

# Unpaid Labour in India: A Legal Analysis of Gender Inequality and Policy Frameworks

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## Abstract

This research article delves into the significant effects of unpaid labour on gender equality within the Indian context, specifically examining the often-overlooked economic implications of such work. The research article delves into how unpaid work disproportionately affects women and explores the ripple effects this has on gender disparities in areas such as workforce participation, educational achievement, and social standing. The primary objective is to analyse the nature, extent, and ramifications of unpaid work on gender equality in India. A crucial research question arises in this article: How does unpaid work affect women's participation in the economy, access to education, and social standing in India, and what policies can help measure, reduce, and redistribute it to promote gender equality? Employing a mixed-methods approach, the research combines quantitative analysis with qualitative data. Additionally, the study incorporates policy analysis and international comparative studies to contextualize the findings within a broader global framework. Results indicate India's women spend more time on unpaid work than men, limiting opportunities for education, employment, and development, emphasizing the need to address this hidden economy for gender equality.

**Keywords:** Unpaid Labour, Gender Equality, Indian Economy, Women's Empowerment, Unpaid Worker

## 1. Introduction

Unpaid work represents a critical, yet often overlooked, aspect of economic activity, especially in developing nations like India. This labour, primarily undertaken by women, includes various essential tasks that enhance household welfare and societal operation but are not reflected in conventional economic metrics (Charmes, 2019). The hidden economy of unpaid work in India profoundly affects gender equality, with women predominantly shouldering household and care responsibilities. This unrecognised labour is essential for societal functioning but is excluded from conventional economic metrics. In India, women shoulder a disproportionate burden of unpaid work, dedicating up to 352 minutes per day compared to just 52 minutes for men (Coffey et al., 2019). This imbalance perpetuates traditional gender roles and hinders women's opportunities in areas such as formal employment, education, and personal growth. Recognising and valuing unpaid work is essential for achieving gender parity and economic justice.

## Overview

In India, unpaid labour is deeply ingrained within the societal structure, shaped by cultural expectations, gender roles, and economic systems. Rapid economic growth and urbanisation have altered patterns of unpaid labour, yet it remains vital for millions. Assessing the nature and extent of unpaid work is essential for crafting policies that advance gender equality, economic empowerment, and sustainable development (Coffey et al., 2020).

## Definition of Unpaid Work

Work without pay (Unpaid work) constitutes productive activities conducted without financial remuneration. According to definition of "UN System of National Accounts" "the production of goods and services by household members that are not sold on the market" (Bwanakare, 2019). This definition encompasses diverse tasks that enhance individual, family, and community well-being, which are absent from traditional economic indicators like GDP.

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## Types of Unpaid Work Common in India

1. Domestic chores encompass cooking, cleaning, laundry, and household maintenance. In India, women allocate an average of 297 minutes daily to domestic work, whereas men spend only 31 minutes (DEV OECD, 2024).
2. Caregiving: Caring for children, elderly family members, and individuals with disabilities constitutes a substantial form of unpaid labour, involving both emotional and physical tasks.
3. Subsistence agriculture: Numerous rural households participate in small-scale farming for self-consumption, which remains unrecorded in market transactions.
4. Water and fuel collection: In regions with insufficient infrastructure, the collection of water and firewood for domestic use is a time-intensive task, primarily performed by women and girls (Clean Drinking Water, 2024).
5. Voluntary community work: Participation in community events, religious activities, and local governance enhances social cohesion, yet is often unpaid.
6. Family business assistance: Engagement in family-owned businesses or farms without formal remuneration is prevalent, particularly in rural and semi-urban regions.
7. Education support: Supporting children with educational tasks represents a vital form of unpaid work that influences human capital development.

Recognising these diverse forms of unpaid work is crucial for formulating comprehensive policies that tackle gender inequalities, foster economic inclusion, and acknowledge the complete range of contributions to societal well-being in India.

### Research problem

The unequal burden of work without pay borne by women in India poses a significant challenge to the advancement of gender equality and economic development. This hidden economy of domestic chores, caregiving, and community work is excluded from traditional economic metrics, perpetuating gender disparities in workforce participation, education, and societal status. The failure to recognise, value, and redistribute unpaid work undermines women's empowerment and constrains India's economic potential, necessitating a comprehensive study to inform policy interventions and drive social change.

### Research Objective

This research article delves into the multifaceted aspects of unpaid work in India, predominantly performed by women. It examines the nature, scope, and impact of this labour, aiming to uncover its hidden economic value and implications for gender equality. This study illuminates how the imbalance in unpaid work perpetuates gender inequalities by examining its intricate connection to women's participation in the formal economy, educational attainment, and social standing. This research article strives to provide evidence-based policy recommendations to acknowledge, reduce, and redistribute unpaid work in India, ultimately promoting gender equality and inclusive economic growth.

### Research Questions

1. How does the weight of unpaid work affect women's involvement in the formal economy, access to education, and overall social standing in India?
2. What legal framework can be implemented to effectively measure, alleviate, and redistribute unpaid work, thereby promoting gender equality in India?

### Research Methodology

This article will utilize both quantitative and qualitative research methods to provide a comprehensive analysis. Additionally, a thorough policy analysis will be conducted, evaluating existing policies related to unpaid work and gender equality in India and comparing them to international best practices.

## Review of Literature

Studies on unpaid labor and gender equality in India show a significant disparity between men and women regarding the division of unpaid work. Studies by Charmes (2019) and Coffey et al. (2020) highlight Women in India bear a “disproportionate burden of unpaid care work” compared to men. As highlighted by the OECD, this disparity carries significant implications for women's participation in the formal economy. Legal frameworks, both domestic and international, have begun to address this issue, but implementation gaps persist (CEDAW, 2003). Recent policy recommendations emphasize the need for recognizing unpaid work in national accounts and redistributing care responsibilities (UN Women, 2023).

## Significance of Study

This research illuminates a critical, yet frequently neglected, facet of gender inequality in India: the economic significance of unpaid work. By quantifying and analyzing this hidden labour, the study provides policymakers with essential data to inform gender-responsive policies and budget allocations. The study's findings have the potential to challenge deeply ingrained societal norms and stereotypes surrounding gender roles, paving the way for a more equitable allocation of unpaid work. In the broader context of India's economic development and the global drive for gender equality, this research can inform strategies to maximise women's workforce participation, fostering inclusive and sustainable economic growth.

## 2. Gender Imbalance in the Distribution of Unpaid Labour

Globally, a substantial gender disparity exists in the allocation of unpaid labour, with women consistently performing a disproportionately larger share compared to men. According to the “United Nations”, Women shoulder a burden of unpaid household and care work that is at least two and a half times heavier than that of their male counterparts (Whose Time to Care, 2020). This pattern is observed across various countries, cultures, and income levels, although the degree of disparity may differ.

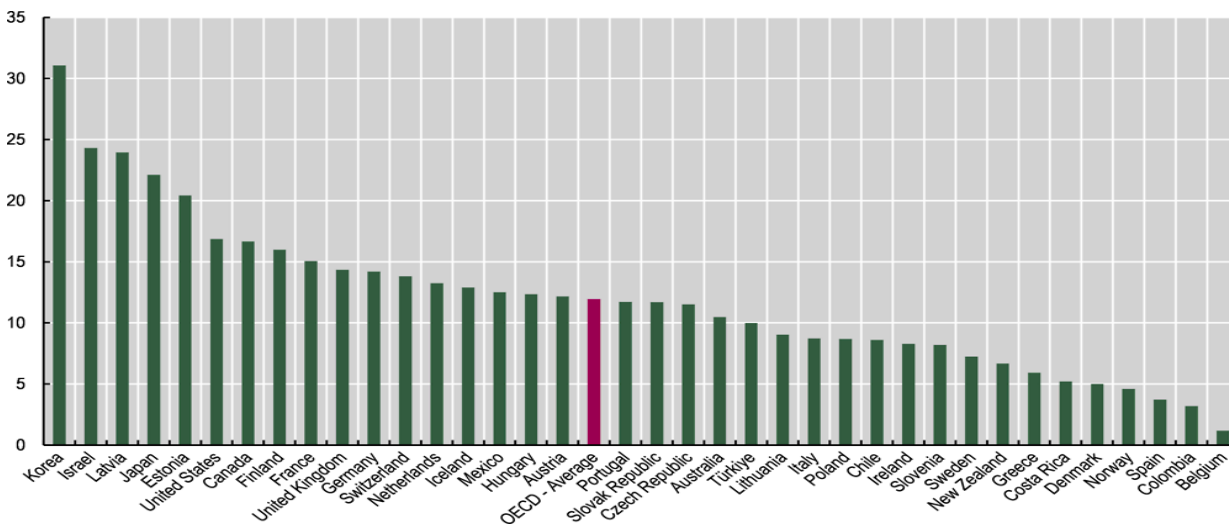


Fig 1 “Full-time working women earn 12% less than full-time working men”(Reporting Gender Pay Gaps in OECD Countries, 2025)

While the gender gap in unpaid work is narrower in developed countries, it remains a notable concern. In the United States, women spend an average of four hours per day on unpaid work, while men average 2.5 hours (ATUS Home, 2023). The disparity becomes even more pronounced in developing countries. In India, women engage in nearly six hours per day of unpaid care work, whereas men contribute less than one hour (OECD Data Explorer, 2023). The gender pay gap widens further when considering the annual earnings of all part-time workers. This discrepancy is exacerbated by the fact that women, on average, work fewer hours in part-time roles compared to men. Across OECD nations, a distinct gender imbalance persists in employment structures: women

are disproportionately concentrated in part-time positions, while men are overrepresented in occupations characterized by extended working hours. This systemic imbalance not only directly reduces income earned from hours worked but also contributes to gender disparities in supplementary and variable pay components (Fig. 1).

This imbalance yields far-reaching consequences. The unequal burden of unpaid work significantly limits women's opportunities for participation in the paid workforce, pursuit of education, and engagement in civic life. The unequal allocation of unpaid labour exacerbates the gender pay gap, as women frequently face reduced hours in paid employment or opt for lower-paying, flexible roles to accommodate their unpaid caregiving duties. Over time, these dynamics negatively impact women's career progression, retirement savings, and overall economic security.

### Cultural and Social Factors Influencing the Disparity

The deeply ingrained nature of gender disparities in unpaid labour stems from intricate cultural and social factors that, while differing across societies, often exhibit common threads:

i. Traditional Gender Roles: Numerous societies persist in adhering to traditional conceptions of gender roles, wherein women are perceived as primary caregivers and homemakers, while men are regarded as breadwinners. These deeply entrenched beliefs shape behaviours and expectations from a young age (*Open Knowledge Repository*, 2024).

ii. Social Norms and Expectations: Societal expectations frequently exert pressure on women to prioritise familial responsibilities over professional aspirations. Conversely, men may encounter stigma for assuming traditionally feminine roles or for reducing work hours for family-related reasons (Scarborough et al., 2018).

iii. Intergenerational Patterns: Children commonly model their behaviour on that of their parents, thereby perpetuating gender-based divisions of labour across generations. Girls are more likely to be assigned domestic chores, whereas boys are afforded greater freedom or assigned different types of tasks (*Harnessing the Power of Data for Girls*, 2023).

iv. Economic Factors: In numerous households, the higher-earning partner (often male) concentrates on paid employment, while the lower-earning partner (often female) assumes a greater share of unpaid responsibilities. While this decision may seem economically advantageous in the short term, it ultimately perpetuates gender inequalities in the long run (Bertrand et al., 2015).

v. Lack of Policy Support: The absence of comprehensive public policies that support work-life balance, such as paid parental leave, accessible childcare options, and flexible work arrangements, further exacerbates the unequal division of care work without pay (*Care Work and Care Jobs*, 2023).

vi. Media and Cultural Representations: Stereotypical depictions in media and advertising frequently reinforce traditional gender roles, shaping societal perceptions and individual behaviours (Grau & Zotos, 2016).

vii. Religious and Cultural Beliefs: In some cultures, religious or cultural beliefs prescribe distinct roles for men and women, often justifying and perpetuating an unequal division of unpaid labour (Bhatt Neeru et al., 2022).

viii. Recognizing the Invisible Value of Unpaid Work: The economic and social significance of unpaid work is frequently overlooked or underestimated, contributing to its unequal distribution and the lack of recognition for those who undertake it (Folbre, 2018).

As societies grapple with evolving gender roles and the complexities of modern economies, addressing the unequal distribution of unpaid labour emerges as both a matter of fairness and an economic imperative. Reducing gender disparities in unpaid work holds the potential to unlock significant benefits, including increased female labour force participation, greater economic growth, and enhanced societal well-being. This issue represents a critical frontier in the ongoing pursuit of gender equality.

### 3. Economic Impact of Unpaid Work

Unpaid work, predominantly performed by women, plays a crucial yet often overlooked role in national economies worldwide. This work, which includes household chores, childcare, elder care, and community volunteering, forms the backbone of society but remains largely unaccounted for in traditional economic metrics.

A thorough understanding of the economic implications of unpaid labour is essential for developing effective policies that advance both gender equality and economic development.

### Contribution to the “National Economy”

While frequently overlooked, unpaid work provides a significant contribution to national economies. The OECD reports that unaccounted-for labour, such as unpaid care work, could constitute 15% to 50% of GDP in OECD nations, with the valuation methodology impacting the estimate (Is the Last Mile the Longest, 2018). This significant contribution highlights the importance of recognizing and measuring unpaid work in economic analyses.

One approach to quantifying the value of work without pay is the replacement cost method, which calculates the cost of hiring someone to perform those same tasks. Using this method, Oxfam and the I.W.P.S. estimated the value of women's work without pay in the United States to be at least \$1.5 trillion in 2019 (*About This Report*, 2016). This figure represents more than 6% of the United States GDP, underscoring the economic significance of unpaid labour. A study by ActionAid International estimated that unpaid care work could be worth \$10.8 trillion annually to the global economy (Who Cares for the Future, 2020). This support system is crucial for economic productivity but often goes unrecognized in traditional economic measures.

Moreover, unpaid work contributes to human capital formation. Early childhood care and education, primarily provided through unpaid work, are essential for developing future workforce skills. The World Bank has emphasized the crucial role of early childhood development in building human capital, a key factor for achieving sustained economic growth (*Human Capital*, 2022).

### Opportunity Costs for Women

While unpaid work provides substantial benefits to the economy, it also carries significant opportunity costs, primarily shouldered by women who disproportionately bear this burden globally. These opportunity costs have wide-ranging consequences, significantly impacting women's economic empowerment and presenting a substantial obstacle to achieving gender equality.

Average Time spent in unpaid care and domestic work, percent of a 24-hour day by region and sex, 2023

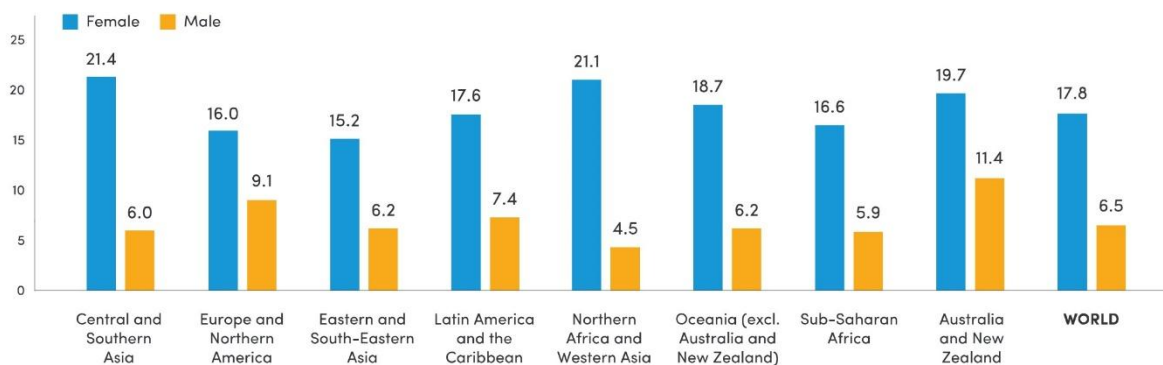


Fig. 2(UN Women, 2023)

A key outcome of the unequal burden of unpaid labour borne by women is their constrained capacity for full participation in the paid workforce. The I.L.O. estimates that women globally shoulder 76.2% of all unpaid care work, exceeding men's contribution by over three times (Care Work and Care Jobs, 2023). Women work 25 minutes more than men in a day in OECD countries on average (On Average, Women Work, 2020) This unequal burden severely limits women's opportunities to participate in the workforce, pursue education, or engage in civic and social activities. In 2023, adults worldwide are projected to spend an average of 2.9 hours per day, equivalent to slightly more than 12% of their waking hours, engaged in unpaid caregiving and domestic tasks. While both genders contribute to these responsibilities, the time commitment is far from balanced. Men dedicate an average of 6.5% of their day (about 1.6 hours) to unpaid caregiving, while women allocate approximately 18% of their

day (4.3 hours) to these tasks. This difference means women spend almost three times (2.8 times, to be precise) as much time daily on care work without pay as men (Fig. 2).

Time poverty caused by unpaid labour commitments can reduce women's earning potential. A McKinsey Global Institute study highlights the substantial economic potential of addressing the gender imbalance in unpaid work. The study indicates a potential \$12 trillion boost to global GDP by 2025 by mitigating the unequal distribution of these work shouldered by women and fostering their greater inclusion in the labour force (The Power of Parity, 2023). This figure represents the enormous economic potential that is currently untapped due to women's disproportionate unpaid work responsibilities. Furthermore, the opportunity costs extend beyond immediate economic impacts.

### **Impacts on Education and Skill Development**

Education is a critical aspect in establishing gender equality, although discrepancies in access to education and skill development opportunities still exist:

1. **Access to Primary and Secondary Education:** While global gender gaps in primary education have narrowed, challenges remain in secondary education, particularly in low-income countries. Factors such as early marriage, teenage pregnancy, and household responsibilities often lead to higher dropout rates for girls (Inclusion and Education, 2022).
2. **STEM Education:** The STEM fields continue to be marked by a persistent underrepresentation of women. This disparity is evident from early education and continues through higher education, ultimately impacting representation in STEM professions (Cracking the Code Girls and Women's," 2017).
3. **Vocational Training:** Women often have limited access to vocational training programme, particularly in traditionally male-dominated fields. This restricts their opportunities for skill development and economic advancement (Skills Development, n.d.).
4. **Digital Literacy:** The gender digital divide means that women, especially in developing countries, have less access to technology and fewer opportunities to develop digital skills, which are increasingly crucial in the modern workforce (author Corporate, 2019).

Addressing these educational disparities is essential for promoting gender equality in the workforce and society at large. Improved access to education and skill development can empower women, increase their economic opportunities, and challenge existing gender norms.

### **4. Legal aspect of unpaid women worker in India**

The legal framework surrounding unpaid women workers in India is a complex and evolving landscape that intersects with labour laws, gender equality initiatives, and constitutional rights. The Indian Constitution, specifically Articles 14, 15, and 16, upholds the principle of gender equality by ensuring equal protection under the law and prohibiting discrimination based on sex. While the Constitution does not directly address unpaid labour, Article 39(d) ensures the right to equal pay for any type of equal work. However, the reality for many women engaged in unpaid work remains challenging, as their contributions often go unrecognized in both legal and economic terms. The Supreme Court's recognition of homemakers' contributions in compensation cases marks a step towards valuing unpaid work (Dr Dhananjaya Y Chandrachud, 2022). However, comprehensive legislation addressing unpaid labour remains lacking. International conventions like CEDAW, ratified by India, call for recognizing women's unpaid contributions (CEDAW, 2003).

A significant challenge lies in the fact that much of women's unpaid work falls outside the purview of existing labour laws, rendering traditional legal frameworks inadequate in addressing this issue. While the Unorganised Workers' Social Security Act of 2008 in India aimed to extend social security benefits to informal sector workers, its implementation has faced challenges, particularly in reaching women engaged in unpaid domestic and care work (Unorganised Workers, n.d.). The lack of formal recognition for these activities as 'work' means that women performing them are often excluded from legal protections and benefits afforded to workers in the formal sector.

“India's Equal Remuneration Act of 1976” legally enforces the principle of equal compensation for equal work, irrespective of gender. However, the law's scope is limited to the formal sector and does not address the issue of unpaid work (EQUAL REMUNERATION, 1976). The challenge lies in quantifying and valuing the unpaid contributions of women to households and communities, which are essential for the functioning of the economy but remain invisible in national accounts.

“The Maternity Benefit Act of 2017”, by extending maternity leave to 26 weeks and introducing work-from-home options, aims to reduce the burden of unpaid care work for some women (Maternity Benefit Act, 2017). However, these benefits are primarily available to women in the organized sector, leaving out the vast majority engaged in informal or unpaid work. The legal landscape for unpaid women workers in India is gradually evolving, with increasing recognition of the need to address this issue. However, significant gaps remain in terms of comprehensive legislation that acknowledges, values, and protects women's unpaid work.

### **5. International Legal aspect of unpaid women worker**

In recent decades, there has been an increasing global understanding of the importance of unpaid work, particularly its disproportionate impact on women. This acknowledgment has resulted in significant growth of the international legal system, which aims to enhance gender equality in this sphere. This framework, which is mostly based on international agreements, treaties, and declarations, attempts to protect women's rights and promote gender equality in all aspects of life, including the often-overlooked unpaid work.

“The Convention on the Elimination of All Forms of Discrimination against Women” (CEDAW)(Convention on the Elimination OHCHR, 1979), adopted by the United Nations General Assembly in 1979, serves as a cornerstone for women's rights globally. Article 14 of CEDAW is a landmark recognition of the significant contributions women make to rural economies, especially in areas where their work is not formally paid.

At the end of the Fourth World Conference on Women in 1995, the Beijing Declaration and Platform for Action was approved. This declaration was pivotal in promoting the recognition and valuation of unpaid labour, underscoring its significance in achieving gender parity and female empowerment. It asked for the development of mechanisms for assessing the value of unpaid employment and reflecting it in satellite or other government accounting(Fourth World Conference, 1995). This declaration has been instrumental in pushing for time-use surveys and other mechanisms to measure and value unpaid work at national levels.

The International Labour Organization has been instrumental in shaping international labour standards and promoting decent work for all, including addressing the rights and recognition of unpaid women workers. The ILO's Convention No. 189 on Domestic Workers, adopted in 2011, marked a significant milestone in extending labour protections to domestic workers, many of whom are women performing unpaid or underpaid work(Convention C189, 2011).

In 2013, the “International Conference of Labour Statisticians” reached a significant milestone by formally classifying care work without pay as a form of work within their resolution concerning work, employment, and labour underutilization. This marked the first internationally recognized definition of unpaid care work (Resolution II, 2013). This resolution has significant implications for how unpaid work is measured and potentially incorporated into national economic statistics.

In 2015 Sustainable Development Goals, adopted by all UN Member States, incorporate specific targets aimed at addressing and valuing unpaid work. Goal 5 on gender equality includes target 5.4, which aims to "recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate"(Goal 5, n.d.). This target has reinvigorated efforts to address unpaid work within the framework of sustainable development.

Looking ahead, the international legal framework must adapt to address the evolving challenges posed by unpaid work, including the implications of technological advancements on care work and the growing care demands of aging global populations.

## 6. Potential Solutions and Policy Recommendations

The recognition of unpaid work in national accounts is a crucial step towards addressing gender inequalities and accurately measuring economic contributions. Unpaid work, predominantly performed by women, includes essential activities such as childcare, eldercare, and household maintenance. These activities, while critical to societal functioning, are frequently disregarded in traditional economic indicators. Several countries, including New Zealand and the United Kingdom, have already begun to measure “unpaid work” through time-use surveys and satellite accounts, setting a precedent for others to follow (Is the Last Mile the, 2018).

Initiatives to redistribute unpaid labour are essential for promoting gender equality and reducing the disproportionate burden on women. These initiatives can take various forms, including policies that encourage men to take on more domestic responsibilities. Furthermore, educational initiatives and public awareness campaigns are instrumental in dismantling traditional gender roles and fostering a more equitable allocation of unpaid work within households. Addressing the challenges associated with unpaid work requires a comprehensive approach that combines economic recognition, cultural shift, and infrastructural support. By implementing these solutions and policy recommendations, societies can move towards a more equitable distribution of unpaid work, enabling greater gender equality and unlocking significant economic potential.

## 7. Conclusion

Achieving gender equality remains a critical global objective, significantly influencing the advancement of social justice, economic progress, and the realization of universal human rights. As our analysis has shown, the interplay between limited workforce participation, educational disparities, and persistent gender stereotypes creates a complex web of obstacles that hinder progress towards true equality. This challenge is deeply entrenched in societal norms, discriminatory practices, and the disproportionate burden of unpaid caring work shouldered by women. Addressing these interconnected challenges requires a multifaceted and sustained approach. Transformative cultural shifts are essential to dismantle deeply entrenched gender stereotypes and promote a more equitable distribution of unpaid care work. Educational reforms should focus on eliminating gender bias in curriculum, encouraging girls' participation in STEM fields, and promoting digital literacy. Media and political institutions must play a role in presenting more diverse and empowering representations of women. Achieving gender equality is not merely a matter of fairness; it is fundamental to building more prosperous, inclusive, and sustainable societies. By acknowledging the multifaceted nature of gender inequality and proactively addressing its underlying causes across various spheres, we can strive towards a future characterized by equitable opportunities for all individuals, irrespective of gender, enabling them to participate fully, contribute meaningfully, and flourish in all aspects of life.

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