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# A Study on Equal Pay for Women in India

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#### **ABSTRACT:**

Equal pay means that all workers have the right to receive equal remuneration for work of equal value. When businesses offer equal pay, they create a more competitive workforce that can provide their business with a wide range of benefits. Pay systems that reward employees equally for the same amount of work. The constitution of India grants men and women equal rights, gender disparities remain. Gender discrimination mostly in favor of men in many realms including the workplace. Discrimination affects many aspects in the lives of women from career development and progress to mental health disorders. Principle of equal pay for work of equal value has radical potential but uneven application and impact. Equal Remuneration Convention of 1951, these strengths remain difficult to capture. This collection includes studies of advances and technologies. As one strand within the multiplicity of measures required to impede the reproduction of gender pay gaps, its strengths lie in an expanded notion of equality and capacity to challenge gender norms embedded in wage-setting practices. The sample size of this exploration is 201 .The outgrowth of the exploration is to spread mindfulness to the employer who are employed under any organization for daily wages or salaried for monthly must receive equal amount of salary for the work rendered and to protect women gender.

**KEYWORDS:** Remuneration, Gender discrimination, Collective bargaining.

### **INTRODUCTION:**

All mortal beings desire for social security. India is a weak state, and in a weak state, a hand who's engaged in an exertion can not be paid any lower than that who's engaged in the same exertion and is performing the same share of liabilities and duties. It was held by the Apex Court of India that our nation has been a signatory party for the 38 times of Art 7 of the ICESCR( International Covenant on Economic, Social and Cultural Rights). It was said by the bench that any exertion where two people are performing the same task but are paid else constitutes an act of exploitation and it shall not be entertained. In India, a major part of the population is under the poverty line, they keep up and accept whatever stipend is given to them indeed if it's lower than the minimum pay envelope guidelines issued by the government. The pressure to shoot their children to academy, give them education and to be suitable to become a diurnal chuck for their family, in this artistic setup has come delicate to survive and this forces them to be a part of the illegal culture of unstable pay for equal work. nearly 70 times after the principle was given expression in the International Labor Organization's Equal Remuneration Convention of 1951, these strengths remain

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delicate to capture. The principle of equal pay for equal work is enshrined in the Indian Constitution under Article 39(d), which mandates that both men and women are entitled to be paid equally for the equal work done. This principle is further reinforced by the Equal Remuneration Act, 1976, which mandates the payment of equal remuneration to male and female workers undertaking similar tasks or work of a similar nature. The Act also prohibits discrimination on the grounds of sex against women in matters connected with respect to employment, such as recruitment and promotion. Therefore, both the Indian Constitution and the Equal Remuneration Act provide the legal framework for ensuring equal pay for equal work for both men and women in India. This collection includes studies of advances and retreats in Australia and New Zealand, shaped by political and profitable trends, changing pay envelope- setting arrangements and varying interpretations of formal vittles. These are poverty developed with exemplifications of collaborative action that have readdressed the problem of gender pay inequality and set up pathways to requital gender- grounded undervaluation in the absence of a probative nonsupervisory frame.

### **OBJECTIVES**:

- To know about the equal pay for equal work Act.
- To know about the problems of laborers in getting salary paid
- To know about the remedies to solve the labor problem
- To know about the gender which is affected at most
- To know about the acts implemented to protect the women's gender on the basis of thier payment and rights.

# **REVIEW OF LITERATURE:**

1) **Durso** (2017) The women ministers are paid significantly less than their male counterparts. Women of color in ministry encounter an even more bleak outlook with regard to salaries and benefits. Working for equality requires something of us all. Women ministers need to advocate for themselves by participating in the process of negotiating and asking for fair and equitable salary packages. Women must also advocate for one another and stand with their sisters in this work toward pay equality. But for true change to happen, male ministers will need to take the lead. Equality in the church requires us to change the way we have always related to one another as women and men and to work together to make that equality a reality.

**2) Gregory and Hegewisch (2016)** This article examines barriers to the principle of equal remuneration for work of equal value in Japan, reviewing impediments to the implementation of the International Labor Organization's Equal Remuneration Convention, and assessing whether the 2018 Work Style Reform Act-which seeks to reduce pay disparities between regular and non-regular workers through a Japanese version of 'equal pay for equal work'-provides an alternative avenue through which stronger notions of work value and equality might become integrated into Japanese wage-setting norms and practices. This has implications for the gender pay gap, which could be addressed more effectively within a regulatory framework recognizing equal pay for equal (value) work as a legal norm, as well as narrowed indirectly through improving remuneration for non-regular workers (the majority of whom are women).

**3) Grint (1988)** Gender-related inequalities at work remain common, examples of their elimination, though rare, do exist. This paper provides an empirical examination of the acquisition of equal pay by women in the Post Office between 1870 and 1961. Using the dual theoretical axes of strategic action and



structural constraint, it focuses upon the collective action of social groups, and the structural constraints within which they acted. Arguing that structure and action cannot be isolated from each other except for heuristic purposes, it concludes that men were the primary inhibitors of equal pay, and politically buttressed market forces are its crucial promoter.

**4)** Norris (1980) The purpose of the paper is to test the claim that compulsory arbitration brings about a more egalitarian wage structure than would obtain under free collective bargaining. The method used is to compare wage relativities in Australia and Britain on a number of different bases, and where possible at different times. The main conclusion is that wage structures are very similar in the two countries. Four main differences are identified; in Australia skill differentials widened to a much lesser extent in the interwar years, the move towards equal pay for women was more rapid, there are one or two low paying industries where pay is closer to the average than in Britain, and the relative pay of managers and professional workers is lower. The latter effect cannot be attributed to arbitration but the other cases may be. In general, given the over all similarity of wages relativities in the two countries, the author concludes that the evidence does not support the claim of egalitarianism made for compulsory arbitration.

**5)** Connor and Fiske (2019) This research by investigating how ambivalent sexism affects attributions for gender income inequality. Hostile sexism should facilitate acceptance of gender income inequality through attributions that emphasize individual choice. We tested this hypothesis in two web-based samples of predominantly White American men and women, ranging in age from 18 to 82 years\. In Study 1 hostile sexism, but not benevolent sexism, positively predicted acceptance of gender income inequality. Attributions of choice and societal unfairness mediated this effect. In Study 2 (N = 242), following exposure to hostile sexism, participants increased acceptance of gender income inequality; choice explanations mediated this relation, although these effects occurred for political conservatives only. Consistent with prior work on attributions, hostile sexism was linked to victim-blaming attributions for gender income inequality. Overall, hostile sexism creates an attitudinal barrier—especially for conservatives—to supporting equal pay for women. To overcome this barrier, organizations could implement strategies aimed at ensuring more objective performance evaluations and pay decisions.

**6) Rafferty** (**1994**) The purpose of this paper is to trace the evolution of the equal pay process in the federal industrial relations sphere, with major emphasis on the period from the mid-1980s to the recent legislation that provides for equal remuneration for work of equal value as a legislative right. The mechanisms for processing equal pay are examined, drawing on the experience gained from various cases in which implementation of equal pay was the goal. Emphasis is given to recent experience in the Family Court Counselors Case to illustrate the impact of enterprise bargaining on the equal pay process. The paper concludes that the equal pay process has developed greater objectivity over time, thereby enhancing the flexibility of the Australian Industrial Relations Commission's work value principle for the purposes of evaluating work in feminized occupations.

7) Conley (2014) The Trade unions in the UK have traditionally followed a voluntarist strategy that has preferred collective bargaining and avoided the use of the law wherever possible. The exception to this has been in relation to the pursuit of equal pay between women and men. This article examines this apparent contradiction by examining the ways in which British trade unions have used the equality



legislation in the past to secure equal pay through the courts. The article further considers recent legislative changes that, by adopting a reflexive approach, appeared to open up ways for equality bargaining to take place. Unfortunately the conclusion is not a positive one as political conservatism in relation to equality and judicial animosity towards trade unions have secured the status quo, ironically forcing trade unions to continue to use adversarial legal methods to pursue equal pay.

**8)** Lansbury (1991) It has been the experience of the Professional Officers Association that the Industrial Relations Commission has not been the major stumbling block to the implementation of the principle of 'equal pay for work of equal value'. Rather, in the association's sphere of operations, the Commonwealth government has been the greatest obstacle to the implementation of equal pay in the predominantly female professions in its own area of employment, in spite of its stated commitment to the commission's 1972 equal pay decision. In recent years the pay equity lobby has tended to underestimate the influence of the federal government with regard to the application of equal pay.

**9)** Lee and Kim (2020) South Korea has a persistent gender pay gap despite its ratification of the Equal Remuneration Convention of the International Labor Organization (ILO 100) and regulatory commitments to equal pay. This article identifies the extent to which the South Korean gendered dual labor market structure, notably the marked and gendered division between regular and irregular work, presents barriers to gender pay equality, and specifically to the implementation of equal pay principles. A layered examination of employment data, narrowing from aggregate statistics to occupations within two sub-industry groups, is used to examine how pay differences between women and men in work that is similar in content and educational requirements arise from their mode of employment, whether they are employed as regular or irregular workers.

**10)** Thornton (1981) The significant gap between men's and women's wages in Australia has been reinforced by sociological, economic and judicial factors. The implementation of the principle of 'equal pay for equal work' has done little to remedy the inequity for the majority of women in the workforce, who are engaged in sex-segregated occupations, because they have not been considered to perform 'work of the same or a like nature'. Analysis of the Universities (Equal Pay) Case illustrates, however, that the introduction of the broader principle of 'equal pay for work of equal value' is undermined if applicants still endeavor to demonstrate that women are engaged in work identical in nature to a predominantly male classification. Such an approach is inappropriate in the case of women clerical workers since the number of men involved in keyboard and transcription work is minuscule.

**11)** Larsen and Navrbjerg (2018) This article adds new insights into how equal pay and work–life balance issues are negotiated in male- and female-dominated companies, based on a survey of 3275 shop stewards, conducted in 2010. Inspired by Gregory and Milner's concept of opportunity structures, we argue that the gender composition of the workforce affects the equal pay and work–life balance discussions and actions in Danish companies, but in a slightly different way from expected. It is often the male shop steward who exploits the opportunity structure created by more women among the staff to develop equal pay and work–life balance actions.



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12) Evans and Christine Evans (2012) The pay gap between men and women remains high and most acute in the private sector, in which large public companies dominate. Following the recent fortieth anniversary of the enactment of the UK's Equal Pay Act, there have been renewed efforts to solve the pay gap. Some have highlighted the 'business case' for equal pay. This article makes the case for equal pay to be treated as a corporate concern but argues that reforms appealing to the 'business case' are unlikely to lead to sincere progress. It analyzes the UK's corporate foundation of 'enlightened shareholder value' captured in section 172 of the Companies Act 2006, and key aspects of the internal governance structures of UK public companies.

**13) Greenlaw and Lee (1993)** The Equal Pay Act of 1963 deserves some stock-taking after having been in operation for thirty years. The law, which requires equal pay for equal work among men and women, provides a mechanism for aggrieved workers to present prima facie cases of discrimination before courts after which accused employers have an opportunity to provide affirmative defenses, showing that no discrimination exists. This article examines how courts have interpreted the Equal Pay Act and discusses the current status of the law, including areas that remain unsettled and need the attention of the Supreme Court.

14) **Dipboye** (2018) Women have been paid less than men. This pay disparity between men and women exists even when women hold similar jobs and are comparable to men with regard to seniority and experience. The goal of the Equal Pay Act of 1963 and the Civil Rights Act of 1964 was to change this situation. The Equal Pay Act states that men and women should receive the same pay for equal work. Three decades have passed but women's wages remain less than wages for men in equal positions. The focus of this paper is a discussion of the Equal Pay Act on wage differentials between men and women. Strategies will be presented that organizations can follow to minimize compensation disparities.

**15)** Vaughan-Whitehead (2018) The foundations for redressing gender pay inequality in New Zealand were established half a century ago, significant numbers of women still endure the sharp end of genderbased pay differentials. Following a landmark test case in the aged care sector which focused on the (re)interpretation of the Equal Pay Act 1972, gender pay equality is once again under intense scrutiny. On the 125th anniversary of women's suffrage, the New Zealand government signaled the introduction of legislative amendments to address this enduring challenge. Although widely contested, the intent of the Equal Pay Amendment Bill is to lower the threshold for raising pay equity claims, while establishing a bargaining process for resolving them. Alongside this, the government has introduced an ambitious workplace action plan to eliminate public service gender pay gaps.

16) Conley and Page (2018) Theories of responsive and reflexive legislation and gender mainstreaming, this article examines the implementation of the gender equality duty and the Single Status Agreement in five English local authorities between 2008 and 2010. Both of these initiatives coincided with the global financial crisis. The data highlights how organizational restructuring following budget cuts resulted in the separation of these two important initiatives between equality and human resource management teams, preventing the duty from reaching the high expectations of the Equal Opportunities Commission and the Women and Work Commission. The reliance on equal pay legislation and the failure to use the gender



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equality duty missed an opportunity to move away from adversarial forms of legislation and towards more responsive forms of regulation of pay equality.

**17) Angelakis and Rose (2014)** There is a campaign afoot to pass the Paycheck Fairness Act. It would strengthen the Equal Pay Act of 1963 in an effort to address the pay gap between the earnings of men and women. The proposal is premised on the claim that women earn about 77% of what men earn. This article finds that when we control for hours worked, that number is much higher. In addition, there are important differences among the states. If we were to control for additional factors, we would find that the pay gap is gone. Indeed, women on average may now earn more than men. The considerable progress that has been made in this area is due much more to the operation of Title VII of the Civil Rights Act of 1964 and Executive Order 11246 of 1965 than to the Equal Pay Act.

**18)** Ahmed (2012) This article assesses the effectiveness of legal remedies available under the Equal Pay Act (EPA) in closing the gender gap in pay. Although employers frequently attribute women's lesser pay to lags in seniority and the life choices made by women, the evidence suggests that the narrow language of the EPA, its omission of the more subtle forms of sex discrimination, and the powerful disincentives for most women to pursue claims under the act have rendered it largely ineffective in curtailing sex discrimination in compensation. Through an examination of recent developments in the area of pay equality, the article demonstrates that the act, as enforced, has produced neither equality nor equity.

**19) Gervais and Millear (2016)** The Context for this review of women, work and industrial relations in 2013. Given the persistent and growing gender pay gap, we focus in particular on recent equal pay legislative and industrial developments. We also draw attention to some underused industrial provisions that might progress pay equity and note the recent unraveling of important 2012 policy initiatives. We then review developments and debate around key gender equality infrastructure that shapes the day-to-day experiences of almost 5 million Australian female employees. This infrastructure includes working time regulation, paid parental leave, protection of pregnant workers, child care services and the Workplace Gender Equality Act 2012. Despite some progress, particularly around equal pay.

**20)** Kepler et al., (2020) The Equal Pay Act (EPA) more than a half-century ago, surveys consistently show that women still earn significantly less than men. One factor to which this has been attributed is the use of current salary as a basis for a new job offer. Such a practice, it has been argued, perpetuates the kinds of salary differentials the EPA attempted to eradicate. As a result, many municipalities have passed laws which prohibit inquiries as to an applicant's current salary. This article explores the nature of such laws and their limitations and offers alternative strategies to close the pay gap between genders. The Equal Pay Act of 1963 (EPA) prohibits wage discrimination based on sex or gender for jobs that require equal skill, effort, and responsibility, and are performed under similar working conditions

# **RESEARCH METHODOLOGY:**

The present paper was analyzed through the non-doctrinal and empirical study descriptive method of research used for the study. The present analysis was made through a convenient sampling where the survey was taken from common public, professionals, etc. The sample size in the present analysis is 223



samples. Research tools used in the present paper such as cross tabulation, chi-square and case summary and graphical representation were also used to analyze the study.

# Independent variables:-

- Age
- Gender
- Marital status
- Educational qualification
- Occupation

### **Dependent variables:-**

- Whether women are not being paid equally when compared to men?
- Does the payment of minimum wage solve the unequal pay in society for women and men?
- The article 39 of the Indian constitution empowers equal pay for equal work for women and men ?
- Which one do you think is the correct way to prevent discrimination in the workplace?
- The equal pay for equal work enacted to protect ?

# **ANALYSIS & INTERPRETATION :**

Graph 1:-



**LEGEND-**The graph 1 represents the relationship between the age and whether women are not being paid equally when compared to men.





**LEGEND-**The graph 2 represents the relationship between age and the payment of minimum wage will solve the unequal pay in society for women and men.

Graph 3:-



**LEGEND-**The graph 3 represents the relationship between gender and whether women are not being paid equally when compared to men.





**LEGEND-**The graph 4 represents the relationship between the gender and the Article 39 of the Indian constitution empowers equal pay for equal work for women and men.



**LEGEND-**The graph 5 represents the relationship between educational qualification and whether women are not being payed equally when compared to men.





**LEGEND-**The graph 6 represents the relationship between educational qualification and the equal pay for equal work is enacted to protect.





**LEGEND-**The graph 7 represents the relationship between occupation and the equal pay for equal work is enacted to protect.





**LEGEND-**The graph 8 represents the relationship between marital status and which one do you think is the correct way to prevent d discrimination in the workplace.



**LEGEND-**The graph 9 represents the relationship between occupation and whether women are not being paid equally when compared to men.

# Graph 9:-





# Graph 10:-

**LEGEND-**The graph 10 represents the relationship between educational qualification and which one do you think is the correct way to prevent discrimination in the workplace.

# **RESULT:**

Graph 1-The majority of 41-50 years old people have said that (34.83%) yes for the statement that whether women are not being paid equally when compared to men. Graph 2-The majority of people in the 30-40 years age group (28.36%) have agreed with the statement that the payment of minimum wage will solve the unequal pay in society for women and men. Graph 3-The majority of female gender (47.26%) has said yes for the statement whether women are not being paid equally when compared to men. Graph 4-The majority of female gender (49.25%) has said true for the statement that article 39 of the indian constitution empowers equal pay for equal work for women and men. Graph 5-The majority of educational qualification members (35.82%) has said yes for the statement whether women are not being paid equally when compared to men. Graph 6-The majority of Higher secondary people (25.37%) has said that male gender for the statement the equal pay for equal work enacted to protect. Graph 7-The majority of government employed people (19.90%) has said male gender for the statement the equal pay for equal work enacted to protect. Graph 8-The majority of unmarried people (21.39%) have said to encourage workers to respect each other's differences by saying which one do you think is the correct way to prevent discrimination in the workplace. Graph 9-The majority of government employed occupation people (40.30%) have said yes to the statement whether women are not being paid equally when compared to men. Graph 10-The majority of undergraduate educational qualification people (20.40%) have said



that they encourage workers to respect each other's differences for the statement which one do you think is the correct way to prevent discrimination in the workplace.

### **DISCUSSION:**

**Graph 1-**The majority of 41-50 years old people have said that yes to the statement that whether women are not being paid equally when compared to men, it may be true because the patriarchy system is being in the factories where they may discriminate against the employees.

**Graph 2-**The majority of 30-40 years age group people has agree for the statement that the payment of minimum wage will solve the unequal pay in society for women and men, it may be true because the act is introduced to reduce the patriarchal thought among the employers to pay employee equally for equal work.

**Graph 3-**The majority of the female gender has said yes for the statement whether women are not being paid equally when compared to men it may be true because the male dominated society is not paving way for women empowerment the legislations may bring changes and it may improve in future.

**Graph 4-**The majority of female gender has said true for the statement that article 39 of the Indian constitution empowers equal pay for equal work for women and men, it may be true because the Indian constitution has also supported the equal pay for equal work where the people must not be discriminated on basis of salary for equal work it may violate the Article 14 of the constitution.

**Graph 5-**The majority of educational qualification members have said yes for the statement whether women are not being paid equally when compared to men, it may be true because the women are being empowered from the year of 2000 by several legislations thus patriarchy is being evolved where it will be abolished and equality evolves.

**Graph 6-**The majority of Higher secondary educational qualification people have said that male gender for the statement the equal pay for equal work enacted to protect, may be false because after enactment of this act the companies industries and many organizations pay equally to the workers.

**Graph 7-**The majority of government employed people have said male gender for the statement the equal pay for equal work enacted to protect, it may be false because the many labor legislations have enacted may reduce the patriarchal thought and lead to an equality in remuneration or salary paid to the employees. **Graph 8-**The majority of unmarried people has said encourage workers to respect each other's differences for the statement which one do you think as the correct way to prevent discrimination in workplace, it may be true because the unmarried people may have an experience as they are entering the job after the

**Graph 9-**The majority of government employed occupation people have said yes for the statement whether women are not being paid equally when compared to men, it may be true which may happen in the private sector at more for the women gender.

**Graph 10-**The majority of undergraduate educational qualification people has said that encourage workers to respect each others differences for the statement which one do you think as the correct way to prevent discrimination in workplace, it may be true because the giving respect may mean that all employees are same and allotted a same work thus they should also be given same remuneration.

# **CONCLUSION:**

completion of the education.

In conclusion, equal pay for women is a fundamental human right that is enshrined in various legal frameworks, including the Indian Constitution and the Equal Pay Act in the United States. Despite these



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legal protections, the gender wage gap persists globally, with women earning less than men for the same work. Factors contributing to the gender wage gap include occupational segregation, educational attainment, work experience, and gender discrimination. The council has legislated colorful laws to deal with this issue and also opinions of numerous courts each over India have led to the recognition of equal pay as an abecedarian right for equal work. All of these together have led to a considerable enhancement in the situation. There are signs and reports of a decline in gender demarcation in the plant as workers are now opening up and speaking out for their rights. This is putting the government under enormous pressure to support the laws and order in the workplace. It's important that measures are continuously taken to apprehensive the labor crowd also of their rights for equal pay. Measures should be taken to form groups which will go in pastoral areas and introduce the women in these areas that they've the right to get an equal payment, same as the manly worker doing the same job as her.

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