

THE CHALLENGE OF EQUALITY AT WORK

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ABSTRACT

Several studies have emphasized the concern for equity and equality or the very desire to improve the situation for women. Discrimination has an adverse impact as gender stereotypes are reinforced leading to a large informal sector where women pile up, with little scope of wage employment in the declining formal sector. Excluding women from most of the jobs relegates them to low paid jobs in the informal sector. This paper discusses briefly statistical data relating to the status of women workers, low employment figures, discrimination they confront and occupational segregation. It focuses on the various means of addressing discrimination and inequality.

Keywords: *women workers, gender, discrimination inequality, occupational segregation.*

Introduction:

Despite major advances in addressing discrimination at work, inequality continues to afflict millions world over (www.millenniumcampaign.org). The ability of men and women to take advantage of economic opportunities depends on the extent to which equality and dignity are granted to them. As different people gather at work place, discrimination and exploitation stem from the differences among them. In the process the vulnerable get targeted. Discrimination at the work place takes the form of employment inequality, income inequality, gender inequality and several other forms. This paper discusses various aspects which manifest in the form of gender inequality at the work place. It deals with the steps taken in combating discrimination and tackling inequality.

Critical Statistics:

The broad statistical data relating to the status of women workers and the degree of discrimination they confront are well known in terms of the low employment figures, their exclusion from organized employment, occupational segregation, unequal wages and high unemployment rates, in all sectors.

Restriction on the mobility of women which results in their incapacity to freely engage in economically productive work at the so called conventional place of work like office, factory or an institution is so characteristic of women's work. Hence women's work participation rates reflect their invisibility and their

confinement to non-conventional spaces of work. According to the 2007 Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector, only one third of the total women workers worked in conventionally designated work places. The report states that while 89 million men had a conventional place of work, only 10 million women could access the same.

Share of women in wage employment indicates the degree to which labour markets are open to participation of women in economic activities. The Millennium Development Goals India Country Report, 2011, notes that labour market in industry and the service sector is heavily male dominated. Hence the rate of change in respect of the share of women in wage employment in non-agricultural activities has been slow. The wide gap between the male and female employment is revealed in the following details:

Second Annual employment and Unemployment Survey – 2011-12:

Labour Force Participation Rate (LFPR) under UPS	52.9 %
Female LFPR at all India level	25.4 %
Male LFPR at all India level	77.4 %
Worker Population Ratio – all India level under UPS	50.8 %
Female Worker Population Ratio	23.6 %
Male Worker Population Ratio	75.1%
Female Unemployment rate	6.7%
Male Unemployment rate	2.8%

Labour Bureau, GOI.

The details above indicate the low labour force participation rates of women and the wide gap between male and female LFPRs. While female LFPR was about one third of the male LFPR, for men the participation rates were as high as 77.4 %. Besides low participation rate, women faced high unemployment rates (6.7%) than men. The Indian economy did not witness an encouraging growth in female work force over past half a decade. While the male workforce increased by 22.3 million during the period 2004-05 to 2009-10, the female work force declined by more than 21 million (Majumdar and Neetha, 2011).

As per the NSSO 61st Round, the labour force participation rate in 2004-05 stood at 23.7 percent for rural women and 15.0 percent for urban women. The same was 27 percent for rural females and 15 percent for urban females under usual status by 2009-10 as per NSSO 66th round. **Table no.1** indicates that over the period 2004-05 to 2009-10, self-employment among women was high. Regular and casual employment also registered increase for the same period. But it is significant to note that while regular employment for women increased by 1.1percent, casual employment increased by 6.6 percent.

Table no. 1: Percentage distribution of employment by status (UPSS)

Status	2004-05		2007-08		2009-10	
	Male	Female	Male	Female	Male	Female
Self Employed	54.2	61.0	51.9	55.9	50.0	53.3
Regular	18.3	9.0	17.9	8.9	17.7	10.1
Casual	27.5	30.0	30.1	35.1	32.2	36.6

Source: Taken from Mazumdar and Neetha (2011)

Increase in work participation rate per se does not indicate a higher level of welfare. Higher work participation rates among women can be seen as meaningful only when this increase is a result of growth in literacy, skill acquisition, assets and income. But that is not the case. Though the economy grew at 7.44 percent (GDP) in 2009-10, and at 8.8 percent from 2004 to 2008, work opportunities for women did not grow qualitatively. With a mere 10.1 percent women regularly employed (2009-10), the rest 90 percent were in the informal sector. Increase in casual employment of women is seen as attempts by women driven by economic compulsions in taking up low paid insecure jobs to compensate insufficient family incomes (Mazumdar and Neetha, 2011).

Concern stems from the fact that women workers are concentrated in the informal sector where jobs are undertaken in precarious conditions, wages very low and working conditions seldom good (Bremar,2005;

Chandola,1995; Faundez, 2009; Hensman,2001). As women represent a majority of the working poor in all regions of the world it is a global phenomenon.

Gender differences in labour market participation alone cannot be the point of discussion, as it masks all other gender differences in the nature and dynamics of work. Despite low earnings and productivity, women are not bad farmers, entrepreneurs and workers than men. Yet persistent differences remain in productivity and earnings of women across different sectors and jobs. These differences are an outcome of widely prevalent discriminatory practices which take the form of occupational segregation and under valuation of skills of workers.

Many studies have documented that women workers are restrained by subtle forms of discrimination such as the nature of work performed, technology used, skills required, and valuation of their skills (Anker, Melkas &Korten, 2003; Singh and Sapra, 2007; Vijaybhasker,2002). Occupational segregation is found to be more glaring in industries like the garments, textiles, information technology, ceramic works and others. In the textiles, studies have shown that while supervisors and machine operators were always men, making fiber and yarn, spinning and winding were dominated by women (NSS 61st Round). Studies on Tiruppur, Delhi and Bangalore garments industry reveal that cleaning, finishing, tagging, packing is essentially performed by women but pattern masters, tailor specialists and machine attendants are exclusively men. Helpers, who assist these men, are always women (Hirway,2008; Saggi,2006; Vijaybhaskar,2002). Such segregation results in women being paid less, earning less and not having a fair chance of upward mobility in the industry. In the IT industry, women mostly perform clerical and data entry work in India. They constitute only 20 per cent of programmers, are concentrated in the low ‘value added end’ of the occupation and are less visible in technical and /or managerial roles (Gupta, 2012; Lahiri, 2012). Studies of jewelry sector in north India and leather foot wear industry in south India also reveal the concentration of women in high skill but low valued jobs (Sinha, 2009; Vaithegi, 2007).

Such sexual division of labour has adverse implications on women and their labour. Their jobs are placed at the bottom of the job ladder, valued less and paid less though they may be undertaking intricate laborious and truly skilled jobs. As women’s work is dubbed as ‘low skilled’ by placing it at the bottom of the job hierarchy, it is also valued less. All though women work for more time, as they calibrate wage employment with household responsibilities they are perceived as less committed to factory work and more to domestic work. This perception has adverse implication for women in all forms of wage

employment. Though women work on an average for ten hours per day, including over time, yet women in industries like the garments and textiles are discriminated by employer as they are given less challenging work and paid less because they, like men cannot stay late night to dispatch urgent orders. When embroidery, buttoning or kaja work is done manually it is women's job whereas the same when to be performed on machines, is allocated to men. In fact embroidery units seldom employ women, as all operations are mechanized and women are not considered skilled and fit to handle machines. While patterning and tailoring are valued high, intricate embroidery, zardozi and sequence stitching which are highly skilled operations are valued very low as they are not machine based jobs and performed manually by women. The NCEUS Report 2007 reveals, in the ceramic and brick kilns industry women's work comprised preparation of mud or clay, which is considered a highly skilled act but valued less and one of the least paid as it is performed by women.

Where as, the presence of women on par with men in large numbers in the workforce is an important step towards achieving economic development, there is a need to see women as dynamic promoters of social transformation and not as passive recipients of help (Sen, 2001). Combating inequality and establishing gender equality is a step towards this. War against discrimination at work can be won only when different actors join their efforts: a) The government to enforce the laws, b) Local organisations to harmonise regulations and practices, and c) Enterprises to endorse quality goals

Legal Recourse: An essential step:

Sound Laws are a sine qua non condition for achieving equality in the work place. The laws reflect the government's commitment to the goal of equality and act as a guide as to how equality should be achieved. Several advances have been made at both international and national level, in the fight for equality at work.

Some standards are specifically geared towards protecting women workers or towards promoting equality of opportunity and treatment in employment. In the early decades of the twentieth century, women were perceived as more fragile than men, both physically and socially, and therefore were not to be permitted to engage in certain forms of work. A primary objective was to safeguard the health of working women, with special reference to childbearing. Minimum standards regarding maternity leave and benefits were consequently among the first instruments adopted. In the early 1950s, emphasis shifted to the promotion of equality in employment between men and women, and, more recently, to recognition that equality also implies sharing of family responsibilities between men and women.

International Conventions:

Several Conventions were adopted by the International Labour Organisation for the protection and welfare of women, namely maternity protection, prohibition of night work and later (1990), for protection against hazardous effects of night work, equal remuneration for work of equal value, non-discrimination on a number of grounds including sex, with regard to access to vocational training, access to employment, and terms and conditions of employment of workers with family responsibilities, the part-time work and for the recognition of the special situation of girls.

To stamp out discrimination, the ILO ratified two major conventions, which India too ratified as its core member:

- 1) The Equal Remuneration Convention, 1951 – (100)
- 2) The Discrimination (Employment and Occupation) Convention, 1958 - (111)

After independence, the Indian government in 1950 ingrained the principle of gender equality in our Constitution. Article 14 proclaims "equality before the law" for all citizens, Article 38 requires the State to promote the welfare of its people, Article 39(a) mandates that men and women have equal right to adequate livelihood, Article 41 and 42 require the state to make provisions to secure the right to work in just and humane conditions of work for both men and women. The National Commission for women was set up in 1990. An important step in the direction of gender equality is the ratification of CEDAW in 1993 - Convention on Elimination of Discrimination against Women.

Organisational Setup To ensure the observance and enforcement of laws, the understanding and participation of special groups namely labour lawyers/judges, labour inspectors, Government labour officers, workers' unions and employers is crucial.

Labour courts along with specialized institutions not only hear individual cases but also determine legal course of action whenever discrimination has occurred. Labour courts play a vital role in combating discrimination at work place. In India the labour laws provide for appointment of Joint Committees (represented by both employers and trade union's members), Labour Courts, Industrial Courts and National Tribunals which address labour disputes including cases of gender and discrimination. Labour courts and tribunals are expressly empowered to set aside any order of discharge or dismissal, and can exercise jurisdiction in cases of unfair labour practices, violation of principles of natural justice and perverse findings.

The courts can also strengthen the legislations through case laws, for eg., as in the case of *Visakha Vs The State of Rajasthan* in which the Supreme Court passed a land mark judgment. It defined sexual harassment as

a violation of women's human rights and gave guidelines on its redress, which until then, was seen as 'eve teasing'. JT 1997 (7) SC384 Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964, provides that Government servant shall do nothing that is unbecoming and sexual harassment is an unbecoming act and amounts to misconduct. Appointment of Labour Inspectors is yet another step taken through legal enactments. The labour inspectors conduct surprise visits to factories and establishments and have direct access to information. The monitoring of legal compliance acts as a deterrent.

Collective Bargaining:

In most countries, collective bargaining is the means of negotiating terms and conditions of employment and can thus be an important means of promoting equality for men and women in employment. While collective agreements are intended to represent the needs and interests of all workers, issues of particular interest or concern to women have often been overlooked or treated as "marginal". There is therefore a need for specific consideration of gender issues in collective bargaining, particularly with respect to unequal pay, and women's access to vocational training and promotion. Not only do gender issues need to be addressed in collective bargaining, but traditional bargaining items should be reassessed from a gender perspective.

Some issues may be of more concern to women because of their reproductive role, or their ascribed role in regard to family and household care or because of past discrimination. At the same time, these issues are not limited to women. Men also need certain types of protection in regard to their reproductive function. Measures are also necessary to give both men and women the opportunity to share more family responsibilities (e.g. parental leave, flexible working hours and greater access to part-time work).

Gender issues are not sufficiently dealt with in collective bargaining because women are under-represented in trade unions, decision-making structures and negotiating teams. The reasons for this may include the double burden borne by women, which does not leave them enough time to participate in trade union affairs, lack of confidence, assertiveness and training, or the fact that the union is male dominated and insensitive to their needs. There is a need to emphasize women workers' representation in bargaining structures.

Beyond The Law:

Sound regulations and their effective enforcement though are vital, are not adequate in tackling inequality. Hence non legal measures are equally relevant. Several non-government organisations (India), Specialised Equality Bodies (industrialised

bodies), equality commissions or ombudspersons (like in Sweden) functioning in different countries are mandated with the task of promoting equality. For eg., Brazil Ministry took the initiative to establish 'NUCLEOS' in 1995 as a Centre for Prevention of Discrimination in employment and occupation. Sweden set an example in the year 2001, under Equal Opportunities Act, when the Ombudsperson in the country began assisting through information and training activities, the fight against discrimination (World of work, 2007).

In India several social organisations have been recognised working particularly in the welfare of women : The Centre for Women's Development Studies, New Delhi, The Self Employed Women's Association, Ahmedabad, The Working Women's Forum, Chennai, The Institute of Social Studies Trust, Bangalore. These organizations undertake extensive research, gender related projects and maintain data on gender studies. They monitor implementation of labour laws and represent women workers, and also fight for their rights. They also organize seminars, workshops and engage academic discussions to sensitise people towards gender issues to narrow existing gender gap in the society and also influence national and state policies.

Points to Note:

There still exists a wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes and related mechanisms on the one hand and the situational reality of the status of women in India, on the other. The major causes of gender inequality are related to social and economic structure which again is based on many norms and practices. Creating positive economic and social policies for full development of women, providing equal access to participation and decision making in social and economic spheres and mainstreaming a gender perspective in the development process is essential. Gender inequality will persist as long as stereotypes and bias are not defused. The costs of discrimination are always high in the long run. Hence there is an urgent need to remove institutional and policy obstacles that prevent women from obtaining access to skills, capital and other productive assets.

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