CHAPTER 7

CONCLUSION AND SUGGESTIONS

The aim of labour legislation is to protect labourers with a view to provide humane treatment, welfare, well being and security to make the work force more efficient and productive. This in turn also, protects the interest of industry to have industrial peace. Human development insists that everyone should enjoy a minimum level of security. Moreover, it is the responsibility of the State to protect its citizen from various contingencies like employment injury, sickness, death, unemployment, maternity etc., in their work life by assuring better standard living to workers. Thus the object of social security is to provide a safety mechanism against stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, occupational diseases, old age etc.

Social security should also extend to cover safe drinking water, sanitation, health and educational facilities for society at large. Apart from that, in the context of promotional aspects, it should also ensure living wage to guarantee the workers for dignified life.

The unorganised sector occupied a significant position in Indian economy. It is also a major provider of urban jobs. According to the National Sample Survey Organisation (2009-10), the total employment in both organised and unorganised sectors in the country was 46.5 crore. Out of this, about 43.7 crore wherein the unorganised sector. It is clear that a large number of unorganised workers are home based and are engaged in occupations like beedi rolling, handloom weaving etc. It is clear that workers in the informal
economy are overwhelming proportion of the work force. But, most of these workers suffer from various forms of insecurities relating to job, income or inability to secure social security. Hence, there is deprivation of social security measures as these measures are not reaching the eligible beneficiaries in an adequate level which is not at all acceptable.

The Central Government enacted several social security laws to protect the interests of workers both in organised and unorganised sectors. Apart from this, statutory welfare funds such as Beedi Workers Welfare Fund Act, 1976; Lime Stone and the Dolomite Mines Workers Welfare Fund Act, 1976 etc., have been enacted to make apply to the special categories of workers in the unorganised sector with a view to provide housing, medical, recreational, educational, family welfare and other welfare facilities.

Recently, the Unorganised Workers’ Social Security Act, 2008, has been passed to safeguard the interests of unorganised workers by providing a minimum level of social protection that would enable them to endure income and health related shocks resulting in dignified lives. The National Board which was constituted in 2009 under this Act has recommended social security schemes such as Rashtriya Swasthya Bima Yojana providing health insurance, Jana Shree Bima Yojana providing death and disability insurance etc. In addition to the Central Government’s programmes and schemes for social security, State Governments have also launched social security programmes. Despite these efforts, the unorganised sector could be equated with the unprotected segment of the labour market.

The significant feature of unorganised sector is that it cannot be identified by a definition but it could be described because this sector is not homogenous as it includes the diversity of
employment. They are much scattered and fragmented in terms of occupation like agricultural labour, domestic workers, construction workers, beedi workers, plantation workers etc. This is a hurdle for them to get unionised or strongly organised as they have concentrated a small number of activity groups.

For instance, the condition of agricultural labour are widely scattered due to fragmentation and sub division. They work in ones and twos and not in groups as in the case of workers in industry. So there is no room for communication of grievances as such no chance of experiencing the advantage of organisation effectively.

As per the Annual Report of Ministry of Labour and Employment 2014-15, a large number of establishments in the unorganised sector remain outside any labour regulation with its limited applicability of social security measures coupled with the growing informalisation and contractualisation of the work process there by deepening of dual labour market leaving an immense majority of working class unprotected.

As per the Report of the Committee on Unorganised Sector Statistics (2012), unorganised sector is replete with diverse concepts and lack uniformity of definitions which is a basic requirement for building a sound system of statistics that would ensure a reliability and credibility, otherwise it will lead to its neglect in development planning.

Since this research has analysed the conditions of unorganised sector in Chapter 4 by focusing labour legislations which are applicable as well as extendable to unorganised workers, an attempt has been made in this chapter to explore the effectiveness of implementation of labour legislations relating to important aspects
of working conditions including health and safety, welfare and social security otherwise the benefits of social security would not have been completed as they deprived of proper living and working conditions. Therefore, insecurity and vulnerability of workers in unorganised sectors are addressed and examined under the following angles:

**Mode of Recruitment**

The labour bureau surveys show that a large part of the unorganised employment in the industries such as textiles, garments, power looms is obtained at the factory gate. There is a total absence of any form of formal publicity of employment, like newspaper advertisements or posters in public places announcing job vacancies. In the case of migrant labourers, the employers do not follow the procedure of recruitment as laid down in Inter-state Migrant Workmen Act, 1979. There is no uniform pattern of recruitment in sectors such as sugarcane cutting, fish processing units, brick-kilns, construction sectors etc.

According to the Report of National Commission for Enterprises in the Unorganised Sector (2009) poor migrant workers are extremely vulnerable and often resort to employment through exploitative contractors. In the rural agricultural sectors, employment is mainly through intermediaries or middle men who recruit at entry points such as railway stations and bus stands, many of these intermediaries did not possess license as required under the Act.

**Uncertainty of Employment and Irregularity of Wage Payment**

According to the Report on Employment-Unemployment Survey (2013-14), more than 90% of work force are in informal economy, in which 50% of the national product are accounted. But
the wage workers in the unorganised sector are deprived a lot. Apart from this, the Report of National Commission for Enterprises in Unorganised Sector had given empirical evidence that lack of employment opportunities lead to migration as a strategic for survival. This report also has shown that particularly in the employment days for agricultural wage labourers is characterised by a great degree of uncertainty due to seasonality of manual operations such as sowing, weeding, harvesting etc., in crop cultivation.

The Annual Report on the working of Minimum Wages Act, 1948 for the year 2013 also observed that there are irregularities in the payment of minimum wages as per the Minimum Wages Act. The detailed surveys conducted by the Labour Bureau in the different employments of unorganised sector revealed that there is uncertainty, irregularity, and inability to secure even minimum wages for the wage employed. It is also observed by National Commission for Enterprises in Unorganised Sector that the wages in the unorganised sector are arbitrarily fixed often without regard to the minimum wage legislation resulting in a large proportion of unorganised workers remain outside the protection of the Minimum Wages Act, 1948 especially, in construction sector and brick-kiln industry. From the above, it is clear that there is income insecurity and vulnerability of workers in the informal sector.

**Employment Status of Employed Persons in Different Sectors**

The Report on Employment-Unemployment Survey (2013-14), it is estimated that most of the casual workers do not have any written job contract which implies more informality among them and they are tend to be least protected having the lowest levels of earning. Similarly, the contract workers have reported to work without any written job contract with their employers. According to
the Report of National Commission for Enterprises in Unorganised Sector (2007) a major drawback of the contract labour system is that the working conditions are poor as they do not receive wages in full measure from neither the contractor nor the principal employer takes responsibility to provide atleast minimum employment protection and social security benefits. According to the Annual Report to the People on Employment (2011) these workers are millions in numbers and are engaged primarily in agricultural operations, plantations and construction industry.

**Long Hours of Work**

The Report of National Commission for Enterprises in Unorganised Sector (2007) and Report of National Commission for Women (2005) have also highlighted long hours of work in the unorganised sector contrary to the regulatory norms of work. Long hours of work seem to be a common practice in India. For instance, in handloom sectors, work is organised in such a manner that wages are based on 12-15 hours in a working day. Similar situation also identified by labour bureau in fireworks at Sivakasi where workers normally start work at 6 am and continue till late evening. Workers in match making, brass ware, glass bangle manufacture and so on, start their work very early in the morning and the work day end up very late in the evening. Apart from that, casual leave, earned leave and sick leave for workers in unorganised sector are not provided by the employers. The sixty first round of the National Sample Survey Organisation observed that it is the feature of unorganised sector that work goes on for 7 days a week. Despite the labour regulations providing for one day off from work per week with wages in some cases like workers in construction sector as well as in beedi sectors are given a day off from work without wages.
Physical Environment at Work Place

The important components of the physical environment at work place are very essential for occupational safety as well as prevention of health hazards. In unorganised sector the physical conditions at workplace involves space and height of work place, ventilation, illumination, temperature, humidity, hygiene and cleanliness. In a number of studies conducted by National Commission for Unorganised Sector especially in leather tanning industries, beedi rolling and textile including handlooms, workers are exposed to pathetic working conditions. In various surveys conducted by Labour Bureau have shown that a large number of workers were cramped in tiny room which makes the work place hot, humid and stifling. It has been pointed out that in most of the leather industries standard of cleanliness, ventilation and lighting arrangements in the units are not satisfactory. Moreover, due to inappropriate ventilation during hot summers, industries like match works and fireworks used to shift the work to late evenings and nights itself an evidence that there is no proper ventilation in industries and hence exposed to fumes and chemicals resulting in health hazards. Studies in leather tanning industries have found that workers without footwear worked for long hours with their bare feet soaked in chemicals, animal waste and decomposing offal.

Proper illumination is necessary not only to protect the workers eye but also for ensuring safety of the workers in cases where production process involves intricate operations that are performed manually by the workers using hand tools and also to enhance the quality of the productive process. In the unorganised sector, when a large part of work is done on piece rates, often the workers end up paying penalty for mistakes, errors and bad quality
of work leading to double punishment due to inadequate illumination.

It is also evident from the report of occupational safety and health for Twelfth Five Year Plan (August 2011), that there are number of violations relating to safety provisions under the Factories Act, which are predominantly related to the provision of medical facilities such as first aid boxes, essential life saving aid, ambulance room, van, stretcher etc.

**Precarious Housing and Sanitation Conditions**

The labour bureau surveys in several industries like building constructions, roads, highways and bridge constructions and also mining workers are provided with the temporary residential sheds which lack even minimum facilities. It is also common for the migrant workers in single to sleep at the place of work where work tools and unfinished products are pushed to a side to make space for the workers to sleep in the workshops. Industries employing large number of women workers, there was no separate toilets and washing facilities in the unorganised sector.

**Migrant Workers**

In India there are large scale migrations of unskilled wage labourers and hence there is a need special attention because they face instability in employment. From the various studies conducted by the Ministry of Labour and Employment it was observed that migrant workers are extremely poor and they face adverse conditions such as longer working hours, low wages and inadequate access to basic amenities. Migrant workers receive lower wages and therefore they were being preferred by the employers when compared to their local counterparts, both in agricultural and non agricultural sectors.
In agricultural sector, they are predominantly found in sugarcane cutting whereas in the case of non agricultural sector they are widely prevalent in construction works, brick-kiln works, domestic works, fish processing units and also in tobacco-processing units.

National Commission on Rural Labour in its various studies reported that lack of employment opportunities for less educated lead to migration as a strategy for survival. The problem of migration has to be solved by having a multi dimensional approach towards employment generations, increasing literacy level, removal of regional disparities and rural development.

In addition to that, statutory minimum wage rate guidelines are rarely observed. There are irregularities in the payment of wages there by violating the Payment of Wages Act. Working and living conditions increase the health hazards as the workers in construction sector, brick-kilns, domestic servants are expected to be available for work round the clock.

From the above analysis, it is clear that migrant workers are not assured with adequate working and living conditions. The National Commission for Enterprises in Unorganised has rightly pointed out that the living conditions increased health hazards of migrant workers making them more susceptible to disease and infection because of the unhygienic living conditions.

The incidences of bonded labour is also found to be relatively high among migrant labour in new forms in which the system involves the repayment of loan through labour. But the wages are meagre so that the labour remains in perpetual bondage. In view of overwhelming evidence revealed by number of studies and surveys conducted by Ministry of Labour and Employment, the bonded
labourers are from the lowest segment of migrant labourers and child labourers.

**Child Labour**

As per the National Sample Survey Organisation (2009-10), the working children are estimated at 49.84 lakh. From the empirical evidence arising out of various studies and surveys on working conditions of children, it is observed that child workers worked as much as and as long as adult workers of the adult age which was itself very low. It was observed that within the unorganised sector, child workers are the worst affected as they faced inhuman and even dangerous working conditions. Studies by V.V.Giri National Labour Institute (2000) reported that child workers work more than 8 hours a day. In the case of girl child, the characteristics of their work participation and engagement in domestic duties reflect those of the adult women. From this, it is evident that the banning of child labour through legislation has not provided to be effective as poverty and illiteracy are the root causes of child labour and a multi-pronged strategy is needed to tackle the problem.

**Occupational Safety and Health Hazards**

The Report of Occupational Safety and Health (2011) noted that Occupational safety and health hazards cover for the unorganised sector can be said as nonexistent. Some of the studies conducted by National Institute of Occupational Health 2004 reported the existence of many occupational diseases to workers relating to various segments of economic activity such as slate pencil, stone quarries and potteries. It is evident that agricultural sector is the most hazardous occupation. Further, it is evident from
the publication of ILO documents that agricultural sector is the most hazardous occupation. The All India coordinated research project on human engineering and safety in agriculture (1995-1999) revealed that accidents were more in agricultural sectors due to tractors and tractor implements, threshers, sprayers, sugarcane crushers and chaff cutters. Since the occupational safety and health services are out of reach of this group their vulnerability is further accelerated. Further, the agricultural workers also suffer from certain specific health hazards due to extensive use of fertilizers, insecticides and pesticides and mechanisation. According to the report of National Commission for Women (2005), it is observed that due to the use of agro-chemicals women are exposed to several health hazards such as gynaecological infections, arthritis, intestinal and parasitic infections. Construction works are also one of the most vulnerable segments in the country who are exposed to variety of serious occupational safety and health hazards.

**Problems faced by Women Workers**

This research also made a study regarding the living and working conditions of women workers with a view to make an attempt to discuss the various problems of working women. Based on the reports of National Commission for Enterprises in Unorganised Sector, Annual Report of Labour 2014-15, Surveys conducted by Labour Bureaus on Socio-economic conditions of women in different occupations, National Commission for Women, report of Ministry of Women and Child Development, etc., an attempt has been made to analyse the problems faced by the women workers and assess the role of law and effectiveness in its implementation to ensure the well being of women employees which is a serious objective of socio-economic development. Hence, it is imperative to
focus issues connected to working and living conditions along with gender problems of women workers in unorganised sector are discussed as follows:

**Double Burden of Work**

Women have to bear dual responsibilities both at home and work place. The reproductive role of women is less visible and less recognised by the society. According to the Report of National commission for Enterprises in the Unorganised Sector (2007), women spent nearly 35 hours a week in care of children, old and the sick at home and household maintenance. The Central Statistical Organisation of the government of India classifies the activities based on the system of National Accounts into 3 categories:

(i) Those coming under economic activities that are included in the System of National Accounts;

(ii) Those that are not currently included in the System of National Accounts but are characterised as extended System of National Accounts;

(iii) Non-System of National Accounts consisting of the social and cultural activities, leisure and personal care.

From above categories it is clear that, women spent a disproportionate of time as extended System of National Accounts, on the other hand, men spend much greater time in System of National Accounts activities. For instance women undertake activities like fetching water maintenance and care for children, old and sick in the household which are included in the count of extended System of National Accounts activities. This implies that
there is absence of recognition of the kind of work in spite of the stress from the double burden of work. The economic condition forces many women to be available for additional work to augment family income.

**Non-Conventional Place of Work**

The large number of women work as home based workers due to the fact they have restricted mobility and gives the opportunity to combine work with domestic chores, flexible and no other readily available alternate employment and child care responsibilities. Most of the statistical agencies are unable to capture the complete picture of home based workers as there is no designated place of work which adds to problem of invisibility. These are the one of the most exploited groups in the work force associated with beedi making, handloom weaving, food processing etc. There is lack of a clear cut employer-employee relationship as workers engaged in enterprises on a casual basis tend to change employers frequently.

It is relatively easy for the employer not to recognise the workers or to deny them any additional benefits. Available studies show that the home workers are paid piece-rate wage for the work delivered. Contractors fix the minimum piece-rate wage, which is often lower than the minimum wage. Apart from that, studies also show that there are cases of delayed payments and arbitrary cuts in wages on the rejection of poor quality which is actually not.

As women convert the residence place as working place they are exposed to serious occupational hazards. The Labour Bureau Surveys, National Institute of Occupational Health and Field Survey with regard to beedi rollers, revealed that continuous contact of beedi
women workers with tobacco and the inhalation of tobacco dust resulted in respiratory problems, gynaecological problems and eye problems etc. Since the work site is their home, the working and living conditions are unhygienic due to the fact that, there is no proper lighting and ventilation sitting on the floor with no provision of working desks and stools.

Home workers in weaving also face problems of seasonality with peak and lean seasons where both hours of work and earnings varied substantially and even with no work. Due to lack of recognition or lack of a designated business place increase their vulnerability by subjecting them to unfair working conditions such as insecurity of work, receiving low income, long working hours in addition to the health hazards. Further, they use their girl children as part of the family labour force by affecting inter-generational occupational mobility. Apart from that, the disbursed nature of work place makes the workers to face constrains in organising and accessing themselves adding to their invisibility resulting in deprivation of improved terms and conditions of their contract.

Gender Discrimination

A number of National and International studies have documented that there is a strong division of labour between men and women which represents a form of discrimination where large segments of the labour force are in essence restricted from entering many occupations. But the sexual division of labour is justified on the ground of dubbing women’s work as low skilled. It is evident in agricultural sector where women are widely concentrated as low skilled and are placed at the bottom of the occupational ladder. This segregation invariably corresponds to lower earnings and poor working conditions for women.
The existence of patriarchy at all levels also intervenes with work related problems of women. According to the notification issued by ministry of Labour on November 11, 1999, all the agricultural operations where women predominate in activities such as sowing, transplanting, weeding and harvesting have minimum wages fixed in the unskilled category. Ploughing has a minimum wage fixed in semi skilled category as it is predominantly a male operation. The use of tractor or operation of a tube well has a minimum wage fixed higher as it is categorised as a skilled activity which is also predominantly a male operation. Weeding is a back breaking work and the expenditure of energy by women definitely may be higher than that of men. Since minimum wages are fixed according to the use of technology which categorise the activity as semi skilled or skilled which works against the interest of women.

In the building and the construction sector, women are engaged only in unskilled occupations as per the Second Annual Report to the People on Employment 2011. They are engaged in the activities to prepare mortar, to carry the bricks, mortar and water to the place where the mason is at work. Even in brick-kilns also no women workers were reported to be employed in skilled jobs like firing the raw bricks and transporting them to the markets. Women were found working in operations incidental to moulding bricks, carrying raw bricks to the trench and unloading the finished bricks and carry them to the storing yard and thus mainly work as helpers to the moulders.

Even in the match industry also women workers are engaged in manual works like match box filling or packing, printing and labelling of match boxes.
Further, discriminatory practices in the unorganised sector are very much reflected in the wages of women workers. Since high share of female workers are concentrated in the unskilled category, there is significant wage differentials and almost no prospects of vertical mobility. They are not only concentrated in low paid occupations in the unorganised sectors, but are subjected to discrimination in payment. Hence, there is gender disparity in wages which is more evident in agricultural sector, construction sector, match industry etc. which were detailed discussed in Chapter 6.

**Maternity Benefits**

The Employees’ State Insurance Act and the Maternity Benefit Act provide maternity protection for women workers are more or less restricted to the organised sector. These Acts do not apply to women workers who represent the majority of women employees engaged in agriculture home based industries etc. In plantations, women workers employed in small estates do not have access to maternity benefit. In the case of agricultural labour, they do not have maternity leave and proper rest after child birth. This is mainly due to seasonal nature of agricultural work where they do not get employment during the slack season resulting in casualisation of work force leading to migration. The States that reported higher women migration for economic reasons are Tamil Nadu, Andhra Pradesh, Gujarat, Karnataka, Kerala and Maharashtra. Women workers move along with the family. They face exploitation in terms of adverse working conditions and non payment of maternity benefits has further worsened these situations.

Even after the half of the century of Independence, one of the most frequent causes of death among women is maternal mortality. Among poor women, with a additional burden of economic
activity in the informal sector where the conditions of work are strenuous, the chances of maternal mortality would be higher, particularly if proper health facilities are not obtained. Moreover, during the advanced period of maternity and immediately after the child birth, when they are not able to work, there would be loss of income and also reduction in incomes and savings where there is no provision for medical care in cases of maternity needs. Hence, denial of maternity protection to pregnant women employees is clearly a discrimination against them. It is also evident that the enforcement machinery is not effective enough to implement the provisions of the maternity benefits. According to the Report of National Commission for Enterprises in Unorganised Sector, it was noted that the provision of paid maternity leave seems to be very rare in unorganised sector.

Welfare Facilities

There are legislations such as Factories Act, Plantations Labour Act, Contractor Labour (Regulation and Abolition) Act, specify the minimum number of women in the establishment for providing creche facility by the employers except in mines where a creche is obligatory even for a single women employee. In various studies conducted by the labour bureau, it was found that there are no facilities for creche. Surveys in construction industry have found that creche facilities are not available on work sites. And also in all India study and many state level studies have noted that there is lack of separate toilet facilities for women. In the recent study conducted by Labour Bureau (2012), it is observed that in the states of Assam, Tripura and West Bengal the number of plantations maintaining creches was less than the number of plantations required to provide creche facilities. Studies have repeatedly shown
that even in industries employing large number of women workers there was no separate toilet and wash facilities for them.

**Domestic Workers**

Domestic work is one of the most hidden forms of work and hence, domestic workers are isolated in individualised situation in other people’s home. According to the study conducted by Bharathiya Mazdoor Sangh on working conditions of domestic workers (2012), it has observed that domestic workers are unregulated, invisible and undervalued. Hence, they suffer from low wages, long hours of work, job insecurity, no benefits and no dignity which requires immediate action. According to the National Sample Survey Organisation on Employment-Unemployment (2011-12), it was estimated that the number of domestic workers employed in the country was 41.3 lakh in which 27.9 lakh were women. The Report of the Taskforce on Domestic Workers (2011) observed that despite its growing size and importance both for workers and families who benefit from the labour, domestic work remains unregulated and workers are unprotected by labour laws.

**The Status of Social Security Measures for Informal Workers in India**

The data of National Sample Survey Organisation from 1999-2000, 2004-05 and 2009-10 shows that the percentage of informal workers among paid workers in the non-agricultural sector has steadily increased on the percentage of such workers with access to social security has declined. From the above analysis, it is clear that social security measures are critical for informal workers, particularly for women workers to protect them from contingencies and deprivation. For instance, in the case of the informal workers the
death of bread winner is not only a tragic event but a question of survival for the family left behind due to the permanent loss of income. Hence, an accident either during the course of work or otherwise is a major crisis for the informal workers since it leads to loss of income.

Similarly, there is a lack of old age security to informal workers especially for agricultural labour, construction labour and domestic workers. For the unorganised workers, under employment and low productivity employment with the consequent risk of low incomes and high levels of poverty is also the great source of insecurity.

The National Rural Employment Guarantee Act, 2005 made an attempt to provide employment guaranteeing atleast 100 days of work. But, informal workers who are varied by nature and location would continue to face the risk of loss of employment for a variety of reasons.

Another risk faced by the unorganised workers is with regard to health care services. A number of studies show that risks and crisis situations due to low level of health security is endemic for informal sector workers. A number of studies also identified that the vulnerability of the poor informal workers increases when they have to pay their full hand-earned money on expensive health care.

The Rashtriya Swasthiya Bima Yojana which was initiated in 2008, is a health insurance package that covers upto Rs.30000 for inpatient related expenses for families that hold below poverty line cards. But since this insurance covers the cost of hospitalisation, the informal workers still have to invest money often to outpatient
treatments which include medical fees, cost of medicines and diagnostic facilities.

The Government also has shown its concern and desire to take steps to root out the vulnerability of informal workers by passing the Unorganised Workers' Social Security Act, 2008. This Act also does not assure benefits to all workers as it applies only for below poverty line workers and there is no universal coverage or integrated implementation. Hence, it is a major challenge to extend social security measures effectively to unorganised sector.

In the light of foregoing discussions, and the problems related to social security concerning the promotion of livelihood security of unorganised workers in general and also hazards and issues of women’s right at work in particular are identified as follows:

- There is lack of conceptual clarity and uniformity to define unorganised sector or unorganised employment as there has not been any uniform definition of the sector reflecting its specific characteristics.

- Wages in the unorganised sector are arbitrarily fixed without regard to Minimum Wages Act, 1948.

- Long hours seem to be a usual feature of unorganised sectors in India which is contrary to regulatory norms.

- Due to low income and uncertain employment in unorganised sector workers are not able to meet the basic necessities and the level of indebtedness among them is very high.
• There is absence of proper unionisation in the unorganised sector, hence they lack bargaining power which is due to non availability of regular jobs and also disbursed nature of work place.

• The study also identified that workers recruited through contractors did not receive minimum employment protections and benefits as they are exploited by the contractors or principal employer.

• The physical condition of work and occupational safety are deplorable.

• The study also identified child workers are the worst exploited.

• New form of bonded labour is also identified as the wage payment of the worker is tied up with debt and practically wages are never received by the workers.

• The experience of implementation of labour legislations designed specifically for unorganised sectors namely Contract Labour (Regulation and abolition) Act, 1970; Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; Beedi Workers Welfare Fund Act, 1976; and Building and Other Construction Workers’ (Regulation of Employment and Conditions of Service) Act, 1996 etc., show that there is inadequate and ineffective implementation resulting in not ensuring atleast minimum labour standards to workers.
- Social security laws like Employees’ State Insurance Act, Employees’ Provident Fund Act, Payment of Gratuity Act and Maternity Benefit Act cover both organised and unorganised sector, but, it is limited in its coverage due to threshold limit of employment in which the unorganised sector do not meet the eligibility criteria and thus kept aside the purview of application of these laws. In the case of Employees’ Compensation Act, the categories of employees specified in Schedule II restrict its applicability. Hence, there is an inadequate coverage of social security laws to unorganised sector workers.

- The latest enactment the Unorganised Workers’ Social Security Act, 2008 has number of defects. The Act does not confer any defined right to social security for the workers. Social security schemes are not incorporated as part of the body of the Act but are provided in a Schedule which could be changed at any point of time by notification. There is no universal coverage or integrated approach in implementation. It is like a collection of schemes in a piece-meal approach of leaving vast number of vulnerable workers as it covers only below poverty line workers. The Social Security Board established under the Act has advisory role and are not effective as they do not have powers to administrate and enforces schemes. Even in the schemes provided under Schedule I of the Unorganised Workers’ Social Security Act, there is overlapping, lack of coordination and ambiguity in regulations.
• In the case of home based workers there is lack of clear cut employer-employee relationship due to lack of designated place of work and it is easy for the workers to deny the benefits resulting in increasing their vulnerability.

• Women workers are mostly employed in unskilled jobs. Gender discrimination at the work place is reflected in the nature of the work they perform and also in the valuation of skills and technologies used by men and women.

• Women employees are engaged in poor quality jobs as they do not get opportunities for acquiring the required skills and training. It is also identified that one of the important factors contributing to hurdle their improvement in acquiring higher paid jobs is due to lack of opportunities for acquiring the required skills and training responding to the technological changes and facilitate occupation shift to appropriate employment status.

• The existing laws providing maternity benefits for women employees are restricted to the organised sector. But, women employees in the unorganised sector who represent the vast majority of the work force are not provided with maternity protection and provisions of paid maternity leave seems to be very rare in this sector.
There is a significant disparity in wage payments between male and female employees resulting in violation of the Equal Remuneration Act, 1976.

The relevant statutory provisions of safety, health and welfare for the women employees with regard to protection of employment, restriction on carrying heavy loads, separate toilet facilities and washing facilities, creche facilities etc., under the Factories Act, 1948; Building and Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996; Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; Plantations Labour Act, 1951; Beedi and Cigar Workers (Conditions of Employment) Act, 1966 are failed to protect the legitimate interests of women employees due to their poor implementation.

It is also identified that the condition of women migrant workers are more adverse than their male counterparts.

It is also identified that domestic workers are excluded from labour laws to deal with the issues such as conditions of work, wages, social security, provident fund, old age pensions and maternity leave. Thus, women are forced to work in sub-human conditions with no job security due to absence of legal protection. They remain invisible and under reported both in the labour market and in the society.
SUGGESTIONS

In the light of the above discussions, the following suggestions have been submitted to have a strategy to create a legislative and administrative framework to provide as per the requirement and without any additional burden on the government to ensure not only to remove existing inefficiencies, gaps and weaknesses but also to ensure basic minimum social security cover for unorganised workers are as follows:

- One of the important insecurities to any informal worker is the risk of health insecurity and hence health security is the prime security for the unorganised worker as it has a detrimental effect on the earnings and earning potential leading to vulnerability of the poor informal workers. It is suggested that the poverty alleviation programmes should make allowance for the burden of treatment. Since health security should be equally available and accessible to all citizens, it is also suggested that a comprehensive health policy should be framed by strengthening the public health care infrastructure by designing under a comprehensive insurance plan for hospitalisation.

- In the unorganised sector, under-employment in the form of irregularity of work is also a source of insecurity. The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 attempts to provide employment security by guaranteeing at least 100 days of work in the most backward districts. However, the informal workers who are varied by nature and location would continue to face the risk of loss of employment.
Hence, it is suggested that government should make provision for unemployment allowance to informal workers to alleviate poverty.

- To have a better coverage of beneficiaries and for ensuring effective implementation of social security schemes under the Unorganised Workers’ Social Security Act, 2008, it is suggested that while formulating the schemes itself efforts should be taken to design simple and efficient procedures. It is also suggested to use advance technology to ensure quick accessibility of the schemes with regard to delivery of the programmes by the government agencies because beneficiaries should not be discouraged due to complicate procedures.

- Women who form the majority in the informal sector are victims of gender based discrimination, hence it is suggested that women should be fully empowered with proper education, skills and training. It is also further suggested that government should promote more vocational training programmes for advancement of skills of women.

- Maternity benefit is an another important social security measure for protecting the dignity of motherhood by providing healthy maintenance and well being of mother and child to prevent maternal mortality and morbidity. In this regard, it is suggested to enhance the maternity leave from 12 weeks to 14 weeks as per the stipulation of ILO along with medical expenses to prevent the loss of income during maternity illness.
• One of the sources of risks for informal workers is insecurity with regard to old age. When an adult informal worker himself faces insecurity of work and income for their survival, there is no possibility to save from their earnings to support their needs during the old age. Hence, it is suggested that a proper adequate institutional mechanism should be established for taking care of the aged informal workers and it is also further suggested that Indira Gandhi National Old Age Pension Scheme should be extended to cover the informal workers belonging to above poverty line category also.

• It is suggested that domestic workers should be identified and registered by the state labour department. With regard to payment of wages, it is further suggested that domestic workforce should be included in the central list of scheduled employments under the Minimum Wages Act, 1948 for fixation and revision of minimum wages in order to ensure uniformity in payment of wages throughout India. Since the domestic work sector is going rapidly in urban areas and takes place in an un-conventional work place, it is suggested to have separate law with adequate regulatory mechanism to protect and promote labour rights of domestic workers when all such rights and protection are available to other categories of workers.

• There are too many laws for too few in the organised sector and too few for too many in the unorganised sector. Hence, it is suggested to have comprehensive
There are irregularities in the payment of minimum wages and hence, it is suggested that apart from strengthening the enforcement machinery, the Minimum Wages Act may be amended to enhance the penalty so that violation of provision under the Act is made so expensive for the employers. A major defect in the implementation of the Minimum Wages Act is in its applicability only to scheduled employments and does not include all workers, therefore it is suggested to enlarge its scope and coverage under the Act.

There are frequent violations in the Contract Labour (Regulation and Abolition) Act, 1970; inter-state migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979 etc., hence it is suggested that appropriate amendments should be made to include provisions for heavy compensation payable to the employee so that violations should be made costly and not economically profitable the employers.

The main constraints with regard to effective implementation are due to the small size of enforcement machinery for a large and disbursed work force. Hence, it is suggested to have adequate labour machinery and proper training should be given to improve their efficiency in implementation and also adequate sensitisation. Since, there is a pressing need for the rights of women to be respected, protected and fulfilled in the work place, it is further suggested that there
must be a provision for mandatory recruitment of female labour officials to monitor the effective implementation of the provisions relating to beneficial measures of women workers. It is suggested that there must be a provision for mandatory presence of adequate number of women inspectors in the premises where women employees are employed so that they do not feel reluctant to interact with them.

- It is also suggested that there should be a single strong national umbrella body to govern and coordinate schemes that fall under the comprehensive social security schemes.

- Last but not least, women workers in the unorganised sector are ignorant about their rights, benefits and protection provided under labour legislations. Ignorance of statutory provisions is one of the main causes that had resulted in injustice to women. Since there is demand for empowerment of workers in general and women in particular, it is suggested that government, trade unions, non voluntary organisations should organise awareness programmes relating to health, nutrition as well as sanitation and disseminate information to workers about the rights and their responsibilities. To prevent exploitation of workers, it is also suggested that the trade unions should extend their assistance with regard to access to legal aid in the course of legal proceedings.