

A Study on Ensuring Women Participation at the Workplace

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Various organizations have been taking up the mantle of gender diversity - from implementing new policies to improving the conditions and development opportunities for women employees to increasing the female presence in boardrooms. Available data indicate that only 15% of the board seats in the Indian Listed Companies is held by women. Besides, based on the 'Global Gender Gap Report' (2017), released by the World Economic Forum (WEF), India is currently ranked on gender equality scale at the 108th position among 144 countries - slipping from 87th position in 2016. India has the lowest female labour-force participation rates (FLFPRs) in the World. This is being considered as a drag on GDP growth and as an obstacle to achieving a higher economic growth rate. Research studies indicate that if India is able to reduce the current labour-force gender gap by half, the Indian Economy could grow over \$150 billion during the next three years. This paper focuses on identifying measures to achieving gender parity and drawing the attention of the role of stakeholders, boards and government bodies in implementing safety standards, institutional transparency and structural support. It is also envisaged that setting in place an appropriate legal framework would facilitate women to realize their potential, achieve professional goals and encourage greater work-force participation.

Keywords: Gender Diversity, Female labor-force participation

Introduction

Hillary Clinton has made the observation, "Women are the largest untapped reservoir of talent in the world; so, let's unleash the power of this segment and strive for an equal world."

Consider the case of several million women who spend days growing sorghum, and, the proceeds of the sale is pocketed by their husbands. Shouldn't these women instead be allowed to be

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involved in the decision of how the money they helped earn should be used? That does not happen. Research has shown that it is women who are more concerned than men to provide nutritious food, healthcare and education for the children and find ways and means to extricate the families out of the morass of poverty. Therefore it is imperative that everyone should start to rethink about the part women can play in their own communities. The sharp decline by a third in just 10 years in the number of women workforce in India is the most worrying of trends.

A recent study conducted in the state of Madhya Pradesh has revealed that NREGS-women workers were able to negotiate for more work when they got direct access to earnings through individual (bank) accounts instead of holding household accounts, besides mentoring. The study also found that these women were able to bring about a positive change in men's perception about them. In short, women can do what all the philanthropic organizations in the world can never do: change the unwritten rules that categorize women as 'lesser beings' than men. With this in mind, there is need to invest in women's economic and social empowerment.

A multitude of research shows that improved business performance, promoting gender equality and social upliftment can be achieved if women's leadership role in the organization is enhanced. Businesses need more women leaders since success in a rapidly changing environment requires quick response and nuanced approach to innovation. It is required that businesses move towards diverse human resource perspectives to face and overcome the challenges in today's complex world. For example, a more balanced leadership team comprising men and women is likely to be better placed to harness the opportunities created by an increase in women's spending power, or navigate the challenges created by globally and socially connected communities. Further, when a company has a more diversified leadership of men and women, it gets better opportunities and higher investments for growth. In the process, their chances of moving up the ladder to leadership positions increases by 33% and their opportunities for advancing to the highest levels in the leadership team double.

Several studies link women's economic independence to overall GDP growth and faster alleviations of social issues. Encouraging an environment that actively seeks to hire more women and support their professional growth would kick-start a veritable cycle of empowerment and socio-economic advancement process in the country. With equal representation of women in the workforce, India would become a socially better country and economically a richer nation. It is found that factoring these elements into the work environment would result in harvesting significant benefits including an immediate increase in women's earnings by US \$ 2.9 trillion globally.

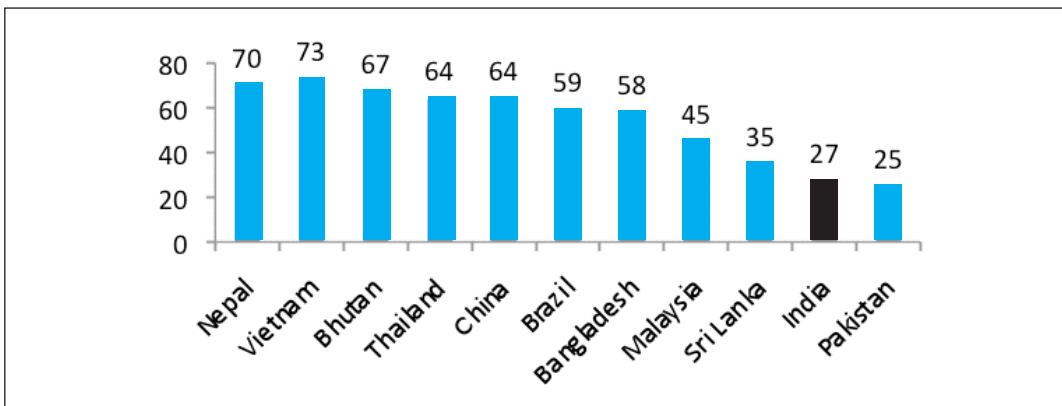
Just like all the unequal fingers are needed for the hand to function efficiently, organizations can greatly benefit from having a diverse set of talented persons functioning in different roles. Each finger, the thumb, index, middle, ring and the little finger has a role to play and together with the hand they forms a strong unit for action. Having a diverse set of people consisting of youth and experienced professionals from different creeds, castes, communities and regions, can make a more inclusive, robust and strong India.

The McKinsey Global Institute Report : "The Power of Parity : How Advancing Women's Equality Can Add US \$12 trillion to Global Growth, September 2015", found that US \$12 trillion could be added to the global GDP by the year 2025 by advancing women's equality. Additionally, the US President Donald Trump's senior adviser, Ivanka Trump, said that increasing the participation of women in the laborforce would significantly boost the Indian economy. She is of the opinion that if India could bridge the labor-force gender gap by half, the Indian Economy could grow by \$150 billion during the next three years.

Reasons for the low workforce of women

A World Bank report on India of May 2017 says that India has particularly low (27%) female participation in the workforce, than neighboring countries (Nepal 70%, Bangladesh 58%) and it has declined between the years 2004-05 (36.9%) and 2011-12 (26.9%).

Figure 1
Female Labor-Force Participation (%)



Source: World Bank India Development Update, May 2017

The World Bank report further opined that a larger participation of women in the formal-sector jobs can boost India's GDP growth by 1.5 percentage points (to 9%) if the country could bridge even half the gap in the rate of female labor-force participation of between India (27%) and Nepal (80%).

According to the Prime Database, the share of women directors in the Nifty 500 index companies increased to 15% in 2017 compared to 5% in 2012. These Nifty 500 companies had 4,750 companies on their boards and Godrej Consumer, Infosys, Cipla, Vedanta and Tata Global Beverages have between 33-46% of women as board members.

Table 1
Directorship Positions in NSE 500 Companies

Period	Total No. of Directorships	% of Women Directorship Positions
31/03/2012	4210	5.20
31/03/2013	4260	5.35
31/03/2014	4309	6.15
31/03/2015	4334	11.24
31./03/2016	4527	12.33
31/03/2017	4685	13.26
31/03/2018	4731	14.04

Source: Prime Database

The share of women on corporate boards has been on the rise consequent to the enactment of a law that stipulates that in a company with a paid-up capital of Rs. 100 crore or turnover of Rs. 300 crore per annum there should be at least one woman director.

As indicated in Figure 2, though the percentage of women reflects their rising sway in the corporate world, however, at 15% level, women are still under-represented on boards despite the fact that women constitute a significant portion of the talent pool in the corporate world. This mismatch is much lower than in countries like Norway (39%), France (34%), UK (23%), and US (21%). Studies by the World Bank have now recorded how women in India are far behind their counterparts in other emerging economies in terms of taking up formal jobs outside their homes.

Figure 2
Global Representation of Women on Boards



Notes: 1. Data for all countries (other than India and USA) is updated till 31 December 2015.
 2. Data for the USA is as on 31 December 2016 and for India is as on November, 2017.

Source: Gender Diversity on European Boards.

I. Management Practices

- (a) In the last few years, there have been several initiatives undertaken to identify and mentor senior women (who may, otherwise, have not been on the radar of companies) to become eligible to be appointed to Boards of Indian Companies. However, it appears that companies are considering "women" just as "a quota" to be complied with and do not see their diversity as an advantage. Corporates too have only employed women from an existing, limited, pool. If mentoring programmes are meant merely to enable women to occupy board positions, and, if there is only limited or no mentoring for men, this

would send a signal that women are seen as not equal to men when it comes to the suitability for being appointed to company board positions.

Another concern is the indifferent approach to work and to issues at work adopted for women as compared to men. Many reports on the contrary show that companies with more women board members out-perform rivals, face competition better and show increased shareholder value. The benefits of having women in board positions may be lost if one tries to mentor women to fit into roles traditionally held by men, or trying to make women into carbon copies of men.

- (b) Women face more difficulties in pursuing careers in Science, Technology, Engineering, and Mathematics streams (STEM) than men owing to factors such as the need to upskill/reskill constantly and deal with a male-dominated work environment.
- (c) Lack of (i) accessibility to company transport for commuting at odd hours, (ii) safe and accessible public spaces, and (iii) hostels and crèche facilities for their children forces women to re-think before joining any workplace. In addition, often office work conditions and environment are geared for a male workforce and are not conducive to female employees.

II. Legal Issues

- (a) One of the reasons for the fall in women's work participation is the inadequacy of washrooms and toilets. It is also observed that more young women shy away from higher education just for this very reason. The Swachh Bharat Abhiyan is aimed at resolving this issue and also encouraging the retention of post-pubescent girls at the school level/system.
- (b) Women often stay away from the workplace due to motherhood issues. This is because different companies have differentiated practices with regard to hiring pregnant women. For example, unless a woman has worked with an organization for at least 80 days, she is not entitled to maternity leave. Such conditions have restricted women's employability and by their very nature appear as restrictive guidelines resulting in their work-participation being reduced further. While the extension of maternity leave is a positive step, an extension of paternity leave will be appreciated so as to encourage men to participate in child rearing and enabling women to return and continue to work.
- (c) Even when organizations have been mandated to implement Government Acts like the Equal Remuneration Act, according to an on-line survey, gender pay-parity gap appears to be the biggest workplace issue for women. Analysis of FY '17 Annual Report shows

that Indian women company directors are not paid on par with their male counterparts. In the 30 Sensex Companies, women directors were paid on an average 46% less than men. Similar gap also appears among independent women directors - though to a lesser extent at 28%. Female directors accounted for 46 out of 396 and they earned an average salary of Rs 1.4 crore as against Rs 2.6 crore by men. Out of 133 independent directors, 25 were women, drawing an average salary of Rs 36.3 lakh compared to Rs 50.6 lakh paid to men. Such glaring gaps widen as women move up the career ladder.

The difference in pay and perks varies among various committees of which a woman is a director. Typically, members of finance and audit committees are paid higher than those on Corporate Social Responsibility Panels. Also, women may not be promoted as fast as men; this is one of the reasons why women lose out on big salary hikes.

Another reason could be the nature of the job itself. Women in manufacturing, sales, and front-office business roles have less than 10% presence, hence the highest pay parity is noticed among these sectors. Further, unlike men, women employees do not shift jobs frequently since it involves greater inherent risks, thereby losing out on big salary-jump opportunities. Fewer career moves by women account for a significant difference in the salary over the years; assuming that every shift comes with a 25-30% jump in pay.

- (d) In terms of running businesses, the percentage of women, tends to be significantly less since out of every \$23 as capital allotted, only \$1 goes to the woman entrepreneurs, thus, clearly, they are differentiated even in access to fund allocation. Equality in financial inclusion is important. Women entrepreneurs nurture their businesses equally fast, or even faster than men. On an average, they employ more women; pay women equally and offer better healthcare benefits. So, women entrepreneurs are not only good for business culture, but are better for the whole society as well.

Beyond all this data jugglery is the age-old problem of how Indian society really looks at gender roles, i.e. a woman has perforce to take more breaks in her career due to marriage, motherhood, and care of the elderly. Since Indian women tend to have a lower average marriage age (22.2 compared with 26.8 for women globally), combined with the propensity of women having to take more breaks in their careers, they tend to lose out on the benefits of a consistent career progression.

Measures to encourage better women work-force participation

Creating equality on all parameters for both men and women workforce in an organization requires an in-bred culture of equality, whether it be a single-owned unit or managed by a team,

and bold leadership. The owner/management essentially sets the tone and culture of equality, the targets to be achieved and shares the benefits and risks equally. A comprehensive action plan is needed, which include (i) policies and practices that are 'family-friendly', (ii) support for both genders, (iii) devoid of biases in attracting and retaining people, (iv) an empowering environment that trusts employees, respects individuals and offers employees freedom to be creative and innovative, (v) opportunity to train and work flexibly; (vi) enacting and amending laws to ensure greater participation of women in the growth story of India.

I. Management Practices

- (a) Fostering technological talent in women to increase their entry into STEM careers is a genuine action plan that companies should invest in. Providing more internship opportunities for women, giving STEM scholarships to the meritorious and even economically backward girls and focusing on retaining women employees to maintain better gender parity in the workforce are some of the areas to be improved in the current slogan of *sabke sath, sab ke vikas*.
- (b) In order to reduce gender disparity and improve career development opportunities, employers need to implement transparent personal policies. This can act as a critical step. In the survey it was found that transparency in gender equality/diversity through inclusive programmes is a way to build trust between employers and employees. Clear instructions and more open information about performance benchmarks will help everyone, men included. Better understanding of the dynamics of what it takes to progress in career should be imparted to everyone. Transparency is just one aspect of the puzzle which must work in tandem with efforts to mitigate potential unconscious biases and gender stereotypes that have traditionally impacted and impeded career progression of women.

Research studies indicate that people who know what their co-workers are paid perform better. So, remuneration is a critical, more pervasive and discussed issue. It is not easy to talk about one's salaries inside or outside the workplace for obvious and ingrained cultural reasons, thus perpetuating a lack of transparency about salaries. Since 2013, a number of OECD countries have put in place new policies on pay equality and in some countries, including Australia, Germany, Japan, Sweden and the UK, calculations are published by employers every year explaining also the reasons for the gender pay gap anomaly, if any. In the UK, the introduction of annual publication of mandatory pay gaps has highlighted some significant lacuna in some sectors (particularly financial services), and many organizations have taken steps both to explain the reasons for the gaps, and the

opportunities provided and the inclusive programmes held to make further progress in lessening the pay-gap tensions.

Women quite often underestimate their abilities, so they do not attain their ambitions. It is important to hold mentoring sessions, conduct effective leadership programmes and constantly encourage women to develop and utilize their inherent potentials and also to make them aware that their contributions are really valued, their skills are wanted and there is ample scope for their further progress in the organization. Human resources departments should explicitly set new parameters and systematically ensure that there are uniform criteria by which the organization can evaluate the employees' performance. Make sure that every employee knows what the criteria are. Can your talent articulate what a "high performance" looks like? Is the leader actually overseeing career development? Is the leader assessing performance evaluations? Answering these questions will go a long way toward building mutual trust.

- (c) To support and encourage a woman's self-confidence and self-advocacy, workplace ambience and personal relationships must be encouraged, supported and enabled to serve the cause.

A woman, apart from being assisted by a manager who will help develop her talent and advocate on her behalf, also needs a series of informal and formal support systems and suitable development programmes at the workplace. She needs role models of both genders to look up to and learn from, mentors who help her navigate the organizational labyrinth to success and supporters who can goad her to the next level - a network of advocates either in informal or formal groups with whom she can share experiences and seek advice.

In the personal space, she needs a supportive environment - a third circle - consisting of parents, the partner, friends to peers, who re-energizes her career ambitions and work/life decisions. For example, a woman might need to be supported by her family members and/or others who would take on more domestic or elderly care-giving responsibilities in order to allow her to be successful at work.

- Since women now-a-days wait to start a family after their 30s, their mean age of motherhood has risen roughly by 4 years, to 29, since 1970 to 2015 in OECD Countries. So, companies have started to put in place structural processes to allay fears that taking time off to start a family will derail careers when women employees return to work. This is combined with anti-bias orientation that challenges these kind of phobias that can

inhibit new parents. There is a global parental leave policy that gives women 16 weeks paid leave followed by a 6-month re-entry period so that mothers can work 4 days a week at full pay. Some companies provide for child-care vouchers; others allow mothers to work from home sitting next to their babies at full pay, and some also provide crèches at workplaces. Generally, women leave their jobs due to lack of flexibility in work schedules and inadequate work/life adjustment opportunities. The last reason is ranked as a third reason behind pay and a lack of career progression that working women face. Therefore organizations will have to address the disconnect between employees' value, their perceptions and the kinds of inflexible policies and schedules, and, accordingly put in place adequate systems and measures to counter them proactively.

II. Role of Men/Women Employees

- (a) Inclusion of diversity initiatives in organizations will only be fruitful when male employees take more than an active role. Men as allies create a greater impact. When men initiate this course of action, the buzz spreads quicker and it strengthens the case for gender inclusion. Also when different cohorts-millennials, GenX-ers, line managers, sales people all focus on getting more women into their respective groups, the decibel reaches a never-before high pitch. For the active participation of both male and female staff in networking, diversity committees, formation of goodwilly ambassadors, orientation sessions and social events to spread the awareness, the leadership initiative should come from men, and, it should permeate a sense of complete cooperation by both the male and female staff.
- (b) It is a fact that women cannot count on success and fulfillment unless men help them. It is not a symbol of weak gender but simply a matter of nature and numbers: there are many more men in positions of power than women and more women who need advocacy to manage. If men abrogate their responsibilities to help women, then the gender gap will persist and the "old boys' network" will continue to prevail.

III. Regulatory Framework

- (a) Increase the statutory limit on woman directorship: Following the recommendation of Uday Kotak-led SEBI panel on corporate governance to include at least one "independent" woman director in all listed companies, SEBI had accepted the recommendation, i. e. nearly 1000 NSE-listed entities by market capitalization will have to appoint a woman-independent director by April 1, 2020, while 155 of the top 500 will have to do so by April 1, 2019.

However, the time offered to meet the statutory requirement of women directors should be increased to ensure that a better pool of women can be developed and the positions filled competently instead of putting lame ducks to fill the vacancy, in order to avoid non-compliance issues. Further, it is also the considered view that the role of directors will be more effective when there are two or more women on the board, as mandating only one woman director may not help achieve the intended objective of ensuring gender parity at leadership levels in corporate India. In this connection, European markets have taken the lead in promoting gender parity. Norway was the first country to pass a law mandating companies to have at least 40% of the board directors to be women.

- (b) Companies can be incentivized to hire a more diverse workforce through provision of tax exemptions. The current Goods and Services Tax (GST) rate of 18% on day-care services has to be done away with. There are also suggestions to do away with personal income tax for women.

IV. Enactment and Amendment of Laws

1. Maternity Benefit (Amendment) Act, 2017

- The Act increases the maximum period of maternity benefit from the existing 12 weeks to 26 weeks, in the case of women who have less than 2 surviving children, and, in other cases, the existing period of 12 weeks continues.
- The Act extends the maternity benefits to a 'commissioning mother' and 'adopting mother' and they shall be entitled to 12 weeks of maternity benefit from the date the child is handed over.
- The Act provides for the provision of 'work from home' to a mother by inserting an enabling provision.
- The Act ensures Crèche facilities to make it mandatory in respect of an establishment having 50 or more employees, to have the facility of crèche either individually or as a shared common facility within such distance as may be prescribed by rules and also to follow four visits to crèche by the woman daily, including the interval for rest allowed to her.
- Every woman who returns to duty after delivery of child, shall in addition to interval of rest allowed to her, be allowed in the course of her daily work, two breaks of 15 minutes duration each for nursing the child until the child attains the age of 15 months.

- Further, every woman entitled to maternity benefits under this Act shall also be entitled to receive from her employer a medical bonus of Rs. 1000, if no pre-natal confinement and post-natal care is provided for by the employer free of charge.

The amendment to the Act has been appreciated and implemented in the organizations; however, medical bonus provisions have not been adhered to in true letter and spirit.

Firstly, only registered female workers and who are on the payrolls of their employers are entitled to avail the provision. Although casual and daily wage workers are covered by the Act, the implementation and coverage of these employees is limited, due to the fact that they are present at the workplace less often/less regular or don't have an identifiable employer or a designated place of work; it is clearly a bias of benefits of provisions in favor of permanent and full-time workers. Additionally, as per the report of Ministry of Labor and Employment of India and ILO, the formal sector in India consists of only 6 million out of the 138 million (4.4%) female workers aged between 15 to 49. As a consequence, the Act is not applicable to 95.6% of the female workers in reproductive years in India.

Secondly, the Act is based on the principle of employer's liability, meaning that employers have the responsibility to provide payments or services to their workers who are protected through labor codes. This means that the Maternity Benefit Act places the onerous liability for payment of maternity benefits on every employer. Because of this, the Act is likely to impact the hiring of young women who are in motherhood age. It creates a sense of insecurity for pregnant women of losing their jobs or might apprehend getting a decreased salary if they are allowed for maternity benefits. Due to the balance of power being in favor of employers, which exists since workers are dependent on their employers for hiring and salary, it is likely that the interests of employers could override the interests of working women. It is important to mention here that the principle of employer's liability contradicts one of the general guiding principles in ILO, recommendation No. 67, which states that income security as far as possible should be organized on the basis of compulsory social insurance. There is, therefore, an urgent need to make amendments to the Act with regard to access to medical bonus and nursing breaks.

Further, though the extension of maternity leave has been commendable, the provision for women who adopt or opt for a child through surrogacy, is limited to 12 weeks. It is however, unfair to discriminate. Also, the leave available for adoption of a child below 3 months is 12 weeks. However, the eligibility and entitlement for adoption of a child over 3 months is not mentioned in the Act and needs to be included.

Also, the post-maternity benefit of flexible work hours has been left as the employer's prerogative. However, all organizations, whether private or public, often deny any kind of benefit to post-maternity women to continue working with an organization. It is necessary that a degree of uniformity be introduced in this aspect and rules be made to ensure uniform compliance.

Lastly, with the extension in number of weeks of maternity leave, immediate attention is required to be given as to whether the women employee's absence from the workplace would affect her overall employability or would cause an adverse impact on her future career growth. If other employees learn to manage without the women employee who is on leave, companies might be tempted to draw the conclusion that the 'absent' women employee is dispensable. There is no mention of these possibilities anywhere in the statutes.

Fourth, no provision for paternity leave has been specified in the Act, which constitutes a major component of leave policies in the West. This puts the onus of newborn's rearing on the mother. This is contradictory to gender equality and equal parenting concepts.

2. Shops and Establishments Act/Factories Act, 1948

The Act provides for the following:

- Factories Act, 1948, makes it obligatory for every factory to maintain an adequate number of latrines and urinals of the prescribed type separately for men and women workers.
- Prohibition of work in hazardous occupations, in pressing cotton where a cotton-opener is at work and limits to the maximum permissible load.
- Separated and adequately screened washing and bathing facilities shall be provided for use of male and female workers.
- The Act also stipulates that an employer, employing 30 or more women workers, should provide for crèches for children, aged 6 years and below, of women workers.
- The Act stipulates working hours for all adult workers. It also provides for overtime pay to workers who work beyond prescribed hours of work.
- The Act also contains provisions pertaining to intervals or rest periods during a working day, weekly off, annual leaves, etc.

For ensuring safe and conducive working environment during night shifts for women, a statutory audit mechanism for companies employing women in night shifts for various facilities to be provided at workplace. Similar guidelines for organizations should also be made for employment of women in night shifts.

3. Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013

The Act was brought in with the intention of making the workplace safer for women and providing them with a supportive and secure environment to work in, including unwelcoming sexually determined behavior such as physical contact and advances, demand or request for sexual favors, sexually colored remarks, showing pornography, or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature; mandatory constitution of an Internal Complaints' Committee (ICC) by every employer which looks into and addresses complaints made by any aggrieved woman. Further, it also provides for the alternative, if aggrieved woman is unable to make a complaint on account of her physical incapacity, then a complaint may be filed inter alia by her relative or friend or her co-worker or an officer of National Commission for Woman or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved woman.

Safety acts as the significant measure to be ensured at every workplace for any employee; no employee can truly perform to their potential if they don't feel safe at their workplace. In order to safeguard the interest of women employees at the workplace, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, was introduced in 2014. A few basic safety amenities to ensure safe work environment includes presence of security guards, installation of CCTV Cameras at workplace, transportation facility for female employees accompanied by a security guard or a colleague. Another key area would be safety of female employees while on business trips. Some organizations have taken steps to address this proactively by pre booking of flight tickets, providing pick-up and drop facilities and providing emergency contacts to the employee just to name a few. Most organizations provide basic facilities such as restroom, transport, medical facilities to women employees working in night shift.

Creating safe work environment is the statutory obligation of the employer, as well as creating awareness and training regarding the provisions of the Act is the responsibility of employer. Further, the Internal Complaints Committee (ICC) is one of the bodies mandated by Prevention of Sexual Harassment Act, 2014. This is a mandatory requirement and should be in place in each and every organization. These redressal mechanisms are of utmost importance to help prevent any case of sexual harassment at the workplace and organizations need to give due importance to implement these laws.

Organizations should also take steps such as publishing status of pending sexual harassment cases in their annual reports so as to increase transparency pertaining to sexual harassment. Safety measures also need to be upgraded constantly so as to be proactive effectively rather than being reactive in nature.

With respect to the Act, there is still a debate and ambiguity around the definition of sexual harassment. There is also a need for increased awareness of the issue and the provisions of the Act by leveraging various media available especially the social media.

Conclusion

Though laws are enacted, amendments are made, and regulatory framework put in place to have greater participation of women, the glaring fact is that two-thirds of the female population still do not get to work, thus India is missing out on a vast pool of resources. This is affecting its economic growth. India needs to do much more to encourage women to go to work, provide assured safety of travel from home to work, to provide for child care and extend mandated maternity benefits. Women possess qualities of patience, are able to prioritize, negotiate and nurture. The task here is to get leaders, a very high percentage of whom are men, to discover these unique qualities in women and find a way to capitalize on them.

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