CHAPTER VII
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SUGGESTIONS & CONCLUSION

'The laws or welfare systems that we propose for them cannot be effective unless they themselves are conscious of the laws, and acquire the strength to ensure that laws are brought into force, unless there are effective means to implement, monitor and provide quick redress; unless breaches of the law are punished with deterrent penalties, and unless the organs of public opinion and movements and organisations mount vigil, and intercede to ensure that the provisions of the law and welfare systems are acted upon.'

- National Commission on Labour, 2002

The researcher has suggested measures in this section of the research project. The researcher has divided the suggestions which can be implemented by the the Government, Principal Employer, the Contractor, the Non Governmental Organisations, Trade Unions and last but not the least the Migrant women construction workers. The researcher has also given suggestions for further more researches which can be conducted in the same area.

**Government:**
To curb the problem of migration and the problems faced by the migrants, the policy framework formed by the Government both at the central and state level should aim at reducing migration by adopting a 'remain at village' approach by promoting rural development and guarantee employment to rural population through various schemes.

The Government should provide for minimum basic services such as housing, water supply, health, education and other basic infrastructure including sanitation for the migrants. The recent trend is that, the family as a whole that is migrating which needs special policy prescriptions.

The Government should severely punish those who contravene the provisions given in the various acts applicable to the migrant women construction workers. Employers who violate laws should be punished by withdrawing their registration certificates and licences. They
should not be allowed to undertake building construction any more.

Existing procedures of inspection at construction sites should be more stringent. A squad of inspectors should be appointed for inspecting the construction site with necessary powers. The Labour office should become an autonomous body with judicial power to punish the culprits on the spot and fine them heavily. Widespread structural changes in the administrative set up and in the procedures adopted by the Labour office would help in ameliorating their miserable conditions. Labour office can take the help or collaborate with trade unions or NGO’s working with construction labour to help the migrant women construction workers. Tripartite boards consisting of Government, Employer, Experts should be constituted and the chairperson of the board should be the employee’s representative.

The Inter State Migrant Act is applicable to only those migrants who have been brought to work in construction sites by the contractor and not to those who have come by themselves. The act does not fix any responsibility for the execution and implementation of the Act on the labour machinery of the host state, due to which the state Government fail to implement the act properly. Amendments need to be done in the said areas.

A comprehensive legislation with specific Provisions for Regulation of Employment, to regulate working and service conditions, for ensuring atleast minimum employment guarantee and for providing basic amenities, health and safety measures, steps to prevent sexual harassment at work place and punish those who indulge in such unwelcome acts and for providing social security benefits. Such a comprehensive legislation could pave the way for social justice and sustaining human rights of the workers.

Training is an important aspect of staff development. Care should be taken to recruit personnel with relevant qualifications in labour legislations and sensitivity to understand the problems of the under privileged and unorganised class of labour. Regular in-service training should be given to update knowledge and skill in the area of work.

Government should employ animators, who can go from site to site, meet the construction workers during the lunch break or after working hours and create awareness about the welfare board. Mobile registration units can be started, so that the workers at the site when
working itself or during their break hours, can be contacted and be made members in the welfare board.

The Government should also make provisions for the distribution of temporary ration cards and also take steps to provide voter's identification card in a foolproof manner. A social security scheme should be tailor made to this group for their welfare. Mobile crèches must be started for the children of these construction workers, so that children do not lie down in the dust of the construction works. Workers Education Programs funded by the Central Workers Education Board should be conducted to create awareness at various construction sites in the evenings about health and hygiene, evils of drinking and smoking etc..

Mobile health service units should be established so as to make health services easily accessible to workers who have met with accidents. The mobile units advantage is the saving of time by bringing the services to work sites. Pre-replacement and periodic health examinations should be conducted. The examinations should depend on the exposure history of each worker. A system of regular periodical examination for workers should be evolved. All workers should be subjected to a thorough medical examination once in six months by occupational health physicians. Preventive health services for construction workers should be planned as priority.

The Education of the children of the Migrant workers should also be looked into. The Right to Education Act should also be enforced for this mobile population. Schools should be started in their vernacular, so that the children do not find it difficult to cope up with aacademics.

Migrant welfare boards was recommended in the sixth five year plan. Though many of the states have constituted the board, the functioning of the board needs to be more effective. A separate Migrant Labour welfare fund can be created other than the welfare fund and contributions can be got from the industry.
Policies to curtail sexual harassment should be framed. Committees to work on problems related to sexual harassment in the unorganized sector should be constituted. Strict action should be taken on contractors, Masons or any one who sexually harasses the migrant women construction workers. Since Visakha guidelines are applicable to both the organized and the unorganized sector, step should be taken for stricter enforcement of the guidelines given by the Supreme Court of India. The Guidelines should enacted as an Act at the earliest.

Need of the hour is a macro study at the national level, to estimate the number of migrants, to understand their problems and come out with policies for them.

Principal Employer / Contractor:
Principal Employer/ Contractor should comply with all the provisions of the Building and Construction Workers (Regulation of service and Conditions of Employment) Act 1996; The Minimum Wages Act, 1948, The Payment of Wages Act 1948, The Inter State Migrant Act, 1979, Maternity Benefit act 1962, the Building and Construction Workers Cess Act, and also maintain all the registers pertaining to the respective acts.

They should play a vital role in making the workers aware of the welfare board by explaining to them the existence of the board, the advantages of being a member and also help them become members of the board by explaining the procedure for registration. For this, employers should employ a welfare officer, who will be able to guide the workers in the registration process and also in the process of claiming of benefits. In addition, the welfare officers can help the migrants in obtaining temporary ration cards and any other welfare measure that can be taken for their welfare. At the time of budgeting for a construction activity itself, the principal employer or the contractor should allocate a certain percentage of the total cost for the welfare of the workers. This cost can also be used for meeting medical expenses in case of accidents, death etc.,

Special steps should be taken by the employers, to ensure that workers adopt safety measures to safeguard themselves from occupational hazards. For eg. Gloves and boots
can be provided to workers which minimizes the exposure of skin to cement and other building materials which cause skin problem. The employer should employ a safety officer trained in occupational health.

The most efficient way to protect workers from occupational hazards arising out of the construction industry is to change the primary source of hazard with some sort of engineering change. Environmental controls should be used to remove a hazardous substance from the environment if the substance is airborne, or to shield the source if it is a physical hazard. Local exhaust ventilation can be used with ventilation ducts and hoods to capture fumes dust. The simple and effective method for controlling exposure to radiant physical hazards (noise, heat) is to shield them with some appropriate material. Adverse effects from heat stress can be avoided through reduction in the workload, provision of water and adequate breaks in the shade.

Start crèches under good trained supervision at the workplace for the migrant women construction workers to leave their children during working hours. This would provide good care for the children in the absence of the mothers and also facilitate the elder siblings to attend school.

The employer should ensure that the workplaces actively discourage sexual discrimination and harassment and promote family-friendly policies which will foster worker loyalty and attachment regardless of gender. The employers should implement the Visaka guidelines to curtail the problem of sexual harassment at workplace.

Social Workers/ Non Governmental Organisations / Trade Unions:
First and foremost awareness should be created among the workers regarding the various provisions given in the various legislations and also check their contravention by the Contractors or the Principal Employer. Awareness can be created by conducting puppet shows or street theatre or any other audio visual means about the various provisions under the various acts like Building and Construction Workers (Regulation of service and

The workers should be motivated to join unions and strengthen this powerless group. Awareness regarding unions and the benefits of unionizing can be explained to them using audio visual aids. Self Help Groups can be started among the migrant women construction workers. SHGs will act as a support system for them in various matters starting off from social, economic to sexual harassment at workplace. Through SHGs, training can be imparted to them on problems like occupational health, mother and child care, saving habit, the various legislations and sensitization on sexual harassment at workplace.

Steps for safeguarding workers from occupational hazards should be taken by encouraging the Contractors and the Principal Employers to provide equipments which will safeguard them from these hazards. The construction workers should also be explained about the usage of these equipments and the benefits got by wearing or using them.

Learning from the experiences of the Nirman Mazdoor Sangatta, the NGOs and Trade Unions should provide for mobile crèches, mobile training centres for the workers and mobile provision stores. They should also run schools, and the medium of teaching should be the vernacular of the migrant children, so that they do not feel alienated in the migrated place.

The NGOs should organize the workers in attaining specific goals like fighting for ration cards and voter’s identification cards from the Government. The NGOs can be involved in administering social security programmes which helps to achieve effective targeting and accountable delivery of benefits.

Mother and Child care programs can be organized for the migrant women construction workers. Nutrition, health & hygiene, child rearing, immunization and education of child can be focused upon. In the current scenario, the major problem faced by the migrant
women construction workers is sexual harassment. The women should be conscientised about their right to having a safe workplace devoid of sexual harassment.

Migrant Women Construction Workers.

If only the migrant women construction workers voluntarily come forward to bring a change can they be empowered for their betterment. The migrant women construction workers should join unions and unionise themselves. They should understand the benefits of being together and join the various unions which work for the welfare of the construction workers so that they can fight against many problems faced by them. They should also understand the benefits of being a member, irrelevant of the long procedures and the delay in the process of receiving benefits.

They should take steps to maintain personal health and hygiene. These can be done only by self initiative heeding to the awareness provided by the Government, Non Governmental Organisations and the trade unions. They should take up the training programs offered and increase their status to skilled or semi skilled workers.

They should come forward and divulge information regarding sexual harassment to their family members, principal employers, trade unions, NGOs and social workers, so that some concrete steps can be taken to help them out of this problem. If the migrant women construction workers are going to remain passive, then they can never be helped out the sexual harassment mesh.

The migrant women construction workers should send their children to school and educate them and not employ them in the construction industry just for the sake of few hundreds of rupees. They should send their smaller children to mobile crèches and also send their children to schools which can admit the students in between an academic year on genuine reasons.

Should wear the safety equipments provided by the Contractor or the Principal Employer safeguarding themselves from accidents and occupational hazards.
Suggestions for further researches in the same area.

- The Occupational Hazards faced by the migrant women construction workers.
- The Human rights violations of migrant women construction workers.
- The mother and child care of the migrant women construction workers.
- Plight of the children of the migrant women construction workers.
- The implementation of the provisions of various legislations in the construction sites.
- A comparative study of the migrant women construction workers and the local women construction workers.
- A Qualitative study on the Sexual Harassment of the Inter State Migrant Women Construction Workers.

CONCLUSION:

It should be remembered that migrant women construction workers in the unorganized sector are only a sign of the neglect of the rural areas and of the oppression under which the rural poor live. Their powerlessness in the village has forced them to migrate and join the urban unorganized sector. There they are rendered further powerless due to their mobility and lack of organisation. Hence though the Government keeps making laws concerning the allowances for inter-state migrant labour, creches and compulsory education for children, abolition of bonded labour etc., the victims of exploitation lack any negotiating power and organisation. Consequently, they themselves are unable to enforce their rights and the Government and other implementing agencies work with vested interests. The policymakers need to play a proactive role in reducing vulnerability, given the gravity of the conditions of migrant labour, in industrial unorganised labour markets and not a mere formal, nominal legal protections.

The startling finding of the study is the prevalence of sexual harassment among the Migrant women construction workers. There have been earlier studies and reports which have revealed the prevalence of sexual harassment in the unorganized sector, still not much has been done. The Visakha guidelines has also not contributed much to curtailment of this problem. The issue of sexual harassment needs understanding, assessment, sensitivity and commitment from all quarters but mostly from the senior managerial authority as their commitment and action can achieve the aim of prevention and effective resolution of sexual
harassment at workplace and a gender friendly, discrimination free workplace. Breaking the cycle of abuse will require concerted collaboration and action between governmental and non-governmental actors, including educators, health-care authorities, legislators, the judiciary and the mass media. It is time for Social Workers to intervene and help the migrant women construction workers who become more vulnerable due to their migrant status, lack of knowledge of local language and low unionization.

The foremost among these are access to education and opportunities for skill development. The solution lies in creating awareness among women about their legal rights and duties and by providing them adequate opportunities to upgrade their skill levels. The emphasis should be on effective enforcement of the Minimum Wages Act, 1948 and the Equal Remuneration Act, 1976. Proper enforcement of these Acts will create an enabling environment for women workers. Besides these protective measures, policies, which encourage education, skill development, and training among women, also need to be given priority.

Social Workers need to carry out advocacy initiatives with policy makers and communities, design comprehensive community based prevention and intervention programmes and work with these migrant women construction workers at the individual, group and community level to help them cope and 'survive even amidst the adversity. A huge responsibility of working for the empowerment of the Migrant women construction workers lies in the hands of every social worker.