



## STATUS OF GENDER EQUALITY IN WORKPLACE-A LEGAL STUDY

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### Abstract

*The research paper titled "Status of Gender Equality in Workplace-a Legal Study" focuses on gender inequality faced by women in workplaces, particularly MNCs. Focusing on the impact of laws implemented pertaining to gender inequality in India and the process for filing complaints, the paper provides a comprehensive overview of the situation regarding gender empowerment in India. Using statistical tools, a study of women in workplaces and their attitude towards this area has been done. A survey with a sample size of approximately 20 was conducted and findings revealed a majority of them being aware of the laws and policies in action but do not take extreme measures to seek justice against any kind of mistreatment, apart from other findings that are revealed.*

### Introduction

The issue of gender equality, particularly women empowerment, traces its roots back to the late-19<sup>th</sup> century, when women were denied suffrage rights just for being the other gender of humanity, an idea that flamed and agitated millions of women's souls, who rose to fight for this universal human right. Biology taught us that sex and gender mean the same thing, but today, the connotations society has attached to being of the opposite gender, or simply being a woman, has established a hierarchy which breaks barriers of rationality and robs women of a sense of belongingness in society.

If looked from the scientific point of view, biology and psychology does reveal certain aspects of differentiation on men and women, but the social stereotypes and gender roles have gone much beyond that. If looked at from the evolutionary point of view, The build up of women does make them predisposed to having higher intensity of emotional expression and a more precise degree of colour recognition, when compared to men. These have resulted in women generally being home makers, going on this basis, that they will be able to take care, and better protect the young ones, and keep better track of the young ones as well as other things in the

household. When talking about the Male offspring, we see a greater degree of aggression, due to the higher testosterone levels which also makes them predisposed to protect their loved ones. Thus, they both complement each other, and the concept of one being superior to one another lies nowhere in this frame.

Another view, provided by Charles Darwin himself brings out that men have a better chance at natural selection, typically due to almost the same reasons, resulting in the belief that “men are evolved to a greater extent compared to women”. But, we do not live in the old times anymore, where all that was needed was hunting, cooking food and looking after children. The gender connotations attached with this, and the roles that they needed to assume took a completely different turn.

However, when things like Women not being allowed to vote came up, the basic human rights of choice and right to expression were denied, and being a part of the democratic process came into question, women could not keep shut and revolted. Since then, till the 21<sup>st</sup> century women empowerment and gender inequality still has its roots grounded.

We still see a gap today in women and men’s rights, clearly showcased by a less number of women representatives in the field of politics, and a lesser reservation for them in the political sphere. Looking down upon them as the second gender, and giving priorities to men in almost every field, be it any kind of work or any physical activity. The biological build-up never denied that women cannot do work after marriage, as that would be a “shame for the family” are some of the irrational beliefs and stigmas still followed in Countries like India, Pakistan, and others as well.

Female Foeticide remains a problem till date, with the girl child being abandoned in the womb itself, just for the reason that the family wanted a boy, education of the girl child is still debated upon, all because of the hierarchy build up in society, giving bloom to a society filled with women feeling inferior, scared and being stereotyped for no good reason.

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

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

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

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

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

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

if the nature of work is such that she may work from home. The Employees' State Insurance Act, 1948, also provides benefits to insured women employees, including medical care, sickness benefits, maternity benefits and disablement benefits.

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

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

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

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

## **GENDER LAWS AT WORKPLACE**

The Prohibition of Sexual Harassment of Women at Workplace Act, 2013

### **Procedural Requirements for Employers**

- The act provides an outline about employer's requirements to develop a complaint mechanism.
- Section 4 lays down the establishment of an Internal Complaints Committee (ICC).
- The ICC must consist of atleast-
  - Four members under the Chairperson ship of a senior woman employee,
  - Two members from amongst the employees preferably a woman with experience in social work or legal knowledge and
  - A third-party member preferably affiliated with a non- governmental organization.
- If a workplace has less than 10 employees it is difficult to set up ICC. In that case complaints may be filed at local complaints committee (LOC) established at the district level.
- Section 19 requires employers to organize an orientation, workshops and awareness programs for sensitizing employees to the harms of sexual harassment and to provide assistance to the complainant should she choose to file a police complaint.
- Further, employers are required to display at the workplace details of the penal consequences of indulging in acts of sexual harassment, the composition of the ICC, and the grievance redressal mechanism available to aggrieved employees.

### **The Complaint Process**

- Assuming an ICC has been established in a workplace, a woman alleging sexual harassment must act quickly to preserve her complaint.
- Section 9 requires that a complaint of sexual harassment be filed within three months of the date of the incident.
- This may be extended to another three months if the woman can prove that grave circumstances prevented her from filing at an earlier time although "grave" is not defined within the act.
- The ICC is required to complete the inquiry within 90 days of receipt of a complaint. While the complaint investigation is ongoing, upon written request of the complainant, the woman may be transferred to another workplace or granted leave for a period of up to three months.
- On completion of the inquiry, a report will be sent to the employer or the District Officer (for workplaces with few than 10 employees) who is then obliged to take action on the report within 60 days.

- Employers are required to ensure timely submission of reports to the District Officer.
- Section 15 provides various factors to be considered if compensation for the aggrieved woman is deemed appropriate by the ICC which include the level of mental trauma, pain, suffering, emotional distress, medical expenses incurred, financial status of the respondent, loss in career opportunity due to the incident, and the feasibility of such payment in lump sum or in installments.
- As a result, the accused person faces a potentially significant financial loss if found liable by the ICC.
- The Act provides that the deductions may be made from the respondent's salary or wages. 10. If a complaint is not proven, the ICC can instruct the employer or appropriate District Officer that no further action is required.

### Women and The Labour Laws

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#### The Maternity Benefit Act, 1961

- Motherhood is a very special experience in a woman's life. A woman needs to be able to give a quality time to her child without having to worry about her job and her source of income.
- Article 42 of the Constitution of India imposes obligation upon the state to make provisions for securing just and human conditions of work and for maternity relief.
- The maternity benefit is a payment to a woman worker at the rate of average daily wages for the period of her actual absence immediately preceding and including the day of her delivery and for six weeks immediately following that day.
- In the matters relating to maternity leave, economic benefits during absence of work, leave for bringing up children and non- termination of service during pregnancy and immediately after delivery were deliberated upon and a resolution passed.
- In the sixth session of International labor organization held in 1975, emphasis was laid down on the need to make maternity protections more adequate in the following spheres:
  - Extension of maternity protection to new categories of women workers,
  - Extension of the period of statutory or prescribed maternity leave,
  - More liberal provisions for extended or extra leave during child's infancy,
  - Higher rates of maternity benefits,
  - More effective protection against dismissal during pregnancy and after confinement,
  - Greater encouragement of breastfeeding and wider provisions of nursing breaks,

- More adequate attention to the safety and health of woman during pregnancy and
- Establishment by social security schemes or public bodies of day nurseries to care for infants and children of working parents.
- **Maternity Benefits:** A woman can get maternity Benefits,
  - During Pregnancy
  - After Pregnancy (during the early months of motherhood).
  - Government employed women are entitled for maternity leave with full pay.
  - Other working women are entitled for 16 weeks maternity benefits.
  - Even unmarried women are entitled for maternity benefits.
  - Only those Government employees can avail these benefits, which have less than two surviving children.
  - If a woman wants she can avail few days before the delivery and the remaining leave after the delivery, or she can avail the entire leave at the same time.
  - The employer cannot make a woman do any heavy work in the last working month of pregnancy. She can refuse to do work which is physically tiring and involved long standing hours, caring heavy loads or any work which can endanger the proper growth of child, etc.
  - A woman is entitled to 45 days leave full wages in case of miscarriage.
- The National maternity Benefit scheme was modified and new scheme called Janani Sakshya Yojna was introduced.
- **Complaint: Section 17-** Section 17 talks of complaint that can be made to the inspector appointed under the Act. Section 23 talks of complaint that may be lodged in a court of law after exhausting the remedies provided under the Act.

### **Procedure to Seek Remedy**

- Normally, for any grievance under the Act, the aggrieved woman may approach the Inspector appointed under the Act.
- However, where she is dissatisfied with the orders passed by the Inspector or where a larger question of law is involved she may approach the Metropolitan Magistrate or a first class Judicial Magistrate of the competent jurisdiction. However, such a case must be filed within 1 year from the date of commission of offence.
- Any office bearer of a registered Trade Union of which such a woman is a member or a Voluntary Organization registered under the Societies Registration Act, 1860 or any inspector may also file a case in a court of law on behalf of the aggrieved woman.

- In some cases, the inspector may enter any place where women are working, in exercise of powers given to him under the Act and examine any registers, records or notices required to be maintained under the Act.
- He may examine any employee of the establishment and require them to give him information regarding particulars of employees, payments made and application or notice received from them. If he finds any discrepancies in the matter or payment of maternity benefits, he may direct such payments to be made.
- The woman should have put 80 days of work before in a delivery period of one year to be able to claim the benefits under the Act.
- It is the duty of woman claiming maternity benefit to give notice in writing in the prescribed form to her employer claiming her benefit and the period of leave. Such a notice may be given immediately after delivery also.
- Where she has failed to give such a notice, she may apply to the Inspector who shall make the necessary orders of payment under the Act.
- Appeal against the orders of the Inspector lies to the appellate authority which must be made within 30 days from the date of the decision of the Inspector is communicated to her. The decision of the appellate authority is final.
- If she is dissatisfied with the orders of the Inspector or the appellate authority or if a larger Question of law is involved, she may approach the court of the competent jurisdiction. The case will proceed according to the established procedure of law.
- Where the employer is guilty of payment of maternity benefit or dismissing or discharging the employee on account of her absence in violation of the Act, he is punishable with imprisonment not less than 3 months to one year and with fine for not less than Rs. 2000 to Rs. 5000
- There is appeal against the decision of the inspector. In a court of law, the normal procedure of filing appeals may be followed.
- Alternative Remedies-/ Judicial; The Act itself has provided for an alternative judicial recourse by appointing Inspectors under the Act and for an appellant authority above him.
- Only where the complainant is dissatisfied with their decisions that she has to approach a court of law for judicial remedies and for instituting penal action against her employer. Certain questions of law like the period to be included while calculating the amount of maternity benefit etc. are also decided by a court of law.

- The aggrieved woman may also approach the registered trade union of which she is a member or a voluntarily social organization that may help fight her case.

#### The Factories Act, 1948

- In India, The Factories Act, 1881 was primarily passed to protect children and to provide for a few measures for the health and safety of workers.
- The subsequent act and finally the Act of 1948 aim to consolidate and amend the law and regulate labour in factories.
- This Act is complete from all points of view and implements several provisions of International Conventions like the ILO'S code of Industrial Hygiene and Periodical Examination of Young Persons.
- The major objectives of the Factories Act are-
  - To protect laborers from long hours of work.
  - Maintain healthy and sanitary conditions at the workplace.
  - Maintain safety of workers.
  - Maintain Industrial machines used by people so as to avoid unnecessary accidents.
  - Regular visit of Industrial sites by Industrial Inspectors to oversee health and safety regulations.
  - Executive provisions have been made for employment of women in factories.
  - Welfare
  - Adequate facilities for washing, sitting, storing clothes when not worn during working hours.
  - If a worker has to work in standing position, sitting arrangement to take short rests should be provided.
  - Adequate First aid boxes should be provided and maintained.
- Facilities in case of large factories:
  - Creches are to be provided if 30 or more women workers are employed.
- Safety measures.
- Working hours.
- Overtime wages:
  - Overtime wages are double the rate of wages payable.
  - Overtime should not exceed 60 hours in a week and total overtime hours in a quarter should not exceed 50. Register of overtime should be maintained.

### **Rights of Working Women in Factories**

- Women must have separate toilets and washrooms with doors.
- If a factory has more than 30 women workers the employer must provide a creche for the workers children.
- Women cannot be made to lift more than the prescribed weight.
- Women cannot be made to clean or oil any moving machine.
- Women cannot be made to work more than 48 hours in a week.
- Women must get one day off in a week.
- Women cannot be made to work for more than 5 hours at a stretch.
- Women cannot be made to work only between 6 in the morning and 7 in the evening.
- State government can grant exemption to nay factory or group or class of factories, but no woman can be permitted to work during 10 PM to 5 AM.
- Shift can change only after weekly or another holiday and not in between.
- Night shift for women
  - Factories Act has been proposed to be amended to allow night shift for women workers.
  - The government has decided to amend section 66 of the Factories Act, 1948 to allow employment of women workers between 7:00 pm and 6:00 am.
  - The employer has to ensure occupational safety and adequate protection to the women workers.
  - For contravention of the provisions of the Act or Rules- imprisonment up to 2 years or fine up to Rs. 1,00,000 or both.
  - Contravention causing death or serious bodily injury- fine not less than Rs. 25,000 in case of death and not less than Rs. 5000 in case of serious injuries.
  - Continuation of Contravention – imprisonment up to 3 years or fine not less than Rs. 10,000 which may extend to Rs. 2, 00,000.
  - On contravention of chapter IV pertaining to safety or dangerous operation.
  - Factories Act works with a primary object to protect workers employed in the factories against industrial and occupational hazards.
  - For that purpose, it seeks to impose upon the owners or the occupiers certain obligations to protect works unwary as well as negligent and to secure for them, employment in conditions conducive to their health and safety from accidents.

### The Equal Remuneration Act, 1976

- Parity in wages is one of the major components of Service Law Jurisprudence which has evolved over the years.
- If two workers are doing the same work, they should be paid equal wages.
- Even Article 39 of the Constitution envisages that the state shall direct its policy, among other things, towards securing that there is equal pay for equal work for both men and women.
- To give effect to this Constitutional provision The Equal Remuneration Act, 1976 was passed to provide for the payment of equal remuneration to men and women workers and for the
  - prevention of discrimination, on the grounds of sex, against women in the matter of employment.
  - People's Union for Democratic Rights v. union of India
    - Duty of Employer to pay equal remuneration to men and women workers for same work or work of a similar nature.
    - No employer shall pay to any worker, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex for the same work or work of a similar nature.
    - An employer cannot claim exemption on the grounds of financial incapability from The Equal Remuneration Act, 1976.
    - No discrimination to be made while recruiting men and women workers.
    - No employer shall, while making recruitment of the same work or work of a similar nature, or in recruitment such as promotions, training or transfer, make any discrimination against women in such work is prohibited or restricted by or under any law for the time being in force.
    - The provisions of this section shall not affect any priority or reservation for scheduled castes or scheduled tribes, ex-servicemen, retrenched employees of any other class or category of persons in the matter of recruitment to the posts in an establishment or employment.
- **Advisory committee:**
  - The appropriate government shall constitute one or more advisory committees to advice.

- Every advisory committee shall consist of not less than ten persons of which one-half shall be women.
- The advisory committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment.
- The advisory committee shall regulate its own procedure.
- **Power of appropriate government to appoint authorities for hearing and deciding claims and complaints:**
  - A labour officer is to be appointed for the purpose of hearing and deciding;
  - Complaints with regard to the contravention of any provision of this Act.
  - Claims arising out of non- payment of wages at equal rates to men and women and
  - In the case of complaint, that adequate steps to be taken by the employer so as to ensure that there is no contravention of any provision of this Act.
  - Every authority appointed shall have all the powers of a civil code under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents.
  - An appeal within 30 days but not thereafter is allowed.
  - It is the duty of employers to maintain the registers.
- **Powers of Inspectors:**
  - To enter, at any reasonable time with such assistance as he thinks fit, any building, factory, premises or vessel;
  - To require any employer to produce any register, muster- roll or other documents relating to the employment of workers, and examine such documents;
  - To the provisions of this Act are being, or have been, complied with;
  - To examine the employer, his agents or servant or any other person found in charge of the establishment or any premises connected therewith;
  - To make copies, or take extracts from, any register or other document maintained in relation to the establishment under this Act.
- **Remedies under the Act:**
  - A complaint may be made to the appropriate authority appointed by the government by
    - The worker or
    - A legal practitioner or

- Any official of a registered trade union authorized for this purpose or
- An inspector appointed under section 9 of the Act.
- A Metropolitan Magistrate or a Judicial Magistrate of the first class is eligible to try offences under the Act. The Magistrate may take up the case on its own or on receiving a complaint either from-
  - The appropriate Government or
  - The aggrieved person or
  - Any recognized Welfare Institution or Organization and even Public Interest Litigation may be filed for discrimination in payment on grounds of gender.

### **How to file a Complaint?**

The complaint to the authority appointed under the Act must be made in Triplicate, in Form A for contravention of the Provisions of the Act and in form b for nonpayment of equal wages. The Authority will listen to both the parties and after making the necessary inquiry, direct the payment of the difference in the amount actually paid and the amount payable under the Act or direct the employer to comply with the provisions of the Act.

- Either of the parties may appeal to the appellate authority as notified by the Government under the Act within 30 days of the original order.
- Alternatively, a Public Interest Litigation may be filed in the court of law or the Legal Services Authority may be approached for getting appropriate relief and legal aid.

### **Minimum Wages Act, 1948**

- Women must get wages because every person who works must be paid for his or her work.
- A person must be paid at least a minimum wages which is fixed by the government under the Minimum Wages Act, 1948.
- Every woman must be paid the same wage as a man for the same kind of work i.e., equal to the man and not less.
- Women workers must be given to the person who work on temporary basis, piece rate basis, daily wages, who works for a contractor or who works in agriculture.
- Even if a person agrees to work on less wages then prescribed by the government, the employer is bound to pay the minimum wages.
- Minimum wages must be fixed on:
  - Daily basis,
  - Hourly basis and

- Monthly basis.

### **Remedy / Procedure Under The Minimum Wages Act, 1948**

- If the employer is not paying the Minimum Wages then the labour can complaint to the labour inspector.
- The employer cannot make the labour work for more than 9 hours which includes the time for rest also.
- If the labour works for more than 9 hours he/she will get the extra money which is doubled the wages.
- Every day there should be one day paid rest.
- Claims for payment of minimum rates of wages or remuneration for days of rest or wages at overtime rate or as per the rules and orders made by the appropriate government under this Act.
- The Presiding Officers of the Labour court and Deputy Labour Commissioners hear and decide claims arising out of payment of less than the minimum rates of wages. The employee or any legal practitioner or any official of a regd. Trade Union or any Inspector or Any other authorized person may file a claim petition under this act.

### **How to file the Complaint?**

- Every application under this Act must be presented within 6 months from the date on which the minimum wages become payable.
- A single application may be filed on behalf of any number of employees.
- The Adjudicating authority will hear both the applicant and the employer and after due inquiries may direct.-
  - Payment of the difference between the minimum wages to be paid under the Act and the actual wages along with a compensation not exceeding 10 times such amount.
  - Payment of any amount due to the employees by the employer along with compensation. A Penalty of fifty rupees may be levied on the applicant if the authority feels that the application is either malicious or vexatious. The direction of the authority is final and he shall exercise all the powers of a civil court under the Code of Civil Procedure for taking evidence, enforcing attendance of witnesses and compelling the production of documents. Courts have been barred from entertaining suits under this Act.
- No appeal shall lie against the decision of the authorities under the Act.

**Source : National Commission for Women**

## Literature Survey

Under variety of behaviors and situations, the concept of gender injustice, gender inequality and discrimination, which are violative of basic Human Rights may be highlighted. In spite of various international conventions and treaties recognizing equal rights for women, as a basic human right and the same has been incorporated in The Constitution of India, yet gender justice is far from reality. Several studies have been conducted on the subject of gender justice to focus on realization of gender equality. The recent focus of the Government of India has led to research on this crucial issue. However, the focus of researchers on gender justice in relation to the Constitution of India and Human Rights is yet unexplored. This can be attributed mainly to the infancy of the bright and gloomy urban areas and multinational corporate world and due to the lesser impact it has on the overall rural/suburban and social aspects of life that women is supposed to achieve and experience as a human being. The current literature review sheds light on the studies conducted to assess the reach and impact of various human rights conventions and provisions under the Constitution of India, the awareness levels and resultant effect of gender equality and gender justice and also how effective are the legislations and constitutional provisions as a tool for achieving the gender sensitization in the country.

1. Law, Religion and Gender Equality:- Literature on the Indian personal law system from a women's rights perspective- This literature review seeks to portray the scholarship on the feminist critique and women's activism vis- a-vis religion based family law in India. The key question is: Which aspects of the Indian family law system are problematic from a women's rights perspective and how can these aspects be addressed and reformed? The scholarship on this topic stems from three broad strands of literature: The first looks at family law and jurisprudence from a feminist perspective. It points to discriminatory aspects and suggests particular measures for reform. The second strand comprises studies of legal anthropologists on how women "on the ground" manoeuvre through the intricacies of state law, religious and cultural norms and claims for gender justice. It acknowledges that the Indian state practically shares its authority over law making and adjudication with various other stakeholders. The third strand of literature is situated in the area of gender studies and deals with the Indian women's movement's activism vis-à-vis the personal laws.
2. UN Women's Report , An exploratory study to assess the implementation of laws on promoting Gender Equality in the corporate sector in India showed that listed

companies have substantially complied with the provisions of law. Still, men account for 81.89% of the Board positions and women continue to be the minority gender. Women face several challenges in rising upwards in the corporate ladder. As a conclusion, it can be mentioned that enhanced quotas can bring a critical mass of women on Boards, who can in turn catalyze gender positive change.

3. Asmita Bhattacharyya, Dr. Bhola Nath Ghosh, (2012) analyzes the emergence of Information Technology as a potential employment opportunity for women befitting their job environment and offering, in principle, least gender discrimination and attempts to analyze the issues of opportunities and constraints the women employees face in the Information Technology sector in India which resulted in women empowerment. The research paper further reviews that, notwithstanding overall satisfactory gender-neutral pursuit by this sector, an optimal level of gender inclusivity is still to be achieved, especially to the senior level and this sector requires to be extra-careful in doing away with the prevailing maladies such as 'Feminization', 'Glass ceiling' etc.
4. Upasana Sarmah, (2012) describes that the role of women in labour market is crucial in the sense that the rapid industrialization has created general employment opportunities for them from which most of them have been benefited. It has a profound impact on the life of women employees working in the coal industry, as women from managerial position to the women engaged as workers in the collieries have witnessed a number of occupational hazards and professional challenges yet they are becoming economically independent. The study shows that though they are mostly employed at the lower levels and in unskilled occupations, the process of urbanization enabled their daughters and most of them also to get exposed to education, information, health care, drudgery reduction and employment opportunities. The paper analyzes the occupational hazards and other professional difficulties faced by working women in the industry and in the urban society with reference to the study area and focuses on their multiple roles; the impact of urbanization on their family life and their role in the labour market.

### **Aims And Objectives**

1. To find out the actual negatives in corporate work environment.
2. To analyze and assess the role of women in Mncs.

## Methodology

A methodology is a system of rules, principles and procedures that guides scientific investigation.

The case study is a practice derived from legal studies. In legal studies, a case refers to an event or set of events involving legal acts. The case study method is a holistic treatment of a subject. This method provides for the qualitative analysis of the issue. This is an in depth study of an individual or a situation or an organization or an institution or a family or a group or a small community. Questionnaire schedules, interviews, schedules, life histories will also be used as methods alongside case study methods.

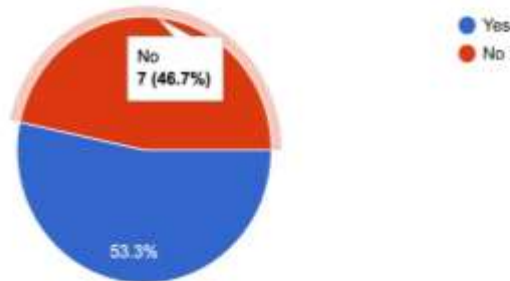
In this research paper, a sample size of approximately 20 has been used. Stratified sampling technique have been used in this case. Statistical tools like bar graphs and pie charts have been used to represent the relevant data.

The demographic details of the respondents are mostly between 28 to 49 age group. All of them are highly educated and have attained professional degrees. Professions vary from being teachers to journalist to academicians, doctors, scientists, corporate job holders. Most of them have not reported anything against harassment in workplace. 60 percent of the respondents have done their masters and forty percent are graduates.

Out of the twenty working women surveyed, only a few have complained about work place harassments. Although the research shows that every candidate is aware of the physical and mental harassments that are plausible in the work place, not many have actually faced it. Only two persons reported facing harassment in the form of mental pressure body shaming and taunting due to being straight forward in nature. Some candidates have allegedly reported against financial exploitation for being members of the fairer sex. Accordingly, their male counterparts received more salary than them. A respondent said that when in college and university, she faced extreme harassment and body shaming along with physical abuse. Although no legal action was taken, she had undergone deep trauma post this incident. Only five percent have reported against unfair salary discriminations in their workplaces and the rest 95 percent said that they never faced any such discrepancies. Although 100 percent of the respondents were aware of such harassments, only 25 percent actually faced harassments of such type. Even mental harassments like taunting, body shaming were present.

Do you know of any acquaintance who faced any kind of harrassment at his/her workplace?

15 responses

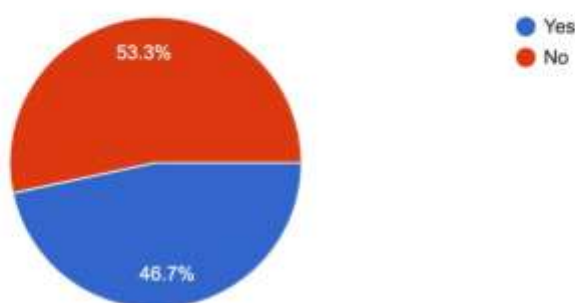


**Figure 1: Pie Chart Showing Percentages of Women Who Faced any kind of Sexual Harassment**

According to the questionnaire survey, one pertinent question that had been raised was the awareness about any acquaintance who has faced any kind of harassment at her workplace. In answer to this, 53.3 % responded positively and 46.7% responded negatively. This clearly indicates that there is knowledge of occurrence of such incidents at workplace, be it to own self or to someone else.

Have you ever approached your HR, or any other high authority for any issues at your workplace?

15 responses

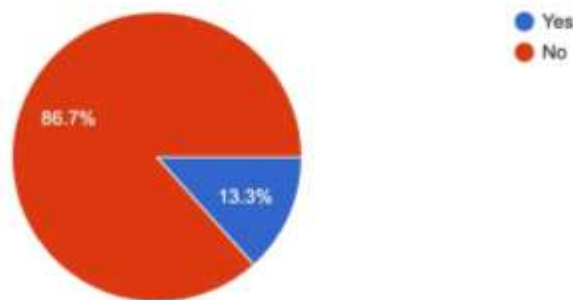


**Figure 2: Pie Chart Distribution of Women Approaching Authority**

When asked about whether the respondents has approached the HR or whether they have knowledge about such on goings in the organisation, 46.7 % said that they have informed the HR about it. But 53.3% responded negatively about informing the HR. This indicates that some of the employees are reluctant to carry forward the information to upper levels.

Have you ever taken any legal step against harassment?

15 responses



**Figure 3: Pie Chart Distribution for Women who have taken legal steps**

When asked about whether the respondents have taken any appropriate measure for such harassments, legally, 13.3% said that they did take legal steps but the remaining 86.7% said that they refrained from taking such extreme legal actions to avoid controversy.

As far as pay range is concerned, there is done controversy regarding that too, in a workplace. 73.3% said that there are no discrepancies in income levels among men and women at their workplaces, but the remaining 26.7% has reported against uniformity in wages and salaries among the two genders. This clearly shows that there is gender bias prevailing in the workplace. It can be said that post this study, most of the highly educated female workforce actually don't face regular harassments at work place for which they have to resort to legal aid. On the contrary, wage earners and junior or low-level female workers do face harassments and discriminations at their workplaces.

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