



The Plight Of Women Labours In The Unorganised Sector

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Abstract

Women labour in the unorganised sector often belongs to socially marginalized sections. Women have been ill-treated in every society for ages and India is not an exception to this universal problem. Approximately half the population of our country is of the female gender. Irrespective of which protective measures is silent about her. The unorganized sector that holds an inevitably very important place in Indian Economy has been found to be the most vulnerable oppressed and ignored sector in India. It employs about 93% of the work force. Unorganized sector employs a vast majority of women. Though there is advancement in science and technology, the women is lagging behind. This made her to be remaining in the unorganised sector with immense problems. The system of social protection and security is out of the pale of present system partly because of their unorganised character. The provisions regarding the health, safety and welfare for women labours, social security measures brought by Government are not providing much respite to these women workers as these are not having universal application. Hence it is focused that the system and the laws have also to take cognizance of, and these issues need to be scrutinized and think for alternatives or major reformation in the system.

Introduction

It is a harsh reality that women have been ill-treated in every society for ages and India is not an exception to this universal problem. The irony lies in the fact that in our country where women are worshipped as shakti the atrocities are committed against her in all sections of life.

Women are deprived of economic resources and are dependent on men for their living. Women works are often confined to domestic sphere, she had to do all house hold works, which are not recognized and unpaid. In modern times many women are coming out to work but has to shoulder the double responsibility; one she has to work where she is employed and secondly she also has to do all the house hold works, moreover, she is last to be considered and first to be fired as she is considered to be less productive than her counterpart.¹

Approximately half the population of our country and, therefore, of the potential workforce is of the female gender. Irrespective of which protective measure is silent about her. The unorganized sector that holds an inevitably very important place in Indian Economy has been found to be the most vulnerable and ignored sector in India. It employs about 93% of the work force. Unorganized sector

¹ Jaspal singh, "Rights of Women Under the Indian Constitution: An Analysis", vol.38(1&2), *Indian Bar Review*, 2011, p.65

employs a vast majority of women. It is surprising to know that 94% of the total women workforce operates in the informal sector. They are the most oppressed section of the society.² Many of them belong to the economically poor, socially backward, and oppressed section of the society. Most of them are from backward caste communities and bear the brunt of poverty, homelessness, underemployment and destitution. Many of these women workers are primary earners for their families. In the total adult population women represent 50 percent and one third of the labour force of India. They perform nearly two- third of all working hours and receive only one-tenth world income. Thus there is no exaggeration in saying that the unorganized sector in India is the women's sector.

Women work longer hours than men in every country. Poor women workers are totally dependent on informal sector employment, as they do not have any alternative employment. It is pathetic to note that they cannot live with human dignity. This 'invisible' class is subjected to all types of exploitation and discrimination.³ Women working in the informal sector are not included in the official statistics and their work is undocumented and considered as disguised wage work, unskilled, low paying and does not provide benefits to the worker. India was one of the first countries in the world to give women the right to vote. The Indian Constitution is one of the most progressive in the world and guarantees equal rights for men and women. Despite the advances women have made in many societies, women's concerns are still given second priority almost everywhere. Their contribution is not given due credit.⁴

Meaning of Organized and Unorganized Sectors

In recent years there has been a growing awareness of the existence, importance and needs of the unorganized sector. Organized sectors are distinguished by relatively regular salaries, jobs with defined terms and conditions of employment, clear-cut rights and obligations, and fairly comprehensive welfare and social security protection. The unorganized sector, on the other hand, has no such clear-cut employer-employee relationship and lacks most forms of welfare and social protection.

The unorganized sector is defined as a segment which is not regulated by, or subject to, all specific rules and regulations that normally apply to units engaged in economic activities in the organized or formal sector.

Features of Women Labour in the Unorganized Sector

Some of features of women labour in the unorganized sector are as follows:

- No formal work arrangements
- Uncertain and fluctuating wages
- No regulated work schedule and workers subject to uncertain working hours
- Uncertain about work and place of work
- No secure employment and no legal protection
- Not organized, voiceless and vulnerable to exploitation
- Generally, no access to social security⁵

² Dr. (Mrs). Rekha Mehta, "Employment of women in Unorganized Sector", Vol. 51, No.1, May 1, Southern Economist, 2012.p.15

³ Dr. Rajendra Prasad A., "Informal Sector and Women Workers", *Indian Factories & Labour Reports*, 2004(100), p. 34.

⁴ Nalini R., "A Study on Condition of Women Working in the Unorganized Sector", Vol.12, NO.1, Issue 137, *LAWZ*, Jan. 2013, p. 34.

⁵ Ramanujam M.S & Rawal K.L., "Unorganized Workers' Welfare: Imperatives & Initiatives", vol. 46, no.1, *The Indian Journal of Industrial Relations*, July, 2010, p. 17.

It cannot be denied that the unorganized sector does not get enough protection through labour legislation. The labouring women generally works in this unorganized sector are outside the reach of Protective Labour Laws. Despite the existence of labour laws, for various reasons, the workers in this sector do not get any welfare or social security and other benefits, as do their counterparts in the formal sector.

Specific Groups of Employments of Women Labour in the Unorganised Sector

The women labours in the in unorganised sector work as piece rate workers, self-employed workers, paid workers in informal enterprises, unpaid workers in family business, casual workers without fixed employers, sub-contract workers limited to formal enterprises. Home-based workers and street vendors are two of the largest sub-groups of the informal workforce: home-based workers are numerous but street vendors are more visible of the two.⁶

Following are some of the identified categories of women workers in the informal sector:

1. **Rag Pickers:** Rag Picker is a person who salvages reusable or recyclable materials thrown away by others to sell or for personal consumption. Rag picking and other scrap collection are not a new phenomenon especially in industrial towns and metropolitan cities. Scrap collection is mostly done by women and children in a working environment that is most unhygienic. Waste picking ranks lowest in the hierarchy of urban informal occupations. Illiterates, unskilled persons, illegal aliens and the poorest of the poor are pushed into this occupation, as they are unable to find any other kind of employment. Scrap collectors are not covered under the Shops and Establishments Act, as scrap traders do not provide any kind of receipts to them for the material they collect. No social security benefits are available to workers in this sector.⁷
2. **Domestic Workers:** With the rise of the middle class in India, domestic work has emerged as an important new occupation for migrant women and girls. Domestic workers are more vulnerable than other kinds of workers because they are not officially classified as workers at all and are therefore not covered by laws that apply to workers.⁸ Often these workers agree to work at nominal wages, taking the risks of uncertainty and uncivil or inhuman conditions of work and treatment. The existing laws do not provide them the protection they need. In general, the circumstances are such that domestic workers have a very hard life.
3. **Coolies:** women coolies basically do the job of loading/unloading of packages being received at railway stations to warehouses and from warehouses/go downs to further distribution centers. Coolies do their job by lifting the packages upon their heads and compensated with 'par bag' price which is fixed by govt. /private go down keepers.⁹
4. **Vendors:** this is the most scattered category, which includes women engaged in selling different types of commodities, like broomsticks, cane baskets, utensils, petty cosmetics, bangles, vegetables and those running roadside tea stalls, etc. Nearly 40% of total vendors are women and 30% of these women are the sole earning members in their families.¹⁰ They work under difficult conditions for long hours and are frequently harassed by the municipal authorities and the police. A large part of the vendors' income goes in bribes and 'protection money'.¹¹
5. **Beauticians:** A large number of women are employed as beauticians. A large portion of the beauty salons/parlors fall under the unorganized sector and are characterized by informal employment. They provide services like dressing the hair, waxing the hands and legs, doing facials, dying the hair, make ups and Mehdi, threading the eyebrow and face etc.¹²

⁶ Kamala Kanta Mohapatra, "Women Workers in Informal Sector in India: Understanding the Occupational Vulnerability", *International Journal of Humanities and Social Science*, Vol. 2, No. 21, November 2012, p. 199.

⁷ Report of the National Commission on Labour 2002, p.638-639.

⁸ *Supra* 6

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ http://wiego.org/informal_economy_law/street-vendors-india,

¹² *Supra* 6

6. **Construction Workers:** Construction workers are the backbone of the economy as they create the infrastructure necessary for industrial growth. Yet these workers, who are creating the base of the new economy, lives in a time warp, trapped in low skilled, low paid, insecure working conditions. About one-third of these workers are women and children.¹³ Their skills are always at the same level and are not upgraded as they assist only the male work fare the workplace. Women engaged in construction work, are the most exploited. The work deprives them and their children of primary facilities like health, water, sanitary facilities, education, and ration cards. In most cases, safety norms are violated. In fact, safety provisions hardly find place in building construction activity.¹⁴

7. **Garment Workers:** In India, the garment sector is the second larger employer of women - nearly 1.2 crore women workers constitute 80% of the total workforce in this sector. The garment industry is a sub-sector of the textile industry and also generates many jobs for migrant workers. Given the all-male supervisory and management presence in the Garment sector, the harassment of women in work places is considered as a necessary evil, but what goes on in these so called factories is beyond one's imagination, psychological and sexual abuse continues unabated even to this day in the 21st century. Their working conditions are extremely bad. There is no job security, and illegal dismissals are common, even for minor infractions. They are paid very low wages.¹⁵

8. **Scavengers:** There are a very large number of people engaged in manual scavenging majority of them are Dalits. Manual scavenging is the practice of manual cleaning, carrying, disposing, or handling in any manner of human excreta from dry latrines and sewer or a septic tank. Most of the women of these communities are forced to do this work under social and economic pressure.¹⁶ Surveys have revealed that 93 to 96% of the manual scavengers in the country are women. The status of the women is the worst. They become vulnerable for being women, for being a Dalit, and for being a manual scavenger.

9. **Home Based Worker:** Almost half of all home based workers are women. Home-based workers are the category of workers who carry out remunerative work in their own homes or adjacent grounds or premises. Some home-based workers are independent self-employed workers who take entrepreneurial risks. Other home-based workers are dependent on a firm or its contractors for work orders, supply of raw materials and sale of finished goods. Poor wages, bad working conditions, and negligible social protection collectively make life difficult for the home-based workers. On an average, women particularly those who are paid by the piece and mainly depend on contractors or middlemen for orders and payments, earn little. Those producing goods for global value chains receive a marginal percentage of the final profits.¹⁷

Problems Faced by Women Labours in Unorganized Sector

Following are the Problems and Challenges of Women Labours in Unorganized Sector

- There is no sustainability of employment of women workers in unorganized sector.
- They are not getting proper training in unorganized sector.
- Women belonging to lower caste and communities face more disparity in social terms.
- They don't get right to raise their voice and interrupt in financial decision in their own family.
- Exploitation is the main problem of female workers in unorganized sector.
- In unorganized sector women are exempted from maternity benefit and child care facilities.

¹³ Kalpana devi & U.V.Kiran, 'Status of Female Workers in Construction Industry in India: a Review', *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)*, Volume 14, (4), (Sep. - Oct. 2013), pp. 27-30

¹⁴ *Supra* 7.

¹⁵ Sudeshna Saha, 'Women Employees in Garment Industries A case study conducted in selected Garment industries of peenya industrial Area, Bangalore', *The International Journal of Management Research & Business Strategy*, Vol. 3, No. 3, July 2014, P.129,132.

¹⁶ www.gnlu.ac.in/.../STATUS%20OF%20MANUAL%20SCAVENGER%20...

¹⁷ <http://www.thebetterindia.com/19504/women-home-based-workers-coming-together-demand-better-rights-protection/>,

- Women workers frequently face discrimination due to gender inequality.
- In unorganized sector women workers do not have benefit of Minimum Wage Act or Factories Act.¹⁸

They also face other problems like

- Lack of social security coverage.
- Illiteracy and poor living conditions and heavy responsibilities.
- Weak or unequal bargaining power.
- Lack of support from Government.
- Problems of migration.
- Nature of employment.
- No trade unionism, low paid wages, and easy removal.¹⁹

These innumerable problems made her to work mainly for economic independence, for economic necessity. Most Indian women by and large undertake “productive work” only under economic compulsion. This is the reason for high female participation rates in economically under privileged communities.

Conditions of Employment

The International Labour Organisation says that women represent:

- i) 50% of the population
- ii) 30% of the labour force
- iii) Perform 60% of all working hours
- iv) Receive 10% of the world’s income
- v) Own less than 1% of the world’s property

The conditions of work, especially for women worker, are quite miserable. Women workers are subjected to various forms of discrimination including job-typing, which gives them a lower wage compared to men. Among the women wage workers, a proportion of those who report regular employment also work in poor conditions, receiving low wages with long hours of work, unsatisfactory working conditions, and occupational health hazards, no social security, and very few holidays. The position of self-employed women in non-agriculture is also poor. Their capital base is low and consequently their value addition is also low. One-third operates from their own homes.²⁰ Also in the unorganized sector women are overworked, women’s work is - invisible, unrecognized, and unremunerated. Women are displaced by men due to the impact of technology, high incidence of physical and sexual exploitation of women.

The Role of International Labour Organisation (ILO) in Protecting Women Labour in the Unorganised Sector

The International Labour Organisation (ILO) has played a significant role in promoting International Labour Standards. India is a founder member of the ILO and has contributed to the codification of the standards. International labour standards have proved effective and useful in formulating national policies, legislation and practices on diverse social and labour aspects. ILO Conventions and Recommendations cover issues ranging from tripartite consultations at the national level to communications and grievance procedures of undertakings; wages, working hours, leave, holidays to occupational safety and health; non-discrimination to affirmative action for the aged, disabled, women and other vulnerable groups; labour markets, labour law, labour administration, human resource development, etc. The ILO Conventions and Recommendations are not binding in these

¹⁸ Arti, & Dr. Rajesh Kumar Shastri, ‘Role, Problems and Challenges of Women Workers in Unorganized Sector’, *New Man International Journal of Multidisciplinary Studies*, Vol. 1 (12), December 2014, P. 142.

¹⁹ Dr. Rajendra Prasad A., “Informal Sector and Women Workers”, *Indian Factories & Labour Reports*, 2004(100), p. 35.

²⁰ *The Economic & Political Weekly*, Vol. – XLV, No. 28, July 10, 2010, p. 60.

matters, except when a State ratifies the concerned conventions and/or reiterates the relevant principles in national legislation.²¹

The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security, and human dignity. This concern is part of the ILO's longstanding and continuing commitment to worker protection and dignity as well as to a safe and productive work environment – a workplace where cooperation, communication and the welfare of workers are keys to economic success.²²

Legislative Measures for Women Labours in the Unorganised Sector

There are many laws covering different set of benefits available in India. To provide security against various risks, peculiar to their nature of work, women workers have been given various rights, benefits, concessions, protection, and safeguard under different labour legislations. The main objective behind the enactment of labour laws was to prohibit the violation of rights of women workers and to provide them security and protection. But, most of these laws are available to a small portion of the labour force only i.e., the organized sector only, leaving unorganised sector, where a majority of the women work, unattended.

Special provisions regarding the health, safety and welfare for women labour, social security measures and wage protection are as follows

1. Provisions for separate Latrine and Urinal Facilities – This has been provided for under the Factories Act, 1948; the Mines Act, 1952; the Plantation Labour Act, 1951; the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996; the Beedi and Cigar Workers (Conditions of Employment) Act, 1966; the Contract Labour (Regulation and Abolition) Act, 1970;
2. Prohibition of work in Hazardous Occupations – This has been provided for under the Factories Act, 1948; the Mines Act, 1952;
3. Washing and Bathing Facilities – This has been provided for under the Factories Act, 1948; the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996; the Contract Labour (Regulation and Abolition) Act, 1970;
4. Crèches – This has been provided for under the Factories Act, 1948; the Mines Act, 1952; the Plantation Labour Act, 1951; the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996; the Beedi and Cigar Workers (Conditions of Employment) Act, 1966; the Contract Labour (Regulation and Abolition) Act, 1970; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
5. Limiting hours of work to 9 hours per day and additional regulations with regards to shifts – This has been provided for under the Factories Act, 1948;
6. Limiting the maximum permissible load to be lifted by women taking into consideration biological factors – This has been provided for under the Factories Act, 1948;
7. Prohibition of Night work – This has been provided for under the Factories Act, 1948; the Mines Act, 1952; the Plantation Labour Act, 1951; the Beedi and Cigar Workers (Conditions of

²¹ C. S. Venkata Ratnam, 'India And International Labour Standards', *Indian Journal of Industrial Relations*, Vol. 35, No. 4, April 2000, p. 468.

²² Dr. Mrs. Hema V. Menon, *Unorganized Women workers and Social Security*, First Edition, Delhi: Satyam Law International, 2012, p. xvi.

Employment) Act, 1966; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;

8. Separate Restrooms and Canteens – the Contract Labour (Regulation and Abolition) Act, 1970; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;²³

9. The Employees' State Insurance Act, 1948 which covers factories and establishments with 10 or more employees and provides for comprehensive medical care to the employees and their families as well as cash benefits during sickness and maternity, and monthly payments in case of death or disablement.

10. The Employees' Provident Funds & Miscellaneous Provisions Act, 1952 which applies to specific scheduled factories and establishments employing 20 or more employees and ensures terminal benefits to provident fund, superannuation pension, and family pension in case of death during service. Separate laws exist for similar benefits for the workers in the coal mines and tea plantations.

11. The Employees' Compensation Act, 1923 which requires payment of compensation to the workman or his family in cases of employment related injuries resulting in death or disability.

12. The Maternity Benefit Act, 1961 which provides for 12 weeks wages during maternity as well as paid leave in certain other related contingencies.

13. The Payment of Gratuity Act, 1972 which provides 15 days wages for each year of service to employees who have worked for five years or more in establishments having a minimum of 10 workers.²⁴

These above mentioned legislations cover workers in the organized sector. With the existing social security measures, only minimum coverage of the workers is covered under the unorganized sector. The Central Government enacted certain sector specific social security legislations exclusively for unorganized sector workers including men & women like the Dock Workers (Regulation of Employment) Act, 1948, the Beedi and Cigar Workers (Conditions of Employment and Welfare) Act, 1966, and the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 etc., these have limited applications covering only specified categories of unorganized workers in the respective sphere. The Government of India enacted the Unorganized Sector Workers' Social Security Act, 2008 to provide social security benefits to these vulnerable classes of persons. The Ministry of Labour and Employment has recently issued the Draft Labour Code on Social Security and Welfare, 2019 (Draft Code). The Draft Code intends to amalgamate the existing provisions of fifteen (15) specific labour laws related to social security. It deals with the registration of workers, employers and employing entities; collection of contributions; policy and administrative mechanisms, and a plethora of control and penal provisions. The proposed Welfare Code, affecting about 700 million workers in the country, of which 92% are in the unorganized. In a way, the Code is a welcome move as it covers employees and non-employees including domestic workers, farm workers, self-employed of all types, and so on. However, this exercise needs a thorough re-examination of vital aspects as raised by the subject experts.

²³ Yashaswini Prasad, Standards for Women in Labour Law, <https://www.lawctopus.com/academike/standards-women-labour-law/>,

²⁴ Ministry of Labour and Employment, Government of India, <http://labour.nic.in/content/division/socialsecurity.php>

Conclusion

It can be resolved from this study that unorganised workers are more in number, who have been ignored for long time and it is only ironically in the post-globalisation period that they have entered into policy debates. Overall economic pressures compel households to take recourse to various survival strategies. The burden of adjustment process falls disproportionately on the shoulders of women. Women have been drawn into direct economic role as wage earners in factories, construction sites, homes and even in farms. They are employed as cheap substitute manual Labour. They work in a situation's which is sometimes not bearable but they are forced to do their job for the better life style and second wage is required to meet basic economic needs. The majority of women works for the same reason as men do - because of economic need. Their earnings provide self-support. Many women are remaining single or marrying later. Many are forced to work through the death of their spouses, through divorce or separation. Many provide the sole support for a family. Unfortunately they are illiterate and unaware about social status and reluctant to protest against the misconduct or prevailing situation at the workplace.

The majority of the women labours were unaware of the government policies and schemes although few are aware of some of these but have not availed any benefits. Lack of publicity of various schemes happens to be an important factor resulting in this situation. It was very much realized by the State regarding the importance of protecting the victims from the contingencies in work life. It is to meet this type of need the institution of social security and welfare is developed. The main objective of labour laws is that poor and downtrodden should par take gains of globalization and economic growth and to bridge the wide gap between existing social infrastructure and aspirations of the masses. In spite of having a bulk of labour legislations especially for women workers, these women are left has exploitative lot it is understand that there is no proper implementations of the laws. There is need of effective implementation of these schemes and laws for protecting the women labours in the unorganised sector. It is suggested that the government should review the policies, improve them and give a wider publicity so that some kind of security is available to these unorganized women labours. Therefore Justice Bhagawati in Bandhua Mukti Morecha case observed that "we must not to content with law in books but we must have the law in action".

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