



# DECODING INDIA'S LABOUR CODES

A Gendered Analysis of  
Reforms in Six Indian States

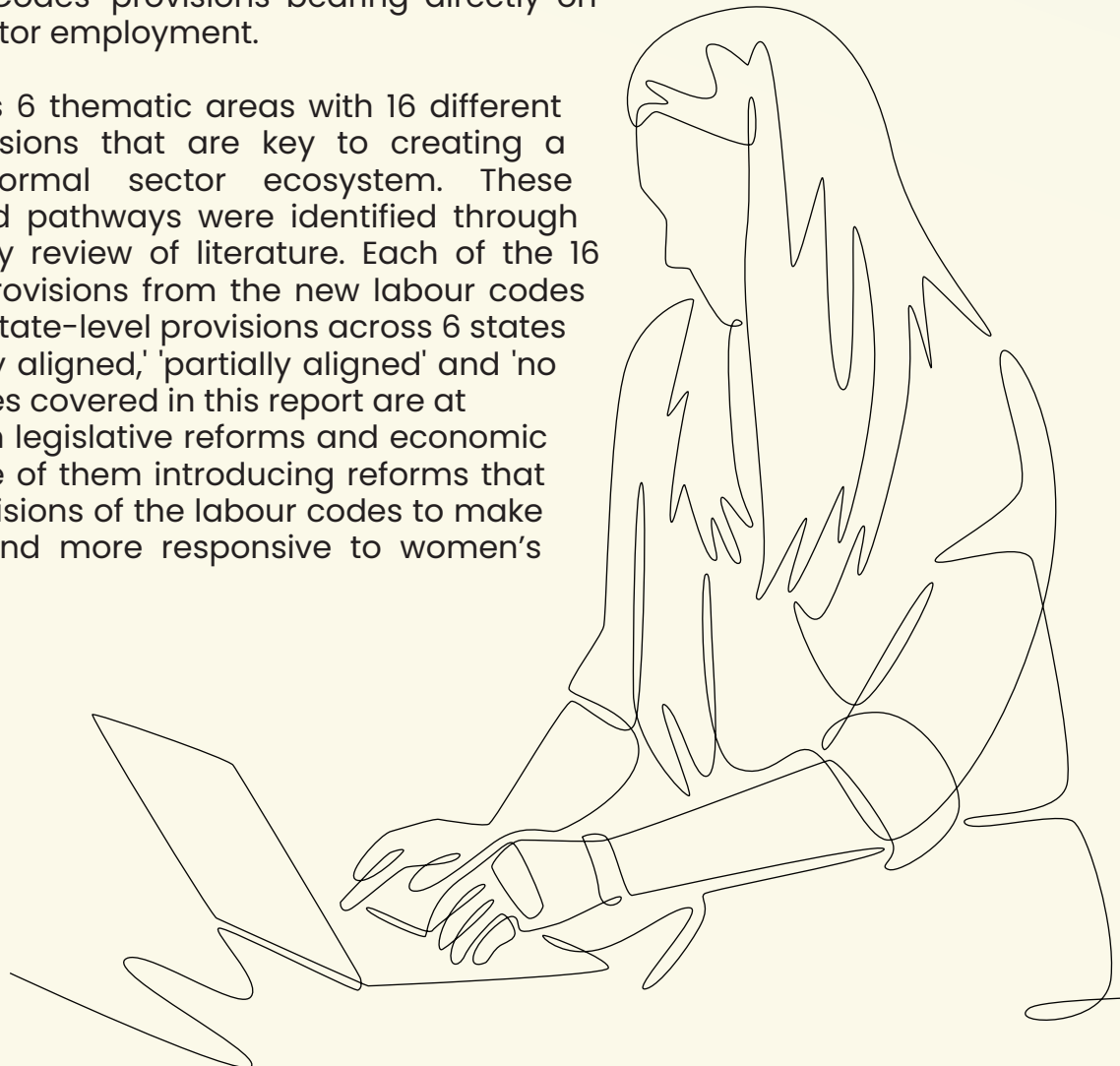
Authors  
**BHAVNEESH KAUR & SAYAK SINHA**



# INTRODUCTION

The persistence of low female labour force participation in India represents one of the more extensively studied paradoxes in South Asian development economics. Despite two decades of sustained GDP growth, women's participation in formal sector employment has remained constrained by structural and social barriers. The four New Labour Codes enacted between 2019 and 2020, tackle this through consolidating twenty-nine central labour laws and introduce several provisions specifically oriented toward removing these barriers. These provisions surpass key areas of women's inclusion in the workforce - including mandates on equal remuneration, non-discriminatory hiring, and gender-inclusive workplace governance. Their effective implementation, however, is contingent on state-level rules, since labour remains a concurrent subject under the Seventh Schedule of the Constitution. As of 2025, no state has notified rules comprehensively across all four Codes. This report assesses the legislative alignment of six states: **Uttar Pradesh, Andhra Pradesh, Karnataka, Tamil Nadu, Telangana, and Kerala**, with the Codes' provisions bearing directly on women's formal sector employment.

The report identifies 6 thematic areas with 16 different pathways as provisions that are key to creating a gender-inclusive formal sector ecosystem. These thematic areas and pathways were identified through extensive secondary review of literature. Each of the 16 pathways covers provisions from the new labour codes and maps existing state-level provisions across 6 states in 3 categories: 'fully aligned,' 'partially aligned' and 'no alignment. The states covered in this report are at the forefront of both legislative reforms and economic progress, with some of them introducing reforms that go beyond the provisions of the labour codes to make workplaces safer and more responsive to women's needs.



# REFORM ALIGNMENT HEATMAP

## INDIA LABOUR REFORM TRACKER 2025

		UP	AP	KA	TN	TA	KL
Equal Pay & Wage Protection	Pay parity						
	Pay Transparency & Reporting						
	Legal Charges against Pay Discrimination						
Workplace Safety & Grievance Redressal	Night Shift Permits						
	Women's Representation in Grievance Redressal Committees						
Inclusive Hiring	Women in Hazardous Sectors						
	Non-discriminatory hiring						
Flexible Working Conditions & Leave Policy	Working hours & leaves						
	Hybrid work / work from home						
	Maternity leave						
	Caregiving breaks						
	Return to work post pregnancy						
Equitable Workplace Infrastructure	Sanitary facilities						
	Resting spaces						
	Creche facilities						
Governance	State Advisory Boards						

Fully Aligned
 Partially Aligned
 No Provision/ Gap

# STATE-LEVEL OPPORTUNITIES UNDER THE NEW LABOUR CODES

Women in India still face some of the most restrictive legal barriers to achieving their full economic potential. While the Labour Codes provide the foundation for an inclusive ecosystem, several gaps persist. As labour is part of the Concurrent List, it requires state-level legislation to be fully responsive to women's needs. While the six mapped states have made considerable progress in several aspects, they still lag in some key areas that speak directly to women's participation in the formal economy. The following is a list of such provisions of the New Labour Codes where there is scope for the states to act on to create a gender-responsive formal sector:

## 1. PAY PARITY (CODE ON WAGES, 2019 – SECTION 3(1))

Section 3(1) of the Code on Wages, 2019 prohibits gender-based wage discrimination for same work or work of a similar nature within any establishment or unit thereof. Despite this, all of the six tracked states are yet to enact a corresponding provision at the state level. The pre-existing Minimum Wages Rules in these states only address the determination and payment of minimum wages.

Section 3(1) of the Code provides a direct statutory basis for employees in formal establishments to challenge pay differentials before the Inspector-cum-Facilitator. The penalty provisions under Section 54 of the Code, which provide for fines of up to ₹50,000 for a first offence and imprisonment of up to three months or a fine of up to ₹1 lakh for repeat offences, similarly remain partially operative at the state level, only addressing payments related to minimum wages, removing a key deterrent for formal sector employers.

## 2. NON-DISCRIMINATORY HIRING (CODE ON WAGES, 2019 – SECTION 3(2))

Section 3(2) of the Code on Wages prohibits employers from discriminatory hiring on the basis of sex. Except for Tamil Nadu, all the other five states have no corresponding state-level provision. The Tamil Nadu Shops and Commercial Establishments (Amendment) Act, 2018, which came into force in 2024, mandates non-discrimination against women employees across recruitment, training, transfers, promotion, and wages. However, its application is confined to establishments regulated under the Shops and Establishments framework, which excludes significant segments like factories, which are governed separately under the Factories Act, 1948 and its state-level rules.

### **3. WOMEN'S PARTICIPATION IN HAZARDOUS SECTORS (OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020 – SECTION 44)**

Section 44 of the OSH Code, 2020 requires employers to implement adequate safeguards as a precondition for deploying women in manufacturing processes deemed hazardous or dangerous for women. This marks a substantive departure from the legacy Factories Act framework, which restricted women's employment in specified hazardous processes.

Currently, four of the six tracked states – Karnataka, Tamil Nadu, Telangana, and Kerala continue to operate with the older prohibitory approach. Only Uttar Pradesh & Andhra Pradesh have permitted women other than pregnant and lactating mothers to work in such sectors.

### **4. WOMEN'S REPRESENTATION IN GRIEVANCE REDRESSAL COMMITTEES (INDUSTRIAL RELATIONS CODE, 2020 – SECTION 4(4))**

Section 4(4) of the Industrial Relations Code mandates that women workers be represented in the Grievance Redressal Committee of every industrial establishment in proportion to their share in the total workforce employed therein. Grievance Redressal Committees in formal establishments serve as the primary institutional forum for resolving workplace disputes prior to escalation to conciliation or adjudication. Their composition is therefore consequential to the nature of grievances that are raised, acknowledged, and addressed within the establishment. Currently, none of the six mapped states has any equivalent provisions in their respective Industrial Disputes Rules, each of which predates the New Labour Codes and contains no reference to gender composition requirements in workplace grievance redressal mechanisms.

### **5. GENDER-SEGREGATED RESTING SPACES (OSH CODE, 2020 – SECTION 24(2))**

Section 24(2) of the OSH Code prescribes the provision of adequate, suitable, and separate shelter and rest-room facilities for male, female, and transgender employees in establishments employing more than fifty workers, as well as in motor transport undertakings where employees are required to halt at night. None of the six mapped states has any explicit provision on gender-segregated resting spaces, and none makes any reference to separate facilities for transgender employees. This could potentially have operational implications, as the newly expanded working hour permissions for women are not accompanied by the corresponding baseline welfare infrastructure that the central framework intends.

### **6. Gender Representation in State Advisory Boards (Code on Wages, 2019 – Section 42(6) & (7))**

Section 42(7) of the Code on Wages requires that one-third of the members of State Advisory Boards be women. The Board is supposed to advise the appropriate government on key labour issues like wage fixation, minimum wage revisions, and related matters. The Minimum Wages Rules of all six states specify that the Board shall comprise equal numbers of employer and employee representatives, along with independent members, but none incorporate any gender-representation requirement. This is particularly relevant in states such as Tamil Nadu and Kerala, where women constitute a substantial share of employment in scheduled industries and where the Advisory Board's wage determinations have direct consequences for female workers.



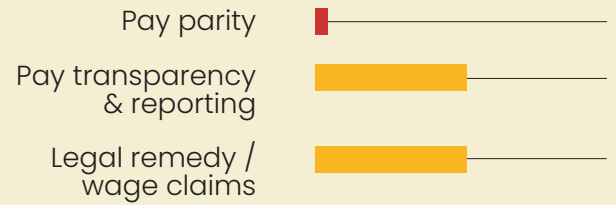
# UTTAR PRADESH

- The state has recently permitted women to work beyond 7 p.m. and before 6 a.m., subject to consent and safety arrangements.
- It also permits women's work in hazardous sectors, except pregnant & breastfeeding women.
- The state has no mandate for equal pay for similar work, nor any prohibition on discrimination in hiring.
- Penalties for wage non-compliance are capped at Rs. 500, with no escalation mechanism for repeat offences.

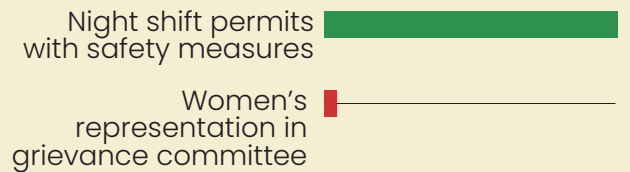
## Legend

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- State provision partially aligns with Labour Codes
- State provisions fully align with Labour Codes

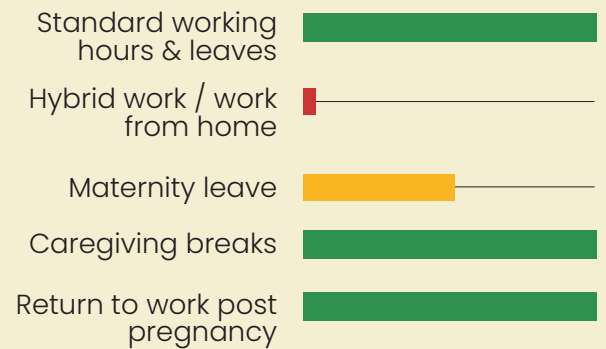
## Equal Pay & Wage Protection



## Workplace Safety & Grievance Redressal



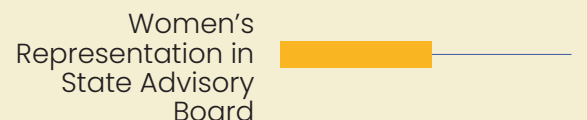
## Flexible Working Conditions & Leave Policy



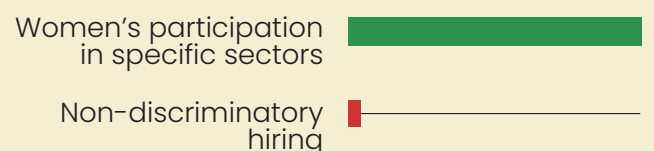
## Equitable Workplace Infrastructure



## Governance



## Inclusive Hiring





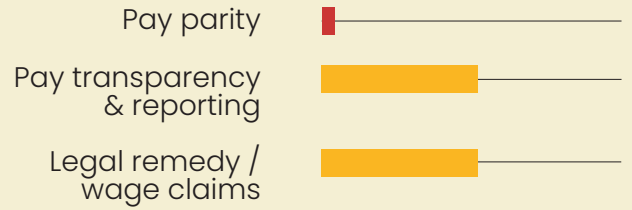
# ANDHRA PRADESH

- The state has incorporated work-from-home provisions within its Maternity Benefit (Amendment) Rules, 2022.
- It has strong enforcement mechanisms, such as imprisonment if employer is non-compliant with the Minimum Wages Act, 1948.
- The state does not have any explicit mandate for equal pay irrespective of gender.
- The state lacks provision for equal pay for work of similar kind.

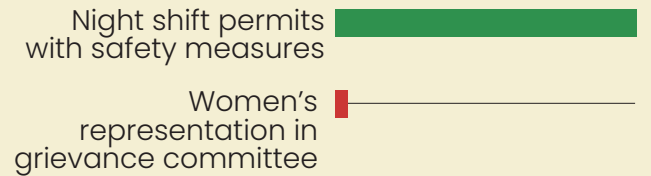
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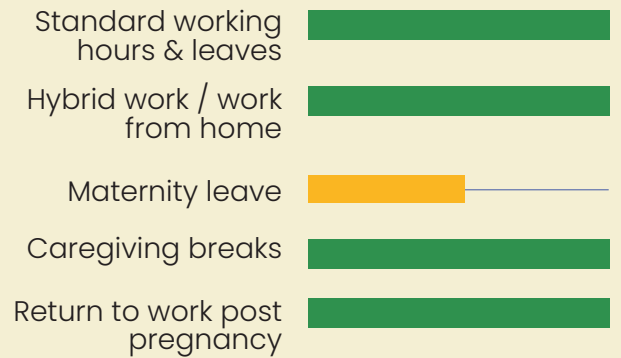
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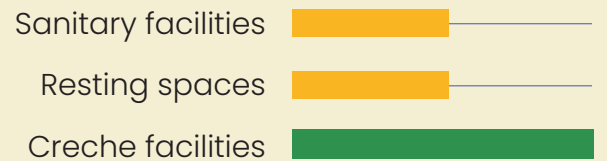
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## Flexible Working Conditions & Leave Policy



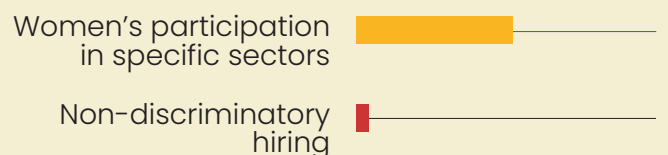
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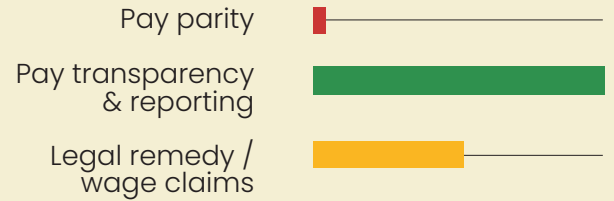
# KARNATAKA

- Unlike most states, Karnataka has mandated category-wise display of wage rates.
- The state has also provided for twice the payment of minimum wages in cases of overtime work.
- The state currently lacks any safeguards for women's participation in hazardous sectors.
- Prohibition of gender-based discrimination in hiring is absent.

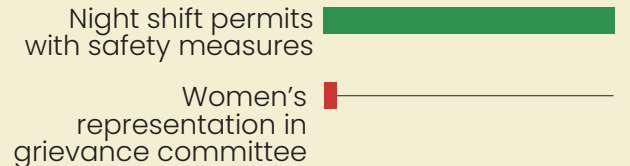
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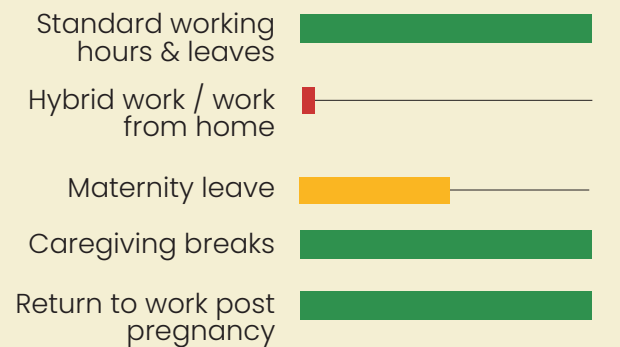
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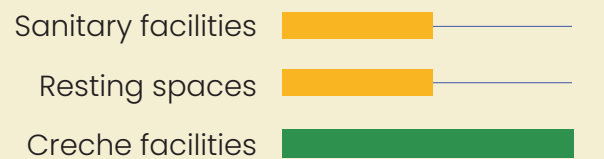
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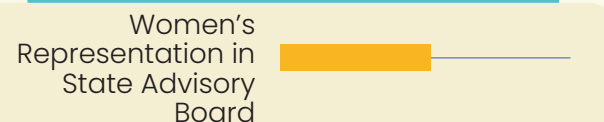
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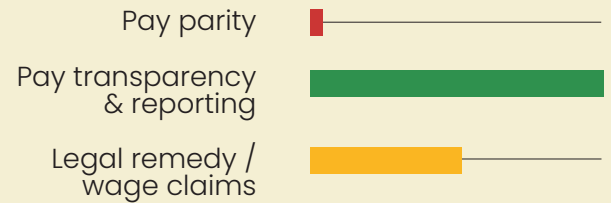
# TAMILNADU

- The only state to have an anti-discrimination provision in hiring, training, transfers, promotion and wage payments to women workers.
- Penalties include imprisonment for non-compliance, along with employer-provided compensation to the affected employees.
- The state has not yet enabled women's participation in specified sectors.
- It does not provide protections against gender-based discrimination in hiring.

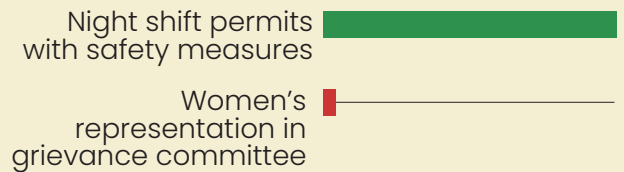
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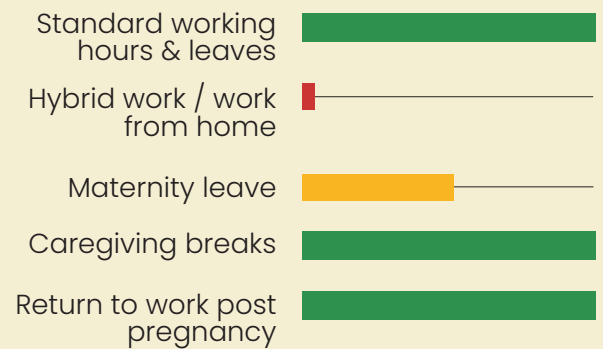
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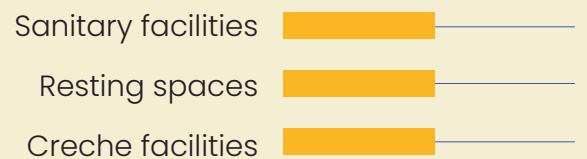
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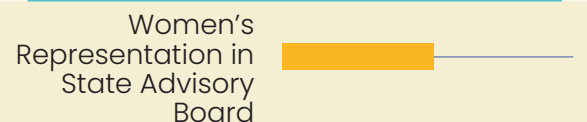
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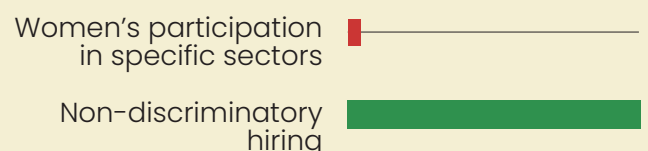
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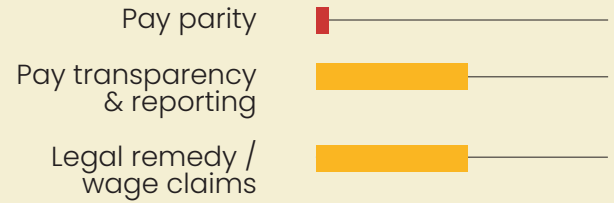
# TELANGANA

- Telangana permits women to work night shifts, subject to consent and safety conditions.
- It has a ten hours cap on a daily basis and a weekly limit of forty-eight hours for all establishments, with provisions for overtime.
- The state does not enforce category-wise disclosure of wage rates.
- The state has no mandate for equal pay for similar work.

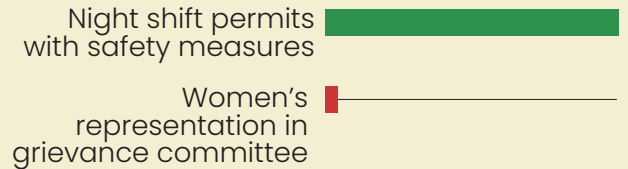
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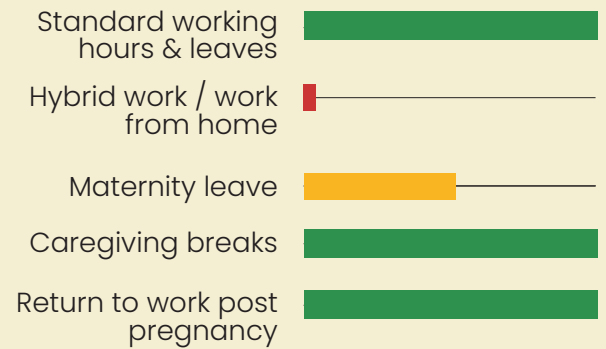
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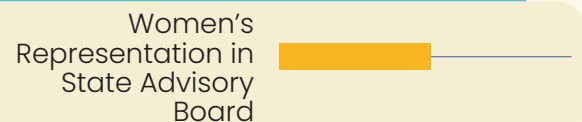
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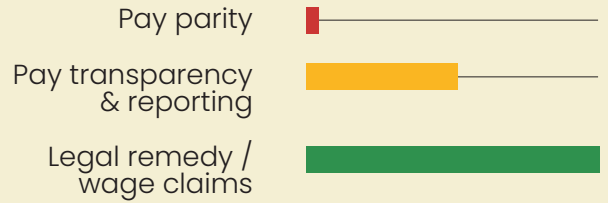


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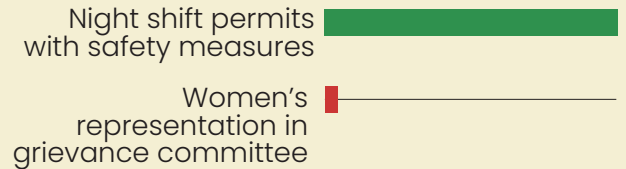




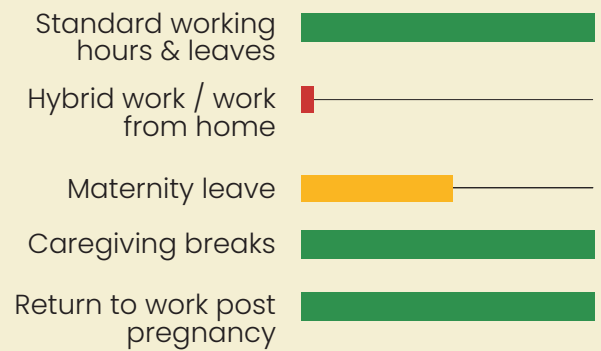
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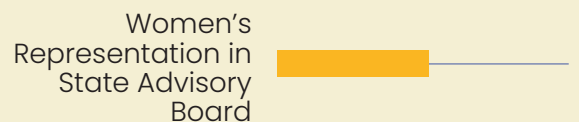
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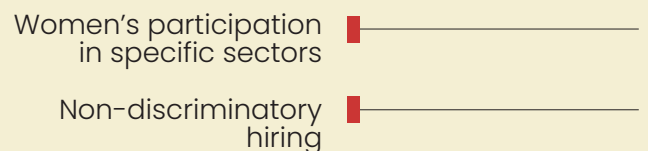
### Equitable Workplace Infrastructure



### Governance



### Inclusive Hiring



# KERALAM

- Keralam has stricter penalties with imprisonment and a fine of up to 2 lakhs rupees.
- The state permits up to 8 working hours per day with overtime capped at 10 hours.
- The state restrains women's participation in sectors deemed hazardous for women.
- It lacks any explicit mandate for ensuring pay parity.

#### Legend

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- State provision partially aligns with Labour Codes
- State provisions fully align with Labour Codes



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