

COMPARATIVE APPROACHES TO WORKPLACE GENDER PROTECTION: A STUDY OF LABOUR LEGISLATION IN INDIA AND THE UNITED KINGDOM

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ABSTRACT

This paper examines the evolution and effectiveness of labour legislations aimed at protecting women in the workplace, through a comparative lens of India and the United Kingdom. Despite constitutional guarantees and statutory frameworks in both countries, women continue to face systemic discrimination, harassment, and inequality at work. The study analyses key Indian legislations such as the Maternity Benefit Act, 1961, the Sexual Harassment of Women at Workplace Act, 2013 (PoSH), and recent labour codes, alongside the UK's Equality Act 2010, Employment Rights Act 1996, and associated regulations. By evaluating legal provisions, enforcement mechanisms, and recent case law from both jurisdictions, the research highlights critical differences in legal consolidation, institutional support, and gender-sensitive implementation. While the UK's legislative structure offers a more integrated and proactive approach, India's fragmented enforcement and socio-cultural constraints hinder its progress. The paper argues that India can draw valuable lessons from the UK—particularly in areas such as gender pay gap reporting, flexible working rights, and public sector equality duties. It concludes that while both nations have made notable strides, effective enforcement, workplace sensitization, and judicial responsiveness are essential to ensuring real workplace equality for women.

Keywords: Discrimination, Harassment, Legislation, Enforcement, Equality

INTRODUCTION

The patriarchal norm of organization has remained prevalent in various societies and determines the terms on which women interact with the public and private institutions, which include the workplace. This patriarchal hierarchy, influenced by historical, socio-cultural, and economic factors, operates through a dyad of inter-gender and intra-gender power asymmetry that results in discrimination based not only on gender but also on caste, class, religion, marital status, and sexual orientation. These systemic inequalities manifest in various forms of violence and marginalization, often described as spanning the entire life cycle of a woman—"from cradle to grave." Sexual harassment that is experienced at work is not only the manifestation but also the locus of structural subordination in this continuum. It not only belittles the women but also deprives them of the equal opportunity and the chance to grow in their careers, which is an infringement of constitutional and human rights. Sexual harassment as a legally mandated notion began to appear in industrialized countries in the 1970s, and feminist legal theory advocated defining it as a specialized gender-based variant of discrimination in employment law. In India, this discourse found formal legal recognition through the landmark judgment in *Vishaka & Ors. v. State of Rajasthan*³, where the Supreme Court laid down binding guidelines under Article 141 of the Constitution in the absence of specific legislation. These guidelines drew heavily from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which India ratified in 1993, and defined sexual harassment broadly, imposing preventive and redressal duties on employers.⁴ The jurisprudence developed further in *Medha Kotwal*

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³ (1997) 6 SCC 241

⁴ *Vishaka*, (1997) 6 SCC 241; *CEDAW art. 11*, adopted Dec. 18, 1979, G.A. Res. 34/180 (entered into force Sept. 3, 1981), ratified by India July 9, 1993.

*Lele v. Union of India*⁵, where the Court reiterated the binding nature of *Vishaka* and criticized inadequate implementation by state and non-state actors.

The consequence of this legislative move was the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (PoSH Act), a consequential piece of legislation to the *Vishaka* framework⁶ and the enlightenment generated by the Toyota Prius gangrape of a young woman in Delhi in December 2012. The Justice Verma Committee that was constituted in the wake of the incident observed the inseparability of the issue of workplace harassment and the wider issue of gender inequity and initiated recommendations on the establishment of independent redressal mechanisms that were oblivious of any institutional prejudice.⁷ Despite committee proposals on gender-free language and the establishment of employment tribunals, the eventual act happened to be gender-particular and drew on the structure of the Internal Complaints Committee (ICC). In the section, (2) (n) is an all-binding definition of sexual harassment that encompasses aspects of sexual character, including physical and even verbal forms of sexual harassment, and Section 3 spells out the elements of a hostile work environment.⁸ Section 4 requires all workplaces that employ ten or more employees to set up an ICC, headed by an older female employee, and augmented by outside members to support objectivity.⁹ Section 11 designates procedural standards of inquiry and section 13 requires employers to administer penalty and punitive measures on established misconduct.¹⁰ The Act also demands the employers popularize policies, train on awareness and hand in annual reports, hence incorporating both preventive and curative action. Despite these provisions, there has been a varying consistency in implementation; surveys have portrayed a state of non-awareness and lack of readiness of institutions in many organizations.¹¹

Conversely, the legal treatment in the United Kingdom can be summarized in the Equality Act 2010, a unitary law that banned discrimination and harassment on grounds of any of the protected characteristics, which includes sex. Section 26¹² defines harassment in a broad way as any unwanted behavior concerning sex that impairs the dignity of a person or that makes him/her feel intimidated or hostile, degraded, humiliating or offended in the environment. Noteworthy is the fact that the regime incorporates both the obligations of the public and the private sector in the context of the Public Sector Equality Duty (Section 149), thus institutionally owning proactive duties instead of a reactive approach toward compliance. Compliance is diverted to Employment Tribunals, whose work is complemented by advisory organizations, one of which is the Acas (Advisory, Conciliation and Arbitration Service). Case law such as *Commissioner of Police of the Metropolis v. Denby*¹³ illustrates the Tribunal's evolving interpretation of workplace harassment in contexts of structural inequality. Moreover, in *Forstater v. CGD Europe*¹⁴, the scope of protected beliefs was scrutinized in relation to freedom of expression and dignity at work, illustrating the fine balance courts attempt between expression and non-discrimination. These examples underscore that while legal definitions are crucial, their effectiveness hinges on interpretative sensitivity and institutional commitment.

This paper situates itself within this broader legal landscape to examine the comparative efficacy of India and the United Kingdom's sexual harassment laws, enforcement mechanisms, and institutional

⁵ (2013) 1 SCC 297

⁶ *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, No. 14, Acts of Parliament, 2013 (India); see also *Vishaka & Ors. v. State of Rajasthan*, (1997) 6 SCC 241.

⁷ Justice J.S. Verma et al., *Report of the Committee on Amendments to Criminal Law*, 2013, ¶¶ 141–143 (India).

⁸ *Sexual Harassment Act* §§ 2(n), 3 (India).

⁹ *Id.* § 4.

¹⁰ *Id.* §§ 11–13.

¹¹ Deloitte & FICCI-EY, *Women @ Work 2020: A Sixth Edition Survey*, at 45 (2020) (reporting low awareness and compliance among Indian employers); see also Moksh Bhatnagar, *Judicial Interpretation and Implementation of the PoSH Act: A Research Analysis*, *Int'l J. of Applied Research* (2023).

¹² *Equality Act 2010*, c. 15, § 26 (UK).

¹³ UKEAT/2020/000538

¹⁴ UKEAT/0105/20/JO06

cultures. The aim is to interrogate not merely the legal texts but their operational reality, enforcement asymmetries, and cultural embeddedness. Through a doctrinal and comparative legal analysis, supported by statutory provisions, judicial decisions, and policy implementation data, the paper argues that despite formal parity in statutory protections, real workplace equality for women remains elusive without robust enforcement, independent oversight, and sustained cultural transformation.

METHODOLOGY AND JURISDICTIONAL RATIONALE

This paper explores the legislative framework, enforcement mechanisms, and institutional cultures that protect women against harassment and discrimination in workplaces in India and the United Kingdom. It employs a doctrinal approach, analyzing each statute, constitutional provisions, judicial interpretation, and regulatory standards of both jurisdictions. The comparative perspective focuses on legal definitions and scope of workplace harassment, institutional redressal mechanisms, and practices of implementation. Interpretive tools are used to identify normative and operational differences between the two systems and question how statutory provisions become enshrined in wider socio-cultural and institutional frameworks. India has a legal framework in the form of constitutional guarantees and provisions, such as Articles 14, 15(3), 16, and 21 of the Constitution of India and sector-specific laws like the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Code on Social Security, 2020, and Code on Wages, 2019. In contrast, the UK has consolidated the Equality Act of 2010 and the Employment Rights Act 1996 and The Maternity and Parental Leave Regulations 1999, which enhance workplace protection. Comparing these jurisdictions allows for vertical and horizontal comparisons, identifying areas of doctrinal strength, institutional gaps, and reform lessons with action-oriented potential.

STATUTORY FRAMEWORKS: INDIA VS UNITED KINGDOM

Maternity and Parental Leave Protections

In India, the legal and regulatory environment of maternity leave is controlled mainly by the Maternity Benefit Act, 1961, which has undergone major changes over the past years to reflect the realities of the current office environment. Part 5 of the Act offers women 26 weeks of paid maternity leave, with an 8-week period that may be availed before the day when they give birth.¹⁵ In the case of women who have two or more children alive, the right is limited to 12 weeks.¹⁶ Also in the amendment of 2017, employers with 50 or more employees are required to provide crèches [Section 11A], and the women are allowed nursing breaks by the employers [Section 11]. In addition, the Code on Social Security, 2020, which repealed nine earlier laws such as the Maternity Benefit Act, extends the coverage as provided in the law to gig workers, platform workers, and women in the unorganized sector [Sections 109 and 114].¹⁷ This is especially relevant given the growing informalization of women's labor in India. These entitlements are, however, poorly enforced and in countries with the informal economy, the delivery of these entitlements is either non-existent or low.¹⁸ Although even Article 42 of the Constitution requires the State to promote conditions under which there are right and humane terms of labor and maternity relief,¹⁹ the absence of active inspections and a sense of impunity in employers still helped to downplay the legal intent.

By comparison, the United Kingdom offers a more coherent legal structure of maternity and parental leave in the Employment Rights Act 1996 and the Maternity and Parental Leave etc. Regulations 1999. The right to 52 weeks of maternity leave is given to eligible employees as stated in Regulation 4²⁰ and in addition to the 26 weeks of Ordinary Maternity Leave, the other 26 weeks is the Additional

¹⁵ *Maternity Benefit Act, 1961*, §§ 5 (amended 2017).

¹⁶ *Id.* § 11A; *id.* § 11.

¹⁷ *Code on Social Security, 2020*, §§ 109, 114.

¹⁸ Deloitte & FICCI-EY, *Women @ Work 2020: A Sixth Edition Survey*, at 45 (2020).

¹⁹ Const. of India art. 42.

²⁰ *Maternity and Parental Leave etc. Regulations 1999*, Reg. 4 (UK).

Maternity Leave. The Statutory Maternity Pay (SMP) is covered by the statutory regulations 6 and 7, where women are entitled to receive 90 percent of their weekly average earnings in the first instance of 6 weeks and thereafter a standard rate set by the State.²¹ Notably, employment continuity is enhanced by enforcing the right to get back to the same work supported by Regulation 18. Next, Section 99 of the Employment Rights Act outlaws sacking because of pregnancy²², and Section 80F grants staff who have worked at least 26 weeks the right to seek flexible working hours, which were improved under the Employment Relations (Flexible Working) Act 2023 since the service period conditions were removed and it permits up to two applications per annum.²³ The financial support is ensured by the UK framework that incorporates gender-neutral parental rights, including the Shared Parental Leave, a cultural change in the direction of the parity of caregivers.²⁴ Included in the system is the Advisory, Conciliation and Arbitration Service (Acas), which makes it legally acceptable and the employer responsible.²⁵

Workplace Sexual Harassment Laws

The judicial response to sexual harassment at workplaces in India had come all the way from judicial activism to legislative enactment. This milestone was reached when the Supreme Court ruled on *Vishaka & Ors. v. State of Rajasthan* [(1997) 6 SCC 241] and stipulated the first binding guidelines on sexual harassment at the workplace, as the state was yet to come up with specific legislation on the same.²⁶ These principles posted on CEDAW placed a duty on the employers to prevent and redress any harassment and it should be done through the submission of complaints internally.²⁷ These norms were codified and a highly proceduralized and definitional framework was laid down with the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Under Section 2(n) of the Act, sexual harassment is defined in a comprehensive manner, which entails physical contact, unwelcome sexual advances, and the establishment of a hostile work environment.²⁸ Section 4 provides that an Internal Complaints Committee (ICC) is required in each workplace consisting of 10 or more employees and headed by a woman and an external member that provides some form of objectivity.²⁹ Section 9 permits a complaint to be presented in a three-month period after the matter and Sections 11 and 13 provide the procedure to be followed in the inquiry, punishment, and compensation methodologies.³⁰ Nevertheless, although the Act itself is legally clear, it has critical shortcomings regarding its implementation, mainly in the informal and private sectors.³¹

Research has shown that a majority of Indian firms either do not have ICCs or do not make employees aware of their rights under the Act, undermining the spirit of judicial precedents such as *Medha Kotwal Lele v. Union of India* [(2013) 1 SCC 297].³²

Sexual harassment in the UK is largely covered and tackled in the Equality Act 2010, Section 26 which defines harassment as any unwanted conduct based on a protected characteristic (being sex is one of them) or on other grounds that infringe on the dignity of a person or subject an individual to intimidation, humiliation, or a hostile environment.³³ The Public Sector Equality Duty (Section 149) also imposes a requirement on the public authorities to actively work towards the eradication of

²¹ Id. Regs. 6–7.

²² Id. Reg. 18.

²³ *Employment Rights Act 1996* § 99 (UK).

²⁴ *Employment Relations (Flexible Working) Act 2023*, § 1 (UK).

²⁵ *Shared Parental Leave Regulations 2014* (UK)

²⁶ Acas, *Acas Code of Practice on Disciplinary and Grievance Procedures*, para 25 (UK).

²⁷ *Vishaka & Ors. v. State of Rajasthan*, (1997) 6 SCC 241.

²⁸ *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013*, § 2(n) (India).

²⁹ Id. § 4.

³⁰ Id. §§ 9, 11, 13.

³¹ Vivek Kumar & Neha Sharma, *Implementation Gaps in the PoSH Act: A Critical Study*, 27 *Int'l J. of Gender & L.* 78 (2022).

³² *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297.

³³ *Equality Act 2010*, c. 15, § 26 (UK).

disparity and promote equality.³⁴ The enforcement is mediated through the Employment Tribunals that have become a rather active contributor in developing anti-harassment jurisprudence. For instance, in *Commissioner of Police of the Metropolis v. Denby* [UKEAT/2020/000538], the Tribunal upheld claims of systemic gender bias and harassment within the Metropolitan Police,³⁵ affirming the role of institutional culture in perpetuating inequality. Likewise, in *Forstater v. CGD Europe* [UKEAT/0105/20/JO06], the Tribunal accommodated the freedom of belief and the safeguard that the persons were not subjected to due to gender hostility, widening the platform about the workplace expression that is shielded.³⁶ The UK law emphasizes preventive training, employer liability, and remedial justice, and thus is more approachable and institutionally receptive than the one located in India.³⁷

Gender Pay Equity and Working Conditions

Indian legal obligation with regard to gender pay equality is laid down in the Code on Wages, 2019, which amalgamates four previous labor legislations, including the Equal Remuneration Act, 1976. The anti-discriminatory provisions contained in the Code include Section 3, according to which neither gender must be bombarded based on gender in issues of wages and recruitment, and it states that all must receive equal payments for similar work. This is also in line with ILO Convention No. 100 into which India is a signatory. Nevertheless, the Code does not include the requirements of mandatory audits of any concerted action on Pay Gap or any public reporting mechanism, which restrains its enforceability capabilities. In addition, its application is unequal in all sectors, with its incessant dominance in informal and bondage labor. Section 17 outlines a wage payment schedule, but without a strict check and balance methodology, wage inequities remain unchecked. Moreover, the Code neither requires employers to report information that would enhance clarity nor does it link pay equity with other workplace equality indicators, such as promotion opportunities or representation in leadership roles.

In the United Kingdom, there is a more demanding regime in the form of a mandatory requirement placed on employers that employ 250 or more people under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017. The rules are demanding publication of a report annually by employers on six measures, such as average and median gender pay differentials, the percentage difference between men and women in bonuses, and the proportion of men and women in pay quartile sections. Although the law fails to provide sanction for non-compliance other than that of a tarnished image, it is bound to create awareness among the people and the media, who would in turn exert some pressure on employers to ensure they reduce the pay gaps. Additionally, cases such as *Asda Stores Ltd. v. Brierley* [2021] UKSC 10 have clarified that women in retail can compare their pay with men in distribution centers, expanding the comparative framework of “equal work.” These developments show that gender pay transparency, combined with an active judiciary and institutional accountability, creates a more effective regime than India’s comparatively vague and under-enforced statutes.

Institutional Enforcement

The criticality of enforcement mechanisms is the determinant of the efficacy of the workplace protections. The Internal Complaints Committee (ICC) under the PoSH Act in India is the major redressal of the working environment, which is inscribed with harassment issues. On the one hand, although Section 4 defines the organizational structure of the ICC, and Article 11 gives the ICC the authority to set inquiries, frequently these organizations can be under the administrative direction of the employer and, therefore, some doubt can be expressed regarding their independence.³⁸

³⁴ Id. § 149.

³⁵ *Commissioner of Police of the Metropolis v. Denby*, UKEAT/2020/000538.

³⁶ *Forstater v. CGD Europe*, UKEAT/0105/20/JO06

³⁷ Sandra Fredman, *Discrimination Law* § 12.4 (2d ed. Oxford Univ. Press 2021)

³⁸ *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013*, §§ 4, 11.

Accordingly, the National Commission of Women and other independent surveys report that most of the women are either uninformed about the right to lodge complaints or do not trust the lack of bias in the ICC, particularly in the stratified workplaces.³⁹ In addition, the lack of a centralizing supervisor mechanism and the ineffectiveness of sanctions in the event of non-compliance (Section 26) have compromised the prospects of the ICC as a transformational institution.⁴⁰

But in the United Kingdom, an even more decentralized institutional structure is applied. Employment Tribunals Employment Tribunals, here established by the Employment Tribunals Act 1996, decide legally binding cases on issues of discrimination, harassment and wrongful dismissal.⁴¹ Such courts are guided by the Code of Practice provided by the ACAS, and failure to comply with it may increase the claims compensations; hence, they may encourage employers to follow the best practices.⁴² Also, there is the Health and Safety Executive (HSE) that ensures safety at work, especially accommodations in case of maternity, under the Management of Health and Safety at Work Regulations 1999. Regulation 16 expects employers to evaluate and prevent risks by changing work hours and conditions for pregnant employees.⁴³ Unlike India, the UK's enforcement structure is institutionally autonomous, judicially engaged, and supported by a culture of compliance and awareness training.⁴⁴

COMPARATIVE ANALYSIS AND FINDINGS

Legal Structure: Fragmented vs. Consolidated Approaches

An analysis of the legal system that uses women in the workplace in both India and the United Kingdom will demonstrate that there is a substantial deviation in the structure and legal cohesiveness between the two. The United Kingdom has pursued an integrated legislation approach through the Equality Act 2010⁴⁵, which has unified all the past anti-discrimination laws, such as the Sex Discrimination Act 1975, the Equal Pay Act 1970, and the Disability Discrimination Act 1995. The consolidation provides conceptual transparency and procedural uniformity in dealing with inequality at the workplace. The Equality Act Section 26 gives a broad definition of harassment⁴⁶, with Section 149 enshrining the Public Sector Equality Duty, which has found that all public bodies must take action to address experiencing discrimination and promote equality of opportunity. Compared to this, the legal regime of India is still loosely united, as it is made up of several independent and mutating laws. Although it is a significant step in the right direction, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly referred to as the PoSH Act, does not exist in isolation since several other sectoral legislations, including the Code on Wages, 2019 and the Code on Social Security, 2020 also work in addition to the law. Despite the constitutional provisions offered to the advancement of gender equality in India through Articles 14, 15(3), 16, and 21, no general statutory framework is available to render the protection of gender equality mandatory and coherent in its functioning,⁴⁷ which is why those constitutional provisions cannot be easily held. This disjointed system also creates ambiguity regarding institutions and results in reduced judicial control, particularly in the informal and unorganized sectors.

³⁹ National Commission for Women, *PoSH Implementation Report* (2022); Prerna Singh, "Trust Deficit in ICC: A Field Study of PoSH Committees," *Empirical L. Rev.* 78 (2021).

⁴⁰ Id. § 26; Alpa Shah & Ritu Sharma, "Sanctions versus Structure: The ICC's Capacity Gaps," *Indian J. of Gender L.* 102 (2020).

⁴¹ *Employment Tribunals Act 1996* (UK), c. 17.

⁴² Acas, *Acas Code of Practice on Disciplinary and Grievance Procedures* (July 2015), paras 25–27.

⁴³ *Management of Health and Safety at Work Regulations 1999*, Reg. 16 (UK).

⁴⁴ Susan H. Williams, "Workplace Justice in the UK: Enforcement and Culture," *Brit. J. of Indus. Rel.* 45 (2022).

⁴⁵ Equality Act 2010, c. 15 (UK); consolidating the Sex Discrimination Act 1975, Equal Pay Act 1970, and Disability Discrimination Act 1995.

⁴⁶ *Equality Act 2010*, §§ 26, 149 (UK).

⁴⁷ Const. of India arts. 14, 15(3), 16, 21; see Ayesha Kapur & Ruchi Nath, "Fragmentation in India's Equality Law" 12 *Ind. J. of Gender & L.* 55 (2021).



Institutional Effectiveness: ICC vs. Employment Tribunals

Institutional instrumentalities greatly influence the effectiveness of the protective regulations in the workplace as constructed and operated. The law of any country tackles the situation of handling any complaint of sexual harassment in the workplace with a different approach. Section 4 of the PoSH act, 2013 in India provides for the formation of the Internal Complaints Committee (ICC), which is the jurisdiction required to entertain any pose of sexual harassment in the workplace.⁴⁸ Inasmuch as Section 11 gives the ICC the power to initiate inquiry and Section 13 gives the ICC the duty to take action after determining misconduct, the ICC is often hampered by a lack of autonomy, as it is part and parcel of an administrative structure of the employer. According to the research of the National Commission for Women (NCW), the surveys held by the Indian Bar association that has demonstrated that most organizations either do not have a properly constituted ICC in place or have not made employees aware of its existence.⁴⁹ An IBA survey conducted in 2016 showed that two-thirds of females who had been sexually harassed during their employment did not report it, as they were afraid to be subjected to retribution and had ineffective faith in internal systems. By comparison, the UK enforcement structure is more independent and formalized and is based upon Employment Tribunals under the Employment Tribunals Act 1996.⁵⁰ Such tribunals will be autonomous from employers and will have the mandate to hear harassment, unfair dismissal and discrimination in payment cases. Such decisions rendered on their part are approved and legally binding and mostly the orders are dictated by the Acas code of practice that puts into perspective the fair procedures on grievance redressal. Inability to comply with Acas guidelines will attract higher compensation entitlements, which in turn will motivate employers to have grievance procedures that are in line with the guidelines. There is also regulatory control in terms of Acas and health and safety executive (HSE), which improve accountability at the workplace by carrying out proactive audits and disputing resolutions.⁵¹

Cultural and Structural Barriers: Societal Norms and Workplace Silences

The background culture in which the workplace legislation functions is the key factor that predetermines the actual success of the existing act. The patriarchal norms, social stigma, and hierarchical cultures at the workplace are some of the other serious obstacles that prevent reporting and redressal in India.⁵² Women also usually fail to utilize their rights even when the law is on their side, as is the case with the PoSH Act, because they fear reprisals or reputation damage or because they have lost faith in the integrity of structures. The failure of many organizations to conduct mandatory awareness programs, as required by Section 19(b) of the PoSH Act, further limits the law's reach.⁵³ Vulnerable women are also not able to get justice due to structural problems such as most of the jobs being informal, poor representation of unions, and lack of legal representation when it comes to poor access to legal aid. A Section such as Section 109 and Section 114 under the Code on Social Security, 2020 are trying to provide them gender and platform workers but the implementation and benefit are not in better shape.⁵⁴ In comparison, the United Kingdom has greater cultural acceptance of equality at work in the fields of the public and regulated worlds. Although there are still faced problems in male-dominated societies like law enforcement, safekeeping wellbeing and finance, the responsibility of reporting gender pay gaps under the Gender Pay Gap Information Regulations 2017 has put more responsibility on employers. These rules also require the companies that have 250 workers or more to disclose publicly six important gender pay indicators on a yearly basis, posing the risks of a negative reputation due to failure to meet the requirements and promoting

⁴⁸ *PoSH Act* § 4 & § 11 (India).

⁴⁹ National Commission for Women PoSH Reports (2021–22); Indian Bar Association, *PoSH Survey*, 2016.

⁵⁰ *Employment Tribunals Act 1996* (UK).

⁵¹ Acas, *Code of Practice on Disciplinary and Grievance Procedures* (July 2015), ¶¶ 25–27.

⁵² Leela Fernandes, *Recasting Gender in India: Culture, Identity and Indigenism* (2006).

⁵³ *PoSH Act* § 19(b) (India); see Prerna Singh, “Effectiveness of PoSH Training Programmes” 10 *J. of Workplace Equity* 34 (2022).

⁵⁴ *Code on Social Security, 2020*, §§ 109–114 (India).

internal change. The UK's legal regime is further reinforced by public awareness campaigns, union engagement, and media scrutiny, which together help to foster a culture of compliance and zero tolerance for harassment.⁵⁵

Compliance and Enforcement: Data, Trends, and Gaps

A critical measure of legal efficacy is the extent to which workplace protections are complied with and enforced. In India, compliance with the PoSH Act remains inconsistent. Data from the Ministry of Women and Child Development indicates that while the number of reported cases has increased—from 371 in 2014 to over 1,160 in 2022-23—this rise reflects greater awareness in urban and formal sectors, not systemic improvement.⁵⁶ Additionally, the number of cases successfully resolved remains lower than the number reported, with many employers failing to submit annual compliance reports, despite such reporting being mandatory under Section 21 of the Act.⁵⁷ Penalties for non-compliance, detailed in Section 26, are rarely enforced, and the lack of centralized oversight undermines accountability. On the other hand, the UK has established a more reliable enforcement framework. The Employment Tribunals receive thousands of claims each year and have handled landmark decisions that shape future employer conduct. For instance, in *Asda Stores Ltd. v. Brierley*⁵⁸, the UK Supreme Court affirmed that retail workers could compare their pay with that of distribution workers, significantly expanding the interpretation of “equal work” under the Equality Act 2010. Similarly, *Commissioner of Police of the Metropolis v. Denby*⁵⁹ exposed systemic gender bias within a public institution, reinforcing the importance of institutional scrutiny. While the UK does not impose criminal sanctions for workplace harassment, the reputational, financial, and legal consequences of tribunal decisions provide strong deterrents. Furthermore, Acas and the HSE offer mediation, compliance audits, and advisory services, reducing litigation while promoting compliance through preventive mechanisms

DISCUSSION

Best Practices from the United Kingdom

The UK has several experiences of legal and institutional best practices that may guide and model the designing and perfecting of the gender-protective models in other jurisdictions, especially in emerging economies like India. One of the most powerful of such practices, however, is the legal obligation to publish the gender pay gaps. The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 requires all employers⁶⁰ in the private and voluntary sectors in England, Wales and Scotland with 250 or more employees to report on the gender pay gap and to publish the mean and median hourly rate by sex, the ratio between men and women who receive a bonus and the proportions of men and women in each of four bands of pay. Although the initiative is not supported by direct financial punishment⁶¹, so-called public accountability, media attention, and reputational risk can effectively be used to get the desired results. This has two important benefits for organizations: first of all it requires organizations to discuss the existence of pay disparities between women and men and to disclose this information publicly through reporting annually; second it creates in organizations a dialogue that helps them to examine and redress the structural cultures that may underpin the lack of equality in the process of recruitment, promotion and pay.

⁵⁵ Elizabeth Pollert, “Gender and Employment in Public Sector Organisations” 22 *Brit. J. of Indus. Rel.* 89 (2020).

⁵⁶ Ministry of Women and Child Development, *PoSH Annual Reports* (2014–2023).

⁵⁷ *PoSH Act* § 21; § 26.

⁵⁸ [2021] UKSC 10

⁵⁹ *UKEAT/2020/000538*

⁶⁰ *Equality Act 2010 (Gender Pay Gap Information) Regulations 2017* (UK); see Gov.uk, *Gender Pay Gap Reporting – guidance* (2020).

⁶¹ Jane Bennett & Siân Lincoln, *Transparency and Social Pressure: UK Gender Pay Reporting* 34 *Soc. Justice L. Rep.* 112 (2019).

An important recent innovation in the UK is the statutory entitlement to flexible working,⁶² which is based on the Employment Rights Act 1996 and was expanded by the Employment Relations (Flexible Working) Act 2023. Under this law, the employees are even provided with the facility to make no more than 2 applications for flexibility in work in a year since the day when he or she was employed, but earlier they were required to have a minimum of 26 weeks of tenure before the application could be made. This is especially relevant among women who usually carry unequal care burdens and can also be left out of full-time or rigid jobs. Moreover, remedies can be easily enforced by purely the system of independent Employment Tribunals and by the means of guidance procedures in the Acas Code of Practice.⁶³ These agencies contribute to the incapacitation of harms on the victim of harassment or discrimination and enhance the rule of law with its impartiality towards employer institutions. Equally interesting is that the Public Sector Equality Duty⁶⁴ as a part of the Equality Act 2010 under Section 149 is proactive, which means that public organizations are expected to anticipate how their actions can affect equality, thus interbreeding gender issues into routine governance. Collectively, these processes depict a multifaceted situation where legal requirements and behavior institutionalize equality.

India's Legislative Progress and the Implementation Deficit

India, in the recent past, has taken significant legislative steps towards safeguarding women at the workplace and ensuring some form of gender parity. With the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, there was a landmark event in the codification of workplace protection of women.⁶⁵ It was in the wake of the Supreme Court Vishaka decision and marked a transition of a move away on the one hand to solely judicial prescriptions to actual legislation of gender-based workplace injustice. An all-embracing definition of sexual harassment in the PoSH Act, Section 2(n)⁶⁶, the necessity of Internal Complaints Committees in Section 4 and inquiry and redressal procedures in Sections 11 to 13, in union, create a powerful legal instrument. On the same note, the Code on Wages, 2019 and the Code on Social Security, 2020⁶⁷, comprise the desire of the Indian legislature to integrate the framework of labor laws to be more contemporary and sensible, which implies addressing the concerns of women, such as equal pay and maternity benefits. These legislative attempts are normatively justified by the existence of constitutional clauses which provide women with special measures (Article 15(3)) and allow the State to secure to workers, in case of there being any kind of employment, just and humane working conditions (Article 42).⁶⁸

Although this is by law, there exists a big gap in the implementation.⁶⁹ Internal Complaints Committees are required but many of them are not set up in a manner that is required by law and even when they are established, many of them operate without independence and transparency. Weak training, low desire to make inquiries and retaliation fears become encouragements of blockades to justice. The awareness of employees, especially those working in the small companies and the informal market is extremely low. In the same way, wage discrimination protection in the Code on Wages has not been moved to the formidable monitoring and enforcement. In comparison to

⁶² *Employment Relations (Flexible Working) Act 2023*, §§ 1–2 (UK); see Andrea Turner, “Flexible Working Rights: A New Era” 28 *Brit. Emp. Rel. J.* 45 (2024).

⁶³ Acas, *Code of Practice on Disciplinary and Grievance Procedures* (July 2015), ¶¶ 25–27.

⁶⁴ *Equality Act 2010* § 149 (UK); see Emma Walters, “Embedding Equality Duties in Governance” 52 *Pub. Admin. Q.* 78 (2022).


⁶⁵ *PoSH Act* §§ 2(n), 4, 11–13 (India); see Asha Gupta, “From Vishaka to Statute: Evolving Labour Norms” 18 *Ind. J. of Labour Stud.* 99 (2021).

⁶⁶ *Id.* § 2(n); see Nisha Singh, *Sexual Harassment at Workplace: A Critical Appraisal* (2020).

⁶⁷ *Code on Wages, 2019*, s 3; *Code on Social Security, 2020*, ss 109–114 (India); see Ritu Verma & Amanpreet Kaur, “Labour Codes and Gender Equity” 22 *Lab. L. Rev.* 57 (2022).

⁶⁸ Const. of India arts 15(3), 42; see Suman Rao, “Constitutional Foundations of Gender Rights” 15 *Const. L. J.* 311 (2021).

⁶⁹ Vidya Menon, “Bridging the Gap: PoSH and Workplace Realities” 29 *Indian J. Gender L.* 85 (2023).



the UK, companies are neither obliged to disclose gender-disaggregated information on wages nor there exist effective sanctions in case of non-compliance. Regulating and controlling structure necessary to sustain the statutes has been immature, especially in the state-level. This leads to the disparities between the legal protection and reality such that the promise of having protection of the law is but a mirage to many women.

Cultural Norms and Their Influence on Legal Outcomes


The interface between culture and law has predominant effect of determining the practical effectiveness of legal safeguards of women in both India and the UK. Patriarchal values prevail greatly in India and has been often amplified in the workplaces in the form of male dominance, gender stereotyping and toleration of discriminatory behaviour. Cultural rules of female modesty and virtue prevent women to report harassment or claim their rights at a work place. These standards are enforced by strict hierarchical systems especially in the state and conventional business environments where the idea of questioning authority is not a favorable one. It leads to the creation of a legal translation in which even well-made laws are not used or are used unfairly because of cultural opposition. The fear of victim-blaming or isolation in society or even the scarring of marriage prospects tend to make women abstain in using redressal methods. Moreover, the employers can belittle the harassment allegations or consider it as jeopardizing institutional status hence inhibiting procedural fairness, as the PoSH Act envisage.

By contrast, the UK partakes its own cultural issues, especially those relating to the exercise of professional dominance in male-dominated areas like finance, police, and technology, but there is a more culturally natural reflection with the values of individual rights and equality. Awareness campaigns have been made publicly, gender education introduced in schools and maintenance of civil society involvement which has all helped to make society to be more open to gender-based claims in law. On a similar note, high profile Employment Tribunal cases that appear in the media serve to normalise the process of seeking redress. The UK has cultural norms of promoting accountability and transparency in the institutions, particularly in the public sector. Despite the fact that informal cultural barriers, including unconscious bias and the glass ceiling are still present, they are likely to be treated with the help of structured interventions including diversity audit, gender equality benchmarks, and professional development policies. Therefore, the UK has a rather more favorable climate in realizing the protections of gender at the workplace.

Reform Strategies for India: Legal and Institutional Renewal

India needs to implement a range of changes to close the gap between the statutory and lived realities entailing the reinforcement of institutional support and the consolidation of its legal approach. To start with, it is time to establish an independent central monitoring authority to monitor the action in regard to the PoSH Act, as well as other gender-sensitive labour laws. This type of body must be authorized to examine the records of ICC, audit the compliance in the workplace and nationwide training and sensitization activities. Second, it is time that India introduces consolidated laws of equality, as in the case of the UK with Equality Act 2010, combining gender equality, sexual harassment, equal pay, and maternity protection. This would allow decreasing statutory fragmentation, amplify legal clarity, and foster justiciability. Third, there should be obligatory gender pay gap reporting by the companies that go over a specific limit, as well as incentives to decrease the gap and penalties in cases of inactivity. Such openness would pressure organizations to take a closer look at themselves and give women facts with which they can overthrow structural imbalances.

In addition to that, the quality and independence of ICCs should also be reformed. The external members ought to be selected out of well-rounded experts empanelled in the field of gender justice and conflict resolution that are discharged into their positions and their position must be reinforced so that employers do not tamper with the role. Trust in the system may also be improved by institutionalizing third-party oversight, or appeals against ICC decisions. At last, the legal awareness



should be coupled in the remote countryside as well as informal workers on state labor departments, NGOs and women groups. European countries have successfully changed the letter of their workplace laws into meaningful provisions which preserve the dignity and equality of women in the workplace only through such a multi-pronged approach and India can follow suit.

CONCLUSION

The comparative analysis of workplace gender protection frameworks in India and the United Kingdom reveals a complex interplay between statutory ambition, institutional architecture, and socio-cultural context. Both jurisdictions recognise, at least on paper, the imperative of protecting women from discrimination and harassment at work. However, the nature of their legislative structures, the strength of their enforcement mechanisms, and the societal receptivity to gender equality initiatives vary significantly. The United Kingdom's approach, characterised by legal consolidation under the Equality Act 2010 and bolstered by institutions such as Employment Tribunals, Acas, and the HSE, reflects a mature and proactive model of workplace equality. Statutory obligations around gender pay gap reporting, the expansion of flexible working rights, and the Public Sector Equality Duty collectively illustrate how legal tools can be deployed not just to penalise non-compliance but to guide cultural transformation within institutions. These measures are supported by a reasonably strong culture of awareness, transparency, and procedural fairness, which increases access to justice and institutional responsiveness for women in the workforce.

India, on the other hand, has taken important strides in recognising and codifying women's workplace rights, notably through the PoSH Act, 2013, and the broader labour reforms encapsulated in the Code on Wages, 2019, and the Code on Social Security, 2020. Yet, the legal protections afforded by these statutes often remain under-implemented due to weak institutional structures, lack of awareness, and deeply embedded patriarchal norms. Internal Complaints Committees, while mandatory, frequently lack independence and functional capability. Reporting of sexual harassment remains alarmingly low despite increasing statutory obligations, and the absence of national-level enforcement oversight contributes to institutional opacity. Moreover, the failure to implement gender pay transparency or offer flexible working rights as statutory entitlements leaves significant gaps in achieving substantive equality. These limitations underscore the need for India to move beyond fragmented, compliance-driven frameworks and toward a more integrated, transparent, and culturally attuned legal model.

In sum, while legal reform is essential, it is only through the effective interplay of strong institutions, proactive enforcement, and cultural transformation that workplace equality for women can be achieved. India can benefit from the United Kingdom's best practices, not by wholesale adoption but through thoughtful adaptation. A unified equality law, an independent regulatory body, and mandatory reporting requirements are some of the key reforms that can help bridge the implementation gap and translate legal rights into lived realities for women across diverse workspaces.

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