

CHAPTER-VIII

CONCLUSION AND SUGGESTIONS

8.1 Conclusion

International Labour Organization (ILO) has done a commendable work to achieve social justice for the workers by improving the conditions of labour throughout the World since last ninety eight years. This is evident from the goals of ILO's which is to improve working and living conditions, promote and realize human rights at work, and enhance employment opportunities. The same is declared in the Preamble to its Constitution that universal peace can be established "*only if it is based upon social justice.*" In the field of international legislation, International Labour Code is a significant achievement. The most significant thing in the Constitution of the ILO is that this organization has the representation of not only the States, but also of the workers and employers. This tripartite partnership has made this organization the most representative and democratic in the real sense of the term.

From the beginning the ILO has had wider interests than those of promoting better conditions of labour. The main emphasis has been upon problems arising at the actual place of work or otherwise connected with the conditions of industrial life. It is also active in the field of social insurance, which is now opening out into the broader sphere of social security.

The primary goal of the ILO is to promote opportunities for men and women to obtain decent and productive work in conditions of freedom, equity, security and human dignity. To achieve these goals ILO has drafted number of Conventions and Recommendations, collectively designated as International Labour Code, covering a variety of subjects, such as matters relating to employment, unemployment, conditions of employment, employment of women and children, occasional training, industrial health and safety, social security, industrial relations, maritime labour, immigration, freedom of association and trade union rights. These Conventions are judicial instruments similar to treaties. Member States are required to submit them to the competent legislative authorities to decide whether or not the Convention should be put in to effect. Although

ILO cannot enforce States to accept its standards, it does keep watch over the way Conventions are applied in the countries which have ratified them. Member States are required to make regular reports to ILO regarding the adoptions of standards and the way in which the ratified Conventions are put into effect. In reorganization of its activities ILO was awarded the Nobel Price for '*PEACE*' in 1969.

Since the inception of ILO in 1919, and until Independence, India has been a member of the ILO. India is one of the countries recognized as among the ten States of chief industrial importance and as such entitled under the ILO Constitution to serve permanently among the government members of the Governing Body of the I.L.O. This gives India a position of influence in ILO. With the support and an encouragement of ILO India thinking about and approach towards the social and labour problems.

The ILO has made a variety of contributions about India's development problems on poverty, labour markets, social security, child labour, gender equality and a variety of other issues. At the same time, Indian economists have made major contributions to the ILO's work. It can reasonably be considered that thinking on labour and social policy, particularly on employment policy, both in India, and at the International level, has benefited from this exchange.

Due to the increasing informalization in the country and the restricted entitlement for unemployment, sickness and other benefits, a significant portion of the working population in the country fall outside the social security framework. The social contingencies of the working population can best be met by a gradual expansion of social insurance schemes in the formal sector and the establishment of parallel schemes for informal sector workers and the self-employed through some organizations like the unions, cooperatives, and community groups, savings and credit associations, income-generating groups, especially of women workers and peasant associations. State and foreign support can play an important role in launching social security schemes for informal-sector employees and the self-employed. ILO has done many works on both the concept and the underlying social problem of informal sector than any other single institution. The informal sector is still central to ILO's mandate of social justice. Finally,

in view of the increasing frequency and severity of natural disasters that destroy the assets and livelihood of hundreds of millions of people each year, there is a need for better relief programmes and for preventive, risk-reduction and mitigation strategies.

The ILO adopted Conventions providing measures or protection against specific contingencies earlier, while in recent years Conventions of comprehensive nature have been adopted. Most of these Conventions have not been ratified by India. Because the scope, coverage and standards envisaged in these Conventions are too high to be achieved under the existing conditions in India. In India, legislation on the subject is not lacking and in fact constant efforts are made to improve and enlarge the scope. Also important and basic principles of the Conventions have found practical application. Thus it can be said that influence of the ILO and its Conventions in the field of social security in India has been indirect, but nevertheless substantial inasmuch as they have provided guidelines. The current need is for ensuring “implementation” rather than adoption of Conventions.

The list of unorganized workers in India is never ending. International commitments and Constitutional obligations bind the government to perform its responsibility of providing social security benefits to all its citizens. Security and support are required by all persons in order to face difficulties and to mitigate hardships when struck by losses involving health, income and inability to work and life itself. This can be achieved only by a planned and comprehensive social security system that can ensure protection to all members of the society. In fact, the Welfare State demands from the government that there should be a “substantive equality” to those who are in weak position and unorganized workers are definitely in bad position compared to organized workers. The present scenario in India is that it failed to provide “formal equality” to the unorganized worker and therefore, providing social security by way of substantive equality is a distant dream. In India the extension of social security is mainly through the mechanisms of statutory entitlements, through the universally available services such as health and public distribution of essential commodities, by means of targeted social assistance programmes, and through social insurance schemes.

Although India has not ratified the ILO Convention on Social Security which are specified in all the nine areas identified in the Social Security (Minimum Standards) Convention, 1952 and other related Conventions but they are made part of social security schemes in India. It is reasonable to conclude that India has incorporated the obligation contemplated in the ratified and un-ratified Conventions through the Constitution and legislations. Therefore, the development of social security is a community affair, the principal responsibility of which lies with the countries concerned. Effective social security requires a number of relevant policy instruments for developing countries.

The ILO has played an important role in protecting workers especially women workers in the unorganised sector. Because, they are most oppressed, deprived, indigent, unfortunate, and underprivileged section of the society. They live in the pathetic and miserable conditions with more responsibilities, stress, and tensions in their life. They constitute one third of the rural workers in India. Poverty is the main reason which made women to work in the worse conditions of unorganised sector for their survival. The women working in unorganized sector are living a life far below from satisfaction. The low earning of these women cannot meet with their daily needs. They work more than men as they play dual roles, inside their homes and outside their homes. They manage their home and family responsibilities at one hand and manage their work on the other hand. They live under unhygienic environment which results dangerous diseases. Most of the women workers working in the unorganized sector has no clear cut employer-employee relationships and lacks most forms of social security. Having no fixed employer, these workers are casual, contractual, migrant, home based, own-account workers who attempt to earn a living from whatever meagre assets and skills they possess.

There are various reasons for miserable conditions of women workers in the unorganized sector i.e. gender discrimination, poverty, lack of basic knowledge, ignorance of government, inadequate laws which are failing to prevent them. They also face serious problems and constraints related to work such as lack of continuity, insecurity, wage discrimination, unhealthy job relationship, absence of medical, and accident care etc. They are having same productivity and efficiency like men even then

they face discrimination in wages and poor working conditions and insecurity. Moreover their families are forced to live under conditions of utter poverty, without a secure place of residence and other amenities like health care, basic necessities like water supply & sanitation or education for their children.

Therefore, there are many laws covering different set of benefits available in India. To provide security against various risks, peculiar to their nature of work, women workers have been given various rights, benefits, concessions, protection, and safeguard under different labour legislations. The main objective behind the enactment of labour laws was to prohibit the violation of rights of women workers and to provide them security and protection. But, most of these laws are available to a small portion of the labour force only i.e., the organized sector only, leaving unorganised sector, where a majority of the women work, unattended. Even in organised sector, where these legislations apply, the statutory provisions are not strictly complied with.

In the recent years the conditions of working women in India have improved considerably. Unfortunately, in spite of the improvement in their status, they still find themselves dependent on men. This is because of the fact that man in patriarchal society has always wielded economic independence and power to take decision. Since in the same patriarchal set up the working women earns an independent income, where the basic infrastructure of society has hardly changed, though her own role within the same structure is passing through a transitional phase, but it is natural that would remain vulnerable to exploitation even in her economically independent state. Society yet needs to accord due recognition to women to take the lead role. At the same time women need to be oriented strongly towards assuming this role in the society.

There are several reasons for the existing deplorable state of affairs of women in unorganized sector. It is mainly due to a sector working against women in labour market. There is lack of organization in terms of forming trade unions among female workers. Other major reasons for her miserable condition are adverse impact of technological growth on women labour, absence of purposeful human resource development policy on improving women's employability through training, inadequate legislation and

ineffective enforcement of safeguards to protect woman workers, particularly in terms of their working conditions etc. The government should make efforts under these existing conditions to improve their working conditions in terms of working hours, occupational safety, and payment of adequate wages to them and provide them social security in case of contingencies so that the women workers engaged in unorganized sector may have mandatory decent and dignified work. Apart from this Central and State Government had launched many schemes for providing support to women but they are insufficient to overcome the problems of women workers. There is need of effective implementation of these schemes and laws for protecting the women workers in the unorganised sector.

It can be resolved that though the laws are made for the welfare, security, and benefit of people but laws and Constitution do not by themselves solve all the problems. It is the sincere and strict implementation which matters. Though, there is need for more laws in a welfare State like ours, yet the existing labour laws, with necessary modifications and amendments are sufficient, for the time being to take care of the women workers in the organised sector leaving unorganised sector of employment unattended. Therefore, these laws should be extended to unorganised sector also where women workers are in a large number.

Social security is considered as an important part of labour welfare. It plays an important role in preventing poverty. In many developing countries, a considerable number of informal sector workers and their families live in poverty with lack of social security and a large proportion of them are women and India is not an exception. But increasing numbers of such workers are willing and able to contribute to schemes that meet their priority social security needs.

For the past many years, International Labour Standards have become the basis on which the national laws and policies on social and labour matters were based. India, being a founder member of the ILO, has steadfastly supported the ILO and the international standards.

India had a long practice of providing social security and assistance towards the weaker sections of society. In India, social security legislations achieved a great speed after independence. The Central and State Governments have given much priority to a program of social security for its millions of workers to cover them during contingencies. After independence the government passed many important Social Security Acts. All these Acts providing a lot of benefits to the working class including men and women and cover all the sections of society. Some States also passed laws on social security which gives protection to the weaker sections of the society. But the existing social security laws cover only the Industrial and organized workers providing benefits only in certain contingencies. Whereas the rural and unorganized workers are completely ignored from the coverage of such laws and deprives them in getting benefits under social security laws which are being enjoyed by organized workers.

The laws relating to social security to unorganised workers are currently receiving attention of the Central Government. The BPL norm is inadequate in providing social security benefits to unorganised workers. Thus, there were concerned attempts to extend these social security laws to some category of workers such as Employee' Provident Fund Act to unorganized sector workers such as bidi workers; the Employees' State Insurance Act, too was extended to contract workers and workers in small factories. Maternity Benefit Schemes were formulated for the unorganized sector women such as agricultural labourers, and administered by the State. But still there is difficulty and inability to cover all the workers in the country including unorganized sector workers. In India majority people stay in the rural areas without the protection of social security laws. With a view to provide social security to these sectors the Central Government and State governments has to take initiatives in providing and establishing a Department of Social Security in all the States. The Centre and State Government has launched number of schemes for the people living below or marginally above the poverty line, which also include the workers in the unorganized sector. Moreover the present schemes have no statutory force and rather politically motivated popular welfare schemes of the government and are not having universal application. The basic target of these schemes is to provide support to below poverty line population. The assistance is provided under

these schemes is not on basis that whether applicant belongs to unorganized sector or not but on the basis that whether he is belonging to a below poverty line family.

This approach is inappropriate to cover the unorganized workers, for the simple reason that a majority of the unorganized workers do not fall under the income criterion specified and most of them are vulnerable and do not have social security. Therefore, any scheme that focuses exclusively on the below poverty line category will definitely miss out on covering a larger number of unorganized workers.

Apart from these there are certain successful schemes applicable only to sectors in particular regions. While these schemes have reasonably achieved their limited objectives still vast majority of unorganized sector workers are outside the purview of social security protection.

Even though the Government of India enacted the Unorganized Sector Workers' Social Security Act, 2008 to provide social security benefits to these vulnerable classes of persons, the Act is unsuccessful in fulfilling the demands of these unorganized workers. The Act only offers some schemes which are nothing but already existing target oriented social security programmes initiated by the Central Government which are not universally applicable to all unorganized sector workers. These schemes applies subject to the condition that the family must be a below poverty line. Thus this awaited Act is failed in realizing the aspirations of millions of poor workers. There is lack of legislative protection with regard to women workers instead of a lot of legislative measures are available to the women workers. Therefore in this connection what all the steps taken by the government to meet the needs of these workers men/women no satisfactory results have achieved.

Recent initiation of the Ministry of Labour and Employment, Government of India, i.e. the Draft Labour Code on Social Security and Welfare, 2017 which amalgamates the existing 15 Central Labour Laws related to social security. The Code is a welcome move but still there is much lack of clarity in the provisions. The Code have rationalised schemes in addition to amalgamating them. But because of the lack of clarity

in some part of the provisions, one does not know what really awaits workers, especially the unorganised.

An analysis of the various cases discloses the fact that the judiciary has done a commendable job for the protection of the rights and to enforce the socio-economic justice of unorganized labour. It can be said that the judiciary exists for the people and not vice versa. Hence, judiciary has come forward to make good the deficiencies in law and its implementations in providing relief whenever and wherever required.

The observation and findings based on the empirical research reflects that, female workforce depends heavily on the informal sector. The study found that almost of all the age group of women workers are working in the unorganised sector.

Majority of them were married and a large number of working women in the present study belonged to dual earner household. Most of them had small and nuclear families and mainly came from rural areas. Only a very negligible percent of workers are educated and most of them are illiterates. Most have not continued their education and are unable to provide education to their children because of their family situation. For a higher percentage of respondents, family income is between Rs.3500-7500 per month. Despite the growing importance of savings, this research found that the sample women workers are less likely to save income and most of them borrowed money to meet some unexpected expenditures. These women are often illiterate, unskilled, socially backward and economically weak. The analysis shows that poverty and lack of access to education are their major problems.

Due to lack of support from the family most of women workers are forced to work in these sectors for their livelihood and for their children's welfare. Most of the workers have not switched to any other job and they are staying in their first job. These women workers are being largely engaged in these works through recommendations made by friends and relatives. Most of the workers were willing to change their present work because of its temporary nature but are unable to find an alternative due to their illiteracy. As a result jobs in the sector require less skills and entry is easy.

In spite of their hard work, the needs of the poor for social protection are inadequately met. They experience persistent deprivation and vulnerability. The living standards of these women workers have declined, their incomes have decreased and social protection has become gradually more inaccessible. This is the scenario in which social security for the unorganized sector has to be thought about.

Of course, both the Central and State Governments have made some attempts to protect the interest, and for the welfare, of these workers in the form of enacting laws, establishing Boards to give effect to the policy decisions of the governments, etc. However, the most surprising and unfortunate thing is that women workers themselves are not aware of their legal rights and privileges. Of course, this is on account of poverty, illiteracy and compelled circumstances. Due to starvation, they are, willingly or unwillingly, working under this system in spite of apprehension of work-related diseases causing threat to their life. Despite various social security legislations, the economic condition and therefore, the economic status of women workers in the unorganized sector has not improved. Contrarily, these poor women workers are being exploited by the powerful employers and by their agents/contractors. The workers are not at liberty even to exercise and enjoy their fundamental rights ensured by the Constitution of the country. In spite of the protection given by the legislative provisions, their economic condition has not improved much.

The overall conclusion is that majority of the women workers were unaware of the social security schemes although few are aware of some of the schemes but have not availed any benefits. Lack of publicity of various schemes happens to be an important factor resulting in this situation. It is suggested that the government should review the policies, improve them and give a wider publicity so that some kind of security is available to these unorganized women workers.

8.2 Suggestions

1. Basic education should be provided to women workers so that they become aware of the existing schemes and benefits under various schemes.

2. It is important to form an organization among women workers. Because a systematic mobilization is needed to help them in making their own associations and unions so that they can share some solidarity and build their own leadership.
3. There is a need to create public opinion on behalf of women workers to grant them the status of workers and dignified working conditions. A proper mutual discussion may be useful in developing a suitable legislative mechanism.
4. A collaboration, frequent interactions, and wider networking with the people and organizations working on women workers issues are required to concentrate the movement for improving the overall condition of these workers.
5. Empowering women workers is a priority through leadership training group and collective solidarity.
6. There is a need to ratify and implement Core ILO Social Security Conventions which protect the rights of women workers and extend these rights to all other marginalised categories of women workers that can help to build up and strengthen the infra-structural institutions needed for implementation of these social security measures.
7. A supervisory body should be established to monitor the proper implementation of social security measures for women workers.
8. There is a need to set up social safety nets for women workers that would include a living wage, benefits for the unemployed, reproductive health, child care, education, and housing for women workers.
9. The attitude of decision-makers needs to be reformed to more positive to the new requirements and roles of women workers in society. Government should allocate adequate share of national resources to implement programmes on women workers.

10. There is a need to increase the number of women on the inspectorate of different labour departments.
11. Providing vocational skills training to the women workers according to their age group.
12. A minimum level of maternity benefit should be provided to women workers without any restrictions on number of children delivered.
13. The recent attempt of bringing a Code on Social Security and Welfare 2017 by the Government of India deserves a different approach taking into view the conditions of work and earnings of the unorganized workers in India.
14. Finally, the Government of India must actively involve the Trade Unions and other Voluntary Organisations working with the unorganized workers issues must be consulted effectively before making any legislations providing social security benefits for unorganized workers.