

2nd Meeting of Task Force on Gender Equality in the World of Work

Inaugural Session:

Ms. Tine Staermose, Director, ILO Decent Work Team for South Asia and the Country Office for India in her welcome address highlighted the importance of this meeting with participation of tripartite plus partners - all key government and non-government actors, including employers and workers organisations.

Ms. Staermose, in her welcome address, touched upon various issues which are briefly mentioned here below:

- Convergence of organisations with a mandate to promote gender equality overall, and more specifically in the world of work, so that issues can be addressed collectively for a positive and more lasting effect.
- Equality for men and women in relation to their working lives (a core value underpinning the ILO's mandate since 1919 encompasses the following: (i) Their rights and empowerment, and (ii) economic efficiency.
- Some key elements of the ILO's decent work platform (since 2000) are: (i) Inclusiveness, (ii) sustainability, and (iii) equity for ensuring gender equality, even though the path to achieving these goals might be different.
- The following points remain to be addressed worldwide: (i) Workplace sex-based discrimination – whether direct or indirect, and (ii) women's work continues to be undervalued, they still receive substantially less pay for work of equal value, (iii) elimination of social and cultural barriers that circumscribe women's employment opportunities, resulting in a segmented labour force participation, lower chances of occupational development and growth, and hence disproportionate representation in low-skilled, precarious and low-level jobs. A scourge women face more often than we might wish to acknowledge is sexual harassment at the workplace.
- Four ILO Conventions that specifically address gender equality are: (i) C100 (equal remuneration), (ii) C111 (non-discrimination in employment and occupation), (iii) C156 (workers with family responsibilities), and C183 (maternity protection). C100 and C111 have been ratified by India.
- Within the last year, ILO has supported constituents by undertaking several measures, however key highlights include: (i) developing a knowledge base for better addressing the issue of sexual harassment at the workplace through institutional capacity development and other measures, and (ii) facilitating dialogue through a workshop on equal remuneration which came up with doable concrete actions to address the gender pay-gap issue; (iii) Work in UP – a model for other States to study policy convergence for addressing women workers' issues and (iv) a collaborative study with the Ministry of Labour and Employment on expanding the coverage of the Maternity Benefit Act, 1961.

- On the domestic work issue, the initiatives undertaken by the constituents in India can safely be said to constitute a benchmark for South Asia. Some examples of progress are: The draft National Policy for Domestic Workers which is currently being considered for adoption by the Government covers (i) registration of domestic workers for their formalization and the registration of private placement agencies, (ii) extension of welfare assistance, (iii) review and revision of labour legislation to bring domestic workers into their ambit including the Minimum Wages Act, (iv) setting up a grievance redress mechanism and, (v) providing for skills development opportunities. The forthcoming bill on sexual harassment at the workplace has increased its scope to domestic workers recognizing a home as a workplace which is of great importance. Thousands of domestic workers are being enrolled as members by trade union (TU) partners in India to educate them about their rights and give them a voice. The Women's Committees of the five major Trade Unions are meeting towards end-March to formulate a collaborative action to support domestic workers.

CHAIRPERSON'S ADDRESS: Mr. A C Pandey, Joint Secretary (Child & Women Labour), Ministry of Labour and Employment, Government of India

GAPS IN INITIATIVES (for improving women's labour)

I. Legislative framework: Improvements needed – whether it is new legislation or improvements/amendments in existing legislation. Apart from the forthcoming Sexual Harassment Bill which is currently being discussed and is inclusive in its ambit, the Maternity Benefits Act and Equal Remuneration Act need to be reviewed to make them more effective for women workers. Inputs are requested from this forum;

(i) **Domestic workers:** Inputs/involvement needed from various stakeholders to identify the exact problem/s, but TUs do not have much penetration in this particular sector. Task Force required from civil society and others to generate new ideas and for framing comprehensive legislation on domestic workers;

(ii) **Nationally determined social protection floor:** In recognition of women's vulnerability in society, legislation on this sector to come out shortly, which is proposed to be combined with Unorganised Workers Act. Schemes needed to devise newer ways to meet women's requirements in terms of the social protection floor. The unorganised sector, unlike the organised sector, is devoid of schemes such as maternity protection. Inputs sought from participants to better legislate on this sector;

(iii) **Regulation of placement agencies:** Ministry of Women and Child Development has some control on trafficking but none on placement agencies, which are within the realm of the Ministry of Labour and Employment. Legislation to regulate this is lacking – especially for inter-state migrants, domestic workers, workers going abroad, and women workers. - .

II. Amendments: (i) **Factories Act** gives little consideration to women's issues. More input is needed. The Act provides that for night work, in which the

employer is responsible for ensuring women staff's safety by providing public transport to their doorstep, failing which, women night work is prohibited; (ii) **Equal Remuneration Act** (ERA) has provisions for non-discrimination based on gender. However, its implementation is poor. Complaints are not made and hence no cases are recorded, which means punitive action cannot be taken. Disparities in the pay and value of work of men and women should be rectified.

- **III. Projects/studies in the workplace:** Following problems identified: (i) **Meagre funding**, (ii) **hesitation** to undertake research projects, in spite of encouragement by MoLE, (iii) **reports on the outcome of the ERA** not being received by officials; inspections tend to be complaint driven rather than research-driven (iv) **research-driven projects** scanty; and (iv) **capacity building** for which funds are available from MoLE, but capacity low; training courses for capacity building negligible (only 5-10% courses on gender, training by TUs by VVG NLI). Need to increase the number of courses.
- **IV. Generation of data.** Lack of gender-disaggregated data, without which 'gender budgeting' cannot be done. This data should be incorporated into all actions for setting higher targets.

Lack of coordination between MoLE and its tripartite partners hindering efforts.

Session I: Rapid assessment on follow up of directives of the Supreme Court of India on the prevention of sexual harassment in the workplace

- Julie Thekkudan, Senior Programme Officer, PRIA

- **Objective:** Rapid situational analysis of factors that promote an enabling environment for regulatory responses and/or processes for prevention of sexual harassment in the workplace (SHW) at the State government level.
- **Background:** Vishaka Guidelines (presently a law, pending an Act) and the Medha Kotwal Lele & Ors v. Union of India & Ors, 2004 writ petition, in which the Supreme Court (SC) ordered the LC of each State to take steps to comply with its Directives on prevention and resolution of SHW in factories, shops and commercial establishments.
- **Location:** Andhra Pradesh, Assam, Delhi, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Meghalaya, Rajasthan, Uttarakhand and Uttar Pradesh
- **Respondents:** 'The Authorities' (LCs and State Women's Commissions [SWCs]), and the 'Stakeholders' (Civil Society Organizations [CSOs], TUs, Employers Organizations [EOs] and Human Resources [HR] personnel from private/public organizations)
- **Tools of Study:** Semi-structured interview tools (e.g. questionnaires) directed towards: (a) the Authorities and (b) the Stakeholders to assess their knowledge, attitude and practices
- **Positive Trends:** Of 82 respondents, (i) 72% aware of SC judgment (Vishaka case); (ii) 52% CSOs agreed their responsibility extended beyond their individual

organisations; (iii) 72% of the Authorities felt that their obligation extended to both employees within their office and those in commercial establishments within their jurisdiction; (iv) 95% respondents affirmed the existence of SHW in general; (v) 65% stakeholders stated that they have responsibilities towards employees to prevent SHW; (vi) none of the respondents ticked the option, "Asking the complainant to rethink her complaint"; and (vii) the organization's ICC was chosen as the most popular option; none of the stakeholders chose it as their least preferred option.

- **Negative trends:** Salient ones include: (i) Gap between 'claimed' knowledge and actual knowledge (only 44% of respondents aware of the purpose of the Vishaka judgment); (ii) lack of training and information given to Authorities re employers role under SC Directive; (iii) only 24% of the Respondents received complaints (none from EOs), with only 52% of the Authorities feeling responsible for investigating SHW and 80% being complacent about implementing good practices to resolve SHW; (iv) most TUs and Employer's Organizations believe SHW is not part of their mandate; (v) majority of Authorities have not provided training or issued official orders/informational/educational materials on SHW to employers in their jurisdiction and to Stakeholders; (vi) Stakeholders hesitated to raise issues with the State LC to resolve complaints, with a majority preferring in-house resolution; (vii) SWCs unable to resolve SHW issues because of non-availability of records on SHW and lack of clarity on their powers and the procedures; and (viii) most Stakeholders not in favour of a new legislation on SHW; only 18% of the Authorities favoured a new law.

- **Recommendations:**

MoLE: (i) Conduct public awareness initiatives so that SC Directives are law in the absence of an Act; (ii) Emphasise **SHW as more of a labour issue than a women's issue**; (iii) central legislations (e.g. Factories Act) to be amended to reflect the SC Directives; (iv) identify gaps in penalising powers available to labour authorities and amend rules to penalise employers who do not follow the SC Directives; (v) consultative exercises to be held with LCs to address issues (e.g. paucity of resources, staff, infrastructure); (vi) networking mechanisms to be established between the SWC and office of the LC re SHW; and (vii) amend labour legislation to plug loopholes in coverage of major sectors (e.g. hospitals and nursing homes).

II. State ministries/Labour departments: (i) Develop enabling policy for State-wide LCs to become nodal agencies for shops, factories and commercial establishments on the issue of SHW; prioritise amendments to State legislations (e.g. Shops and Commercial Establishments Act) to include prohibition, prevention and resolution of SHW in line with the SC Directives; (ii) hold regular consultative exercises/training programmes for the State LCs on their responsibilities, powers and functions re SHW; (iii) address lacunae (e.g. lack of penalising powers, infrastructure and resources) that inhibit State LCs from being pro-active on SHW; and (iv) networking mechanisms to be created between SWCs and LCs for redressal of SHW complaints.

III. State LCs: (i) Identify obstacles in creating an enabling environment for effective application of the SC mandate and conduct a detailed audit to ensure

implementation;(ii) LCs to conduct regular self-audits; (iii) training programmes on SHW to understanding LC's roles, responsibilities and powers; (iv) create reporting forums for employees to record SHW complaints;(v) employers to report all SHW complaints received and to give updates of actions taken; (vi) women workers to be made aware of LC's role as confidential reporting forums for unresolved/poorly resolved SHW complaints; (vii) strict action to be taken against errant employers under SC mandate; (viii) SHW complaints not to be taken to the police unless necessary, but with the informed consent of the complainant;(ix) support complainant via counselling, contacting the employer etc.; (x) alert TUs and EOs to LCs awareness initiatives; and (xi) active networking with corresponding SWCs to resolve SHW complaints referred by them.

IV. MWCD: (i) More coordination between MoLE and MWCD; (ii) liaison with NCW and SWCs for prevention and redressal of SHW; (iii) large-scale training for the Authorities and Stakeholders to deal with cases of SHW; (iv) media involvement in awareness of SHW; and (v) new bill should involve existing Authorities, strengthen employer's obligations in line with SC Directives, provide in-house redressal with oversight mechanisms for SHW complaints (both oral and written), and take note of the current negative perceptions of courts and the police for redressing SHW complaints.

V. SWCs: (i) Qualified staff for handling SHW complaints; (ii) ensure compliance of SC Directives by referring matter to LCs or adopting "name and shame" strategies; (iii) create networking between SWCs and LCs to ensure compliance on resolutions of SHW complaints; (iv) need for consultative mechanisms between the MWCD, NCW and various SWCs; (v) maintaining records that can be shared with LCs; (vi) regular awareness campaigns for general public; and (vii) gender sensitivity programmes.

VI. CSOs: (i) Information and awareness building steps to take on issues of SHW; (ii) review their current norms and practices on SHW; (iii) CSOs as external members on various existing complaints committees to participate actively in ensuring committees operate in accordance with SC Directives; and (iv) network with LCs and SWCs to report on such inconsistencies.

VII. Employers' Organizations: (i) Review current norms and practices on SHW, making it mandatory for members to comply with SC Directives; (ii) create mechanisms to monitor compliance with SC Directives among member organizations; and (iii) prioritise gender sensitization and conduct training on prevention of SHW for member organizations.

VIII. Enterprises : (i) To understand, embrace and abide by the mandatory nature of the SC Directives; (ii) train staff and Complaints Committee to prevent and address cases of SHW; (iii) informal and formal mechanisms of redress (e.g. counselling for victims, steps taken against the accused in the absence of written complaint).

IX. Trade Unions : (i) Act as pressure groups on employers to ensure compliance with SC Directives; (ii) actively engage women work force; (iii) liaise with employer on women-related issues; (iv) train female union members on their rights; (v) gender sensitization amongst male union members in relation to SHW; and (vi) report employer non-compliances to the LCs.

DISCUSSION

- **SHW:** (i) NCW has created a 'code of conduct' poster on sexual harassment in English and Hindi for banks and Public Sector Undertakings (PSU) – to be translated into all the regional languages for nationwide coverage. (ii) Huge gap in knowledge among women worker re ICCs in banks and PSUs. NCW's efforts to make women aware of ICCs have met with the response that sexual harassment is more of a man's problem and they need training on this issue. Consequently, the National Commission for Women (NCW) is going to conduct large-scale training for men on gender sensitization. (iii) NCW is to make a film on sexual harassment issues, which they expect to be mandatory in all government training colleges to raise awareness.
- **Reporting cases of Sexual Harassment at the Workplace (SHW): Major problems** include: (i) Police apathy and non-recognition of SHW impedes the complaints process; (ii) lack of enabling environment for women to complain, in spite of most PSUs having ICCs headed by a woman member plus a member from an NGO; (iii) no terms of reference for the Complaints Committees (90% women end up getting punishment for complaining); (iv) Training: Top-level training rare (except in RBI); Class 3 and 4 employees tend to get the training; (v) The Committee has no mandate on SHW (labelled as a 'major misconduct'), which is dictated by SC guidelines that do not define the kind of punishment to be given; and (vi) women avoid complaining for fear of affecting their relationship with their colleagues.
- **Economic empowerment and domestic workers:** Bill on domestic workers drafted by NCW.

Initiative by the NCW with the Central government to bring out model legislation to regulate (a) working conditions and remuneration and (b) employment agencies (in terms of trafficking), which involves both sexual exploitation and labour.

- **Training programmes on gender sensitization.** Several programmes on gender issues conducted by VVG NLI, 2 of which are on sexual harassment (including one for LCs).

Closing Remarks: Pandey (parts inaudible)

Above all, there is confusion on the onus of the issue by the various stakeholders. Eg : Is it a labour issue? Is it a women's issue? Who takes the responsibility? Government, TU, Employers, CSO.

This needs to be taken up in the consultative process as this carries the foremost importance.

- Provisions exist; Implementation lax. Much scope for improvement
- Bill on domestic workers introduced to bridge existing gaps

- Holistic and doable approach required
- LCs not clear about their role
- 'Awareness' needs to be clearly defined
- VVGNLI's courses on capacity building need to be increased dramatically.

Session II - Policy Convergence for Women Workers : A stock taking on the enabling Environment in Uttar Pradesh

- *Dr Ranjana Kumari, Centre for Social Research*

- **Objective:** To assess (a) reach out of schemes (of 6 State and 6 national governments) in 4 districts in UP (Baghpet, Muzafarnagar, Meerut, Saharanpur); and (b) knowledge of villagers about these schemes. Dr Mansi Mishra led the research.
- **Research instruments:** Focused group discussions and the use of a predetermined ILO-devised questionnaire.
- **Schemes: I.MNREGA** Encouraging to note that equal salaries ensured for both genders for the same work. However, middlemen take a cut for providing jobs. **Wasted resources when a large number of people enlisted (editing)** in this scheme draw their salaries from it but tend to work in other districts with more lucrative job opportunities. The 'pradhan' encourages 'out-station' jobs by providing travel expenses, but takes a big cut from the salaries. Childcare facilities are lacking.
- **II.BIOGAS SCHEME:** The positive sides of the scheme are (i) it aimed at poorest of the poor (ii) Government provides free installation of plants; (iii) Biogas helps create enabling conditions for women (e.g. cooking); (iv) Biogas usage saves time and money, compared with coal or wood. On the negative side, the plant is a drain on resources because of (a) land space required for installation and (b) maintenance. It is also seen that almost 90% of the plants found to be non-functional due to lack of awareness and knowledge on simple know-how of the maintenance
- **Loans:** Various loan schemes provide loans at 8% annual interest rate for starting a small enterprise. However, non-existence of regularized local markets for selling products; the asset formation; production possibility with linkage to market and banking facilities are not available with the scheme and hence the poor are unable to get benefits out of these loan schemes. The 'common goal' concept for cooperatives is not evident due to the absence of cooperatives. Availability of raw materials needs to be regularised and systematized for smooth functioning of cooperatives.
- **Dairy development programme:** Loan is provided by the Government for buying and maintenance of buffalos under this scheme. However, the benefits of scheme e.g. safety at workplace, social protection in terms of childcare facilities and enabling environment for access to drinking water and toilet

facilities, access to capital resources, flexi timing for women etc. are only on paper.

- **Widows Pension Schemes:** The Government committed a pension of Rs 1800 under the Ambedkar Gram Yojna Scheme which is very well implemented with provision of electricity, drainage and housing facilities. However, the difficulties are that the pension given biannually, in spite of recommendations for monthly payments. In some cases, the pension was withdrawn for reasons unknown to both pensioners and village officials
- **Mahamaya Indira NiwasYojana** – loan given for construction of house to BPL families. Money given as loan/subsidy insufficient for constructing a house. Bureaucratic procedure to receive the subsidy, lengthy process and discrepancies over the BPL list makes the scheme not easily accessible.

There are two schemes, one sponsored by the central government and one by the state government. The state scheme is widely known. Also, people are aware of the schemes only in a particular place/village which is being adopted by the state government

CONCLUSIONS

- **This is only an indicative study that looked into a few districts of the western UP to understand the convergence of schemes with the funds that were made available by ILO.** Inadequate design and plan of some of the schemes
- Knowledge gap about schemes
- Schemes need to be area-, region-, people-, caste-, religious-group-specific and poverty-centric to be more effective.
- Implementation vertical and compartmentalised– need for convergence of various schemes
- Insufficient funds
- Holistic approach needed for evaluating the impact of schemes as otherwise they are a drain on national/state resources without any benefits to the targeted beneficiaries.

DISCUSSION

- Religion, caste and social norms and stigma (e.g. 'pardah' system) play a crucial role in influencing whether women work – especially in west UP – an essentially agricultural State.
- The claim that one-third of the population of women participate in MNREGA was found to be false, as not even one-fourth of men expressed their willingness to allow women working.
- Overall participation in agricultural labour – 70%. (from the area covered by the study)

- Unable to assess work participation rate in this study because of its short (2 months) duration; all relevant background information for study provided by the District Census Handbook.
- MNREGA is limited to 100 days. This ceiling applies even to the highly agriculturally developed districts studied because of high disparities in poverty levels. The standard schedule of rates does not take into account the physical capacities of women – especially those that are malnourished. This issue deserves a greater focus.
- Approximately 30%–40% of beneficiaries in the study availed of multiple schemes, but most schemes were vertical.
- Convergence in a highly stratified society can be negative, as only a few beneficiaries would get converged benefits while others, such as people BPL, would be excluded. Hence, the larger social order in which that convergence is supposedly taking place needs to be taken into account.
- **Consensus: The indicative short rapid assessment study reveals the need for a larger in depth analysis of the various issues related to women. The study also revealed that convergence of the different schemes is seen nowhere in the areas of study that are meant for women. This includes both state and central schemes. Above all, it also brought out that people are not even aware of the different schemes that are available but for MNREGA.**
- **Suggestion: Best practice of convergence of schemes can be documented for wider dissemination in an inclusive way with clarity in convergence.**
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Session III -Capacity Building Workshop on the Equal Remuneration Act and ILO Convention No.100

- Ms.SaadyaHamdani, Gender Specialist, ILO

- **Convention 100 (C 100), 1951:** equal pay for work of equal value is a fundamental workers' right and the cornerstone for gender equality.
- This Convention is widely ratified by ILO member States indicating a general consensus of the importance of and commitment to the principles enshrined in the Convention.
- The principle of equal pay applies to all:
 - remuneration in cash and kind
 - for work done together with remuneration for time not worked, such as annual vacation, other paid leave or holidays

- Bonuses, other emoluments e.g. family allowance, travel allowance etc.
- The concept transcends the concept of same or similar work and stresses equal pay for work of equal value so that the phenomenon of women's work being under-valued is addressed.

Equal Pay for Work of Equal Value. Ratified by India in 1958

Equal Remuneration Act (ERA),1976 (India): To provide for payment of equal remuneration to men and women for the same work or work of similar nature, and for the prevention of discrimination (in recruitment and service conditions) on grounds of sex. This Act has a vast scope and therefore potential to support gender equality.

Lacunae in ERA

The implementation of the ERA has not been without problems.

Several issues are noted:

First the ERA uses the term 'same work or work of a similar nature'. A recent study that analyzed prosecutions of violations observed that the term "*work of similar nature*" creates much scope for ambiguity in the implementation of the Act.

Compounding this issue is the fact that there is very little awareness of the "right to equal remuneration" among men and women workers.

And implementation is further compromised by the fact that the bulk of workers are in the informal economy where they suffer from job / income insecurity and they prefer not to complain out of fear of losing their jobs.

Moreover, there is insufficient understanding in workers and employers and their organizations, collective negotiators, and public bodies or officials of *the basic principles contained in the Act in an accessible manner*, such as guidelines or training on the basic principles of the Act that would allow the actors involved to assess their compliance with the law and to take remedial action.

These issues echo the observation of the Committee of Experts on the Application of Conventions and Recommendations in 2010 made to India in which it pointed to:

- 1) a need to make the principle of equal remuneration for men and women, the Convention 100, and the ERA, better known and understood among workers and employers
- 2) and also to a need to strengthen enforcement action, particularly at the level of the states and union territories.

Specific observations of the Committee are:

Studies should be undertaken into the reasons for the wide gender gap particularly where men and women engage in the same occupations and have the same levels of skills or education.

The Equal Remuneration Act provides that employers have to pay equal remuneration to men and women for the same work or similar nature of work. This is a restrictive

provision and should be substituted by work of equal value because the concept of “work of equal value” goes beyond “similar work” and encompasses work that is of an entirely different nature, but which is nevertheless of equal value.

The enforcement of Equal Remuneration legislation should be strengthened especially at the State level. And increased participation of women officers in enforcement should be ensured.

The Committee also called for promoting measures to ensure that job classification systems are transparent and free from gender bias as a means of determining wage rates irrespective of workers sex.

The Committee also asked the Government to reinforce awareness raising among workers, employers, their organizations and enforcement authorities throughout the country of the principle of equal remuneration

The challenge currently identified by the Ministry of Labour and Employment for implementing the ERA is the lack of information on the status of enforcement of the ERA.

Women Cells under MoLE which handle the Equal Remuneration Act (ERA) experience difficulties in collecting gender segregated data from the State level, in large part due to the lack of a State level coordinating body.

The office of the Chief Labour Commission (Central) which handles the Central Industrial Relations Machinery also lacks the data.

The Labour Officers/Inspectors, Assistant Labour Commissioners and the Deputy Labour Commissioners who are responsible for the implementation of the ERA, however, in varying degrees, lack sufficient capacity and resources to effectively implement and monitor the implementation of the ERA.

Some key issues from Workshop on Strengthening the Implementation of the Equal Remuneration Act through Enhanced Application of the Principles of C 100 and Improved Data Collection (22& 23 February 2012, New Delhi)

Key recommendations that emerged from the workshop are summarized here. The recommendations are clustered under two heads:

Relating to the ERA and its Rules participants stressed that:

The ERA should be amended to include the concept of work of equal value in its Preamble, Definition 2 (h), and Section 4.

Section 6 (4) of the ERA should read: Advisory Committee should meet twice in a year and all complaints received will be referred to a subcommittee or to the authority of Section 7.

Section 7 of the ERA should incorporate “for recovery of claims arising out of discrimination shall be disposed of in accordance with the procedure laid down under Minimum Wages Act or Payment of Wages Act.

Letter (e) should be added to Section 10 of the ERA which should read: “causes any discrimination between male and female employees”.

Rule 6, Form D should be amended to gather more details on job appraisal and employers should be required to submit the form on a regular annual basis to the competent authorities similar to tax forms required from employers.

The ERA and Rules should be published and widely disseminated in English and regional languages.

Other recommendations are that:

Statistical data on the labour force disaggregated by sex at all levels and sectors should be collected systematically so that the nature of employment as well as the pattern of wages in the organized and unorganized sectors may be determined.

Specific studies on the causes of gender pay gap such as those exploring gender and caste dimensions should be undertaken.

Studies addressing definitional and methodological gaps in data collection as well as tools to develop questionnaires that can effectively capture data on gender should be developed for consistency and comparability.

A gender neutral job evaluation method adapted to the Indian context should be developed.

Sensitization of employers and enhanced workers training on gender issues by using the services of the CBWE, VVG NLI and other government training institutions should be carried out regularly.

Grievance Committees for dispute resolutions should be created given the very low level of complaints brought forward under the Act

DISCUSSION

- Basic problem for MoLE is the lack of data at the grassroots level. With more than 93% people working in the unorganized sector, valuing a particular job is difficult.
- Training programmes have been conducted by MoLE. Training and awareness raising at the grassroots level is needed.
- **ERA:** Complaints on the Act not reported because officials in the Department of Labour in State governments merely go by the ERA form rather than go on inspection in the field.
- **Advisory Committee:** Found to be non-functional as a complaints mechanism.
- **Equal value:** Limited concept in countries in which predominant form of labour is manual and where 'value' determined by an economic set of correlations. Hence, manual labour in these countries is undervalued; skill and dexterity are overlooked in the equation. Priority should be to bridge inequality in wages. Definition of 'equal wages' requires more flexibility, but the problem lies in job-evaluation for equal value, as there are innumerable types of job classification systems. Solutions have to be indigenised, as 'work of equal value' encompasses a variety of criteria, including economic and manual dexterity.

- **Equal pay:** Long-term agenda to focus on a few sectors via detailed assessment and using national and tripartite mechanisms to understand better the causes of gender-based wage gap. Initial studies need to focus on the organised sector where there are many problems. Public sector also exhibits gender and inter-gender pay disparities for the same job in different institutions. Initiatives need to be taken to revise rules around the legislation of the ERA.

Sessioniv: Gender Equality in the World of Work: ILO Collaboration with Constituents - 2012-2013 Ms. Saadya Hamdani, Gender Specialist, ILO

Gender equality promotion in the world of work is a cross-cutting theme across all of ILO's work be it in any sector which is done through mainstreaming gender into the ILO Decent Work Agenda. In this light, in India, the thrust of ILO's collaborative work with constituents will be in four thematic areas through policy advocacy, institutional strengthening, technical advisory services and demonstrational projects:

These are:

1. **Addressing the pervasive issue of gender-based violence and in particular sexual harassment at the workplace.**
 - Tripartite plus workshop to share study on sexual harassment at the workplace and form plan of action
 - Strengthening the role of Labour Commissioners through more clarity on their mandate to receive and act on Sexual Harassment complaints
 - Strengthening the role and functioning of workplace Complaints Committees address Sexual Harassment Complaints
2. **Promoting the core right of men and women to receive equal remuneration for work of equal value.**
 - Improved understanding of the causes of the gender wage-gap
 - National and tripartite mechanisms aware about pay equity issues and means of minimizing gender wage-gap
3. **Maternity protection that includes the improvement and expansion of such protection to all women workers regardless of sector.**
 - Tripartite plus workshop to share results of the recently concluded study on Maternity Protection

- Concrete road-map developed to take workshop recommendations forward by the (inter-ministerial and tripartite) Task Force on Gender Equality in the World of Work

4. Ensuring decent work for domestic workers.

- Follow-up actions to National Policy on Domestic Workers
- Measures/guidelines for effectively extending social protection schemes to domestic workers are designed and piloted
- Measures/guidelines for registering and monitoring practices of private placement agencies for domestic workers are drafted and pilot-tested
- A campaign to raise-awareness on the rights of domestic workers and encourage trade union membership is implemented by trade unions
- Study on minimum wage setting practices for domestic workers in 3-5 States

CONCLUDING REMARKS. Goutam Roy, Director, Child and Women Labour, MoLE

- MoLE has chalked out a roadmap with regard to sexual harassment, maternity benefit, ERA and domestic workers.
- Rules under ERA could be revisited.
- MoLE has already extended RSBY to domestic workers.
- Members of this Task Force requested to submit views/feedback for planning of the next meeting.