



## **Women Labour in the Informal Sector- An International Perspective**

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***Abstract:***

*In India there is a large magnitude of workforce getting their livelihood from the Informal Sector. In India, the terms of informal sector has not been used in the official statistics or in the National Accounts Statistics (NAS). The terms used in the Indian NAS are Organized and “Unorganized” sector. According an International Labour Organisations estimation women perform one – third of the world’s counted labour. It is obvious that if a women has to work, she will need more protection than man in her protective legislation is thus recognized in all societies. Keeping the above view, present paper focused on International Perspective of women workers.*

- 1. International Labour Organisation’s Human Rights Conventions*
- 2. Internationa Labour Organisation’s Wage Legislation Conventions*
- 3. Internationa Labour Organisation’s Factory and Mines Legislation Conventions.*

*Legislations related to women workers in India.*

**Introduction**

In India there is large magnitude of workforce getting their livelihood from the Informal sector. Informal Sector in India is broadly characterised as consisting of units engaged in the productive of goods and services with the primary objectives of generating employment and incomes to the persons concern. These units typically operate at low level of oragnisation, with little or no division between labour and capital as factors of production and on a small scale labour relations, where they exist, are based mostly an casual development, kinship or personal or social relations rather than contractual arrangements with formal guarantees.

In India, the terms informal sector has not been used in the official statistic or in the National Accounts Statistics (NAS). The terms used in the Indian NAS are organised and 'unorganised' sector. The organised sector comprises enterprises for which the statistics are available from the budget documents or reports etc. On the other hand the unorganised sector refers to those enterprises whose activities or collection of data is not regulated under any legal provision or do not maintain any regular accounts. The informal sector can therefore, be considered as a sub-set of the unorganised sector. The informal sector provides income – earning opportunities for a larger number of workers. It plays a vital role interms of providing employment opportunity to large segment of the working force in the country and contributes to the national product significantly. Thus unorganised sector has a crucial role in our economy interms of employment and its contribution to the National Domestic product savings and capital formation.<sup>1</sup>

According to an International Labour Organisation's estimation women perform one-third of the world's counted labour. Hence, it is a fact that their contribution to the economic growth of the society is quite substantial. In Indian context the economic role played by the women cannot be isolated from the frame work of its development. The slow pace development of India's economy has thrown up many social, economic and legal problems. None of these is so acute than that of the informal women workers in rural areas in the country. Involved in unbelievable variety and multiplicity of activities, millions of poor women live and work below the poverty line with role purpose of providing the survival needs of their families.

**Definition of the Informal Sector**

While there are numerous definitions of the informal sector those who work in small scale enterprises are often invisible workers who create their own niche of employment

e.g. make products, vend wares, sell sendees and manual labour, with no regulation protection or support from government or formal institutions such as credit facilities or training.<sup>3</sup> Informal sector enterprises are characterised by their smallness (less than 10 workers) frequently relying an formal labour. The lives of informal sector workers are a daily struggle to meet basic needs. Often in very poor working conditions where people endure long working hours for minimal and fluctuating income.<sup>4</sup>

They have neither income nor social security many are self-employed, but the sector also includes persons who are in waged employment, apprenticeships, work as industrial out workers, an unpaid family members.<sup>5</sup> Their struggle is also longer term one to gain control of assets and to make provision against contingencies.

All Nations have attained greatness by paying proper respect to women. Infact, the status of woman in society is the indicator of a Nation's overall progress. Without the participation of the women folk in National activity be it social, economic or political, the country's progress will be stagnated. No country can progress unless women who constitute 50% of the population, participate activity in the progress of National development.<sup>6</sup>

A total of 36.4 millions workers were estimated to be working in unorganised manufacturing enterprises during 2005-2006 of whom 38 percent were women, according to an official report about 39% of all working in this sector are women. At the State level, Manipur had the highest percentage of 74.4 of women workers. These figures are borne out by the report unorganised manufacturing enterprises by the National Sample Survey Organisation (NSSO), of the Ministry of Statistics and programme Implementation.<sup>7</sup>

Working women in unorganised sector constitute a sizable number. Their problems and difficulties do not receive adequate attention of policy makers, planners legal luminaries and administrators. They remained as a neglected lot. The women in the unorganised sector face a lot of problems with low wages, long hours of work, in security regarding job and harassment. In spite of the law prescribing equal wages for equal work, women are seldom paid wages on par with men workers. The problems of working women in the unorganised sector are problems of discrimination and differentials in wages etc.

The polices of globalization, liberalisation, and privatization have been implemented in the Indian economy for the last 10 years. The truth is that this is a globalisation process which is primary to the benefit of large capital.

This is especially important the major sections of the unorganised women workers are in the agricultural sector and these policies affect them adversely. As a consequence over the past decade and in the last six years, the rate of employment generation has very low and falling. In the last five years, the wages of women have gone down. The difference between the wages of women and man has increased.

The second effect of imports is on the small scale industries. And the conditions of the small scale industry have become very bad.

Another sector where women's employment has increased is part time work in the service sector. Women who provide domestic services or the women who clean the offices of big firms etc. or in the entertainment industry. All these jobs are such that organising the workers is very difficult. Employment is increasing in such sectors where to form unions and fight for their rights are next to impossible. On the other hand, the availability of basic services is coming down. So with poor and declining public health care facilities. Similarly, the basic needs of water, electricity and roads or transport facilities are becoming unaffordable for many in the working class. In the last ten years the transport charges in the cities have increased four times. All these have increased the burden on the workers. As a result of all these the real wages have come down and working conditions.<sup>8</sup>

For the past twenty years the informal sector has been viewed as a possible solution to the problems of the poor in developing countries with its assumed autonomous capacity to generate employment.<sup>9</sup>

According to an International Labour Organization's estimation women perform one-third by the world's counted labour. Hence it is a fact that their contribution to the economic growth of society is quite substantial.<sup>10</sup>

The international labour organization was established in 1919 by the Paris Peace Conference as an autonomous body associated with the League of Nations with the particular purpose of improving labour conditions and living standards by international action.

It is obvious that if a woman has to work, she will need more protection than man in her protective legislation is thus recognised in all societies.

The International Labour Organization has evolved several conventions to provide such protection to woman-workers.

### **1. LO's Human Rights Conventions**

- a) The right of association (Agricultural) Convention 1921 (No. 11)
  - b) The Forced Labour Convention 1930 (No. 39)
  - c) The Equal Remuneration Convention 1951 (No. 100)
  - d) The Discrimination (Employment and Occupation) convention 1950 (No. III) in all these conventions are adopted by India I.L.O's Social Security Convention
- the I.L.O.was attached great importance to social security measures by adopting 22 conventions out of which India has ratified only 4 conventions.
- a) The "Workmen's Compensation" Occupational Disease) Convention 1925 (No. 18)
  - b) Work men's Compensation Occupational Disease (Revised) convention 1934 (No.42)
  - c) The Equality of Treatment (Accident Compensation) convention 1925 (No. 19)
  - d) The Equality or Treatment (Social security) convention 1962 (No.1 18)

### **I.L.O's wage legislation conventions**

1. The LOs has adopted several conventions relating wage payment principles which there impact on wage legislation India has ratified only few conventions.
- a) The Minimum wage fixing machinery convention 1928 (No.26)
  - b) The protection of wages convention 1949 (No.95)

### **I.L.O.s Factory and Mines Legislations Conventions**

I.L.O. has adopted many conventions related to factory and mines out of which India has also ratified few of them.

- a) The hours of work (Industry) convention 1919 No.1
  - b) Night work (women) convention No.4 1919
- The underground work (women) convention No. 45 of 1935 ratified by India on 25<sup>th</sup> March 1938
- The Labour Inspection Convention No. 81 of 1947 ratified India in 1949. The weekly Rest (Industry) convention No. 14 of 1921 ratified by India in 1923.
- The I.L.O.s Industrial Safety, Health and Welfare Convention ratified by India.
- The Radiation Protection Convention No.1 15 of 1960 ratified by India very late in 1975.

Maternity protection convention No.30 of 1919 and Maternity protection (revised) convention No. 103 of-1925 did not ratified by -India but provision are adopted in Maternity benefit Act, 1961.

Industrial Labour Organizations conventions relating to women workers have influenced the law relating women workers in India took in shape of legislative like Trade Union Act, 1926

Plantation Labour Act, 1951

Mines Act, 1952

Minimum wages Act, 1948

Payment of wages Act, 1936

Workmen's compensation Act, 1923

Bonded Labour System (Abolition) Act, 1976 Maternity Benefit Act, 1961

Equal Remuneration Act, 1976

Factories Act, 1948

Contract Labour (Regulation) and abolition) Act 1970

Employees State Insurance Act, 1948

Beedi and Cigar workers (conditions of employment) Act, 1966, etc

An addition to above conventions the preamble of the charter of the United Nations sets as a basic goal to reaffirm faith in fundamental human rights, in the dignity and worth of human person in the equal rights of men and women. Further Article 1 of the charter proclaims that one of the purpose of the united Nations is to achieve international co-operations the promoting and encouraging respect for human rights and fundamental freedoms for the people without distinction as to race, sex, language or religion.

As early as in 1946 the commission on the Status of women was established to deal with women's issues.

#### **Declaration & Two Covenants**

The General Assembly on November 7, 1967 adopted Declaration on the “Elimination of Discrimination Against Women, again in the year of 1979 Dec. 18 General Assembly<sup>11</sup> adopted a convention on the Elimination of All Forms of Discrimination against Women, came into force in 1981.

The convention under Part - III lays number of fields where States parties are required to take steps to eliminates discriminations against women which included education,

employment, health care- economic, and social life-, women in rural areas, equity before law, marriage and family relations and Article 17 of the convention made a provision for the establishment of a Committee on the Elimination of Discrimination Against Women (CEDAW) for the purpose of considering the progress made in the implementation of the provisions of the convention.

In addition to the above convention three conferences held during the U.N. sponsored International women's Decade (1976-1985) Mexico city 1975, Copenhagen 1980, and Nairobi, 1985 and fourth world conference on women held in Beijing in 1995, have greatly enhanced international awareness of the concerns of women and provided the ground work for invaluable links between the national movements and the International community<sup>12</sup>

In spite of series of actions, singular policies, new programmes and some achievements working women in informal sector constitute sizable number facing problems and difficulties do not receive adequate attention of policy makers, planners, legal luminaries and administrators. They remained as a neglected a lot<sup>13</sup>. The women in the informal sector face a lot of problems, with low wages among hours of work, insecurity regarding job and harassment. In spite of the law prescribing equal wages for equal work, women, are seldom paid wages on par with men workers. The problems of working women in the unorganised sector are problems of discriminations and differentials in wages etc<sup>14</sup>.

Certain critical areas like women in informal sector call for immediate attention.

Some of them could be highlighted as follows keeping in mind the regional factors and international perspective.

- 1) Inadequacy of institutional mechanisms for the advancement of women.
2. Persistent and institutionalized discrimination against the girl child
3. Feminization of poverty
4. Gender blindness in macro - economic policies
5. Invisibility of women's contribution to the economy and environmental sustenance.
6. Poor participation by women in decision making structures and process
7. Gender gaps in literacy, education and health.
8. Growing trend by violence against women
9. Barriers encountered by women in accessing legal entitlements
10. Gender biased social norms

11. Negative portrayals and perpetuations of gender stereotypes by mass media
12. Regional adverse perspectives and problem affecting the goal of gender equality and equity<sup>15</sup>

There is no dearth of legislative protection with regard to women workers instead of a lot of legislative measures are available to the women workers. In spite of having a bulk of labour legislations especially for women workers, these women are left as exploitative. It is understood that there is no proper implementation of the laws, some are due to the defects in the laws themselves and still some are due to bad legal setup.

Justice Bhagwati in the *Bandhua Mukti Morcha* case observed that “we must not be content with law in books but we must have the law in action.”



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