
WORKING WOMEN OF INDIA

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INTRODUCTION

Even today, in the liberal and democratic age of equal rights and equal opportunity, the women of India continue to fight to achieve equal opportunity, not only in terms of a societal standing but also in the field of work and employment. The working sector of our country is still struggling to give the women opportunities that are equal to men. On international measures of gender equality, India scores low on women's overall health and survival and ability to access economic opportunities.¹ The economic engagement of women is related to her and her family's well being. A continuous decline in the participation of women in economic activities, especially in the labour force, is a cause for great concern as it reflects deterioration in the well being of women.

The World Bank quoted "no country can develop and achieve its full potential if half of its population is locked in non-remunerative, less productive and non-economic activities." This immensely powerful statement denotes that it is impossible for a country to prosper without its female population. It was observed in a report by McKinsey Global Institute that if women and men participated in the Indian economy at equal levels, annual GDP of India could increase by 60 per cent its projected GDP by 2025.

Considering the fact that the education of young women is now almost at par with men's, it would be ignorant to overlook that half of that educated population is not participating in any economic activity. Thus, it shows that India is somewhere lacking in providing women with the opportunity they need to be able to partake in the economy. These conclusions show that mere education is not enough upliftment. The women of this country need more.

Women in India make up only 24 per cent of the paid labour force as compared to the global average which stands at 40 per cent. The reasons behind this could be plenty but the solution lies in policy decisions made by the state. For instance, the recent amendment in the Maternity Benefit Act, 1961, has made workplaces more female friendly by adding provisions that further

¹ Rohoni Pande, The budget relegated women's economic participation to secondary importance The Indian Express (2021), <https://indianexpress.com/article/opinion/columns/women-work-gender-equality-india-6266947/>.

aid mothers. Steps like this one will encourage more women to participate on par with men in the labour force the number will eventually increase. Moreover, providing women with these benefits is not only essential for the economy but is also their right.

PROBLEMS FOR WOMEN IN THE WORKFORCE

India is a vast country with a rapidly increasing population. A great chunk of this population are people who constitute the work force. According to the data available, in the year 2020, there were around 501 million workers in India. This means that India has the second largest workforce in the world after China. By the year 2050, this number is expected to increase over 800 million. If circumstances remain the same, more than 800 million people will be a part of the working population of the country.

India is a growing economy. The GDP is increasing, Gender parity is reducing as we see that the literacy rate among women is increasing, more women are becoming empowered, they are taking autonomy of their own body which is a factor reflected in the dropping fertility rates. On a global level, India is receiving recognition as a powerful country, its diplomatic ties are getting stronger and the overall development of the nation, when looked at from a distance, is on the rise.

However, upon looking closely, one must realise that this growth and development is not at all inclusive in nature. Many social groups have been left behind by our country in this race of moving forward and competing with other global powers. One such key demographic that has been left behind in the process of India's development is its women.

Women make up more than 48% of the country's population. That is almost half of the people living in this country. However, despite the growth of the Indian economy, as of 2020, less than one quarter of women, approximately 20%, aged 15 and older participated in the labour force.² This is drastically low as compared to the male population engaged in labour activities that account for about 76% of the labour force.

The reasons for this difference are various. Women work less in India due to the cultural and social norms surrounding the idea of women working, the disparity in education and lower literacy rates among women, the notion that women's primary role is to focus on domestic affairs, the gender wage gap and the unsuitable working conditions for women and most

² World Bank Group, "Labour Force Participation Rate, Female (% of Female Population Ages 15+) (Modeled ILO Estimate) – India," *The World Bank Databank* (2020).

workplaces as most workplaces are male centric and do not keep in mind factors like building a safe work environment for women, developing safety policies, keeping flexible work offerings etc. The Covid-19 pandemic made matters worse and pushed women ever far behind in their climb to development and gender equality.

Despite India's quick growth, the problem of unemployment remained a huge barrier to its development. Women have faced the wrath of India's unemployment crises in the worst sense. Most women of the country have remained unemployed. The world Bank estimates that 75% of working age women in India do not have paid work and most of them are not even looking for it. The society is restrictive and resources and opportunities available to women are scarce. Only 59% of women have access to mobile phones, with an abysmally low internet penetration rate of 19%, and only 35% of women actively use their bank accounts, further limiting their opportunities.³ The Lockdown due to the Covid-19 pandemic made the unemployment crises of India reach new lows and caused job stagnation and reduction in job opportunities for women. As per the report given by Bain and Company, women were already the worst hit by the unemployment crises and now the situation has been aggravated.

More women entering the labour force is not only beneficial for women but also for the entire economy of the country. Women's socioeconomic role in the country remains unrecognised and the calibre and capabilities remain untapped. Half the population not actively participating in economic activities while being capable of it is a huge hindrance to India's development. According to a report, if women's labour participation increases by 10 percentage points, \$770 billion could be added to India's GDP by 2025.⁴ This only goes onto show that the development is the development of India. India in 2020 ranked 149th out of 153 countries on the Global Gender Gap index provided by the World Economic Forum. In the last 15 years, India has fallen 39 places on this index ranking it below all its other South Asian neighbours including lesser developed ones like Pakistan and Afghanistan.

The Problem is Catastrophic and seems to be only getting worse.

³Bain & Company, Bain.com: *Powering the economy with women* (2021), https://www.bain.com/contentassets/dd3604b612d84aa48a0b120f0b589532/report_powering_the_economy_wit_h_her_-_women_entrepreneurship_in-india.pdf.

⁴ Jonathan Woetzel, Anu Madgavkar, Kevin Sneader, Oliver Tonby, Diaan-Yi Lin, John Lydon, Sha Sha, Mekala Krishnan, Kweilin Ellingrud, and Michael Gubieski, *The Power of Parity: Advancing Women's Equality in Asia Pacific* (McKinsey Global Institute, April 23, 2018): p. 99.

MATERNITY BENEFIT (AMENDMENT) ACT, 2017

The Maternity Benefit (Amendment) Act, 2017, is an amendment to the Maternity Benefit Act, 1961. This Act protects the employment of women during their maternity and entitles them to a 'maternity benefit'. This benefit is essentially paid absence from work which is given to her to take care of her child. All establishments with 10 or more employees are subject to this act. There are a few key amendments that have altered the act in the Maternity Benefit Amendment Act, 2017.

Firstly, the act has provided an increased paid maternity leave. The paid maternity leaves which earlier was 12 weeks has now been increased in duration to 26 weeks by the maternity benefit amendment act, 2017. Under the act, this benefit of paid leave can be availed by the employee for a period extending up to 8 weeks before the expected date of delivery and the remaining leaves can be availed after childbirth. However, this does not apply for women who have 2 or more surviving children. For those women, their period of paid leave shall remain 12 weeks in which 6 weeks can be taken off before the delivery and 6 weeks can be taken off after. This amendment has proven to be of great help for working women who decide to conceive. The extension of a paid leave after the childbirth is an essential requirement as the women needs time to recover from the delivery. Moreover, this step has given women more time to spend with their new-born while they are young, and it has also made it easier for them to take care of their health post delivery without worrying about work. Such steps will encourage more and more women to step into the world of work, employment, and labour.

Secondly, the act now provides maternity leave for Adoptive and commissioning mothers. The term "commissioning mother" has been defined as a biological mother who has used her egg to create an embryo that is planted in another woman. This Amendment has ruled that women who become mothers by adopting children or even those who become commissioning mothers are entitled to a Maternity leave. Although the leave given is only of 12 weeks and one condition is that the adopted child must be below the age of three months. This ensures that even those mothers who do not give birth to their children biologically are provided with the time that they need to spend with their new-born babies.

Third, the Maternity Benefit Amendment Act has introduced another really important provision which allows women to 'work from home'. This provision can be exercised by women after the 26 weeklong leave expires. Women may choose to work from home from where they can contribute to the economy as well as look after her young child. However, this can only be

exercised on terms that are mutually agreed with the employer and provided that the nature of her works permits it.

Lastly, the act makes it mandatory for every establishment employing 50 or more employees to incorporate a Creche facility in their workspace. A creche facility is essentially a nursery where a parent can leave their children while they are at work. As per the Act, women would be allowed to visit the creche 4 times (including rest intervals) in a day during their work hours. This would be extremely helpful for women who are single parents. They will not need to worry about leaving their children alone as they can keep an eye on them and be at work simultaneously.

The Amendment to the Maternity Benefit Act is well-meaning in its intentions but in practice, it could also be counter effective. The amendment has been criticised on various levels on the grounds of being discriminatory against women. The first major problem with the act is that it increases paid maternity leave from 12 weeks to 26 weeks. Although the policy means well but 26 weeks is an awfully long time and makes employers biased towards hiring male employees over women as they are not entitled to such long paid leaves. The problem is not in the duration of the leave but in the fact that this leave is only provided to women and not men. This brings us to the second problem, that is the fact that India only gives women parental leaves which reinforces the age-old patriarchal belief that only women are responsible for domestic affairs. This act reinforces women's roles as primary caregivers, especially since there is an absence of such a leave for the father. Other countries like New Zealand provide parental leaves for both men and women which encourages men to partake in domestic activities and prevents employers from developing a bias against women.

CURRENT SITUATION

The already doom like impending unemployment crises of India has been made plenty folds worse by the unexpected, unavoidable Coronavirus crises and women are at the receiving end of this disaster from all sides. Economies all over the world are facing problems as the pandemic rages on. To combat this crisis, Governments all over have taken steps that have proven beneficial to some and harmful for others. The workforce across India has largely only faced the harmful effects of this crises.

The government of the most populous state of India, Uttar Pradesh, in 2020 during the first phase of lockdown, suspended 35 out of its 38 already existing labour laws in an attempt to combat the economic downturn. This involved suspending of important policies and acts like The Minimum Wages Act, Maternity Benefit Act, Equal Remuneration Act and many more. Though all people in the workforce are facing the problems caused by this suspension, a step like this could disproportionately affect women. With the suspension of these labour laws, employers could increase work hours, widen the gender pay gap, and take away health and safety mechanisms, pushing more and more women farther out of the workforce.

CONCLUSION

Although the problems for women working in India are plenty, it does not stop them from trying. For a woman to work in India, she must face many more obstacles than her male counterparts. Thus, the huge difference in the numbers between the participation of the two sexes in the workforce. Despite the growth happening in the country, the rate of women's participation is on a constant decline. It can be safely said that it is not by choice that they are dropping out. They are being pushed out by the lack of demand for their labour⁵

There problems can be tackled efficiently by introducing policies into workplaces that are gender sensitive. Reports suggests that although globally the participation of women in the workforce has been on a decline, high-income and more developed countries that have inculcated gender sensitive policies like parental leaves, subsidies for childcare, safety policies, increased job flexibility, safer work environment etc., have seen an increased participation of women in the working field as compared to lesser developed countries whose workplace policies are more male centric.

The system in India is undoubtedly trying to inculcate more policies in its workplaces that would facilitate women and with various labour laws, has succeeded to do so. Even most parts of the Amendment to The Maternity Benefit Act have largely helped women participate more in the work field. However, the problem lies in the Patriarchal values that are so ingrained in the values of this country, that attempts made to help women also oftentimes end up being counterproductive.

⁵ Ashwini Deshpande, India's women, and the workforce Hindustan Times (2021), <https://www.hindustantimes.com/opinion/indias-women-and-the-workforce-101615128493639.html>.

The Process of unlearning these values is a long one but with constant steps being taken and attempts being made, there is definitely hope for India to make progress in this regard.