

LAW, LABOUR AND LEADERSHIP: GENDER INCLUSION IN INDIAN TRADE UNIONS

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ABSTRACT

Trade unions are often seen as the voice of the working class, champions of fair wages, safe working conditions, and social justice. However, in India, where the labour market is ingrained with deep gender disparities, these institutions often fall short of representing half the workforce- the women. Despite progressive laws and a century of union activism, women continue to face significant barriers to meaningful participation in trade unions. This research explores the persistent gender disparities in Indian trade unions, emphasizing the ingrained challenges women face despite ample of safety nets. Women remain significantly underrepresented in union leadership and decision-making, primarily due to male-dominated structures, limited access to leadership roles, and inadequate facilities that hinder their participation. The paper examines the effectiveness of India's 2020 Labour Codes in addressing gender inequalities, highlighting a disconnect between legal safeguards and their onsite implementation. It further explores the role of the judiciary in safeguarding women's rights and how trade unions should be gender inclusive. Through examples such as the Self-Employed Women's Association and the Tamil Nadu Textile and Common Workers Union, the study illustrates how women-centred unions challenge traditional approaches, promote female leadership and work for women inclusion. The research identifies ongoing challenges, including the "triple burden" of employment, domestic responsibilities, and caregiving, along with unsafe conditions in the informal sector. It emphasizes the need for structural changes, gender-sensitive policies, and the creation of dedicated women's committees within unions to ensure meaningful representation. The paper multifaceted approach that combines legal mandates, judicial interventions, and organizational reforms to transform trade unions into safe spaces that promote gender equity.

Keywords: Labour, gender equality, trade union.

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INTRODUCTION

Indian labour history witnessed the emergence of trade unions as early as the late nineteenth century, giving voice to the working class and serving as incubators for new ideas. A watershed moment came in 1920, when worker-organisation efforts crystallised nationwide and multiple unions sprang up. That year saw the founding of the All-India Trade Union Congress hereinafter AITUC. India's first central trade union which set the standard for collective action. In the decade following the First World War, the labour movement gained formidable momentum, revealing the need for coordinated union activity and culminating in AITUC's establishment as a unifying national body.

Despite this long and storied history, women's participation within trade unions remains markedly limited by structural, cultural, and institutional barriers. Unions have traditionally prioritised broad labour concerns while neglecting gender-specific challenges sexual harassment, maternity benefits, leadership opportunities, and workplace safety. As a result, women in both the organised and unorganised sectors continue to face marginalisation within predominantly male union structures, raising urgent questions about inclusivity and representation.

There is, therefore, a pressing need to examine and analyse the extent and nature of women's involvement in Indian trade unions, to identify the barriers they encounter, and to evaluate the effectiveness of existing legal and institutional frameworks in advancing gender equity. With India undertaking significant labour-law and social-security reforms, it is imperative to assess whether these measures adequately address women's unique challenges in union spaces. Absent rigorous research, policy interventions risk remaining superficial or misdirected, failing to foster genuinely inclusive labour organisations.

This paper argues that, although recent legal reforms and union initiatives have created openings for greater gender inclusion, entrenched structural and cultural obstacles continue to curtail women's participation and leadership. By fostering a more inclusive and supportive organisational culture dismantling male-dominated hierarchies, reducing gender-based discrimination, and empowering women in decision-making trade unions can leverage the full potential of India's female workforce, narrow the gender employability gap, and advance the nation's broader goals of gender equity and inclusive development.

LITERATURE REVIEW

1. **Ilina Sen, “Women’s Participation in Trade Union Struggles”, *Economic and Political Weekly*, Vol. 22, No. 27, pp. 1067-1069, 1987.**

Ilina Sen investigates the significant role played by women in the trade union movement, focusing on the Chhattisgarh Mines Shramik Sangh. She highlights that women were not only active in wage and employment struggles but also took the lead in social issues like alcoholism and domestic violence. Sen documents how women’s involvement shaped union ideology and broadened its scope. This historical case study contributes to the present research by evidencing that women’s leadership in union activities is not a recent development, but part of a long-standing tradition often overshadowed by patriarchal structures.

2. **Sue Ledwith, “Gender Politics in Trade Unions: The Representation of Women Between Exclusion and Inclusion”, *Transfer: European Review of Labour and Research*, Vol. 18, No. 2, pp. 185-199, 2012.**

Sue Ledwith examines the enduring exclusion of women from leadership and decision-making roles in trade unions, despite their increasing presence in the labour force and union membership. She argues that this exclusion persists due to deeply embedded cultures of hegemonic masculinity within traditional union structures. While unions have implemented structural reforms such as gender quotas and equality audits, Ledwith contends that these measures often fail to dismantle informal male-dominated networks and cultural resistance that undermine genuine gender inclusion. Her analysis goes beyond formal representation, focusing on the interplay of organizational culture, gender identity, and informal political practices that maintain male dominance in union hierarchies.

This paper is instrumental in supporting the present study’s central argument that structural reforms alone are insufficient to achieve gender equity in Indian trade unions. Ledwith’s insights reinforce the necessity of cultural transformation within unions, where leadership norms remain masculinised and resistant to change. Her emphasis on the internal mental work, informal practices, and symbolic barriers aligns with the study’s discussion on the limitations of India’s current legal and institutional mechanisms. The paper contributes to a broader theoretical framework that connects global patterns of exclusion with local trade

union practices, thereby informing recommendations on inclusive leadership, intersectionality, and transformative strategies for gender justice in Indian labour unions.

3. **Piyali Ghosh, Ragini and Alka Rai, “Analysing the Role of Union Instrumentality in Women’s Participation in Trade Unions: A Study of Indian Manufacturing Sector”, *The Journal of Developing Areas*, Vol. 49, No. 4, pp. 415-423, 2015.**

This empirical study explores how perceived union instrumentality affects women's willingness to engage in trade union activities. The authors base their analysis on Klanderman’s framework, categorising motivations as goal-based, social, and reward-driven. Their findings show that convenience and social approval from family and employers, moderated by perceptions of union effectiveness, significantly influence participation. This study is foundational to the present research’s section on structural and psychological barriers. It contributes to the understanding that unions must be seen as effective and inclusive by women for participation to be meaningful. It also highlights the need for union reforms that address both external constraints and internal perceptions.

4. **Maini Rashmi, “Participation of Women in Trade Unions: A Study of Centre of Indian Trade Unions”, *Indian Journal of Industrial Relations*, Vol. 53, No. 4, pp. 618–629, 2018.**

Maini Rashmi examines women’s participation in Centre of Indian Trade Unions, one of India’s central trade union organisations. The study shows that despite some growth in female membership, women continue to be underrepresented in leadership roles due to patriarchy, organisational politics, and the burden of domestic responsibilities. Rashmi also notes Centre of Indian Trade Union’s efforts to address this gap through women's wings and state-level initiatives. This article directly informs the current research by showcasing the internal limitations within otherwise progressive unions. This article highlights how female participation patterns vary widely depending on socio-economic and cultural contexts. It strengthens the argument that gender inclusion in unions must be regionally responsive and should consider how structural inequalities influence women’s access to employment and representation. It reinforces the paper’s critique of token representation and supports the recommendation that unions must institutionalise leadership opportunities and gender-specific advocacy mechanisms.

5. **Sasmita Dash, “Women Trade Union Participation in India: A Qualitative Inquiry”, *Indian Journal of Industrial Relations*, Vol. 55, No. 1, pp. 27–38, 2019.**

Sasmita Dash offers a qualitative account of women’s experiences within a mixed-gender trade union in Eastern India. Her research finds that women's participation is mostly passive, limited to nominal membership with minimal involvement in leadership or negotiations. Dash identifies several barriers, including masculine union culture, social expectations, and lack of structural support. The concept of "pseudo-representation" introduced in the study, where women are present in name but excluded from real influence, directly informs the present paper’s critique of performative inclusion.

6. **Garima Sahai, Rosa Abraham, Mrinalini Jha and Bhaskar Vira, “An Indian She-cession: Disproportionate Job and Earnings Loss for Young Women in the Labour Market”, *Economic and Political Weekly*, 2021.**

This article analyses the gendered and generational impact of the COVID-19 crisis. The authors find that young women were the hardest hit in terms of job loss and income decline, suffering far more than any other demographic. The research identifies how structural vulnerabilities, including informal work arrangements and care burdens, amplified economic exclusion. This study informs the present paper by highlighting the urgency of responsive and inclusive union strategies that consider crisis-induced gender disparities. It substantiates the claim that trade unions must address the dual axis of age and gender to stay relevant in a rapidly transforming labour market.

BRIDGING THE GAP BETWEEN UNIONS AND GENDER EQUITY IN INDIA

One of the most fundamental aspects to encourage economic growth is to balance the gender dynamics in the workforce. Historically, there is always gender inequality in workforce which is thereby evident in trade unions also. Gender stereotyping in trade unions persists as a systemic issue, creating barriers for women at both entry and advanced levels. At the entry level, women often face exclusionary practices such as recruitment biases favouring networks that prioritize men for union roles, limiting women’s access to equal opportunities. The bias and stereotype continues even after women join trade unions wherein they are often given

supportive roles which includes handling administrative tasks, welfare programs, or social events rather than being groomed for leadership or collective bargaining.¹ Employers often prefer to contract women because they are seen as more submissive and obedient.² This reflects the broader labour market trends where women are overrepresented in undervalued, low-skill care work. Union cultures often reflect masculine norms, with leadership styles and decision-making processes aligned to traditional male-dominated structures. Hence, tokenism persists, wherein women leaders are confined to symbolic positions without real influence.

Any country's female labour force participation is a pivotal metric for assessing women's economic empowerment, yet India's labour landscape reveals persistent contradictions. From 2004-05 to 2019-20, urban female workforce participation rose marginally from 16.6% to 16.8%, while rural participation sharply declined from 32.7% to 24%, reflecting regional disparities and structural inequities³. The COVID-19 crisis exacerbated these trends like 58% of young rural women and 64% of urban women faced no employment recovery, compared to 27% and 29% of their male counterparts, respectively⁴. Such data underscores the vulnerability of women's employment even within a growing economy. Within this context, trade unions hold significant potential to address gendered inequities through collective bargaining, a mechanism traditionally designed to amplify worker rights. However, women's underrepresentation in union leadership and collective decision-making processes weakens their ability to shape agendas that address systemic barriers, from wage gaps to workplace safety.

The socio-political structure plays a crucial role in perpetuating gender inequalities within trade unions, as it reflects broader power dynamics in society. India's paradox rapid economic growth alongside regressive gender labour trends demands reimagining trade unions as

¹ Shyamkant Madhukar Khonde, Dr. Lata Suresh, Mukta Vyas, "Empowering Change: Women's Participation and Management in Trade Unions in India", 10(9), *Journal of Information Systems Engineering and Management*, (2025).

² *Ibid.*

³ Aviral Pandey, "Explaining the U-curve Trend of Female Labour Force Participation in Bihar", 58(30) *Economic & Political Weekly* 18 (2023).

⁴ Garima Sahai, Rosa Abraham, Mrinalini Jha, Bhaskar Vira, "An Indian She-cession: Disproportionate Job and Earnings Loss for Young Women in the Labour Market", *Economic & Political Weekly*, October 21 2023, available at < <https://www.epw.in/engage/article/indian-she-cession-disproportionate-job-and>> (last visited on April 25, 2025).

inclusive institutions.⁵ While urbanization and education have expanded women's workforce aspirations, cultural norms and institutional inertia restrict their access to secure employment. The World Economic Forum's 2024 Gender Gap Report, ranking India 129th globally, reflects this stagnation.⁶ Unions, however, can disrupt this cycle by repositioning collective bargaining as a tool for gender justice. This requires moving beyond tokenistic representation to embedding equity in every negotiation whether for wage hikes, contract stability, or social security.

Trade unions, as institutions of collective power, are theoretically positioned to advance gender equity. Collective bargaining empowers workers to secure fair wages, safe working conditions, and social protections, elements that are especially vital for women managing both paid employment and unpaid caregiving responsibilities. For instance, unions in sectors like healthcare and education, where women constitute a majority, have historically negotiated maternity leave, childcare support, and harassment redressal mechanisms. However, in India, such successes remain sporadic. The International Labour Organisation herein after referred as "ILO" reports that only 19.2% of Indian women participate in the formal labour force, with a 50.9% gender employability gap.⁷ Sue Ledwith highlights the enduring subordination of women in trade unions, a trend evident in India despite their significant labour force presence.⁸ The Centre of Indian Trade Unions herein after referred as "CITU", established in 1970 under Marxist principles, initially excluded women entirely. While its female membership rose to 31.9% i.e. 1,850,892 women by 2011, this progress remains static due to the absence of updated verification.⁹ Despite CITU's ideological emphasis on equality, its slow integration of women coupled with stagnant post-2011 data exemplifies systemic barriers such as male-dominated hierarchies and the marginalization of gender-specific labour issues. This disconnect highlights

⁵ Tiya Singh, "Insights on Female Labour Force Participation in India", *Economic & Political Weekly*, available at

<[https://www.epw.in/engage/article/insightsfemalelabourforceparticipationindia#:~:text=While%20the%20Indian%20economy%20is,rural%20India%20\(Pandey%202023\).>](https://www.epw.in/engage/article/insightsfemalelabourforceparticipationindia#:~:text=While%20the%20Indian%20economy%20is,rural%20India%20(Pandey%202023).>) (last visited on April 25, 2025)

⁶ World Economic Forum, "Global Gender Gap 2024" 12 (June 2024).

⁷ Roshni Chakrabarty, "Female labour participation declining in India: Why are women not working?", *India Today*, June 11 2023, available at <<https://www.indiatoday.in/education-today/jobs-and-careers/story/female-labour-participation-declining-in-india-why-are-women-not-working-2391034-2023-06-09>>, (last visited on April 26, 2025).

⁸ Sue Ledwith, "Gender Politics in Trade Unions. The Representation of Women between Exclusion and Inclusion", 18(2) *Transfer European Review of Labour and Research* 185-199 (2012).

⁹ Maini Rashmi, "Participation of Women in Trade Unions: A Study of Centre of Indian Trade Unions", 53(4) *The Indian Journal of Industrial Relations* 618-629 (2018).

the need for unions to adopt dynamic, gender-sensitive frameworks that move beyond token membership quotas to actively empower women in decision-making roles.

Trade unions are not merely defenders of existing labour rights but potential architects of gender-equitable workplaces. Their ability to uplift women hinges on recognizing the intersectional challenges women face and reflecting these in collective bargaining agendas. Without systemic efforts to amplify women's voices within unions, India's growth narrative will continue to exclude half its workforce, undermining both economic growth and social progress.

THE PRESENT CHALLENGES WOMEN FACE IN TRADE UNIONS

Trade unions have historically been male-dominated spaces, where men have not only comprised most members but have also played pivotal roles in leadership, decision-making, and collective bargaining. Male members participate actively in union meetings, hold office positions, serve on committees, and take part in strikes and negotiations.¹⁰ The sense of solidarity and influence they experience within unions has traditionally been facilitated by established informal networks often male-centric that determine union strategies and priorities. This has sidelined women participation in trade unions. However, for women, active participation in trade unions is significantly more challenging. Although the female labour force participation rate has grown to 25.1% in 2020-21 from 18.6% in 2018-19,¹¹ their engagement has largely remained symbolic. This has further improved significantly by 4.2 percentage points to 37.0% in 2023.¹² Studies over the past four decades have highlighted that women's involvement is generally confined to holding union membership without meaningful participation, a phenomenon known as "pseudo-representation"¹³. In such cases, women are registered as members but are absent from meetings, decision-making processes, and leadership roles.

¹⁰ *Ibid.*

¹¹ Samiksha Goel, "Female labour participation rises to 25.1 per cent in 2020-21", *The New Indian Express*, 15 Jun 2022, available at <<https://www.newindianexpress.com/business/2022/Jun/15/female-labour-participation-rises-to-251-per-centin-2020-21-2465779.html>>, (last visited on July 22, 2025)

¹² Female Labour Force Participation Rate Jumps to 37.0%, available at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1967291>, (last visited on July 22, 2025).

¹³ Sasmita Dash, "Women trade union participation in India-A qualitative inquiry", 55(1) *Indian Journal of Industrial Relations* 27-38 (July 2019).

Women's participation in trade unions can generally be categorized into two types: formal and informal.¹⁴ Formal participation includes activities such as attending union meetings, voting in elections, serving on committees, or holding office positions. Informal participation, on the other hand, covers actions like providing support to coworkers, discussing union matters, or staying informed about union activities¹⁵. Despite these avenues, women's active engagement is often minimal. Research has consistently shown that women's involvement in unions is limited not only due to structural and cultural barriers but also because of the nature of union activities themselves. Male members often dominate discussions, make strategic decisions, and lead negotiations, leaving women as passive observers.¹⁶ Even when women do participate, they are often relegated to secondary roles with little influence. Surveys of collective bargaining in India reveal that female leaders are a rarity.¹⁷ Among over 200 collective agreements signed by nearly 1,800 union leaders, fewer than five were women.¹⁸

The socio-political structure of trade unions mirrors and reinforces broader societal inequalities, particularly in how gender roles are institutionalized. The factors limiting women's active participation in unions are multifaceted. Firstly, the *organizational culture of most trade unions* is heavily male dominated, characterized by informal male networks, coarse jargon, and intimidating language that discourage women from participating. Union meetings are often scheduled at inconvenient times or distant locations, making them inaccessible for women who balance multiple responsibilities.¹⁹

Secondly, women face a "*triple burden*" juggling family obligations, professional duties, and union responsibilities.²⁰ This makes it difficult for them to invest time in union activities, such as attending meetings, volunteering for committees, or standing for elections. Unlike their male counterparts, women are more likely to prioritize domestic duties over union engagement,

¹⁴ *Ibid.*

¹⁵ *Supra* Note 13.

¹⁶ Bhawna Hinger, "The Role of Trade Unions in India: An analysis", 2(1) *International Journal of Social Impact* 146 (2017).

¹⁷ *Supra* Note 12.

¹⁸ *Supra* Note 12.

¹⁹ R. Sharan, D. N. Dhanagare, "Trade Unionism among the Women Workers of Kanpur", 15(3) *Indian Journal of Industrial Relations* 448 (1980).

²⁰ Anusha Ban, "Triple burden of women: Conflicting gender norms", *The Himalayan*, March 2, 2018, available at <<https://thehimalayantimes.com/opinion/triple-burden-women-conflicting-gender-norms>>, (last visited on April 27, 2025).

especially in societies where cultural expectations assign them primary responsibility for household management.

Thirdly, the *lack of supportive infrastructure* within unions further marginalizes women. Women with young children or pregnant women, the absence of childcare facilities can be a significant barrier to participation. If women must leave their children behind or arrange for external care, they are less likely to engage in union activities, which are often held at inconvenient times or require travel. When there are inadequate sanitary facilities in the workplace or in union areas, female employees face challenges. In addition to discouraging women from joining unions, this dearth of suitable facilities also makes it difficult for them to actively participate.

Fourthly, *stereotypes and biased perceptions about women's capabilities* also contribute to their exclusion. Union leaders and even fellow members may assume that women, especially those who are pregnant or have young children, lack the commitment or energy for union work. Such prejudices hinder their election to leadership roles or inclusion in decision-making bodies.

Moreover, in the *unorganized sector* where many women work as street vendors, domestic workers, or labourer's union participation is almost negligible. Women here face even more severe challenges, including hazardous work environments, wage exploitation, and sexual harassment.²¹ Despite the presence of women's cells or grievance mechanisms, these are often inactive or ineffective.²²

Women often remain disengaged from trade unions, not because of disinterest but due to overwhelming family responsibilities and immediate survival concerns like job security, eviction, and stable work. For them, these issues take precedence over union activities, which are perceived as secondary or irrelevant. Since male counterparts typically dominate unions and handle collective bargaining, women assume their concerns are already being addressed without their direct involvement. Cultural expectations further intensify this detachment. Women are socially conditioned to prioritize household duties like cooking, cleaning, childcare over external engagements, making it difficult to allocate time for union meetings or

²¹ Namita Das, "Women in Unorganized Sectors-Problems & Issues in India", 5(8) *JETIR* 95-100 (2018).

²² *Ibid.*

activities.²³ This leads many women to view union engagement as an unnecessary burden, reinforcing a cycle where they see themselves as passive observers rather than active participants in collective action.

LEGAL SAFETY NETS FOR WOMEN WORKERS

The enactment of the Labour Codes, 2020 marked a significant overhaul of India's labour laws, consolidating 29 existing laws into four comprehensive codes: The Code on Wages, The Industrial Relations Code, The Code on Social Security, and The Occupational Safety, Health, and Working Conditions Code. These reforms were aimed at streamlining labour regulations, ensuring better worker protection, and promoting gender equity in the workforce. Notably, the new codes include provisions for maternity benefits, equal pay, workplace safety, and social security, directly impacting women workers. However, despite these progressive legal developments, recent trends indicate a concerning decline in trade union influence in India.²⁴ The weakening of trade unions has significant implications for women workers, as unions have historically been instrumental in advocating for better wages, secure working conditions, and gender-responsive policies.²⁵ In the absence of strong unions, the effective implementation of labour protections for women remains a challenge, raising questions about the practical impact of the new labour codes on women's rights in the workplace.

For these laws to be truly impactful, trade unions must be actively engaged in their implementation. A crucial step toward this goal is increasing the representation of women in leadership positions within unions. When women lead unions or departments, they are more likely to understand and advocate for issues affecting female workers, ensuring that gender-sensitive policies are not just on paper but are practically enforced.²⁶ The well-being of women workers is fundamentally linked to the collaborative functioning of labour laws and trade unions. These two elements must operate in a mutually reinforcing manner where unions

²³ Sarah Thébaud, Sabino Kornrich, Leah Ruppanner, "Good Housekeeping, Great Expectations: Gender and Housework Norms", 50(3) *Sage Journals* (May 2019).

²⁴ Sanket Kaoul, "Trade unions witnessing decline across the world, says senior economist", *Business Standard*, November 30 2023, available at < https://www.business-standard.com/economy/news/trade-unions-witnessing-decline-across-the-world-says-senior-economist-123113001085_1.html>, (last visited on April 28, 2025).

²⁵ *Ibid.*

²⁶ International Labour Organisation, "Report on a Survey of Women and Gender Issues in Trade Union Organisations in Indonesia" (2006).

advocate for women's rights and ensure compliance, while labour laws provide the legal backing for such advocacy.

- 1. Maternity Protections for Women workers:** The Code of Social Security, 2020, subsumes maternity protections previously provided under The Maternity Benefit Act, 1961, including paid maternity leave, medical bonuses, and crèche facilities. Despite these progressive legal developments, the effective implementation of maternity protections is heavily reliant on active advocacy by trade unions. Unfortunately, women's persistent underrepresentation in union leadership significantly hampers the prioritization of gender-specific protections. For instance, in the case of *Deepika Singh v. Central Administrative Tribunal*²⁷, the Supreme Court upheld the rights of a woman employee to maternity benefits, despite bureaucratic resistance. This case highlights a situation where proactive union intervention could have strengthened the defense of maternity rights. The absence of women in leadership positions within trade unions further exacerbates the problem, as their unique concerns are often overlooked.²⁸ This is particularly evident in various where women constitute a large portion of the workforce but remain significantly underrepresented in decision-making.²⁹ Consequently, gender-sensitive laws, including maternity protections, remain underutilized, leaving female workers without adequate support.
- 2. Equal Pay and Workplace Safety:** The Occupational Safety, Health, and Working Conditions Code, 2020, which replaced The Factories Act, 1948, consolidates provisions for workplace safety, including crèche facilities and health safeguards. Specifically, it mandates crèche facilities for establishments employing a specified number of women. However, the effective implementation of such provisions largely depends on the vigilance of trade unions. Unfortunately, in male-dominated unions, issues like childcare are often dismissed as "women's concerns" and are neglected. For instance, despite the statutory requirement for crèches, many factories fail to comply, primarily because unions dominated by men do not prioritize these needs. In contrast, unions with active female participation have demonstrated the impact of inclusive leadership on policy enforcement. Kerala's

²⁷ [2022] 7 S.C.R. 557.

²⁸ *Supra* Note 15.

²⁹ Anoushka Sawhney, "More Indian women join workforce, but leadership roles remain elusive", *The Economic Times*, March 8 2025, available at < <https://economictimes.indiatimes.com/jobs/hr-policies-trends/et-graphics-women-at-work/articleshow/118793459.cms?from=mdr>>, (last visited on April 28, 2025).

Asangaditha Meghala Thozhilali Union is a notable example, where active involvement of women has led to the successful institutionalization of crèche facilities, ensuring that legal rights translate into practical benefits for female workers.³⁰

Similarly, The Code on Wages, 2019, which adopts a gender-neutral approach, prohibits discrimination in recruitment and remuneration. This provides a legal basis for challenging discriminatory practices, especially in sectors like agriculture and domestic work, where women are most vulnerable. However, male-dominated unions often focus on formal industries, overlooking the plight of informal women workers.³¹ The integration of women in union leadership is not just a matter of representation but a critical factor in ensuring that labour laws designed to protect women are actively enforced.

3. **Social Security and the Informal Sector:** The Social Security Code, 2020 consolidates existing laws to extend health insurance, maternity benefits, pensions, and accident coverage to informal workers, including gig workers, through voluntary enrolment and digital registration. The Code combined the laws on provident fund and ensure which provides provident funds and health insurance but remain largely inaccessible to informal women workers due to unawareness. Trade unions can in aid implementation by mobilizing women to enrol in schemes, advocating for simplified registration processes, and pressuring governments to expand coverage.³² Unions also bridge awareness gaps through grassroots campaigns, ensuring women understand their rights.
4. **International Commitments-** Trade unions have historically played a vital role in advocating for gender equality and promoting social and economic justice for women. One of the examples is, The Beijing Declaration and Platform for Action, 1995 reaffirmed at the Beijing+30 Regional Review Meeting, emphasized the importance of gender-responsive labour policies and social dialogue areas where trade unions are essential.³³ A prime example is the Self-Employed Women's Association herein after referred as SEWA in India, the largest women-led trade union in the country. SEWA has partnered with the United Nations Better Than Cash Alliance to promote digital financial inclusion for 2.1 million informal women workers, directly contributing to the Sustainable Development Goals on

³⁰ Anima Mulartha, "Kerala's First Women's Trade Union", 51 (7) *Economic & Political Weekly* (2016).

³¹ Gill Kirton, "Union framing of gender equality and the elusive potential of equality bargaining in a difficult climate", 63(4) *Sage Journal* (April 2021).

³² *Ibid.*

³³ "Beijing+30 Regional Review Meeting", *UNECE*, October 21 2024, available at < <https://unece.org/gender/events/beijing30-regional-review-meeting>>, (last visited on April 29, 2025).

economic empowerment.³⁴ On a global scale, the International Trade Union Confederation herein after referred as ITUC has consistently championed gender parity through initiatives such as reducing wage disparities in the care sector and amplifying women's leadership within labour movements.

During the Beijing+30 Regional Review Meeting, Ms. Roya Garayeva, President of the Women's Committee of ITUC's Pan European Regional Council, emphasized that trade unions are instrumental in achieving gender equality.³⁵ She highlighted the need for unions to push for decent wages, better working conditions, and pay transparency particularly in the care sector, which is predominantly staffed by women.³⁶

Trade unions have also influenced global policies, such as the ILO's Resolution on Decent Work and the Care Economy, adopted in June 2024. This resolution highlights the critical connection between decent work, gender equality, quality care, and sustainable development, offering a framework for unions to advocate for better wages and working conditions, particularly for women in care roles.³⁷ Furthermore, the 4th ITUC World Women's Conference called for governments to establish sustainable, gender-responsive social protection systems. Recommendations included aligning national policies with ILO standards, investing in the care economy, ensuring paid maternity and parental leave, and providing universal social protection for women in precarious or informal employment.³⁸ These measures are essential for achieving gender equality in the workforce and ensuring that women workers are protected and empowered.

³⁴ "India's leading trade union of self-employed women makes bold commitment on responsible digital payments to benefit its 2.1 million women members", *Better than Cash Alliance*, March 8 2022, available at < <https://www.betterthancash.org/news/indias-leading-trade-union-of-self-employed-women-makes-bold-commitment-on-responsible-digital-payments-to-benefit-its-two-million-women-members>>, (visited on April 29, 2025).

³⁵ Interview with Ms. Roya Garayeva, President of the Women's Committee of the Pan European Regional Council of the International Trade Union Confederation, *UN Women Europe and Central Asia*, January 7, 2025.

³⁶ *Ibid.*

³⁷ "ILO Resolution on Decent Work and the Care Economy moves ahead", *ILO*, October 23 2024, available at < <https://www.ilo.org/resource/news/ilo-resolution-decent-work-and-care-economy-moves-ahead>>, (last visited on April 29, 2025)

³⁸ *Ibid.*

ROLE OF JUDICIARY IN UPHOLDING RIGHTS OF WOMEN IN TRADE UNION

The Indian judiciary has played a pivotal role in shaping a more inclusive labour landscape by safeguarding the rights of women in trade unions and workplaces. For years immemorial, women have faced systemic discrimination and exclusionary practices which obstructed their participation in Trade union. However, through a series of landmark judgments, the judiciary has consistently worked towards upholding women's rights in trade union and promoted the active participation and leadership of women in these trade unions.

In the case of ***Charu Khurana v. Union of India***³⁹, Supreme Court ruled that the Cine Costume Make-up Artists and Hairdressers Association's bylaws, that forbid women from membership based solely on the fact that they are female makeup artists and Requiring residency in Maharashtra for more than five years is against both legislative restrictions and fundamental rights guaranteed by the Constitution. It was stated that:

“When the access to women is denied, Article 21 of the Constitution which deals with d livelihood is offended. A clause in the byelaws of a trade union, which calls itself an Association, which is accented by the statutory authority, cannot play foul of Article 21. Gender bias is totally impermissible and wholly unacceptable.”

In case of ***Vasantha R. v. Union of India***⁴⁰, R. Vasantha, an employee at a mill, filed a petition challenging Section 66(1)(b) of The Factories Act, 1948, which restricted women from working night shifts between 7:00 P.M. and 6:00 A.M. She argued that, despite her employer's willingness to provide safe accommodations and transportation, this law barred her from her chosen employment hours. The court declared section 66(1)(b) unconstitutional for violating Articles 14, 15, and 16 of the Indian Constitution, which uphold equality and non-discrimination. This decision is significant for women in trade unions, as it strengthens their rights to work equal hours, promotes workplace inclusion, and empowers them in their roles within unions.

³⁹ 2014 SCC Online SC 900.

⁴⁰ (2001) IILLJ843MAD.

Further in the case of *Bombay Labour Union Representing the Workmen of International Franchise Pvt. Ltd. v. International Franchise Pvt. Ltd.*⁴¹, the Appellant was Bombay Labour Union representing the women working under the Respondent's pharmaceutical company. The Respondent brought a condition that unmarried women employees were to resign from the company on their own upon getting married. The Supreme Court held that the employers could not impose such unreasonable conditions on working women and hence is antithesis to equality towards women. This particularly encourages more women to participate in and lead trade unions, seeing that unions can be successful platforms for seeking redress against discrimination.

In *Neera Mathur v. Life Insurance Corporation of India*⁴², Mrs. Mathur appealed to the Supreme Court, asserting a violation of her right to equality under Article 14 due to her arbitrary discharge and gender-based discrimination. The Court ordered her reinstatement, stating there was no evidence of unsatisfactory performance. It further criticized LIC for not aligning with India's progress towards gender equality and non-discrimination in the workplace. Further in *Voluntary Health Assn. of Punjab v. Union of India*⁴³, it has been observed that, a society that does not respect its women cannot be treated to be civilised.

Hence, these landmark decisions collectively reflect the importance of role of the Indian judiciary in upholding the rights of women in trade unions in India. Some changes are in place.

BREAKING BARRIERS: WOMEN'S RISING ROLE AND REPRESENTATION IN TRADE UNIONS

Women's participation in trade unions has historically been hindered by structural, cultural, and institutional barriers. However, certain organisations and movements in India have made significant strides in empowering women workers and challenging these limitations. While addressing gender-specific challenges such as safety, representation, access to credit, and workplace discrimination, these groups offer effective models for reforming union spaces and strengthening gender equity. These groups not only create safer and more inclusive

⁴¹ AIR 1966 SC 942.

⁴² 1992 AIR 392.

⁴³ AIR 2017 SC (CIVIL) 2210.

environments for women workers but also validate their leadership and negotiation abilities within labour movements.

One such organization is ***Self-Employed Women's Association***. As already discussed about SEWA as a pioneering model, it was founded in 1972 as membership-based organisation dedicated to strengthening women employed in India's unorganised economy. For women who frequently struggle with issues like poverty, social isolation, and illiteracy, SEWA has emerged as a key force for mobilisation and support. Through the organisation, these women can access resources that were previously inaccessible to them and enhance their working conditions. Based on their line of work, SEWA's members are divided into four primary groups: "small producers, labourers and service providers, vendors or traders, and home-based workers". These classifications enable SEWA to customise its offerings to fit the unique requirements of various female demographics.

A need that was identified among SEWA's members is access to fair credit, which is addressed through microcredit programs that help women start or expand their businesses. For this they founded *SEWA Banks* in 1972. This financial support reduces dependence on exploitative moneylenders and enables women to achieve greater financial independence. Apart from financial services, SEWA provides a variety of other initiatives.⁴⁴ In order to enable women to continue working while providing for their families, the *SEWA Social Security program* offers health and childcare services. By offering reasonably priced homes with essential utilities, the *Gujarat Mahila Housing SEWA Trust* seeks to improve housing circumstances for women, especially those who work from home. Additionally, SEWA provides training programs to help women improve their skills and locate more favourable markets for their goods.⁴⁵

Another organization to be discussed is ***Tamil Nadu Textile and Common Workers Union*** herein after referred as TTCU. It is a women-led Dalit trade union of textile workers having 11,000 female workers in Tamil Nadu. The Dindigul Agreement, signed in 2021 between the Tamil Nadu Textile and Common Workers Union and Eastman Exports, aims to end caste and gender-based violence and harassment in Eastman factories in Tamil Nadu, India.⁴⁶ This

⁴⁴ Dr Tejal Jani, Dr Shreedha Shah, "SEWA: A Case Study of Women Empowerment through Financial Inclusion" 2(1) *Women empowerment through financial inclusion* 79 (2023).

⁴⁵ *Ibid.*

⁴⁶ Business & Human Rights Resource Centre, "India: H&M signs 'landmark' Dindigul Agreement to end gender-based violence & harassment with Eastman Exports & labour orgs", *available at*: [https://www.business-](https://www.business-humanrights.org/en/latest/news-and-events/press-releases/detail/15346/india-h-m-signs-landmark-dindigul-agreement-to-end-gender-based-violence-harassment-with-eastman-exports-labour-orgs)

historic agreement protects around 5,000 Dalit women workers, a marginalized group often facing severe discrimination and poor working conditions.⁴⁷ Its goal is to eradicate gender-based violence and harassment at Eastman factories and spinning mills in Dindigul, which is located in the Tamil Nadu state of India.⁴⁸ It includes a legally binding enforceable brand agreement with H&M committing to support and enforce these protections.⁴⁹ The accord was sparked by the 2021 murder of Dalit textile worker Jeyasre Kathiravel by her boss, which led TTCU and international partners to demand reform.⁵⁰ The agreement, which is in line with ILO Convention on workplace violence and is backed by a global coalition and public advocacy campaigns, provides a new framework for collaboration between suppliers, unions, and brands in order to combat prejudice in supply chains.

These success stories illustrate the transformative potential of women-centric trade unions and structures in tackling both economic and social aspects of gender inequality. To sustain this progress and expand inclusivity across the labour movement, it is essential to implement further strategic measures. To change structure of trade union. Some of them are-

- 1. Inclusive Meeting Practices:** Trade unions should consider women member's personal responsibilities and safety concerns while planning meetings and events. Meetings, for instance, ought to be scheduled, as soon as possible after work and not later at any random hour. In the event that an emergency calls for late-night meetings, transport for female members should be offered. To encourage women to attend, the meeting should be held near their place of employment to cut down on travel time.⁵¹
- 2. Community and Family Engagement:** Trade unions should actively engage with the communities and families of their female members to assist them comprehend the

humanrights.org/en/latest-news/india-hm-signs-landmark-dindigul-agreement-to-end-gender-based-violence-harassment-with-eastman-exports-labour-orgs/, (last visited on April 25, 2025).

⁴⁷ Business Wire, "Landmark Dindigul Agreement to Eliminate Gender-Based Violence and Harassment at Eastman Exports Natchi Apparels with the Support of Global Allies", *available at*: <https://www.businesswire.com/news/home/20220401005344/en/Landmark-Dindigul-Agreement-to-Eliminate-Gender-Based-Violence-and-Harassment-at-Eastman-Exports-Natchi-Apparels-with-the-Support-of-Global-Allies>, (last visited on April 25, 2025).

⁴⁸ Padmini Sivarajat, "A dalit women-led union leads the way to make workplaces safer in Tamil Nadu", *The Times of India*, April 7, 2022, <https://timesofindia.indiatimes.com/city/chennai/a-dalit-women-led-union-leads-the-way-to-make-workplaces-safer-in-tamil-nadu/articleshow/90696575.cms>, (last visited on April 28, 2025).

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ ITUC International Trade Union Confederation, "Action Programme on achieving gender equality in trade unions", 4, (November, 2007).

significance of removing these patriarchal hurdles and stigma of unions and the reasons why women ought to join them. They ought to assist in educating communities about women's leadership and its potential benefits for both the community and the workplace.⁵²

3. **A policy for equality:** The time has come for legislators to recognise the need to modify their largely pro-business stances and enact laws that aid and protection to businesses and labour unions alike.⁵³ The established policies ought to avoid prejudice. The union's equality initiatives are essential. For instance, the French government's backing of diversity or gender equality policies and the implementation of mandatory collective bargaining on gender equality in large corporations as a means of enforcing their own and their union's commitment to establishing gender equality.
4. **Creating women-only structures:** There is a need to create women-only structures within trade unions as they can be an effective way to address gender-specific issues and improve the representation and support of women in the labour movement. These structures could include dedicated women's committees, support groups, or forums that focus on issues affecting women workers, such as maternity leave, childcare, flexible working hours, and protections against harassment.⁵⁴ Further, creches can be established for the children of women in trade unions. Arrangements can be made for regular visits of doctors and health care services to the creches in coordination with Health Department of the Government. Periodical immunization of the children can be taken care of at creches.⁵⁵
5. **Active awareness dissemination by Trade Unions:** It is the responsibility of Trade Unions to actively disseminate information about the importance of Aadhaar linkage and the benefits of enrolling on the e-Shram portal, especially among women workers who may face digital, linguistic, or social barriers. This in turn will help women workers track the status of their benefits and resolve issues related to Aadhaar linkage, bank account seeding, or delays in receiving welfare entitlements.⁵⁶

⁵² Fadillah Ismai, "Strategies to encourage women workers to sign up and remain in trade unions" 9(2), *Environment and Social Psychology* 4 (2024).

⁵³ *Supra* n. 50.

⁵⁴ *Supra* n. 50.

⁵⁵ Pratishtha Bagai, "Creches, hostels to support women's participation in workforce", *Live mint*, 23 July 2024, <<https://www.livemint.com/budget/budget-move-for-childcare-hostels-to-help-womens-employment-in-formal-sector-union-budget-nirmala-sitharaman-lok-sabha-11721731335837.html>>, (last visited on April 28, 2025).

⁵⁶ Radhakrishna, "E-shram portal for the welfare of unorganised sector workers in India", 9(3), *International Journal of Multidisciplinary Research and Development* 60 2022.

CONCLUSION

Trade unions play a pivotal role in shaping equitable labour markets and advancing social justice. This study highlights the persistent gap between India's progressive labour legislation and the lived realities of women within these organizations. Despite constitutional guarantees and the protections enshrined in the Labour Codes, 2020 socio-cultural norms and institutional inertia continue to constrain women's meaningful participation. Recent trends reveal that women occupy a fraction of union leadership roles and that overall female membership has barely increased. While grassroots models like SEWA and judicial activism demonstrate pathways to inclusion, enforcement deficits and pseudo-representation act as a persistent challenge to gender equity in trade unions.

The key to change is that trade unions should work in order to regain their lost existence. Trade unions were seen as harbingers of change and revolt. To foster gender equity, trade unions must institutionalize gender-responsive reforms like dedicated women's committees, adaptable meeting schedules, and secure transport. Policymakers and legislators, in partnership with unions, should ensure that labour codes yield tangible benefits, especially for informal-sector workers. Concurrently, public awareness initiatives must deconstruct the deep-seated biases and promote women's leadership in trade unions. Only through synchronizing laws, union practices, and societal attitudes can Indian trade unions evolve from symbolic compliance to safe spaces where women are valued as equal stakeholders, thereby reinforcing both gender justice and broader socio-economic progress.