



STUDY ON THE POLICY FRAMEWORK TOWARDS WORK LIFE BALANCE IN INDIA

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Abstract:

Women constitute half of total population in India. The roles played by men and women in the society are not biologically determined but socially justified through the culture or religion. Indian history has exposed instances of discrimination against women infringing their rights for equality, liberty and freedom. It diluted their status in the society and made them a 'weaker sex'. Indian Constitution forced the social system to divert from the discriminatory ideologies towards equity. Women are compelled to spend much time in performing household and domestic works, which are either not paid or less paid, to force them to lead life under poverty. Economic disparity among gender persists, as women engage in much of the unpaid works in the family and community. Women should be encouraged to contribute equally like men, through education and employment, to attain inclusive growth in the country. Promoting economic empowerment among women is possible by identifying job opportunities, eliminating power imbalances at workplace, facilitating them the power of decision making, realizing leadership, creating career opportunities for their sustainable growth. Women should be partners for the task of nation building at par with men. People should enjoy equal opportunities, rights and obligations justifiable in the political system. The balancing work and life of women is a challenge to both women and organizations in India. This paper highlights about legal and policy framework for bringing work life balance at workplace and states the benefits derived from the work life balance strategies to the employees, organizations and families in general.

Index Terms: Women Status, Women Discrimination, Work Life Balance & Women Empowerment

1. Introduction:

Patriarchy system prevented women from performing and enjoying vital roles in the society. Inclusive Growth aims towards exploring women to their fullest potential and contribute to the economic growth and prosperity of the country by addressing their differential needs. Problems faced by women are neglected in the male dominated societies, which seeks immediate attention of the Government, organizations, social service agencies and trade unions. Quality of work life is the modern trend to enrich morale of the employees and productivity of the organizations. Work life is a broader approach to job enrichment as an interdisciplinary field of enquiry by the combination of organizational psychology, sociology, organizational theories and industrial relations. Work life balance refers to create environment connecting work and life more meaningfully. Work life mechanism enhances the quality of life by enhancing dignity, learning, growth, participation and job satisfaction among employees. It brings organizational effectiveness in productivity, quality, cost, creativity and adoptability of the organizations. Higher emphasis is given for job satisfaction over money in every organizations in the modern gender sensitive societies. Efforts are made to deal with the issues connected to rejection of maternity benefits, lack of child care, unequal wages, harassment and exploitation at work place. National Women's Commission, Self Employed Women's Associations and Women Welfare Foundation are working for the welfare of working women. Inhuman working conditions, Low wages, heavy work pressure, harassment at workplace, health risks, cruelty and domestic violence have become serious threats for maintaining work life balance for women. Gender equality principle is included in the preamble, Fundamental rights, Fundamental duties and directive principles of Indian Constitution. The Constitution has granted equality and has empowered the State to adopt measures by encouraging positive discrimination in favouring women. In this context the framework of democratic polity, laws, development policies, Plans and programmes have aimed at the advancement of women in different spheres. India has also formalized various international conventions as well as human rights instruments committing to secure equal rights of women. Important among them is the ratification of done in 1993, The Convention on Elimination of All Forms of Discrimination against Women (CEDAW) [1].

2. Legislative and Policy Framework:

(a) Constitutional Privileges:

Indian Constitution in its preamble, Fundamental duties and Directive Principles has laid down gender equity as a principle. The constitution of India empowers the state to grant equality to women along with adoption of measures for positive discrimination in favour of women. Indian democratic polity, Developmental policies, Laws, Plans and Programmes are aimed at the advancement of women in different spheres. Article 14 of the Constitution India grants equality and equal protection to women. Article 15(i) does not permit discrimination against any citizen on the grounds of religion, Caste, race, sex, place of birth or any of them. Article 15(3) specifies the state to make special provisions that is in favour of women and children. Article 16 provides equal employment or appointment opportunities to all the citizens. Article 39(A) promotes justice on the basis of equal opportunities and provides free legal aid by suitable legislation to ensure opportunities to secure justice are not denied on economic or other disabilities grounds. Article 39(d) provides an equal opportunity to pay equal for equal work both for men and women. Article 42 make provisions by directing the state to provide just and humane work conditions with maternity relief. It also directs the state to adopt positive discrimination measures favoring women. This neutralizes the socio- economic, political and social disadvantages faced by women. Article 46 promotes educational and economic interests of the weaker sections of the people to protect them from social injustice and exploitation. Article 47 instructs the state to raise the level of nutrition and the standard of living of people. Article 51 A (e) promotes harmony and the spirit of common brotherhood among Indians and refrain from derogatory practices to the dignity of women. Article 243D (3) reserves one-third of the total number of seats for women to be filled by direct election in every Panchayat. These seats are to be allotted by rotation in any Panchayat of different constituencies. Article 243 D (4) One third of the total number of offices of chairpersons in the Panchayats to be reserved for women. Article 243 T (3) One third of the total seats are reserved for women to be filled by direct election in every Municipality. These seats to be allotted by rotation in different constituencies in a Municipality. Article 243 T (4) specifies reservation of offices of chairpersons in Municipalities for scheduled Tribes, scheduled Castes and women [1-2].

(b) Legislations on Employment:

Factory Workers: Following Mandatory measures under Factories Act of 1948 are provided to women workers. Section 19 requires provision of sufficient Latrines and Urinal accommodation maintained separately for men and women, properly ventilated and lighted, cleaned at least once in a week with disinfectants. Section 27 prevents the working of children and women where a cotton opener is present at work unless if one feed end of the opener is separated by a partition from delivery end up to a height extending till the roof. Children and women can be employed in the feed side of the cotton opener. Height thus maintained must be inspected and specified in writing. Section 48 requires the provision of Crèches for the use of children below six years in every factor wherein more than thirty women are employed. These rooms should have adequate accommodation, proper light and ventilation and good sanitary condition. This Crèche should be under the charge of women trained in the care of infants and children. The state Government can make rules for provision of free milk or refreshment for such children and mothers to feed children at required intervals. Section 49 prescribes the appointment of Welfare Officers in every factory wherein five hundred or more workers are ordinarily employed. Section 71 prevents the working of women and children during the night. Female child is not allowed to work before 8 a.m. and after 7 p.m. Section 87 restricts the employment of women, adolescents and children in manufacturing process that exposes them to a serious bodily injury, poisoning or diseases [3].

Contract Labourers: As per The Contract Labour (Regulation and Abolition) Act 1970 all Women contract Labours should be provided with separate enclosed accommodation required for toilet and washing. If a there are more than 30 women then a crèche shall be provided. Women are allowed to work between 6 a.m. to 7 p.m. Here a woman is not permitted to work for more than 9 hours a day. Women are restricted to be employed in dangerous manufacturing process. In case the contract fails then Section 21 makes employer liable to provide welfare and wages to the contract employees [4].

Shop Workers: The Karnataka Shops and Commercial Establishments Act 1961 prevents the employment of Young persons and women during the night shift. Here the IT industries can be exempted if it provides transportation and security to employees [5].

Mine Workers: The Mine Act 1952 ensures the availability of sufficient number of latrines and urinals separate for men and women employees, properly lighted and ventilated at convenient and easily accessible places. Section 20 specifies the number of latrines and urinals that are to be provided. Section 46 does not allow women to be employed in any part of the mine that is below the ground. It also prevents the women from involving in mining activity between 6 a.m. to 7 p.m. [6].

Plantation Labours: The Plantation Labour Act 1951 advises the following benefits to the plantation workers: Section 9 directs the requirement of the sufficient number of urinals and latrines to be provided separately to men and women in the plantation. These places are to be kept clean and in sanitary conditions. Section 12 promotes provision of suitable rooms for children of working women in every plantation which employs more

than fifty women or the number of children of working women is more than twenty. These rooms shall be maintained in sanitary conditions under the supervision of women trained in infant and child care. Section 32 directs the state Government to make rules regarding the payment of sickness allowance. This sections also entitles the workers to obtain sickness allowance from his employer if certified by qualified medical practitioner [7].

Minimum Wages: The Minimum Wages Act 1948 has defined wages as all remuneration that can be expressed in terms of money, paid to the employees when the terms and conditions of labour implied are fulfilled. This includes House rent allowance (excluding Light, Water, Medical charges, contribution to Provident Fund and Travelling Allowance. Minimum Wages have been fixed by Government in any scheduled employment and the employer must not pay wages less than the minimum rate of wages fixed for that class of employees [8].

(c) Legislations on Social Security:

Maternity Benefit: The Maternity benefit Act 1961 helps women to face the challenge of motherhood. Section 5 of this act prevents the employer from employing a woman for six weeks immediately from the day of her delivery or miscarriage for any work of arduous nature or any work that involves long standing or impacts her pregnancy or the growth of her fetus or likely to cause miscarriage or affect her health. Section 5(3) entitles a woman who has worked for 160 days or more for the maternity benefit of 26 weeks up to two children and 12 weeks for more than two children [9]. Section 5 (4) gives the significance to commissioning mothers and adopting mothers by providing maternity leave for a period of 12 weeks. Section 5(5) provides the benefit for women to work from home depending on the nature of work if it can be executed from home on terms and conditions mutually agreed between the employer and the employee. This is applicable from 1st of July 2017. Section 6 gives an opportunity to woman to give notice to her employer in writing regarding the date of absence seeking maternity benefit. On provision of proof, the amount of Maternity benefit shall be paid in advance by the employer for the period preceding the due date of her delivery. The remaining amount shall be paid within 48 hours after providing the proof of delivery. Although the failure to give notice will not disentitle a women for receiving this maternity benefit. Section 7 provides the authority to receive maternity benefit to the legal representative or the nominee in case of the death of the entitled woman. Section 8 promises Maternity medical bonus of Rs. 3500/- in addition to the maternity benefit if no free of charge pre-natal or post-natal care is provided by the employer. Section 9 provides 6 weeks leave for miscarriage or medical termination of pregnancy and 2 weeks for woman undergoing tubectomy immediately the next day of miscarriage on production of proof. Section 10 ensures additional maternity leave of 4 weeks in case of illness arising out of pregnancy, delivery, premature birth, and miscarriage, medical termination of pregnancy or tubectomy surgery supported by Medical proof. Section 11A (1) makes establishment of crèche mandatory where 50 or more women employees are employed and that every woman who returns to duty after the delivery of her child must be permitted to visit the crèche four times during the day which includes the regular rest period [10]. Section 12 protects a woman if she absents herself from work in accordance to the provisions of this act from being discharged or dismissed on the account of such absence. However, even if she is discharged, her right to receive maternity benefit will not be eliminated. Section 13 guarantees that no deduction will be made from the normal and daily wages of a woman employee who is entitled to Maternity Benefit under the provisions of this Act [11].

Compensation: The Workmen's Compensation (Amendment) Act, 2009 provides benefits to working women all over the country. Here the amount of compensation depends on the injury caused, the monthly wages of the workmen and the lump-sum equivalent of the amount of compensation as mentioned in schedule IV. Section 4(a) provides In case of death an amount equal to 50 percent of the monthly wages or a limit up to Rs. 120,000/-. Section 4(b) in case of permanent disability an amount equal to 60% of the monthly wages or Rs. 140,000 is payable. Section 4(4) Provides Funeral expenses up to Rs 5000 in case of the death of the worker [12].

Provident Fund: The Employee Provident Fund and Miscellaneous Provision Act, 1952 is applicable to the whole of India except for the state of Jammu and Kashmir. Section 6 (A) through the notification by the Central Government in the official Gazette provides for Employees' Pension Scheme in order to provide superannuation pension, retiring pension, widow or widowers' pension, permanent total disablement pension, orphan pension or children pension. For this purpose a Pension Fund shall be established in which sums from the employers contribution not exceeding eight and one third percent of the basic wages, dearness allowance and retaining allowance shall be paid from time to time to every member who is a member of such scheme. This fund will be administered by the Central Board as per the manner specified in the Pension Scheme [13].

Health and Insurance: State Insurance Act 1948 is a social Security Legislation in which the family of the insured person is covered in the benefit. Section 3 has constituted Employees state Insurance Corporation which is an artificial person created by law. The insured can avail the benefit of the treatment from the Employee State Insurance Hospitals that is maintained by the Employee State Corporation. Section 10 has constituted Medical Benefit Council consisting of three members in which one is a woman representing the medical Profession. The employee will contribute 1.75 percent of his salary and the employer will contribute 4.75 percent towards the

fund. Section 20 has enabled the insured and his family to claim sickness benefit, disablement benefit and also maternity benefit including miscarriage [14].

Equal Wage: The Equal Remuneration Act, 1976 provides equal payment of remuneration to men and women to prevent the discrimination on the grounds of sex. Section 4 states that ensures equal pay and prevents discrimination during promotion, training or transfer. Section 5 directs the appointment of an advisory committee to advise the government regarding the extent to which women may be employed in establishments. This committee should consist of not less than 10 persons nominated by the government, in which one half in number shall be women. This committee has to clarify number of women employed, nature of work, and hours of work and suitability of women for the employment, need for increasing employment. Section 7 provides by notification appointment of officers to be the authorities for the purpose of hearing and deciding complaints under this act [15].

(d) Legislations preventing Harassment:

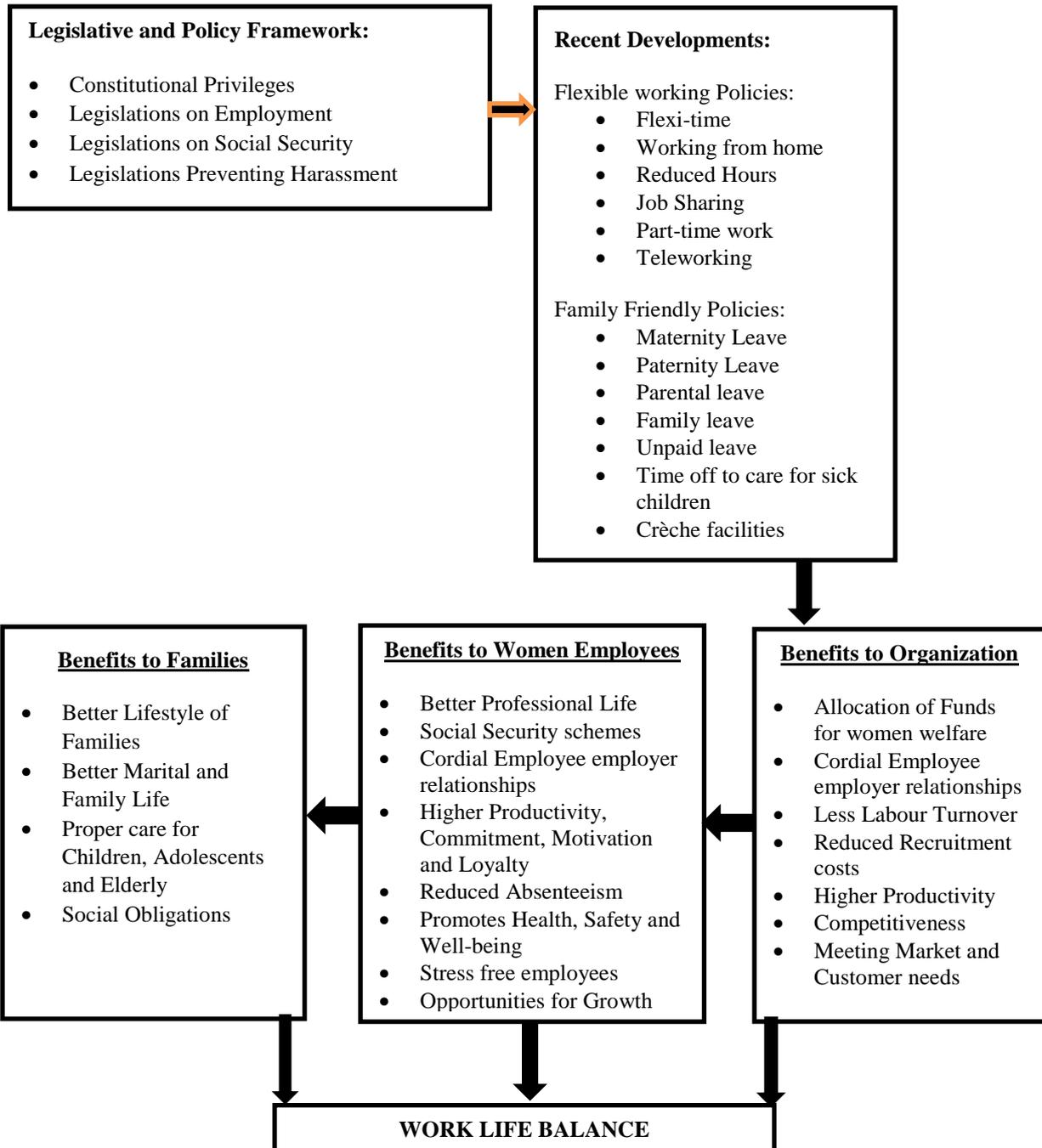


Figure 1: Model on Prospects of Work Life Balance

Anti-Sexual Harassment: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 is applicable to all women working on regular, temporary and ad hoc basis engaged on

daily wage including domestic workers, contract workers, probationers, coworkers, trainees and apprentices with or without the knowledge of the principal employer. One of the positive effect of the opening of India's economy was the increase in women workforce. Apex court pronounced a landmark judgement in 1997 in Vishaka and others vs State of Rajasthan. An NGO by name Vishaka filed a Public Interest Litigation (PIL) on behalf of one Bhanwari Devi, a woman from Rajasthan who was allegedly gang raped. NGO requested special measures to deal with sexual harassment confronted during the course of employment. The Honorable Supreme court in Vishaka Judgement laid down guidelines that is mandatory to every employer to provide mechanism in order to redress grievances pertaining to workplace sexual harassment and to enforce right of gender equity of women at workplace. India had ratified the United Nation Convention on Elimination of all Forms of Discrimination against women in 1993 where parties must take all required measures in order to avoid discrimination against women during employment [16]. Sexual Harassment is considered as a violation of fundamental right to equality, right to life, right to live with dignity and right to practice or carry on any occupation, business or trade as per Article 14, Article 21 and Article 19(1) (g) of the constitution, which includes right to safe environment free from harassment at the place of employment. The place of employment or workplace covers circumstances of threat to employment, promise of preferential treatment in employment, creating an offensive work environment, interference with work, treatment that is humiliating and affects the health or safety of women, unwelcome sexual behavior and physical verbal or non-verbal conduct of sexual nature. This also includes transportation provided by the employer for the purpose of commuting from and to the place of employment [17].

Obligations of the Employer: The employer has the obligation to provide a safe working condition which must include safety from persons coming into contact at the workplace. The employer should treat sexual harassment as misconduct as per service rules and initiate appropriate action, communicate to all the employees of the penal consequences. Penal action should include reporting the harassment incident to appropriate authorities and termination. An Internal Complaints Committee (ICC) must be constituted. This committee must be headed by a woman, half of its members should be women and must include a third party representative from an NGO or any conversant agency dealing in sexual harassment. Employer must organize orientation programmes, workshops, conduct awareness programmes at regular periods and monitor timely submission of reports by ICC sensitizing the employees about on the issues and consequences of sexual harassment at workplace. If the employer fails to follow and implement these requirements, The Sexual Harassment Act may impose penalty up to Rs. 50,000. Any repetition in the same offence can result in the punishment being doubled and / or may result in de-registration of the entity or revocation of business license.

3. Prospects of Work Life Balance:

Over the years the need for work life balance has necessitated the enactments of Legislations governing work life balance. Modern competitive organizations are now adopting worker-friendly regulations that aims at promoting healthy balance between work and life. Figure 1 exhibits a working model on the benefits of Legislations in providing work life balance to working women.

4. Conclusion:

Most of the times a majority of the Indian women are deprived of promotional and growth opportunities at the work places but this is not applicable to all working women. In spite of having Equal Remuneration Act, 1976 women are still denied with equal right to pay. Some women are underpaid when compared to their male colleagues in the unorganized, small scale and contract labour oriented industries. The status of women is changing very gradually towards the positive efforts. There is a need for employment to enjoy the identity in society [18]. Ministry of Labour and Employment will protect and safeguard the interest of workers by creating healthy working environment for higher productivity. It promotes welfare, safety, industrial relation, social security and environmental measures for the workers. Many acts are enacted by the central and state governments. The ministry has undertaken Grant-in-aid scheme for the welfare of women labour. Social welfare services as conceived in Five Year Plans therefore, mean services for the weaker and vulnerable sections of the community who cannot take advantage of existing social and other services because of certain physical, mental and social handicapness or whose needs require the organisation of special services for their development and well being [19]. Eliminate all forms of gender discrimination by allowing women to enjoy not only the de-jure but also the de-facto rights and fundamental freedom on par with men political, economic, social, civil, cultural spheres of live.

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