
GENDER NEUTRALITY AND WORKPLACE EQUALITY: AN ANALYSIS OF CHANGING COMPLIANCE STANDARDS UNDER NEW LABOR CODES

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1. ABSTRACT:

India had various labor laws until the amendments, namely – Factories Act 1948, Minimum Wages Act 1948, Maternity Benefit Act 1961, Employees Provident Fund Act 1952, Mines Act 1952, Payment of Wages Act 1936, Payment of Gratuity Act 1972, Equal Remuneration Act 1976, and many more which came into existence due to International labor Organization's Conventions and its ratifications by India as its member country. There was a fruitful transition in India's industrial wave that built humane working conditions, trade culture and business productivity. In recent times, the Government of India consolidated Labor laws into New Labor Codes; these are:

- Code on Wages, 2019
- Social Security Code, 2020
- Occupational Safety, Health & Working Conditions Code, 2020
- Industrial Relations Code, 2020

The Codes became fully enforceable from 21st November 2025. The age-old orthodox traditions, stringent practices, economic setbacks, deficient benefits and deprived facilities suppressed women's participation in industries and establishments. The Code ensures canonical and strict enforcement in working opportunities without any gender bias, maternity benefits, improved welfare, safety and health facilities, universal minimum pay and gig/platform/unorganized workers' inclusive protections. This research proposes an analysis of the new statutory framework, elucidating its transformations, doctrinal characteristics, and data-based enumeration of the rightful representation of women laborers in asymmetrical gaps in the Indian labor plaza, facilitating social securities such as maternity benefits, wage parity, working opportunities and safety precautions.

There is a spanning accomplishment over decades through detailed comparisons and a demonstrative approach. A drawn connectivity arising from the background of the ILO and its impact, which led to the enactment

of codified Labor laws in India, extending over various sectors of employment, which has ended up in the creation of Labor codes. With the compilation of emerging trends, the Central Government unifies the laws to cater to modern problems with modernised solutions.

Keywords: Gender Neutrality, Gender Discrimination, ILO Conventions, Inclusive Workforce, Labor Code Compliance, Occupational Safety, Workplace Equality.

2. INTRODUCTION:

International Labor Organisation is an agency under the United Nations, which is associated with providing social and economic standards for laborers across the globe. The early 1900s marked the establishment of the ILO, with its main quarters in Geneva. The Tripartite structure is a unique representation of the government, the employers and the employees. As of 2026, the ILO has contributed over 190+ conventions and treaties. India, as one of the founding members of the ILO, became part of it in 1919, securing an authoritative seat in the ILO Governing Body in 1922.

ILO Conventions are international treaties that have legally binding force upon their member countries that sets global standards for the workplace. It follows the process of voting, monitoring and regulating compliance to meet the basic human rights at work. More than 40 conventions have been ratified by our nation as of 2026. This ratification had a split process of Pre- Independence and post-independence actions, respectively.

In the era of British India, there was a rise in industrialisation, but there was oppression, exploitation, discrimination and domination in the establishment's culture. This led to violent movements by trade unions, though it did not get reach, but created ratification of a few initial standards like:

- Convention No. 1- Hours of Work Convention 1919: Set limits in industrial undertakings working hours.
- Convention No.2- Unemployment Convention 1919: Later condemned by India in 1938
- Convention No.14- Weekly Rest Convention, 1921: Mandating strict and specific hours of weekly rest period.

- Convention No. 15- Minimum Age Convention, 1921: Dock and ship work done by Young-age persons was protected.
- Convention No.22- Seamen's Articles of Agreement Convention,1926: Enforcement of maritime employment contracts and 10 other conventions.

India, following independence in 1947, aligned the conventions with respect to its democratic and social trends during the onset of the LPG phases that are Liberalisation, Privatisation and Globalisation. The drafting of the Indian Constitution influenced the ILO principles, embedding Fundamental Rights and Directive Principles of State Policy.

Colonial Labour laws were systematically transformed by the Government of India through the reports of the 1954 Review Committee, which referred to robust labour administration and standardising bureaucratic systems. This paved the path for ratification of progressive labor standards in specialised and empowered legislation. Society activists have relentlessly contributed to present concepts through social advocacy. The Post- Independence sector head to the ratification of more than 25 conventions, namely:

- Convention No.88- Employment Service Convention,1948: States must create a free network for the public to find jobs.
- Convention No.111-Discrimination regarding Employment and Occupation Convention, 1958: No kind of discrimination based on race, sex, caste, religion, political opinion, or region is allowed in the workplace.
- Convention No. 138-Minimum Age Convention,1973: Establishes a minimum age limit barrier to get employed in industries of a certain kind that ends the schooling of the child.
- Convention No.144- Tripartite Consultation Convention, 1976: Establishment must hold an institutionalised format that allows free and clear communication between the Government, employers and workers.
- Convention No. 182-Worst Forms of Child Labor Convention,1999: Brings in the demand for putting a total ban on child slavery, trafficking, inhuman jobs, prostitution and dangerous activities and so on.

3. OBJECTIVES OF STUDY:

This topic for research has tremendous scope for:

- **Generational passage-** There is an effort to show ancient to current Labor laws and code changes in highlighting advancements and updates.
- **Inspired Era Statutes-** Marks a law-making shift from Indian labour laws to updated and unified codes
- **Fragmenting v. Sustaining-** New Labor codes focus on individual autonomy by idolising informed consent, equal pay for work of the same value, and syncing the safety and welfare needs.
- **Restrictions in the guise of Safety-** The research examines whether new codes successfully transform the labour law into a substantive model.

4. SCOPE OF THE STUDY:

This research study's scope focuses on bringing defined and structured essentials with a wholesome lens, following thematic and legal parameters.

- **Unfolding Foundation-** India's ratification of International Labor Conventions and initial origins that led to the formation of labor law, highlighting fundamental limitations and landmark case laws.
- **Transition Comparative Study-** Contrast mapping of old labor laws which have been consolidated into 4 new labor codes, tracing gender neutrality and workplace equality.
- **Impacting Welfare Arrangements-** This research conducts an assessment of legislative improvements with respect to opportunities created for female workers' participation in industrial undertakings, maternity benefits, child care parameters, alteration in working hours, night shifts, weekly holidays, safety guidelines & wage parity.
- **Modernises workforce inclusivity-** Dynamic coverage in statutory provisions for informal working sectors, that is, Gig/ Platform/Unorganised workers.

- Indian Labor Jurisprudence Framework- Study briefs primarily on Indian labor statutes, constitutional principles, and statutory doctrines falling under the legislation of the Central Government.

Concepts apart from the mainstream, such as ILO, internal policies, other laborers' rights under unions, etc., are used and referred to where necessary to contextualise domestic interpretation of statutes.

5. LEGACY OF INDIAN LABOUR LAWS:

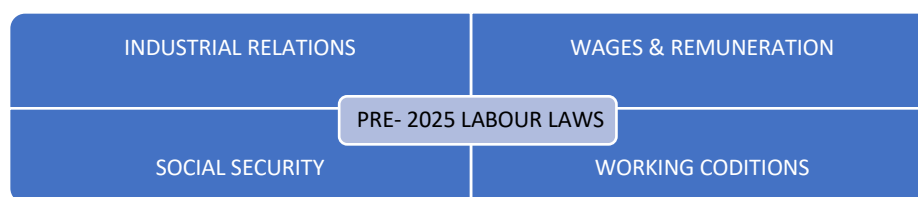
After 1947, there emerged backdrop stages that played a role in the main acceptance of the ILO Conventions and Standards, which created a true reliance. The early colonial reign saw legislation like the First Indian Factories Act of 1881, the Mines Act of 1923, the Trade Disputes Act of 1929, the Payment of Wages Act of 1936, etc., which were mostly oppressive and curated in such a way that shielded the British inhuman dominance and labor exploitation. However the United Nations agency establishment [International Labor Organisation] in 1919 put binding pressure due to the freedom movement, which dragged colonial laws to shift towards maintaining humane working conditions, basic safety and trade union regulations. India's active participation as a founding member of the ILO helped to shape numerous specific, systematic and protective laws.

The post-independence era saw the enactment of legislation aligned with India's new Constitution [Fundamental Rights and Directive Principles of State Policy] that mandated decent living standards, minimum wages, social security, priority to workers' health, prohibition of forced labor and abolition of child labor. This development took a formal skeleton of creating an employer-employee relationship, excavating master-servant controlling conduct. The standard 07:00 hours < Time in hours<09:00 hours work in a day, total 45:00 hours< Time in hours< 49:00 hours of work in a week, plus mandatory weekly holiday and overtime pay. Legal channels to form trade unions and collective bargaining institutions for reparation of workers' grievances or disputes that were enabled to be adjudicated or conciliated.

For the first time, the statutory systems brought cradle-to-grave inclusive social securities, namely medical insurance, provident funds, gratuities, retirement pensions and many more, which included funding by employers, employees and the state, respectively. Criminalising regressive practices of long-standing exploitation existing in social trends like bonded/forced

labor and child labor.

Pre- 2025 laws pertaining to labour can be put into 4 pillars widely:



PILLAR I - INDUSTRIAL RELATIONS: Under this category, management-worker interaction, negotiation and conflict resolution are governed.

Ex: A. INDUSTRIAL DISPUTES ACT, 1947: The cornerstone of industrial peace in India. A mechanism for resolution of industrial disputes, layoffs, retrenchment, strikes, compensation by Conciliation Officers, Labor Courts, and Industrial Tribunals.

A. INDUSTRIAL EMPLOYEES [STANDING ORDERS] ACT, 1946: Took implementation post 1947 that required employers to clearly state working hours, weekly holidays, minimum wage rates, dismissal process and disciplinary actions to lay checks on arbitrary whims of the employer.

PILLAR II- WAGES AND REMUNERATION: Emphasises eradicating non-payment of wages, ensuring equal pay for both men and women and enhancing the workers' standard of living.

Ex: A. MINIMUM WAGES ACT, 1948: Revised minimum wage rates were fixed periodically by the Government of India as well as the states across “scheduled employments”. This prevented the labor exploitation in various sectors such as agriculture, construction and manufacturing.

B. PAYMENT OF BONUS ACT, 1965: The establishments were mandated to share a certain percentage of their profits with employees in the form of bonus. The loophole that exists amidst the basic wage in its minimalistic quantity and the sufficient wage required for having a decent living is being gravitated by the bonus for a smooth economic flow.

C. EQUAL REMUNERATION ACT, 1976: The remuneration stays a prominent purpose of

employment. So, to make it free from any sort of bias, this act figured out a solution to prevent wage discrimination based on gender. A drastic transformation was introduced that provided equal reward for the same work done by a person irrespective of gender.

PILLAR III- SOCIAL SECURITY AND EMPLOYEE BENEFITS: A modernised output was curated against threats to protect the individuals and their family members from known or sudden risks to ensure an uninterrupted life.

Ex: A. EMPLOYEES' STATE INSURANCE ACT,1948: A comprehensive social security legislation which is meant to provide protection against the circumstances and risks arising to an employee enrolled under the industrial undertakings. ESI Corporation is responsible for administering the ESI Schemes and benefits like Funeral Benefit [Sec 46(1)(f)], Sickness Benefit [Sec 49], Maternity Benefit [Sec 50], Disablement Benefit [Sec 51], Dependents Benefit [Sec 52] and Medical Benefit [Dec 56].

B. EMPLOYEE'S PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT,1952: A compulsory retirement savings scheme that ensures financial security to employees or specifies contingencies such as permanent disability or death. Contributions are dual-funded by the employer and the employee at fixed percentage rates under the statutes. This scheme, like PF, pension or deposit-linked insurance, is administered by the Employees' Provident Fund Organisation.

C. MATERNITY BENEFIT ACT,1961: The legislation that involves the statutory right of women employees to protect health, livelihood and employment during pregnancy, childbirth, and post-delivery. Initially, the paid leaves were more 10< weeks<13 but now it has been increased after an amendment based on eligibility criteria.

D. PAYMENT OF GRATUITY ACT,1972: The Act ensures gratuity is correctly paid to workers who have given continuous service, endorsing employers' satisfaction. It is considered a reward paid for economic security, which can be transferred to a different person on nomination by the employee upon their retirement, resignation or death after a minimum of 5 years of continuous service.

PILLAR IV- SAFETY, WELFARE AND HEALTH CONDITIONS: Laws under this category focus on physical infrastructure of buildings or plantations, sanitation, health

parameters, welfare facilities and vulnerabilities of specific occupations.

Ex: A. FACTORIES ACT,1948: Any premises where a manufacturing process is carried out with the help of power or without power. Health provisions Sec 11-20] like cleanliness, disposal of waste, safe drinking water, sufficient working space, availability of spittoons, prevention of overcrowding, etc. Welfare measures [Sec 42-49] including washing facilities, first aid precautions, canteens, shelter, lunch rooms and crèches on. Safety precautions [Sec 21-41], namely fencing of machines, prohibition of women and children in certain hazardous processes.

B. PLANTATION LABOUR ACT,1951; MINES ACT,1952; MOTOR- TRANSPORT WORKERS ACT,1961: The mentioned legislations are sector- specific modifications of the Factories Act tailored to the intense, geographical working environments of tea/coffee estates, underground mining activities and commercial transport.

C. CONTRACT LABOR REGULATION AND ABOLITION ACT,1970: The agenda of overcoming the exploitation of casual or contract laborers was introduced for regulating the proper registration, licensing of contractors and strict enforcement of welfare amenities for workers equally.

D. BONDED LABOUR SYSTEM ACT,1976: The constitutional protection that lawfully ends and sets free persons from debt-bondage systems where generations were wilfully forced to work for nominal or zero wages just to clear ancestral loans.

E. CHILD LABOUR [PROHIBITION AND REGULATION] ACT,1986: A complete abolition of employment of children under age 14 in hazardous occupations like firecrackers, carpet weaving and other measures to regulate their hours in non-hazardous setups.

There exist various other acts pertaining to each kind of laborers and their working conditions along with the above-mentioned acts. These acts target specific professions, unique industries or highly complex and distinctive working conditions.

LABOUR LAWS ENACTED BY CENTRAL GOVERNMENT AND ENFORCED BY THE STATE GOVERNMENTS

1. The Employers' Liability Act, 1938
2. The Factories Act, 1948
3. The Motor Transport Workers Act, 1961
4. The Personal Injuries (Compensation Insurance) Act, 1963
5. The Personal Injuries (Emergency Provisions) Act, 1962
6. The Plantation Labour Act, 1951
7. The Sales Promotion Employees (Conditions of Service) Act, 1976
8. The Trade Unions Act, 1926
9. The Weekly Holidays Act, 1942
10. The Working Journalists and Other Newspapers Employees (Conditions of Service) and
11. Miscellaneous Provisions Act, 1955
12. The Workmen's Compensation Act, 1923
13. The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
14. The Children (Pledging of Labour) Act 1938
15. The Bonded Labour System (Abolition) Act, 1976
16. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966

Other Labor Laws [Source: slideserve.com]

6. GAPS THAT ULTIMATELY NEEDED REFORMS:

The Pre-2025 labour laws had effective and visible changes in bringing about a change in the Indian industrial way of operating with workers. Many significant laws brought about enormous implementations regarding child employment, bonded laborers, the creation of collective bargaining and the promotion of social security. Over 7+ decades, the complex web of changing market trends was figured out by interpreting central and state laws, which is a gross 140+ altogether; still, the adaptive feature is inadequate to stand par with the current century. The lack of coping with changing trends and dynamic systems creates a restrictive menace, creating a loophole for ambiguity.

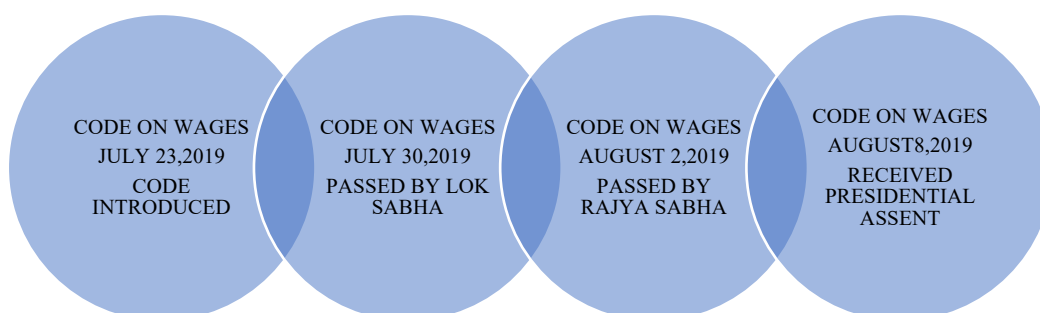
History has marked an evolution from exploitative colonial-era statutes—like the Factories Acts of 1881 and 1934, the Workmen Compensation Act of 1923, the Trade Unions Act of 1926, and the Payment of Wages Act of 1936. The fact that the pre-1947 laws made by the British were made to support their needs and fancies, but the advancement did not cater for this motive in the long run. The initial guidelines were responsive to the change in workplace trends, preventing the suppression of arbitrary rules and recognising trade unions' rights. Following independence, India transitioned into a welfare state, but imposed huge restrictions like Section 16 of the Equal Remuneration Act of 1976, which did not fill the gap for factors other than sex and was widely misinterpreted as not giving penalties. There was a huge barrier dividing and detaining women around domestic chores, household stringent practices and

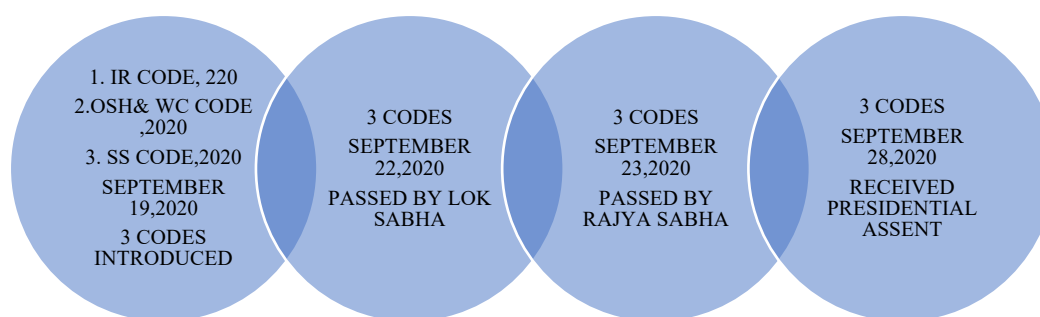
informal skills. The Factories Act of 1948 kept night shifts dedicated to only male laborers preventing female laborers under Section 66 and Section 46 of The Mines Act of 1952 prohibits women are prohibited from working in activities below the ground in any mines by relics of perpetuated segregation. Occupational discrimination is evident even in Section 12 of the Plantation Labour Act of 1951. Under the Contract Labour Act of 1970, Rule 25, night shifts falling between 7 pm to 6 am were not allowed for women to work. Maternity Benefit Act of 1961 [as amended 2017] does not extend benefits universally, only applicable to some contractual or casual workers in a few informal sectors.

Multiple inspectors under the different acts led to the harassment of businesses and corruption, rather than genuine compliance. Threshold anarchy, with different laws pushed in at different worker counts, made the working mannerisms and eligibility incredibly confusing for enterprises to scale up. Few definitions, such as “wages” and “employee”, remain outdated to apply them across various ambiguous and never-ending litigations in courts. This administrative gridlock is what directly triggered the Indian government to consolidate 29 central laws into the four streamlined New Labour Codes.

7. NEW LABOUR CODES:

The four new landmark labor codes were a multi-decade journey of collecting, analysing, streamlining, drafting, parliamentary debating and enforcing bills into codes. The motive for reforming India’s labor law took birth due to burdened jurisprudence, which had more than 40 central laws and 100+ state laws that stood from the pre-independence era. Numerous facts created merits and demerits of the existing laws to end up. Under a systematic process of collecting, analysing, classifying, comparing and implementing the changes, under the monitoring of the Government of India and state governments, along with boards and commissions. Following timelines:





A. THE CODE ON WAGES, 2019:

The code subsumes 4 laws:

- Payment of Wages Act, 1936
- Minimum Wages Act, 1948
- Payment of Bonus Act, 1965
- Equal Remuneration Act, 1976

All industrial and commercial establishments' monetary, cash incomes and financial standards were governed under the Code on Wages. With over 9 chapters and 69 sections holds the essence of minimum wages, calculation, fixation of payment of wages, anti-discrimination statutory floors and Inspector-cum-facilitator's role in strict enforcement. Section 3(1) customs audits narrow the 20-34% gap, and Section 42 holds a prohibition against discrimination in the payment of wages or recruitment based on gender. Earlier, there was a twofold description of the term "Gender", which was interpreted as "Men" or "Women", excluding transgender and other gender-diverse.

This enshrines a longstanding principle from the Equal Remuneration Act into the new code, which earlier permitted the government to declare pay differences as non-discriminatory if based on factors other than sex, leading to ambiguities and potential exploitation. Also mandates under provisions are also significantly important for maintaining gender neutrality and workplace equality, especially for women's representation in industry management.

B. THE INDUSTRIAL RELATIONS [IR] CODE OF 2020:

The Industrial Relations Code consolidates 3 laws:

- Industrial Disputes Act, 1947
- Trade Unions Act, 1926
- Industrial Employment (Standing Orders) Act, 1946

This code includes 15 chapters and 104 sections surrounding trade unions, layoffs, dispute resolution, bipartite committees, standing orders regarding service duties, retrenchment and closure thresholds. Section 4 specifies that the industrial grievance committee must have equal representation of women workers; this enables gender-balanced internal complaint standards. Under this Code, Fixed Term Employment has been lawfully enforced to ensure that all workers receive statutory working conditions like hours of work, weekly holidays, wages, incentives and social benefits without any bias. This prevents the historic exploitation of contractually employed women.

Dispute amplification is addressed in Section 31 by giving proportional seats to women in grievance committees. The Code also raises thresholds for applicability (e.g. factories with ≥ 300 workers require government permission for layoffs, potentially preserving jobs). IR Code retains the women employees' benefit pertaining to paid maternity leave without making any arbitrary dismissal, removal or layoff.

C. THE OSH & WC CODE, 2020:

The Code unifies 13 laws:

- Factories Act, 1948
- Mines Act, 1952
- Dock Workers Act, 1986
- Building and Other Construction Workers Act, 1996
- Plantations Labor Act, 1951

- Contract Labor (Regulation and Abolition) Act, 1970
- Inter-State Migrant Workmen Act, 1979
- Motor Transport Workers Act, 1961
- Sales Promotion Employees Act, 1976
- Beedi and Cigar Workers Act, 1966
- Cinematography Workers Act, 1981 and 2 other acts

The code stretches over 14 chapters and 143 sections, embedding duties of the employer, hours of work, annual leave, special provisions for women, working trends and securities for contract and migrant workers. Section 43 specifies the universal right of employment and declares that women are entitled to be employed in all establishments for all types of work, fundamentally allowing them to work hazardous, underground or mining jobs if appropriate protections are met. Section 28 has brought a drastic change in working opportunities provided to women in night [7 pm – 6 am] shift slots by following prescribed guidelines. The Code also emphasises the formal documentation benefiting working practices.

D. THE CODE ON SOCIAL SECURITY[SS],2020:

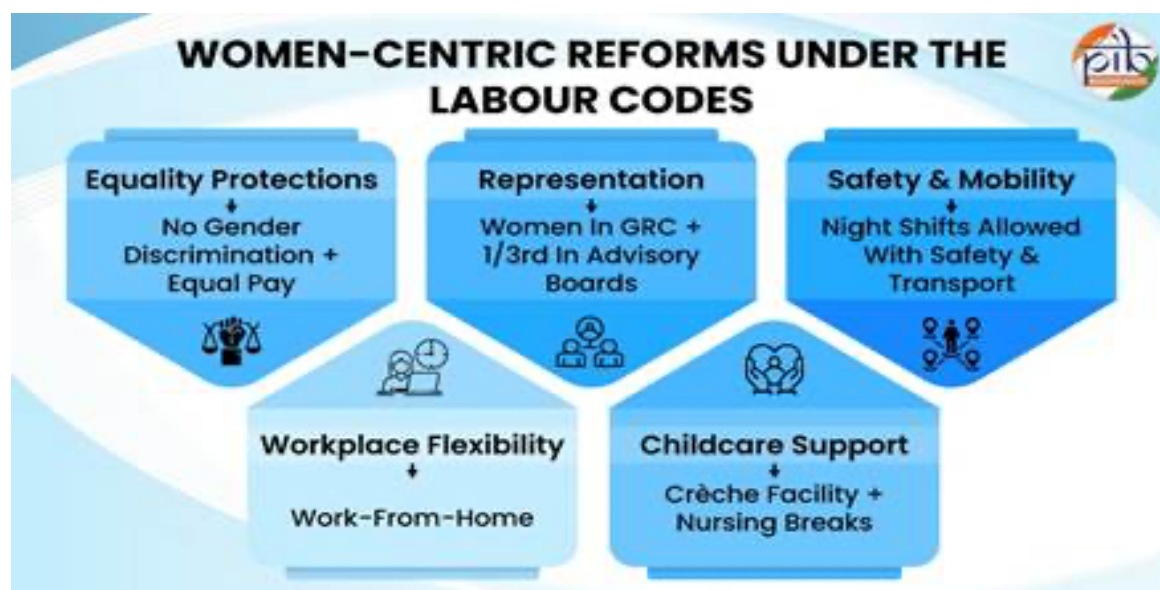
The Social Security Code merges 9 laws:

- Employees' Provident Funds Act, 1952
- Employees' State Insurance Act, 1948
- Employees' Compensation Act, 1923
- Maternity Benefit Act, 1961
- Payment of Gratuity Act, 1972
- Cine Workers Welfare Fund Act, 1981
- Unorganised Workers' Social Security Act, 2008

- Employment Exchanges Act, 1959 and 1 other act

The code is spread across 14 chapters and 164 sections that build a framework regarding health, retirement, disability, maternity security infrastructure, and promote workers' welfare by maintaining the dignity of non-traditional workforces. NSSB and other internal commissions are made responsible for administering the rights and powers of Gig/ Platform/ Unorganised sector workers explicitly. It provides formal financial protection to an informal labor market where women and marginalised genders are given representation. The updated protections of the Maternity Benefit Act are found in Section 60 and its sub-clauses, which state 26 weeks of paid maternity leave and 12 weeks of paid maternity leave for adopting/commissioning mothers even mentions work-from-home options for new mothers.

Child care provisions are enhanced under Section 67 crèches facilities must be arranged by industries and establishments having 50+ employees to ensure work-life balance, in which the mother is allowed prescribed visits to the crèche during working hours. Section 64 encompasses medical benefit, RS 3,500, which is the statutory monetary benefit paid in addition to medical benefit where free pre-natal and post-natal care is not provided. Other Chapter VI Maternity benefit provisions are essential for the key health facilities of both mother and child. This strengthens women's socio- economic life to face career breaks and bounce back strongly. Payment of gratuity is synchronised by introducing a new, certain continuous service years rule calculated based on prescribed statutory formulas. Chapter III includes a new updated methodology in PF payments to avoid any sort of malpractice.



8. POSITIVE IMPACTS OF THE NEW LABOUR CODES:

1. Code on Wages, 2019

- Sec. 3: Equal pay and no gender-based discrimination in wages or recruitment.
- Secs. 5– 14: Payment of minimum rate of wages where the Central Government fixes wages for a group of workers, overtime, etc.
- Secs. 15–25: provisions relating to modes, time limits, rate fixations and circumstances where wages undergo deductions are listed.

2. Industrial Relations Code, 2020

- Sec. 4: Mandatory representation of Women in establishment's repatriation boards.
- Workers should have availability of legal avenues to challenge and secure their rights that are violated by adjudicatory bodies.
- Reskilling provisions support workers during employment transitions.

3. Code on Social Security, 2020

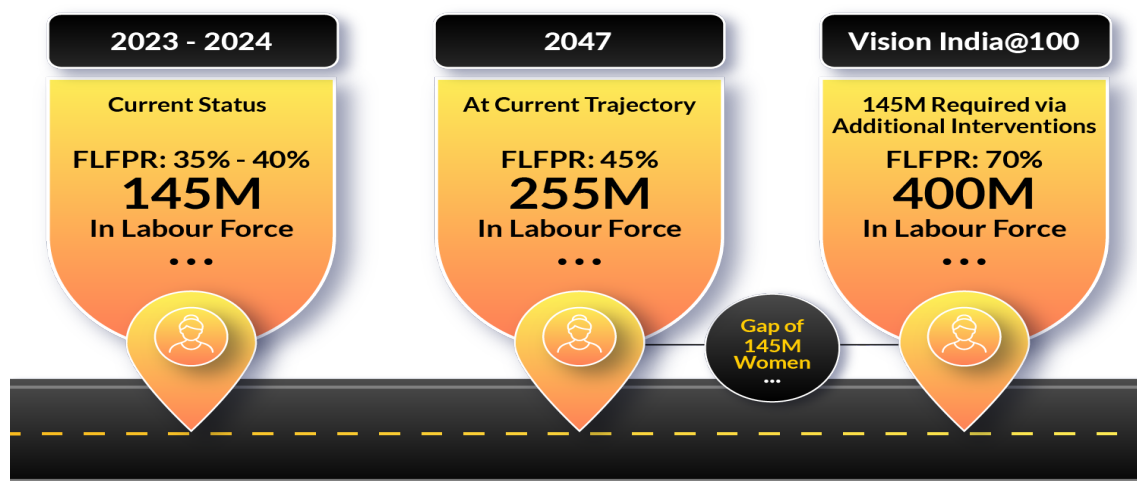
- Secs. 59–72: Maternity benefits, nursing breaks, miscarriage leave and crèche support women's continued employment.
- Secs. 109–114: Extends social-security framework to unorganised, gig and platform workers.
- Promotes wider and more portable social protection.

4. OSH & Working Conditions Code, 2020

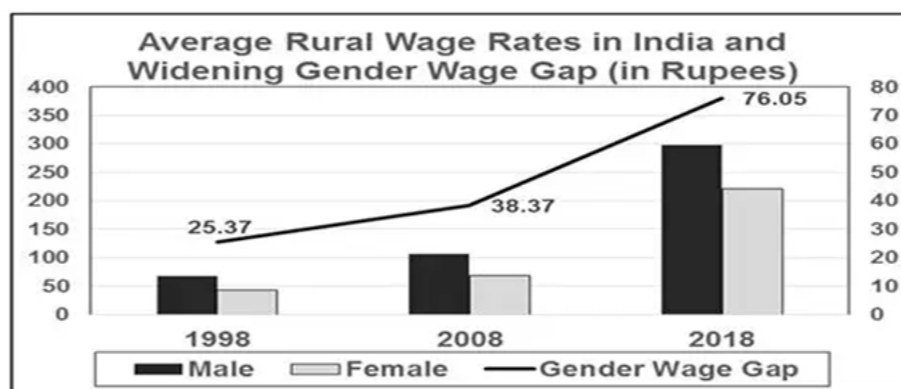
- Sec. 43: Women can work in all establishments and occupations, including night work with consent and safeguards.
- Sec. 44: All required precautionary measures must be taken care of by the employer of the establishment for any kind of dangerous operations held inside the premises.

- Strengthens occupational safety, health and welfare, supporting equal access to employment.

The more than 25% Indian gender wage gap reported in the past 8 years demonstrates why Section 3's prohibition of gender discrimination in wages and recruitment is significant. Post-2025, the codes make measurable inequality an immediate cornerstone for proving relief in parallel modes.



FLFPR Status[Source: magicbus.org]



9. CHALLENGES AND DRAWBACKS OF THE NEW LABOUR CODE:

The new Labour Codes have merged and simplified numerous complex labor laws. But some drawbacks remain unaltered, which point to an undesirable failure. The Code on Wages 2019 has a loop of proving wage disparities, and the strict penalties for the same can be difficult. The IR Code of 2020 gives flexible restructuring terms to employers, and grievance

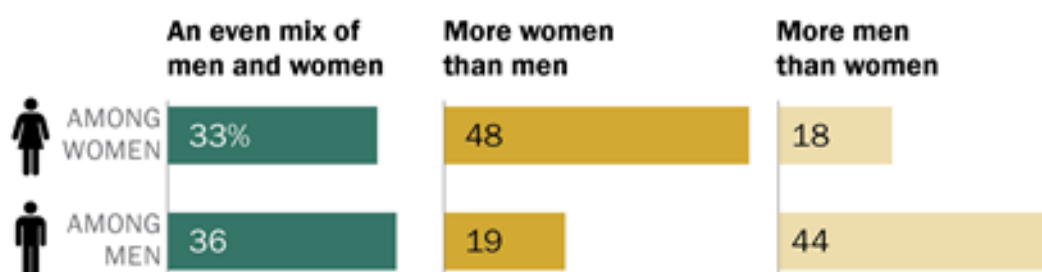
mechanisms are denied to workers digitally. Under the OSH Code of 2020, wider employment opportunities for women, including night work, promote occupational equality, but the protection depends upon effective implementation of safety requirements such as transport, sanitation and workplace safeguards.

The supervising authority, which is Inspector-cum-Facilitator, raises the standards of compliance and can create an adverse effect if not monitored properly. The SS Code of 2020 has provided formal recognition to Gig/Platform/Unorganised workers, but their identification and classification for delivering benefits remains a challenge, especially for small-scale and women workers. Digital data maintenance does not seem to be implemented to its fullest.

Altogether, the protective value of the modified provisions clearly shows its potential inefficiencies. The unified and broadened code does not immediately ensure its objective until properly implemented. The informal workers are still inadequately protected as their access to reparation mechanisms remains uncertain. Just because women are hired to supervisory levels in establishments in recent times, it does not show an equal scale of their participation in competent or authoritative roles globally. Hence, it raises alarming questions that must be verified from all possible angles. ILO's studies find that a majority, crossing 5.73 crores of women workers, earn less than basic living wages, calling for emerging concerns that must be addressed beyond conventions and formal employment windows.

Only about a third of men and women say their workplace is balanced in terms of gender

% of employed adults saying their workplace has ...



Source: Survey of U.S. adults conducted July 11-Aug. 10, 2017.

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Global Labour Force Participation Rate [Source: Coemerge]

10. CASE LAWS BASED ON THE NEW LABOUR CODES:

These foundational judgments established the legal principles that the new Labour Codes aim to codify and streamline.

A. *Air India v. Nergesh Meerza* (1981)- The Supreme Court held that restricting service terms violates the person's dignity under Article 21 and is unconstitutional by imposing the rule only upon female employees, violating Article 14.

B. *Mackinnon Mackenzie & Co. v. Audrey D Souza* (1987): The court ruled that if male and female workers perform work of a similar nature, the employer cannot pay women less by simply creating superficial differences in job titles. The burden of proof fell on the employer to prove that there was no act of discrimination. Equal Remuneration Act laid a foundational principle in this case.

C. *Vishaka v. State of Rajasthan* (1997): This judgment of the Supreme Court filled a humongous legislative vacuum by recognising sexual harassment as a violation of fundamental rights under Articles 14, 19, and 21, paving the way for the POSH Act of 2013. This established safety regulations in the workplace known as "Vishaka Guidelines"

D. *Secretary of Ministry of Defence v. Babita Puniya* (2020): The Supreme Court rejected institutionalized gender irregular barriers regarding physical limitations and societal obligations of women. The court emphasised that Indian Army officers, irrespective of gender be granted permanent commissions to make sure complete equality of opportunity in

employment.

11. CONCLUSION:

The generational evolution traces back to the era of the International Labor Organisation, and the UN conventions' ratification set the bar for human dignity through the Treaty of Versailles. This foundational impact drew regulatory structures to govern the operations that were held in Colonial times. There existed reality checks pertaining to the labor exploitation and inhuman treatment crisis.

The dual reflection of Indian labour laws was categorised into pre-independence laws and post-independence laws. While these legacy laws provided the skeletal framework for industrial activities, there was no major cohesive matrix that failed to set a validated outreach. By the collective efforts of social activists and Nobel laureates such as Kailash Satyarthi & others, who raised their voice against the suppression of children and young people and for the right of all children to education. This paved a path for constitutional and democratic laws after independence. The central and state governments have passed more than 145 legislations altogether. A clear symbiotic analysis was seen between the ILO conventions and labor laws, where both stood complementing each other rather than contrasting. This backdrop indeed created an impactful jurisprudence that drew a firm scope on trade unions, wage structures, factory administration, eligible personnel recruitment, etc. But the gaps in filling the lacunae were evident, which criticised the archaic and fragmented nature that kept the economic and social criteria suppressed.

The pre-2020 legislative framework failed to protect vast and vulnerable sectors in large. All these factors, in addition to the motive of the Union Government to unify the numerous laws, were laid out after detailed collaborations by the expert individuals of public security boards, welfare commissions and executives. The introduction of four new labour codes marked an exemplary transition. The balance between economic utility and constitutional scales was vigorously achieved. The codes consolidated most of the major pre-existing labor laws, that is, twenty-nine of them, to channelise their efficiency with precision. Gender neutrality and workplace equality have been streamlined to attain positive advancements, from expanding statutory definitions to carrying inclusive provisions for regulating women labourers and informal sector workers.

The ultimate reference must not be related to diluted access for competing corporate or state objectives but to thriving in a transparent, uncompromised equality, dignity and social justice for laborers irrespective of gender, class, religion, sectors, etc. Thus, the reform represents a movement from merely protecting women from workplace risks towards enabling their equal participation and economic independence. Neither true utility nor equality can co-exist with marginalisation and regime paralysis.

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