Chapter- 9

Policy Recommendations

The policy recommendations that are included here are based on the insight gained into the provisions of various legislations passed for women workers as well as on the experiences of the implementation of the same as shared by women workers covered under this study.

1. Equal Remuneration:

- Though the Act has been in existence for a long time, the provisions of this Act are still not widely known. A massive educational programme involving radio, television and print media should be used to reach the workers and the employers. At times it has been found that workers are confused about the provisions of different Acts, e.g. some women were not clear about the difference between Equal Remuneration Act and Minimum Wage Act.

- To avoid categorizing tasks generally done by women as being of a slightly inferior nature, it will be beneficial to women workers if a group of activities in any industrial occupation were broad-banded into one category by a group of experts so that wage discrimination can be minimized.

- A list of women dominated underpaid work should be identified in all occupations.
• Unions should be sensitized in their collective bargaining processes to ensure that these jobs do not get neglected in terms of payments and working conditions.

• The effective implementation of the ordinance providing equal pay for equal work is necessary on the part of various governmental authorities. Trade unions may be given the responsibility in this respect.

• Factors resulting in wage differentials by gender in every job should be identified by policy makers.

• Employers must be sensitized when they design their promotion policies to equalize access to promotions for men and women.

• Promotions for women should not merely increase in the workload. It should be accompanied with either a higher supervisory or managerial position. Wherever possible they should get more skilled jobs.

• Women should be considered favourably for training opportunities. The training should take into account special constraints of women workers in terms of timing and place.

• There should be an Equal Opportunities Commission with wide powers of investigations and monitoring the implementation of the Act.

• Strict action should be taken against employers found to be defaulting in implementing various provisions.
2. Maternity Benefits:

Suggested measures under maternity benefits are broadly grouped under maternity leave, maternity payment, medical bonus, nursing break/creche facility and others.

**Maternity Leave:**

- Provision of Maternity leave of 12 months.
- Inclusion of rest period for pregnant women in the provisions of the Act.
- Provision of additional half day leave and casual leave during pregnancy.
- Provisions of paternal leave for fathers as both the parents were equally responsible for bringing up the child. Paternity leave of at least one month to all men up to 12 months from the date of delivery.
- It is absolutely necessary that the coverage of the Act should expand so as to include the entire organised and unorganised sector in urban and rural areas.
- Maternity leave with full wages should cover all the working women whatever may be the duration of their employment and nature of appointment.
- All women who adopt children should be entitled to get the facilities whichever are applicable.
Salary During Maternity Leave Period:

- Advance salary during maternity leave.
- Since it has been observed that employers are reluctant to employ women there should be some kind of cess applicable to all employers. Provisions can be made from the pool towards maternity benefits.

Nursing Break/ Crèche Facility:

- Crèche facility at work place managed by trained staff should be provided by the employers. Wherever there is a cluster of industrial establishments a common crèche facility may be provided. This can also reduce maintenance cost per employer. It should run with contributions of all the employers in that particular industrial estate.
- Women workers felt that it would be more convenient to have crèche facility near bus stand or railway stations as it would help them to drop and pick-up their children more easily.
- Facility of crèche irrespective of the fact whether women are working or not will help in recognizing the fact that looking after children is not the sole responsibility of mothers.
- An additional provision of transport facility for bringing children to the work place would be beneficial.
Wherever it is not feasible to travel with children, employers should give crèche allowance i.e., the amount charged by private crèche of the choice of the woman worker.

Crèches should be well equipped with the required facilities like toys, bed, trained staff etc. Cleanliness standards should be strictly followed and nutritious food should be provided to the children.

Nurseries for children of working women in sufficient numbers and at convenient places should be established. They should be financed mainly by contribution of employers and concerned working women.

It should be made mandatory for big housing societies/complexes to provide for crèche facility for their residents.

**Medical Bonus:**

- Raise the present medical bonus for pre-natal and post natal facilities up to Rs. 20000/ or give two months salary as the bonus-whichever is higher.
- This amount should be revised periodically.
- Full reimbursement of maternity bill.
- Make the medical bonus applicable to all women irrespective of the service period and nature of appointment.

**Others:**

- Flexibility in working hours wherever possible.
• Relaxations in working hours i.e., allow women to go home once the work is over instead of compulsory eight-nine hours in office.
• Permission to leave early in case of sickness.
• Reductions in work load during pregnancy/delivery wherever possible.
• Particular attention must be paid to clean and safe working place.
• Make suitable adjustment in the timing to make commuting easier during pregnancy.
• Participation in extra work like arranging and attending seminars and workshops, accompanying students to competitions, picnics, trips, study tours, and business tours, outside work or any other should be optional.
• Government should not assign work like election duty, census work, cable counting, vaccination, supervision of construction work like toilets and others to these women.
• No night work should be assigned to women during this period.
• It is observed that employers take advantage of the eligibility conditions to deny maternity benefits. It is necessary to plug these loopholes.
• The name of the Act may be changed to Maternity Assistance Act.
3. Night Work:

Suggested measures for night duty women employees were broadly grouped under health assistance, assistance at work place, night duty payment and others.

Health Assistance:

- The repercussions of night work on health and social life should be informed to the employees before joining.
- Regular visit of doctors/ nutritionists/ counselors / at workplace to check the effects of night work on the general health of workers and their stress conditions.

Assistance at Work Place:

- Provision of special transport facility.
- Provision of cleaners in the night.
- Provision of canteen throughout the night.
- Provision of heavy security at work place.
- Provision of proper rest facility.
- Provision of enough rest after night duty.
- There should be rotating shifts
- Hours of work for the night period should be less than day time duty hours.

Night Duty Payment:

- Extra monetary benefits for night work and cash compensation for occasional night work other than regular night work.
• Payment for overtime work done during night hours should be double than that of normal over time work.

4. Sexual Harassment at Workplace:

• There should be women supervisors in the departments dominated by women workers.
• More women officers should be appointed who will be more sensitive and understand women’s issues.
• There may be special women’s units or departments.

5. Union:

• Trade unions should make special efforts to develop consciousness among women workers about concerned legislative provisions.
• The unions should motivate women members in order to increase their involvement in union activity through social get together for members and their families, periodical seminars, workshops within the organization on issues relevant to women’s problems. This will help the women who would like to get involved in union activity but were constrained by the disapproval of their families.
• Most union meetings were held outside office hours, which were most inconvenient to women, who rush home to attend to their household commitments for which they were solely responsible. Meeting during lunch hour at convenient place help women in the participation of union activities.
• Union should help women workers in legal proceedings.
Women's issues should be given due importance in the newsletters, notice boards of unions.

Contract, casual, temporary, ad-hoc trainees and such other employees should be taken under the protective umbrella of the union and efforts should be made to provide them all the benefits.

6. General:

- Provision of separate sanitation for men and women at work place and proper maintenance of these amenities is necessary.

- The women's study centers could undertake the documentation and research work in women related issues. Dissemination of such information to government functionaries engaged in the field should be made to take corrective steps.

- There is a need for policy and action oriented research which ought to have a grass root level component, particularly focusing on working women and application of Acts.

- There is a need for an integrated approach for the overall development of women workers to enable them to participate actively at the work place.

- The present penalties are not enough to prevent the employers from violating these Acts. The penalties for evasion of these laws should be made more stringent. Increase in the amount of fine and some minimum imprisonment should be incorporated in the Acts.
The law should incorporate directions regarding effective enforcement of the provisions of the Acts. The strength of staff and the number of inspections should be laid down so as to ensure effective enforcement of the provisions of the Acts.

**Conclusion:**

While concluding it can be observed that pro-women measures is not likely to be accepted by the male dominated system easily. The first necessary step on the part of the government and the employers is the commitment to the cause of women workers. The government should see that women do not suffer in their employment because of discriminatory treatment and maternity function. The interest of women workers should be taken care by proper measures like creating awareness, necessary changes in the Acts on continuous basis, greater coverage, proper inspection etc. Trade unions can play an important role in the enforcement of the Acts if they pay attention to the needs of women workers. They can function as a pressure group to protect the interest of women workers. By educating the workers they can create awareness that equality of treatment and maternity benefits are their rights and not any special favour given by the employers. A multi-prolonged strategy is needed to enforce these measures. If the government is sincere about enforcing it and if employers are motivated to accept, it will be possible to achieve the objectives of the Acts in real sense.
CHAPTER- 10

Summary and Conclusion

In India women continued to have a significant presence in the workforce. According to 2001 census report women constitute 31.7% of the total workforce. In addition to agriculture a large number of women work in secondary and service sectors. A number of policies and programmes were announced and implemented by government of India covering areas of employment, work, training, education etc. These measures aim at giving equal opportunities for economic participation and protection of the rights and interests of women workers. But their position has not shown significant improvement. Protective legislation for working women has always been viewed as double-edged-weapon. Moreover these facilities do not cover all the women employees and they are not uniformly applicable. The practice of discrimination in terms of wage rates for men and women engaged in similar work and denial of maternity benefits is common in several industries and agriculture. The cases of sexual harassment of women at work place are also increasing. Though the protective legislation for women workers can be traced back to pre independence period, the records of the implementation of the same is not so impressive.
Summary:

The study focused on 300 women working in various industries, viz., machinery, chemical, hotel, transport and communication, call centres and different service oriented industries.

The socio-economic background of women workers revealed an interesting picture. Nearly half of the women covered under the study belong to young age group. The maximum young women are working in call centres. Women in the higher age group are found more in chemical and service industries. Majority of women were married and some were divorcee, separated and widowed. Women were from Hindu, Christian and Buddhist religious background. The majority were Hindus. Majority of women were belonging to open category, and 8.3% were SC, 11.7% were from OBC and 7% from DTNT categories.

The level of education was high among all the women workers except women from machinery industry. Majority of younger women had education up to graduation level. A large majority of women workers were migrants. They have migrated from other parts of Maharastra as well as from outside Maharastra. Among them some were first generation migrants. Service industries have highest migrants. The main reasons of migration are both economic and social such as need for job, career prospects, pursuing higher education, marriage and others.

A significant number of women possess election card, ration card, and personal telephone facility. Majority of women have their own house
and some have either rented house or have been provided the same by the management. Those women who come from landholding families largely have not retained share in the same.

Majority of women have nuclear family. Their family members are mainly into service sector. Having two to three earning members in the family was common among women. But there were women who were the only earning members in the family. The monthly personal income of majority of women was in the range of Rs.5000-15000/. Majority of women from machinery and chemical industries are belonging to comparatively lower income group. The total family income of women ranged between Rs. 20000/ to Rs. 80000 and more. Their contribution to the family income is significant. Women are also managing entire household responsibilities single handedly. There was a direct relation between the number of working members and the family income. All the women have the habit of savings. They save from Rs.5000 to 15000/ per month. Forms of savings were found to be diverse, however, most common forms of savings were idle cash, bank deposit and gold. Few women were found to be in the habit of borrowing. The amount of borrowing ranged between one lac to five lacs.

The working conditions of women workers varied significantly from industry to industry. Some of the women were working before joining the existing one. Reasons like poor salary, absence of social security, family problems, transport problems, marriage, health etc. were responsible for
leaving the previous job. In the current job women are performing a wide variety of work ranging from unskilled to highly skilled ones. The jobs that women performed were that of doctor, lecturer, police officer, manager, peons or utility worker. All the women are working as full time workers. (The status of employment was found to be permanent, temporary, casual, contract or trainee) All the women from call centres were permanent but many women from machinery and chemical industries and service industries are temporary. Women who are continued in service regarded themselves as permanent. But no written confirmation letter has been given. In spite of working for several years in the same job they are treated as temporary or casual workers. The salary received by women is based on time-rate and monthly basis.

All the women have access to water facility. This is common for men and women. Very few women have washing facility and recreation facility. Women have canteen facility with common arrangement to be shared with men at work place. Though the rest room was provided in some cases like call centres or telecom industry, it was not of good standard. Transport facility is available to all women workers except those from machinery and chemical industries. Majority of women have toilet facility however, a small number of women said that there was no proper toilet facility.

The findings on implementation of Equal Remuneration Act were very interesting. Discrimination between men and women is practiced at
various levels like pay difference, denial of social security, unnecessary cutting in salary and denial of promotion. The policy of pay difference for the similar nature of job continues even today. The discrimination is based on mainly unofficial reasons like partiality by employers on the grounds of religion, caste, family relation, community, language, gender and region of the employees. It also included notions of employers like men work hard, they devotion more time and so on. Women were discriminated and denied the benefits like PF facility, loan provisions and others where men were given the benefits. Salary of some women was deducted on the ground of arriving late at the work place, for taking leave etc. however their colleagues were not treated in the same manner. In majority cases promotion was given on the basis of unofficial reasons like caste, family relation, community, gender and others. There are women who do not have promotion at all.

Wherever job requires training many women have completed the same of various time duration either at work place or outside the work place. Many women as part of job requirement are trained before joining the job. In few cases women opted not to go for training due to personal reasons. In majority cases of transfer, equal preference is given to men and women; however in some cases either only men or only women are preferred.

Women's knowledge about Equal Remuneration Act is very poor. Very few women are aware of all the provisions of the Act. Some of the
women only know that Equal Remuneration Act provides equality in salary between men and women doing same nature of job. Some women are not at all aware of it. Very few women from service industries were fully aware of Equal Remuneration Act 1976.

Though the Act prohibits any type of discrimination towards women, the provisions are not implemented in the letter and spirit by the employers. By various ways women workers in most industries are deprived of their right to equal remuneration and other facilities. Women workers of present generation are aware that they are being exploited and ill treated. There is a need to create awareness about provisions and they need to be organised and assertive to fight for their rights.

The findings on Maternity Benefits Act are summarized here. Women during pregnancy/delivery need change in nature of work due to reasons like health, working conditions, transport related problems and customs and traditions. Health problems include vomiting, dizziness, back pain, possibility of infection, etc. due to which women require rest and reduction in working hours. In some cases employer or concerned official was kind and considerable about women’s problems in carrying out job at the time of pregnancy. They adjusted their work schedule as per women’s convenience. But for some women it was denied either due to official or unofficial reasons like non-transferable work, hierarchy in position, shortage of staff, partiality, strained relations at work place etc.

Almost 90% of women gave a written application to the employers
to avail maternity benefits. Factors like no knowledge about maternity benefit facility, negligence, and fear of losing job restrained some women from claiming the benefits. According to employers if women do not satisfy the eligibility conditions, they may not be able to avail of maternity benefits. But in spite of fulfilling the eligibility conditions it was found that women are deprived of the facility. There are variations in providing benefits across industries. The leave granted is not uniform for all the women. It ranged from two months to three months. For women maternity benefit means only sanction of leave without attaching any salary and other benefits.

During pregnancy/delivery women need extra health care, better nutrition, a pleasant environment and good rest. The special provisions under this Act remained largely only on paper. Very few women received maternity benefit facility in real sense. It is observed that the Maternity Benefit Act and the concerned part of ESI Act do not give full benefits to women workers.

Even those who reported themselves as permanent workers have no written appointment letter to that effect to receive benefits. The study shows majority of women are deprived of the facility by one way or the other. There are families where women are the only earning members. In those cases the problem is more severe.

Around 38% of women did not receive their salary for maternity leave period and some women received only a nominal amount without
regular hike. It shows around 50% of women being deprived of their salary for maternity leave period. Women from hotels are well covered by maternity benefits. But in other cases it is not so. Half of the women from machinery and chemical industries, transport and communication, call centres and service industry were outside the coverage.

Though women are qualified, the limited job opportunities make them stay in the same job in spite of exploitation. Though no women were prohibited or dismissed from their work, the deduction in salary is practiced by denying their DA and HRA when they were absent due to pregnancy or delivery.

The provision of medical bonus is not available to majority of women. Few women received the bonus up to one lac or full reimbursement of maternity bill. Women from hotel industry and transport and communication are well covered by medical bonus. No women from chemical and service industries had medical bonus. Majority of women from machinery industry and call centres did not get medical bonus. Few women took additional leave of up to 30 days but majority of them were not paid any monetary benefits.

In case of abortion and miscarriage women are allowed to take leave of two to four weeks but in many cases it is without salary. Very few women who were denied the maternity benefits pursued the matter through unions or courts. In absence of union women found it difficult to pursue the matter.
No woman reported existence of crèche facility. Some women who stay near the work place were given breaks for nursing the infants. In the absence of crèche facility at work place women experience severe difficulties and are forced to leave behind their babies at their homes to be looked after by family members or take the help of their relatives, servants, private crèche or neighbours. Majority of women are not happy with the present maternity benefit provisions due to its various inadequacies.

The knowledge about the provisions of Maternity Benefit Act 1961/ESI Act is very poor among the women workers. Even the employers don't care to make them aware of their rights and privileges. Very few women are fully aware of Maternity Benefit Act 1961/ESI Act. Some women were partially aware of it and majority women did not have any knowledge about it. Very few women from transport and communication and service industries are fully aware of these Acts. Many women know only that Maternity Benefit Act provides three months of leave to women workers for confinement. They are not aware of other provisions of the Act.

With respect to night duty there were important revelations. Night work is compulsory in addition to day-time duty in case of women working in hotel industry, call centres, transport and communication and some services. The night work frequency in a month varied from industry to industry and unit to unit from three days to 30 days. In some
cases it was all 30 days or three days, one week or 15 days in a month or 75 hours. In some cases it is not regular and fixed at all. The working hours also differed considerably between 7.5 hours to 12-14 hours. Those who have 12-14 hours duty many times work beyond the stipulated time like 20 to 24 hours at a stretch. This wide variation within working hours is due to the nature of job. Women working for police, health and media do not have fixed timing as such. Women from transport and communication and call centres have various time slots within the night duty whereas women from hotels and services have single time slot. Working during night hours is not an easy job. Though women work at odd hours night duty allowance is not provided to all. Some women have very nominal amount of allowance.

Women have two-three rest breaks of 15-20 minutes. Some women have library provision and gymkhana facility which is provided either at work place or employer has a contract with private gymkhana of which women can take the benefit. For women the nature of work under night shift doesn't differ from the work they do in day-time. But they have work pressure as the staff is less. They also need to be too alert because if the required material is not available, it disturbs customer service. Women with night duty have number of problems related to health, family, social aspects, safety, and transport related problems. Women did not favour night work since it disturbs family responsibility. Absence of transport facility in the night put them under great difficulty.
To avoid night traveling women work voluntarily for two shifts at a stretch. At the same time the public transport system has lots of limitations in terms of frequency and safety. Some preferred lifting of ban on women’s night work so that women can compete with men in labour market.

The cases of sexual harassment at work place are increasing in spite of Supreme Court guidelines. Women have faced the harassment of verbal abuse and physical abuse. But all the women did not report the incidents to higher authority. However, they do discuss the incident with somebody like family, friends and colleagues. The fear of strain in family life, backlash by the abuser, unnecessary publicity and spoiling of reputation restrict these women from complaining. But those who disclosed the matter to colleagues or family or friends, got full support from them in their fight against the culprits. The higher authority gave strict oral warning to culprits. All the cases reported were handled by the management itself without constituting complaint committee. Women are satisfied by the action taken by the authority. But no women have complaint committee at work place. No women are aware of Supreme Court guidelines in case of sexual harassment at work place.

Trade unions officials shared that women’s involvement in trade unions was rather low. At some work places unions do not exist or there were more than one union. Wherever there are unions, all the women have not taken its membership. Political parties are highly involved in
trade union activities at work place. The existence of multi unions at work place results in disintegration of the unions. In case of denial of salary at par with men, promotion, training etc., trade unions try to settle the matter peacefully at plant level. Only in extreme conditions they ask the women workers to approach the court. They extend their help by providing legal assistance to women workers. They too acknowledge the household responsibility of women which restrict their participation in union activities. Unions have handled the cases of sexual harassment independently.

Employers have biases against women. They prefer to employ men. They are not enthusiastic about employing women. Even when they want to employ women it is mostly for unskilled, semi-skilled or clerical work and not for managerial posts. They are reluctant to make them permanent on jobs. They try to avoid paying maternity benefits and salary at par with men on some ground or the others. The cases of sexual harassment are settled by the management without forming a proper committee.

Labour inspectors have found the problem of discriminatory treatment more in rural areas. In organised sectors women fight it out or search for another job without wasting time in appealing and meeting the officers whereas women in rural area are remain submissive due to the fear of losing job and thereby the income. Officers agree to the existence of variations in providing maternity benefits to women workers. They
shared that employers deny the benefits to women workers on some or the other reasons.

**Conclusion:**

The findings on the performance of implementation of Equal Remuneration Act 1976, Maternity Benefit Act, 1961, Night Work and Sexual Harassment at Work Place Bill has been summarized above. The picture across industries is mixed. Regarding Equal Remuneration Act, 1976, it was found that there is lack of force on the part of employers implementing machinery as well as to some extent on the part of women workers. In case of Maternity Benefit Act, 1961, study revealed wider variations in its implementation. Benefits were either denied fully or were only partly provided. In very few cases benefits were significant. Regarding night work, large number of women found it as an extra burden on account of family responsibility. They are not provided with enough incentives, medical facility, transport provision, provision of safety, food arrangements etc. Cases of sexual harassment at work place were reported by women occupying responsible higher post as well as by women working at lower levels. It was found that the Supreme Court guidelines were not strictly followed in handling of these cases. Women’s participation in the activities of trade unions is restricted due to her household responsibility. Unions claimed that they extend all types of help to women workers to settle their matters amicably. Employers in general, consider women workers less reliable, less efficient and more
expensive on account of special benefits and provisions required. Therefore they try to avoid giving long term employment to women which in turn tends to deny them equal status and other benefits which are due to them. According to labour officers the denial of benefits to women workers is widely prevalent in both urban areas and rural areas though the magnitude and severity is more in rural areas. Also they felt that the implementation of Acts is better in organised sector. Very few women approach them.

It is seen that rarely women workers could avail of all the benefits of the Acts. Women could get in most cases only partial benefits. It is extremely important that there should be efforts on the part of all concerned authorities to increase the awareness among women workers. This itself will go a long way to ensure the better implementation of the various Acts.