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“Women in Informal and Corporate Sector - A Contemporary Analysis of India”

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ABSTRACT

A voice being raised by feminists from a long time is still not heard by anyone. The women who have successfully proved their worth in fulfilling multiple roles have failed to get enough representation in employment opportunities. In this paper, I will analyse what this buzzword 'women and employment' means, which has become popular nowadays. In the contemporary scenario, how these issues are becoming so relevant. Taking India as an example, we will further come to know that representation is increasing only in the labour sector in India, and they are also being used as a substitute for cheap labour. Going deeper into these aspects, we will intend to find out the reasons why the percentage is increasing only in the labour sector, why they are suitable only for vulnerable jobs.

In this paper, I will also analyse the gender gap and income disparity prevailing in the corporate sector, even though some women are doing incredible work in their field. Along with that, I will also focus on sexual harassment in the workplace, especially in the corporate sector, which makes the situation of women even more worst. How patriarchal society plays its role so effectively by not recognising the contribution of women in economic development. Why *Vishakha* guidelines were implemented, which further led to the enactment of sexual harassment of women at workplace act, 2013 and what is the present situation of the act. I will also focus on the policies introduced by the women ministry or steps taken by the government for improving the situation.

Keyword: *Women, work, informal sector, corporate sector, judicial trends.*

1. INTRODUCTION

India is today undoubtedly one of the most dynamic countries of the world, a global engine of the growth backed with productivity, investment, technology and innovation. Women are also helping in adding fuel to this engine by making significant contributions towards the economic growth of the country¹. Yet the gender gap in employment is significant, and women are not equally represented at the global level. We have to understand that growth of the economy without the desirable contribution of women which forms more than one-third population of the country is impossible and it is like fighting with one hand tied behind one's back. Even though LAKSHMI, the goddess of wealth and fortune is the closest thing Hinduism has to an economic deity but how badly her earthly sisters in present-day India are faring² is an issue of grave concern. Woman's participation in employment outside the home is viewed as "slightly inappropriate, subtly wrong, and dangerous to their chastity and womanly virtue"³ among certain sections of society in the last century. We can say that situation in this century the ratio of participation of women workforce in different sectors of the economy is better than that of the last century. However, still, women workers are facing severe problems and constraints related to work such as lack of continuity, insecurity, wage discrimination and unhealthy job relationship in both unorganised and organised sector.

We are discussing the lack of representation of women at the workplace but first and foremost question that arises is why these two words, women and employment are intertwined with each other? Why does this situation need to be addressed urgently? The answer is straightforward that the lack of financial independence is a major obstacle for their empowerment. The employment rate among women is an index of their emancipation. According to the report published in economic times, it showed that unemployment among Indian women is more than double than that of men and study also showed that increasing participation of women could increase the GDP by 27%⁴. According to the World outlook and social report by ILO, the gender gap between men and women at global level stood at

¹ Jonathan Woetzel (Eds.), *The Power of Parity: Advancing Women's Equality in the Asia Pacific*, McKinsey Global Institute, (Apr. 2018),

<<https://www.mckinsey.com/~/media/McKinsey/Featured%20Insights/Gender%20Equality/The%20power%20of%20parity%20Advancing%20womens%20equality%20in%20Asia%20Pacific/MGI-The-power-of-parity-Advancing-womens-equality-in-Asia-pacific-Full-report.ashx>>

² Stephanie Scholz, *Why India needs Women to Work*, The Economist, (Jul. 5, 2018); <https://www.economist.com/leaders/2018/07/05/why-india-needs-women-to-work>.

³ Renuka D. Badwane (Bhavsar), *Women and Labour Study Changing Scenario* (2013).

⁴ *Unemployment rate among Indian women more than double of men: study*, The Economic Times, (Aug. 30, 2019, 3:00 PM), <https://economictimes.indiatimes.com/jobs/unemployment-rate-among-indian-women-more-than-double-of-men-study/articleshow/70908166.cms?from=mdr>.

27% in 2018, and it has declined in last 25 years due to the increasing participation of women in an unorganised sector. However, the situation in the organised sector is still pathetic.

2. WOMEN AND WORK

The voice of the feminists is rising day by day, and every day they are fighting for the equal rights of women in different parts of the world. Although feminists movements have been come out victorious and today most women have gained their rights, but equality remains to be achieved. In early societies, men were hunters and gatherers, so they were considered as strong whereas women were viewed as sensitive and women had to take care of children. Therefore the role of men was regarded as instrumental, and he was considered as a breadwinner of the family. All these factors led to the formation of patriarchal society. Finally, in the late eighteenth century, feminists movements gained momentum in Europe, and later it became popular in different parts of the world. Although women in most of the developing countries like India work in one or another form most of the times, their work is not accounted for calculating the GDP because most of the times they are working in the informal sector but the representation of women in the formal sector is not more than 10% of total women workforce. We know that level of employment in the country is an essential indicator for measuring the growth of an economy⁵. But how can we think of development without eradicating gender equality in terms of job opportunities? The statement "both men and women are children of God, and both are equal" stops making sense, and it seems like an ominous prophecy. For how can we explain the fact that even after 72 years of independence, we are still lagging in achieving gender equality?

3. WOMEN IN INFORMAL SECTOR

3.1 Meaning

Informal sector also called grey economy, employs a large number of people in developing countries like India. Informal sector means all those income-producing activities which do not involve contractual relations except agriculture. According to some reports, more than

⁵ Sarita Agarwal, Jyoti Achanta and Raginideep, *Growth, Urbanisation and Women*, in *Women Workers in India* 42 (Ravi Prakash Yadav, Kumar Chandradeep and Barsa eds., 2012).

81% of the employed people are working in the informal sector in India⁶ and according to the report presented by ILO. More than 60% of the world's working population is employed in the informal sector. From street vendors to seasonal agriculture labourers and unskilled workers, women are overburdened in this sector. This sector is a hub for unskilled labours. As, we all know that population is increasing day by day, but the job opportunities available in a formal or organised sector is not enough; therefore, this sector attracts a massive influx of both skilled and unskilled workforce.

Although, it is challenging to calculate the exact proportion of the number of people working in the informal sector, certain surveys showed that almost 94% of total women workforce is engaged in informal sector⁷. From the above-presented data, we can see that women are overburdened in the informal sector. It is the primary source of employment for women all over the world because it does not require specialised skills, and women from the poor financial background are actively involved in getting jobs in these sectors. As we know that Indian methodologies put some restrictions on the working of the women and they are not allowed to go outside.

The status of the women is closely related to the culture of the society, and we can easily observe that patriarchal society has played its role effectively in demeaning the economic status of women. They were made to remain inside the four walls of the house, and some societies restricted the entrance of women in the formal sector. Still, due to the lack of appropriate financial conditions, the informal sector became a lucrative source of employment for unskilled women. Although women can get jobs quickly in this informal sector exploitation of the workers are taking place at a considerable level. Even employers are encouraging for women employees in the unorganised sector because women are provided with lower wages as compared to the men also if they are equally efficient. They are burdened with heavy workloads along with long working hours, and lack of facilities is a serious issue of concern. They were forced to work in unhygienic working conditions. The cases of sexual abuse are also recorded in the workplace. The best example is domestic work where the work is done in households of private persons. The relation between employers and employees is highly personal, and rules and regulations do not govern it. It cannot be supervised by the labour inspectors also. Thus the cases of psychological, physical and sexual

⁶ Supra 3.

⁷ Dr Geetika, Anvita Gupta and Dr Tripti Singh, *Women working in an informal sector in India: A Saga of Lopsided Utilisation of Human Capital*, 4 IPEDR (2011).

abuse are⁸ very common. In cases of migrant or industrial workers, the situation is even worse. Women are not provided with proper toilet facilities; therefore, open defecation takes place due to which health diseases like diarrhoea and dysentery take place. Another most prominent problem in this sector is lack of job security which means they can be fired by employers any time because there is no contractual relationship exists between employers and employees.

3.2 Judicial Trends

Although the participation of women in the working sector is not equal to the men, they still constitute a significant proportion of the total workforce in India in an unorganised sector. After independence, a lot of changes happened in India, and now a day, women are not confined to homes. They came out successfully from their homes and proved their potential in various sectors of the economy. However, their work remains unaccounted because most of them are involved in the informal sector. Therefore the government has created a ministry of women and development to take initiatives for the well being of women labourers and also a lot of legislations were passed by this ministry to protect the interest of women.

As we know that there is a lot of the labour legislation in India, therefore, let's discuss some of the crucial legislations and special provisions related to the women.

- **The Factories Act, 1948-** this act was passed to amend the labour laws in factories, and special provisions were also created under this act for the betterment of women. Section 27 of this act prohibits the employment of women near cotton openers⁹. In section 48 of this act, it is mentioned that if there are more than 30 women workers in the factory, then employers must provide crèches along with necessary facilities. Section 66 of this act also mentioned that women are not allowed to work during night time¹⁰.
- **The Maternity Benefits Act, 1961-** this law was passed to provide the benefits to the women labourers during their maternity period. This legislation was given mainly to deliver the benefits of maternity leave to the women working in factories, mines and industries etc. Section 4 of this act specified that woman shall not work six months before and after her delivery. Section 5 also mentioned that woman should be entitled to paid leave and employers have to provide average wages to the women during his

⁸ Supra 6.

⁹ The Factories Act, 1948, No. 63, Acts of Parliament, 1948 (India).

¹⁰ *Id.*

maternity leave¹¹. Various other maternity benefits are also provided in this act. Although the provisions for maternity benefits were also offered in Employees State Insurance Act, 1948 and Plantation Labour Act 1951 but the requirements related to maternity benefits were not uniform therefore this act was passed to make the consistent system for providing maternity benefits.

- **Unorganised Worker's Social Security Act, 2008-** this act was passed to provide benefits to the workers involved in an unorganised sector of an economy. Under this act, the provisions were made for the central and state governments that they shall formulate and notify policies like health benefits, provident funds, old age funds etc. for the workers involved in unorganised sectors. This act also provides for the establishment of National and State security board for exercising the powers conferred by this act and the social security benefits under this act can be given to only that person who is above 14 years¹².

Although various legislations have been passed by the government from time to time to protect the interests of the women working in an informal sector still there is lack of proper enforceability due to which the flouts of laws in India are very common. In the famous case of **Municipal Corporation of Delhi v. Female workers (Muster roll) and others**¹³, female workers filed a case against the municipal corporation for not providing maternity benefits to the female workers who were employed on an irregular basis.

Therefore, the legal question that was raised in this case was that "whether the female workers working on muster roll should be given any maternity benefit or not?" the female workers union claimed that municipal corporation of Delhi employed a large number of women on muster roll basis. They were working with them for many years, and still, they were not provided with any maternity benefits. The duties performed by both regular and irregular workers were the same, and the only difference between regular and irregular workers was that there were no contractual relations with irregular workers. They pleaded for maternity benefits, and finally, Supreme Court gave its judgement and said that the irregular women workers who have completed three years of service or more than three years should be entitled to all the maternity benefits mentioned in The Maternity Benefits Act, 1961¹⁴. Similarly, there were a lot of cases that came in front of the judiciary in India related to the

¹¹ The Maternity Benefits Act, 1961, No. 53, Acts of Parliament, 1961 (India).

¹² Unorganised Worker's Social Security Act, 2008, No. 33, Acts of Parliament, 2008 (India).

¹³ Municipal Corporation of Delhi v. Female Workers (Muster roll) and others, (2000) 2 SCR 171.

¹⁴ *Id.*

poor working conditions of the women in various sectors of an economy. Therefore, rules and regulations must be appropriately implemented.

4. WOMAN IN CORPORATE SECTOR

4.1 Meaning

The corporate sector has always been considered as sexist. Some reports even suggested that the percentage of women working in the corporate industry was 19.74% ¹⁵in 2017-18 which explicitly says that significant chunk of the women labour force is working in labour or informal sector. I believe that there is no need of looking into the reports as we can easily see at places where we are working that the gender gap exists primarily if we are working in a corporate sector. Although women take 70% of the purchasing decisions at home then why she is holding only 1% of the world's top corporate positions¹⁶.

The Gender Gap Index was released by Economic forum in 2018, and India stood at 108th out of the 149 countries¹⁷. The performance of India was weak on all the measuring indicators like education, health and political empowerment etc. in this report. These international reports are the clear cut indicators of the conditions of the women in India. It is always said that man and woman are the two wheels of the same vehicle then how can we think of the development of the nation if the one wheel is not getting enough opportunities. We all know that woman is an integral part of the society, but still, they are always looked down by a man. Jawaharlal Nehru even said that the development of the nation could easily be identified by looking at the conditions of the women¹⁸.

There are various reasons for the less proportion of women workforce in the corporate sector. Let's discuss some of the principal reasons why women are backing out from the corporate sector after a certain period. **Glass Ceiling** is one of the significant problems that can be faced by women at most of the workplaces. It means even after performing well; they are considered inferior to men at some workplaces. **Time Constraints-** as they have to take care

¹⁵ Advait Rao Palepu, Amritha Pillay and Sachin P Mampatta, *Women in Workforce- A work in progress even in India's largest companies*, Business Standard (Oct. 17 2018, 5:38 PM), https://www.business-standard.com/article/economy-policy/women-in-workforce-a-work-in-progress-even-in-india-s-largest-companies-118101601242_1.html.

¹⁶ Soma Roy Dey Chaudhary, *Status of women workforce in the corporate sector concerning gender equality in the workplace and the provisions of Companies Act 2013*, 1 IJSSA 99-104 (2016)

¹⁷ *The Global Gender Gap Report 2018*, World Economic Forum, 2018
<http://www3.weforum.org/docs/WEF_GGGR_2018.pdf>.

¹⁸ Supra 8.

of their home responsibilities; also, it is challenging for them to manage their professional and personal life. **Male Attitude-** sometimes attitudinal barriers from men also create problems for women. Although the situation is changing in the present scenario, still an issue needs to be addressed¹⁹.

4.2 Judicial Trends

The government has passed various legislations to improve the conditions at the workplace because better working conditions are prerequisite to modernisation, and it also stimulates the efficiency of workers. Moreover, the availability of better working conditions by the companies is considered as an investment because it acts as a fuel for the growth of the company. **Companies Act, 2013**, specifies in section 149(1) that the company shall have at least one woman director. It is also mentioned in this act it is the social responsibility of the companies to promote gender equality and empower women²⁰ etc. we can say that the Ministry of Corporate Affairs had done a great job by adding this provision. Now it is the responsibility of the companies to take initiatives for the empowerment of the women and implement this provision²¹.

Although various legislations are passed by the government from time to time to improve the representation of women in different working sectors, the menace of sexual abuse is still not controlled. Women are seen as an object of sexual satisfaction. The term '**HARASSMENT**' is quite a familiar term to everyone. It includes inappropriate physical, mental abuse that humiliates the person. It can be of different kinds like physical harassment, sexual harassment and cyberbullying etc. The women usually face sexual harassment. Before 1997 any complaint related to sexual harassment was filed under section 354 and 509 of the IPC, but after the introduction of Vishakha guidelines, new preventive and curative methods were developed against sexual harassment cases. In the case of **Vishakha v. State of Rajasthan**²², the writ petition was filed under article 32 of the constitution for the enforcement of fundamental rights guaranteed by section 14, 15, 19 and 21 of the constitution. The immediate cause was the brutal gang rape of a social worker in Rajasthan. In this case, the Supreme Court laid down Vishakha guidelines for the protection of the fundamental rights of women against sexual abuse. The Supreme Court also said that these guidelines should be

¹⁹ H.L. Kaila, *Stress and Coping among Women Managers in Indian Organisations*, in *Women Workers in India* 113 (Ravi Prakash Yadav, Kumar Chandradeep and Barsa eds.,2012).

²⁰ Companies Act, 2013, No.18, Acts of Parliament, 2013 (India).

²¹ Soma Roy Dey Chaudhary, *Status of Women Workforce in Corporate Sector with reference to Gender Equality in Workplace and the Provisions of Companies Act 2013*, 1 IJSSA 99-104 (2016).

²² Vishakha v. the State of Rajasthan, (1997) 6 SCC 241.

observed at workplaces, and it should be treated as a law under article 141 of the constitution²³.

Later on April 23, 2013, the legislation brought a new comprehensive law relating to the sexual harassment of women at workplaces and this law is known as “**Sexual Harassment of Women at Workplaces (Prevention, Prohibition and Redressal) Act, 2013**”. This act was passed to protect the women at workplaces against sexual harassment. This act specifies that every employer shall constitute an Internal Complaint Committee for the welfare of the women, and it also defines the provisions for furnishing false and malicious complaints by the women against respondent²⁴. But the harsh reality is that women are still facing some kind of sexual harassment even after the enactment of this act.

5. GLOBAL VISION

If we look at the worldwide level, we can say that hundreds of initiatives have been taken to improve the situation of women in different sectors of the world economy. The International Women's Year was celebrated in the United Kingdom for the first time on March 8, 1911, and from that year March 8 has been marked as International Women's Day. The United Nations celebrated it for the first time in 1975, and it also launched the UN decade for women from 1975 to 1985. It was the agenda of the organisation to focus on the issues related to women such as pay equity, better educational facilities and health facilities etc. Commonwealth governments took another significant step by introducing The Commonwealth introduced Plan of Action for Gender Equality 2005-2015, and the main aim of this action plan was to provide a solid foundation for achieving gender equality in next decade²⁵. It also mentioned that the socio-economic development of a country is closely related to gender equality. The development of the country can be achieved fully only when women should also contribute to the economy. In 2011, the theme of the commonwealth day was "Women as the agent of change" to mark the 100th anniversary of international women's day and gender equality is one of the important agendas of commonwealth countries²⁶. The

²³ *Id.*

²⁴ Sexual Harassment of Women at Workplaces (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India)

²⁵ Commonwealth Secretariat, *The Commonwealth Plan of Actions for Gender Equality 2005- 2015*, The Commonwealth, https://www.justice.gov.za/docs/other-docs/2005_GenderPoA20052015.pdf.

²⁶ 'Women as an agent of change' is 2011 theme, The Commonwealth, (Jan. 12, 2011), <<https://thecommonwealth.org/media/press-release/%E2%80%98women-agents-change%E2%80%99-2011-commonwealth-day-theme>>.

Commonwealth Secretariat Gender Equality Policy 2019 was launched in October, and the purpose of this policy is to empower the women and ensure that all the human resources policies and procedures should promote gender-sensitive organisational culture, and there should not be any gender disparity²⁷. Similarly there are so many initiatives that can be taken at the global level for enhancing women empowerment, and feminist movements are playing an active role in fighting against the injustice happening against women all over the world.

CONCLUSION

After analysing the situation of women in different sectors of the economy, we can say that there are various acts, legislations and provisions that have been passed by the government from time to time to improve the conditions of working women. Although the government passed a lot of legislation, at the same time, administrative inefficiencies and weak laws failed to uplift the women section of the society. They are always considered as a property of men. We appreciate the initiative of the government in which the bill was passed to reserve 33% of the jobs for women in the public sector.

However, the experts claim that India still lags in gender equality. Even though women occupy a prominent position in different industries such as technology, medicines, law and designing etc., yet they are considered as inferior to men just because they are physically not more potent than men. As women are witnessing in all the sectors of the economy and there is no sector exists today where women are not employed. Still, sexual harassment and gender gap have resulted in the subjugation of women in all the segments of the economy. We have to realise that they are the agents of change and new role models for their communities. They can set examples in front of other women, and they can be instrumental for the growth of an economy. Everyone has to change their mindset and realise that investing in women's leadership leads to smart development.

²⁷ Commonwealth Secretariat, *Commonwealth Gender Equality Policy 2019*, The Commonwealth, (October 2019), <https://thecommonwealth.org/sites/default/files/inline/Commonwealth_Gender_Equality_Policy_Oct2019.pdf>

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