Chapter One

Globalisation and Informalisation of Work:
Labour Dynamics in the Construction Sector

Globalisation as a phenomenon can be understood in myriad ways. One of the many ways it can be understood is by examining the process of reduction in government regulation of economic activity with corresponding rise in market operations (which determine economic processes). The watershed period of 1990/1991 is usually the phase when the neo-liberal policies and the new economic reforms under the broad aegis of globalisation and liberalisation are studied. The structural adjustment programme (SAP), which is one of the component parts of this new economic policy design, brought about reforms in the labour and capital market. For the purpose of this research, only reforms pertaining to the labour market is studied closely. Some measures, which influenced labour relations introduced at this time, were specifically dealing with: privatisation of the public sector, closure of small sector industries, reduction in state subsidies and overall government expenditure on health, education, social security and poverty alleviation programmes.

The typical components of stabilisation and SAP are macro-economic policies (of fiscal austerity, monetary contraction and devaluation) followed by a set of policies at the micro-economic levels. The latter include privatising public sector enterprises, deregulating financial markets, deregulating agricultural prices, removing trade barriers, and deregulating the labour markets.¹

In 1991, the government of India introduced policies of Structural Adjustment Programmes (SAP) promoted by the World Bank and the International Monetary Fund (IMF) primarily to tide over a severe Balance of Payment crisis. These policies intensely impacted upon the organised and the unorganised sector of the Indian economy. The impact was felt in terms of deterioration in working conditions, fluctuations in wages, and growing casualisation of work in terms of irregular, casual and non-permanent employment (also connotes informalisation of work). Workers in general and women workers in particular were severely affected.

To exemplify the nature of work done by women it is important to theorise the impact of globalisation on informalisation of work and build broader linkages. This chapter is divided into three broad sections. After a brief discussion on the theoretical debates around globalisation, liberalisation and structural adjustment programmes, the first section presents a gendered critique of these policies with special reference to their impact on women workers especially in the informal economy. Feminisation and mechanisation are constructs used to determine the qualitative increase and decrease in women’s work. The second section broadly defines the informal sector and informalisation of work. Within this larger framework, the last section explores the labour recruitment processes and the relation of power exercised by the labour contractor (also referred to as the jamadar, mistry, jobber, middlemen, sardar) signifying the existence of neo-bondage relations in the construction sector thus defining the level of informality. Also, this section discusses some micro level studies on the construction sector with regard to certain issues: migratory patterns, provision of social security, compliance to labour laws, compliance to safety measures, unionisation and specific issues of women construction workers to clearly understand the informalised nature of work in this sector. The chapter ends with a discussion on vulnerabilities of the migrant contractual workers, the concept and need for social security provisions.

Linkages between globalisation, feminisation, and informalisation of work
The advent of globalisation is not specifically linked with the introduction of SAP in 1991. Prior to this, four significant episodes of liberalisation and debates surrounding each of them can be traced in the political economy of India. The first debate relates to the controversy surrounding the control of food rations during the war years of the 1940s. The debate centred on arguments about whether liberal markets or government controls could better ensure domestic food security. This debate was carried on until early 1950s after the post-Independence years. The second debate covers the period 1955/56 and a few years thereafter, when the combination of agricultural failures and external crises led to emergency external financing, as well as the related rupee devaluation and trade liberalisation. The third episode started from the early 80s, when the government decided to take a medium-term loan from the IMF and got involved in commitments to liberalise economic policy in specified ways. The last episode had begun in mid-1991 in the form

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2 The term globalisation and liberalisation is used interchangeably for the purposes of this research
of a package of 'new economic reforms'. This phase is understood as both a response to the balance of payments and fiscal crises of the economy as well as the implementation of terms, determined by the broader international forces of 'globalisation'. In this context, the 'package of new economic reforms' is synonymous to policies of structural adjustment. Thus, structural adjustment policies and new economic reforms are often used interchangeably. However, these terms merely denote some aspects of liberalisation and globalisation, which are much broader and more complex processes. Commonly, the term liberalisation, when used in the context of economic policy connotes the reduction of government regulation of economic activity and shrinking space for state intervention that would allow the unfettered operation of market forces to determine economic processes. In other words, SAP denotes only a part of the whole liberalisation process and debates surrounding it.

In the Indian context, the initiation of structural adjustment policies has led to a re-examination of state intervention in competitive markets and development. The state institutions were ineffective as providers of public goods and services. There was an implicit acceptance of the market as an alternative delivery mechanism, where the role of the state merely was to facilitate and regulate the market. Like the earlier regimes, liberalisation primarily serves the interests of the upper and the middle classes. The official economic policies are not grounded on any major institutional change such as land reforms or the redistribution of other resources, such as assets or income, which is an important precondition for sustained growth. The absence of such change, given the prevailing inequalities in income and wealth distribution, and the unequal access to social and political power, has meant that a relatively small proportion of the population has largely appropriated the gains from such growth.

Some theorists argue that the crisis in the economy could be managed in the 1980s and that, it reflected, the misplaced strategy of development of the Indian state, since the mid-50s. Arguing on the same lines, Corbridge and Harris note that the, “crisis of 1991 should have been treated as a temporary crisis of liquidity (for which a programme of

4 Ibid, pg 295
5 Amit Bhaduri and Deepak Nayyar, The Intelligent person’s guide to liberalisation, Penguin, New Delhi, 1996
economic stabilisation at the most would be required) and not as a full-blown crisis of solvency or economic development (which would necessitate a much broader package of structural adjustment).". Others suggest that there was no imminent need to undertake the kind of policy reforms that were dictated by the IMF and the World Bank in 1991. The crisis was caused by the withdrawal of finance capital, which did not indicate any ‘real crisis’ in the economy. The reforms in the early 90s were responsible for slowing down of economic growth, aggravating the fiscal situation and worsening poverty. The alternative often suggested to the structural reforms is establishment of direct state regulation through stringent capital controls, a trade policy centred on import controls, promotion of exports of manufactures, improvement of living standards through land reforms and greater attention to education and health policies (to be initiated by the state). 9

India’s transition from Import Substituting Industrialisation (ISI), to Trade Led Growth (TLG) provides valuable insights into the politics of economic transition. The ISI (characterised by high tariffs, an overvalued exchange rate, import controls, and industrial licensing) generated unsustainable fiscal deficits which contributed to India’s balance of payment crises. Mukherji argues that the two oil shocks in 1973 and 1980 and to a lesser extent the Gulf War converted the deteriorating internal fiscal situation into a severe balance of payments crisis. Changes in the executive orientation due to the unsustainable fiscal deficit during the 1980s convinced the executive to change the course of the economic policy in 1991. 10

It is important to conceptualise the impact of globalisation keeping in mind the broad trends in developmental policies of the Indian state. The process of “economic development” has to be located within the larger context of “political democracy” to explore the interaction between economics and politics in independent India. 11 Through the following periods in time, defined in terms of phases, Nayar elucidates his analysis. The phase from 1947–66 was characterised by the ‘strategy of development shaped by a

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political consensus'. Within the spirit of nationalism, there was a conscious effort to accommodate the poor and lesser need to manage conflict. This phase was characterised by state led industrialisation, land reforms legislations without adequate implementation, social legislations in the form of reservations and a system of the community development programmes. Though one also develops an understanding of the state as an alliance of the industrial capitalist class, the landowning class, and the educated elite, the pretext of accommodationist and protectionist approach towards the poor was never sidelined by the State at least in this phase.\textsuperscript{12}

The period from 1967–90 witnessed a distinctive change in the interaction of economics and politics as economic claims were made on the state.\textsuperscript{13} In the economic sphere, there were severe droughts in the 60s, which led to the devaluation of the Indian rupee, and the suspension of the economic planning for three years. This phase also saw the introduction of the poverty alleviation programmes and the differential gains for people during the green revolution. The benefits of the economic growth went mostly to the rich and bypassed the poor. In the political sphere, the naxalite movement and the destabilisation of the Congress at the centre led to populist measures and culminated into the national emergency in 1975. In the 80s, further expansion of the poverty alleviation schemes were started though the provisions of basic education, health care, and social security were simply inadequate. In the states of Punjab, Assam and Kashmir, there was emergence of regional movements, which turned into militancy.

The phase of globalisation/liberalisation in 1991 was characterised by an "absence of consensus", in which the "economics of liberalisation" and the "politics of empowerment" seems to be moving the economy and the polity in opposite directions.\textsuperscript{14} The majority of Indians, mostly poor were excluded in this complex relationship between politics of democracy and economics of development post-globalisation. Critiques argue that the state in some ways failed to bring about overall economic growth due to non-implementation of land reforms and non-execution of the planned economy geared towards determined goals. In addition, there had been a growing nexus between the

\textsuperscript{12} Pranab Bardhan, \textit{The Political Economy of Development in India}, Oxford: Basil, Blackwell, 1984


\textsuperscript{14} Ibid 2001
bureaucracy and the economic and political elites. Overall, the State failed to bridge the gap between the rich and the poor.

Globalisation has also resulted in various flexible labour systems: organisational flexibility (more turnovers of firms, more use of sub-contracting and production chains), numerical flexibility (more use of external labour, such as contract workers, out-workers, agency labour, temporary workers and tele-workers), functional flexibility (greater change in work tasks, job rotation and skill), job structure flexibility (more changes of restructuring jobs and occupational structures in production), working time flexibility (more continuous working, flexible hours), wage system flexibility (a shift fixed to flexible wages, monetisation of remuneration, greater use of bonuses), labour force flexibility (less attachment to sectors, companies or occupational groups, erosion of 'collective labour', and a greater tendency for workers to move in and out of the labour market and labour force). These trends contributed to the global informalisation of work. These factors also led to the subsequent forms of global labour insecurity: labour market insecurity (due to higher rates of unemployment, slower rates of employment growth and higher 'labour slack'), employment insecurity (workers lacking employment protection), work insecurity (work situations without coverage by protective institutions and regulations), job insecurity (more workers having to switch jobs and learn new tricks of working), skill reproduction insecurity (as skills are becoming obsolescent more quickly and few workers are receiving career skills), income insecurity (due to flexible wages), and representation insecurity (due to deunionisation, and the changing character of collective bargaining).15

The labour market insecurity, employment insecurity, work insecurity, job insecurity, skill reproduction insecurity, income insecurity, representation insecurity as noted by Guy Standing characterises work in the era of formalisation. Overall, several labour market trends are noted: the numerical decline of the organised workforce, the expansion of the informal sector and informalisation of work (inadequacy of social security nets and weakening trade unions).16

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16 Supriya RoyChowdhury, 'Globalisation and the Informal Sector in South Asia: An overview', Background Paper, Eradication of Poverty and Quality of Aid; Eurostep South Asia Consultation, New Delhi, Sept 27-29, 2000; Supriya RoyChowdhury, 'Globalisation and Labour', Economic and Political
The concept of the flexible workforce, in which the norms of previously ‘inflexible’ or male jobs are replaced, with conditions historically associated with women’s work (that is irregular forms of employment), has been described as “global feminisation”. This indicates not only increase in women’s share of industrial employment, but in the terms and conditions of work and employment, and the substitution of women in activities previously carried out by male workers under ‘inflexible’ conditions.17

Feminisation as a concept can be used to explain the nature of work or growing informalisation of work in the post-globalisation era or reasons behind decrease in men’s employment in comparison to women. Feminisation of the labour force has also been used to refer to one or all of these trends: increase in the female participation rate relative to men, the substitution of men by women (who take over jobs traditionally done by men), or the increase in women’s involvement in ‘invisible’ work, i.e., family labour and home working.18 In the Indian context, at least in some sectors, feminisation is explained in terms of the changing character of industrial work on the basis of new technology and managerial strategies whereby work is decentralised, low paid, irregular, part-time or temporary labour contracts (i.e. increasingly like ‘women’s work’ but which is not necessarily done by women). In particular, jobs, which are identified as ‘women’s work’, tend to be classified as ‘unskilled’ or ‘semi-skilled’, whereas technically similar jobs identified as ‘men’s work’ tend to be classified as ‘skilled’.19 Qualifying the feminisation thesis, Banerjee further points out that instead of questioning the sexual division of labour, it resulted in an increase of woman-type occupations or some occupations became more identified with women.20

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17 Guy Standing, ‘Global Feminization’ through flexible labour, World Development, 17/7 (July), 1989
With greater burden of unpaid work and reduced real incomes, the standard of living for most women workers have deteriorated.\textsuperscript{21} The reduction of government subsidies to energy sources and to basic amenities such as sanitation, water supply, public health and education services has not only reduced the household incomes of wage earners, but has also put a special burden on women who generally bear the responsibility for providing these amenities to the family.

Feminisation in urban labour markets over the 1980s increased employment opportunities for women. Employers in Bombay responded to liberalisation by employing women or by retrenching fewer women than men.\textsuperscript{22} With reference to female employment in manufacturing, Sudha Deshpande and L.K. Deshpande note that, “to reduce cost, employers replaced dearer male labour by cheaper female labour. Very often, these women did work that was an extension of housework. Even when employed in the formal sector they were likely to work as casual, contract or piece-rate workers or work in ancillary units that were often small home-based enterprises”.\textsuperscript{23}

The feminisation of agriculture has taken a different form in India. Between 1972/73 and 1999/2000, the proportion of rural workers in agriculture declined from 84–76 per cent. This was largely due to male workers moving out of agriculture entirely, while women substantially remained. Rural women’s employment at an all India level shows that 90 per cent of rural women workers in agriculture in 1961, 86 per cent in 1994 and 83.5 per cent in 2005.\textsuperscript{24} Women constitute an increasingly important proportion of the casual labour force in the rural areas. By the end of the 1990s the share of women in total employment was declining along with fall in work participation rates, thus making it clear that empirical evidence regarding overall employment in the country did not support the feminization of labour thesis.\textsuperscript{25}

\textsuperscript{21} *Women Speak ,United Voices Against Globalisation, Poverty and Violence in India*, 2000, Published by Six Women’s Organisation and printed at Progressive Printers, New Delhi


\textsuperscript{25} Neetha N. and Indrani Mazumdar, ‘Globalisation and Women’s Work: Trends in Women’s unpaid labour in India’, paper presented at International Conference, *A World in Transition: New challenges to Gender Justice, Sub Theme- Globalisation, Gender and Livelihoods*, Bi-annual Conference of Gender and Development Network (GADNET), Sweden in collaboration of Centre for Women’s Development Studies(CWDS), India, supported by SIDA /SAREC, 13-15 Dec 2006, India
Among the major problems faced by women workers in the agricultural sector was the growing lack of employment due to mechanisation in agriculture. As a result, machines were largely replacing manual workers in the field. Changes in the cropping pattern, shortage of water for irrigation, problem of procurement of raw materials including seeds, fertilisers and pesticides accompanied by the lack of information about modern technologies and agricultural systems were some of the other inter-related problems. There were also structural constraints like fluctuations in the market rates of agricultural produce and high transportation costs and the non-availability of modern tools and equipment. Absence of alternative employment opportunities also affected the livelihood of farmers. Most farmers, especially women, lacked access to knowledge and information on capital and technology. This is one of the sectors that have been adversely affected by globalisation policies, specifically, in terms of, the process of mechanisation.

Economic trends in employment show that in most sectors women’s employment was drastically affected by mechanisation. The tendency of displacement of women workers in the informal sector by machines has been accentuated under globalisation. Advancing mechanisation, removal of earlier protections for small-scale industry, alterations in the market for informal sector products because of penetration by large industry have all contributed to this process. Evidence has been piling up of mechanisation displacing women workers in the construction industry.

In the clothing and textile sector, women workers found it difficult to procure raw materials because of high transportation, octroi and other costs involved. Besides, these workers were unable to work on new fabrics like velvet or to incorporate new designs and embroidery patterns on these fabrics as that would require the use of automatic, advanced equipment, which was financially out of their reach. Home-based workers had no access to social security and do not receive minimum wages. They work mainly based on piece-rate. This was the situation before the ILO Convention. Today, home-based workers work on time rate. However, neither of these two systems has benefited them, since few attempts have been made for skill up-gradation among informal textile workers. They find it virtually impossible to compete in the globalised market. In the garment industry also, advancement in technology, in line with globalisation has had a severe impact on

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women workers. The traditional garment workers’ wages have been adversely affected due to new design, patterns and fashions.

The fishing industry is yet another instance where liberalisation is undermining the livelihood security of the traditional fisher folk. The waters of the Indian Ocean have been given over to more than 25,000 vessels from South Korea, Japan, Thailand, Taiwan, Russia, United States, and the European Community to promote industrial fisheries and aquaculture, thus destroying the environment and livelihood options of millions of traditional fisher folk. Women’s roles in traditional fishing communities such as unloading from boats, helping in net-making and local retailing are now seriously undermined. 28

Numerous micro level studies have shown decline in the employment of women. For instance, the textile mill sector in Ahmedabad and Bombay, over the past few decades, has shown decline in female employment due to automation. Other case studies in the city of Bombay show how many large-scale industries that used to employ women in large numbers have replaced their women workers by either men or machines or both. 29

A major problem with the concept of ‘feminisation through flexible labour practices’ is that it does not take into account the issue of sexual division in the labour market. Since the inception of industry, there has been a very clear division of labour based on gender. The earliest women workers in textiles, jute, mining and later in chemicals engineering and electronics have mainly done packing and assembly line jobs, while men have been involved in the rest of the production process – operating, supervision, maintenance, etc. In other words, the sexual division of labour was predominant in the labour market much before the debates about the nature of work done by women came up in the context of feminisation. Taking the argument further one could also establish the stand that the sexual division of labour became overtly visible in the era of structural adjustment programme when the nature of women’s work was being discussed.

Sometimes employers deliberately promote a gender division in labour and an image of ‘meekness’ and ‘submission’ amongst women workers. 30 There is no competition between men and women workers because women are only given jobs that men do not

want. This is possible as the labour market treats men as ‘superior workers’ and women as ‘subsidiary workers’. Women did amateur work for electrical industry, but as soon as the wage rates went up, the work was taken out of their hands. Such reversals have also been noticed in large-scale industries like pharmaceutical and toiletries where women dominated tasks like packing and assembly has been taken over by men.

The electronics industry has a predominance of women workers. From the late 1970s, due to the technical changes in wafer fabrication, assembly, and testing, the proportion of women employees has declined in countries like Ireland. Elson notes, “...gender division of labour, which tends to confine women to relatively subordinate and inferior positions in the organisation of monetised production, is not overridden by ‘flexibility’. Rather it structures the form that ‘flexibility’ takes”. Therefore, women are doubly exploited in terms of gender discrimination along with discriminatory employment policies that come with flexibility and mechanisation.

Technological change and advancement are popularly regarded as progressive, positive, and inevitable to developmental processes. The significant threat of resultant unemployment is often downplayed. It is true that transition to wage labour has granted economic independence and autonomy to women in developing economies. Yet further mechanisation and technical innovation is also going to make them increasingly vulnerable to deskilling and job loss, especially so in financial and service sectors. Surveys of the impact of technological change on rural women has revealed that technological change, particularly in the rural areas, have for the most part led to concentration of women in domestic and non-market roles and in labour-intensive activities. It has also been observed that technological innovations introduced in women’s activities result in men taking over women’s jobs. This happens simply because the corresponding skills development, training, knowledge and working capital necessary for accessing the new opportunities created excluded women, often owing to institutionalised gender biases. It has been noted that rural factory market imperfection which contributed to class-based inequalities could well deny the women access to technology and resources leaving them in occupations marked by low incomes and low productivity, thereby creating and accentuating gender-based inequalities.

In general, empirical evidence in India does not support the feminisation of labour thesis in terms of any sharp rise in women's share in employment, in manufacturing or services. In agriculture, a rise in women's share in employment during the early 1990s has tapered off in the later half. In fact, debates around the concept have drawn attention to several inequalities and forms of exploitation faced by women workers. At the same time the sweeping universalistic position on feminisation of labour, has not gone theoretically uncontested by women scholars at an international level.\textsuperscript{34} This is to draw attention to theoreticians like Diane Elson, who have questioned the very basis of the feminisation theory. What comes out very clearly from the discussion is the special nature of work that women engage in and how this needs to be critically analysed in the context of globalisation and informalisation of work.

There have been three major criticisms of globalisation embodied as structural adjustment implemented by the Government of India in 1991. It has been argued that these policies undermine national sovereignty with respect to economic policy-making. It did not generate sustained economic growth, therefore, imposed an unjust and harsh burden on the poorest sections of society (particularly workers and women workers in particular). In addition, policies of liberalisation are typically associated with an absolute and relative decline in formal sector employment with unavoidable negative consequences for informal sector employment. More and more people are forced to survive by means of part-time self-employment, odd jobs, casual wage labour, and other temporary jobs in the informal sector. In the post-1991 period, the share of the unorganised sector in total employment has been increasing distinctively. The proportion of women workers who are employed in the informal sector was higher than the proportion of all men workers employed. Ironically, even as the employment of women in productive activities has visibly increased in mostly all sectors, their vulnerabilities and marginalisation has simultaneously also been on the rise due to informalisation of work, structural adjustment, economic reform, or transition from centrally planned to market economies and globalisation. The forces of globalisation/ structural adjustment programmes on the one hand complicates the defining principles of informal sector and on the other hand defines informalisation of work (not necessarily counter posing it with defining principles of the formal sector).

\textsuperscript{34} Indrani Mazumdar, \textit{Emergent Contradictions: Globalisation and Women Workers in India}, May, Centre for Women's Development Studies, New Delhi, 2004
The concept of informalisation in the context of labour relations defines work particularly in casual, irregular, part-time, temporary, hire-fire basis. The casual and non-permanent nature of work explains the vulnerabilities and insecurities of workers in the informal sector. Most research studies point out the harsh impacts of globalisation and structural adjustment programmes, which define work in a similar manner for both the formal and the informal sectors. Feminist research points out that work being defined in the particular way (as described above), especially in the informal sector (which as a phenomenon was theorised much before globalisation as a phenomenon was ever operationalised i.e. if we consider 1991 as the watershed) affected women adversely.

**Informalisation and changing nature of work**

Informalisation of work broadly takes place in two ways. Work is situated out of the factories and formal work situations into small workshops, the homes and informal situations following an international trend in sub-contracting of work (especially in home-based work). Secondly, looser contracts govern the workers who remain in the factories or in formal work with fewer social security benefits.\(^{35}\) The informal sector is often synonymous with unregulated, poorly skilled, and low-paid workers. Its existence and characteristics are mostly defined in contrast and with reference to the formal sector, which is characterised by regular and written contracts and therefore, is subject to state regulation.\(^ {36}\) This comparison also explains the varied terms of reference to the informal sector as the ‘parallel’, ‘underground’, or ‘shadow’ economy.\(^ {37}\) The World Bank distinguishes formal sector from the informal sector by the presence of legal protection and formal recognition by the government. Other criteria for distinction include: size of establishments, capability of workers to organise themselves into unions, and the systematic manners in which production processes are organised.\(^ {38}\) In the developing countries the substantial reduction in the share of organised sector employment has been associated not only with increased “open unemployment”, but also with the increase in

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38 The World Bank, India’s Employment Challenge: Creating Jobs, Helping Workers, Poverty Reduction and Economic Management Unit South Asia, Oxford University Press, 2010
informal types of work, (typically more in the low-wage and low-productivity occupations) that are characteristics of “refuge sector” in labour markets. This is yet another way of studying the work dynamics within the informal sector.\(^{39}\)

Some theorists distinguish the two sectors in terms of organisation and affiliation to trade unions in the formal sector. The terms of organisation and affiliation to trade unions in the formal sector often helps negotiate workers’ wages and work conditions with employers or the government. Contrary to this, in the informal sector, trade unions are only rarely encountered (one cannot overlook organisations like Self Employed Women’s Organisation which is a registered trade union of informal sector women workers in this context). Since there are no legal rules concerning entry or conditions and nature of employment governing the informal sector it is often referred to as the unprotected sector which is studied in contrast to the organised, characterised as registered and protected under labour law legislations. In the case of India though not covering the entire informal sector, there are several labour legislations, which pertain to some sectors within the informal economy. Due to various factors their effectiveness and implementation has been questionable. In addition, as no established employer-employee relations exist in the informal sector it is difficult to adjudicate these laws. The regulatory role of the state becomes crucial with regard to implementation of labour laws as well as creating enabling conditions for promotion of livelihood especially in the area of informal sector.

...in those cases, where the unorganised worker has a clearly identifiable employer and the employer has the capacity to pay, the employer has the primary responsibility of ensuring basic conditions of work. In such cases, the role of the government is of regulation and enforcement. But in cases where the employer cannot be identified or does not have the capacity to pay in creating appropriate conditions of work, the responsibility of the state in creating appropriate conditions of work will be paramount. Given the weak state of voice and representation of the unorganised workers, the state and the civil society organisations mentioned earlier have an important role in contributing to an industrial and labour relations environment in which the minimum conditions of work of the unorganised workers can be secured. Similarly, for the promotion of livelihoods of the unorganised

sector workers, the state has the most critical role, particularly in the provision of public goods and policies. Others can play an important part, both independently, and in conjunction with the State. But in all these subjects, the primary duty bearer, in our view, is the state which alone is constitutionally mandated to enforce society-wide regulations and create conditions for the development of the economy.\(^{40}\)

Sometimes the role of the state gets challenged by parallel forms of regulation in the informal sector as elucidated by Harriss-White. As against the notion of the “dominant propriety classes” set out by Bardhan, Harriss-White draws on Kalecki’s idea of “the intermediate regime” to argue that an intermediate class made up of traders and small businessmen, petty officials and the richer peasants (frequently connected by caste and kinship relations) is dominant. This approach shows how the structures of the “dominant propriety classes” model disappear when we view the state at the local level in terms of actual and multiplex social relationships. In rural and urban Tamil Nadu, the informal economy has evolved its own forms of regulation, by using threats ‘goondaism’ to get contracts. The growth of the informal economy probes the local state to secure funds for its developmental or revenue functions; therefore, there is fading away of the boundary between the state and civil society and expansion of the scope of a “shadow state”.\(^{41}\)

...A ‘shadow state’ is created- a penumbra of people living from intermediation, leakage and corruption, with a strong interest in its perpetuation. The state seems to have become less and less able to regulate, redistribute or subsidise accumulation, the further it is from capital cities. Its monopoly of coercion, never complete, is being challenged by the proliferation of new mafia forces and private protection services.\(^{42}\)

The dynamics between the regulatory institutions of the informal economy and the state mechanism further complicates the notion of informalisation of work. To understand the concept of informalisation of work it is important to theorise what is meant by the


\(^{42}\) Ibid, 2004, Pg 61
informal sector by challenging the predominant theories, which define it by counterposing it with the formal sector.

The term ‘informal sector’ was coined in 1970 by K. Hart in a study on occupations characterised by self-employment in Ghana to describe urban employment outside the organised labour market. This concept was explored further by the ILO through its World Employment Programme, by sending out missions to Kenya and Philippines to examine the employment situation on these lines. These studies were followed by reports that examined the particular features of the ‘informal sector’ in a number of Third World cities like Calcutta, Jakarta, Dakar, Abidjan, and Sao Paulo. Soon the concept of the informal sector started being associated with the economy of the large cities of Africa, Asia, and Latin America. Most of these cases concern societies with a predominantly rural-cum-agrarian identity in which the process of urbanization began relatively recently and a growing shift of this population to urban areas to look for work. However, only a small part of the labour that reaches the urban areas manages to penetrate the ‘secure’ zones of regular, more skilled, and hence better-paid work. The majority of the migrants work as seasonal unskilled casual labour, with no fixed working hours and income. The incidence of migration and socio-economic backgrounds of these workers reveal that they are pushed out from one position of disadvantage in the rural areas to enter into another in the urban areas.

The informal sector in India consists of two major categories: the first category consists of small, non-capital intensive enterprises run by independent, self-employed workers, (sometimes employing a few hired workers or drawing on family support) characterised generally by low profitability and a low level of social protection. The second category consists of wage workers who work as agricultural and plantation labourers, mine/brick kiln workers, construction workers, micro-production-related workers, domestics, repair/workshop-related workers, petty service providers, vendors and home-based workers.

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46 Jeemol Unni, ‘Gender and Informality in Labour Market in South Asia’, *Economic and Political Weekly*, June 30, 2001
The formal and informal sectors were viewed during 1970s and 1980s as independent and separate entities and based on this the defining principles of both these sectors were grounded in terms of certain differences between the two. Soon newer perspectives developed on interlinkages and integration of the unorganised/informal sector and the organised/formal sector in India. Though, it is useful to follow the dualistic division on varied forms of employment, on the other hand, the example of the contracting and sub-contracting system is often used to elaborate the interconnection between the two sectors. This way of approaching the problem in a dualist framework, theorists like Breman have raised an objection to study the characteristic of the informal sector in opposition to that of the formal sector. He emphasises the need to study both the sectors in tandem rather than seeing both as fragments of the urban labour relations.

...the informal sector cannot be demarcated as a separate economic circuit and/or a segment of the labour force... Instead of a two-sector model, there is a much more complex differentiation of the urban economy which should be the point of departure for structural analysis. The reduction of only two sectors, the one capitalist, and the other non- or early capitalist does not reflect the reality of the much greater complexity of work and production. A final objection of perhaps greater importance is that, by assuming a dualist system, the interrelationships between the various components of the economy threaten to be lost from sight. In place of splitting up the urban system into two sectors, I want to emphasize the fragmented character of the total labour market. In place of seeing the separate fragments as mutually exclusive, the connection between them is central to my analysis.

The increase in informal work has been due to an increase in international sub-contracting characterised 'flexibilisation of production' by actual contracting out of work, replacing 'time wage' with 'piece-rate' and permanent with casual workers. Work is defined as casual for workers engaged in the informal sector. It is sought and found by means of personal contacts (labour broker/mukardam) and is characterised as highly

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48 Lourdes Beneria, Gender, Development and Globalisation: Economics as if all people mattered, Routledge, 2003
unskilled on piece-rate on contract basis. A massive growth in informal sector activity is accompanied by rate of feminisation of work in informal workshops, home-based production, and petty trading, linked to non regulated national and export supply chains.

The informal sector in developing economies was often theorised as a transitory phase, which would eventually be absorbed in the formal sector. ILO definition of the informal sector (1972), characterises the informal sector with regard to: ease of entry, reliance on local resources, family ownership of enterprises, small scale operations, labour-intensive work, using adaptive technologies, use of skill applied outside school, an irregular and competitive market. This definition is often critiqued in terms of not addressing questions of conditions of work and under remunerative arrangements, which are inferior to the formal sector work. In 2002, ILO’s perspective on ‘decent work’ expanded the definition of the informal sector as comprising the marginalised economic units and workers who are characterised by serious deficits in decent work - labour standard deficits, productivity and job quality deficits, and organisation and voice deficits. Reducing these deficits in the informal economy, the ILO argued will promote the transition to recognised, protected, legal and therefore ‘formal’ activities and ensure decent work. The transition has not been possible in economies like India and in other developing economies rather there has been a phenomenon of informalisation of the formal sector.

In theory, work in the formal sector is characterised by; conditions of regular employment (rigid standardization of work, task differentiation based on training and experience) covered by official government statistics and protected by the regime of labour laws. However, in actuality due to invalidity of most of the labour laws, deteriorating conditions of work and exploitation of workers, a substantive part of the

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labour force in the formal sector is highly informalised. Therefore, as the formal sector today is characterised by informal arrangements, the two sectors are considered as an integrated whole. One can study labour relations and dynamics of work within the two sectors without attempting to differentiate between the two as the differences between the formal and the informal sector gets blurred with the existence of informalisation of work (which is not necessarily associated only to the informal sector).

Based on this understanding of the informalisation of the formal sector, informal economy is defined as the informal sector and its workers plus the informal workers in the formal sector. Here, informality in employment refers to the absence of regular employment and/or social security and it is overwhelmingly associated with low income, poverty and vulnerability of workers both in the formal and informal sector. The Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector defines informal employment pertaining to workers in the formal sector without any employment/social security benefits and exclude regular workers with social security benefits (provided by the employers) in the unorganised enterprises or households. Here, the unorganised sector is defined as, “consisting of all unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than ten total workers”.

At the international level in 1993, an agreement was reached on the definition of the informal sector in the Fifteenth International Conference of Labour Statisticians (ICLS) and was adopted in the new System of National Accounts (SNA). In 1993, SNA

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58 Ibid, 2007
59 The Delhi Group on Informal Sector Statistics was formed in 1997 by the United Nation’s Statistical commission as an International forum. The main objective of the group was to share experiences of ways in which each country measures the contribution of it’s unorganised or informal sector and prepare a status report and proposals for future work. The mandate of the group was to prepare an inventory of data collection practices including definition and survey methodologies of member countries, evaluate the data
conceptualised the informal sector as consisting of units engaged in the production of goods and services with the primary objective of generating employment and incomes to the persons concerned who formed part of the household sector as unincorporated enterprises owned by households. This enterprise-based dichotomous definition of the SNA though is important from the point of view of estimating the contribution of this sector in the gross domestic product is critiqued by theorists for not including the 'invisible groups of workers' and worker-based approaches. Also theorising informal employment as work created outside the recognised institutional framework, i.e. by unincorporated enterprises and households.

Based on this redefinition, the concept of informal employment characterises the workers, depending on the degree of informality of their work status. Informal employment can be distinguished into wage and non-wage employment. Non-wage employment includes: own account workers, employees/owners of informal enterprises (with at least one hired worker and unpaid family helpers in both types of informal enterprises). Whereas wage employment includes: employees in the enterprises of informal employers, outworkers or home-workers (persons working at home, or on premises of his choice other than the employer’s, to produce goods or services on a contract or order for a specific employer or contractor), independent wage workers (not attached to only one employer, and providing services to individuals), households and enterprises (maid servants for households), and informal employment in formal sector enterprises (workers whose pay and benefits do not conform to existing labour regulations).

Home-workers, home-based workers, and street vendors are considered as part of the invisible groups of informal workers according to the worker-based approaches. The ILO adopted a Convention on home work in 1996, and defined home-worker as a person who carried out work for remuneration in premises of his/ her own choice, other than at the work place of the employer, resulting in a product or service as specified by the

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61 Ibid, 2003
employer, irrespective of who provided the equipment, material or inputs used. This is a subcategory of the broader category of home-based workers. These home-based workers are defined as those own account workers, unpaid family helpers, and home-workers who pursue economic activities within their home. Street vendors are of two kinds: those with a fixed location and those without a fixed location who are mobile, such as vegetable seller etc. Besides street vendors, there are a number of own-account workers whose place of work is on the street.62

Based on quality and sectoral association, employment in India is grouped into four categories: formal employment in the formal sector, informal employment in the formal sector, formal employment in the informal sector, and informal employment in the informal sector. Employment data in India is dominated by informal employment in the informal sector and is estimated around 86 per cent of employment as of 2004-05. Also, the net growth of employment in the period (1999–00 to 2004–05) has been largely of an informal kind.63

In India, multiple institutions collect and provide data relating to unorganised/informal sector both at the household and enterprise level. The major sources of household level data relating to informal labour markets are: the decennial population census and the NSSO. At the enterprise levels, important sources of information are: the economic census, the census of small-scale industries (SSI), and the NSSO. In addition to the above regular surveys, attempts were also made to provide the informal sector adequate coverage in Labour Force Survey (LFS) in recent years.64

The Census conducts household surveys after every 10 years, and the NSSO conducts the same on regular intervals of five years. These two surveys provide information on labour markets mainly from the supply side. The labour market information on the informal sector is available through enterprise surveys mainly representing the demand for labour. Unlike the household survey, most of the enterprise surveys provide detailed information on types of enterprises, working times, financial details of enterprises etc. With some exceptions, the economic census covers all enterprises and provides basic information on their location, nature of activity, number of

62 Renana Jhabvala, Ratna M. Sudarshan and Jeemol Unni (eds), Informal Economy Centrestage, Sage Publications, 2003
64 Anoop Satpathy, ‘Size, Composition and Characterestics of Informal Sector in India’, V.V.Giri National Labour Institute, 2004
persons usually working, type of ownership, gender of owner, having fixed or no premises, power/fuel used, and whether registered or licensed under any act. The census also provides useful information and required sampling frames to conduct detailed follow-up surveys on unorganised non-agricultural activities such as manufacturing, trade, transport, hotels and restaurants and other services.\textsuperscript{65}

Since 1911, the Census in addition to general headcount of population and a number of related socio-economic indicators also provides information on the economic classification of the population. The census divides the entire population as workers and non-workers and further divides all workers into two categories: main and marginal. Persons who had not worked in the reference year but seeking job constitute the unemployed. All those persons who are neither working nor seeking job in the reference year are classified as non-workers. However, the population census does not incorporate the concept of informal/unorganised sector into its overall survey framework directly. But it provides an indication about persons who are employed in household manufacturing units representing only a part of the informal sector (i.e. the own account and unpaid family workers). Thus apart from the household manufacturing units for the rest of the sectors it doesn’t provide any estimate regarding the size of informal workers.\textsuperscript{66}

In contrast to the Census, the NSSO sample base has been designed at two levels: large sample base is conducted every five years, which is known as the quinquennial surveys and small sample also known as sample is conducted every year. The NSS database covers the labour market situation on the basis of four distinct measures: Usual Principal Status (UPS), Usual Principal and Subsidiary Status (UPSS), Current Weekly Status (CWS), Current Daily Status (CDS). Along with these, the surveys also provides measures of the status of workers in terms of self-employed, regular and casual and that of non-workers in terms of student, housework, pensioner and rentiers, too old and too young, beggars, etc. The 55\textsuperscript{th} round (1999/2000) survey of labour force for the first time provides information on workers working in the informal non-agricultural sector (by segregating the workers into formal and informal sectors). The NSSO also provides estimates of the underemployed in the number of employed category and average days of unemployment of both employed as well as unemployed. Overall, it is a source of

\textsuperscript{65} Ibid, 2004
\textsuperscript{66} Concepts and Definition, Chapter II, of the NSSO Report No. 458, 2001
information on variety of labour market features: wages and earnings, social security, home-based and home workers, unionisation of workers, education and skill of the workforce and living standard of the workforce.\textsuperscript{67}

As per the NSS 55\textsuperscript{th} Round Survey on Employment-Unemployment during 1999/2000, the estimated total employment in the country was 396.76 million and among them, the informal sector workers were estimated at 342.64 million. As per the 61\textsuperscript{st} Round Survey during 2004/2005, the estimates of total employment and informal sector workers were 457.46 million and 394.9 million respectively. Both the surveys indicate more than 86 per cent of total employment was in the informal sector.\textsuperscript{68} The organised or formal employment in both the years indicates marginally negative change. Therefore, the total increase in employment in the period has been of an informal kind. According to the Report on the Conditions of Work and Promotion of Livelihoods in the Unorganised Sector, the entire increase in the employment in the organised sector over this period has been informal in nature i.e. without any job security or social security. This constitutes what can be termed as informalisation of the formal sector, where any employment increase consists of regular workers without social security benefits also casual or contract workers without the benefits.\textsuperscript{69}

### Relationship between Sector and type of Employment All of Workers 1999/2000 and 2004/2005

<table>
<thead>
<tr>
<th>Sector/Worker</th>
<th>Total Employment (Million)</th>
<th>Informal/Unorganized Worker</th>
<th>Formal/Organized Worker</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1999/2000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Informal/Unorganized</td>
<td>341.3 (99.6)</td>
<td>1.4 (0.4)</td>
<td>342.6 (100.0)</td>
<td></td>
</tr>
<tr>
<td>Formal/Organized</td>
<td>20.5 (37.8)</td>
<td>33.7 (62.2)</td>
<td>54.1 (100.0)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>361.7 (91.2)</td>
<td>35.0 (8.8)</td>
<td>396.8 (100.0)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2004/2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Informal/Unorganized</td>
<td>393.5 (99.6)</td>
<td>1.4 (0.4)</td>
<td>394.9 (100.0)</td>
<td></td>
</tr>
<tr>
<td>Formal/Organized</td>
<td>29.1 (46.6)</td>
<td>33.4 (53.4)</td>
<td>62.6 (100.0)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>422.6 (92.4)</td>
<td>34.9 (7.6)</td>
<td>457.5 (100.0)</td>
<td></td>
</tr>
</tbody>
</table>


\textsuperscript{67} Ibid, 2001

\textsuperscript{68} National Commission for Enterprises in the Unorganised Sector, Report on Definitions and Statistical Issues relating to Informal Economy, Government of India, November 2008

\textsuperscript{69} National Commission for Enterprises in the Unorganised Sector, Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector, Government of India, 2007
In 1999/2000, the estimated numbers among the informal sector workers were in the agriculture (67.77 per cent) industry (13.08 per cent) and in the services (19.15 per cent) sector. These shares changed to agriculture (64.02 per cent) and industry (15.28 per cent) and services (20.61 per cent) by 2004/2005. The informal sector workers in rural areas constituted about 79.79 per cent against a share of 75 per cent in total workers in the year 2004/2005. 70

The workers in the unorganised sector can be classified as wage workers and the self-employed. Wage workers are further classified as regular workers or casual workers. Self-employed workers are further classified as home-workers or other self-employed. In the period 2004/2005, within the unorganised/informal sector, agriculture accounted for 253 million and non-agriculture sector accounted for 142 million. The unorganised workers in the agriculture sector consist of mainly self-employed (65 per cent) and casual workers (35 per cent). The proportion of non-agricultural worker in the unorganised sector rose from 32 per cent to 36 per cent between the period (1999/2000 and 2004/05). The unorganised workers in the non-agricultural sector (63 per cent), consists of casual (20 per cent), regular (17 per cent).

The Census and the NSS data indicate an increase in Work Participation Rate (WPR) for men by usual status in the 15–59 age group in the eighties and early nineties. This is not so for women, although the NSS data does show a slight fall in rural areas, for urban women, however, there is an increase in WPR, according to both Census and NSS data. As a consequence, one notices a process of feminisation of the workforce, particularly in urban areas. This can be attributed to the growth of the informal sector. 71

The increase in WPR for women by weekly and daily status is accompanied by a high rate of unemployment in the nineties. Further, it indicates a process of "organised informalisation" of the labour market manifested by a system of employing contract labour and sub-contracting of jobs in the formal sector and growth of employment (often on a regular basis) in low-productivity tertiary activities, are the other manifestations of

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this process. In 2004/2005 about 34.21 per cent of the informal sector, workers were women workers as against 32.36 per cent in the total work force. Thus, the share of women in the informal sector is more than their share in total work force. However, in urban areas, the share of women in informal sector was lower than their share in total work force. Though the statistics might point out feminization indicated by the increase in the number of women workers in the work force, work for them is characterised by informality (characterised by irregularity, non-permanence, casual, without any social security benefits).

Overall, in the informal sector, the workers are not covered by employment security, work security, social security by most employers. There is a need for enabling decent conditions of work for the workers pertaining to issues such as payment of minimum wages, hours of work, safety conditions, and freedom of association and dispute redressal. The Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector in its recommendations mentions some of the conditions of work prescribed for agricultural and non-agricultural unorganised wage workers as: eight hour working day with half and hour break, one day of paid rest per week, national minimum wage for all employments, piece-rate wage to equal time rate wage, women’s work to be remunerated on par, deferred payments of wages would attract penal interest, deductions of wages attract fines, right to organise, non-discrimination policies to be followed (on the basis of gender, social origin, incidence of HIV/AIDS, place of origin), safety equipments and compensation for accidents, protection from sexual harassment, provision of child-care and basic amenities at the work place. In this context the creation of the National Fund for the Unorganized sector (NAFUS) was proposed to enable the unorganised sector in the areas of access to credit, marketing, technology, skill, entrepreneurship, guidance, counselling, and capacity building. The fund would focus on micro enterprises those whose investments are below Rs 0.5 million. Overall, in its report there was an emphasis on reducing the gap between the formal and the informal sector by recommending a strategy of ‘levelling’ up for the informal sector.

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72 Ibid 1999
... the dualistic nature of the Indian economy has significantly moved away from the textbook division of agriculture and non-agriculture (often referred to as traditional and modern) sectors and has been replaced by the informal and formal dichotomy, cutting across the sectors. The challenge is to transform the informal sector and reduce the gap between the formal and informal. That calls for a conscious strategy of 'levelling up' the informal sector rather than 'levelling down' the formal sector.\textsuperscript{75}

A strategy of 'levelling up' the informal economy is proposed by the National Commission for Enterprises in the unorganised sector, by advocating a series of promotional policies: creation of a 'social floor' (consisting of providing a national minimum social security, enforcing a national floor level wage called National Minimum Wage), skill formation for the informal workers as a critical capability to enhance their productivity and thereby income, strengthening the National Rural Employment Guarantee Scheme (NREGS) meant for the rural areas and to connect it up with a programme for urban renewal, agricultural regeneration through a special programme for marginal and small farmers, and development of micro enterprises in the non-farm sector with a focus on development of clusters and Growth Poles.\textsuperscript{76}

Although there is blurring of boundaries between formal and informal sector as work is characterised by informality in both sectors sometimes the duality argument is used at the policy level to differentiate between the two sectors. As numerous studies point out, given the similarity in the poor conditions of work and labour regulations in both sectors it is important to question the validity of the duality argument. At the same time one cannot overlook the major contribution of this report to the unorganised sector as it has established that issues of conditions of work and promotion of livelihood in this sector should be prioritised by the government by providing enabling conditions for workers.

Irregularity and vulnerability mostly defines work in the informal sector. The workers predominantly belong to the lowest strata of the society and face discrimination based on education, class, caste, religion, and region. Due to low wages and non-payment of wages on a daily basis, the workers are unable to sustain their living costs and are perpetually dependent on credit (for sustenance or for emergencies) from moneylenders

\textsuperscript{75} Ibid, pg12
and contractors. Workers enter this sector mostly without prior training and those of who learn on the job (which is mostly men) spend long years to get benefits from this exercise. If we take the specific case of the construction industry, we notice that the nature of work is prone to accidents and health hazards. Workers are also known to age fast due to the nature of the work. The one major insight into this industry is to understand that given some of the conditions stated above these workers only have one thing to offer; that being their labour.

The construction sector within the informal economy is an important site of enquiry. The nature of informality in this sector is evident from the multiple layers of sub-contracting, recruitment pattern and the basis of payment of wages. Since there is poor trade union participation and weak enforcement of labour laws this sector evades all forms of regulation. The nature of work designated to women is highly informal with no scope of skill up gradation, constant threat of replacement and termination of employment exacerbated with the influence of mechanisation in this sector.

The construction sector and issues of migration and social security

Construction sector contributes substantially to economic expansion and development in the economy. It is an integral part of the infrastructure sector (irrigation, energy, roads, transport and telecommunications) and the social infrastructure sector (education, health and shelter) thus, directly and indirectly contributing to economic growth. The construction industry in India consists of about 200 large firms including the large public sector construction corporations, 90,000 medium to large firms referred to as Class ‘A’ contractors registered with government construction bodies which get construction works executed through contractors and about 600,000 small firms of contractors and subcontractors who execute small jobs or work as small contractors of prime contractors or other contract.77

In India, the contribution of the construction sector to the GDP (Gross Domestic Product) for the year 2006/07 was Rs. 1,965,550 million, which registered an increase of 10.7 per cent from the previous year. The share of construction in GDP has increased

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from 6.1 per cent in 2002/03 to 6.9 per cent in 2006/07.\(^7\)

In 1967, there were 2.7 million construction workers, gradually the numbers increased to 6.97 million in 1983. In 1993-94 it rose to 12.10 million and in 1999/2000 it further went up to 17.53 million. In 2004/2005, it increased to an estimate number of 20.95 million. Today, roughly around 16 per cent of India's working population depends on building construction for its livelihood and the construction industry employs about 31 million people.\(^7\)

Among various sectors of the economy, the growth rates of construction workers have been the highest.\(^8\) The massive growth of the construction sector has not witnessed a corresponding rise in the standard of living or improvement in conditions of work for construction workers. The construction workers are mostly migrants, often denied minimum wages and live under conditions of severe poverty and deprivation.

The construction industry is classified into various sub-sectors: building and construction; housing; civil works- dams, bridges, roads, railways, tracks; building materials production such as brick making, stone quarrying, and plumbing. Rising level of urbanization creates the demands for roads, buildings, and other infrastructural facilities leading to a rise in the levels of employment and output in construction works. This sector often faces large spells of unemployment due to its seasonal nature as the activity slows down during winter in countries with cold and temperate climate and during a prolonged and intensive rainy season in tropical countries.\(^8\)

The high rates of informality in this sector also sometimes lead to high unemployment rates. The large spells of unemployment can also be studied as an impact of the structural changes (like globalisation, structural adjustment programmes, economic reforms, and informalisation of work), which are not necessarily restricted to particular industries but usually affects the entire economy at large and defines work as temporary, casual, and non-permanent.

The government is the largest employer in this industry and mostly all public works are constructed based on contracts through contracting and sub-contracting which is widely prevalent. The overall contractor is entrusted with the task to bring together sub-

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\(^8\) M.M.Rehman, 'Social Security for Construction Workers in India: Problems and Prospects', Reading Material, V.V Giri National Labour Institute, Noida, March 18, 2009

contractors, agents, or sub-agents under various work heads. The labour contractor (gang leader/ chowdhury/ mistry/ jamadar/ thekedar/ sardar/ jobber/ middlemen/ mukardam) is usually responsible for recruitment of contract workers who move in groups/ gangs. The basis of payment in contracting system is usually piece-rated. As the construction contracts usually are temporary, short-term, based on tenders, scattered at different places, they mostly do not maintain contract labourers on a permanent basis. This is one reason why labour laws are seldom operationalised in this sector. It is ironic that in majority of construction projects of the Central Public Works Department, government regulations under prescribed legislation (amenities such as crèches, minimum conditions of work, maximum hours of work and minimum wage) are mostly not met. In addition, due to the migratory nature of the labour, short duration of projects and layers and layers of sub-contractors there is no permanent employer-employee relationship in this sector. These characteristics also influence the working conditions, social security measures such as health and safety of the workers in this industry.

The different levels of work classifications and skill requirements for workers follow several labour processes (in the construction of a building for instance), which can be studied to understand the multiple layers of sub-contracting of contract labour. Usually work starts with excavation to lay the foundation. This work is sub-contracted to foundation workers who engage in earth work, digging and constructing the foundation. The second type of specialized activity is the pouring of concrete, which is done by the concrete pouring group. The third level of sub-contracting is done for ‘centering’ workers who work using centering materials such as iron or wooden planks/ sheets, posts, bamboo or wooden sticks etc to construct a temporary framework needed to assist the construction of a concrete building/ roof. Lastly, there are other types of sub-contractors, for the

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82 The mukardam, middlemen, sardar, mistry, jamadar, jobber, gang leader would be used interchangeably to identify with the role of the leader of the gang of workers and sometimes responsible for recruitment of the gang. Also it is important to note that the labour contractor is further subdivided into many sub-contractors based on the skill requirements of the workers.
83 Cherian Joseph and K.V.Eswara Prasad (eds), Women, Work and Inequity: The Reality of Gender, National Labour Institute, 1995
84 Joyce Lebra, Joy Paulson and Jana Everett (eds), Women and Work in India: Continuity and Change, Promilla and Co. Publishers, New Delhi, 1984
85 Amitav Khuntia Priyadarshan, Opportunities and Challenges before the Construction Workers in the Globalised Era: The Indian Case, V.V.Giri National Labour Institute, 2005
following specialised skilled workmen namely: steel bar benders, carpenters, painters, plumbers, and electricians at various stages in construction work.\(^8^6\)

Work in the construction sector ranges from capital-intensive work to labour-intensive work. As mentioned before, skill based work in construction include: masonry, plastering, cementing, carpentry, tiles fitting, plumbing, colour work, stone cutting, and electrical work. Work, which is defined as unskilled includes, carrying bricks and materials, carrying/ breaking (cement, sand, metal, preparing material), or working as helper to skilled workers.\(^8^7\) While men working as helpers usually acquire skill on the job and within couple of years begin work as skilled workers, women workers, on the other hand, are denied opportunity for skill upgradation and are involved in operations which are backbreaking and repetitive.\(^8^8\) For instance, in the making of concrete mixture, men operate the machines while women bring the ingredients to the machine and later carry the mixture for loading. Similarly, the blasting operations are typically performed by men while women break larger stones to smaller ones. Women are never involved in blasting operations. Added to this the construction sector is also characterised by inherent gender division of labour which plays an important role to deny women workers perform skilled tasks.

Construction workers have been divided into three categories but due to the prevalent nature of informality, although in this sector it cannot be treated like water-tight categories.\(^8^9\) The first segment comprise of *Naka/ Mandi/ Chowk* workers who gather at various market places in cities at early hours of the mornings to solicit work.\(^9^0\) The second segment comprises of workers who travel in gangs/ groups and are managed by *mistries/
In the third segment are regular workers maintained by construction companies.

Based on the above classification the various types of recruitment practices in the construction industry can be studied which also reflects fragmented nature of the construction labour market: direct recruitment of workers by contractors, recruitment of workers from rural areas by labour contractors, recruitment of workers from city slums or pavements by mistries/jamadars and recruitment of workers from the market place by principal employers. In the large construction sites, the first two types of recruitments are widely practised. Many workers are recruited, kept on the muster roll and retained with the company for years and moved from one site to another. In the medium construction sites, lesser number of workers are in the muster roll and most recruitments are done through mistries. In small construction, sites there are primarily two types of recruitment: either direct recruitment by the principal employer from the naka/chowk/mandi, or the mistries bring in labour depending on the types of recruitment. 91 These are not rigid classifications, many a times workers might be recruited based on personal contacts. Due to informality in the nature of work, the recruitment process does not always follow any set patterns or rules.

Other than recruitment by principal employer or directly by the main contractors, the jobbers recruit most of the labourers. Often the term middlemen is used to refer to the jobber as they are in charge of recruiting the labour force and also acts as the ‘in between’ and ‘makes links’ between the principal employers and the workers. 92 The jobbers also help in the day-to-day administration for example, in granting leave or in providing substitute labour whenever needed. They often claim a share from the daily earnings of the workers popularly known as peshgi. 93 This sometimes also includes interest on loans taken by the workers at the time of recruitment. The role of the jobbers is to keep the interests of the workers and the employers intact. Usually the jobbers originate from the same milieu as the workers and this seems to be a common feature of neo-bondage

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91 Cherian Joseph and K.V.Eswara Prasad (eds), Women, Work and Inequity: The Reality of Gender, National Labour Institute, 1995
93 Joyce Lebra, Joy Paulson and Jana Everett (eds), Women and Work in India: Continuity and Change, Promilla and Co. Publishers, New Delhi, 1984
relationships.\textsuperscript{94} For the workers, a ‘good’ jobber should be able to ‘help’, protect, assist, and also stand up for them against the employer.

In some academic literature, the subject of the \textit{mistry} is seldom approached in itself rather it is limited to economic exploitation and confined to the worksites mainly in the organised sector. Some authors testify the importance of the workers ties to the village through the \textit{mistry} without making the nature of those ties clear. Respect, honour, and prestige reinforce the vagueness surrounding the relations between \textit{mistries} and workers. The authority of the \textit{mistry} does not ensure from a formal delegation of managerial power on the other hand arbitrariness in a sense is the basis of the power exercised by the \textit{mistry}.\textsuperscript{95} Charkabarty argues that the authority exercised by the \textit{sardar} rests on pre-capitalist categories such as kinship, religion, community, and friendship village.\textsuperscript{96} Breman, on the other hand, demonstrates that the authority of the \textit{mukardam} rests on primordial ties.\textsuperscript{97}

Most of the construction workers being marginal farmers and landless agricultural workers, have limited job opportunities in their native village and are often under the burden of debt (to meet an emergency such as illness, death etc). It is evident from most studies that the system of offering a loan/ advance by the \textit{jamadars} helps the workers repay their earlier debt as well as gives them work opportunity in the city. The workers consider this option as they are able to pay back their advance while they work. Besides, the workers sometimes travel to the city with their family who can contribute to their earnings. Thus, in one way the workers are caught in situations of neo-bondage where, on the one hand, they are pushed out of their native villages and, on the other hand, are bound to the \textit{jamadars} to repay his advance.

The report by People’s Union for Democratic Rights (PUDR) on contract labourers in a Central University elucidates the relations of bondage, which the workers share with their labour contractor due to the system of advance. Workers mostly migrate from Chhattisgarh, Madhya Pradesh, Jharkhand, and Uttar Pradesh and own no agricultural land. A large number have substantial debts with rates of interest charged in

\textsuperscript{94} Isabelle Guerin, Augendra Bhukhut, Kamala Marius-Gnanou and G.Venkatasubramanian, ‘Neo-bondage, seasonal migration, and Job brokers: Cane Cutters in Tamil Nadu’, in Jan Breman, Isabelle Guerin, Aseem Prakash (eds), \textit{India’s Unfree Workforce; of bondage Old and New}, Oxford University Press, 2009
\textsuperscript{95} Monika Thakkar, ‘Construction Workers in Ahmedabad’, draft Report 2003, unpublished
\textsuperscript{96} D Chakrabarty, \textit{Rethinking Working Class History: Bengal 1890-1940}, New Delhi: Oxford University press, 1989
the range of 36 per cent to 60 per cent per annum by money-lenders back in the village. This effectively forces them to move to the cities for work. The *jamadar* who brings them to the city gives an advance in the range of Rs 3000 to Rs 4000 per family to travel to the city. This amount is eventually repaid from the daily wages earned. This advance also renders the workers immobile until such times when they have successfully cleared the advance. Given the fact that the workers spend some amount on daily expenses and also a large sum is send back to their villages to repay loans they, therefore, are left with little or no savings.98

The study on brick kiln workers clearly points out the dynamics in the system of advance, which binds the labourers to the contractors and indirectly to the owners of the brick kiln.99 The workers are bound by the system of advance with the *jamadar* and to the owner of the kiln until such times when they have cleared their advance (which is paid to them at the beginning of the working season by the *jamadar*). An informal agreement is usually made between the owners and the *jamadar* wherein he gives an assurance to bring back the same worker during the following brick making season especially those workers who have not been able to repay the advance. Based on the *jamadar*’s guarantee, the workers are allowed to leave the kiln. The *jamadar* mostly uses coercion with the workers to get them back the next season. Due to their given situation the workers have no option but to take the advance in order to start work and after the work starts, they are bound to repay the amount by working in the same kiln year after year till the debt is finally repaid.

The system of advance, therefore, plays a significant role in controlling the mobility of the workers. Often the kilns are well guarded by the *chowkidaars* (guards) who restrict the movement of the workers. Therefore, the system of advance and the subsequent indebtedness plays a major role in maintaining the workers in the brick-kilns. At the end of the season the workers often find that after deducting the advance money and the money for their weekly ration, they have just enough money for their travel back to their native village which forces them to take an advance once again from the employer with the promise of returning it during the next season.100 Thus, the cycle of bondage and payment and repayment of advances go on.

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98 People's Union for Democratic Rights, *Fettered lives: Contract labour in Jawaharlal Nehru University*, Delhi, June 2007
Although bondage in the earlier form no longer exists, yet these neo-bondage relationships, have hindered the transformation of the labour market, which propagates free labour system. The workers continued to be indebted to the employers and often to a particular employer for years at length. They were, therefore, unable to hire out their labour power to other employers, even for a better wage or for a higher advance. The employers use the mechanism of advance as a means to immobilize the workers during the brick-making season. The system of advance on one hand enables the workers to cope with immediate indebtedness but binds them into a pattern of work relationship, which is difficult to break out off.

The differences between the old patterns of bondage and new patterns is based on the varied factors: in the old system of bondage a relationship was built that mostly lasted indefinitely and perpetuated to the next generation; while in the new system of bondage the relationship is temporary and demonstrates a case for seasonal migration. Secondly, the system of patronage has disappeared in the newer forms of bondage. It has become more contractual and strictly economic while the former relationship depicted social aspects. Both the system of bondage and neo-bondage is somewhere a consequence of indebtedness. The emergence of neo-bondage was strongly connected to the reinforcement of casualisation and informalisation of work. In the old order the class-caste nexus played a significant role in the power equations, and the class oppositions are articulated along caste lines (migrants, local landless and the dominant landowners). The old order of exploitation between the owners of capital and the landless is replaced by the new order, which is contractual in nature, with the jobbers and middlemen as main players in this new labour relation pattern.¹⁰¹

Along with the nature of bondage and neo-bondage relationships, there is need to highlight some other issues pertinent to workers in the construction sector. The next section highlights some of the issues that pertain to the construction sector especially women construction workers within it from various reports/studies/government documents.

The first book that puts construction back in the centre of employment strategy was Currie’s *Accelerating Development* in 1966. Later studies by Thakurta in 1970 and again in 1972, Narasimhan in 1971, Sinha and Ranade in 1975 and Subrahmanian in 1982

were some of the studies, which focused on pattern of employment, output and socio-economic conditions of construction workers. The Indian Council of Social Science Research (ICSSR) also sponsored two studies on women construction workers, one in Delhi and another in Bihar.\textsuperscript{102} The purpose of these were to ascertain the socio-demographical characteristics of women in this industry, the system of recruitment, general service conditions, type of work, wage rates, health, living and welfare facilities, in order to identify and assess the specific nature of their problems. Later studies also grappled with gender bias in the construction sector along with discussions on migration patterns, applicability of safety mechanisms, applicability of labour laws, unionization, accident compensation and provision for social security. Mostly all studies touched upon the issue of minimum wages and conditions of work highlighting the level of exploitation faced by all construction workers especially women construction workers.

"...a sizeable proportion of women in the unorganised sector is engaged in construction work. The condition of women construction workers is pitiable. They face instability and insecurity of employment, low wages, non-observance of labour laws, bondage to the middlemen who employs them without providing the facilities enjoined by legislation. Their way of life is perpetually in a state of flux as they have to keep migrating from site to site. The average wages for women construction workers are generally lower than their men counterparts. Further, women construction workers are almost always totally unskilled. There is no rational explanation why this should be so, since masonry or carpentry are not skills that are likely to require more physical process than the type of ‘unskilled’ work women normally carry out."\textsuperscript{103}

An exploratory survey conducted during June 1975 of 150 women construction workers (married and above 20 years of age), selected from nine major construction sites in various parts of Delhi pointed out that mostly all were illiterate, involved in unskilled work, and belonged to scheduled caste Hindu community. They migrated mainly from rural areas of Jaipur and Alwar districts of Rajasthan. With the exception of one, all respondents stated that they took up employment because of poverty and indebtedness in

\textsuperscript{103} Shramshakti Report: Report of the National Commission on Self-Employed Women and Women in the Informal Sector, New Delhi, 1988, pg 258

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the village of origin.\footnote{S.N Ranade, ‘Women Construction Workers- Delhi’, Publication Delhi School of Social Work, 1975} Again in 1997, a survey of 77 construction sites across the country showed that contract labour in the construction industry were mainly landless rural migrants who entered the industry through jamadars or mistry’s. Most of the workers were hired for nearly 25 days for 9–12 months and it took them nearly 15 years to become skilled workers (only in the context of men construction workers).\footnote{National Commission for Enterprises in the Unorganised Sector, Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector, Government of India, 2007}

A study commissioned by the Labour Department, Government of Delhi, aimed at conclusive assessment and compilation of data on demographic details, socio-economic conditions and awareness levels from 9576 construction workers in all the nine districts of Delhi in 2008 is a comprehensive study. Almost half of the sample was illiterate and majority (68.93 per cent) were in the age group of 16 to 35 years. Only a minority (11.9 per cent) of the interviewees were women. The sample mostly consists of young married people (79.2 per cent) while only a little over 18 per cent were single. There are more unskilled workers than semi-skilled and skilled, with women mostly involved in unskilled work (59.06 per cent) and only a fraction involved in skilled work (6.65 per cent) as compared to men in skilled work (28.22 per cent). One distinctive finding of this report was the reduction of number of days of work in a month especially for women. Women reported (25.26 per cent) getting less than 15 days of work in a month. Overall, a minority of respondents reported availability of facilities at the worksite: drinking water facility (49.7 per cent) toilet facility (31.32 per cent), compensation for accidents (4.69 per cent), medical checkups (2.3 per cent), and available security committees at the site (2.9 per cent). Women often reported sexual exploitation in the work site.\footnote{Draft Report, Mapping of Construction workers in National Capital Territory of Delhi, A Study commissioned by Labour Department, Government of NCT of Delhi, Conducted by, Delhi School of Social Work, University of Delhi, 2008}

A study on Construction Sector Workers, Street Corner Markets, and Micro-Enterprises in Delhi, in 2005, by International Labour Organisation (ILO) and United Nations Development Programme (UNDP) for the Support for Policy and Programme Development (SPPD) Project highlights blatant gender bias in the construction sector with only 8.3 per cent women workers in the labour force.\footnote{Anand, S Harjit, report on ‘Construction Sector Workers, Street Corner markets, Micro- Enterprises and A Demonstration Initiative in Delhi’, Support for Policy and Programme Development (SPPD) Project, United Nations Development Programme and International Labour Organisation, 2005} Further, it revealed that 90 per cent of the women workers are concentrated in the unskilled category. The few skilled
women workers were only found in masonry trade, with carpentry, plumbing and electrical trades reporting no presence at all. In addition, a majority of women workers were found to be concentrated in the residential, office-cum shops and educational institutional land-type construction work in the two zones of eastern and northern Delhi. The transport and hotel land type construction work, which required more skill excluded women workers completely.

The report on the status of women workers in the construction industry, by the National Commission for Women, in 2005, surveyed women in the industry. Most of the respondents were young, between the ages of 16–40 years. It indicated the crucial need for welfare measures such as maternity leave and benefits, availability of health care for mother and child as well as crèches and schools for older children. The report pointed out that the vast majority of the women engaged in unskilled work and their livelihood is being threatened by mechanisation. For women workers neither Minimum Wages Act nor the Equal Remuneration Act is being applied on worksites. Given the shortage of work and low wages, it can be concluded that the majority of women in the city earn no more than Rs 975 a month, provided they get work for 15 days in a month at an average of Rs 65 per day. The workers are paid either daily or weekly or monthly or fortnightly, depending on the contractor. The majority (52.5 per cent), managed to find work for 11–15 days in a month. Full employment is rare, only 7 per cent women worked for 28 days in a month. 80 per cent of women are unemployed for 10–20 days in a month. Approximately 88.5 per cent of women reported that they took loans to tide over times of unemployment. The lack of employment, low wages and indebtedness binds many women in virtual bondage to their labour contractor. Only 5 per cent of women had savings. The report also pointed out low levels of facilities at the worksite: 76 per women did not receive accident benefit on worksites, 95.5 per cent received no maternity relief, 86 per cent reported no crèches facility at the worksite. Approximately 40 per cent of women and their families live in rented housing, another 32 per cent live in jhuggi's. 32.5 per cent of women enjoy the facilities of drinking water, electricity and toilets in the place of residence whereas 31 per cent have no facilities whatsoever.108

The Shramshakti Report on women workers in the unorganised sector listed the following occupational factors for headloaders in the construction sector: heavy workload,

hazardous work terrain, work during pregnancy, sexual harassment. The resultant occupational health hazards pointed out were: accident injuries, insect bites, thorn cuts and skin burns, tetanus, eye problem, lung congestion, respiratory problems, tuberculosis, high rate of infant mortality and miscarriages, mental tensions. The report also recommended the provision of personal protective equipment, provision for alternative work during and after pregnancy, and provision of medical facility specific to women construction workers who are mostly headloaders.\textsuperscript{109}

Therefore, from the findings of these above mentioned reports/studies, it can be observed that most of these contract migrant workers are working under inhuman living and working conditions. There is no payment of minimum wages, no payment of overtime, no payment of journey and displacement allowance, no appropriate safety measures, no residential, health and sanitation facilities at the work site, no drinking water, toilet and crèche facility at the site, no provision for registration of workers in the welfare board, lastly no rights of workers to form unions. For women their wages are always lower than that of men even when they are engaged in similar nature of work. There was no maternity benefit provided by the employers. Very few cases have been filed by the workers themselves in the law courts due to low awareness levels regarding labour laws. Most of the workers pay some part of their wage as commission to the jobber. Thus, for most workers the wage that they actually receive after paying the commission is nowhere close to the prescribed minimum wages as per the laws. Mostly all the studies reiterate the fact that the workers are migrants though not always seasonal migrants. For instance, some respondents (8.58 per cent) claim to have been in the construction sector in Delhi for more than 26 years in the study of 9576 construction workers in nine districts of Delhi conducted in June 2008. These respondents had arrived in Delhi to work in the Asian Games held in 1982 and stayed back.\textsuperscript{110} To further understand the causal connection between the migrants and the construction sector it is important to study why majority of migrants work in the construction sector and the interlinkages with the reasons for migration.


\textsuperscript{110} Draft Report, \textit{Mapping of Construction workers in National Capital Territory of Delhi}, A Study commissioned by Labour Department, Government of NCT of Delhi, Conducted by, Delhi School of Social Work, University of Delhi, 2008
The 2001 census shows the total migrant population in the country was 314.5 million. The permanent migrants (above 10 years) have the largest share among migrants and have decreased from 56 per cent to 54 per cent in the period 1999/00 to 2004/05. In the same period, the (1-9) category shows a rise from 21 per cent to 28 per cent. Whereas short duration migrants show a decline from 3.0 per cent in 1999 to 2.8 per cent in 2004/05. The 1999/00 NSSO data shows that there has been an increase in regular and self-employed migrant men and a reduction in casual migrant men both in rural and urban areas. On the contrary, for migrant women there has been an increase in all categories, especially as casual migrant workers. These casual migrant workers either migrate from rural to urban areas or from rural to rural areas. The rural to rural migrant workers usually work as agricultural workers, plantation workers, brick kiln workers, quarries, construction and fish processing whereas the rural to urban workers mostly work as construction and unskilled workers in industrial units.

As evident from government statistics and numerous studies, the migrant workers mostly engage in construction related works in urban and rural areas. Due to the informal nature of work in construction, workers often find an easy entry into this sector. Reasons behind migration and choosing to work in the construction sector are sometimes important to note in order to contextualise the need for labour law legislations for migrant construction workers.

At the international level, the various types of labour migration are noted as: orderly permanent migration, return migration, forced migration, irregular migration, and very short seasonal migration. Overall major types of migration can be based on the duration of migration (temporary/ permanent), destinations favoured and pursued (urban/

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112 Jayati Ghosh, 'Migration and gender empowerment: Recent trends and emerging issues', United Nations Development programme, Human Development Reports, Research Paper 2009/4, April 2009. The following typology is in accordance with the World Migration Report: orderly permanent migration (legal migration from one country or area to another without eventual return); return migration (where migrants return to their country voluntarily or involuntarily after spending at least a period of one year in another country); forced migration (movement of the migrant is usually a result of natural disaster, armed conflicts or other displacements); irregular migration (whereby migrants seek to gain residence in a new country through illegal means e.g. smuggling and trafficking); very short-term seasonal migration (results from the search for livelihood and productive income opportunities).
rural, international/ internal), distance travelled (short distance/ medium distance/ long distance), causes of migration (family unification, work marriage, political refuge etc).\textsuperscript{113}

The decision to migrate is usually undertaken either by an individual or the household and depends on the relative situation of deprivation with the present place or perceived opportunities at the place of destination, or a combination of the two, commonly known as ‘push’ and ‘pull’ factors,\textsuperscript{114} which play a key role in determining the extent of internal migration.\textsuperscript{115} Lack of job opportunities, lower agricultural wages, the large size of families and the small size of land holdings have been identified as push factors for labour migration.\textsuperscript{116} Individuals are usually left with three choices: to stay back and make the best out of the existing repressing relations of production in their native village i.e. adaptive choice; to stay and revolt against the existing relations and try to transform them into progressive relations i.e. revolutionary choice; to migrate to different economic environment i.e. migratory choice. Migratory choice may take the form of either seasonal, long-term circulation or permanent migration; the last form is mostly confined to migrants from agriculture to industry or non-industrial urban migration.\textsuperscript{117} Migrants do not act primarily to seek better economic opportunities with higher wages at the place of destination, and are thus not pulled away; rather, they are pushed out and migrate because in their own village there may be no employment opportunity at all.\textsuperscript{118}

A number of studies show that poverty, pauperisation and stagnation in the rural economy are the most dominant factors in pushing out people from their native villages. The conventional push and pull approach implicitly assumes that the push is always from the rural areas and the pull is always from the urban areas.\textsuperscript{119} Also the push and pull factors can be further studied from economic and social point of view. Push factors of


\textsuperscript{117} Navin Chandra, ‘Economics and politics of labour circulation’, in K.Gopal Iyer (ed), Distressed Migrant Labour In India: Key human rights issues, Kanishka Publications with assistance from the National Human Rights Commission, India, 2004


\textsuperscript{119} D.P. Saxena, Rururban Migration in India Causes and Consequences, Manohar Publications, Bombay, 1977
economic nature are indebtedness, famines and scarcities and unemployment or under-employment. Those of sociological nature include family feuds, village's feuds, marriage problems and violent crises of caste and religion. Pull factors of economic nature are mainly higher wages in the city and regular employment compared to the village and the social nature include social elevation in caste and class consciousness. Overall, it has been argued that migrants are economically better off in their place of migration than in the native place. The better wage rates at the place of migration enable them to send remittances home. Besides, remittances they also help in meeting expenses on health; repayment of debt, marriage related expense and purchase of consumer durables.

Some theorists articulate the reason for migration outside the push/pull paradigm or rather they study only the economic aspect of the pull factor behind reasons for migration. Migration is stimulated as primarily driven by rational economic considerations of relative benefits and costs, mostly financial as exemplified by the ‘neo classical theories’ of migration, which is better known as Todaro model. In addition, the expected income from the urban-rural difference sometimes guides migration rather than actual earnings. The fundamental premise is that migrants consider the various labour market opportunities available to them in the rural and urban sectors and choose the one that maximises their expected gains from migration. Expected gains are measured by the differences in real income between rural and urban work and the probability of a new migrant obtaining an urban job. The rural-urban migration will continue until the expected urban income is equal to the expected rural income. Overall, this theory contains several implicit propositions and assumption. Firstly, that the migration of people is caused by differences in wage rates between regions. Secondly aggregate migration flows between regions are simple sums of individual moves undertaken on the basis of

individual cost-benefit calculations and that migration will not occur in the absence of differences in earnings and/or employment rates between regions and will occur until expected earnings have been equalised. Thirdly, migration decisions stem from disequilibria or discontinuities between labour markets and other markets do not directly influence the decision to migrate. Lastly, the way for governments to control migration flows is to regulate or influence labour markets in the sending and/or receiving regions.  

In recent years a new 'economic of migration' has risen to challenge many of the assumptions and conclusions of neo-classical theory. The main thrust of this new approach is that migration decisions are not made by isolated individual actors, but by larger units of related people; typically families or households in which people decide collectively not only to maximise expected income, but also to minimise risks and to loosen constraints associated with a variety of market failures, apart from that of the labour market. The theoretical model growing out of the new economics of migration yields number of propositions. Firstly, families, households or other culturally defined units of production are appropriate units of analysis for migration research not an autonomous individual. Secondly, a wage differential is not a necessary condition for migration to occur. Households may have strong incentive to diversify risks through migration even in the absence of wage differentials. Also, migration does not necessarily stop when wage differentials have been eliminated across regions as the same expected gain in income will not have the same effect on the probability of migration for households located in the communities with different income distributions. Lastly, government can influence migration rates not only through policies that influence labour markets, but also through those that shape insurance markets and capital markets. Also, government policies and economic changes that shape the income distribution will change the relative deprivation of some households and, thus, alter their incentives to migrate.

124 S.K. Shashi Kumar, 'Theories of Internal Migration', in K. Gopal Iyer (ed), Distressed Migrant Labour In India: Key human rights issues, Kanishka Publications with assistance from the National Human Rights Commission, India, 2004
The Marxist perspective is yet another framework to understand migration. It emphasises that historical, social and political forces act to determine the demand for labour and labour mobility. It argues that the uneven development of capitalism, both globally and within the country promotes labour mobility and it serves the purpose of accumulation of labour. This approach regards migration more as a class phenomena rather than based on individual decisions. It also considers migration based on survival/subsistence strategy. It tries to extend the migration process within the larger social milieu, i.e. household, community, class, and the socio-political contexts. The NCRL emphasises migration arising out of distress situation and survival strategy. NCRL considers uneven development as one of the major reasons behind migration. Several social scientists consider migration as a survival strategy of the poor.

The migration for survival reflects the extreme condition of social and economic problems faced by the labourers in the rural setting therefore migration becomes necessary for survival purposes. Generally such people are landless agricultural labourers, illiterate and mostly belonging to the lower social strata of the society comprising of scheduled castes, scheduled tribes and other backward classes. The migration that stems from subsistence is to supplement the income so as to cover the subsistence needs, which are not met due to acute poverty and seasonal unemployment. Such people migrate for shorter duration and usually not to distant places.

Migration usually takes place due to overall development failures in the place of origin. The inadequate agricultural growth of the farm sector coupled with the absence of the growth of non-farm sector employment in such areas, also the rapid population growth have tended to push more and more people to the less productive and less remunerative farm sector. In many rural areas, tribals are reported to be increasingly barred from access to minor forest produce, which were otherwise their traditional forest rights in the pre independence period. Further, owing to over commercialisation of the forest resources, the problems of deforestation and the consequent displacement of the tribal has tended to become somewhat more intricate over the years. A characteristic feature of such regions is over dependence on the farm sector, semi-feudal production relations, poor irrigation base, devastating floods, poor infrastructural facilities, low level

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128 Reference here to Jan Breman
of farm mechanisation, caste ridden social set up, non-implementation of state policies. Several poverty alleviation measures undertaken in these areas have also met with no or at best limited success. The minimum wages as stipulated through various legislative measures are so low that these do not cover even the basic minimum subsistence level. The New Economic Policy encompassing privatisation and globalisation also accentuates these problems. To counter development failures, the concept of 'right to stay', is interpreted as the process of staying back in one's own native village, with dignity in the face of adversity rather than migrating and put claims on the state to withdraw policies which affect livelihood choices of the population at large. Overall, it defines conditions of debility of the migrant labourers on one hand (coloured by their socio-economic deprivation, absence of alternative employment options, lack of information on labour laws and mechanism of redressal, and lack of unionisation) and on the other demands proactive policies from the state.

Apart from economic factors, there are also some other factors, for instance there have been some cases of educated upper caste and dominant backward caste youth who often do not like to work in their own village as agricultural or wage labourers, even in their own fields. Thus, other than factors of poverty driven push-pull factors used for analysis of migration processes, newly developing markets for women's work, improving levels of education, a greater desire to improve one's own and one's children's needs and wants, lastly loosening of parental and societal controls over women determine migration of women.

For long women migrants were seen only as family followers, tied or associated migrants. Men migrated for work and women migrated as dependents. Beginning in the 1980s, gender sensitive studies have shown that women's migration cannot be explained solely in terms of household migration or marriage migration. Studies have shown that there is a clear increase in the migration of women with the primary purpose of engaging in work. In some parts of the world, such women are even primarily responsible for the

sustenance of their families and communities (for instance the Sri Lankan domestic workers in the Middle East, the Filipino migrant women in many parts of the world and the Indian nurses in the Gulf are some of the examples of this trend in the Asian context).\textsuperscript{133}

It is often seen that the employers prefer migrants workers compared to the local workers as the migrants work for cheaper rates. The migrant workers usually belong to the SC/ST communities and women among them are doubly exploited. Women migrant workers face exploitation in terms of adverse working conditions, lower wages, insecure living conditions, and sexual harassment. Bihar, U.P, Orissa (mostly states characterised by high levels of poverty) are marked with high out migration states whereas the states of Punjab, Haryana, Maharashtra and Gujarat mostly house these workers.\textsuperscript{134} The living and working conditions of these workers are dismal without any protection of labour law legislations. The workers at the Commonwealth Games Village (CWGV) site mostly migrate from Bihar, Jharkhand, Orissa, Madhya Pradesh, eastern Uttar Pradesh, and West Bengal. As per the Section 12 (b) of the Inter State Migrant Workers Act, all migrant workers are entitled passbooks with the following particulars: passport size photograph, date of recruitment, date of employment, wage period, name and address of workman. None of the workers at the CWGV site have such passbooks.\textsuperscript{135}

Thus, the reasons for migration can be based on push/ pull factors (poverty, unemployment, underemployment and promise of work) or more broadly on other economic and social reasons or developmental failures of the state. The reason for migrant workers working in the construction sector (given the poor conditions of work, wages and living conditions) is largely based on the ease of entry into the sector (since there is no prerequisite skill level for migrants to start work). Sometimes there is an odd preference given to migrants in comparison to local workers in construction as they can be employed at cheaper rates. In addition, as discussed earlier, sometimes to get out of the circle of poverty the migrants enter neo-bondage relationships with jobbers and get into this sector. Given the nature of informalisation of work (casual, non-permanent,


\textsuperscript{135} People’s Union for Democratic Rights, *In the Name of National Pride*: (Blatant Violation of Workers' Rights at the Commonwealth Games construction site), Delhi, April 2009
temporary, based on contracts, no security of wage payment) the migrant construction workers are doubly exploited. Due to absence of union participation and ineffective labour law implementation in this sector, these migrant workers are not protected by social security provisions. The regulatory mechanism of the state provides many labour law legislations geared towards providing provisions for social security for unorganised sector workers (includes migrant workers and construction workers) but these efforts has not been translated into practice. Therefore, to critically evaluate the gaps in the implementation process it is imperative to understand the concept of social security and the provisions granted thereby.

The concept of social security is derived from the provisions of Article 38, Article 41, Article 42, and Article 47 of the Constitution in India. The ILO consolidated the notion of social security in 1952 with an International Convention No 102, which included nine core contingencies: sickness, maternity, employment injury, unemployment, invalidity, old age and death, the provision of medical care and subsidies for families with children.

This ILO definition actually covers two types of social security: social insurance and social assistance. Social safety net is a more recent term used for compensatory measures advanced to mitigate the negative impact of structural adjustment programmes in developing and transitory economies in the 1980s and the 1990s. Social funds, propagated by the World Bank, are a means of financing the social safety net programmes.

To broaden the ILO definition of social security the concept of social security was extended to mean the support provided to the individual by the society to enable him/her to attain a reasonable standard of living, and to protect the same from failing due to the

136 Article 38 requires that the State should promote the welfare of the people by securing and protecting a social order in which justice (social, economic and political) shall inform all institutions of national life. Article 41 requires that within the limits of its economic capacity and development, the State makes effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement and other cases of undeserved want. Article 42 requires that the State should make provision for securing just and humane conditions of work and maternity relief. Article 47 requires that the State should regard the raising of the level of nutrition and the standard of living of its people, and improvement of public health, as among its primary duties.

137 Social assistance broadly covers persons with various types of disability such as old age, illness, disability etc. it is more likely to be non contributory. Social insurance covers workers of different categories and refers to a system through which they contribute to their future security e.g. injury at the workplace. The word social implies that the market alone cannot take care of these contingencies.

138 People's Union for Democratic Rights, In the Name of National Pride: (Blatant Violation of Workers' Rights at the Commonwealth Games construction site), Delhi, April 2009
occurrence of any contingency. Another way of defining social security was any kind of collective measures or activities designed to ensure that members of society meet their basic needs (such as adequate nutrition, shelter, health care and clean water supply), as well as being protected from contingencies (such as illness, disability, death, unemployment and old age), to enable them to maintain a standard of living consistent with social norms.\textsuperscript{139}

Based on these interventions, the meaning of social security was later meant to be a part of ‘full employment’, meaning the need for adequate employment, sustainable incomes, ownership of assets to the basic minimum needs of food, health care, child care, maternity care, old age support, housing, and other locally defined needs.\textsuperscript{140} The definition of social security is further qualified by the ‘protective’ aspects of preventing a decline in living standards; and ‘promotive’ aspects for enhancing normal living conditions by fulfilling the requirement for ‘income maintenance’ and ‘income support’. As the definitions broadened and moved away from the ILO stand, there was a general recognition that social security must be expanded to include not only new elements such as food security, housing and sanitation, but also income and employment.

The concept of social security, therefore, implies a broad pro-poor approach which has three major components: namely a promotional component that aims at improving endowments, exchange entitlements, real incomes and social consumption; a preventive component that seeks to avert deprivation in more specific ways; and a protective component that is yet more specific in generating relief against deprivation.\textsuperscript{141} Alongside this there was a need for ‘transformative component’ to address the power imbalances in a society that encourage, create and sustain longer-term vulnerabilities.\textsuperscript{142} Such transformative measures could encompass some of the right-based perspectives that

\textsuperscript{139} I.P Getubig, ‘Social Security and the Poor; An Introduction’ in Rethinking Social Security, 1992 Also R.K.A Subrahmanya, Social Security in Developing Countries, Har Anand Publications, New Delhi, 1994
\textsuperscript{141} Indira Hirway, 'Social Security for the Rural Poor in the Context of Structural Adjustment', Unpublished Paper, 1995
have featured in the social protection literature as well as questions of ‘good governance’ in the provision of social protection.\textsuperscript{143}

The World Bank’s approach to social protection stems from a concern with the vulnerability of the poor in the face of diverse risks and a belief that markets are the best means of helping them manage these.\textsuperscript{144} The World Development Report 2000/2001 includes “unemployment, falling wages, and having to take up precarious and low-quality jobs in the informal sector as a result of macroeconomic crises or policy reforms”, as labour market risks. It also notes that women are most likely to be found in the more precarious of these jobs. Informal sector women workers disappeared from the policy report subsequently submitted by the Social Protection Department instead vulnerable groups were defined in terms that take labour market participation as the desired norm for all but a minority of people.\textsuperscript{145} These groups were identified as children, including orphans, who should not be in the labour market; disabled people who find it difficult to earn a living in the labour market; and unemployed youth who ought to be, but are not in the labour market.

The insecurity of the informal sector workers arises mainly from two sources; one is random shocks or the contingencies (job loss, sudden illness, social expenditure etc) that hit the family from time to time and second is the structural features (age, gender etc). The random shocks affect the basic security of the workers family but the structural features affect not only the basic but also economic security of the family. Social protection is a new term used to encompass all these concepts as an umbrella term to depict social security. The difference between basic and economic securities as a concept or framework for social protection is important to note. Social protection includes basic social security such as income, health, education, old age, etc. following from a human rights approach and economic security includes having income generating productive

\textsuperscript{144} Following are the definitions of poverty, insecurity and vulnerability from the World Bank 2000; poverty is a static concept. Insecurity and vulnerability are dynamic, it is the response to changes over time. Insecurity is exposure to risk; vulnerability, the resulting possibility of a decline is often referred to as a shock, which can affect an individual (illness, death) a community, a region or even a nation, risk, risk exposure and vulnerability are related but not synonymous. Risk refers to uncertain events that can damage well-being, the risk of becoming ill or risk that drought will occur. The uncertainty can pertain to the timing or the magnitude of the event. Risk exposure measures the probability that a certain risk will occur. Vulnerability measures the resilience against a shock.
work and application of the core labour standards to all forms of work. While basic securities are citizen based and universal, economic securities are work based. In this approach to social protection, the link between basic and economic securities is recognized.

The World Labour Report, 2000, by ILO makes a distinction between ‘social security’ and ‘social protection’. Social security included social insurance, social assistance and universal benefits to protect members of a community, reduce contingencies, provide health care and other benefits. Social protection included not only public social security schemes but also a variety of private and non-statutory schemes (e.g. subsidies from government) with similar objectives but the contributions are not entirely determined by the market forces.

Social security arrangements can also be studied as collective remedies against adversity and deficiency. Here the difference between basic social security and contingent social security is pertinent to note. Basic social security is directly linked to the problem of deficiency of those who are not in a position to access minimum of resources to meet their economic and social requirements for a dignified life in their society. The notion of contingent social security refers to social arrangements to take care of adversity i.e. contingencies of a wide-ranging nature. These could be hazardous situations arising out of human life and work, such as ill-health, injuries and accidents, unemployment, maternity, old age, death of an earning member etc. There are four realms of security that could constitute basic social security: food security, health security, housing security, and education security.

In India, there are a number of models of providing social security to the workers in the unorganised sector: centrally funded social assistance programmes, social insurance schemes, social assistance through welfare funds of Central and state governments.

Centrally funded social assistance programmes, includes the employment-oriented poverty alleviation programmes such as Swarnajayanti Gram Swarojgar Yojana,

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147 K.P. Kannan, ‘Social Security, poverty reduction and development; arguments for enlarging the concept and coverage of social security in a globalising world’, in Centre for Women’s Development Studies, Seminar on, Globalisation and the Women’s Movement in India, India International Centre Conference Hall II, 20th-22nd Jan 2005
148 Ibid, 2005
Jawahar Gram Samridhi Yojana, Employment Assurance Scheme, the National Social Assistance Programme (NSAP), the National Food for Work Programme and the National Rural Employment Guarantee Scheme. The NSAP comprises of provisions for old age pension, family benefits, and maternity benefits to address the social security needs of the people below poverty line (BPL). Jawahar Rozgar Yojana (1989-1999) was focused on BPL households in rural areas, with preference to SC/ST women and was financed by both the Centre and the state in the proportion of 30:20. Employment Assurance Scheme (1993-2001) initially focussed on 261 districts and gradually extended to nationwide rural coverage by 1997. It was committed to 100 days of lean season employment for up to two adults per rural family and was also financed by both Central and state in the proportion of 80:20. In 1999, the Jawahar Rozgar Yojana was restructured into Jawahar Gram Samridhi Yojana, with the primary aim of creation of demand-driven community infrastructure along with rural-employment generation (which was considered as the secondary objective). From 2001 the Employment Assurance Scheme and the Jawahar Gram Samridhi Yojana were merged into Sampoorna Grameen Rozgar Yojana which aimed for 100 days employment (per rural household). The financing was divided in the proportion of 75:25 between the Centre and the states, and Panchayati Raj Institutions had been entrusted with the role of implementation of the scheme. In late 2004, the National Food for Work Programme was introduced in 150 backward districts. The National Rural Employment Guarantee Act (NREGA) was passed in 2005 and implemented from 2006. This guarantees 100 days of employment per rural household annually. The funding is divided in the proportion of 90:20 between the Centre and the states, and the Panchayati Raj Institutions were considered the primary implementing institution.\footnote{Keefe O Philip and Robert Palacios, 'Strengthening employment and social security for unorganised sector workers in India', in Dipak Mazumdar and Sandip Sarkar, \textit{Globalization, Labor Markets and Inequality in India}, International Development Research Centre, Routledge, 2008}

Second model of providing social security to unorganised sector workers is through social insurance schemes. It includes several schemes launched by the Central and the state governments for the benefit of weaker sections: the Universal Health Insurance Scheme, Janshree Bima Yojana, Krishi Shramik Samajik Suraksha Yojana, also formation of NGO/community based social insurance initiatives to promote social security. The Universal Health Insurance Scheme was launched in 2003. This is a voluntary contributory scheme for BPL households, covering medical costs of hospitalisation, and loss of income during short-term illness and death. There is a
contribution subsidy from the government ranging from Rs 200 to Rs 400, with net contribution from the workers ranging from Rs 165 to Rs 300, depending on household size. In parallel, a scheme for unorganised non-BPL households was introduced. The outcomes of this scheme appear to have been limited in the initial phases with only around 400,000 households covered in the first year of operation and a further 31,000 households up to January 2005. Another scheme focused on the unorganised sector is offered by the government-owned Life Insurance Corporation titled the Janashree Bima Yojana. It covers 44 occupational groups, especially those living near the poverty line. The scheme pays Rs 20,000 for natural deaths, Rs 50,000 for accidental death or permanent disability and Rs 25,000 for partial permanent disability. There is also a scholarship of Rs 300 per quarter per child paid to workers who send their children (up to two) to grades 9–12 for a maximum of four years.

There are NGO and community-based social insurance initiatives for the unorganised sector providing microfinance and health insurance discussed here as three models. In the insurer-agent model the NGO/ microfinance institutions or others acts as intermediary between members and the insurer. This model has been operationalised by large organisations such as SEWA and Buldhana, and smaller organisations like Navsarjan in Gujarat and Bharatiya Agro Industries Foundation (BAIF) in Maharashtra. In Vimo SEWA (social security insurance scheme started by SEWA) the bulk of the medical costs and administration cost is covered through donor support. Although the community/ NGO controls the administrative costs in some cases mostly all schemes are externally subsidised. The subsidy is either provided by the government, the NGO, donor organisations, cooperatives or other sources. In addition to this, in some schemes there is a provision for deposit of a lump sum amount by the participant from which interest generated covers the annual premium. The second model of community-based social insurance initiative is applicable where the founding organisation acts as the direct insurer, but is not the provider of the insured services. This applies both to some NGO schemes (Yeshasvini in Karnataka, Dhan in Tamil Nadu) and occupation based programs (e.g. Tribhuvandas Foundation). The last model of community-based social insurance initiative is applicable where the founding organisation is the direct insurer and the main

152 Ibid, 2008
provider of the insured services; examples include ACCORD in Tamil Nadu, Kasturba Hospital scheme in Maharashtra, and Students’ Health Home in West Bengal.\footnote{Keefe O Philip and Robert Palacios, ‘Strengthening employment and social security for unorganised sector workers in India’, in Dipak Mazumdar and Sandip Sarkar, Globalization, Labor Markets and Inequality in India, International Development Research Centre, Routledge, 2008} In all the above stated approaches, the types of risks covered are primarily focussed on health insurance. Some schemes cover associated costs such as loss of income, and life and accident insurance, however, old age insurance is not addressed by these. All community-based micro-insurance initiatives are based on voluntary participation and require a contribution as means of financing. Of the prevailing models, the insurer-agent approach appears to have the most potential for broadening coverage of social insurance.\footnote{Ibid, 2008}

Third model of social security provisions for workers in the unorganised sector is provided by social assistance through welfare funds of Central and state governments. The scheme of welfare fund is outside the framework of specific employer-employee relationship. The resources are raised by the government on non-contributory basis and the delivery of welfare services is affected without linkage to individual workers contribution. These funds are constituted from the cess collected from the employers and manufacturers/ producers of particular commodity/ industry concerned. The state of Tamil Nadu at present has 11 welfare boards for construction workers, truck drivers, footwear workers, handloom, and silk weaving workers.\footnote{Surajit Sen, ‘Informal Sector in India: A Focus on Construction Workers’, National Workshop on Emerging Issues related to Construction Workers, Reference Study Material, Mahatma Gandhi Labour Institute, Ahmedabad, 5th-6th March, 2008} The Kerala construction workers fund was started in 1990. The major schemes taken up by the fund include pension, cash awards and scholarships to members’ children’s, medical expenses, assistance for marriage and maternity expenses, disability and accident benefits. Any construction worker in the age group of 18 to 60 years who has completed 90 days of work in the sector is eligible to register as a member. Source of the fund comes from the government (pays 10 per cent of initial members’ contribution per annum), employers pay 1 per cent of the construction cost yearly, whereas the employees contribute Rs 10, Rs 15 and Rs 25 depending on the earning compatible with the skill level of the worker every month.\footnote{K.P.Kannan, ‘The Welfare Fund Model of Social Security in the Informal Sector’, Working papers Series No 332, CDS, 2002} Many critiques point out that, though there is a large allowance for

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154 Ibid, 2008
156 K.P.Kannan, 'the welfare fund model of social security in the informal sector', Working papers Series No 332, CDS, 2002
marriage related expenses, there is hardly any mention of unemployment benefits for workers, which in a sense show the discrepancy in priorities.

These funds are set up by special acts of parliament and are administered departmentally by the ministry of labour welfare commissioners appointed by the government, therefore, they tend to be bureaucratic and lack initiative and the lost of administration has been very high. In the Kerala experience the broad nexus between the political parties and the bureaucrats in the nominations, administration and day-to-day functioning of the welfare funds are quite clearly evident. The establishment expenses are borne out of the income of the respective funds. The fees and allowances payable to board members, salaries and other benefits to the administrative staff, routine administrative expenses including equipments, travel etc contribution to provident fund of the staff are all borne by the income of the fund. Thus, ironically a part of the contributions of the informal sector workers take care of the cost of maintaining the secure jobs of the government employees. A major problem of administration of the central welfare funds is the identification of the beneficiaries as the welfare funds do not have a system of registration, but require identity cards to be issued by the employers. The wide spread non-implementation of this requirement leads to a large number of workers not receiving the benefit due to them.

The issues raised with regard to some of the problems in implementation of the Kerala Construction Worker's Welfare Fund gives us an insight to some of the major problems in implementation of the overall framework of social security provisions for unorganised sector workers. The bureaucratic mechanisms and corruption in the administrative machinery added to the ineffective steps taken to involve workers in the process of claiming the social security benefits by the government has been one reason for non-implementation of these provisions. In the construction sector, which is marked by informalisation of work and layers of sub-contractors (therefore no permanent employer-employee relation), it becomes even more difficult to implement social security provisions for workers. As noted earlier, the government sites do not abide by the labour

157 Given the emergence of party affiliated trade unions, in almost all occupations, all political parties have come to see welfare funds as an opportunity to extend their political patronage. The political consensus has often taken the shape of competitive populism given the enthusiasm with which the political parties belonging to the two major coalitions have gone about setting up the welfare funds. This is clear from the nomination procedures. Nominations of the government representatives are often done bureaucratically with little concern for assessing the nominees' expertise and interest.

158 Ibid, 2002
law provisions due to the system of sub-contracting in which the principal employer cannot to pin-pointed.

Due to lack of awareness amongst workers and low trade union participation in this sector, the demand for implementation is meagre. Sometimes the onus is shifted partially to the employers to provide these benefits (by contributing to the Cess funds or registering the workers with the welfare boards) but since in the construction sector the majority of the medium and small scale site owners are not registered they often escape this obligation. Due to globalisation and increase in mechanisation of construction works many unskilled workers (especially women) are retrenched. Therefore, in the era of globalisation and informalisation of work with deteriorating conditions of work and ineffective implementation of provisions for social security these migrant construction workers (and especially women within this category of workers) are highly exploited.