

WOMEN SAFETY AND INCLUSION - A SUMMARY OF ALL LEGAL ASPECTS FOR WORKING WOMEN IN INDIA 2020

LEGAL GUIDELINES APPLICABLE ON WORKPLACES IN INDIA

UNGENDER
ADVISORY |
2020



ABOUT UNGENDER

Ungender Legal Advisory is a diversity and inclusion laws advisory firm – working on bridging the gender and inclusion divide at workplaces.

We believe that workplaces have a long way to go before they become “inclusive” for all the existing and prospective genders interacting as their internal and external stakeholders. However, this is a journey that has begun for a lot of companies and some are just beginning to walk the path. We partner with the companies and its leaders to help them reach inclusion.

Our dedicated efforts towards this have resulted in niche advisory on compliance and implementation of the Maternity Benefits Act, 1961, SexualHarassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and other diversity based laws such as the Rights of Persons with Disabilities Act, 2016 and the Transgender Persons (Protection of Rights) Act, 2019.

We believe that solutions, like their problems, exist in the form of an ecosystem. And we need to address it together as much as possible. While majority of our work in the six years has been in private sector and workplaces, we have accumulated advisory expertise on different on-ground, mass level implementation with State and District level of government. Our collective intelligence is an output of working with over 300 companies directly, educating over 10,000 companies leaders, 250+ case investigations, and sensitizing over a lakh individuals on diversity and inclusive laws.

In addition to the above, we believe in extracting data-based insights on the on-ground activities/realities of workplaces to in turn, shape the future activities within a workplace, in the industry as benchmarks, or in the legal ecosystem.

As a part of our learning and development efforts, we are happy to share our knowledge in the public domain for the benefit of all stakeholders. For this, we have a dedicated section on our website on blogs, legal updates and handbooks on diversity and inclusion laws. Additionally, we will also bring various industry insights, through the gender lens, for you, as a stakeholder, decision maker, and an advocate of inclusion and equity to build inclusive workplaces of future.

Disclaimer

This Handbook is a copyright of Ungender Legal advisory. The Handbook has been designed to provide basic information about all the legal provisions that existing in India towards ensuring the inclusion and protection of women. This Handbook, in no manner should be construed to be a professional advice. The authors and the firm expressly disclaim all and any liability to any person who has read this Handbook, or otherwise, in respect of anything, and of consequences of anything done, or omitted to be done by any such person in reliance upon the contents of this Handbook.

Contact

For any help or assistance please email us on contact@ungender.in or visit us at www.ungender.in

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A LEGAL GUIDE TO SETTING UP SAFETY AND INCLUSION ELEMENTS FOR WOMEN AT YOUR WORKPLACE.

CONTACT US

For the past six years, Ungender and the team behind it, has built its expertise in the laws that impact workplaces and the genders engaging with them.

Our insights are produced in the form of simplified handbooks like the one you are accessing right now where we simplify the complicated laws and their mandates for the stakeholders.

Our additional insights come out in the form of industry reports where we combine laws, data, and gender together to provide the nuanced reality of specific sectors.

To have access to the reports, write to us on contact@ungender.in

To seek our advisory on workplace gender laws matters, write to us on contact@ungender.in

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WHY SHOULD YOU READ THIS?

With improvements in access to education and employment, millions of women in India are entering the country's workforce. Despite this, women continue to be discriminated against in matters of employment and conditions of service subsequent to their recruitment such as promotions, trainings and transfers.

Workplaces continue to be unsafe for them as they are subjected to improper working conditions & sexual harassment. These contribute to creating an insecure and hostile working environment for them and interfere with their performance at work.

The normalisation of sexual harassment and inequality in the workplace not only keeps women from going to work but also holds back the productivity of an enterprise and the rise of India's economy.

The International Monetary Fund believes that by increasing the proportion of women in India's labour force to that of men could boost gross domestic product (GDP) by as much as 27 percent.

Businesses can and must play a major role in changing these attitudes in relation to discrimination against women in the workplace and towards sexual harassment.

This booklet aims to simplify for HR Managers in and around the country, the various labour laws implemented to provide for the safety and welfare of women in the workplace.

The implementation of various government support schemes, compliance with labour laws and providing infrastructure that would ease the participation of women in workplace will collectively nurture gender diversity in their ranks. Robust redressal mechanisms for sexual harassment can not only prevent the rampant dropping out of women from the workforce, but also an enterprise's legal expenses and loss in productivity.

There is a general belief that labour laws are very complicated in India. Today, more than 40 Central laws and 100 State laws govern the subject of Labour. Multiple laws govern a single area.

A fallout of this cumbersome labour law structure is the increased difficulty in ensuring compliance with it, which in turn affects the workforce.

We at Ungender understand the importance of balancing the interests of both women in the workforce as well as hardship faced by employers in breaking down the labour laws of the Country.

Emphasis has been placed on breaking down provisions of The Equal Remuneration Act, The Maternity Benefits Act, the Sexual Harassment (Prevention, Prohibition and Redressal) Act, The Shops and Establishments Act, Factories Act, the Mines Act and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 into simple and cogent language. It must be noted that despite the comprehensive nature of this resource, it is not an exhaustive guide to gender law compliance in India.

A GUIDE TO NAVIGATING THROUGH THIS BOOKLET

As mentioned earlier, this booklet breaks down provisions of some of the most important labour laws into simple and cogent language. Each Act has been broken into 5 sections



1. The **'Fact File'** provides important context to each law with pertinent facts.
2. The **'Important Definitions'** section provides definitions to important terms that are found throughout that specific Act. Reference must be made to this section if the usage of a term is unclear.
3. The **'Important Provisions for Women/Important Policies'** section lists down the salient provisions of that specific Act.
4. The **"Infrastructure to be provided by employer"** section lists down the infrastructural arrangements that need to be made by employers for their workforce under that specific Act.
5. The **"Penalties"** section lists down offences of non-compliance with the provisions of the Act with the corresponding penalties.

The "Gendered Labour Law checklist" may be used for quick reference to the various provisions mentioned throughout this booklet.