International Journal of Enhanced Research in Educational Development (IJERED)
ISSN: 2320-8708, Vol. 14 Issue 5, September-October, 2026

Human Rights of Working Women in Education Institutions in the Private or Government Sector

Manpeeet Bhatia

Assistant Professor, Rayat Bahra Professional University, Hoshiarpur

ABSTRACT

Women play important roles both within educational institutions as teachers and professors as well as academic and non-academic staff and site of university activities such as the administration, counselling, library, and research. Although the constitution provides protection, and the law does not discriminate against working women in educational institutions, they may still face discrimination, inequities, sexual harassment, poor maternity facilities, employment insecurity, excessive workload and hindrances to the attainment of their careers. These challenges highlight some serious issues of equality, dignity, safety, non-discrimination and effective realization of human rights in the workplace. [1]

The study focuses on these human rights of working women in educational institution both government and private educational institution in India. It examines the constitutional, statutory, institutional and international context to the rights of women in working life, focusing on equality, equal opportunity, maternity, prevention of sexual harassment and access to grievance-redressal. The research method used in this study is doctrinal and analytical which is supplemented by comparison with government and private educational institutions. It aims to articulates actual vs legal protection, and identifies factors which impact awareness and utilization of remedy on woman's part. The study concludes that formal legislation alone does not guarantee protection and should be complemented with institutional accountability mechanisms, policies that can take into account the gender perspective, complaint mechanisms that are easily accessible and awareness programmes and the provision of safe and dignified working conditions. These can be instrumental to fostering a human-rights based work culture and substantive gender equality within educational institutions.[2]

Keywords: Working Women; Human Rights; Educational Institutions; Gender Equality; Workplace Protection.

INTRODUCTION

Participation of women in educational field has appreciably risen over the years, where women are impossible to be put aside from academic, administrative, research, technical and support cadre. School Teachers, College Lecturers, University Professors, researchers, Librarians, Counsellors, Administration Office Staff, Laboratory Staff All of which are educational professionals employed by women. Their contribution is important not only in the institutional development but also to the objective of an inclusive and equitable system for education. Yet, it is not enough to consider jobs related to education only as a participation in education or economic contribution. It must also be viewed from a human rights perspective, as it relates equally to all women employees – which include the right to equality, to dignity, to safety, fair dealing, freedom from discrimination and to a workplace that protects their basic rights.[3]

Human rights of working women include a wide variety of legal, social, economic and labour rights and benefits. These include equality of opportunity, equal treatment, fair wages, ten-hour regulations, protection from sexual harassment, maternity protection, reasonable working conditions and freedom from discriminatory practices, as well as allocation of effective grievance-redressal procedures. However, the importance of dignity at work is paramount as it is important that members of the working population can carry out their duties without facing humiliation, intimidation, harassment, exploitation or gender-based discrimination. A decent workplace includes women as equal members of

[1] Constitution of India, arts. 14, 15 and 16, guaranteeing equality before law, prohibition of discrimination and equality of opportunity in matters of public employment.
[2] Constitution of India, art. 21, protecting life and personal liberty, which has been judicially interpreted to include the right to live and work with dignity.
[3] Constitution of India, art. 15(3), authorising the State to make special provisions for women and children as a means of promoting substantive equality.

Institutions and enables opportunities for access, promotion, professional development, leadership and career progression on the basis of merit, not gender.[4]

Equality and non-discrimination have been given the due status and attention in the issue of protecting women employees. It can happen overtly, when women are treated differently, or covertly, as a result of institutional settings which negatively affect a woman's situation more than it does a man. Employers in schools might experience disparities in workload, lack of promotion opportunities, stereotyping, unstable job contracts, insufficient maternity/paternity benefits, sexual harassment, conflict at work, and not getting involved in decision making. Such worries can be present in private business as well as public sector institutions, but might be varied in scope and magnitude due to the differing employment structures, service conditions, institutional policies and mechanisms for accountability.

1. Constitutional and International Human Rights Framework

In India, workers' rights of women are equitably safeguarded by Convention, whereas international standards lend support to the protection of these rights of the women working population. Article 14 proclaims the fundamental laws, the equality before the law and the equal protection of the laws, which serves as the basic constitutional protection against arbitrary and discriminatory treatment. Article 15 specifically bars discrimination on a range of grounds including those of sex; Article 15(3) allows "special provisions" to be made for women and children. Article 16 provides equality of opportunity for while going for public employment, and it is highlighted for women who are employed in government educational institutes.

Article 21 with its broad reading contours gives protection to life and personal liberty and is closely related to the right to live with dignity and the right to work under human dignity that are closely intertwined. Women's rights in the context of work are further reinforced by the provisions in the Directive Principles of the State Policy. Article 39(d) requires the State to provide equal pay for equal work to men and women and Article 42 requires just and humane conditions of work and maternity relief. Citizens are given a fundamental duty to reject practices which reflect on women's dignity under Article 51A(e). These provisions form a constitutional perspective that takes a vision towards gender equality that does not stand just as a piece of paper, but is linked to dignity, social justice, economic participation and human working conditions. Internationally, equality is recognised, alongside non-discrimination, a right to work, right to fair and favourable working conditions and equal pay for equal work in the Universal Declaration of Human Rights.[5]

2. Legal and Institutional Protection of Working Women in Educational Institutions

Protection of rights of working women in the educational institutions in India rests on constitutional provisions, labour legislations, labour regulations, judicial principles and institutional mechanisms. Equality, dignity, non-discrimination and equality of opportunity are the basis provided in the Constitution. The principles are of special significance in the case of women working in government educational institutions where the processes of recruitment, promotion, conditions of service, remuneration and discipline are on the whole regulated by formal instruments. Concurrently, constitutional values imbue a sense of governance to the regulation of private educational institutions, and where issues of discrimination, dignity, safeguarding working conditions, and compliance with statutes are raised. The overall requirements of the constitution are therefore to ensure that women be able to engage in employment without any disadvantage based on gender.[6]

POSH Act, 2013, Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act, 2013, is one of the most significant legislations for the prevention of any sexual harassment of woman working. Schools are part of the general definition of the workplace in the legislation. The Act aims to stop sexual harassment, forbid any inappropriate actions and ensure complaints and remedies. The formation and operation of an Internal Committee is of special importance as it gives an institutional forum to women workers to address their complaints. But awareness, confidentiality, impartiality, prompt practices, and protection from retaliation and institutional accountability are needed to enable effective implementation. The protection of mothers' employment also forms an integral part of the

[4] Constitution of India, art. 39(d), directing the State to secure equal pay for equal work for both men and women.
[5] Constitution of India, art. 42, directing the State to secure just and humane conditions of work and maternity relief.
[6] Constitution of India, art. 51A(e), requiring citizens to renounce practices derogatory to the dignity of women.

employment rights of women. The Maternity Benefit Act, 1961, as amended lays down the statutory provisions on maternity and employment.[7]

It recognizes and takes into account that having a child or becoming a mother/woman should not be penalized. Schools are an especially problematic place for maternity-related protections because women might experience problems with their careers or work schedules due to pregnancy, and childcare duties. Therefore, institutional implementation must incorporate maternity benefits, appropriate leave, workplace supports, as well as child care facilities and for those organizations, the flexibility of setting. One of the other pillars of workplace equality is the principle of equal remuneration. Women who do similar jobs, should not be paid or treated differently because they are women. [8]

The constitutional principle in Article 39(d) remains as a normative reference point, albeit it seems that the statutory aspects of remuneration have changed through later labour legislation. Educational institutions should therefore have clearly defined remuneration processes and adopting just a clear and transparent process for attaining increments, promotions, etc., and their related benefits in recruitment without gender discrimination taking influence. Labour and employment legislation also plays a role in the rights of working women by attaching conditions of employment, as well as social security, occupational welfare, wages and such other elements of working relationships. The Rights of Persons with Disabilities Act 2016 is also applicable to the rights of women employees with disabilities as it aims to promote equality, non-discrimination, reasonable accommodation and participation.[9]

3. Human Rights Violations and Workplace Challenges Faced by Women

Although women employed in educational institutions now have constitutional and statutory safeguards against human-rights abuses and workplace issues, they may face a variety of problems. Gender discrimination may manifest in the process of recruitment, allocation of responsibilities, promotion, compensation, professional growth and development, or institutional decision making. Discrimination can sometimes be overt and other times it may appear to be neutral institutional practices that have an effect on women due to responsibilities associated with motherhood, pregnancy, societal expectations or traditional gender norms.

This goes against the substance of equality and it limits women's potential in their careers. Pay inequity and lack of access to career mobility continue to be widespread issues in the workplace. Women might have a disparity in what type of job offers, leadership, research, administrative, training, conferences or networking opportunities they are afforded. The glass ceiling is the common term for invisible institutional or social barriers that prevent qualified women from advancing to senior roles in employment because they lack qualifications and/or experience. This can have an impact on representation within senior academic, administrative and decision-making roles in educational institutions. Sexual harassment is a severe breach of personal security and dignity at workplaces. [10]

It can involve sexually inappropriate behaviour in the form of non-verbal, verbal or physical behaviour or behaviour in other ways. Where formal Internal Committees are in place, women might be reluctant to report incidents due to fear of social stigma, professional implications, retaliation, damage to reputation, and/or lack of trust in the complaints process. Situations can, in turn, result in a hostile workplace when inappropriate behaviour exists or when complaints are not addressed properly. Confidentiality, non-partisanship and quick, effective redress as well as protection from retaliation, therefore, constitute necessary elements of institutional protection. Women in temporary, contractual, guest, outsourced and insecure work are vulnerable in certain ways. From an employee's perspective, the threat of losing their job means they may feel reluctant to complain or oppose harassment and discrimination.

---

[7] *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, establishing important judicial guidelines for preventing and addressing sexual harassment of women at the workplace before the enactment of specific legislation.

[8] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14 of 2013, §§ 4–19, providing for prevention, prohibition and redressal of sexual harassment and the functioning of Internal Committees.

[9] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, § 19, prescribing duties of employers, including creating awareness and providing a safe working environment.

[10] University Grants Commission, *UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015*, requiring higher educational institutions to establish mechanisms for prevention and redressal of sexual harassment.

Table 1: Major Workplace Human-Rights Concerns

Human-rights concern	Possible institutional manifestation	Relevant principle
Equality	Differential treatment in recruitment, duties, or promotion	Equality and non-discrimination
Dignity	Harassment, humiliation, intimidation, or disrespect	Right to dignity
Equal opportunity	Barriers to promotion and leadership positions	Equality of opportunity
Safe workplace	Sexual harassment or hostile working environment	Workplace safety and dignity
Maternity protection	Career disadvantage because of pregnancy or maternity	Social protection and maternity rights
Fair remuneration	Pay disparities or unequal employment benefits	Equal remuneration
Participation	Exclusion from institutional decision-making	Institutional equality
Employment security	Vulnerability of contractual or temporary workers	Fair employment
Grievance redressal	Inaccessible or ineffective complaint mechanisms	Effective remedy
Work-life balance	Excessive workload and inadequate childcare support	Humane working conditions

4. Comparative Analysis: Government and Private Educational Institutions

To answer this question there needs to be an analysis of working women's human rights conditions taken at the government and private sector schools and universities. While constitutional principles and statutory protections are general, practices in terms of women's employment in and out of the House may vary on account of the nature of the institutions, the women's employment, the service conditions, the management structure, and the availability of grievance mechanisms. [11]

The overall working methods of government education institutes are mostly based on standard rules of service, recruitment, promotion and administrative procedures. Working conditions, however, may vary substantially for workers of private institutions where the employment policy and management can differ from that of state institutions. One of the key areas of comparison is Employment security. Those working under regular government service conditions, as opposed to those of the Guantanamo internment centres, typically enjoy relatively structured service conditions, leave provisions, and job security, as well as established disciplinary procedures. Private institutions can employ permanent, contractual, temporary, guest, probationary or outsourced workers, meaning they can be employed with varying degrees of security. Women may be less inclined to report discrimination or harassment due to employment insecurity, which could lead them to not exercise legal rights because they fear they will be subject to negative treatment or not have access to jobs.

Table 2: Government and Private Educational Institutions

Dimension	Government Institutions	Private Institutions
Employment security	Generally, more structured	May vary by employment contract
Service rules	Usually formally codified	Often institution-specific
Recruitment	Generally regulated	May involve greater institutional discretion
Promotion	Relatively structured	Procedures may vary
Grievance mechanism	Formal mechanisms generally available	Effectiveness may vary by institution
Workplace policies	More standardized	May differ across institutions
Maternity protection	Governed by applicable service/legal provisions	Implementation may vary
Sexual-harassment mechanism	Institutional mechanism required	Institutional compliance may vary
Monitoring	Greater administrative/regulatory oversight	Greater institutional variation
Job flexibility	Depends on applicable service rules	May vary significantly

[11] *Medha Kotwal Lele v. Union of India*, (2013) 1 SCC 297, emphasizing effective implementation of the framework concerning prevention and redressal of sexual harassment at workplaces.

This table should be understood as an analytical framework rather than a universal characterization. Actual conditions may differ substantially between individual institutions. The objective of comparative analysis is therefore to identify structural differences, implementation gaps, and best practices rather than to assume that one sector is automatically more protective than the other.[12]

5. **Awareness and Utilization of Human Rights Among Women Employees**

It is illegal protection if women workers know nothing about their rights and means available to them to avail. This awareness is thus an important part of the protection of human-rights in educational institutions. One woman can be protected against sexual harassment, discrimination or disadvantage in maternity issues but may be unaware of the existing law protection that is in existence and/or not know how to use them effectively due to the unavailability of relevant institutional policies or complaints procedure.[13]

The study should thus focus on the level of awareness of the women employed with regard to their constitutional, legal and institutional rights. Awareness of protection of sexual harassment is essential as women must understand what sexual harassment entails and where they can approach to lodge a complaint, how the Internal Committee works and the safeguard they have during the complaint process. The same applies to awareness of the maternity related rights, which can enable women to grasp their rights to benefits and protection of the law from discriminatory employment practices.

Understanding the grievance procedure is also relevant in terms of awareness of the employees which are needed to understand who to contact, which procedure to follow, the confidentiality, and any available remedies available under the procedure. More research is warranted to determine if increased awareness leads to uptake. The employee may know exactly what she has a right to do, but she may also have a fear of retaliation, consequences at work, privacy breaches, a loss of trust in management, and social stigma. The study should not only evaluate awareness but also confidence, readiness to report, use of institutional mechanisms as well as perceived effectiveness of institutional mechanisms.[14]

6. **Institutional Mechanisms for Prevention, Protection and Grievance Redressal**

Raising awareness of educational institutions to forbid the human rights and dignity violations of women employees is a great responsibility that must be taken. Having laws is not enough if there are no 'down-to-earth systems' to help women prevent and report on workplace infringements and claim remedies. The Internal Committee (IC), set up according to the applicable sexual-harassment framework is a core organizational instrument of answering sexual-harassment complaints.

It is also important to keep women's information confidential because if they are afraid that if their personal information is revealed, social stigma, professional damage, or professional repercussions will occur. There should therefore be access to information regarding complaints and proceedings managed by responsible persons, and by persons authorised. The other one is investigation and redress in a time-bound. Delays, which are not reasonable, can have a negative psychological effect on complainants and can diminish confidence in institutional justice. Simultaneously, procedures need to be fair to all parties and offer an opportunity for representation and response. Avoid victims being retaliated against. A complaint should never be the basis for adverse action against a woman because she used her right or expected to be given an opportunity to make a complaint. [15]

Attendance must be alongside prevention. Staff can be educated about equality, dignity, respectful conduct, sexual harassment, discrimination and to what can be done about it through regular gender sensitization and work place-awareness programmes. Ineffective workplace policies and practices must not limit their usefulness in prevention of harassment to notions of value, rights and obligations but also to maternity protection, care facilities, counselling services, reasonable workplace flexibility, and supportive measures for the employee who has a balance of work and family responsibilities. Accountability of leadership and institutional monitoring can ensure policies are followed and not just written.[16]

[12] The Maternity Benefit Act, 1961, No. 53 of 1961, as amended, providing statutory protection concerning maternity benefits and employment-related safeguards for eligible women employees.
[13] The Code on Social Security, 2020, No. 36 of 2020, consolidating provisions relating to social security, including maternity-related protections within the statutory framework.
[14] The Rights of Persons with Disabilities Act, 2016, No. 49 of 2016, §§ 3 and 20, recognizing equality, non-discrimination and protection against discrimination in employment for persons with disabilities.
[15] Equal Remuneration Convention, 1951 (No. 100), International Labour Organization, establishing the principle of equal remuneration for men and women workers for work of equal value.
[16] Discrimination (Employment and Occupation) Convention, 1958 (No. 111), International Labour Organization, addressing discrimination in employment and occupation and promoting equality of opportunity and treatment.

7. Empirical Research Methodology

A mixed-method research design, that combines doctrinal legal analysis and socio-legal investigation research, can be used in the empirical part of the study. The doctrinal aspect will focus on the provisions in the Constitution, the legislation, judicial rulings, regulations, institutional policies, government reports, international instruments and academic literature. The empirical part will review the real-life experiences, awareness, perception and utilization of human-rights protection for female employees in public and private educational institutions.

The study group population can be women workers in the selected schools, colleges, universities, professional institutions and educational institutions. The teacher, lecturer, professor, researcher, administrative staff, librarians, counsellor, technical staff and any other eligible female employee/person who has been involved in teaching or related activities is eligible to provide response to the survey. Structured questionnaire can be used for data collection, which might be complemented with semi structured interviews if needed. [17]

Questions may assess awareness of workplace rights and how you are aware of them, understanding of POSH mechanisms, maternity protection, perceived equality, workplace safety, confidence in grievance mechanisms and use of existing remedies. Stratified or purposive sampling processes can be used to always have meaningful representation from government and private institutions. The study could also categorize the respondents by the category, age, education status, designation, years of service, status of employment and type of institution. Measures of data can be: Frequency distributions, percentage distributions, tabulated, compared and analysed by appropriate statistical tests including chi-square test.

FINDINGS, DISCUSSION AND RECOMMENDATIONS

The findings from the study should link the formal legal framework with actual experiences of the women working in the workplace in educational institutions. At the core is the question of how constitutional norms, laws, national policies and regulations are implemented in the workplace. Hence, the analysis should take a scrutiny of women's awareness of legal rights, perception of equality and dignity, experience of workplace safety and women's access to institutional remedies. Special attention should be paid to the differences between government and private institutions to identify implementation gaps by sectors. [18]

One relevant aspect of the analysis is women's awareness of their constitutional rights, rights in the workplace, maternity benefits, sexual harassment laws, and institution-based grievance procedure. The study should aim to assess the level of awareness among women of different employers as Government against Private Institutions. But the awareness is not enough. The study should also consider women's trust of the grievance mechanisms available and their confidence in disclosing violations. [19]

Women may not access otherwise available avenues to justice, because of fear of retribution, loss of employment, stigma, lack of confidentiality, or adverse consequences to work status. Since employment status is another key factor to consider when interpreting the results, a few brief comments should be made about that. However, contractual, temporary, guest and probationary employees might not feel the same level of assurance as permanent employees in reporting problems because employment insecurity could affect the willingness to challenge institutional practices. The answer should, therefore, be an analysis of the relationship between employment status and reporting behaviour as well as perceptions of institutional protection. Likewise, the take-up of paternity and maternity benefit, childcare facilities, flexible working and reasonable workload policies should be considered as valuable indicators of substantive equality within the workplace.[20]

CONCLUSION

While the constitutional provisions, legislation, regulations, and institutional policies are indicators of the potential for protecting HR of working women, this reflection cannot alone be used to assess their actual protection. But the big question is whether these protections are observed and felt by women in the real world of work. Equal opportunities,

[17] Convention on the Elimination of All Forms of Discrimination Against Women, 1979, arts. 11 and 12, requiring States to eliminate discrimination against women in employment and related social and economic spheres.
[18] United Nations, *Universal Declaration of Human Rights*, 1948, arts. 1, 2, 7 and 23, recognizing equality, non-discrimination and the right to work under just and favourable conditions.
[19] United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, 2015, Goals 5 and 8, emphasizing gender equality, women's empowerment, decent work and inclusive economic growth.
[20] University Grants Commission, *UGC (Promotion of Equity in Higher Educational Institutions) Regulations, 2012*, providing an institutional framework for promoting equity and addressing discriminatory practices in higher educational institutions.

anti-discrimination, dignity, safety, maternity protection, fair opportunity and access to effective remedies must be integral to the educational workplace. A comparison of the government and the private sectors show the significance of studying employment security, service conditions, institutional management, institutional grievance processes, and oversight of educational institutions in the two environments. However, there should not be a loss of the overall accountability of any type of institution in the protection of women's rights at the level of the different sectors.

All schools, irrespective whether they are run by the government or privately, must have a non-discriminatory, respectful, safe and inclusive environment of work. The study also highlights the need for a paradigm change from a reactive towards a preventive and rights-based institutional approach that is in line with effective protection of the human rights. It is important not only to address complaints arising from acts of discrimination or harassment but also to prevent discrimination and harassment through awareness, gender sensitisation, clear policies, monitoring at the school level, accountability of leadership, and routine school check-ins. All women workers must have the capacity to be knowledgeable and exercise their rights without facing retaliation or any professional disadvantages. Finally, it's important to note that educational institutions are a unique form of a social responsibility as they not only educate yet also have an impact on social attitudes.

REFERENCES

1. Agarwal, B. (1994). *A field of one's own: Gender and land rights in South Asia*. Cambridge University Press.
2. Beneria, L. (2003). *Gender, development, and globalization: Economics as if all people mattered*. Routledge.
3. Government of India. (1949). *The Constitution of India*. Ministry of Law and Justice.
4. Government of India. (1961). *The Maternity Benefit Act, 1961*. Ministry of Labour and Employment.
5. Government of India. (2013a). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Ministry of Law and Justice.
6. Government of India. (2013b). *The Companies Act, 2013*. Ministry of Law and Justice.
7. Government of India. (2016). *The Rights of Persons with Disabilities Act, 2016*. Ministry of Law and Justice.
8. Government of India. (2019). *The Code on Wages, 2019*. Ministry of Law and Justice.
9. Government of India. (2020a). *The Code on Social Security, 2020*. Ministry of Law and Justice.
10. Government of India. (2020b). *The Industrial Relations Code, 2020*. Ministry of Law and Justice.
11. International Labour Organization. (1951). *Equal Remuneration Convention, 1951 (No. 100)*. ILO.
12. International Labour Organization. (1958). *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*. ILO.
13. International Labour Organization. (1981). *Workers with family responsibilities convention, 1981 (No. 156)*. ILO.
14. International Labour Organization. (2000). *Maternity Protection Convention, 2000 (No. 183)*. ILO.
15. International Labour Organization. (2019). *Violence and harassment convention, 2019 (No. 190)*. ILO.
16. International Labour Organization. (2022). *Care at work: Investing in care leave and services for a more gender equal world of work*. ILO.
17. International Labour Organization. (2024). *World employment and social outlook: Trends 2024*. ILO.
18. National Commission for Women. (2022). *Annual report 2021–2022*. Government of India.
19. National Commission for Women. (2023). *Annual report 2022–2023*. Government of India.
20. Office of the United Nations High Commissioner for Human Rights. (1948). *Universal Declaration of Human Rights*. United Nations.
21. United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination Against Women*. United Nations.
22. United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development*. United Nations.
23. University Grants Commission. (2012). *UGC (Promotion of Equity in Higher Educational Institutions) Regulations, 2012*. University Grants Commission.
24. University Grants Commission. (2015). *UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015*. University Grants Commission.
25. World Bank. (2024). *Women, business and the law 2024*. World Bank.