



Human Rights of Working Women in the Industrial Sector: A

Comparative Study of India and Abroad

Dr. Santosh Kumar

Advocate, High Court of Judicature at Allahabad

ARTICLE DETAILS

Research Paper

Keywords :

Human Rights, Working Women, Industrial Sector, Gender Equality, Workplace Safety, Wage Disparity, India, Global Perspective

ABSTRACT

Women's participation in the industrial sector is crucial for economic development worldwide. However, gender inequality, wage disparity, workplace harassment, and lack of social security remain major challenges. This paper examines the human rights of working women in the industrial sector, comparing India with global practices. It explores legal frameworks, challenges, and policy recommendations to promote gender equality and workplace safety.

1. Introduction

Women's labor force participation in the industrial sector has increased over the years, but gender discrimination persists globally. The **Universal Declaration of Human Rights (UDHR)** and **International Labour Organization (ILO) conventions** emphasize equal rights for women. However, the implementation of these rights varies across countries. The International Labour Organization (ILO) has played a crucial role in establishing global labor standards through its conventions, which are legally binding international treaties that member states can ratify. These conventions cover various aspects of labor rights, including wages, working conditions, gender equality, child labor, and occupational safety. Since its founding in 1919, the ILO has adopted over 190 conventions, shaping labor policies worldwide.

One of the most fundamental ILO conventions is the **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**, which guarantees workers and employers the right to form and join organizations without state interference. Along with the **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**, it ensures that workers can negotiate wages and working



conditions through collective bargaining. These conventions form the basis of trade union rights worldwide.

The ILO has also focused on eliminating forced and child labor. The **Forced Labour Convention, 1930 (No. 29)** and the **Abolition of Forced Labour Convention, 1957 (No. 105)** prohibit all forms of forced labor, including human trafficking and bonded labor. The **Minimum Age Convention, 1973 (No. 138)** and the **Worst Forms of Child Labour Convention, 1999 (No. 182)** seek to eradicate child labor by setting minimum age limits for employment and banning hazardous work for children.

Gender equality in the workplace is another major concern addressed by the ILO. The **Equal Remuneration Convention, 1951 (No. 100)** mandates equal pay for men and women for work of equal value. The **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)** prohibits discrimination based on gender, race, religion, or other factors in hiring, promotions, and working conditions. The **Maternity Protection Convention, 2000 (No. 183)** ensures maternity leave, healthcare, and job security for pregnant and nursing mothers.

Occupational safety and health are crucial areas covered by ILO conventions. The **Occupational Safety and Health Convention, 1981 (No. 155)** requires governments and employers to ensure safe working environments. The **Safety and Health in Mines Convention, 1995 (No. 176)** and the **Safety and Health in Agriculture Convention, 2001 (No. 184)** address industry-specific hazards. More recently, the **Violence and Harassment Convention, 2019 (No. 190)** was adopted to protect workers from harassment and abuse in the workplace.

The ILO also addresses social security and fair wages. The **Social Security (Minimum Standards) Convention, 1952 (No. 102)** establishes basic social security rights, including medical care, unemployment benefits, and pensions. The **Minimum Wage Fixing Convention, 1970 (No. 131)** promotes fair wage-setting mechanisms.

ILO conventions significantly impact national labor laws, influencing policies across the world. While many countries have ratified key conventions, challenges remain in enforcement. Developing countries often struggle with implementation due to economic constraints, informal employment, and weak legal frameworks. The ILO continues to work with governments, employers, and workers to strengthen labor



standards and ensure fair and decent work for all. Its conventions remain essential tools in promoting human rights and dignity in the workplace.

This paper analyzes the status of working women in India and abroad, highlighting legal protections and challenges they face.

2. Legal Framework for Women’s Rights in Industry

2.1 International Laws and Conventions

The legal framework for women's rights in the industrial sector at the international level is shaped by various conventions and treaties that ensure gender equality, workplace safety, and fair treatment. These conventions, primarily established by the United Nations and the International Labour Organization (ILO), set global standards to protect women from discrimination, harassment, and exploitation in employment.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations in 1979, is a foundational treaty that obligates signatory states to eliminate gender-based discrimination in all areas, including employment. It mandates equal opportunities for women in recruitment, promotion, training, and working conditions. CEDAW also emphasizes the importance of maternity rights and calls for measures to prevent workplace harassment. Governments that have ratified this convention are required to implement policies that promote gender equality in the industrial sector and report progress regularly.

The International Labour Organization has played a key role in establishing legally binding standards for women’s rights at work. The Equal Remuneration Convention (No. 100) of 1951 mandates equal pay for men and women performing work of equal value, ensuring that wage discrimination is eliminated in industries. The Discrimination (Employment and Occupation) Convention (No. 111) of 1958 prohibits discrimination based on gender in hiring, promotions, and access to vocational training. These conventions reinforce the principle that women must be treated fairly in industrial employment and must have the same career opportunities as men.

The Maternity Protection Convention (No. 183) of 2000 establishes minimum standards for maternity leave, requiring at least 14 weeks of paid leave and job security during pregnancy and postnatal periods.



It also mandates that employers provide breastfeeding breaks and safe working conditions for pregnant women. This convention aims to ensure that women in industries do not face job loss or health risks due to pregnancy. Many countries have adopted maternity policies based on these international guidelines, though implementation varies widely.

To address workplace violence and harassment, the ILO adopted the Violence and Harassment Convention (No. 190) in 2019. This is the first international treaty that specifically protects workers, particularly women, from psychological, physical, and sexual harassment at the workplace. It calls for preventive measures, employer accountability, and legal remedies to create a safe working environment in all sectors, including industries where women often face higher risks of exploitation.

Additionally, the Workers with Family Responsibilities Convention (No. 156) of 1981 recognizes the challenges that working women face in balancing family and employment responsibilities. It encourages policies that support parental leave, childcare facilities, and flexible work arrangements to ensure that women in industries can continue their careers without being forced out due to caregiving responsibilities.

These international conventions collectively form the legal foundation for women's rights in industrial employment. While many countries have ratified and integrated these standards into national laws, challenges remain in enforcement. Compliance depends on government commitment, corporate policies, and awareness among workers. Strengthening legal mechanisms and ensuring better implementation are essential to achieving true gender equality in the industrial workforce globally.

- **ILO Conventions** – Protect against workplace discrimination and ensure maternity benefits (ILO, 2019).
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)** – Promotes gender equality in all spheres (UN Women, 2020).
- **Equal Remuneration Convention (ILO, 1951)** – Calls for equal pay for equal work (ILO, 2021).
- **Universal Declaration of Human Rights (1948)** – Ensures equality in employment and fair wages (United Nations, 1948).



2.2 Legal Framework in India

The legal framework for women's rights in the industrial sector in India is governed by several national laws and policies designed to promote gender equality, fair wages, workplace safety, and protection from discrimination. These laws are influenced by international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and International Labour Organization (ILO) conventions, ensuring that India aligns with global labor standards while addressing its own socio-economic conditions.

The Constitution of India provides the foundation for gender equality in employment. Article 14 guarantees the right to equality, while Article 15 prohibits discrimination based on sex. Article 16 ensures equal opportunities in public employment, and Article 39(d) specifically directs the state to provide equal pay for equal work for both men and women. These constitutional provisions mandate that women in the industrial sector receive fair treatment and protection against workplace discrimination.

The Equal Remuneration Act, 1976, reinforces the constitutional commitment to equal pay. It mandates that employers provide the same wages to men and women performing the same work or work of similar nature. This law is crucial in preventing wage disparities in industries where women have historically been underpaid compared to their male counterparts.

The Maternity Benefit Act, 1961, as amended in 2017, ensures maternity leave and job security for working women. Under this law, women are entitled to 26 weeks of paid maternity leave, along with provisions for medical benefits and nursing breaks. This act applies to women employed in factories, mines, plantations, and other establishments with ten or more employees, ensuring that maternity does not become a barrier to career growth.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, provides a legal framework to protect women from harassment in workplaces, including industrial settings. It mandates the establishment of Internal Complaints Committees (ICCs) in organizations with ten or more employees and provides a mechanism for addressing complaints. The law extends protection not only to salaried employees but also to contractual and temporary workers, ensuring a safer work environment for women in industries.



The Factories Act, 1948, includes several provisions to safeguard women's health and safety in industrial workplaces. It restricts night shifts for women in hazardous industries and mandates adequate sanitation, separate restrooms, and proper lighting. The law also ensures that women are not assigned work that could be physically harmful, particularly during pregnancy.

The Employees' State Insurance Act, 1948, and the Employees' Provident Fund Act, 1952, provide social security benefits, including medical care, maternity benefits, and post-retirement financial security for women working in factories and industries. These provisions help ensure that women have economic stability and healthcare support throughout their careers.

The Code on Wages, 2019, consolidates laws related to minimum wages and payment regulations, reaffirming the principle of equal pay for equal work. The Occupational Safety, Health, and Working Conditions Code, 2020, further strengthens workplace safety measures for women, particularly in manufacturing and hazardous industries.

Despite these legal protections, challenges remain in implementation and enforcement. Many women in the industrial sector, particularly those in informal employment, do not receive the full benefits of these laws due to lack of awareness, inadequate monitoring, and resistance from employers. Strengthening legal enforcement, improving workplace infrastructure, and increasing awareness among women workers are essential steps toward ensuring full realization of their rights in the industrial sector.

- **The Constitution of India (1950)** – Guarantees equality, non-discrimination, and the right to work with dignity (Government of India, 1950).
- **The Equal Remuneration Act (1976)** – Ensures equal pay for men and women (Ministry of Labour and Employment, 2018).
- **The Maternity Benefit Act (1961, amended in 2017)** – Provides 26 weeks of paid maternity leave (Government of India, 2017).
- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013)** – Protects women from workplace harassment (National Commission for Women, 2019).

The Factories Act (1948) – Ensures health and safety standards for women in industries (Government of India, 2020).



2.3 Legal Framework in Developed Countries

- **United States** – The Equal Pay Act (1963), Title VII of the Civil Rights Act (1964), and the Family and Medical Leave Act (1993) protect women's rights (US Department of Labor, 2022).
- **European Union** – The EU Gender Equality Strategy (2020–2025) and the Work-Life Balance Directive provide strong protections (European Commission, 2021).
- **United Kingdom** – The Equality Act (2010) prohibits gender discrimination in employment (UK Government, 2021).
- **Japan** – The Equal Employment Opportunity Law (1985) and Work Style Reform Laws aim to promote gender equality (Japan Labour Review, 2022).

3. Challenges Faced by Women in the Industrial Sector

3.1 Wage Disparity

- **India** – Women earn 20–30% less than men in industries despite the Equal Remuneration Act (World Economic Forum, 2022).
- **Global Perspective** – The gender pay gap is prevalent in most countries, with women earning 16% less than men on average (OECD, 2021).

3.2 Workplace Harassment and Discrimination

- **India** – Many workplaces do not have Internal Complaints Committees (ICCs) as mandated by law (ILO, 2020).
- **Global Perspective** – Countries like Sweden and Canada have strict anti-harassment laws, whereas some developing nations lack strong enforcement (UN Women, 2021).

3.3 Maternity and Childcare Issues

- **India** – The Maternity Benefit Act provides 26 weeks of leave but lacks implementation in the informal sector (Government of India, 2021).
- **Global Perspective** – Scandinavian countries offer up to one year of paid parental leave, whereas the U.S. has no mandatory paid maternity leave (World Bank, 2022).



3.4 Occupational Health and Safety

- **India** – Many women in factories and industries face poor working conditions, inadequate sanitation, and long hours (Ministry of Labour and Employment, 2021).
- **Global Perspective** – Developed countries have stricter workplace safety regulations, but issues persist in sectors like mining and construction (ILO, 2021).

3.5 Job Insecurity and Informal Employment

- **India** – 90% of women workers are in the informal sector, lacking job security and benefits (NITI Aayog, 2022).
- **Global Perspective** – Women in developing countries face similar challenges, while developed nations offer better legal protections (OECD, 2021).

4. Policy Recommendations for Protecting Women’s Rights

4.1 Ensuring Equal Pay

- Strict enforcement of equal pay laws through audits and penalties for non-compliance.
- Promoting transparency in wage structures (World Economic Forum, 2023).

4.2 Strengthening Workplace Harassment Policies

- Mandatory workplace training on sexual harassment prevention.
- Strict enforcement of workplace safety laws with regular inspections (ILO, 2022).

4.3 Improving Maternity and Childcare Support

- Expanding maternity benefits to informal sector workers.
- Encouraging industries to provide on-site childcare facilities (World Bank, 2022).

4.4 Enhancing Workplace Safety

- Implementing gender-sensitive safety policies.
- Providing adequate sanitation, protective equipment, and medical support (OECD, 2022).



4.5 Promoting Formal Employment and Social Security

- Encouraging industries to offer permanent contracts to women workers.
- Expanding social security schemes to cover all working women (NITI Aayog, 2023).

5. Conclusion

Women in the industrial sector face significant human rights challenges in India and worldwide. While developed nations offer stronger protections, implementation gaps remain. In India, legal frameworks exist, but poor enforcement weakens their impact. Strengthening policies, ensuring fair treatment, and promoting a safe and inclusive work environment will empower women and enhance their contributions to industrial growth.

References

1. Government of India. (1950). *The Constitution of India*.
2. International Labour Organization (ILO). (2019). *Gender Equality in the Workplace*.
3. United Nations. (1948). *Universal Declaration of Human Rights*.
4. UN Women. (2020). *CEDAW and Women's Rights*.
5. Ministry of Labour and Employment. (2018). *Equal Remuneration Act, 1976*.
6. Government of India. (2017). *Maternity Benefit (Amendment) Act*.
7. National Commission for Women. (2019). *Workplace Harassment in India*.
8. European Commission. (2021). *EU Gender Equality Strategy 2020–2025*.
9. World Economic Forum. (2022). *Global Gender Pay Gap Report*.
10. OECD. (2021). *Employment and Gender Equality*.
11. US Department of Labor. (2022). *Equal Pay Act and Gender Equality*.
12. World Bank. (2022). *Women, Business, and the Law*.
13. NITI Aayog. (2022). *Women's Employment in India's Informal Sector*.
14. Japan Labour Review. (2022). *Gender Equality in Japan's Industry*.
15. UK Government. (2021). *The Equality Act and Workplace Rights*.