

Gender Disparities in Wages and Workplace Occupations

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INTRODUCTION:

Gender disparities have existed across civilizations, manifesting in unequal access to resources, education and employment, political power and legal rights. These inequalities are not biologically determined but socially constructed, shaped by cultural norms, economic structures, religious beliefs and legal systems. Overtime, the nature and intensity of gender disparities have changed influenced by social movements, globalization and international human-rights frameworks. Understanding the historical evolution of gender disparities is essential to contextualize present-day inequalities in wages, occupations, and workplace participation.

Gender disparities refer to the persistent inequalities in wages, job roles, and workplace opportunities experienced by men and women. These disparities arise from unequal access to resources, discrimination in hiring and promotion and biased workplace practices. Such inequalities particularly affect women leading to harassment. Working in a discriminatory environment often causes stress and reduces productivity. Despite global progress towards gender equality, wage gaps and occupational segregation remain widespread affecting economic growth and social justice. True gender equality is achieved only when individuals of all genders receive equal treatment, pay and opportunities in the workplace.¹

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HISTORICAL BACKGROUND

❖ **ANCIENT PERIOD**-While women in Egypt enjoyed relatively greater legal rights such as owning property and initiating divorce-economic and political power remained male dominated. Women were excluded from citizenship and participation. Their roles were restricted to household management and their labour was unpaid and undervalued. Although Roman women could own

Universal Declaration of Human Rights

1. Amartya Sen, Gender Inequality and Development

2. United Nations, Universal Declaration of Human Rights

3. World Economic Forum, Global Gender Gap, Various Editions

property, they lacked political rights and were legally subordinate to male guardians. These early societies established a long-standing association between masculinity and public authority and femininity and domestic responsibility.

- ❖ **MEDIEVAL PERIOD**-During the medieval period, gender disparities were reinforced through feudal systems, religious doctrines, and customary laws. **Economic Roles**-Women participated in agriculture, crafts and family enterprises, yet their labour was considered an extension of household duty rather than formal economic activity. **Legal Status**-Women's legal identities were often subsumed under their subsumed under fathers or husbands. **Education**-Access to formal education was limited for women, except within religious institutions. Despite their economic contributions, women's work remained largely invisible and unpaid, contributing to long-term economic disadvantage.

- ❖ **EARLY MODERN PERIOD & INDUSTRIAL REVOLUTION**

The transition from agrarian economies to industrial capitalism between 18th & 19th centuries reshaped gender disparities. **Industrial Revolution**-Women entered factories & mills in large numbers, particularly in textiles. However, they were paid significantly less than men and worked under harsher conditions. **Ideology Of Separate Spheres**-Men were associated with productive, paid labour in the public sphere, while women were assigned reproductive and caregiving roles in the private sphere. **Legal Exclusion**-Property rights, voting rights, and contractual capacities remained largely inaccessible to women. The industrial era institutionalized wage disparities by normalizing the idea of the "male breadwinner" and the "female secondary earner"

- ❖ **GENDER DISPARITIES IN THE 19TH AND EARLY 20TH CENTURIES**

The 19th century witnessed growing resistance to gender inequality through organized social movements. **Women's Suffrage Movements** in Europe, United States and parts of Asia challenged political exclusion. **Educational Reforms** gradually expanded access to schooling and higher education for women. **Employment Limitations**-Women were largely confined to teaching, nursing, domestic service and clerical work-occupations perceived as extensions of domestic roles. Despite progress, wage disparities persisted to occupational segregation and discriminatory labour practices.

IMPACT OF WORLD WARS ON GENDER ROLES:

The World War turned crucial in the history of gender disparities. **Labour Participation**-With men drafted into military service, women entered factories, transportation and heavy industries. **Post-War Regression**-After the wars, many women pushed back into domestic roles, and wage equality was not

institutionalized. Long –Term Impact-Wars demonstrated women’s economic capabilities laying the foundation for future demands for workplace equality.

POST –WORLD WAR 2 ERA & FEMINIST MOVEMENTS

The second half of the 20th century saw transformative legal & social reforms. 1st Wave Feminism focused on legal equality, voting rights and education.³

2nd Wave Feminism (1960’s-1980’s) addressed workplace discrimination, reproductive rights, sexual harassment and wage inequality.⁴

Legal Reforms-Many countries adopted equal pay laws, anti-discrimination statutes, and labour protections for women. Internationally, gender equality became a recognized human-rights issue. Gender disparities in labour systems have deep roots in social, political and⁵ economic inequalities. Historically, laws governing employment frequently imposed restrictions on women’s participation, mobility and compensation.⁶

During the period before the 19th century, women were largely confined to unpaid household work or informal activities such as agriculture, trade and domestic manufacturing. Only widows or daughters were permitted to run family businesses in exceptional circumstances. Widespread social beliefs that women were physically weaker resulted in their exclusion from most formal jobs.

With the advent of the Industrial Revolution in the 19th century, women entered factory labour in large numbers. Legislation such as the Factories Act restricted women’s working hours, prohibited night shifts and barred them from certain types of employment like working at hazardous substances etc. Although these laws to provide protection they also safeguarded the gender differences and limited access to better-paid jobs.

In the 20th century, labour movements grew, yet inequality persisted. Most trade unions did not include women, and societal norms often forced women to stop working after marriage. Gradually laws on maternity protection emerged, and international frameworks like Universal Declaration Of Human Rights (1948) recognized equal pay for equal work.

INTERNATIONAL RECOGNITION AND HUMAN RIGHTS FRAMEWORKS:

The global acknowledgement of gender disparities led to international legal instruments-UNIVERSAL DECLARATION OF HUMAN RIGHTS(1948 UDHR)

International Labour Organization

Factories Act , 1833 (UK)

affirmed equality and non-discrimination. CEDAW (1979) provided a comprehensive framework for eliminating discrimination against women in employment, education and public life. ILO CONVENTIONS addresses equal remuneration, maternity protection and work place discrimination. These frameworks shifted gender disparities from being seen as social issues to legal and policy concerns.

CONTEMPORARY PERIOD: PERSISTENT AND NEW FORMS OF DISPARITY

Despite progress, gender disparities persist in modern economies. Wage Gaps- Women continue to earn less than men globally. 1. Occupational Segregation- Women remain overrepresented in low-paid, care giving oriented sectors. 2. Leadership gaps- Underrepresentation in decision making and senior roles continues. 3. Intersectionality- Gender disparities are intensified when combined with race, class, caste, disability or migration status. Technological change and gig economies have created new opportunities but also new forms of insecurity for women workers.

A case relating to aviation which brought revolutionary changes in the aviation industry is-

AIR INDIA VS NERGESH MEERZA (1981)

A landmark case addressing gender discrimination in the aviation sector. Female air hostesses challenged several employment conditions that did not apply to male flight pursers. The rules violated Articles 14, 15 and 16 of the Indian Constitution. Following were the issues involved-

1. Mandatory Retirement Age- Women were forced to retire at the age of 35 while male staff could work until 58. 2. Marriage And Pregnancy Restrictions- Air hostesses were terminated if they got pregnant for the 1st time or if they married within 4yrs of joining. 3. Pay And Promotion Inequality- Female cabin crew faced limited promotional opportunities and inappropriate pay structures.

Judgement- The SC struck down the rule of terminating the on their 1st pregnancy calling it “manifestly unreasonable”. The marriage within 4yrs condition was also held invalid. Although the court acknowledged gender-based discrimination, it did not fully harmonize service conditions between male and female crew members.⁸

AIR INDIA VS NERGESH MEERZA AIR 1981 SC 1829
Constitution of India, Articles 14, 15 & 16

The role of CEDAW of addressing gender disparities and workplace occupations – The convention of elimination of all forms of discrimination against women was adopted in the UN general assembly in the year 1979.

CEDAW obligates to promote equality by eliminating direct and indirect discrimination and addressing social and cultural norms that sustain inequality.

States are encouraged to promote women's entry in technical fields, public administration and corporate leadership roles. It allows individuals to file complaints of workplace before CEDAW Committee when domestic remedy fails. Many countries have adopted gender quotas, affirmative action and gender mainstreaming in public policy directly due to CEDAW guidance.

EFFECTS OF GENDER WAGE DISPARITIES: Gender disparities influence various aspects of workplace life: 1. Wage Gaps: Women often earn less than men for similar positions due to discriminatory pay practices. 2. Limited Workplace Opportunities: Inequality persists in recruitment, promotion, training and access to leadership roles. 3. Weak Enforcement Of Labour Laws: Although the constitution guarantees equality under article 14 and no discrimination based on caste, religion and sex under article 15 and equal opportunity to be provided in public employment under article 16, workplaces lack mechanisms to enforce these rights. Pay transparency is absent in many countries allowing wage discrimination to go unnoticed. 4. Informal Sector Exploitation: Women in informal sectors (agriculture, household work, construction) often do not receive minimum wages and have little legal protection. 5. Lack Of Flexible Work Arrangements: Insufficient childcare support, inadequate maternity benefits and rigid work hours disproportionately affect women. 6. Maternity And Caregiving Responsibilities: Since women are primary caregivers, many are compelled to prioritize family responsibilities leading to slower career growth.⁹

7. Workplace Harassment: Harassment and unsafe environments cause many women to leave their jobs. Types of harassment could be categorized as verbal, physical, visual and cyber harassment. Verbal harassment includes passing of offensive jokes, or making any derogatory comments. While Physical harassment includes blocking a person's movement, touching unwantedly and threatening physically, Visual harassment refers to displayment of any offensive images, cartoons or sending inappropriate emails. Cyberbullying involves harassment through an electronic means by sending morphed nude photographs and threatening the

VISHAKA VS STATE OF RAJASTHAN, (1997) 6 SCC 241

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

women. Few other specific harassments include sexual harassment which refers to request ing for sexual favoursetc. A landmark case which emerged women's safety at workplace and made mandatory workplace guidelines that has to be followed by an employer was-

VISHAKA VS STATE OF RAJASTHAN(1997)

A landmark case on sexual harassment at workplace. A PIL was filed after Bhanwari Devi, a social worker in Rajasthan was gangraped for preventing a child marriage. Petitioners claimed violation of articles 14, 19 and 21.

VISHAKA GUIDELINES were emerged after the case. The SC laid mandatory guidelines including-1. Establishment of complaint committees and counseling facilities. 2. The inquiry committee must be headed by a woman. 3. Time-bound investigation and disposal of compliants. 4. Protection of the victim's confidentiality. 5. Prohibition of discrimination against complainants during or after the inquiry. These are the guidelines later formed the basis of the POSH ACT 2013.

A recent judgement on rights of transgender which highlighted the rights of transgender in employment -

MS JANE KAUSHIK VS UNION OF INDIA (2025)-A significant case concerning transgender rights in employment. Jane Kaushik, a qualified transgender teacher, was terminated from two private schools in Uttar Pradesh and Gujarat due to her gender identity. This violated articles 14, 15, 16 and 21.¹⁰

ISSUES-1. Did her termination violate her fundamental rights? 2. Was she entitled to compensation? 3. Did she require employer permission to undergo gender-affirmation surgery? 4. Was the state responsible for failing to enforce the Transgender Persons (Protection Of Rights) Act, 2019?

Judgement-The SC ruled in her favour, holding that her termination to be unconstitutional. The court directed both the schools, the union govt and the states of Uttar Pradesh and Gujarat to pay Rs50,000 each as compensation.

LEGAL PROVISIONS AVAILABLE-

- I. EQUAL RENUMERATION ACT, 1976
- II. CODES ON EAGES 2019
- III. MATERNITY BENEFIT ACT, 1961
- IV. THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (POSH ACT 2013)
- V. INTERNATIONAL OBLIGATIONS (ILO, CEDAW)

JANE KAUSHIK VS UNION OF INDIA , SUPREME COURTOF INDIA (2025)

DOMESTIC CONSTITUTIONAL COMMITMENTS IN INDIA: UNDER ARTICLE 39(D) of Indian Constitution mandates state equal work. UNDER ARTICLE 14 guarantees equality before law. UNDER ARTICLE 15 directs the state that no person shall be discriminated on the grounds of caste, religion, sex or place of birth. UNDER ARTICLE 16 ensures equal opportunities in employment.¹¹

IMPACT OF GENDER DISPARITIES:

1. Under-representation of women in leadership roles.
2. Increased likelihood of women experiencing poverty.
3. Need for transparent pay structures.¹²
4. Greater family and childcare support requirements.
5. Inclusion of paternity leave to balance caregiving.
6. Flexible work systems and childcare facilitates.¹³
7. Clear legal definitions and strict enforcement against workplace harassment.

SUGGESTIONS-

1. Reduce the gender pay gap through transparent salary practices.
2. Implement flexible working hours and remote options for caregivers.
3. Conduct regular gender-sensitivity and anti-discrimination training.
4. Encourage gender diversity in leadership positions.
5. Strengthen grievance redressal mechanisms.
6. Promote awareness about labour rights and equality laws.
7. Enforcement is a major challenge.

GLOBAL REPORTS ON DISPARITIES-1. According to OCED (2025), the gender paygap continues to be a major challenge in global labour markets.

2. A report revealed that women in India's Tech sector 22-30% less than men, with significant gaps at entry level.

3. The 2025 Survey showed an average 16.4% pay gap at senior levels, rising to 29.5% in life sciences and healthcare industries.

4. The International Labour Organization (ILO) reported a 27% gender paygap in India (2023).

Equal Remuneration Act, 1976

Code of Wages, 2019

Maternity Benefit Act, 1961

Constitution of India Articles 14, 15, 16 & 39(D)

International Labour Organization, India Wage Report, 2023

Ministry of Labour & Employment, Government of India, New Labour Codes Notification, 2025

5. NITI Aayog findings highlighted that rural women earn less than half of men's earnings, while urban women earn about 84% of men's wages.

The Indian government enacted New Labour Codes effective from 21st November 2025 aiming to ensure gender equality at workplace.

¹⁴1. EQUAL PAY-The Code Of Wages (2019) ensures equal pay for equal work prohibiting gender-based wage discrimination.

2. WORKPLACE PROTECTIONS-Permits women to work nightshifts with consent and safety measures, providing social security and mandating women's representation in grievance redressal committee at workplace.¹⁵

3. PERSISTENT GAP-Wage gaps between men and women are highlighted in parliamentary discussions and noted a gap between the self-employed sector and in blue and grey collar jobs.¹⁶

CONCLUSION-1. Labour Laws play a crucial role in promoting economic justice and narrowing gender-based wage inequalities. 2. Beyond legal protections, societal reforms are needed to eliminate discrimination and support women's participation in the workplace. 3. Achieving gender equality strengthens economic growth and national development. 4. Strong governmental policies and strict enforcement are essential for ensuring equal treatment and safe working conditions for all genders. Lower pay reduces women's ability to save or invest or participate jointly in household decision making. Wage disparities lead to intergenerational disadvantages. In order to reduce the gender disparities in wages and occupations comprehensive strategies are required. In spite of several amendments made in the ACT's women still face inequalities in every field.

Constitution mandates legal provisions but many people in the society restrict women to work at night, women are supposed to manage their family 1st and then think about their career later. Women is still not encouraged to work equal to men and most of the organizations do not pay equal pay when compared to men.

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