

# CHAPTER-11

## **EXPLORATION OF PROGRESSIVE LABOR LAWS FOR WOMEN WORLDWIDE: HISTORICAL PERSPECTIVES, LEGAL FRAMEWORKS AND CHALLENGES**

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## **ABSTRACT**

*This paper offers a nuanced exploration of progressive labour laws designed to protect and advance the rights of women globally. It begins by tracing the historical evolution of women's involvement in the workforce and the gradual acknowledgment of their rights within legal frameworks worldwide, spotlighting pivotal moments in the struggle for workplace gender equality. Moving on, the study scrutinizes existing legal mechanisms aimed at safeguarding women's rights in the labour market, evaluating their efficacy in addressing issues like equal pay, discrimination, maternity leave, and work-life balance. Additionally, it identifies and examines the array of challenges hindering the full realization of women's rights, encompassing cultural norms, institutional biases, economic disparities, and systemic discrimination. Ultimately, the paper advocates for sustained efforts to advance progressive labor laws, advocating for comprehensive reforms, proactive policies, and inclusive strategies to foster gender equity and empower women's full participation in the workforce.*

**Keywords:** *Labor Laws, Women equality, Empowerment, Challenges.*

## **1. INTRODUCTION: WOMEN'S LABOR HISTORY**

The tapestry of women's labor history is woven with threads of resilience, struggle, and triumph, depicting a narrative that spans centuries and continents. This narrative is not just about work; it encapsulates the evolving role of women in the workforce, the battles fought for their rights, and the strides made toward achieving gender equality. In a thousand words, we journey through the epochs, exploring the challenges faced, the milestones achieved, and the ongoing pursuit of a workplace that recognizes and values the contributions of women. World War I and II propelled women into the workforce in unprecedented numbers as men went off to fight. This era marked a pivotal shift, challenging societal norms about women's roles. Rosie the Riveter became an iconic symbol, representing the multitude of women working in factories, shipyards, and offices. Post-war, however, women were often expected to return to traditional roles, revealing the inherent tension between wartime progress and peacetime expectations. The relentless struggle for equal rights and gender equality in the workplace spans well over a century, and its echoes persist in contemporary society. At the forefront of this quest in the United States stands the pivotal Equal Rights Amendment (ERA), a seminal concept with roots dating back to 1923. Conceived by the visionary minds of Alice Paul and Crystal Eastman, the ERA represents a bold initiative aimed at ensuring equal legal rights for every American citizen, irrespective of gender.

Proposed with foresight and conviction, the Equal Rights Amendment aspires to dismantle the systemic barriers that perpetuate distinctions between men and

women in various facets of life. Encompassing realms such as divorce, property rights, and employment, among others, the ERA seeks to eradicate gender-based differentiations ingrained in the legal fabric of the nation. Alice Paul and Crystal Eastman's ground breaking proposal recognized the urgent need to rectify the imbalances within legal frameworks that had historically disadvantaged women. The ERA envisioned a society where men and women would stand on equal footing before the law, transcending discriminatory practices that had long hindered the full realization of women's rights. The proposed amendment aimed to break down the barriers preventing women from fully participating in the economic, social, and legal spheres of American life.

In the realm of employment, the ERA emerged as a crucial instrument to challenge and dismantle discriminatory practices that hindered women's professional advancements. By seeking to eliminate gender-based distinctions in the workplace, the amendment aimed to foster an environment where merit, skill, and qualifications would be the sole determinants of success, irrespective of gender. In doing so, the ERA not only addressed the immediate concerns of wage disparities but also aimed to create a more inclusive and equitable professional landscape for future generations. The scope of the ERA extends beyond the workplace, addressing fundamental issues in areas such as divorce and property rights. Traditionally, legal frameworks had perpetuated disparities, treating men and women differently in matters of marital dissolution and property ownership. The ERA sought to rectify these inequities by advocating for a legal landscape that recognized the equality of all citizens, regardless of gender, in matters of familial relations and property matters (Avolio, B. & Chávez, J., 2023). Despite its profound significance, the journey of the Equal Rights Amendment was marked by both progress and challenges. While significant strides have been made in advancing gender equality since its proposal, the amendment has faced hurdles in achieving formal ratification. The discourse surrounding the ERA remains relevant and poignant, as contemporary debates grapple with the need for a constitutional guarantee of equal rights for all. In essence, the fight for equal rights and gender equality encapsulated in the Equal Rights Amendment transcends its historical roots, resonating with the ongoing struggle for inclusivity, fairness, and justice. As the battle for gender equality continues into the 21<sup>st</sup> century, the ERA refers to the enduring commitment to creating a society where all individuals, regardless of gender, enjoy equal legal rights and opportunities. The legacy of Alice Paul and Crystal Eastman lives on, inspiring successive generations to strive for a workplace and a world that recognizes and celebrates the inherent equality of every citizen. Despite legislative advancements, the latter half of the 20th century and early 21st century witnessed the persistence of the

glass ceiling – an invisible barrier limiting women's ascent to top corporate positions. Women of color faced additional hurdles due to intersecting forms of discrimination. However, cracks in the glass ceiling became evident as trailblazing women shattered stereotypes and assumed leadership roles in various fields. Women's labor history is a global narrative, with experiences varying across cultures and continents. In some societies, women have long been integral to agricultural and artisanal work. In others, gender norms have restricted women's participation in the formal workforce. The fight for women's labor rights takes diverse forms, influenced by cultural, economic, and political contexts. While significant strides have been made, challenges persist. The gender pay gap, workplace harassment, and the struggle for maternity leave and childcare facilities remain prominent issues. The COVID-19 pandemic highlighted and exacerbated existing inequalities, with women disproportionately affected by job losses and increased caregiving responsibilities (Yusuf, M., et, al. 2024).

## **2. ANCIENT BEGINNINGS**

The story begins in ancient times, where women's labor was often confined to domestic spheres. Across civilizations, from Mesopotamia to ancient China, women played pivotal roles in sustaining households and communities, their labor often undervalued and overlooked. The Industrial Revolution, however, marked a seismic shift, pulling women into factories and mills in unprecedented numbers. As the wheels of progress turned, so did the wheels of change for women's labor.

## **3. 19-20<sup>TH</sup> CENTURY: THE INDUSTRIAL REVOLUTION AND WOMEN'S ENTRY INTO THE WORKFORCE**

The clangor of machinery in the 19<sup>th</sup> century echoed not only the industrial transformation but also the entrance of women into factories and mills. Textile mills, garment factories, and assembly lines became spaces where women toiled, often in grueling conditions and for meager wages. This shift disrupted traditional gender roles, yet the patriarchal norms of the time persisted, relegating women to lower-paying jobs and limited opportunities. The turn of the 20<sup>th</sup> century saw the rise of suffragette movements demanding the right to vote and broader gender equality. Simultaneously, women began organizing for better working conditions. The Triangle Shirtwaist Factory fire in 1911, where predominantly female garment workers perished due to unsafe conditions, became a catalyst for change. The tragedy galvanized the labor movement, leading to improved safety regulations and increased awareness of workers' rights. The 1960s and 1970s ushered in the Second Wave of feminism, amplifying the call for gender equality in all aspects of life, including the workplace. Women demanded equal

pay for equal work, an end to workplace discrimination, and access to leadership positions. Legislation such as the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964 laid the groundwork for addressing some of these issues. The late 20<sup>th</sup> century enters in the technological revolution, transforming industries and the nature of work. Women became increasingly involved in technology-related fields, challenging stereotypes and contributing significantly to innovation. However, gender imbalances persisted, prompting discussions about the lack of representation and opportunities for women in science, technology, engineering, and mathematics (STEM).

#### **4. EVOLUTION OF PROGRESSIVE LABOR LAWS**

A comprehensive examination of the historical evolution of progressive labor laws forms the foundation of this review. It traverses the annals of legislative changes, social movements, and paradigm shifts that have shaped the contours of these laws. Through a chronological lens, the review encapsulates the journey from the early recognition of women's rights in the workplace to the sophisticated legal frameworks and policies that exist today (Ahmed, W., et al. 2023).

#### **5. INDIAN LEGAL FRAMEWORK SAFEGUARDING WOMEN'S RIGHTS IN THE WORKFORCE**

The Indian Constitution provides several provisions safeguarding women's rights in the workforce:

##### **i. Constitutional Provisions**

- Article 14: Equality before the law and equal protection of laws.
- Article 15(1): Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.
- Article 15(3): Empowerment of the state to make special provisions for women and children.
- Article 16: Equality of opportunity in matters of public employment.
- Article 39(a): Directive Principle of State Policy directing the State to ensure that men and women equally have the right to an adequate means of livelihood (Ahmed, W., & Jameel, A. 2018).

## **ii. Key Legislative Enactments Addressing Women's Labour Rights**

The Equal Remuneration Act, 1976 stands as a beacon of gender equality in the workforce, championing the principle of fair compensation regardless of gender. This pivotal legislation guarantees that men and women receive equitable pay for performing the same work, thereby fostering a more just and equitable society. Complementing this noble endeavor is the Maternity Benefit Act, 1961, a cornerstone in the realm of women's rights at the workplace. Enacted with the welfare of expectant and new mothers in mind, this act bestows crucial benefits such as paid leave and medical assistance, ensuring that women can navigate the delicate phase of pregnancy and childbirth with adequate support and care.

Furthermore, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, stands as a bulwark against the scourge of workplace harassment. By mandating proactive measures for prevention and redressal, this legislation endeavors to create a work environment where women feel secure and respected, free from the specter of harassment and intimidation.

While the Factories Act, 1948, may not explicitly target women, its provisions resonate profoundly in safeguarding the rights and well-being of all workers, regardless of gender. From ensuring safe working conditions to promoting health and welfare initiatives, this act serves as a bedrock of protection for women to thrive and contribute meaningfully in the industrial landscape.

Together, these legislative frameworks constitute a formidable arsenal in the fight for gender equality and workplace dignity, signaling a collective commitment towards building inclusive and empowering work environments for all.

## **iii. Landmark Judicial Decisions**

In the landmark case of *Vishaka v. State of Rajasthan* (1997), the Supreme Court of India promulgated comprehensive guidelines aimed at preventing and redressing incidents of sexual harassment within the workplace. These guidelines, crafted with a vision to safeguard the dignity and security of women employees, served as a pivotal force behind the eventual enactment of the Sexual Harassment of Women at Workplace Act in 2013. Through its progressive stance, the court set a precedent that underscored the imperative of ensuring a safe and respectful work environment for all individuals. Similarly, in the case of *Air India v. Nergesh Meerza* (1981), the judiciary affirmed the fundamental right of women employees to maternity benefits, establishing unequivocally that employers are prohibited from discriminating against pregnant employees. This ruling marked a significant stride towards gender equality in the

workplace, emphasizing the importance of upholding the rights of women to balance their professional responsibilities with their maternal duties.

Further reinforcing the principles of gender equality, the Supreme Court, in *R. Seshammal v. State of Tamil Nadu* (1972), upheld the enforceability of Article 39(a) of the Constitution, which mandates equal pay for equal work, regardless of gender. By affirming the right to parity in wages, the judiciary reaffirmed its commitment to dismantling systemic barriers and fostering a more equitable society.

Additionally, in *M.C. Mehta v. State of Tamil Nadu* (1996), the Supreme Court underscored the obligation of employers to furnish a secure working environment for women employees. Emphasizing that the failure to provide adequate safety measures constitutes a violation of their fundamental rights under Articles 14 and 21 of the Constitution, the court underscored the non-negotiable imperative of prioritizing the well-being and security of women in the workplace. Through its unwavering stance, the judiciary reiterated its role as a guardian of fundamental rights and a champion of gender justice.

These constitutional provisions, legislative enactments, and landmark judicial decisions collectively constitute the legal framework safeguarding women's rights in the Indian workforce, striving towards gender equality and empowering women in the workplace.

## **6. CHALLENGES**

Acknowledging the multifaceted nature of the subject, the review candidly addresses the challenges and unresolved issues that persist in the implementation of progressive labor laws. Cultural resistance, inadequate enforcement mechanisms, and persistent stereotypes are scrutinized, providing a holistic understanding of the obstacles faced by nations striving for gender-inclusive workplaces. Despite challenges, the narrative of women's labor history is replete with triumphs and trailblazers. From the first women to enter male-dominated professions to those breaking barriers in boardrooms, women have continually challenged norms and paved the way for future generations. Notable figures like Ruth Bader Ginsburg, who championed gender equality in the legal realm, and Malala Yousafzai, advocating for education and women's rights, stand as beacons of inspiration. The introductory segment provides a nuanced exploration of the historical antecedents that have fueled the global discourse on gender inequality within the workforce. From the early 20th-century suffragette movements to contemporary advocacy for gender parity, the introduction illuminates the pivotal moments that have paved the way for the development and implementation

of progressive labor laws. It underscores the integral role of these laws in catalyzing economic development, fostering social cohesion, and sustaining long-term growth (Adya, M. & Kaiser, K.M., 2005).

## **7. CONCLUSION**

In summation, this expansive review underscores the transformative potential of progressive labor laws as instrumental forces in reshaping the landscape of women's participation in the workforce. By synthesizing historical trajectories, legal frameworks, and the dynamic initiatives embraced by diverse nations, the review illuminates a mosaic of approaches and best practices that can inspire and inform global endeavors toward achieving true gender equality. It underscores the imperative for ongoing research, international collaboration, and sustained advocacy to address challenges and ensure the continued advancement of women's rights in the workplace. Ultimately, the progressive labor laws discussed herein stand as not just legal statutes but as indispensable tools shaping inclusive, equitable, and empowered societies on a global scale.

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