

“AN ANALYTICAL STUDY OF MATERNITY BENEFITS AND WOMEN’S RIGHTS IN EMPLOYMENT”

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Abstract:

This research examines the intricate relationship between maternity benefits and women's employment rights in the contemporary workplace. The study analytically explores the legal frameworks, policy implementations, and practical challenges surrounding maternity protection across various jurisdictions. Through a comprehensive review of international labour standards, national legislation, and organizational practices, this research investigates how maternity benefits impact women's career progression, economic security, and workplace equality. The study addresses critical dimensions including statutory maternity leave provisions, wage compensation during maternity, job security guarantees, breastfeeding accommodations, and protection against pregnancy-based discrimination. It analyses the effectiveness of existing legislative measures in balancing employers' interests with women's reproductive rights and economic participation. The research further examines disparities in maternity benefits across different employment sectors, socio-economic groups, and geographical regions. Key findings reveal significant gaps between policy formulation and ground-level implementation, highlighting persistent challenges such as workplace discrimination, inadequate enforcement mechanisms, and limited coverage for informal sector workers. The study also evaluates the role of maternity benefits in promoting gender equality, enhancing women's labour force participation, and supporting work-life balance. This research contributes to the ongoing discourse on women's rights by proposing evidence-based recommendations for policymakers, employers, and advocacy groups to strengthen maternity protection frameworks and advance substantive gender equality in employment.

Keywords: Maternity benefits, women's employment rights, gender equality, labour legislation, workplace discrimination, reproductive rights, work-life balance.

Introduction:

Historically, women's participation in the workforce has been fraught with challenges, many of which stem from the tension between their reproductive roles and professional aspirations. The introduction of maternity benefits marked a significant milestone in labour rights, acknowledging that women should not be forced to choose between career and motherhood. However, despite considerable progress over the past century,

the reality for many working women remains far from ideal. From inadequate leave provisions and loss of income to subtle forms of discrimination and career setbacks, the challenges surrounding maternity and employment continue to persist across both developed and developing nations. The International Labour Organization's Maternity Protection Convention, along with various regional and national legislations, has established frameworks intended to safeguard women's rights during this crucial period. These

legal instruments typically address key concerns such as the duration of maternity leave, financial compensation, employment protection, health benefits, and the right to return to work. Yet, the mere existence of laws does not guarantee their effective implementation or ensure that women can exercise these rights without fear of repercussion. In contemporary workplaces, women face a complex web of challenges. Many encounter pregnancy discriminations during hiring processes or promotional considerations. Others experience pressure to return to work prematurely due to insufficient paid leave or financial constraints. Some find themselves relegated to less challenging roles upon returning from maternity leave, while others face outright termination. These experiences are not merely individual hardships; they reflect systemic failures in recognizing and accommodating women's dual roles as workers and mothers. The importance of this research extends beyond the immediate beneficiaries—working mothers themselves. Adequate maternity protection has far-reaching implications for child health and development, family stability, workplace productivity, and broader economic growth. Countries with robust maternity benefit systems often see higher rates of female labour force participation, better health outcomes for mothers and infants, and more equitable distribution of caregiving responsibilities. Conversely, inadequate maternity provisions can perpetuate gender pay gaps, reinforce occupational segregation, and undermine efforts toward achieving genuine workplace equality. This study emerges at a particularly pertinent time. The COVID-19 pandemic has dramatically altered working arrangements, bringing both new opportunities and fresh challenges for working mothers. The rise of remote work has offered flexibility for some, while simultaneously blurring boundaries between professional and domestic responsibilities. Meanwhile, economic pressures have intensified debates about the costs of

maternity benefits and their impact on business competitiveness, making it essential to examine these issues through an evidence-based lens.

Furthermore, the conversation about maternity rights cannot be divorced from broader discussions about gender equality in employment. Maternity benefits are not special privileges but necessary accommodations that recognize biological differences while ensuring equal opportunity. They are intrinsically linked to other workplace rights including protection from sexual harassment, equal pay, career advancement opportunities, and the right to non-discriminatory treatment. This research adopts an analytical approach to examine the current state of maternity benefits and women's employment rights across different contexts. It seeks to understand not only what policies exist on paper but how they function in practice. By exploring the experiences of working mothers, the perspectives of employers, and the role of regulatory bodies, this study aims to provide a comprehensive picture of the challenges and opportunities in this domain. The following pages will delve into the legal frameworks governing maternity protection, analyse the adequacy and effectiveness of existing benefit schemes, examine the barriers to accessing these rights, and explore the socio-economic factors that shape women's experiences. Through this investigation, the research aspires to contribute meaningful insights that can inform policy reforms, improve workplace practices, and ultimately advance the cause of gender equality in employment.

Research Methodology:

This study adopts a comparative and analytical approach to examine maternity benefit frameworks and women's rights in employment. It relies on doctrinal research, using secondary sources such as statutes, case laws, journals, and reports. The study compares selected developed and developing countries to understand different legal approaches and challenges. No primary data has been collected through surveys or interviews. However, the

research is limited by restricted comparative scope and lack of structured data on informal and gig sector workers.

Objective:

1. To examine the role of maternity benefits in protecting the rights of women and promoting gender equality in employment.
2. To understand the concept and importance of maternity benefits for women workers.
3. To analyse the legal framework governing maternity benefits, especially under the Maternity Benefit Act, 1961 and the Code on Social Security, 2020.
4. To evaluate how maternity benefit laws contribute to gender equality in the workplace.
5. To identify the challenges faced by women in accessing maternity benefits.
6. To examine the gap between legal provisions and their implementation.
7. To study the impact of maternity benefits on women's employment and participation in the workforce.
8. To suggest measures for improving the effectiveness of maternity benefit laws.

Importance of study:

The study of maternity benefits and women's rights in employment is highly significant in the present socio-economic context, as it highlights the need to ensure equality, dignity, and protection for women in the workplace. With the increasing participation of women in the workforce, it becomes essential to provide adequate legal safeguards that support them during pregnancy and childbirth. Maternity benefits not only protect the health and well-being of women and their children but also ensure job security and financial stability during a critical period of their lives. This study is important as it examines the effectiveness of existing legal provisions, particularly under the Maternity Benefit Act, 1961 and the Code on Social Security, 2020, in safeguarding the rights of women workers. It helps in understanding

whether these laws are adequately implemented and whether they truly promote gender equality in employment. By identifying gaps between law and practice, the study contributes to improving policy formulation and enforcement mechanisms.

Furthermore, the study sheds light on the challenges faced by women employees, such as workplace discrimination, lack of awareness, and limited access to maternity benefits, especially in the unorganized sector. It emphasizes the need for stronger implementation, awareness programs, and inclusive policies to ensure that all women workers can benefit from legal protections. Overall, this study is important as it contributes to the broader goal of achieving gender equality, social justice, and inclusive growth. It also provides valuable insights for policymakers, employers, and society to create a supportive and fair working environment for women.

Review of Literature:

1. Dr. S.N. Mishra, "Labour and Industrial Laws" – This comprehensive text provides a detailed commentary on the Maternity Benefit Act, 1961, and its judicial interpretation. It served as a foundational reference for understanding the pre-Code legal framework.
2. Dr. V.G. Goswami, "Labour and Industrial Laws" – This book offers an analytical perspective on various labour welfare legislations, including maternity benefits, and discusses the rationale behind social security legislation.
3. Report of the Second National Commission on Labour (2002) – This report recommended the consolidation of labour laws and provided the intellectual foundation for the eventual codification process.
4. Parliamentary Standing Committee Report on the Code on Social Security, 2020 – The report of the Standing

Committee on Labour provided critical observations on the draft provisions and recommended several amendments.

5. ILO Report, "Maternity and Paternity at Work: Law and Practice Across the World" (2014) – This report provided a comparative international perspective on maternity protection standards.
6. Journal Articles: Various articles published in the Indian Journal of Labour Economics, Economic and Political Weekly, and National Law School journals have been consulted for academic perspectives on the labour code reforms.

Evolution of Maternity Benefits:

The evolution of maternity benefits in India reflects a gradual shift from limited welfare measures to a more comprehensive rights-based approach aimed at protecting women in employment. In the early stages, maternity protection was governed by fragmented and sector-specific legislations such as the Bombay Maternity Benefit Act, 1929 and the Mines Maternity Benefit Act, 1941. These laws provided only limited relief and lacked uniformity, leaving a large number of women workers, particularly in unorganized sectors, without protection. Recognizing the need for a uniform framework, the Maternity Benefit Act, 1961 was enacted as a central legislation to regulate the employment of women during maternity and to provide benefits such as paid leave, medical bonus, nursing breaks, and protection against dismissal. This marked a significant development, as maternity benefits were no longer seen merely as welfare provisions but as statutory rights linked to social justice and equality.

Over time, judicial interpretation further expanded the scope of maternity protection by emphasizing its connection with fundamental rights such as dignity and equality. A major advancement came with the Maternity Benefit (Amendment) Act, 2017, which increased the duration of paid maternity leave from 12 weeks to 26 weeks and introduced progressive measures such as crèche facilities, work-from-

home options, and benefits for adoptive and commissioning mothers. This amendment reflected changing socio-economic realities and aligned Indian law with international standards. The next stage in the evolution is reflected in the Code on Social Security, 2020, which consolidates various labour laws, including provisions relating to maternity benefits, into a unified framework. The Code aims to simplify compliance, expand social security coverage, and potentially include workers from the informal, gig, and platform sectors. Although it largely retains the provisions of the Maternity Benefit Act, it represents a shift toward a broader and more inclusive approach to labour welfare. However, challenges such as limited implementation, employer burden, and lack of awareness continue to hinder the effective realization of maternity rights. Thus, while the evolution of maternity benefits demonstrates significant progress, further efforts are required to ensure inclusive and effective protection for all working women.

Definition of Maternity Benefits:

Maternity benefits refer to the statutory and social welfare measures provided to women employees during pregnancy, childbirth, and the post-natal period to ensure their health, dignity, and economic security. These benefits are designed to protect women from workplace discrimination and financial hardship arising out of maternity responsibilities.

Legally, maternity benefits include provisions such as paid maternity leave, medical allowances, nursing breaks, job security, and protection against dismissal during maternity. The objective of these benefits is not only to safeguard the physical well-being of the mother and child but also to promote gender equality in employment by ensuring that women are not disadvantaged due to their reproductive role. From a broader perspective, maternity benefits are recognized as a part of labour welfare and social justice. They reflect the responsibility of the State and employers to create a supportive work environment for

women. In India, maternity protection is grounded in constitutional principles of equality and dignity, which mandate special provisions for women to achieve substantive equality. Furthermore, maternity benefits contribute to increased workforce participation of women by enabling them to balance professional and personal responsibilities. Without such protections, women may be forced to leave employment, leading to economic dependency and gender inequality.

Concept of Women's Rights in Employment:

Women's rights in employment encompass a set of legal and human rights that ensure fair treatment, equality, and protection for women in the workplace. These rights aim to eliminate gender-based discrimination and create an inclusive work environment where women can participate equally in economic activities. A key component of these rights is the principle of equality and non-discrimination, which ensures that women receive equal opportunities in recruitment, promotion, wages, and working conditions. Women should not be discriminated against on the basis of pregnancy, marital status, or gender roles. This principle is fundamental to achieving substantive equality in employment.

Another important aspect is the right to dignity and safe working conditions. Women are entitled to work in an environment free from harassment, exploitation, and abuse. This includes protection against workplace harassment and the assurance of respectful treatment. The right to dignity is closely linked to the broader concept of human rights and is essential for the well-being of women employees. The right to maternity protection forms a crucial part of women's employment rights. It recognizes the biological and social realities of motherhood and ensures that women are provided with adequate support during maternity. This includes paid leave, healthcare facilities, and job security. Maternity protection prevents discrimination and enables women to continue their careers without

interruption. In addition, women have the right to equal pay for equal work, which seeks to eliminate wage disparities between men and women. Despite legal provisions, gender pay gaps persist in many sectors, highlighting the need for stronger enforcement and awareness. However, the realization of these rights is often hindered by structural and social challenges. Women in the informal sector, for instance, lack access to legal protections and social security benefits. Cultural biases, lack of awareness, and weak enforcement mechanisms further limit the effectiveness of these rights. Thus, while the legal framework provides a strong foundation for protecting women's rights in employment, there is a need for continuous efforts to ensure their effective implementation. Strengthening policies, promoting awareness, and ensuring accountability are essential for achieving true gender equality in the workplace.

The Constitution of India provides a robust framework for the protection of women's rights, including in employment:

Fundamental Rights:

Article 14: Equality before law and equal protection of laws.

Article 15(1): Prohibition of discrimination on the ground of sex.

Article 15(3): Empowers the State to make special provisions for women and children.

Article 16: Equality of opportunity in public employment.

Article 21: Right to life and personal liberty, which has been judicially expanded to include the right to live with dignity, right to health, and right to livelihood.

Article 23: Prohibition of forced labour and trafficking.

Directive Principles of State Policy (DPSP):

Article 39(a): Right to adequate means of livelihood for men and women equally.

Article 39(d): Equal pay for equal work for both men and women.

Article 39(e): Protection of the health and strength of workers, men and women.

Article 42: Provision for just and humane conditions of work and maternity relief. This is the most directly relevant provision, as it specifically directs the State to make provision for securing just and humane conditions of work and for maternity relief.

Article 43: Living wage and conditions of work ensuring a decent standard of life.

Article 47: Duty of the State to raise the level of nutrition and standard of living and improve public health.

Fundamental Duties:

Article 51A(e): Renouncing practices derogatory to the dignity of women.

The Supreme Court has, in numerous decisions, read these provisions harmoniously to create a comprehensive constitutional mandate for the protection of women's maternity and employment rights.

Related Case:

- Municipal Corporation of Delhi v. Female Workers (Muster Roll)

Judgment:

The Supreme Court held that the benefit of maternity leave cannot be restricted only to regular employees. It ruled that even women engaged on a casual or temporary basis are entitled to maternity benefits. The Court emphasized that maternity protection is a fundamental human right and forms part of the right to life and dignity under Article 21. It further stated that denying such benefits would amount to gender discrimination and would defeat the purpose of social justice embodied in Article 42 of the Constitution.

- Air India v. Nergesh Meerza

Judgment:

The Supreme Court struck down the service regulation that required air hostesses to retire upon their first pregnancy. The Court held that such a condition is manifestly arbitrary and

unreasonable, as it penalizes women for their natural biological role. It ruled that pregnancy cannot be treated as a disqualification for employment, and such provisions violate Articles 14 and 15 by discriminating solely on the basis of sex.

- Neera Mathur v. Life Insurance Corporation of India

Judgment:

The Court held that terminating a woman employee for not disclosing her pregnancy at the time of appointment is unconstitutional. It observed that questions regarding pregnancy are highly personal and forcing disclosure amounts to a violation of the right to privacy and dignity under Article 21. The Court strongly condemned such practices and emphasized that employers cannot impose conditions that indirectly discriminate against women.

- B. Shah v. Presiding Officer, Labour Court, Coimbatore

Judgment:

The Supreme Court held that the Maternity Benefit Act must be interpreted in a liberal and beneficial manner. It ruled that maternity benefit should be calculated by including all days, including weekly holidays, to ensure that women receive full wages. The Court emphasized that the Act is a piece of social welfare legislation intended to protect women and should not be interpreted narrowly.

- Vishaka v. State of Rajasthan

Judgment:

The Supreme Court held that sexual harassment at the workplace is a violation of women's fundamental rights to equality, freedom, and life with dignity under Articles 14, 19, and 21. In the absence of specific legislation, the Court laid down the Vishaka Guidelines, making it mandatory for employers to prevent and redress sexual harassment. This ensured a safer and more secure work environment for women.

- Deepika Singh v. Central Administrative Tribunal

Judgment:

The Supreme Court held that maternity benefits must be interpreted in a purposive and inclusive manner. It recognized that modern families may not fit traditional structures and that denying maternity leave on technical grounds would defeat the objective of the law. The Court emphasized that maternity benefits are linked to women's dignity, reproductive rights, and the welfare of the child under Article 21.

Legal Reforms under the Code on Social Security, 2020 for Protection of Women Employees:

The Code on Social Security, 2020 represents a significant step in consolidating and modernizing labour laws in India, including provisions aimed at protecting women employees, particularly in relation to maternity benefits and social security. One of the key reforms is the integration of the Maternity Benefit Act, 1961 into a broader social security framework, thereby ensuring uniformity and simplification of laws. This consolidation reduces complexity and enhances accessibility for both employers and employees.

A major reform under the Code is the expansion of coverage to a wider category of workers, including those in the unorganized sector, gig workers, and platform workers. This is particularly important for women, as a large proportion of female workers are engaged in informal employment and were previously excluded from maternity protections. By recognizing these categories, the Code moves toward inclusive social security.

Another important aspect is the emphasis on social security schemes framed by the government, which can include maternity benefits, health insurance, and financial assistance. This indicates a shift from complete employer liability toward a shared responsibility model, thereby reducing discrimination against women in hiring and retention.

The Code also provides for registration of establishments and employees, which helps in better identification and delivery of benefits. This can improve transparency and ensure that eligible women employees actually receive maternity benefits and related protections.

Further, the Code strengthens the framework for compliance and enforcement by providing mechanisms for inspections and penalties for violations. This enhances accountability and encourages employers to adhere to legal obligations concerning women's welfare. Additionally, the Code supports the idea of universal social security, which is crucial for achieving gender equality in employment. By extending benefits beyond the formal sector, it attempts to address long-standing gaps in maternity protection. However, the effectiveness of these reforms depends largely on proper implementation, awareness, and rulemaking by the government. While the Code provides a progressive framework, challenges such as lack of awareness, administrative delays, and limited data on informal workers may hinder its full realization.

Challenges Faced During Maternity and Women's Protection in the Workplace:

Women face multiple challenges during maternity that significantly affect their employment and overall well-being. One of the primary issues is workplace discrimination, where employers may hesitate to hire or retain women due to the perceived financial and operational burden of maternity benefits. Pregnant women often encounter reduced responsibilities, denial of promotions, or even termination, reflecting deep-rooted gender bias. Another major challenge is the lack of effective implementation of maternity laws, particularly in the informal sector, where a large number of women workers are employed without access to paid leave, medical benefits, or job security.

Additionally, the absence of adequate workplace support systems, such as crèche facilities, flexible working hours, and proper

healthcare arrangements, makes it difficult for women to balance professional and maternal responsibilities. Many women also face health-related risks due to stressful working conditions and insufficient maternity leave, which can adversely affect both the mother and the child. Furthermore, lack of awareness about legal rights prevents many women from claiming the benefits they are entitled to, while fear of job loss discourages them from asserting these rights. Another significant concern is the inadequate protection against workplace harassment and exploitation during pregnancy, which undermines women's dignity and safety. Social and cultural factors also play a role, as traditional expectations often place the burden of childcare solely on women, limiting their career growth and opportunities. Thus, despite the existence of legal provisions for maternity protection, these challenges highlight a considerable gap between law and practice. Addressing these issues requires stronger enforcement of laws, increased awareness, and the adoption of gender-sensitive workplace policies to ensure effective protection of women during maternity.

Recommendations and Suggestions:

- Considering the analysis of maternity benefits and women's rights in employment, it is evident that although India has a progressive legal framework, significant gaps remain in terms of implementation and inclusivity. Therefore, the following recommendations are suggested to strengthen the effectiveness of maternity protection and promote gender equality in the workplace.
- Firstly, there is a need to extend maternity benefits to women working in the informal sector, who constitute a major portion of the workforce but remain largely excluded from statutory protections. The government should introduce comprehensive social security schemes that ensure financial and medical support for such workers.
- Secondly, the financial burden of maternity benefits should not rest solely on employers. A shared responsibility model involving the government, employers, and social insurance systems can reduce employer bias and encourage the hiring and retention of women employees.
- Thirdly, there must be strict enforcement of existing laws, including regular inspections and penalties for non-compliance. Effective implementation mechanisms are essential to bridge the gap between legal provisions and actual practice.
- Another important recommendation is to increase awareness among women employees regarding their rights and entitlements. Awareness campaigns, legal aid services, and workplace training programs can empower women to assert their rights without fear.
- Further, organizations should adopt gender-sensitive workplace policies, such as flexible working hours, work-from-home options, and provision of crèche facilities. These measures can help women balance professional and personal responsibilities more effectively.
- Additionally, efforts should be made to address workplace discrimination and bias through strict anti-discrimination policies and grievance redressal mechanisms. Creating a safe and supportive work environment is essential for ensuring women's dignity and participation in the workforce. Lastly, continuous policy reforms and monitoring are required to adapt to changing socio-economic conditions, including the rise of gig and platform-based employment. Inclusive and forward-looking policies will ensure that maternity benefits remain relevant and effective.

Conclusion:

Maternity benefits and women's rights in employment are inextricably linked to the broader goals of gender equality, social justice, and sustainable development. Over the past century, significant progress has been made in the legal recognition and normative framing of maternity protection, from the ILO's first Maternity Protection Convention in 1919 to the comprehensive frameworks that exist today in many countries. However, the gap between legal entitlements and lived realities remains wide. Millions of women worldwide, particularly those in the informal sector, gig economy, and developing countries, continue to be excluded from maternity protection. Pregnancy discrimination persists in hiring, promotion, and retention decisions. Employer-funded models create perverse incentives that undermine women's employment prospects. Cultural norms, inadequate social infrastructure, and weak enforcement mechanisms further constrain the effective realization of maternity rights. The COVID-19 pandemic has laid bare the fragility of existing protections and the critical importance of robust, universal maternity protection systems. As the world of work continues to evolve—with the growth of platform-based work, remote employment, and non-standard work arrangements—maternity protection frameworks must adapt to ensure that all women, regardless of the nature of their employment, are guaranteed the right to work with dignity and to experience motherhood without economic penalty. Achieving this vision requires a multi-pronged approach: legal reform to extend coverage and strengthen protections; a shift from employer-funded to social insurance models; investment in social infrastructure, particularly childcare and healthcare; the introduction of meaningful paternity and parental leave; robust enforcement and grievance redressal mechanisms; and a fundamental cultural shift toward recognizing caregiving as a shared social responsibility. Maternity protection is not a concession to women—it is a recognition of

the social value of reproduction and caregiving, a precondition for gender equality in the labour market, and an investment in the health and well-being of future generations. The extent to which a society protects and supports women during maternity is a measure of its commitment to justice, equality, and human dignity.

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