
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

REGULATION OF EMPLOYMENT OF WOMEN AND CHILDREN- Linson C.¹**Abstract**

The regulation of employment of women and children is a crucial element of labour welfare legislation in India, aimed at ensuring social justice, equality, and human dignity in the workplace. Industrialization led to the large-scale employment of women and children, often under unsafe and exploitative conditions. To address these concerns, Indian labour laws, particularly the Factories Act, 1948, the Maternity Benefit Act, 1961, and the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, provide a comprehensive framework to safeguard their rights and well-being. For women, the law prescribes limitations on working hours, prohibits night work, and restricts employment in hazardous processes. It also ensures maternity protection, welfare facilities, and equal opportunities in accordance with constitutional guarantees under Articles 14, 15, and 16. For children, the law strictly prohibits the employment of those below fourteen years of age and regulates the working conditions of adolescents between fifteen and eighteen years through medical fitness certification and restricted working hours. These protective measures align with India's obligations under international instruments such as the ILO Conventions No. 138 and 182 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Judicial pronouncements have further strengthened these rights, reinforcing that economic growth must not compromise human values. The regulation of women and child employment thus reflects India's commitment to balancing industrial progress with constitutional ideals of social welfare, equality, and human dignity.

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Key Words : Labour Welfare, Women Workers, Child Labour, Industrial Regulation, Maternity Protection, Equality, Occupational Safety, Constitutional Safeguards, Social Justice.

Introduction

Employment laws governing women and children have evolved over time in response to the challenges brought about by industrialization, social reform movements, and the growing recognition of human rights². Historically, women and children were among the most vulnerable sections of the workforce³. During the early industrial period, especially in the nineteenth century, both groups were subjected to long working hours, meagre wages, and unsafe working environments in factories, mines, and plantations⁴. Children were often employed in hazardous tasks due to their small size and low cost, while women were exploited as cheap labour in industries such as textiles, agriculture, and domestic service⁵. The inhumane conditions prevalent during the Industrial Revolution drew attention from social reformers, legislators, and human rights advocates. This led to the emergence of protective labour legislation aimed at preventing exploitation and ensuring humane treatment of workers. Internationally, organizations such as the International Labour Organization (ILO) played a crucial role in framing conventions and standards related to women's and children's employment, including the prohibition of child labour and the promotion of gender equality at work.

In India, the need to regulate employment conditions became urgent during the colonial period, when industrialization led to the widespread use of cheap labour. Post-independence, the Constitution of India provided a strong foundation for social and economic justice, enshrining the principles of equality, dignity, and protection of labour. Articles 14, 15, 21, 23, and 24 collectively prohibit discrimination, forced labour, and the employment of children in hazardous occupations. Subsequent legislation such as the Factories Act, 1948, the Maternity Benefit Act, 1961, and the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 further reinforced these constitutional ideals. These laws aim not only to protect women and children from physical and moral hazards but also to promote their welfare and participation in the workforce under safe and equitable conditions. Thus, the regulation of employment of women

²International Labour Organization, *Introduction to International Labour Standards*, ILO.

³Mamoria, C.B., Mamoria, S., & Gankar, S.V., *Dynamics of Industrial Relations*, Himalaya Publishing House

⁴Rodgers, G. et al., *The International Labour Organization and the Quest for Social Justice*, ILO.

⁵Roy, A., *History of Labour Legislation in India*, Oxford University Press

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and children represents a continuous effort to balance industrial development with social justice, ensuring that economic progress does not come at the cost of human rights and dignity.

Historical Background

During the early industrial era, which began in the late 18th century, the rapid growth of factories and mechanized production created a high demand for cheap labor.⁶ Industrialists turned to women and children as a readily available workforce because they could be paid significantly lower wages than men. Women often worked long hours in textile mills, garment factories, and other industries, while children were employed in coal mines, glassworks, and as chimney sweeps or factory assistants. The absence of protective labor legislation meant that working conditions were often harsh and dangerous; factories were poorly ventilated, machinery lacked safety guards, and workers faced the constant threat of injury or illness.

Child labor became a major social issue as reformers, educators, and medical professionals began to document its negative effects.⁷ Children who worked long hours were deprived of education and suffered from stunted physical growth, exhaustion, and psychological trauma. Reform movements emerged throughout the 19th and early 20th centuries, driven by activists, religious groups, and labor unions who argued that the exploitation of women and children was both morally wrong and socially harmful.

Gradually, these efforts led to significant legislative changes. Governments introduced laws that limited working hours, improved factory safety standards, and established minimum age requirements for employment. Landmark reforms, such as the Factory Acts in Britain and similar labor laws in the United States and other industrialized nations, marked a turning point in labor history. These measures not only improved the welfare of women and children but also laid the foundation for modern labor rights, education reform, and social welfare policies.⁸

Legal Framework for Women's Employment

Modern labor law recognizes the dual imperative of encouraging women's active participation in the workforce while ensuring that their rights and welfare are adequately protected. Historically,

⁶Rodgers, G., Lee, E., Swepston, L., & Van Daele, J., *The International Labour Organization and the Quest for Social Justice, 1919–2009*, ILO

⁷Cunningham, H., *Child Labour in Historical Perspective 1800–1985*, UNICEF.

⁸Satyanarayana, K., *Labour Laws in India*, Cambridge University Press.

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women's employment rights evolved alongside broader social and political movements advocating gender equality and social justice.⁹ The legal framework governing women's work today seeks to balance equality of opportunity with protection against discrimination and exploitation.¹⁰ Key principles include equal pay for equal work, maternity protection, non-discrimination, and freedom from workplace harassment.

At the international level, several landmark conventions established by the International Labour Organization (ILO) have played a pivotal role in setting global standards. The ILO Convention No. 100 (1951) on *Equal Remuneration* calls for equal pay for men and women performing work of equal value, addressing one of the most persistent forms of gender-based inequality. Similarly, ILO Convention No. 111 (1958) on *Discrimination (Employment and Occupation)* prohibits any distinction, exclusion, or preference based on sex, race, or other status that affects equality of opportunity or treatment in employment. Additional instruments, such as ILO Convention No. 183 (2000) on *Maternity Protection* and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), further reinforce women's rights to fair working conditions, maternity benefits, and protection from exploitation.

At the national level, many countries have enacted legislation reflecting these international commitments. Typical provisions include paid maternity and parental leave, job security during maternity, equal employment opportunities, and measures to prevent sexual harassment and gender-based violence at work. In some jurisdictions, laws also restrict women's participation in hazardous occupations, regulate night work, and provide for workplace childcare facilities. Examples include the Equal Pay Act and Title VII of the Civil Rights Act in the United States, the Equality Act in the United Kingdom, and gender equality laws adopted in numerous Asian, African, and Latin American nations.¹¹

Despite this robust legal architecture, implementation remains uneven, particularly in developing economies where large segments of the labor force are engaged in informal or unregulated employment. In such contexts, women often work without contracts, social security, or access to grievance mechanisms. Cultural norms, weak enforcement mechanisms, and lack of awareness further hinder the realization of legal rights. As a result, while progress has been made globally,

⁹Roy, A., *History of Labour Legislation*, Oxford University Press.

¹⁰Mamoria, C.B., *Dynamics of Industrial Relations*, Himalaya Publishing House.

¹¹U.S. Equal Pay Act (1963); Title VII, Civil Rights Act (1964); UK Equality Act (2010).

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gender disparities in wages, job security, and working conditions persist. Strengthening women's employment rights, therefore, requires not only legal reform but also effective enforcement, public awareness, and institutional support. Promoting women's economic empowerment through education, training, and representation in decision-making processes remains crucial to achieving genuine equality in the world of work.¹²

Regulation of Child Employment

Child labor laws are designed to safeguard the rights, health, and development of minors by preventing their exploitation in the workplace.¹³ The regulation of child employment forms a key component of modern labor policy and reflects society's moral and legal commitment to protect children from economic exploitation and hazardous work. These laws generally aim to strike a balance between allowing older children or adolescents to gain practical skills through light or part-time work and ensuring that such employment does not interfere with their education, safety, or overall well-being.

Most legal systems establish a minimum age for employment, typically set between 14 and 15 years, in accordance with international standards. Employment of younger children is prohibited, except under limited circumstances such as participation in cultural or artistic activities that are non-hazardous and properly supervised. For adolescents usually defined as those aged 15 to 17 labor laws often restrict working hours, prohibit night work, and ban employment in dangerous occupations such as mining, construction, and certain manufacturing industries. These restrictions are grounded in the recognition that children's physical and mental capacities are still developing and that exposure to unsafe environments can cause lasting harm.¹⁴

At the international level, two key instruments of the International Labour Organization (ILO) provide the foundation for global child labor standards. The ILO Convention No. 138 (Minimum Age Convention, 1973) requires member states to set a minimum age for employment consistent with the completion of compulsory schooling, thereby linking education with child labor policy. The ILO Convention No. 182 (Worst Forms of Child Labour Convention, 1999) calls for the immediate elimination of the worst forms of child labor, including slavery, trafficking, debt

¹²UN Women, *Economic Empowerment of Women*.

¹³ILO, *Global Report on Child Labour*, International Labour Office.

¹⁴Cunningham, H., *Childhood and Child Labour in the Industrial Era*, Cambridge University Press.

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bondage, forced recruitment for armed conflict, and any work that is likely to harm the health, safety, or morals of children. These conventions, widely ratified around the world, serve as benchmarks for national legislation and enforcement strategies.¹⁵

Despite significant legal progress, enforcement remains a major challenge, particularly in developing countries.¹⁶ Structural factors such as poverty, lack of access to education, weak labor inspection systems, and cultural acceptance of child work contribute to the persistence of child labor. In many rural areas, children are engaged in unpaid family labor, especially in agriculture, where legal oversight is minimal. In urban and informal sectors, children may be found working in street vending, domestic service, construction, and small-scale mining, often under hazardous conditions and without any social protection. Economic necessity frequently drives families to rely on the income generated by their children, perpetuating a cycle of poverty and limited educational attainment.¹⁷

To effectively combat child labor, governments and international organizations emphasize a comprehensive approach that combines legislation, education access, poverty reduction, and community awareness. Initiatives such as conditional cash transfer programs, free primary education, and social safety nets have proven effective in reducing the need for child labor by addressing its root causes. Ultimately, ensuring that every child enjoys the right to a safe childhood and quality education remains a shared global responsibility.¹⁸

Socioeconomic Dimensions

The employment patterns of women and children are deeply influenced by broader socioeconomic conditions, reflecting intersections between poverty, education, culture, and gender relations.¹⁹ Economic necessity, social norms, and structural inequalities often dictate the participation of these vulnerable groups in the labor market. Thus, the issue cannot be addressed solely through legal restrictions or labor policies it must also be understood within the wider context of social and economic development.²⁰

¹⁵ILO, *Ratification Status of Child Labour Conventions*.

¹⁶World Bank, *Understanding Child Labour in Developing Countries*.

¹⁷ILO & UNICEF, *The Role of Poverty in Child Labour*, Joint Report.

¹⁸UNESCO, *Education for All Global Monitoring Report*.

¹⁹UNDP, *Human Development Report – Social and Economic Inequalities*.

²⁰UNICEF, *Child Labour and Social Development*.

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For women, barriers to equal employment opportunities are both structural and cultural. Limited access to education and vocational training reduces their competitiveness in the formal labor market, often confining them to low-paying, insecure, or informal sector jobs. Gender-based discrimination in hiring, promotion, and wages persists despite legal prohibitions, reflecting entrenched patriarchal attitudes that undervalue women's work.²¹ Furthermore, women's disproportionate responsibility for unpaid care and domestic work, including childcare and eldercare, limits their ability to participate in full-time or higher-level employment. The absence of affordable childcare facilities and flexible work arrangements further exacerbates this imbalance, forcing many women to accept parttime or home-based work that offers little social protection. In many developing economies, women's employment is also concentrated in informal sectors such as agriculture, domestic service, or smallscale trading areas that often fall outside the reach of labor laws and social security systems.

For children, the primary driver of labor participation is poverty. Families struggling to meet basic needs may rely on the income earned by their children, particularly in regions where adult wages are insufficient or employment opportunities are scarce. Inadequate access to quality education, high school fees, and the opportunity cost of schooling (foregone income) often compel families to prioritize shortterm economic survival over long-term educational attainment. In rural communities, children are frequently involved in agricultural or household labor, which is often unpaid but essential to family livelihoods. In urban areas, children may engage in street vending, domestic work, or informal manufacturing, exposing them to exploitation and unsafe conditions. This dependence on child labor perpetuates a cycle of poverty and limited opportunity, as children who work instead of attending school face restricted prospects for upward mobility.

Addressing these socioeconomic dimensions requires a multifaceted policy approach that integrates labor regulation with broader social and economic reforms. Effective strategies include educational reform, such as making schooling free, accessible, and relevant to local labor markets; poverty alleviation programs, including social safety nets, microfinance, and conditional cash transfers; and gender empowerment initiatives that promote women's access to education, skills training, and leadership opportunities. Moreover, the creation of decent work

²¹ILO, *Gender Equality at Work*.

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opportunities for adults especially women reduces the economic pressure that drives child labor.²²

Ultimately, improving the socioeconomic conditions that shape women's and children's employment requires coordinated action among governments, employers, international organizations, and civil society. Sustainable progress depends not only on laws and enforcement but also on social transformation that ensures equality, economic security, and human dignity for all members of society.²³

Challenges in Implementation

Despite the existence of comprehensive legal frameworks protecting women and children in the workforce, implementation and enforcement remain major challenges across many countries. While international conventions and national laws set clear standards, the translation of these norms into everyday practice is often hindered by social, economic, and institutional barriers.²⁴As a result, the persistence of exploitative labor practices highlights the gap between legislative intent and practical enforcement.²⁵

A primary obstacle is the prevalence of informal and unregulated employment sectors, which employ a large proportion of women and children, particularly in developing economies. Informal work such as domestic service, home-based production, street vending, and small-scale farming typically falls outside the reach of labor inspection systems and social protection mechanisms. Because these jobs are not formally registered or documented, employers can easily bypass legal obligations related to minimum wages, working hours, and occupational safety. This lack of oversight makes it extremely difficult to enforce child labor prohibitions or ensure gender equality in employment.²⁶

Cultural and social attitudes also play a significant role in undermining enforcement. In some communities, child labor is viewed as a normal part of family survival or skill development, while gender stereotypes continue to limit women's participation in certain professions or

²²ILO, *Decent Work Agenda – Families and Work*.

²³Amartya Sen, *Development as Freedom*, Oxford University Press.

²⁴International Labour Organization (ILO), *Rules of the Game: A Brief Introduction to International Labour Standards*, 2019.

²⁵UNICEF, *Child Labour: Global Estimates 2020*.

²⁶ILO, *Global Wage Report*, 2020–21.

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managerial roles. Deeprooted cultural norms may discourage women from asserting their rights or reporting workplace harassment, and in many rural areas, parents may prefer to have their children contribute to household income rather than attend school. Such beliefs reinforce cycles of dependency and hinder the effectiveness of legal reforms.²⁷

Economic pressures and globalization further complicate enforcement efforts. In the globalized economy, competition to attract foreign investment and maintain low production costs can lead governments and businesses in developing countries to prioritize economic growth over labor compliance. Industries that depend on cheap labor such as textiles, agriculture, and manufacturing may overlook violations of labor standards to stay competitive in international markets. Global supply chains, which often involve multiple layers of subcontracting, make accountability even more difficult, as child or female workers are frequently employed in hidden or informal stages of production.²⁸

Institutional limitations also contribute to weak enforcement. Many countries suffer from insufficient labor inspection systems, lack of trained personnel, and limited financial resources to monitor compliance effectively. Corruption and weak governance can further undermine labor law enforcement, as fines and penalties are inconsistently applied or easily evaded. Moreover, victims of exploitation especially women and children often lack access to legal aid, union representation, or complaint mechanisms, leaving them vulnerable to continued abuse.²⁹

To address these challenges, a comprehensive approach is essential. Strengthening monitoring and inspection mechanisms, particularly within informal sectors, is critical to improving compliance. Governments must also invest in capacity-building for labor officers, enhanced data collection, and communitybased reporting systems. Equally important is raising public awareness about labor rights and the harms of exploitation, as social change is necessary to complement legal enforcement. The private sector has a vital role to play through corporate social responsibility (CSR) initiatives, ethical sourcing policies, and transparent supply chains that hold businesses accountable for labor conditions.³⁰

²⁷Human Rights Watch, *Child Labor and Inequality*, 2020.

²⁸OECD, *Due Diligence Guidance for Responsible Supply Chains*, 2018.

²⁹UN OHCHR, *Access to Justice for Vulnerable Groups*, 2020.

³⁰UN Global Compact, *Corporate Sustainability and Human Rights*, 2020.

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Ultimately, bridging the gap between law and practice requires not only stronger institutions and enforcement but also collective action involving governments, employers, workers, and international organizations to ensure that the rights of women and children in the workplace are genuinely upheld.³¹

Conclusion

Regulating the employment of women and children remains a fundamental pillar of social justice, human rights, and sustainable development. Over the past two centuries, legal reforms at both international and national levels have made remarkable progress in protecting these vulnerable groups from exploitation and ensuring fair and humane working conditions. Instruments such as the ILO conventions and national labor laws have laid the groundwork for equality, safety, and dignity in employment.³² However, despite these legislative advances, the persistent gap between policy and practice underscores the complexity of implementing labor rights in diverse economic and cultural contexts.³³

The challenges of enforcement ranging from informal employment and weak institutional capacity to entrenched cultural norms and economic inequality demonstrate that legal measures alone are insufficient.³⁴ True progress depends on addressing the root socioeconomic causes that drive women and children into vulnerable forms of work. Poverty, limited access to quality education, and genderbased discrimination continue to constrain opportunities, particularly in developing economies. Therefore, sustainable reform must extend beyond the legal sphere to include education, public awareness, and inclusive social and economic policies that empower families and communities. A holistic approach that combines effective governance, corporate accountability, and community engagement is essential to ensure that labor protections translate into realworld improvements.³⁵ Empowering women through education, equal pay, and social support not only promotes gender equality but also strengthens families and reduces the economic pressures that lead to child labor. Ultimately, the future of labor regulation lies in harmonizing economic growth with human dignity creating societies where productivity does not come at the cost of exploitation, and where every individual, regardless of gender or age, can

³¹ILO, *Ending Child Labour by 2025: Roadmap*, 2021.

³²International Labour Organization (ILO), *International Labour Standards: A Global Overview*, 2019.

³³UNICEF, *The State of the World's Children: Social and Economic Barriers to Rights*, 2021.

³⁴ILO, *Labour Inspection and Enforcement Systems: Global Review*, 2020.

³⁵UN Global Compact, *Corporate Sustainability and Human Rights*, 2020.

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participate in the workforce under conditions of fairness, safety, and respect.³⁶ Achieving this balance is both a moral imperative and a prerequisite for truly equitable and sustainable development.³⁷

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4. Academic journals on labor law, gender studies, and child welfare.

³⁶OECD, *Responsible Business Conduct and Human Rights*, 2019.

³⁷UNDP, *Human Development Report*, 2022.

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