



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

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GENDER EQUALITY WITH REFERENCE TO EQUAL EMPLOYMENT OPPORTUNITIES

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Synopsis-

This research is to show gender equality at job and opportunities at workplace. The research work provides a detailed description and summary of the Gender Equality with reference to equal employment opportunities with special reference to Indian Constitution. It emphasizes the importance of equal employment opportunities and gender equality at workplace.

Methodology-

The methodology involved for this research adopts a scientific approach, involving data collection from reliable sources, classification and interpretation of the collected data and critical analysis to succinctly present the findings.

Abstract

Gender equality in employment refers to equal right, responsibilities and opportunities of men and women at workplace. This abstract explores the ongoing challenges and advancements in achieving gender parity in the workplace. Equality doesn't mean women and men will become the same but their rights, responsibilities and opportunities should not depend on their gender. The aim of gender equality in workplace is to achieve equal treatment for men and women without any discrimination in terms of promotions, opportunity, retirement, salary, etc. at workplace. By examining the importance of breaking gender stereotypes and promoting diversity, this abstract aims to contribute to the ongoing dialogue surrounding the achievement of true gender equality in the professional sphere.

KEY WORDS: Gender Equality, Equal Employment Opportunities, Equality, Gender Pay Gap, Workplace

Introduction

Workplace gender equality is something which can be accomplished when people are able to enjoy the same opportunities, rewards and resources irrespective of gender.

It advocates for a workplace where individuals are judged based on their skills, qualifications, and performance rather than their gender. It challenges stereotypes and biases, fostering an environment that values diversity and inclusivity.

Institution of gender equality in an organisation act as a catalyst in enhancing the productivity of the organisation supporting best of talents and managerial skills of their employees. Gender inequality is a curse to any organisation which brings down the efficiency levels of organisation. Efforts toward gender equality often involve implementing policies and practices that address pay gaps, promote equal opportunities for career advancement, and eradicate discriminatory hiring practices. Organizations and societies benefit from embracing gender equality as it contributes to a more dynamic and innovative workforce.

It's crucial to recognize that achieving gender equality in job opportunities is an ongoing process that requires the commitment of individuals, businesses, and governments to create a more just and inclusive society.

Importance of gender equality

- 1. More innovation and creativity:** A more diverse workforce leads to more innovate and creative ideas. A larger pool of potential and capable workforce paves way to pick better skilled candidates for a task.
- 2. Poverty Reduction:** Empowering women through equal job opportunities can contribute significantly to poverty reduction. When women have access to employment and earn fair wages, it positively impacts not only their lives but also the well-being of their families and communities.
- 3. Social Stability:** Promoting gender equality can contribute to social stability by fostering a sense of fairness and justice within communities. It helps reduce social tensions that may arise

due to gender-based discrimination.

4. **Human Rights:** Gender equality is a human right. It emphasizes the right to be free from discrimination and to have equal opportunities in education, employment, and other areas of life.
5. **Enhance economic development:** Providing equal job opportunities for all genders contributes to economic growth by utilizing the full potential of the workforce. A diverse and inclusive workforce fosters innovation, creativity, and productivity.
6. **Inclusive development:** Gender equality is integral to achieving sustainable and inclusive development. It ensures that the benefits of development are distributed equitably and reach all segments of society.
7. **Global competitiveness:** Nations that prioritize gender equality are often more competitive on the global stage. It signals a commitment to harnessing the skills and talents of the entire population, leading to increased competitiveness and economic success.

Challenges faced by women in Workplace:

Women in the workplace often encounter various challenges that can hinder their professional growth and well-being.

1. **Discrimination and Bias:** Stereotypes and biases may influence decision-making processes, affecting hiring, promotions and performance evaluation decisions. Discrimination may manifest in subtle or overt ways, limiting women's opportunities.
2. **Inadequate Family Support Policies:** Limited availability of family-friendly policies, such as parental leave and childcare support, can disproportionately impact women. Robust family support policies are crucial for promoting gender equality.
3. **Work-Life Balance Challenges:** Balancing work responsibilities with family or caregiving duties can be challenging.

4. **Stereotyping of Roles:** Traditional gender roles and expectations can influence career choices and opportunities. Encouraging a shift away from stereotypical expectation is important for equalizing career options.
5. **Gender Pay Gap:** Women on average earn less than their male counterparts for the same work. Addressing and closing the gender pay gap remains a persistent challenge.
6. **Gender-Based Harassment:** Many women face harassment or inappropriate behaviour in the workplace. Creating a safe environment and addressing harassment is crucial for gender equality.

Constitutional provisions for gender equality and equal job opportunities in India-

The articles of Indian constitution which upholds the principles of gender equality and equal job opportunities are- Article 14, Article 15, Article 16, article39(a) and Article 42.

1. **Article 14¹ - Right to Equality:** Ensures equality before the law and equal protection of laws to all citizens, prohibiting discrimination on grounds of sex.
2. **Article 15² - Prohibition of Discrimination:** Forbids discrimination on grounds of religion, race, caste, sex, or place of birth.

Special Provisions for Women and Children: Permits the state to make special provisions for women and children.

3. **Article 16³ - Equality of opportunity in Public Employment:** Guarantees equality of opportunity in matters of public employment and prohibits discrimination on grounds of sex.
4. **Article 39(a)⁴ - Equal pay for equal work:** Directs the state to ensure that men and women receive equal pay for equal work.

¹ Article 14 of The Indian Constitution of 1950.

² Article 15 of The Indian Constitution of 1950.

³ Article 16 of The Indian Constitution of 1950.

⁴ Article 39 of The Indian Constitution of 1950.

5. **Article 42⁵ - Provision for just and humane conditions of work and maternity relief:** This article states that the State shall provide a fair working and maternity relief environments.

Under the Constitution of India, the Directive Principles of State Policy contains duties of the State to apply these principles while making laws. These principles state that State shall direct its policies to secure that citizens, men and women equally have the right to an adequate means of livelihood, that there is equal pay for both men and women, provide free and compulsory education for children and duty to improve public health.

Acts in India that address gender equality and equal employment opportunities-

1. **Maternity Benefit Act, 1961:** Safeguards the employment of women for certain periods during pregnancy and maternity leave i.e., before and after child-birth and to provide maternity benefits which is fully paid wages during the absence from work and to take care of her child.
2. **Sexual Harassment of Women at workplace (Prevention, prohibition and Redressal) Act, 2013:** This act seeks to protect women from sexual harassment at their work place. It mandates a safe working environment for women and also outlines procedures for dealing with sexual harassment at workplace.
3. **Equal Remuneration Act, 1976:** Ensures payment of equal wages for same work to men and women workers and for the prevention of discrimination against women in the matters of employment, promotion, training, etc.
4. **Protection of Women from Domestic Violence Act, 2005:** Addresses domestic violence, recognizing the workplace as one of the places where violence may occur.
5. **The Industrial Employment (Standing Orders) Act, 1946:** Governs employment conditions and non-discrimination in industrial establishments.

⁵ Article 42 of The Indian Constitution of 1950.

6. **The Apprentices Act, 1961:** Ensures equal opportunities for apprenticeship training regardless of gender.
7. **The Factories Act, 1948:** Contains provisions related to the working conditions of women in factories, including restrictions on night shifts.
8. **The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995:** Ensures full participation and equal opportunities for persons with disabilities, including in employment.

Case Laws:

In the context of gender equality and equal job opportunities in India, there are several significant case laws that have shaped the legal landscape. Here are some of the landmark cases:

1. Vishaka Vs State of Rajasthan⁶ :

The Supreme Court laid down elaborate guidelines to deal with the menace of sexual harassment against women at workplace, emphasizing the employer's duty to provide a safe working environment for women.

2. M.C. Mehta Vs Union of India⁷:

While primarily an environmental case, it highlighted the importance of ensuring a safe and healthy workplace environment, indirectly impacting gender equality in employment. Recognized the right of women to work in hazardous industries, challenging stereotypes about the suitability of certain jobs for women.

3. Air India Vs Nargesh Meerza⁸:

Addressed the issue of injustice and gender discrimination in employment policies, emphasizing the importance of equal opportunities for men and women. The Supreme Court ruled that denying maternity benefits to an air hostesses on the ground of pregnancy was a violation of Article 14 and Article 16 of the Constitution.

⁶ AIR 1997 SC 3011

⁷ AIR 1987 SC 965

⁸ AIR 1981 SC 1829

Ways to Promote gender equality at workplace:

- 1. Zero Tolerance for Discrimination:** Enforce strict policies against gender-based discrimination.
- 2. Equal Recruitment:** Ensure fair and unbiased hiring processes.
- 3. Training and Development:** Provide equal access to training and advancement opportunities.
- 4. Salary Transparency:** Promote transparency in salary structures to address wage gaps.
- 5. Regular Audits:** Conduct regular audits to ensure ongoing gender equality within the workplace.
- 6. Parental Leave:** Offer equal parental leave to both genders to support work-life balance.
- 7. Mentorship Programs:** Establish mentorship programs to foster professional growth for everyone.
- 8. Flexible Work Arrangements:** Offer flexibility to accommodate diverse needs.

CONCLUSION

In conclusion, achieving gender equality in job opportunities is not just a moral imperative but also a strategic advantage for organisations and societies. Gender equality in workplace is something which can be achieved when employees are treated equally without any bias and discrimination in terms of rewards, opportunities, resources, promotions, retirements, etc. in any organisation. Despite, remarkable progress witnessed towards gender equality in recent years mainly in education, health and female workforce participation, gender inequality has not vanished completely due to increased disparity in gender pay gap and various other factors contributing to gender inequality across the globe. By acknowledging the challenges, implementing inclusive policies, and fostering a culture of equality, we can create workplaces where individuals thrive based on their abilities rather than their gender. Embracing gender equality is not only the right thing to do, it is essential for building a more sustainable and equitable future.

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