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## ***Maternity Benefits : A Quest For Workplace Equality***

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### ***Abstract***

*“Many a good man has been put under the bridge by a woman”<sup>1</sup>*

*-Henry Charles*

Both women and men, have the right to a workplace which is secure, free from discrimination and violence and convenient to fulfilling one's roles, tasks and responsibilities as it is an arena where they spend a major percentage of their day. Women labour participation in India is extremely low and has fallen over the years. Moreover, lack of education and job-oriented courses, lack of mobility, and discrimination at the workplace have acted as barriers for women to come out to the public space for work. This paper attempts to trace the course of maternity benefits and protection-related issues in India to explore the classic interlocking of women's work and maternal roles and their treatment through the years. This paper discusses the conceptual issues around women workers' maternity rights. It covers women movements and legal guarantees for maternity protection and women rights as workers. It also poses the key issues that revolve around women's work and the linkage to maternity benefits. This paper represents the invisibility of women's contribution to social reproduction and the particular ways by which women are getting involved in the global economy. This paper mainly concentrates on the applications of the Maternity Benefit Act, 1961 which was enacted to facilitate maternity leave for pregnant women with full wages which have been paid to her by her employer and how the women are being sexually harassed at the workplace effects the labour participation rate.

***Keywords-*** *Maternity benefits, Economic benefits, Labour force participation, Mobility, Discrimination.*

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<sup>1</sup> Charles Bukowski, *Women: A Novel*, HarperCollins (2002), available at <https://www.google.co.in/books/edition/Women/nYKhtI5zMLoC?hl=en&gbpv=1&dq=QUOTES+ON+WOMEN+WELL+BEING&printsec=frontcover>

<sup>2</sup> A German-American poet and a novelist.

## I. Introduction

During the period of post-independence, the reach and scope are limited to provide maternity benefits and protection for women who are engaged in various sectors. There is a solid growth of the countries that have witnessed massive economic development due to the expansion of the industrial sector, but global women labour force participation was reduced rapidly from 51.3% in 1998 to 48.5% in 2018.<sup>2</sup> This change became possible after the society raised its voice towards the working and living conditions of women in industrial and service sectors especially on force participation of women in labour work during their maternity period.<sup>3</sup> Acquiring gender equality is significant at labour participation because it is also related to a country's overall economic performance, therefore widening employment possibilities for women in the labour force without gender disparities is an instrument for attaining a rapid growth of the economy.<sup>4</sup> In addition, lack of education and job-oriented courses, lack of mobility, and discrimination at the workplace have acted as restraints for women to come out to the public space for work.<sup>5</sup> As gender variance is quite notable in India, women are deprived and underprivileged in labour force participation.<sup>6</sup> Despite an increase in education, the reasons for equality in the labour force are complex and involve a whole range of social and cultural dimensions apart from objective conditions.<sup>7</sup> Thus, a policy which tries to address this gap must be holistic. Besides enactments, statutes and regulations all stakeholders should join hands to close this gap. In the realm of tight fiscal budget hindrance, mandating women provision of the workplace in the labour market and enhancing benefits to them is an attractive means for a government to finance its political agenda.<sup>8</sup>

This paper has been strategically divided into two parts to accommodate a critical study, **Part-I** makes an exclusive emphasis on maternity benefits and applications of the Maternity Benefit Act,

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<sup>2</sup> <https://wol.iza.org/>

<sup>3</sup> <https://www.epw.in/>

<sup>4</sup> Gender Equality in the Labour Market in the Philippines, Japan: Asian Development Bank, 2013.

<sup>5</sup> <https://www.ilo.org>

<sup>6</sup> <https://www.brookings.edu/>

<sup>7</sup> Elder, S., Smith, A, Women in Labour Markets: Measuring Progress and Identifying Challenges, Switzerland: International Labour Office, 2010.

<sup>8</sup> <https://www.imf.org>

1961, key legislation in India under the ministry of labour and employment therein, **Part-II** was crafted to expound the search of equality in the women labour force. It devotes its focus on establishing an inclusive gender-diverse in labour force participation.

## **II. How The Scheme Of Maternity Benefits Came Into Existence?**

The provisions or allowances provided by the government to a woman during pregnancy or after child birth is known as maternity benefits. The history of struggle for providing maternity benefits to women was first conceded through National Insurance Act, 1911.<sup>9</sup> Thereafter the first law in India gave maternity benefits for working women in the Bombay Legislative Council in 1929.<sup>10</sup> Maternity benefits and protection were being provided under the different state acts as well as Central acts. There are substantial dissimilarities in their provisions relating to qualifying conditions, period and rate of benefit, etc. So as Act no.53 of 1961, the Maternity Benefit Act was enacted by the Parliament of India to regulate the employment of women of a certain period before and after childbirth.<sup>11</sup>

## **III. Eligibility To The Maternity Benefit Act, 1961:**

This act applies to women employed in all the organisations including factories, plantations, shops, government organisations, and legislative organisations.<sup>12</sup> wherein they are employed for the exhibition of equestrian, acrobatic and other performances. As per the Act, a woman must have been working as an employee in any establishment for at least 80 days within the past 12 months i.e., maternity period<sup>13</sup>.

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<sup>9</sup> <https://www.striking-women.org>

<sup>10</sup> <https://www.dalitweb.org>

<sup>11</sup> The Maternity Benefit Act, 1961. India, Universal Law Publishing, 2007.

<sup>12</sup> Ibid

<sup>13</sup> <https://labour.gov.in>

“Establishment” includes- a factory, a mine, a plantation, An organisation wherein persons are employed for the exhibition of equestrian, acrobatics, and other performances.<sup>14</sup>

#### IV. What Are The Benefits Women Can Get During Their Maternity?

- In the course of six weeks immediately following the day of delivery or miscarriage, no employer should deliberately employ a woman in any establishments.<sup>15</sup>
- Women workers are sanctioned to a maximum of 12 weeks (84 days) of maternity leave.<sup>16</sup>
- According to sub-section (3) of the Act, Employment of woman restricted during one month immediately preceding six weeks, before the date of her expected delivery.<sup>17</sup>
- Every woman is granted to claim payment from the employer based on the rate of her average daily wage in her actual absence.<sup>18</sup>
- The woman should give a notice to her employer stating that in case of her death the maternity benefit or amount should be given to the nominee or representative whoever she mentioned in the notice.<sup>19</sup>
- A medical bonus of one thousand rupees shall be given to the woman who is entitled to get maternity benefit under this Act.<sup>20</sup>
- The woman shall be entitled to leave for six weeks accordingly with wages as per maternity benefit for illness, miscarriage, delivery, and premature birth of the child.<sup>21</sup>
- An employer can not dismiss a woman for taking maternity leave. If any woman dismissed or expelled by the employer during her maternity leave, it shall not effect of depriving her from maternity benefit or medical bonus.<sup>22</sup>

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<sup>14</sup> Ibid

<sup>15</sup> Supra note 6

<sup>16</sup> <https://paycheck.in/labour-law-india/maternity-and-work>

<sup>17</sup> <https://labor.gov.in>

<sup>18</sup> <https://paycheck.in/>

<sup>19</sup> <https://www.ilo.org/dyn/>

<sup>20</sup> Supra note 18

<sup>21</sup> Ibid

<sup>22</sup> <https://www.livemint.com/money/personal-finance>

## V. Amendments To The Maternity Benefit Act, 1961:

In the year 2017, the Government of India approved the bill of amendment to the Maternity Benefit Act-1961, Hence it was further amended to enhance more benefits and protection for the women engaging in various establishments.<sup>23</sup> Benefits under new enactment are as follows:

1. The period of Maternity benefit leave has expanded from twelve weeks to twenty-six weeks.  
But it does not applicable to women having children more than two.<sup>24</sup>
2. A commissioning mother i.e., a biological mother who uses her egg to create an embryo injected in another woman, shall be entitled to twelve weeks of leave from the day she handed the baby under surrogacy or adoption.<sup>25</sup>
3. If the nature of work permits, a woman has the benefit to work at home after her maternity leave. It is based on mutual understanding between employer and employee.<sup>26</sup>
4. Every establishment or organisation having more than 50 employees, there is a provision that women are permitted to crèche four times a day.<sup>27</sup>

## VI. Can Maternity Benefits Be Denied?

According to Maternity Benefit Act-1961, If any employer denied the maternity benefits of the employee, then the employer is subjected to imprisonment for up to 3 months, a fine for up to Rs. 5000, or both. If she has been dismissed from the service, then the employer should be punished with imprisonment for a period of 3-12months.<sup>28</sup> In *Manisha Priyadarshini v. Aurobindo College-evening and ors*,<sup>29</sup> wherein the petitioner in the instant case was an ad-hoc teacher at the respondent's college. There was a common practice in the respondent's college, to renew the term

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<sup>23</sup> <https://pminida.gov.in>

<sup>24</sup> Ibid

<sup>25</sup> <https://egazette.nic.in>

<sup>26</sup> Supra note 17

<sup>27</sup> <https://www.indiaspend.com/women/>

<sup>28</sup> <https://www.myadvo.in/blog/maternity-benefit-leave-in-india/>

<sup>29</sup> <https://lexinsider.com>

for 120 days after giving a gap for one day between two terms. Before the petitioner's term was to end on March 18, 2019, she claimed maternity leave on February 2, 2019. The college not only refused her leave but also stated that she is no longer on the rolls of the college. The Delhi High court held that denial or refusal of maternity benefits would result in penalising a woman for choosing to become a mother. Moreover, the court instructed the college to put back the Appellant professor within one week and imposed a fine of Rs. 50,000 on the respondents.

The judgment in *Preeti Singh v. State of Uttar Pradesh*,<sup>30</sup> makes it clear that every employer is accountable for maternity benefits that the employee would avail. The facts of this case are largely related to *Smt. Richa Shukla vs State Of U.P and ors*,<sup>31</sup> wherein the respondents have rejected the claim of the petitioner for grant of second maternity leave. The respondents refused the claim of second maternity leave based on *Rule 153 (1) of the U.P. Financial Handbook*.<sup>32</sup> However 1961 Act does not contain any conditions on this, the court denied the contention made by respondents relying on *Sec. 27 of Maternity Benefit Act, 1961*.<sup>33</sup> Thus the court directed the respondents to contend the case of petitioner for grant of second maternity leave as the rule in U.P Financial Handbook could be overruled by the Act.

## VII. What Are The Various Maternity Benefit Schemes In India?

Every state government has its schemes for a pregnant woman other than benefits provided by the central government.

- National Maternity Benefit scheme (NMBS) : NMBS scheme has been initiated by the Ministry of Women and Child Development of the Government of India in the year 1995.<sup>34</sup> Under this provision, the women under “Below Poverty Line” will get Rs.500 for pre-natal and post-natal

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<sup>30</sup> <https://www.lawyerservices.in/Preeti-Singh-Versus-State-of-UP>

<sup>31</sup> <https://indiankanoon.org/doc>

<sup>32</sup> <https://budget.up.nic.in/>

<sup>33</sup> <https://lawgist.in/maternity-benefit-act>

<sup>34</sup> <https://govinfo.me/national-maternity-benefit-scheme/>

maternity care up to the first two live births. This benefit is provided to women of 19 years and overhead.<sup>35</sup>

- Pradhan Mantri Surakshit Matritva Abhiyan (PMSMA) : This scheme has been launched by the ministry of health and family welfare in order to assure extensive and quality antenatal care, free of cost to all the women during their maternity on 9th of every month.<sup>36</sup>
- Janani Suraksha Yojana: JSY is a benefit scheme for the pregnant woman under the National Rural Health Mission of Andhra Pradesh was launched in April 2005, by modifying the National Maternity Benefit Scheme (NMBS).<sup>37</sup> This scheme nurtures institutional delivery among poor pregnant women. Within 48hrs of the delivery, this scheme provides Rs. 700 to rural BPL pregnant women, Rs. 600 to urban BPL women.
- Mathruhree scheme: This scheme has been launched by Karnataka Govt in 2022 by modifying Mathrupoorna Yojana. Under this scheme the state will assist Rs. 6000 to all the pregnant women from BPL families.<sup>38</sup>

### VIII. Constraints For Women At The Labour Force

India's economy is rapidly increasing over years, with a growth in GDP and working-age population. The labour force participation rates were assessed as the labour force divided by the total working-age population. The people aged between 15 to 64 are known as the working-age population. Equal opportunity and equal treatment are the fundamentals in the labour market. This study set exhibits to estimate the women workers' rights in employment as a quest for equal opportunity. Unfortunately, women around the world still face obstacles to finding employment. According to ILO estimates current labour force participation rate for women is nearly 49% and for men it is 75%.<sup>39</sup> Female participation in labour markets will increase when they have given sufficient benefits also when the time-cost of unpaid care work is minimised, and should made more compatible with market work.<sup>40</sup> When compare to women, men are more likely to engage in

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<sup>35</sup> Supra note 6

<sup>36</sup> <https://pmsma.nhp.gov.in/>

<sup>37</sup> <http://hmfw.ap.gov.in/>

<sup>38</sup> <https://sarkariyojana.com/>

<sup>39</sup> Supra note 6

<sup>40</sup> <https://ourworldindata.org/female-labor-force-participation-key-facts>

labour markets. However, these gender disparities in participation rates have been reducing in recent decades.

## IX. What Causes Gender Gaps In The Labour Market?

Gender disparities are one of the most pleading challenges in the world even today, especially in the labour market. Despite building the progressive change towards gender equality at the workplace, various factors prevent it from stepping up. When compared to men, women are less plausibly engaged in the labour market because of family responsibilities, unequal distribution of pay, and course sexual harassment at work as the main obstacle that reduces the participation rate of women in the labour market.<sup>41</sup> Many social prejudices discriminate against women workers such as fear of an unmarried woman getting married, and recruiters doubting a married women's commitment to the job.<sup>42</sup> Gender attitudes that are reflected in workplace dynamics contribute to the prevalence of disparities at workplace and pose major challenges for working women.<sup>43</sup> These include:

1. **Stereotypical representation:** There is a susceptibility for some organisations or establishments to stereotype activities, where the tasks or jobs assign to the men and women based on distinctly feminine or masculine characteristics, and not on their professional expertise and personal capabilities.<sup>44</sup>
2. **Discrimination in opportunities and benefits:** Women professionals are exposed to multiple forms of exploitation, such as discrimination with regard to promotions, wage or salary, as well as personnel functions and management roles.<sup>45</sup>

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<sup>41</sup> Sen, R., Chatterjee, U. (2020). Power, Sexuality and Gender Dynamics at Work. India: SAGE Publications.

<sup>42</sup> Overcoming Challenges to Gender Equality in the Workplace: Leadership and Innovation. (2017). United Kingdom: Taylor & Francis.

<sup>43</sup> Foundation, M. F. (2019). Prevention of Sexual Harassment at the Workplace. India: Hachette India.

<sup>44</sup> Supra note 44

<sup>45</sup> Ibid

3. **Male work ethics:** Since men do not have household responsibilities, they are considered to be more adaptable in their working hours as they barely complain about working overtime. Women who are responsible for household chores are perceived to be more eager to leave at the stipulated time. Thus, it is presumed that they are less committed.<sup>46</sup>

## X. Are Men Favoured In Our Society Over Women?

So far over the years women are underprivileged in labour markets across the world. Gender disparities are quite noticeable in India. According to a survey overseen by the Centre for Monitoring Indian Economy in 2020, it was found that men were 23.5% more likely to engage in employment than women.<sup>47</sup> The inconsistency on average pay or wages is substantially lower for women compared to men is irrespective of their skill and productivity.<sup>48</sup> Hence there was a perception that women are more vulnerable in terms of wages as well as job security than men. Also, for women, production and reproduction are two knitted activities. Whereas men always played a subsidiary role in domestic work; therefore, societies tend to presume that they have paid work outside the home.<sup>49</sup> Another feature of the Indian labour market has been curtailing the gap between men and women with regard to educational acquirement.<sup>50</sup> However, contrary to assumptions, over the past 15 years the women's participation rate in the labour force reduced rapidly.

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<sup>46</sup> Ibid

<sup>47</sup> <https://www.telegraphindia.com>

<sup>48</sup> Global Wage Report 2018/19: What Lies Behind Gender Pay Gaps. (2018). Switzerland: International Labour Organisation (ILO).

<sup>49</sup> Bannon, I., Frerks, G., Bouta, T. (2005). Gender, conflict, and development. Washington: World Bank.

<sup>50</sup> World Social Report 2020: Inequality in a Rapidly Changing World. (2020). (n.p.): United Nations.

## **XI. Though Women Have Benefits, What Are The Problems They Face In The Work Place?**

Oftentimes, women feel overlooked or face disparities during pregnancy or after childbirth in their workplace. As we have discussed above in **Part-I**, every working woman should be aware of the benefits they can entail and the rights they can avail of under the law. In India, female employment rates are steadily low despite improving female literacy. Poor treatment of women at the workplace is one of the reasons for this paradox.<sup>51</sup> More still, this paper scrutinised the way women at the workplace are being looked down upon, abused, and misused by their employers simply because of their gender. Mostly, inequality at the workplace was measured in terms of salary scales, as well as positioning in terms of job grades or group cadres and these were also said to be influenced by various factors: the place of origin, work qualification, and educational attainments putting women at the periphery.<sup>52</sup> Social-cultural issues were also found by this study to be a great barrier to women's careers at employment and gender roles are not only spelled out by our cultures but also look down upon women's efforts to climb the employment ladder.<sup>53</sup> Women, therefore, face surmounting problems in their endeavour to obtain job opportunities in this society where intimidation and disparities at the workplace are reported. People still believe that some jobs are not suitable for women, as well as workplace segregation and harassment of women at workplace are some of the major constraints for the access of their employment. Some women would complain that men prod against them being recognised and promoted because they see themselves as being discriminated against.<sup>54</sup> Nonetheless, enhancing gender equality at the workplace seems to be the right thing to protect women's rights.<sup>55</sup>

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<sup>51</sup> <https://www.catalyst.org/research/women-in-the-workforce-india/>

<sup>52</sup> *Women, Gender and Work: What is Equality and how Do We Get There?* (2002). India: Rawat Publications.

<sup>53</sup> <https://journals.sagepub.com>

<sup>54</sup> *Supra* note 6

<sup>55</sup> <https://www.un.org/sustainabledevelopment/gender-equality/>

## **XII. Sexual Harassment- As The Main Ground For Declining Of Women Participation Rate In The Labour Market:**

The primary goal of the ILO is to achieve productive employment and decent work for all women and men in conditions of freedom, equity, security and human dignity.<sup>56</sup> Also the efforts to eliminate violence against female migrant workers are based on a strategy of preventing exploitation and abuse through promotion of gender-sensitive regulated and managed migration policies, bilateral and multilateral agreements, and labour standards for migrant workers within a decent work framework.<sup>57</sup> Sexual harassment at the workplace is one of the main reasons why women are leaving the workforce. We barely pass through a day without hearing these kinds of exploitations. These incidents mostly occur when one person is superior to another. Numerous instances have been observed off sexual harassment at the workplace where the sufferer fears to give the sentence to concerned authorities due to fear of being deposed and fear of being guilt in the society. Women are more likely to be victims of sexual harassments may be because they are in insecure positions, and often feel they lack in power than men, or have been socialised to sustain the trauma in silence.<sup>58</sup> According to ILO reports, the levels of harassments and sex-based discrimination has been increased over the decades.<sup>59</sup> Based on the reports it has been observed that sexual harassment may considered in two forms, where one is recognised as “*Quid Pro Quo Harassment*”<sup>60</sup> - wherein the sufferer pressured to engage in some sexual behaviour as a stipulation for a promotion, pay rise, or even for continued employment. Another is where the conduct of the employer creates conditions intimidating for the victim due to a hostile working environment. Therefore, single instances of such conduct typically qualify only when they are judged to be sufficiently severe. Legal scholars and Judges continue to use these two definitions to define sexual harassment.<sup>61</sup>

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<sup>56</sup> cruz, a.; klinger, s., gender-based violence in the world of work: overview and selected annotated bibliography, ilo bureau for gender equality working paper 3/2011, Geneva, 2011, page 3.

<sup>57</sup> Ibid

<sup>58</sup> Stopping Sexual Harassment in the Workplace. (1994). United States: U.S. Department of Transportation, Federal Aviation Administration.

<sup>59</sup> Supra note 6

<sup>60</sup> <https://poshatwork.com/>

<sup>61</sup> Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine. (2018). United States: National Academies Press.

### XIII. What Kind Of Behaviour Constitutes As Sexual Harassment?

Sexual harassment includes the below-mentioned conduct whether directly or by implication namely:

- (i) Physical contact and advances;
- (ii) A demand or request for sexual favours;
- (iii) Making sexually coloured remarks;
- (iv) Showing pornography

*Other than these physical, verbal or non-verbal conduct of sexual nature namely:*

- PHYSICAL : Physical violence, touching, unnecessary close proximity.<sup>62</sup>
- VERBAL : Comments and questions about appearance, life-style, sexual orientation.<sup>63</sup>
- NON -VERBAL: Whistling, sexually-suggestive gestures, display of sexual materials.<sup>64</sup>

### XIV. Does Sexual Harassment Of Women At Work Result In Violation Of Their Fundamental Rights?

Yes, sexual harassment of women at workplace constitutes in violation of women's right to equality, right to life and right to liberty which is comprised in Articles 14, 15 and 21 of the constitution respectively.<sup>65</sup> Since the early 70's sexual harassment of women has been left over as a major hindrance which adversely effects the social and economic development of the state.<sup>66</sup> *Vishakha and ors v. the State of Rajasthan*<sup>67</sup> was the first case in India that addressed the issue of

<sup>62</sup> Chatterjee, U., Sen, R. (2020). Power, Sexuality and Gender Dynamics at Work. India: SAGE Publications.

<sup>63</sup> Ibid

<sup>64</sup> Supra note 53

<sup>65</sup> <https://www.mondaq.com/india/employee-rights>.

<sup>66</sup> Folke, O., Rickne, J. (2020). Sexual Harassment and Gender Inequality in the Labour Market. United Kingdom: Centre for Economic Policy Research.

<sup>67</sup> <https://main.sci.gov.in/judgment/judis/13856.pdf>

sexual harassment of women at the workplace. The petitioner in the instant case was a worker in a Women's Development Project at Rajasthan. She fought against an incident of child marriage based on the government's campaign in 1992. Wherein, she makes her efforts to persuade one family, not to perform the child marriage. She even informed police over there but due to the assistance of the local MLA, police could not take action against them, however, the marriage was performed the following day. Due to these consequences, she lost her job and was boycotted from the village. Later, the respondent with another accomplice attacked her husband and assaulted her. A women's rights organisation called "Vishakha" filed a Public Interest Litigation (PIL) to seek justice for the petitioner. It focuses on the application of women's basic rights under constitution at workplace and needs to protect sexual harassment at workplace.

#### **XV. How Should We Think Of Policy Implications To Remove Barriers For Women Which Address Mobility Issues?**

Considering these insights, legislations should come up with progressive approach to improve labour market outcomes for women through providing access to education and training programmes, skills development, maternity protection and provision of safe and accessible transport. In India there are legal guidelines to safeguard women against and prevent sexual harassment at the workplace. For instance, the "*Vishakha guidelines*"<sup>68</sup> which was issued by the Supreme Court in 1997 in "*Vishakha and ors v. State of Rajasthan*" which intends to protect women from sexual harassment at workplace. After that, Parliament introduced "*Protection of women against sexual harassment at workplace Bill, 2010*"<sup>69</sup> that defines sexual harassment at workplace and address the process for redressal of complaints. The bill provides safeguard for malicious charges against women. Nevertheless, the bill sees sexual harassment not as a criminal offence but as a mere civil wrong, the remedy for which is compensation. Later, the Hon'ble Supreme Court made a significant change on addressing the issue of Sexual harassment at workplace.

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<sup>68</sup> <https://www.iimb.ac.in/sites/default/files/inline-files/iim-visakha-guidelines.pdf>

<sup>69</sup> <https://prsindia.org/>

The sexual harassment of women at workplace (*Prevention, Prohibition and Redressal) Act, 2013*<sup>70</sup> which came into effect on 23 April, 2013 mandates every women to provide a safe working environment which shall include safety from the persons coming into contact at the workplace.<sup>71</sup> It was found that POSH Act was mainly enacted and emerged with a strong legislature to hinder the aspects of inequality of women in the workplace, gender-specific violence and to prohibit sexually coloured behaviour.<sup>72</sup>

## **XVI. Conclusion And Recommendations**

So far as to conclude, it can be said that the efforts made in this paper exhibit the benefits provided by the government for women during their maternity and also the women being harassed at the workplace violate their fundamental rights. However, the law commission in 2015 suggested that the grants of the Maternity Benefits Act, 1961 should also be made applicable to the women working in unorganised sector, the 2017 amendment failed to state clarity on that. Further, the Act should provide paternity leave as well. At last, the object is not simply to increase female labour force participation, but to provide scope for decent work that will, promote the economic empowerment of women. As per the analysis, social and cultural norms as well as impartial realities like fear of harassment and conditions imposed on women mobility preclude them from going to work or seeking opportunities outside their homes. Changes in public policies and cultural attitudes were possibly responsible for some of the enhancement of quest for the women labour. There is a need to be aware that gender inequality is not only a pressing moral and social issue but also a crucial economic challenge. In terms of policy recommendations, the study suggests policies to address women rights in the employment sector, Policies of engendering equality, policies addressing all sorts of abuses and policies of guarding women rights. Lack of Education and Job oriented skills is also one of the reasons for reducing participation of women in labour force. It is observed that workforce increases along with education levels. The government has made an effort to eliminate the barriers for women through schemes to provide services to working women and legislative measures to enhance maternity benefits.

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<sup>70</sup> <https://legislative.gov.in/sites/default/files/A2013-14.pdf>

<sup>71</sup> <https://poshatwork.com/>

<sup>72</sup> Foundation, M. F. (2019). *Prevention of Sexual Harassment at the Workplace*. India: Hachette India.

Yet, the fact of declining workforce participation by women, largely concerns about security and safety at the workplace, as well as experiences of harassment, weigh in the option to seek or call-off employment.

Sexual harassment is a critical form of sex discrimination and it should not be tolerated in the society as it hinders equality at work by questioning the integrity, ethics, dignity and well-being of workers. On that account, Legislations and policy implications can only work as a backer which can overcome only some of the imbalances. To bring about actual changes, a collective effort is required.

## **XVII. Bibliography**

### **CASE LAWS:**

1. Manisha Priyadarshini v. Aurobindo College-evening and ors- S.L.P [Civ.] No. (7369 of 2020)
2. Preeti Singh v. State of Uttar Pradesh
3. Smt. Richa Shukla vs State Of U.P and ors
4. Vishakha and ors v. State of Rajasthan- ((1997) 6 SCC 241)

### **BOOKS:**

1. Elder, S., Smith, A, Women in Labour Markets: Measuring Progress and Identifying Challenges, Switzerland: International Labour Office, 2010.
2. Gender Equality in the Labour Market in the Philippines, Japan: Asian Development Bank, 2013.
3. The Maternity Benefit Act, 1961. India, Universal Law Publishing, 2007.
4. Sen, R., Chatterjee, U. (2020). Power, Sexuality and Gender Dynamics at Work. India: SAGE Publications.
5. Overcoming Challenges to Gender Equality in the Workplace: Leadership and Innovation. (2017). United Kingdom: Taylor & Francis.
6. Foundation, M. F. (2019). Prevention of Sexual Harassment at the Workplace. India: Hachette India.

7. Global Wage Report 2018/19: What Lies Behind Gender Pay Gaps. (2018). Switzerland: International Labour Organisation (ILO).
8. Bannon, I., Frerks, G., Bouta, T. (2005). Gender, conflict, and development. Washington: World Bank.
9. World Social Report 2020: Inequality in a Rapidly Changing World. (2020). (n.p.): United Nations.
10. Women, Gender and Work: What is Equality and how Do We Get There?. (2002). India: Rawat Publications.
11. Cruz, a.; Klinger, s., gender-based violence in the world of work: overview and selected annotated bibliography, ilo bureau for gender equality working paper 3/2011, Geneva, 2011, page 3.
12. Stopping Sexual Harassment in the Workplace. (1994). United States: U.S. Department of Transportation, Federal Aviation Administration.
13. Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine. (2018). United States: National Academies Press.
14. Folke, O., Rickne, J. (2020). Sexual Harassment and Gender Inequality in the Labour Market. United Kingdom: Centre for Economic Policy Research.
15. Foundation, M. F. (2019). Prevention of Sexual Harassment at the Workplace. India: Hachette India.