

Thematic Analysis of Maternity Benefit Dispute Among Contract Women Workers – A Case study from a Tertiary Care Hospital in Karnataka, India

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Abstract

Despite the provisions of the Maternity Benefits Act of 1961, which was revised in 2017 to improve gender equality, Indian women contract workers still encounter legal obstacles while trying to obtain maternity benefits. The experiences of eleven contract nurses working at a tertiary hospital in Karnataka, India, are investigated in this study. Focus group interviews were used to collect the data, and NVivo software was used to facilitate thematic analysis and improve data display. The results highlight important problems, such as monetary, legal, and procedural difficulties made worse by organizational behaviors including unauthorized service outages and document falsification. Cluster analysis demonstrates how systemic defects impede workers' rights by highlighting interrelated issues including employment verification, contractual duties, and legal restrictions. Despite the existence of statutory benefits, insufficient enforcement measures uphold disparities and put women in hazardous working environments. The report emphasizes how urgently policies must be put into practice. By offering practical suggestions for increasing maternity leave, guaranteeing fair treatment of contract employees, and promoting workplace diversity, the findings add to the conversation on labour rights.

Keywords

Robust policies, thematic analysis, cluster analysis, maternity benefits, women's rights

1. Introduction

India has a huge number of employees who work on contract. There are still often denied things like maternity benefits. The Maternity Benefit Act of 1961 is quite progressive; yet there are multiple ways the organized sector has always distorted it. Hence, such institutional restrictions and informal pacts through which employers exploit contract workers by denying them their legal rights are more likely to afflict them. And these moves deny contract workers benefits that the act entitles them to, such as paid time off. Contract employees do not have employment protection and no medical bonus on childbirth (Gethe and Pandey 2023).

Earlier the Act provided for (Sec 12 A) 2017 amendment of the act increased maternity leave to 26 weeks from original 12 week reflecting progressive policy changes. This increases alongside several of the other improvements—such as nursing breaks, childcare services, and work-from-home opportunities. Its aim to promote equality between genders as well as the welfare of mothers in business world. Notably, this is regardless of the fact that all businesses in the formal sector with ten or more employees are completely covered (K Mahalakshmi S 2023). However, they still face enormous gaps in execution.

Judgments like Municipal Corporation of Delhi v. Female Workers (Muster Roll) have stressed on the fact that a person's entitlement to maternity rights cannot be impacted based on their nature of employment. Challenging the

contracts and their provisions forcing employees to give up certain rights, recent court orders have established that workplace maternity benefits guaranteed under Article 21 of the Indian Constitution cannot be evaded even by employers seeking avenues in contract terms (“MUNICIPAL CORPORATION OF DELHI V. FEMALE WORKERS (MUSTER ROLL) AND ORS, AIR 2000 SC 1274, (2000).

The maternity leave benefit entitlement, which does not distinguish between "contractual" and "regular" woman employees. A recent series of judgments have recognized maternity benefits as a basic right under Article 21 and rejected the idea that an employer can escape its liability through contract. While the provision of crèche facility is required by law for enterprises with 50 or more workers, compliance among smaller firms and informal employment remains low. They make for employment discrepancy aside from being detrimental to the health of mothers.

1.1 Objectives

Discuss why contract female workers are deprived of the maternity benefit.

Discuss the role that legislative tools, the judicial system, and collaborative efforts have played.

Evaluate how hospital regulations are combined with an effective state legislative process.

2. Literature Review

This paper shall analyze the impact of the 2017 amendment in the modern industry, especially how extended maternity leave and additional provisions are created to promote gender equality and improve leave and additional provisions are created to promote gender equality and improve maternal welfare in the corporate world (Jadon and Bhandari 2019).

This research assesses the impact of the 2017 amendment on women and recommends possible improvements to create a more inclusive policy framework. This paper discusses a Supreme Court judgment that grants women extensive maternity benefits, regardless of whether the benefits surpass their fixed term employment contracts. The judgment states that the employers are not allowed to use fixed term contracts to limit such rights. (Kuruvilla et al. 2022).

This paper explores a judgment delivered by at the Delhi High Court, which opines that contract female employees are governed by the maternity benefits act and thus favors the applicability of the Act to contract workers (“Contractual Female Employees Are Also Entitled to Maternity Benefits: High Court,” 2024).

This speaks of one Supreme Court pronouncement requiring employers to continue providing maternity benefits even if the duration of the work contract expired during the period of the benefits, thus pointing out that the act overrides inconsistent terms of the contract (“Maternity Benefits Beyond Contractual Employment - Supreme Court Pronouncement,” 2024.).

Dr Kavita Yadav v/s the Secretary, Minister of Health and Family Welfare department and others. Woman appointed as a Sr. Resident Doctor (pathology) in Janakpuri super specialty hospital on 12th June 2014 on an annual basis for three years. She worked for 80 days and entitled to full maternity benefits, even if the benefits exceed the contract's period. She became pregnant before the end of her one-year tenure and took maternity leave under the Maternity Benefits Act, 1961. The employee was informed that her contractual term ends on 11th June 2017, and she can only avail 11 days of maternity benefits. The Delhi High Court dismissed the employee's argument, stating that the Act's purpose is not to extend the contract period but to provide maternity benefits (“Maternity Benefits Granted Beyond the Contractual Term in Fixed Term Contracts | India Corporate Law,” 2024).

3. Methods

An evaluation research approach was used in conducting the research work as the study was to comprehend challenges experienced by contract nurses regarding accessing maternity benefits. Purposive Sampling method was used to collect the samples. The sample size for the study is 11, hence the participants directly affected by maternity benefits denial in Tertiary Hospital in Dharwad district of Karnataka State. Thematic Approach using NVivo 15 Software, allowing the identification of patterns and insights through coding and for its effectiveness in providing a structured and pictorial representation.

4. Data Collection

A Focused Group Interview was conducted due to its openness and shared experience within the participants. Legal document was analyzed with coding and cluster analysis done.

5. Results and Discussion

Figure 1 presents a bar chart showing the distribution of coding reference by age group and years of experience of 11 nurses working in the hospital as a contract based. (35-45 Age) and (10-15 Years of experience) has the highest number of references on various themes such as a health-related work absence, inequity in employee rights, management control over leave, leave as loss of pay, Economic impact of denied benefits, Maternity benefits denied by law, Prolonged struggle for benefits, recognition of experience underutilize, request for maternity benefits, seeking for legal support, Steps taken after benefits denial. (25-35 Age) and (5-10 Years of experience) fewer references but concentrated on steps after denial of benefits, benefits denial despite of legal victory. More than (45 Age) and more than (15-20 years of experience) mostly on the management indifference and NGO support. This visual highlight age-related gaps and experience in responses, with a focus on the special problems that women in the (34-45 age) and 10-15 years of experience) demographics.

Figure 2 presents Illustrates the contract nurses' difficulties in obtaining and utilizing maternity benefits. This figure contains nodes, cases and sub-themes that show the interconnected relationships between hospital procedures, financial limitations, emotional consequences and legal obstacles. Staff nurse 1 and staff nurse 2 have explained the process they followed to seek legal support, which mostly involved a long time-consuming process. *Staff Nurse 1 said, "Even after winning the legal battle, the company refuses to honor it. After deprived of the benefits, Staff nurse 2 says, "I had to contact NGOs for support because I didn't know my rights."*

It is here that women are forced to take external support to resolve employer negligence. This reflects a systemic failure that is broader wherein legal victories do not automatically translate into tangible benefits.

Staff nurse 3 brought to light cases wherein; after winning legal battles, the fruits of the victory are withheld. She said, "I had to exhaust my savings while fighting for what was legally mine. This is how the employers exploit clause in procedures and leave the women in Financial and mental distress. All staff nurses, experienced the financial implications of benefit denial.

Staff Nurse 4 said, "Without my maternity leave payment, I had to take loans to cover hospital expenses. These examples demonstrate how the denial of maternity benefits exacerbates financial insecurity, forcing women to seek alternative resources, which eventually lead to long-term indebtedness.

As Staff Nurse 5 said, "It was embarrassing to have to beg for something that one should otherwise receive without asking. Social impact was also experienced by all staff nurses who described themselves as marginalized and without support from colleagues or supervisors.

The working culture does not integrating policies with respect to health-related absenteeism. Inequity-related concerns, as reflected to *Staff Nurse 8*, were she concerned and presented an apparent difference between the permanent employees and contract employees were dealt with. *"Permanent staff got their benefits without any issues, but we contract workers had to fight for the same rights"* found systemic differences in the applicability of labour laws and regulations. Interconnected themes reflect a vicious cycle of emotional, financial, and legal battles of the working women. Evidence lies in the call for stricter application of maternity benefit legislations and workplace policies. Employers must now take more inclusive approaches, and there should be joint efforts between advocacy groups, so women are not culprits when seeking their rights.

Figure 3 presents A word-based cluster analysis based on similarity five core themes: Employment and Contractual issues, Maternity leave process, financial problems, verification and documentation, and judicial outcomes. The themes are reflective of how administrative practices intersect with legal regime, revealing the complexity of these issues.

Employment and Contractual Issues: Categories such as Contractual Obligations, Employment Status Verification, Deliberate Service Termination exemplify the systemic obstacles that employees encounter when asserting their rights. The need of continuous employment as a condition for maternity benefits puts contract workers at a major disadvantage. Employers often utilize documentation methods, such as falsifying documents or creating artificial service breaks in job histories, to deny employees access to benefits.

Procedures in Maternity Leave: The common theme observed were Maternity Leave Application, Extension of Leave Duration, and Salary Non-Payment, all pointing towards the procedural and administration difficulties experienced. Lack of organizational policies towards maternity leave impacts the contract workers more drastically. All participants in interview reported frequent delays in application processing and insufficient communication concerning their leave rights. The administrative barriers have a ripple effect on the mental and physical health of employees that depict emotional distress and financial insecurity.

Financial Problem: Financial issues resulted as a major concern, particularly in cases of unpaid leave or delayed salary payment. The sub-theme of Financial Problems was closely connected to Maternity Leave procedures, indicating the increased vulnerability of contract workers. According to qualitative results, negligence at the organizational level is to blame for the rise of these issues, and employees frequently identified financial insecurity as the primary barrier.

Verification and Documentation: Some of the themes identified employment position verification and artificial service breaks, which bring out of the fundamental inadequacies in both employment status and continuity verification. The judicial condition of continuous service as a pre-requisite for maternity benefits puts considerable disadvantage upon contract workers. These results revealed recurring disputes on service continuity, which often lead to protracted legal battles.

Judicial Decisions: Clusters such as judgment directive, judicial conclusion, and points of contention further defined the legal concerns over maternity entitlements. The technical concerns related to legal issues are mostly evidence admissibility and delays involved in the judicial process. Most judgments go in favour of the workers when the employer does not submit counter documents in time. Yet, the time-consuming nature of legal cases does not emotional and monetary damage to employees.

Health and Psychological well-being: One of the most glaring holes in past analysis is the psychological and emotional cost to employees because of systemic delay and financial insecurity. Emotional distress, Mental Well-being, and Health Consequences are found as critical subheadings, exemplifying the trickling-down consequences of bureaucratic and legal barriers. The results emphasized a rise in tension and deterioration of mental health owing to persistent dispute and financial challenges.

Legal document analysis

Contract Nurses faces systemic challenges, 11 Contract workers for the Petitioner who had filed maternity leave were presented with several issues that included: proof of continued service and procedural delay. Presented bank statements and attendance records are proof of consistent employment although interrupted by the employer-orchestrated interruptions. These are evidence that proper record-keeping is important, especially in building a case against fraudulent practices. The court would appreciate how it was difficult for workers in raising issues, thereby leading to delays and the allowance of flexibility in adjudication cases of labour matters. All staff nurses were asked amount to reimbursement and additional incentives showing the need for legal intervention in the employee's salary. How poor record keeping and irregular employment practices may result not just in violations of labour rules, but also in a reputational issue.

5.1 Graphical Results

Automated Theme Identification: NVivo's clustering algorithm detected objects based on word similarity, allowing the finding of previously unknown patterns. **Visual Representation of Relationships:** The diagram of cluster analysis through NVivo 15 software gives an overall impression of the linkage of key terms gathered from qualitative data about workplace interventions and statutory benefits. It allowed for more intense, data-driven analysis, and the findings were supported empirically. Pearson correlation was adopted as the measure of similarity. Grouping with Ward's linkage method was utilized for thematically related concepts. The process generates a hierarchical dendrogram showing critical linkage and thematic patterns among coded data. This provides the results, identifies the major clusters, and provides actionable insights for future research and organizational interventions. linkage method used by ward ensures that clusters would be created based on the minimum variance within the groups, whereas Pearson correlation is a measure of the linear association between themes or terms (Aguar Noury et al. 2019).

The Increased methodological stringency increases the reliability of the thematic patterns derived. This aligns with the basic concepts of cluster analysis, where the importance of the method subtle relationship among qualitative data.

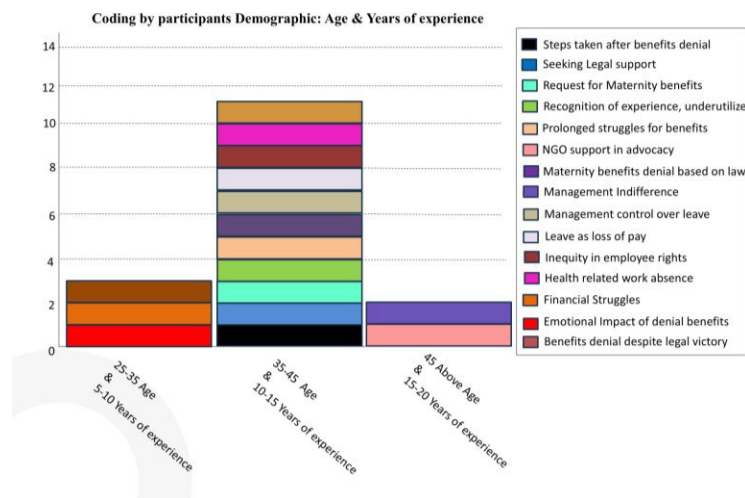


Figure 1: Coding by participants demographic: Age and years of experience

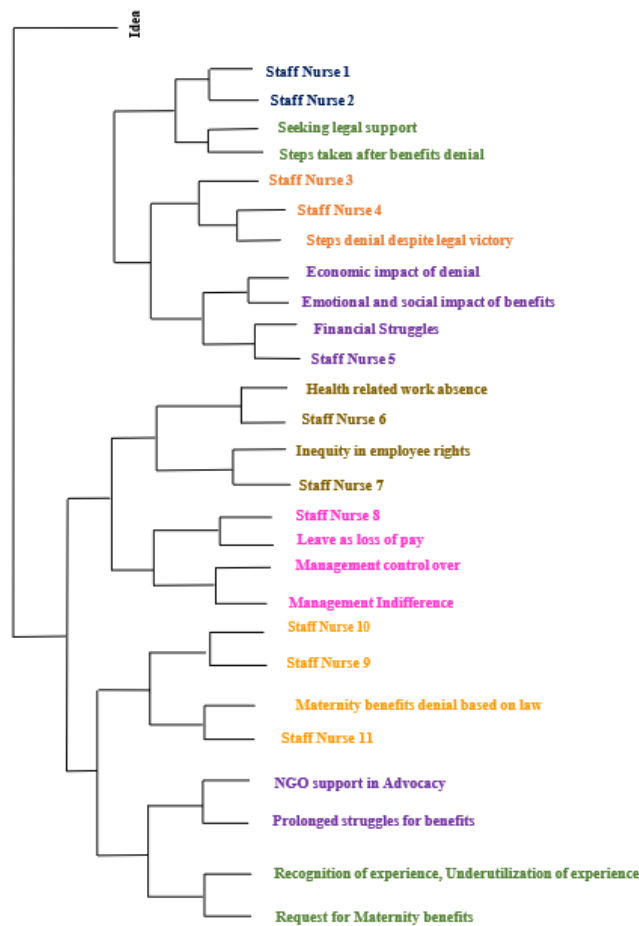


Figure 2: Items clustered by coding similarity

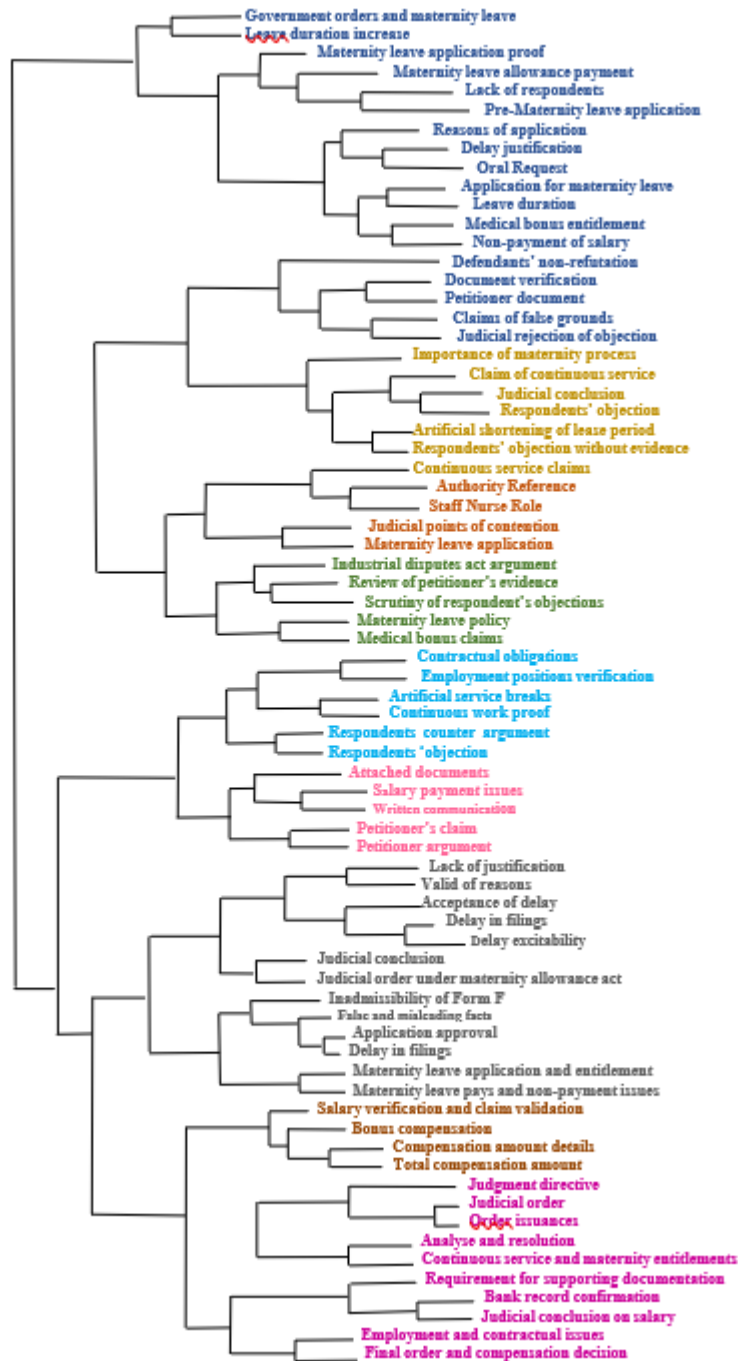


Figure 3: Items clustered by coding similarity

6. Conclusion

This research reveals that systemic issues exist regarding contract workers entitlement to maternity leave benefits under the scheme of female employees. The cluster analysis of the themes shows the interconnected procedural, financial and judicial hurdles; thus, a proper evaluation of barriers to worker's labour rights become possible.

The findings emphasize the need for policy reforms, organizational accountability, and further research to fill the gap between policy and practice. With the removal of systemic barriers identified, employees can work towards a more equitable and supportive environment for working women, especially those in precarious employment.

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Biography

Vaishnavi S Hosur is a full-time Research Scholar in the Department of Business Administration, Mangalore University, MangalaGangothri, Dakshina Kannada, Karnataka, India. Under the research guidance of Prof Puttanna K. She holds an MBA degree with specialization of Human Resource Management and Marketing from St Aloysius Deemed to be university, Mangalore. She was under the guidance of Dr. K.S Sharma who has multi-faceted personality, Soviet Land Nehru Prize Awardee, the liberator of Govt. She gained knowledge and helped working women to get their benefits. Her current research interests include A study on the Impact of Workplace Intervention and statutory benefits on Working Women's well-being. Currently she is doing data analysis, examining responses from 415 women employees in large-scale industries in Karnataka (Dharwad & Mysore). Her research aims to provide insights into policy effectiveness, gender-inclusive workplace strategies, and legislative gaps that affect women's professional well-being.