level. However, it is often observed that these committees are just symbolic and are only activated when a significant issue arises, at which point they begin to investigate the topic.
 10. Employers must diligently and expeditiously address all instances of such exploitation.
 11. Furthermore, it has been shown that when laws are established, their effective enforcement is hindered due to societal unawareness.
 12. To address the issue of insufficient awareness, it is recommended that the departments provide seminars and conferences to educate all employees on these rules.
 13. It is necessary to regularly provide official correspondence about these rules to all departments. The department in question should provide written confirmation that it has informed its personnel about these laws, rules, and regulations.
1. Employers may significantly contribute to assisting their workers in achieving work-life balance via the implementation of organizational policies.
 2. Employers have the ability to provide trainings, goal-oriented programs, and seminars that instruct their workers on how to maintain a healthy work-life balance.
 3. During the first stage, these steps may seem to need additional expenses. However, in the pursuit of ambitious goals, such spending shows to be a substantial investment for the company. When individuals are trained to achieve this equilibrium, it enhances their productivity and capacity to make greater contributions to the development of their organization.
 4. The employer's manner of interaction and good demeanor also have a significant impact as they alleviate the employee from external concerns when they are present in the office and engaged in their task. It improves workers' loyalty, morale, team spirit, and motivation to achieve at a higher level. He may dedicate his whole and highly concentrated efforts to his responsibilities.
 5. Ultimately, the employer benefits from the flexibility of time, as the employee who works extra hours receives compensated time off. This allows the employee to fulfill their family responsibilities and positively impacts the work-life balance for both the employer and employee.
 6. Employers have the option to provide additional recreational and financial rewards to workers, allowing them to spend holidays with their families. They may also provide maternity or paternity leave to foster a sense of connection with the workplace.
 7. Work-life balance really emerges when workers are dedicated to their work and experience job happiness. Whether an employee works diligently or engages in trivial arguments depends entirely on their state of mind.
 8. The use of strict discipline, rules, and regulations may have some influence, but ultimately, efficiency, a feeling of belonging, enthusiasm for work, personal interest, and initiative are the key components. The aptness ultimately relies on the employee's attitude and actions. He is the cornerstone upon which the whole framework of work-life balance relies.
 9. Personal issues, family tragedies, negative employer behavior, and an unpleasant office

MEASURES TO MAINTAIN WORK LIFE BALANCE OF WOMEN PROFESSIONALS

The findings of this research contribute to the examination of work-life balance among female professionals in Northern India. This section of the research aims to identify effective strategies that workers may use to maintain a healthy work-life

environment can significantly undermine an employee's morale and motivation. However, it is essential for employees to demonstrate dedication to their work and consistently strive to overcome stress. The principle of "work is worship" should be adhered to regardless of any difficulties.

LEGAL PROVISIONS FOR PREVENTION AND PROHIBITION OF SEXUAL HARASSMENT AT WORKPLACE

It is a legal right of women to have a safe workplace, which is properly drawn from the Constitution of India, which is inscribed in the very preamble. This is because the Constitution requires that equality of status and opportunity be ensured for all inhabitants of India. It is not only the beginning of a new age that will secure the rights and privileges of women in the workplace, but the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has also redefined the dignity and respect for the gender that is pledged by the constitution of India. This clause not only satisfies India's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but it also symbolizes the completion of the drive towards effective legislation and safer working conditions for women. This is a reflection

of the consistent labor, unrelenting efforts, and exercises that have been put in by a variety of groups and people with a civic spirit. It is a step in the correct direction toward the acknowledgment of women's fundamental rights as human rights, as outlined in the Vienna Accord of 1994 and the Beijing World Conference of 1995. It is widely acknowledged that sexual harassment is a serious breach of women's rights and inherent dignity. The notion of patriarchy and the liberal acceptance of males being superior to women are the origins of this phenomenon. Additionally, in order to maintain that it is appropriate to allege violence against women, since sexual harassment in the workplace is one of the most severe forms of harassment, this phenomenon has its roots in patriarchy.

CONCLUSION

Summarizing key findings, the research underscores the need for a continually evolving legal framework to address the exploitation of women in the workplace effectively. The paper concludes by emphasizing the importance of collective efforts from legislators, employers, and society at large to create a conducive environment for women to thrive professionally without fear of exploitation.

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