

Legal Analysis of Labour Laws and Role of AI Technology in Protection of Women Workers

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Abstract

Many poor in India work in different industries as Labour. They face a variety of issues, such as low wages, lack of social safety, job insecurity and different kinds of harassment at work places. The condition of women is still vulnerable as they have to face gender discrimination and even inequality of wages.

Even though there are various laws their effectiveness in the industries which are basically from informal sector is still facing numerous challenges. Lack of strict implementation of labour laws has resulted in the violation of labour rights on daily basis.

There is no awareness among Labours about their rights have actually increased their suffering. Even if they want to seek legal support there is no proper institutional and legal support for workers. From national to international level there have been number of safeguards for labours. If they are strictly implemented they can strengthen labours.

This research aims to analyse the challenges faced by labours specifically women workers. Here researcher mainly studies the laws which can protect their rights and also strengthen them. This research explores ways by which conditions of labours specifically women workers can be improved. By increasing awareness among labours, bringing policy changes and promoting trade unions in every industries their conditions can be improved to some extent. Further various government and non-government organizations can play a key role in reducing challenges of labours. Here AI technology role in protecting women rights at workplace have also been studied. The study concludes by recommending different reforms through which conditions of women workers can be improved.

Keywords : Gender discrimination, Sexual Harassment, Informal Sector, Workers, Trade union, International Labour Organization

Introduction

Labour laws in India provide a legal framework to protect all the workers. This also includes those people who are working in different industries. The women who are the backbone of labour industries were the main focus of these labour laws. Some of these laws aim to specifically address the challenges faced by women in the informal sector. Apart from that, various other challenges related to awareness, enforcement of laws and accessibility of facilities to women still persist in our society.

The informal sector has employed many women workers, who mostly lack formal contracts and social security benefits. This has made women workers more vulnerable to exploitation. Various Labour laws have laid numerous provisions for protection of women rights. The Equal Remuneration Act ensures equal pay for equal work in spite of any gender workers belonging. It prohibits discrimination in recruitment and other conditions essential for doing any work. This Act has been subsumed under the code on wages, 2019.¹

The Code on Wages 2019 combines all the existing wage related laws and applies to all the categories of employees including the women working in the informal sector. Moreover, Code on Social Security, 2020 aims to extend social security benefits to all workers including those in the informal sector and further mentions provisions for establishing welfare boards.

In Occupational Safety, Health and Working Conditions Code, 2020 focuses on creating a safe and healthy working environment. This code has provisions specifying health checkups for women and addressing their specific needs for health check ups for women and address other issues related to specific needs of women. Sexual harassment of women at workplace Act, 2013 provides a legal framework to prevent and address sexual harassment of women at workplace. This Act plays a crucial role in safeguarding women in the informal sector. Next, in Factories Act, 1948 there have been various legal provisions for providing different facilities to women at the workplace.

Even though there are various legal safeguards, still women workers face numerous challenges of safety and security in the informal sector. This research aims to analyse the existing Indian legal framework, identify challenges and explore methods to safeguard women workers in the informal sector.

¹ "ScienceDirect"

<https://www.sciencedirect.com/science/article/pii/S2405844023081586#:~:text=Despite%20the%20acceleration%2C%20migrant%20women,informal%20sector%20in%20Dhaka%20city> Accessed on 29 July, 2025.

Role of Women in the Industries

Women contribute a lot in the informal sector. Specifically, numerous women work at constitution sites, agricultural fields, factories and other establishments. Basically, women in these sectors are equal to men. They sometimes work for 10 to 12 hours in these informal sectors so that they can earn their living. But they were paid very low wages. The women are considered the backbone of the informal sector contributing to its social and economic development. But she faces numerous vulnerabilities due to insecurity in the jobs. Many studies have shown that women were paid very low wages in these informal sectors.

Women work in construction sites for lifting materials for carrying them from one place to another. In beedi industries, bangle making industries and various other factories she does different types of works. The women face numerous challenges in these industries due to gender bias arising from patriarchal society, lower wages, inadequate facilities at the workplace, lack of job security with no financial stability, sexual exploitation and other unfair labour practices due to the lack of strict implementation of labour laws. The gender based bias in the informal sector has mostly affected their right of having equal opportunities in their profession. There are no proper facilities for women in these factories. She has to work in hazardous conditions in these industries with no proper ventilation and sanitation facilities. Women are prone to different types of health issues in these industries. These issues had caused social and economic marginalization of women workers. No financial assistance during the time when she faces health issues has further downtrodden women in these informal sectors.

The absence of any formal contracts while joining in these sectors has affected the social security benefits that she might have, in the case of formal contracts. Due to no social security benefits she cannot claim any maternity benefits, health insurance and pension plans. In India according to Periodic Labour Force Survey² less than 10% of women workers have social security benefits.³

Indian Constitution and Labour Laws Safeguarding Women Rights at Workplace

Witnessing numerous challenges women face in her everyday life. The Indian Constitution safeguards women's rights through various articles, ensuring equality, non-discrimination, and

² Periodic Labour Force Survey (PLFS). (2022). *Annual Report 2021-22*. Ministry of Statistics and Programme Implementation, Government of India.

³ Dr. Sikha Dube & Renu Bharagavi, Analysing how Women Workers in Informal Sector are Vulnerable to Exploitation and their Legal Protection, (2025), IJLSS, 3(2), 625-638

positive discrimination.⁴ Under the Indian Constitution State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.⁵ It guarantees that women should be treated equally to men under the law. Article 15 prevents women from discrimination on the basis of sex, religion, race, caste, or place of birth. Article 16 entitles equality of opportunities for all and prohibits the discrimination against women. It ensures that women should have equal opportunities in the matters relating to employment or appointment to any office. Further it also mentions that no one should be discriminated against in the course of employment.

Different labour laws also safeguard women rights. Unorganised Workers Social Security Act, 2008 provides for social security schemes including health insurance, maternity benefits and old age protection.⁶ Further, this Act also establishes the National Social Security Board to recommend welfare measures for unorganised workers including women.⁷

The Code on Social Security 2020 extends social security schemes to platform and unorganized workers including women.⁸ It proposes maternity benefits for women workers in unorganized sectors.⁹ In Occupational Safety, Health and Working Conditions Code 2020¹⁰ mandates safe and hygienic working conditions for women workers. It provides for prohibition of employment in hazardous occupations for women.¹¹ Further, it requires separate restrooms and facilities for women workers.

The Minimum Wages Act, 1948 empowers the government to fix minimum wages for different categories of workers which also includes women of informal sectors.¹² This Act also ensures that no workers shall be paid less than the minimum wages.¹³ Moreover, it also provides equal pay for equal work to both men and women. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 provides for health, safety

⁴J.N. Pander, Constitution Law of India (Central Law Agency 2018) 26.

⁵ The Indian Constitution, Art. 14

⁶ Unorganised Workers Social Security Act, 2008, s. 3

⁷ Unorganised Workers Social Security Act, 2008 s. 10

⁸ Code on Social Security 2020, s. 109

⁹ Code on Social Security 2020, s. 114

¹⁰ Occupational Safety, Health and Working Conditions Code 2020, s. 22

¹¹ Occupational Safety, Health and Working Conditions Code 2020, s. 43

¹² Minimum Wages Act, 1948, s.3

¹³ Minimum Wages Act, 1948, s.12

and welfare measures for women construction workers.¹⁴ It also ensures facilities for women construction workers with young children.¹⁵

Sexual harassment at workplace is considered violation of women's right to equality, life and liberty. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth of women. This act aims to eliminate sexual harassment of women at the work place. It provides a legal basis that will help curb any such harassment and protects women. Hence this act plays a crucial role in creating a safe and fair working atmosphere free from sexual harassment for women from all the kinds of abuse. The Act mandates establishing of internal committees and POSH Policy for addressing complaints and prompt redressing of the cases. In the Case of *Visakha v State of Rajasthan*¹⁶ The Supreme Court Guidelines on sexual harassment includes such unwelcome sexually determined behaviour as physical contact, a demand or request for sexual favors, sexually colored remarks, showing pornography and any other physical, verbal or non-verbal conduct of a sexual nature. Any avoidable sexual advances either verbal or through gestures or through the use of sexually suggestive or pornographic material, whistling, sexually slanting and other obscene remarks or jokes, comments about physical appearance, demands for sexual favors, threats, avoidable physical assaults and molestation towards women workers by their male colleagues or employers. Any employer who does not comply with the provisions of Sexual Harassment of Women at Workplace Act will be punished with fine of fifty thousand rupees. If the offence is committed for next time his license can be cancelled. He will be imposed with higher punishment which is prescribed under any other law for the time being in force, for the offence for which the accused is being prosecuted, the Court shall take due cognizance of the same while awarding punishment.¹⁷

In the Equal Remuneration Act, 1976 the provisions related to equal pay for equal work have been laid down.¹⁸ In Factories Act, 1948 various provisions related to women safety and welfare of all such accommodations shall be maintained in a clean and sanitary condition all

¹⁴ Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, s. 22.

¹⁵ Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, s. 24.

¹⁶ (1997) 6 SCC 241

¹⁷ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act 2013, s. 26.

¹⁸ Equal Remuneration Act, 1976, s. 4 & 5,

the time for women.¹⁹ There are also various other labour laws which grant rights to women at the workplace.

The Maternity Benefit Act, 1961 which is now covered under the Code on Social Security, 2020. This Act is merged in Code on Wages, 2019. Women are also granted maternity leave with wages for 12 weeks and many other protections.²⁰ Now there have been changes in existing law which grants maternity leave of 26 weeks with full wages.²¹ It also provides medical bonus in addition to maternity benefits. It prohibits dismissal or termination of a woman's employees due to pregnancy.²²

Use of AI Technology at Work Place

Artificial intelligence technology in the present era is used for supporting required talent acquisition in advancement and mobility. Artificial intelligence with the right technologies can be used for development and accountability and further plays an important part in helping us to minimise human biases that can arise in recruitment for particular posts, promotion of the employees, and other management decisions which are associated with the employees working in such industries. Examples include a misconception that a candidate's past experience is more important than their future potential, or that taking a career break is a negative factor. Organisations are using Artificial intelligence techniques to design their people systems in such ways that can help in minimising the impact of these biases that have long held women back.²³ Some forward-thinking businesses are already leveraging this AI opportunity. And through strong leadership and a continued commitment to greater equity, diversity, and inclusion, the proliferation of these practices presents a real opportunity. The potential dividend being an acceleration of progress on gender equality, and a reduction in wider structural inequities.

Artificial intelligence is further used for delivering and strengthening personalised skill development at a large scale. In present era more and more organisations are using Artificial intelligence technologies and in this also mostly they are using generative Artificial intelligence

¹⁹ Factories Act, 1987, s. 7A,

²⁰ Maternity Benefit Act, 1961, s. 5,

²¹ Maternity Benefit Act, 1961, s. 3

²² Maternity Benefit Act, 1961, s. 12,

²³ How AI is being operated to reduce gender equity at work place

<https://www.pwc.com/gx/en/about/diversity/gender-equity/ai-accelerating-womens-inclusion-workplace.html#:~:text=CTOs%20decisions%20on%20the%20use,to%20train%20the%20AI%20model>

(GenAI) technology which can help them to increase their skill learning and other skills development programmes in ways that are more personalised for individuals as in the past such skill learning were very tough and due to which industries could not work more efficiently. This means deploying an Artificial intelligence based skills stack to provide better targeted reskilling and upskilling opportunities for each employee, including learning tailored to address any specific, quantified skills gaps identified by women or other underrepresented groups in the workforce.

In the next way presently Artificial intelligence technology is also used in Creating immersive learning experiences for the employees, by combining the artificial intelligence technology with virtual reality (VR). Presently it's possible to create and deliver compelling, immersive experiences that allow people to understand the experiences of those from marginalised groups, and deepen their empathy for others. This enables leaders and decision-makers to see the world through the eyes of those who experience stereotyping and unconscious bias.²⁴ A great example is PwC UK's **In My Shoes** intervention: a VR-powered racial awareness training tool that helps partners and staff empathise more, shift stereotypes, strengthen their inclusive leadership skills – and become better advocates for inclusion.²⁵

Legal Challenges in Safeguarding Women Rights

In spite of women workers having many rights. But due to lack of enforcement of these laws there are a number of challenges faced by women. Insufficient efforts have been made to enforce these labour laws. There is no monitoring in the industrial establishment to see whether framed laws have been properly enforced in the informal sectors. These challenges include women often encountering biased hiring practices, promotions, and interactions with colleagues, leading to feelings of unfair treatment and difficulty advancing in their careers.

Under-representation of women in tech leadership and technical roles can create a lack of role models and limit mentorship opportunities, further impacting their career growth and confidence. The demanding nature of the tech industry, combined with societal expectations of women in domestic roles, can make it challenging to balance professional responsibilities with personal life.

²⁴ Gina Rippon, *The Gendered Brain*, (2020), Vintage Publication.

²⁵ How AI is being operated to reduce gender equity at work place
<https://www.pwc.com/gx/en/about/diversity/gender-equity/ai-accelerating-womens-inclusion-workplace.html#:~:text=CTOs'%20decisions%20on%20the%20use,to%20train%20the%20AI%20model>

Further, we see that mostly uneducated women work in these industries who have no knowledge on rights with which they are entitled. That is the main reason why they cannot actively demand for their legal rights with their employers. They have no legal recognition due to which they cannot properly handle challenges faced by them. Lack of awareness on Labour laws among women workers is also the main reason which has raised vulnerabilities of women in the informal sector. Even though they have legal rights through Labour laws, they cannot fight against injustices happening to them. Women are paid low wages. They could not even exercise the right of equal pay for equal work.

Legal policies are not implemented properly due to which women are still marginalised in the present society. Many informal sectors don't have any special cell for women grievances. Due to which they are generally unheard in these informal sectors.

Conclusion and Recommendations

From the above analysis of the legal framework in India for safeguarding women workers rights, it can be concluded that women face numerous challenges in the informal sector. Lack of legal recognition, patriarchal society driven gender biases have further reduced her status in these sectors. Women with low wages have no financial assistance and this further deteriorates her conditions. There are numerous labour laws for safeguarding women workers rights but due to no proper mechanism for implementation of these laws had impacted on her life in various manners.

Seeing the vulnerable women workers conditions in the present society following things can be recommended:

- Labour laws should be properly implemented so that women rights can be protected in informal sectors. For this proper authorities should be set up which can monitor the implementation of labour laws.
- Social security should be provided to women workers in the form of making it mandatory to have a proper contract before joining any job. This will help us in seeking justice at their work places.
- Promoting women workers to get knowledge of technology is also very important specifically for workers of informal sectors so that they can use social media platforms to raise their voice against injustices faced by them at their work places.
- The required skill development should also be done so that they can work in the Artificial Intelligence sector more efficiently. This is very important because without

the proper training related to the use of Artificial intelligence technology, which will help them in operating their businesses more efficiently.

- Proper laws should be made so that misuse of Artificial Intelligence technology for committing various crimes can be prevented. Without strict legal regulations any sector be it the technology sector can never work more efficiently. For framing of laws technical and legal experts can sit together and draft effective laws so that women rights can be protected.
- The crimes which are done by using technology also affect the mental peace of women so it's very important that the women who are suffering from cyber crimes at their homes or at the workplace should be safeguarded.
- Moreover it should be seen that the law enforcement agencies strictly implement the laws, as the aim of laws can never be fulfilled if strict laws are not implemented properly in the society. That's Why implementation of laws is very important at the ground level.
- Global Conference should be organized so that women safety can be safeguarded at their workplaces. The world forums should discuss the challenges of gender discrimination and fear of job losses due to increase in the unemployment rate and poverty by using more technologies in the business sector.
- Further proper planning should be done so that an increase in the use of Artificial intelligence technology does not cause people to lose their jobs, rather it should become an important tool for job creations.
- They should be properly educated and also legal awareness should be created so that women can have knowledge on their legal rights. For creating awareness group discussions can be done with women workers of the informal sector so that awareness can be created among women workers.
- There should be a proper register of women workers along with industries they are working in. Concerned local authorities should set up a labour grievances cell to hear the concerns of these women.
- India should integrate recommendations from CEDAW and other UN Conventions supporting gender justice and procedural laws. So that women rights guaranteed at the International level can be ensured to women workers of our country.

By implementation of these labour laws strictly we can protect the rights of women workers. Thus, all the efforts should be taken to safeguard women rights so that gender justice can be ensured to women workers of the informal sector.