



## Under Prioritized Security of Women's in Unorganized Sector

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*Women in our society have so far enjoyed a secondary status and the economic dependence of women upon men is one of the primary reasons which has pushed them into the background and resulted into their secondary status both within and outside the family. In spite of the fact that the women have proved their mettle in every walk of life, their contribution is not given due credit in most cases. In India women constitute nearly half of the total population and they play a vital role in forming 50% of India's GDP (NCEUS 2008) through their unrecognized contribution in the Rural & Urban economy. Of the 400 million people working in the unorganized sector, 120 million are women. Thus, the present paper is an attempt to highlight the increased vulnerability of women in the unorganized sector and bringing to front a critical analysis of how the regulations are restrained from creating a violence free workplace in a sector that is scattered and fragmented. There are number of provisions brought in through policies and legislations by the government which is further objectified through the five year plans. However, certain loopholes and gaps in the theoretical and the practical perspective restrict it from "Make it Happen". Therefore, the paper will basically emphasize on the security provisions for prevention etc in the workplaces in unorganized sector and public places.*

**Key Words:** Legislations; Prevention; Security; Unorganized Sector; Workplace.

### Introduction

As per "The Sexual harassment of Women at Workplace (Prevention Protection & Redressal) Act, 2013 **"Unorganized Sector"** means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such worker is less than ten.

The unorganized sector work is often characterized by low wages that are often insufficient to meet minimum living standards including nutrition, long working hours, hazardous working conditions, lack of basic services such as first aid, drinking water and sanitation at the worksite, etc. Even a cursory

glance will identify several such occupations, including agricultural labour, construction workers on building sites, brick-kiln workers, workers in various service industries ranging from transport and courier services to the hospitality industry.

**"Workplace"** as per the Act includes ·

- (i) any department, organisation, undertaking, establishment, enterprise, institution, branch or unit which is established, owned, controlled or wholly or substantially trained by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society; ·

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- (ii) any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;
- (iii) hospitals or nursing homes
- (iv) any sports institute, stadium, sports complex or competition or games venue. whether residential or not used for training, sports or other activities relating thereto:
- (v) any place visited by the employee out of or during the course of employment including transport provided by the employer for undertaking such journey,
- (vi) A dwelling place or house.

### The Real World Scenario

Violence against women and girls is the most pervasive human rights violation in the world today. We are well versed with the present contribution of women in both informal & service sector. And self being the evaluator cannot turn away from saying that women are rarely acknowledged for their contribution in our informal sectors that contribute for the major percentage of our GDP. A large 'invisible' section of these women workers are employed in what is called 'home-based work' where, typically, workers use their own premises to do piece-rated work. This not only includes traditional crafts, handloom weaving, beedi rolling, but also more modern industry such as electronics.

Women have to face at home, forces to work for meager wages and without security. Women face a lot of sexual harassment in the course of employment. Due to their inability to work for long hours they are not employed in sensitive or crucial positions. Women in gold mines handle mercury and cyanide with their bare hands. Woman has to work beyond working hours, even in advanced stages of pregnancy, and there is no leave facility. In some quarries in Orissa, women have to work at night and are sexually abused. HIV AIDS, other sexually transmitted diseases, respiratory problems, silicosis, tuberculosis, leukemia, arthritis and reproductive problems are more prevalent among women working in mines.

A survey done by *AIDWA* (All-India Democratic Women's Association), back in 1989, in Pune city identified over 150 occupations where women did home-based work that ranged from making flower garlands, folding paper for the book printing industry, supplying chapattis to caterers, making agarbattis, weaving plastic seats for office chairs, de-seeding tamarind, and packing sweets.

Both formal and informal surveys reveal that on an average, unorganized sector workers do not earn more than Rs 30-50 per day. Some may appear to earn more but the work is often seasonal and the total earnings amount to roughly the same. In order to earn more, workers work longer and harder. This is particularly the case for self-employed persons such as vendors, rag pickers, and petty traders, who make their services available from the early hours of the morning to late at night, in all types of inhospitable working conditions. The use of

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cheap labour in the unorganized sector is the major source of profit for employers and contractors who exploit the workers' lack of collective bargaining power and state regulation.

Living in abject poverty, most workers in the unorganised sector barely manage a subsistence existence. There is no question of saving, particularly for times when they are unable to work. Hazardous work conditions often cause accidents, loss of limbs, etc. Such disability is disastrous because there are no other sources of income for these households. The lack of support systems also means that there is no fall-back in other emergencies, especially major illnesses or the death of an earning member in the family. The rising costs of private healthcare and the systematic dismantling of the public health system in these times of liberalization are a major reason for the silence of women victims of sexual harassment in the unorganized sector.

The most serious hazard faced by the working class in the era of globalisation is the increasing threat to job security. The informal sector is fast expanding, while the organised sector is shrinking. Contract, casual, temporary, part-time, piece-rated jobs and home based work etc are increasingly replacing permanent jobs.

Neither the central nor the state governments intervene to protect the interests of the workers. The workers in the informal sector, a large number of who are women, have no job security, face varied forms of exploitation, subjected to torture etc. Work is often unskilled or low skilled and low paid. Availability of work is irregular; when work is available, they have to

work for long hours risking their security, at the cost of less currency. However the concerned governments choose to ignore this open flouting of the labour laws.

The study titled '*Sexual Harassment at Workplaces in India 2011-2012*' was jointly conducted by Oxfam India and the Social and Rural Research Institute, a wing of IMRB International. The study found that *top three industries were unsafe for women: labourers which accounts for 29%, followed by domestic help – 23% and small scale manufacturing which accounts 16%.*

A majority of respondents perceived women working in the unorganized sector to be more susceptible to sexual harassment due to lack of awareness of legislation. Interestingly, 26% reported to be the sole earning member of their families, indicating that economic vulnerability further makes women more vulnerable to harassment at the workplace. This sector witnesses violence in silence.

In rural areas, the unorganized labour is highly stratified on the basis of caste and community considerations.

In a recent study by Oxfam India, on sexual harassment at workplaces, found that 17% of working women in the country feel that they have experienced acts of sexual harassment at their workplaces. High incidence of sexual harassment was seen among working women from both the organised and unorganised sectors.

**Critical Analysis of the Act (*Sexual Harassment at Workplaces in India 2011-2012*)**

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The Sexual Harassment Act is a much awaited development and a significant step towards ensuring women a safe and healthy work environment. However listed below are some issues that may have its existence in relation to this new legislation implementation in the unorganized sector.

1. According to the new law, any organisation with 10 or more employees is mandated to form a committee to address complaints of harassment. For all other cases, every district is mandated to form a 'Local Complaints Committee' to address the complaints. In the unorganised sector, the main challenge is the nature of the sector itself.
2. It may become a challenge for employers to constitute an ICC in the most women worker dominant areas like households, agriculture lands or small manufacturing units like beedi, weaving, shops etc.
3. At "all administrative units or offices". It may also become necessary for the employer to spend more time and efforts in training members of the ICC who are to be replaced every 3 years.
4. The job security factor is a huge deterrent for women from filing complaints, especially in the unorganised sector". "Imagine a beedi worker complaining against her employer to the local complaints committee. The law says a complainant can seek a transfer: tell me, where does she get a transfer to? And since the pool of employers in the sector is small and well knit, the possibility of her getting another job is also slim.
5. The witnesses involved may not be easily available or readily co-operate to help the victim, as these may often be the neighbourers who would hardly open their mouth to fulfill the timely tracking of case.
6. Another issue that many have raised is with the provision for 'conciliation' or 'settlement'. "This helps the offender, not the victim,". "This means a lot of pressure will be put on the victim." In the least, we want the word 'false' to be removed from this provision. What if a woman is unable to prove her case? How is it fair to punish her?"
7. The law allows the employer to initiate action against the complainant in case of a false or malicious complaint. This provision, although meant to protect the employer's interests, is likely to deter victims from reporting such incidents and filing complaints, which may in turn defeat the purpose for which the law was enacted.
8. In case the allegation has been proved, the Sexual Harassment Act allows the ICC to recommend to the employer to deduct from the respondent's salary such sums it may consider appropriate to be paid to the aggrieved woman. However, there may need to be made certain corresponding changes to the Payment of Wages Act, 1936 of India, which restricts the nature of deductions that may be made from an employee's salary.
9. The law talks about conducting an inquiry in keeping with the 'service rules'. What are the service rules in the unorganised sector? This is one aspect that hasn't been addressed. These rules must be framed for the law to be effective. And as it stands now, I feel it has

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let down the unorganised sector and domestic workers,”

10. The Act focuses on the prevention of the harassment cases through awareness. However, we find that the awareness is centered only around companies and established organisations. The law rarely finds the awareness space for domestic workers and construction labourers and agricultural workers.

Women are given low and unequal wages. Sexual harassment is common but unarticulated due to fear of loss of employment. It is time to address the issues and discuss the kind of policy reforms and institutional changes required for the emancipation and empowerment of female labour force. The female labour force constitutes one third of the rural workers in India. Women workers face serious problems and constraints related to work such as lack of continuity, insecurity, wage discrimination, unhealthy job relationship, absence of medical and accident care etc. The exploitation of female labourers in unorganized sectors happens both horizontally and vertically.

### Suggestions

Empowerment should aim at changing the nature and direction of the power structures which marginalize the women labourers.” It is for activists, civil society, NGOs to focus on making the voices heard, so that justice is met for every woman who silently faces a hostile, offensive, intimidating, or abusive work environment.

There is a pressing need to have an in depth into the practicalities of the present laws in regards to its awareness for the women in unorganized sector, the possibilities of realistic actions and fair judgment that may provide insurance cover to the workers.

If true women’s protection is to be achieved, every workplace must ensure a safe work place for women. It is the duty of the employer to provide a safe work environment: *“Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.”*

If the Sexual Harassment Act focuses on unorganized sectors and is implemented well, it would help go a long way in protecting the employees' interests, and well-being in India.

But even as the new law comes into force, the biggest challenge in the unorganised sector remains creating awareness and changing the mindset of the society at large. “We need a comprehensive campaign targeting both men and women in order to tackle the issue at its root. Sexual harassment deters the economic emancipation of women, and unless there is a change in mindset, laws cannot help much.”