

MAPPING THE PROTECTION OF WOMEN WORKERS IN INDIA, WITH SPECIAL REFERENCE TO UNORGANISED WOMEN WORKERS

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ABSTRACT

Considering the rising literacy rate among females, societal change in outlook towards working women, a better economy and burgeoning cost of living have contributed to greater participation of women in the workforce in India.¹ With the startup boom and rising investments, the nation is at the helm of its next economic milestone. This could not have been possible, without the implementation of equitable and efficient policies, to safeguard women's rights in the workplace. From the Constitution promoting 'equal pay for equal work'² & 'maternity benefits'³ to the implementation of the guidelines laid down in the Vishaka Judgment⁴ and the new labor codes⁵, the labour law landscape in India has evolved significantly. The objective of this paper is to map the legislations & policies, that complement the participation of women workers in India. Additionally, an attempt is made to highlight the shortcomings left in the existing regulations and the labour dispute redressal mechanism. Further, this paper evaluates the plight of women workers in the unorganised sectors like – daily wage workers, domestic helpers, street vendors etc. It is often these poor, uneducated or contractual workers, who are the most oppressed and thereby need to be protected by the law of the nation. The methodology adopted for this paper is a mix of Doctrinal and Socio-Legal Research Methodology.

Keywords: New Labour Codes, Women in Unorganised Sector, Rights of Domestic Help, Migrant Workers; Unorganised Women Workers.

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¹ Ministry of Labour and Employment, *Female Labour Utilization in India* 2023, 11.

² Constitution of India, art 39.

³ *Id.*, art 42.

⁴ *Vishaka & Ors. vs State of Rajasthan & Ors.*, [1997] AIR Supreme Court 3011.

⁵ Code of The Labour Code (Wage Code), 2019; Industrial Relations Code Bill, 2020; Code on Social Security Bill, 2020 and Occupational Safety, Health and Working Conditions Code Bill, 2020.

INTRODUCTION

India as the 'Land of Rivers', was primarily an agrarian country, where men and women, both contributed to the economic prosperity of the household, by working side by side, in the field.

In the Vedic era, women enjoyed considerable freedom & enjoyed a high status in society.⁶ They participated in agrarian work, debates, social gatherings & religious ceremonies.⁷

With the advent of the Industrial Revolution, men became the sole breadwinners, and the role of women was restricted to undertaking household chores only.⁸ This led to the devaluation of women's status in society and led to discriminatory policies and outlooks towards women.⁸ In fact, women workers were paid half of the male workers in Britain.⁹ Later on, with the rise in women's education, feminist movements and rising inflation, working was either a choice or a necessity for women. While those, who have access to higher education, take up professional jobs, in the formal/organised sector, those who do not have a professional education and belong to low-income groups, form part of the unorganised/informal sector.¹⁰

These women are silent workers, in the form of manual scavengers, waste pickers, domestic house helpers, street vendors, construction workers, migrant workers etc. This paper discusses the rights of workers in the unorganised sector, with special emphasis on the plight of women workers.

The recent Gender Gap Index by the World Economic Forum highlights this disparity in India (slipped to 129th rank), where women on average earn Rs.39.8 for every Rs.100 earned by men.¹⁰ This phenomenon is not only prevalent in the unorganised sector but is rampant in almost all industries, like cinema, sports, management of companies etc.¹¹

⁶ Mr. Sourish Dey, 'Women in Vedic Period: A Socio-Political Analysis' [2018] 6 IJCRT 3 < <https://ijcrt.org/papers/IJCRT1133980.pdf> > accessed 18 May 2024.

⁷ *Id.*

⁸ Elias Beck, 'Role of Women in the Industrial Revolution' (*History Crunch*, 20 January 2016) < <https://www.historycrunch.com/role-of-women-in-the-industrial-revolution.html#/> > accessed 20 May 2024.

⁹ *Id.*

¹⁰ Nisha Anand, 'Gender Gap index: Indian women earn Rs 40 for every Rs 100 earned by men' (*Business Standard*, 8 June 2024) < https://www.business-standard.com/india-news/global-gender-gap-index-2024-indian-women-earn-rs-40-for-every-rs-100-indian-men-earn-124061200379_1.html > accessed 9 June 2024.

¹¹ FPJ Web Desk, 'Times When Bollywood Actresses Spoke About Pay Parity In The Industry' (*Free Press Journal*, 21 March 2023) < <https://www.freepressjournal.in/entertainment/times-when-bollywood-actresses-spoke-about-pay-parity-in-the-industry> > accessed 2 June 2024.

It is important to note, that many successful actresses, sportspersons & CEOs have been vocal about pay parity between men & women. In fact, since 1973, with the efforts of Billie Jean, the US Open instituted equal pay for men's and women's players.¹² In 2007 Wimbledon became the last of the four major tournaments to award equal prize money.¹³ This is the reason why nine out of ten highest-paid female athletes are tennis players in 2023.¹⁴

The right to be paid equally for an equal amount of work should be the norm and not the exception. Essentially, when women from low-income groups, must work overtime while taking care of both official & household work.

These workers, despite being associated with multi-billionaire companies - are often the most exploited in the company and remain akin to unorganised workers. They are termed as 'partners' or 'independent contractors' by the company and apart from road accident insurance, do not get any other benefit that a regular employee/ worker of the company enjoys, like – health insurance, provident fund, paid time off etc.¹⁵ Such 'gig workers', are paid in proportion to the number of packages delivered in a day & the ratings received, this results in often working overtime and enduring the whims of rude customers.¹⁶

Additionally, domestic workers or house help, working in Indian households, are often mistreated and exploited, due to the lack of framework, trade unions/ organisations safeguarding their rights. Although the new labour codes¹⁴ (that have stalled since Covid) seeks to address these issues; according to some experts – they may not be as effective.¹⁷

¹² Arthus Kapetanakis, 'Be Open: How Venus Williams finished Billie Jean King's fight for equal pay' (*US Open*, 18 August 2020) < https://www.usopen.org/en_US/news/articles/2020-08-18/be_open_how_venus_williams_finished_billie_jean_kings_fight_for_equal_pay.html > accessed 8 June 2024.

¹³ Charlotte Edmond, 'How women won the fight for equal prize money at Wimbledon' (*World Economic Forum*, 7 July 2017) < <https://www.weforum.org/agenda/2017/07/wimbledon-women-equal-prize-money/> > accessed 4 June 2024.

¹⁴ Brett Knight and Justin Birnbaum, 'The World's Highest-Paid Female Athletes 2023' (*Forbes*, 22 December 2023) < <https://www.forbes.com/sites/brettknight/2023/12/21/the-worlds-highest-paid-female-athletes-2023/> > accessed 1 June 2024.

¹⁵ Aditi Surie, Ambika Tandon, 'Blinkit protests: For gig workers, there is no income security – and little legal recourse' (*The Indian Express*, 20 April 2023) < <https://indianexpress.com/article/opinion/columns/blinkit-protests-for-gig-workers-there-is-no-income-security-8567205/> > accessed 20 May 2024.

¹⁶ Asheef Iqbal, 'Food Delivery Workers in India: Emerging Entrepreneurs Or Informal Labour?', (*Digital Empowerment Foundation*, 1 April, 2021) < <https://defindia.org/wp-content/uploads/2021/04/swiggy-zomato-delivery-workers-india-entrepreneurs-labour.pdf> > accessed 22 May 2024.

¹⁷ Rajrishi Ramaswamy & Dr. Anuradha Binnuri, 'An Analysis of the Impact of India's Labour Codes on its Organized and Unorganized Sectors', [2023] 9 (1) *Cogent Social Science* <<https://www.tandfonline.com/doi/full/10.1080/23311886.2023.2238458>> accessed 12 May 2024.

Therefore, this paper seeks to map the legislations & policies; that complement the participation of women workers in India. Additionally, an attempt is made to highlight the shortcomings left in the existing regulations and the labour dispute redressal mechanism. Further, this paper evaluates the plight of women workers in the unorganised sectors like – daily wage workers, domestic helpers, street vendors etc. It is often these poor, uneducated or contractual workers, who are the most oppressed and thereby need to be protected by the law of the nation.

TRACING THE LEGISLATIONS AFFECTING WOMEN WORKERS

The workers in the unorganised sector are generally devoid of almost all the benefits, that a person working in the organised sector enjoys, such as maternity leaves, fixed working hours, pay for overtime, timely pay, fixed wages, paid leaves, timely increments, pension, insurance cover, house rent allowance, inflation allowance, accidental insurance & health insurance. This called for the need to provide special assistance to the workers, that practically form the backbone of this nation.

The labour laws in India cover a wide range of provisions to safeguard the rights and well-being of women workers. An overview of such beneficiary legislation is provided in the following part.

The Unorganised Worker's Social Security Act¹⁸ defines the 'unorganised sector' as an enterprise owned by individuals, self-employed workers or where the number of workers are less than ten.¹⁹ An 'unorganised worker' means a home-based worker, self-employed worker or wage worker in the unorganised sector.²⁰ Further, the act defines a 'home-based worker' as a person engaged in the production of goods or services for an employer in his or her home, for remuneration.²¹ Although the act provides for the registration of unorganised workers for the dispensation of information regarding the various social security schemes,²² it fails to mandate the dismissal of such workers without any prior notice or compensatory wages. This effectively leaves them, at the megrims of their employer and leads to immense exploitation.

¹⁸ Unorganised Worker's Social Security Act 2008.

¹⁹ *Id.*

²⁰ Unorganised Worker's Social Security Act 2008, s 2.

²¹ *Id.*

²² Unorganised Worker's Social Security Act 2008, s 10.

It is intriguing that the Constitution paved the way for pay parity in India. Article 39(a),²³ read with Article 14²⁴ of the Constitution, requires the State to provide – equal means of livelihood, while Article 39(d)²⁵ enjoins the State to provide ‘equal pay for equal work’. This was further cemented via the Equal Remuneration Act, 1976.²⁶ Article 15(3)²⁷ entitles the State to make special provisions in favour of women and children. Article 16²⁸ guarantees equality of opportunity in matters of public employment. Article 23²⁹ prohibits the trafficking of human beings and forced labour. Unfortunately, these efforts have not materialized in ensuring pay parity, as women earn 60% less money than men.³⁰

Further, the Constitution presses upon the State to provide decent working conditions & maternity benefits for workers under Article 42.³¹ In fact, India is one of the few South Asian countries that makes it mandatory for employers to grant maternity leave of 180 days, under the Maternity Benefit Act, 1961.³² Moreover, it bars the employer from suspending a woman employee/ worker, on the grounds of pregnancy. Additionally, the employer can not restrain the women worker, from rejoining after her maternity leave is over.

Article 51A(e)³³ imposes a fundamental duty on every citizen to renounce the practices derogatory to the dignity of women. Article 243D(3)³⁴ makes a provision that not less than one-third of the total number of seats to be filled by direct election in every panchayat shall be reserved for women.

These principles embody the lofty goals of our Constitution, which envisioned India as a welfare state. From focusing on focusing on women’s education, encouraging the participation of women in the labour force, panchayats and now electoral representation in Lok Sabha Elections³⁵; policymakers are nudging towards a more equitable society.

²³ Constitution of India, art 39(a).

²⁴ *Id.*, art 14.

²⁵ Constitution of India, art 39(d).

²⁶ Employee’s Compensation Act 1923.

²⁷ Constitution of India, art 15(3).

²⁸ *Id.*, art 16.

²⁹ Constitution of India, art 23.

³⁰ Nisha Anand, ‘Gender Gap index: Indian women earn Rs 40 for every Rs 100 earned by men’ (*Business Standard*, 8 June 2024) < https://www.business-standard.com/india-news/global-gender-gap-index-2024-indian-women-earn-rs-40-for-every-rs-100-indian-men-earn-124061200379_1.html > accessed 9 June 2024.

³¹ Constitution of India, art 42.

³² Maternity Benefit Act 1961, s 5.

³³ Constitution of India, art 51A(e).

³⁴ *Id.*, art 243D(3).

³⁵ Women Reservation Act, 2023.

The Equal Remuneration Act³⁶ provides for the payment of equal remuneration to men and women workers and prevents gender-based discrimination. However, lower caste women comprising a majority of the unorganised sector are deprived of the privilege of enjoying equal remuneration.³⁷

Primarily, the Employee's Compensation Act³⁸ was implemented to provide financial protection to workmen and their dependents in case of any accidental injury, in the course of employment.²⁶ This act applies to workers of factories, mines, plantations, oilfields and other establishments (listed in Schedule II & III) of the Act. Generally, the establishments rely upon insurance companies to cover such liabilities.²⁷

The Minimum Wage Act³⁹ empowers the provincial government to fix a minimum rate of wages, for skilled/unskilled workers. However, the lack of enforceability, culminates in the abysmal rates of wages, in the unorganised sector.⁴⁰ To cure this, the government is pondering upon adopting live wages, instead of minimum wages.⁴¹ Further, The Weekly Holiday Act⁴² provides a grant for weekly holidays to persons employed in shops, restaurants, and theatres. Given that most unorganised women work in such establishments, it is vital that they are provided with a paid weekly off.

The Factories Act, 1948,⁴³ prohibits the working of women & children near cotton-opener,²⁹ & empowers the State to prescribe maximum weights, which can be lifted by women.³⁰ Additionally, section 48 of the Act, provides for the establishment of creche, if more than thirty women workers are employed. Such creche shall be well-ventilated and sanitised and be under the charge of women. Further, the State Government is entitled to make rules for managing such creches, requiring the provision of free milk/refreshment to such children and facilitating the mothers to feed the children at necessary intervals.³¹

³⁶ Equal Remuneration Act 1976.

³⁷ Runi Datta, 'Emancipating and Strengthening Indian Women: An Analysis of B. R. Ambedkar's Contribution' [2019] 11 SageJournals 1 < <https://doi.org/10.1177/2455328X1881990> > accessed on 21 May 2024.

³⁸ Employee's Compensation Act 1923.

³⁹ Minimum Wage Act 1948.

⁴⁰ Shivangini, 'India to shift from minimum wage to living wage system by 2025: Know what it means for the country', (*Mint*, 27 March 2024) < <https://www.livemint.com/economy/india-to-shift-from-minimum-wage-to-living-wage-system-by-2025-know-what-it-means-for-the-country-11711504784820.html> > accessed 19 May 2024.

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⁴² Weekly Holiday Act 1942.

⁴³ Factories Act 1948.

According to section 66 of the Factories Act 1948, no woman worker can be made to work for more than nine hours & no woman shall be allowed/ made to work beyond 6 A.M. & 7 P.M. Although the State government can make exclusion, for women working in fish-canning factories, to prevent deterioration of raw material.

Further, section 87 of the Factories Act 1948, empowers the State to prohibit the employment of women or adolescents from working in the manufacturing process or operation of a factory, that poses a serious risk of bodily injury, disease or poisoning. Although the new labour codes,⁴⁴ will do away with such restrictions (timings and kind of work), they view women, as incapable of making their choices and unjustly force them into taking up less lucrative and low-paying jobs.

The Bonded Labour System (Abolition) Act,⁴⁵ abolishes the economic and physical exploitation of the weaker sections of society.⁴⁶ It bars the forced labour, free labour or labour at nominal wages; of a debtor in pursuance of his caste, custom, obligation of lineal ascendants/ descendants etc.⁴⁷

The Maternity Benefit Act⁴⁸ regulates the employment of women workers – before and after childbirth. The pregnant woman is entitled to leave of twenty-six weeks⁴⁹ from the date of delivery and leave of six weeks from the date of miscarriage.⁵⁰ However, prior to 2017, this period was only six weeks. In fact, after this amendment, a woman adopting a child below three months is entitled to maternity leave of up to twelve weeks from the date she is handed over the child. During the maternity leave, a woman worker is entitled to be paid her full salary.⁵¹

⁴⁴ Code of The Labour Code (Wage Code), 2019; Industrial Relations Code Bill, 2020; Code on Social Security Bill, 2020 and Occupational Safety, Health and Working Conditions Code Bill, 2020.

⁴⁵ The Bonded Labour System (Abolition) Act 1976.

⁴⁶ Sulekha Kaul, 'A Brief Guide To Labour And Industrial Laws Of India' (*Mondaq*, 22 September 2017) < <https://www.mondaq.com/india/employee-rights-labour-relations/631074/a-brief-guide-to-labour-and-industrial-laws-of-india> > accessed on 18 May 2024.

⁴⁷ The Bonded Labour System (Abolition) Act 1976, s 2(g).

⁴⁸ Maternity Benefit Act 1961.

⁴⁹ *Id.*, s 5.

⁵⁰ Maternity Benefit Act 1961, s 5.

⁵¹ *Id.*

Such benefits can be claimed by any woman worker, who has worked in the establishment for at least 80 days in the past twelve months of her delivery.⁵² Further, a woman is entitled to leaves of up to one month, in case of illness arising out of pregnancy or delivery.⁵³

The Act postulates the establishment of a creche facility; having fifty or more employees.⁵⁴ Further, the woman is entitled to two nursing breaks during her working hours, until her child attains the age of fifteen months.⁵⁵

Additionally, the employer shall be barred from dismissing the woman unlawfully⁵⁶ or deducting her wages⁵⁷; or varying the conditions of her service, to her disadvantage,⁵⁸ on account of her pregnancy. Moreover, the employer may be imprisoned for up to one year or fined up to Rs.2000/- for contravening any provision of this Act.⁵⁹

The National Rural Employment Guarantee Act⁶⁰ makes it mandatory for the provincial government, to provide every household, whose adult member volunteers, manual work for not less than 100 days, in a financial year.⁶¹ The wages shall be notified from time to time, but shall not be less than Rs.60 per day.⁶²

The Sexual Harassment at Workplace (Prohibition, Prevention and Redressal) Act,⁶³ is a milestone in facilitating women's well-being in the workplace. With the guidelines of the apex court in Vishaka Judgment,⁶⁴ This act made special provisions to bar sexual harassment in the workplace. Primarily, it defines 'workplace' as inclusive of a government undertaking, private establishment, hospitals, sports institute, dwelling place etc.⁶⁵

⁵² Maternity Benefit Act 1961, s 5.

⁵³ *Id.*

⁵⁴ Maternity Benefit Act 1961, s 11.

⁵⁵ *Id.*

⁵⁶ Maternity Benefit Act 1961, s 12.

⁵⁷ *Id.*, s 13.

⁵⁸ *Id.*

⁵⁹ Maternity Benefit Act 1961, s 21.

⁶⁰ National Rural Employment Guarantee Act 2005.

⁶¹ *Id.* s 3.

⁶² National Rural Employment Guarantee Act 2005, s 6.

⁶³ Sexual Harassment at Workplace (Prohibition, Prevention and Redressal) Act 2013.

⁶⁴ *Vishaka & Ors. v State Of Rajasthan & Ors.* [1997] AIR Supreme Court 3011.

⁶⁵ Sexual Harassment at Workplace (Prohibition, Prevention and Redressal) Act 2013, s 2(o).

Secondly, it defines 'sexual harassment' in terms of physical contact and advances; demand or request for sexual favours; making sexually coloured remarks; showing pornography; or any other unwelcome physical conduct (verbal or non-verbal) of a sexual nature.⁶⁶

Further, the employer is duty-bound to provide a safe working environment for women; organise workshops to sensitise the staff; aid the aggrieved & facilitate the Internal Complaints Committee and Local Complaints Committee in conducting the inquiry.⁶⁷ Finally, this act provides for a fine of up to Rs.50,000/- for non-compliance with the provisions of this Act (failure to constitute the ICC or take action against the wrongdoer).⁶⁸

POSITION OF WORKING WOMEN IN UNORGANISED SECTOR

Given the lack of education, employment opportunities and the patriarchal set-up of Indian society, poor women, as a doubly marginalised group, are left with very few options in the organised sector. Hence, in the face of the rising cost of living, they take up odd jobs, in the unorganised sector, such as migrant workers, waste pickers, construction workers, house-help, etc. This neglected segment, though huge in number, remains outside the reach of labour laws and trade unions.⁶⁹

The workers in the unorganised sector constitute about 93% of the total workforce in the country.⁷⁰ According to the eShram national database, about 296 million workers are engaged in the unorganised sector.⁷¹ Interestingly 53.18% of these workers are women (approx. 157 million) & 46.81% are men (approx. 138 million).⁷²

The state of Uttar Pradesh contributes to the greatest number of unorganised workers (approx. 83 million), followed by Bihar (approx. 29 million), West Bengal (approx. 17 million) & Maharashtra (approx. 14 million).⁷³ The sectors that engage the most number of unorganised

⁶⁶ *Id.*, s 2(n)

⁶⁷ Sexual Harassment at Workplace (Prohibition, Prevention and Redressal) Act 2013, ss 11, 19.

⁶⁸ *Id.*, s 26.

⁶⁹ Hajra Masood, 'Women Workers in Unorganized Sector in India: Problems and Prospects' (2022) 2(4) SJIF: 2.246, ISSN:2349-7858

<https://www.researchgate.net/publication/340647203_WOMEN_WORKERS_IN_UNORGANIZED_SECTOR_IN_INDIA_PROBLEMS_AND_PROSPECTSABSTRACT> accessed on 26 May 2024.

⁷⁰ Ministry of Labour & Employment, 'eShram' (Government of India) < <https://eshram.gov.in/dashboard> > accessed on 29 May 2024.

⁷¹ *Id.*

⁷² Ministry of Labour & Employment, 'eShram' (Government of India) < <https://eshram.gov.in/dashboard> > accessed on 29 May 2024.

⁷³ Ministry of Labour & Employment, 'Unorganized Worker' (Government of India) < <https://labour.gov.in/unorganized-workers> > accessed on 27 May 2024.

workers are agriculture, followed by domestic & household workers, and the construction & apparel industries, respectively.⁷⁴

Such workers are marked by lack of job security, low wages, lack of paid leave, absence of social security & health insurance, and no scope of skill enhancement or promotion. The plight of women working in the unorganised sector; whether home-based establishment or otherwise, is aggravated, by the lack of safe drinking water & separate toilet facilities for women workers.

Further, women face gender-based discrimination at the workplace, in the form of lower rate of wages, for the same number of working hours and often remain devoid of social security benefits, like – maternity leave, paid time off, ESIC & EPFO benefits, compensation for overwork or injury.⁷⁵ They also struggle to report any incidences of discrimination or harassment by coworkers or employers, due to the fear of loss of job or embarrassment.⁷⁶

Although the new labour codes⁷⁷ try to resolve some of these issues by providing registration of all workers, on a unified platform and providing ESIC benefits to both workers in both organised and unorganised sectors; this is not enough.

Another challenge that needs to be catered, to is the lack of creche facilities in the country. Despite the introduction of the Palna Scheme & various legislations (Factories Act, 1948; Mines Act, 1952; Plantation Act, 1951; Beedi & Cigar Workers Act, 1966, Building & Construction Workers Act, 1996), mandating the establishment of creche facilities, in the vicinity of an organisation, there is a drought of creche facilities in the country. In January 2015, there were 23,293 creche facilities in the country. This number is now down to a meagre 2688 by 2023.⁷⁸ Given the lack of maternity benefits available to women in the unorganised sector, the lack of affordable childcare facilities leads to loss of employment & wages. In order to utilise the potential of half of the population & give suitable care to infants, the State must have a

⁷⁴ *Id.*

⁷⁵ R.G. Foundation, 'Study on Working Condition & Privileges of Women in the Unorganised Sector in India' (2016) Ministry of Women & Child Development < https://wcd.nic.in/sites/default/files/FINAL%20DRAFT%20REPORT_1.pdf > accessed on 27 May 2024.

⁷⁶ *Id.*

⁷⁷ Code of The Labour Code (Wage Code) 2019; Industrial Relations Code Bill 2020; Code on Social Security Bill 2020 and Occupational Safety, Health and Working Conditions Code Bill 2020.

⁷⁸ Press Information Bureau, 'Total 2688 Crèches operational across the country; Number of beneficiaries is 57128 under PALNA SCHEME' (*Ministry of Women and Child Development*) < <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1784149> > accessed on 18 May 2024.

robust mechanism for providing an adequate number of creche facilities across India.⁷⁹

Steps must be taken to provide social security to women from the depressed classes, undertaking the work of manual scavenging or rag picking. They become doubly marginalised, on account of being women of low caste & due to their nature of work. In the absence of protective gear and regular health checkups, these workers are forced to suffer a life of ostracization, poverty & discrimination.⁸⁰ Despite the ban on manual scavenging & introduction of new machines (for cleaning the sewer), this practice prevails in society.⁸¹

STATUS OF WOMEN IN UNORGANISED SECTOR: A GLOBAL VIEW

The International Labour Organisation (ILO) has been responsible for setting labour standards, developing policies and advocating for workers' rights since 1919. The 90th Session at the International Labour Conference in 2002, defined, 'Informal Economy', as "all economic activities by workers and economic units that are -in law or in practice- not covered or insufficiently covered by formal arrangements."⁸² Later on, this definition was extended to include, workers employed in their own informal sector enterprises; contributing family workers; members of informal producer's cooperatives; employees holding informal jobs in formal sector enterprises and paid domestic workers employed by households.⁸³

Recently, the 19th ICLS (ILO 2013) & 20th ICLS (ILO 2018), expanded the definition of 'worker' (both formal & informal) to include previously unrecognised categories, such as – platform-based work, unpaid employment and on-demand work.⁸⁴

ILO strongly recommends, strengthening efforts to achieve more reliable & comprehensive data on social security, covering four key areas: the scope of social protection, financing &

⁷⁹ Annabelle Timsit, 'An Indian nonprofit is showing how free childcare at work can help disrupt the poverty cycle' (*Quartz*, 30 January 2019) < <https://qz.com/india/1532477/the-impact-of-free-childcare-on-indias-poverty-cycle> > accessed on 17 May 2024.

⁸⁰ Sanjana Bhalerao, 'Explained: What is manual scavenging, and why is it still prevalent in India?' (*The Indian Express*, 12 March 2024) < <https://indianexpress.com/article/explained/explained-what-is-manual-scavenging-and-why-is-it-still-prevalent-in-india-7815400/> > accessed on 18 June 2024.

⁸¹ *Id.*

⁸² International Labour Organisation, 2002a, para 3.

⁸³ 17th International Conference on Labour Statisticians, 2003 < https://webapps.ilo.org/wcmsp5/groups/public/-/dgreports/---stat/documents/publication/wcms_087876.pdf > accessed on 27 May 2024.

⁸⁴ Accountability Initiative, 'A Comprehensive Overview: Defining and Measuring Informality in India's Labour Market. Accountability Initiative', (Centre for Policy Research, December 2020) < https://accountabilityindia.in/wp-content/uploads/2020/12/Informality_Explainer_Dec2020.pdf > accessed on 18 May 2024.

expenditure, beneficiaries & protected persons, and benefit levels.⁸⁵ Further, it recommended gender issues be considered in all aspects of developmental work, vocational training be provided to workers & policies must be made for catering to international labour migration.⁸⁶

The members of ILO are required to report to the Director General of ILO; the position of law & practice in their country with reference to the Recommendations given by the Conference of ILO.⁸⁷ Although, these Recommendations, are not open to ratification. But they are meant to provide guidance to the member States; to formulate & implement policy, legislations & practices.⁸⁸

Recommendation R204 is notable as it provides vital measures to bring the informal sector to par with the formal sector. These Recommendations require the Members to:

- a) facilitate the transition of workers from informal to formal economy, while respecting worker's fundamental rights & ensuring opportunities for income security, livelihood & entrepreneurship;
- b) promote the creation, preservation & sustainability of enterprises and decent jobs in the formal economy and the coherence of macroeconomics, employment, social protection and other policies; and
- c) prevent the informalisation of formal economy jobs.⁸⁹

Additionally, the guidelines for The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provide a comprehensive framework for the promotion of women's rights, including those working in the unorganised sector. The following provisions are notable in the protection of women workers:

- Article 2 of CEDAW mandates the State to condemn gender-based discrimination &

⁸⁵ *Id.*, at 83.

⁸⁶ *Id.*

⁸⁷ Dr. Namrata Luhar, 'Unorganised Workers' Social Security: Legal Appraisal and Criticisms' [2019] 5 (6) The Law Brigade (Publishing) Group [ISSN 2455 2437] < https://thelawbrigade.com/wp-content/uploads/2019/12/UNORGANISED-WORKERS%E2%80%99-SOCIAL-SECURITY-LEGAL-APPRAISAL-AND-CRITICISMS_DR.-NAMRATA-LUHAR.pdf > accessed on 26 May 2024.

⁸⁸ *Id.*

⁸⁹ International Labour Organisation, 'R204 - Transition from the Informal to the Formal Economy Recommendation, 2015 (No.204), Article 1 < https://normlex.ilo.org/dyn/normlex/de/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:3243110,en:NO > accessed on 24 May 2024.

adopt policies to prevent the same.

- Article 5 requires the State to try and change the harmful gender stereotypes about women & men; that lead to discrimination & limit the opportunities for women.
- Article 11 of CEDAW requires the State to prevent discrimination against women in the workplace. This includes the implementation of equal pay for equal work, equality of opportunities, and ensuring the health & safety of women workers.
- Article 13 of CEDAW mandates the State to eliminate discrimination against women and girls in economic & social life. It recognises the right of women to avail of family benefits, bank loans, mortgages & other forms of financial credit.
- Article 14 of CEDAW requires the State to ensure the participation of women in rural development & benefit from it. It includes adequate healthcare, training, education & social security.
- Article 16 of CEDAW mandates the State to eliminate discrimination against women in marriage & family relations.⁹⁰

In this light, the inclusion of gig workers, domestic workers & other casual workers; in the new labour codes,⁹¹ in India is a welcome step. As a Welfare State, the policymakers must strive to provide, basic social security to all the workers of the country, irrespective of the sector. To achieve this feat, a number of schemes have been launched by the government. Although, after the launching of any scheme, proper follow-up must be undertaken & efforts must be made, to publicise the benefits of the schemes and door to door campaign may be launched, in rural areas, with the help of Shiksha Mitra, Asha workers, Panchayat & NGOs. The following are some of the schemes, that bridge the gap between the formal & informal sector workers in India.

⁹⁰ Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW) For Youth, Art. 2, 5, 11, 13, 14, 16 < <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2016/CEDAW-for-Youth-Brief.pdf> > accessed on 28 May 2024.

⁹¹ Code of The Labour Code (Wage Code) 2019; Industrial Relations Code Bill 2020; Code on Social Security Bill 2020 and Occupational Safety, Health and Working Conditions Code Bill 2020.

IMPORTANT SCHEMES AIMED AT THE PROTECTION OF UNORGANISED WORKERS

- Pradhan Mantri Matra Vandana Yojna (PMMVY) – It is aimed at providing cash benefits to pregnant women and lactating mothers (other than those working in the government sector) for the birth of a first living child of the family.⁹² Under this scheme, Rs.5000/- is provided to the beneficiary in three instalments, for fulfilling the nutrition & health-seeking conditions. Post delivery the women gets Rs.6000/- under the Janani Suraksha Yojana (JSY).⁹³ Apart from providing nutrition, this scheme encourages pregnancy before eighteen years & institutional delivery.
- Lakhpati Didi Program – This is a skill development program that encourages economic empowerment and financial independence among women in rural areas. As the name suggests, a Lakhpati Didi is a Self-help Group member, who earns Rs.1 Lakh or more, annually.⁹⁴ Women are encouraged to join self-help groups for dispensing financial literacy, skill development & livelihood assistance.⁹⁵
- Krishi Sakshi Yojna – It is the agricultural dimension of the Lakhpati Didi program, that aims to impart training & certification regarding agricultural practices, seed banks, soil health management, livestock management, use of Bio inputs & basic communication skills.⁹⁶
- Mahila e-Haat Scheme – Under this scheme, women are provided with a platform to showcase & sell their products to the customer directly.⁹⁷ This portal is free of cost for women & also provides capacity-building programs & loan assistance for women entrepreneurs.⁹⁸
- Support to Training and Employment Programme for Women (STEP) – Similar to the

⁹² Ministry of Women and Child Development, 'Pradhan Mantri Matra Vandana Yojna (PMMVY)' (Government of India) < <https://pmmvy.wcd.gov.in/> > accessed on 1 July 2024.

⁹³ *Id.*

⁹⁴ Ministry of Rural Development, 'Lakhpati Didi' (Government of India) < <https://lakhpatididi.gov.in/> > accessed on 1 July 2024.

⁹⁵ *Id.*

⁹⁶ Press Information Bureau, 'Krishi Sakshi' (Ministry of Agriculture & Farmers Welfare) < <https://pib.gov.in/PressReleaseFramePage.aspx?PRID=2026015> > accessed on 30 June 2024.

⁹⁷ Press Information Bureau, 'Mahila e-Haat' (Ministry of Women and Child Development) < <https://pib.gov.in/newsite/printrelease.aspx?relid=137415> > accessed on 1 July 2024.

⁹⁸ *Id.*

Lakhpati Didi program, STEP aims to empower women through skill development and employment generation, for poor and marginalized women (like – disabled women, single mothers or lower caste women).⁹⁹ The women are given skill training in various sectors like -- agriculture, horticulture, food processing, handlooms, tailoring, stitching, embroidery, zari etc, handicrafts, computer & IT services along with soft skills.¹⁰⁰

- Ujjawala Scheme – The objective of this scheme is to prevent trafficking and rescue, rehabilitate, reintegrate and repatriate victims for commercial sexual exploitation.¹⁰¹
- One Stop Centre and Universalisation of Women Helpline – The aim is to facilitate women affected by violence (including domestic violence) with a range of integrated services under one roof such as Police facilitation, rescue van, medical aid, providing legal aid and legal counselling, psycho-social counselling, temporary shelter etc.¹⁰² Women can dial the 181 shortcode to avail of these services.¹⁰³
- PrimeMinister’s Employment Generation Programme (PMEGP) – This scheme provides a higher margin subsidy of 35% to rural women and 25% to urban women, empowering them to pursue entrepreneurial ventures and contribute to economic growth.¹⁰⁴
- Credit Guarantee Scheme for Micro & Small Enterprises (CGTMSE) – This scheme aims to empower female entrepreneurs to pursue self-employment opportunities by providing credit guarantee support.¹⁰⁵
- Coir Vikas Yojana (CVY) – This scheme specifically targets women, offering training,

⁹⁹ Press Information Bureau, ‘STEP Scheme for Economic Empowerment of Poor Women’ (*Ministry of Women and Child Development*) < <https://pib.gov.in/newsite/PrintRelease.aspx?relid=124444> > accessed on 1 July 2024.

¹⁰⁰ Press Information Bureau, ‘STEP Scheme for Economic Empowerment of Poor Women’ (*Ministry of Women and Child Development*) < <https://pib.gov.in/newsite/PrintRelease.aspx?relid=124444> > accessed on 1 July 2024.

¹⁰¹ Press Information Bureau, ‘Schemes /Programmes For Empowerment of Women’ (*Ministry of Women and Child Development*) < <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1795471> > accessed on 1 July 2024.

¹⁰² *Id.*

¹⁰³ Press Information Bureau, ‘Schemes /Programmes For Empowerment of Women’ (*Ministry of Women and Child Development*) < <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1795471> > accessed on 1 July 2024.

¹⁰⁴ Press Information Bureau, ‘PrimeMinister’s Employment Generation Programme (PMEGP)’ (*Ministry of Micro, Small & Medium Enterprises*) < <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1514858> > accessed on 1 July 2024.

¹⁰⁵ Advisory For Employers To Promote WOMEN WORKFORCE PARTICIPATION, ‘Ensuring Equality, Empowerment For Women’ (*Ministry of Labour and Employment*) < https://labour.gov.in/sites/default/files/012524_booklet_ministry_of_labour_employment_revised2.pdf > accessed on 30 June 2024.

stipends and self-employment opportunities for rural women in coconut-producing regions.¹⁰⁶

- National Social Assistance Programme (NSAP) – This scheme aims to provide financial assistance to the elderly, widows and persons with disabilities, in the form of social pensions.¹⁰⁷ It covers three crore people, who are below the poverty line.¹⁰⁸
- Working Women Hostel Scheme – The objective is to provide safe and conveniently located accommodation for working women, with daycare facilities for their children, in urban, semi-urban, or even rural areas, where employment opportunities for women exist.¹⁰⁹
- Palna Scheme – Introduced as part of Mission Shakti, this scheme seeks to provide quality and affordable day-care facilities for children (up to 6 years) of working women in both organised & unorganised sectors.¹¹⁰
- Pradhan Mantri Awas Yojna (PMAY) – This is a credit-linked subsidy scheme to facilitate affordable housing for low & moderate-income residents of the country.¹¹¹ Through coverage with other Government Schemes, it also addresses basic needs such as the construction of the toilet, piped drinking water, electricity connection, LPG gas connection and 90/95 person-days of unskilled labour from MGNREGS.¹¹² Around 70% of the houses are solely or jointly owned by women.¹¹³
- eShram Portal – This portal will help build a comprehensive National Database of

¹⁰⁶ *Id.*

¹⁰⁷ Ministry of Rural Development, 'National Social Assistance Programme' (*Government of India*) < <https://rural.gov.in/sites/default/files/Overview%20of%20NSAP.pdf> > accessed on 28 May 2024.

¹⁰⁸ *Id.*

¹⁰⁹ Press Information Bureau, 'Schemes /Programmes For Empowerment of Women' (*Ministry of Women and Child Development*) < <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1795471> > accessed on 1 July 2024.

¹¹⁰ Press Information Bureau, 'Total 2688 Crèches operational across the country; Number of beneficiaries is 57128 under PALNA SCHEME' (*Ministry of Women and Child Development*) < <https://pib.gov.in/PressReleaseframePage.aspx?PRID=1784149> > accessed on 28 May 2024.

¹¹¹ Press Information Bureau, 'Housing for All under Pradhan Mantri Awas Yojana' (*Ministry of Housing and Urban Affairs & Ministry of Rural Development*, 8 April 2022) < <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/apr/doc20224839001.pdf> > accessed on 27 May 2024.

¹¹² *Id.*

¹¹³ Advisory For Employers To Promote WOMEN WORKFORCE PARTICIPATION, 'Ensuring Equality, Empowerment For Women' (*Ministry of Labour and Employment*) < https://labour.gov.in/sites/default/files/012524_booklet_ministry_of_labour_employment_revised2.pdf > accessed on 30 June 2024.

Unorganised Workers (NDUW) in India. This portal will help in the last-mile delivery of welfare schemes for crores of unorganised workers for more than 38 Crore workers.¹¹⁴ Around 53% of the workers registered on this portal are women.¹¹⁵

SUGGESTED STRATEGY TO ORGANIZE THE UNORGANISED LABOUR

Although the new labour codes,¹¹⁶ try to mitigate the differences between organised and unorganised labour forces, their implementation & effectiveness are yet to be seen. Further, the number of schemes, assisting the unorganised workforce, is announced in plenty, but their implementation is hardly taken seriously. Primarily the poor & destitute, do not get the information, regarding these schemes & those who try to avail their benefits; get rejected by corrupt officers. The following model is suggested to organise the workers in unorganised labour:

1. Comprehensive legislative framework – A Unified Labour Code can go a long way in establishing the industrial law jurisprudence in the country. The introduction of new labour codes¹¹⁷ is a step towards simplifying & codifying the laws pertaining to workers. It is important to provide redressal for any dispute between the employer & employee, in a time-bound manner. Primarily efforts should be made to resolve the matter amicably, but in case of failure to reach any compromise, matters must be referred to the tribunal. There should be provisions, for providing free/affordable legal assistance to workers, who earn less than Rs.25,000 per month.

2. Mandatory Registration – Having a unified-digitised portal for registration of all unorganised labour can ensure that they are protected from any kind of unfair treatment, harassment, loss of wages, unfair termination of services, withholding of worker's benefits (Maternity, EPFO ESIC & other) etc. So far, only the workers in the formal sector, enjoy these rights.

Further, through this digitised portal, it would be easier to track the employment history of

¹¹⁴ Advisory For Employers To Promote WOMEN WORKFORCE PARTICIPATION, 'Ensuring Equality, Empowerment For Women' (*Ministry of Labour and Employment*) < https://labour.gov.in/sites/default/files/012524_booklet_ministry_of_labour_employment_revised2.pdf > accessed on 30 June 2024.

¹¹⁵ *Id.*

¹¹⁶ Code of The Labour Code (Wage Code) 2019; Industrial Relations Code Bill 2020; Code on Social Security Bill 2020 and Occupational Safety, Health and Working Conditions Code Bill 2020.

¹¹⁷ *Id.*

workers & provide assistance, in gaining wilful employment.

3. Enforcement of Minimum Wage – A major factor in driving the youth towards first-world or high-income countries, is the provision of minimum wage for any kind of job. This policy ensures a dignified standard of living, for all the workers, irrespective of their gender, ethnicity, age or nature of work. The employer must pay minimum wages, by the hour.

Although there are provisions for minimum pay for skilled & unskilled labour in India, it is hardly implemented by Non-State Employers. One faction may criticise that minimum pay cannot be implemented in a country as diverse & poor as India, but such dignified pay is important to reduce, the huge income inequalities in the country.

4. Linking the Beneficiary Schemes – There is a need to provide linkage between different schemes & it is better to provide a unified scheme for low-income families, by providing ration assistance, sanitation facilities, accidental & health insurance, and employment opportunities.

5. Elevate Public Awareness & Outreach – Given that most of the unorganised workers are devoid of basic resources, they remain ignorant of their rights & avail benefits of the welfare schemes. Therefore, it is important to set up – community centres in urban & rural areas, where workers can get information, requisite forms & any clarification, regarding the government scheme.

Apart from advertisements, it is important to channelize some funds, towards drama societies, so that, they can perform in the slum areas or local markets; publicizing these schemes. Apart from celebrities endorsing, these schemes, the NGOs¹¹⁷ hold the key for serving the low-income groups. Their network can be utilised in tracking, publicising & monitoring, the real-time impact & reach of these schemes. There is also a need to educate adolescents, about these schemes, in the school curriculum, so that they may assist their parents, friends & other acquaintances in availing of the social security measures.

6. Regular Monitoring & Follow-up – Various social security schemes are launched, by the state & central government, but there is a lack of follow-up mechanisms, to ensure the effective reach & impact of the said scheme. A robust mechanism is needed, to enquire about the challenges in availing the benefits of the scheme.

Given the fact that these are poor & less-educated workers; data must be collected with the help of local volunteers, NGOs, and ASHA workers – to figure out the real-time impact of the scheme. Additionally, regular assessments must be made to ensure, that non-deserving people do not avail the benefit of these schemes.

7. Policy for Undertaking Work during Extreme Temperatures – The escalating temperatures are leading to unprecedented climate change in India. Those who have to work outside or do manual labour in such weather, are the most adversely affected, as when they fall sick (which is the likely outcome of working in the Sun), they not only have to bear medical bills but also suffer wage loss.

In view of the rising temperatures in the country, there is a need to formulate a comprehensive policy for ensuring flexible working hours, availability of safe drinking water and some kind of cooling facility & resting place, on the premises or in the vicinity of industry (in the afternoon); to ensure the well being of construction workers or workers in different industries. In case of dehydration, heatstroke or any other ailments resulting from working in extreme temperatures, it shall be the duty of the employer or the government to provide proper medical aid, to the worker. Further, the action plan must envisage community kitchens, and resting places, with cooling facilities, for the workers, at least in the industrial pockets of the country. It can be akin to shelter homes, established during winter, to protect the homeless people.

8. Unionisation – With mandatory registration & digitised platform, the workers can be encouraged to unionize and cater to their demands using collective bargaining. This will ensure that the wants & concerns of the labour are tabled before the employer & they can leverage their position, to gain equitable pay, fair wages, bonus, paid time off etc.

9. Elevating Transparency in Private/Unorganised Sector – One of the major factors for preference of public sector/ formal jobs is 'job security'. There is a substantial lack of legislative framework, in terms of dismissal of workers in the unorganised sector. The employer may dismiss the workers, without giving any notice or due to any technical; superficial or fraudulent reason. This may be rectified, by mandating at least fifteen days' prior notice, to the worker, along with an experience certificate/statement, so as to aid the worker in finding a new job.

It is important to make the employers accountable when they fail to give the notice of termination, experience certificate/statement and pay wages, until the last working day. These

are some basic rights of a worker and are important to sustain his or her livelihood.

10. Strengthening Women in Unorganised Sector – Women workers should be encouraged, to learn technical skills and handle machinery, to attain high-paying jobs. Interestingly, more women workers are entering the spaces that were primarily reserved for men only. For instance, drivers, delivery partners for e-commerce platforms, phlebotomists etc. The government should incentivise organisations to hire women workers, as it would enhance their participation in the workforce & tap upon the potential of female workers in society.

Additionally, a large number of women are engaged in the apparel industry, working around twelve hours a day, in the form of a tailor, master & sales representative. This type of work is seasonal in nature, with no fixed income & is often paid commission-wise. Given the scope of the textile industry in the country, there is a need to introduce a unique platform for such workers, providing vocational training, centralised orders & connecting firms, with these workers.

Separate portals can be launched for house help, women in apparel industries, rag pickers, street vendors etc. to address the unique challenges, faced by them in their day-to-day work & provide assistance in the form of welfare schemes, skill training, insurance cover, loans at low-income rates & awareness programmes.

11. Improve the Working Conditions of Delivery Persons - The recent rant of an Indian-origin woman from Canada went viral, wherein she claims that Indians don't realise how lucky they have it.¹¹⁸ She was referring to the difference in services, delivered by Amazon to Indian customers, who get free pick up from home, while she had to repackage the product, make the label and had to send it back via post.

The privilege that Indians enjoy is a hallmark of the plight of workers, who toil all day; to bring all kinds of products for minimal pay. With the boom of e-commerce and quick commerce in India; people do not need to bother stepping outside as almost all the necessary items can be delivered at the click of a button. In hindsight, it is important to consider that these workers, despite being associated with multi-billionaire companies - are often the most exploited in the company and remain akin to unorganised workers. They are termed as 'partners' or

¹¹⁸ NDTV News Desk, 'Amazon Wale Bhaiya vs Canada Post' (NDTV, 29 May 2024) <<https://www.ndtv.com/india-news/womans-viral-video-shows-how-amazons-return-policy-differs-in-india-and-canada-5772190>> accessed 16 May 2024.

‘independent contractors’ by the company and apart from road accident insurance, do not get any other benefit that a regular employee/ worker of the company enjoys, like – health insurance, provident fund, paid time off etc.¹¹⁹ Such ‘gig workers’, are paid in proportion to the number of packages delivered in a day & the ratings received, this results in often working overtime and enduring the whims of rude customers.¹²⁰ Therefore, specific regulations & policies are needed to provide social security to such delivery partners, who despite earning more than an average labourer, spend one-third of their earnings on petrol only.¹²¹ Some kind of subsidy for fuel can be provided by the company or government to ease their economic burden. Further efforts shall be made to give skill training to these workers so that they can be absorbed as regular employees of the company.

12. Recognising the Contribution of Women at Home – There is a need to provide some kind of economic & legal recognition, to the domestic work undertaken by women across India. According to NSSO, over 80% of women engage in unpaid domestic work, compared to about 25% of men.¹²² They also spend about five hours every day in such work, compared to only one and a half hours for men.¹²³ Venezuela became the first country in 2017, to recognise the contribution of stay-at-home housewives by paying 80% of the minimum wage (USD 180 per month).¹²⁰ Although, when a housewife meets with an accident, her wages are calculated on the basis of minimum wages of unskilled labour. This means, that the contribution of women in domestic setup, is recognised only when she meets with a mishappening.

The patriarchal setup of families worsens this situation, as the traditional gender roles remain a reality for most women. Therefore, the working hours of women, increase exponentially, as she has to primarily fulfil their household duties and then work outside. To aid this, special awareness programmes, advertisements and TV series may be launched, depicting the benefits of women contributing to household income & how the duties of household, must be shared by all the members of the family.

¹¹⁹ Aditi Surie, Ambika Tandon, ‘Blinkit protests: For gig workers, there is no income security – and little legal recourse’ (*The IndianExpress*, 20 April 2023) < <https://indianexpress.com/article/opinion/columns/blinkit-protests-for-gig-workers-there-is-no-income-security-8567205/> > accessed 20 May 2024.

¹²⁰ Asheef Iqubbal, ‘Food Delivery Workers in India: Emerging Entrepreneurs Or Informal Labour?’, (*Digital Empowerment Foundation*, 1 April, 2021) < <https://defindia.org/wp-content/uploads/2021/04/swiggy-zomato-delivery-workers-india-entrepreneurs-labour.pdf> > accessed 22 May 2024.

¹²¹ *Id.*

¹²² Arpan Tulsyan, ‘Salary for Homemakers: An Idea Laden With Controversies’ (*Manorma Yearbook*, 20 January 2021) < <https://www.manoramayearbook.in/india/special-articles/2021/01/20/salary-for-homemakers-analysis.html> > accessed on 16 May 2024.

¹²³ *Id.*

CONCLUSION

The government should focus on minimising the challenges of women working in the unorganised sectors, like delivery persons, retail agents, household help etc. who despite working extra hours for an organisation/household for several years, fail to enjoy the security that comes with working in the organised sector.

There is a dire need to provide basic facilities, to women workers in terms of separate & clean sanitation facilities, safe drinking water, creche facility in the vicinity of the workplace, gender sensitization programmes across slum areas & organisations (having more than fifteen members), conduct timely inspection/meetings of the premises – to resolve any challenges faced by women workers & provide nutritional food/subsidy for pregnant women.

The amendments in new labour codes,¹²⁴ pertaining to work timings & ability to work in factories, is a welcome step, as it is an escape from the Colonial outlook towards women, reducing them to the status of chattel, unable to think for themselves. Such provisions, prevented women, from attaining equitable wages in industries & were forced to take up secondary jobs only. The biggest milestone of the new labour codes¹²⁵ is providing social security to both organised and unorganised workers. Although, these codes, would only be impactful if they are implemented efficiently.

If India aspires to be a welfare nation, then the minimum pay, insurance facilities & safe workplace shall be made a reality for women workers. The benefits of these legislations will only reach the poor women workers, when they are registered on the platform, on war footing and the said benefits are ensured by real-time surveys, inspection & review.

A lot more can be attained, by a sincere collaboration of corporates, NGOs & government, for running awareness programmes, updating the course curriculum, creating safe workplaces for women, providing a sufficient number of affordable creche facilities & giving vocational training to women, belonging from economically weaker section.

Efforts should be made to reduce the widening gap between the haves & have-nots, by providing affordable education, housing, technical skills, legal aid and a time-bound redressal

¹²⁴ Code of The Labour Code (Wage Code) 2019; Industrial Relations Code Bill 2020; Code on Social Security Bill 2020 and Occupational Safety, Health and Working Conditions Code Bill 2020.

¹²⁵ *Id.*

mechanism, for the women workers, who build this nation, brick by brick.

