

Report of the First Meeting of The Task Force on Gender Equality in the World of Work

**Under office of Jt. Secretary (Child and Women Labour)
Ministry of Labour and Employment
Government of India**

Preface

As a sequel to the outcome of the Technical Seminar on Institutional Approaches to Promote Gender Equality in the World of Work in India organized by the International Labour Organization (ILO) on 12.03.2010, it has been decided to constitute a Task Force to address key gender equality issues and to look into the gaps in promoting decent and productive employment for women. This is an inter-ministerial and tripartite Task Force, with subject matter experts being called as Special Invitees, depending upon the issue being discussed for their inputs and technical expertise.

The first meeting of the Task Force was held on 27.10. 2010 at Maple Hall, India Habitat Centre. The ILO office in India provided the technical expertise and facilitated the organizing first meeting.

The participants of the first meeting included the members of the Task Force (Inter-ministerial and tripartite) and Special Invitees (Subject Matter Experts), who were called to give their inputs and comments on the mandate of the Task Force.

This report summarizes the proceedings of the first meeting of the Task Force, the comments of the participants relating to the issues that need immediate attention of the Task Force as part of its mandate and short term agenda. The report concludes with the prioritization of the issues identified and the way forward.

(A.C. Pandey)
Jt. Secretary (Child and Women Labour)
Ministry of Labour & Employment
Government of India

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Proceedings of the Meeting

1. Inaugural Session

Ms Tine Staermose, Director, ILO India and Decent Work Team for South Asia, made the **opening remarks** at the meeting. Expressing pleasure to witness the very first meeting of the Task Force on Gender Equality in the World of work constituted by the Ministry of Labour and Employment, with an inter-Ministerial and tripartite composition, she said that this is a welcome development for the ILO, which has been promoting the development of specific mechanisms to address gender equality in the work of work. She laid emphasis on the 4 ILO Conventions that are considered to be of particular importance to Gender Equality: C. 100 on non discrimination in employment and occupation; C.111 on Equal remuneration; C. 156 on workers with family responsibilities and C. 183 on maternity protection. Both C. 100 and C. 111 have been ratified by India.

Expressing concern about the workplace sex-based discrimination, Ms Tine said that this still remains to be one of the most stubborn phenomena across the globe, inspite of specific laws to address discrimination and equality issues. She said there is an increasing recognition for the need for specific legal provisions on non-discrimination and equality issues at the workplace. Stating that the world is now witnessing a rise in specialised institutions dealing with discrimination and equality at work and such institutions may be separate from government or established within or among existing government bodies and operating at different levels of government. She also talked about global examples, especially from Latina America, where tripartite institutions have been instrumental in the last decade to advance the gender agenda in the world of work. She also brought to the notice of the participants the establishment of **tripartite commissions for equality in employment**, which were established during the last decade in Argentina, Brazil, Paraguay and Uruguay, and are currently being established in Bolivia and the Dominican Republic. Such institutions are unique and have had a tremendous influence in policy design and implementation in the countries they were formed.

Ms Tine also informed the participants about the outcomes of the **Technical Seminar on Institutional Approaches to Promote Gender Equality in the World of Work** which was organized by the ILO in March 2010 in New Delhi. The participants at the seminar discussed whether the existing institutional settings were adequate to promote gender equality in India, and in particular whether social dialogue or tripartism could play a role. At the seminar, there was a debate on the appropriateness of the current legal framework for equal employment opportunities in India, the changes that are needed and how to advance gender-sensitive labour laws. One of the follow-up points raised by the participants at the seminar was that there needed to be a platform to discuss gender-related issues in the world of work in a more systematic manner. Ms Tine said that when the ILO

discussed the outcome of this seminar with the Ministry of Labour and Employment, it was articulated that they wished to strengthen the Ministry's capacity in monitoring gender and labour issues, collect and make gender disaggregated data available on key trends and issues for women workers. Ms Tine said that the ILO is extremely happy to see the MOLE placing importance on inter-Ministerial and tripartite collaboration for gender equality. This Task Force on Gender Equality in the World of Work is important to advance the gender goals of the country as envisaged by the India's 11th Developmental Plan.

Mr. A.C. Pandey, Joint Secretary (Child and Women Labour), Ministry of Labour and Employment, Government of India chaired the session. Giving the **Chairperson's** remarks, Mr. Pandey said that this First Meeting of the Task Force on Gender Equality in World of Work is extremely crucial is laying down the mandate for the Task Force. He talked about the legislative framework, governing the women labour issues and the need to understand whether it is sufficient to promote equality and if it is implemented properly and where necessary make required changes in the enforcement, implementation process as well as legislative strengthening.

Stressing the need to bring the sister ministries working on the issue of women along with the social partners, Mr. Pandey said that this Task Force will provide a platform to synergise, strengthen and augment the efforts of each one of them and provide opportunity to visit and revisit the interventions made and assess the impact of such interventions. He emphasised the strength of tripartism and the need to move with social partners in achieving the gender equality, mainstreaming gender concerns in the corporate policies, and at the same time, defined the role of the academia and social scientists in contributing to the efforts of the various groups.

Mr. Pandey said that there is a need to identify and recognize issues, and then address them with inputs from social partners, sister ministries, and researchers and social scientists to promote gender equality in the world of work. He said that there are several issues that are of immediate concern. The foremost is the non availability of the gender disaggregated data on different issues. For example, there is no data available on the wage differentiation between men and women at the National level. Though several micro level studies are available, the industry-wise data is still a challenge. There is a need to look at the various data sources, the sufficiency and the effectiveness of the data collected, and the careful analysis of the data. He said that a comprehensive publically available data source will be useful to all.

Mr. Pandey also stressed on the need to look into various labour legislations, especially the Equal Remuneration Act 1976 and the challenges it poses. He said that we need to look into the effectiveness of each law and see how it can be strengthen and its implementation improved. Stating that several ministries have several schemes for women, there is a need to converge these schemes and adaptation to suit the needs of the working women.

Mr. Pandey also briefed the participants about objectives and the composition of the Task Force, which are given as under.

2. Objectives of the Task Force

- 2.1. As a sequel to the outcome of the Technical Seminar on Institutional Approaches to Promote Gender Equality in the World of Work held under the aegis of the International Labour Organization (ILO) on March 12, 2010, it has been decided to constitute a Task Force to address specific key gender equality issues in the world of work. The Task Force will examine how the existing schemes for women workers can converge and study their effectiveness as well as indentify gaps and seek solutions to promote decent and productive employment for women workers.
- 2.2. The Terms of Reference (ToR) of the Task Force will be as under:
 1. Strengthen the Ministry's capacity in promoting gender equality in the world of work, particularly the areas of better monitoring, strengthening and convergence of the existing schemes on women in promoting decent and productive employment for women workers and development of disaggregated data on labour issues.
 2. Develop a framework for monitoring, promoting and implementation of labour laws in the context of women workers.
 3. Develop effective mechanism for collection of the gender segregated data related to women workers.
 4. Coordinate effort and interventions in respect to the policies drawn by different ministries for effective implementation of the programs and polices for women workers.
 5. Undertake any activity as proposed by the Task Force.

3. Constitution of the Task Force

- 3.1. The Task Force on Domestic Workers was constituted wide the office memorandum No. S-42011/03/2010 -C&WL-II by the Ministry of Labour and Employment (MoLE) dated 19.10.2010. The composition of the Task Force is as under:
 - Mr. A.C. Pandey, Joint Secretary (Child and Women Labur), MoLE (*Chairperson*)
 - Director General Employment and Training, MoLE or his representative (*Member*)

- Director General Labour Welfare, MoLE or his representative (*Member*)
 - Chief Labour Commissioner (Central), MoLe (*Member*)
 - Representative, M/o Women and Child Development (*Member*)
 - Representative, M/o Social Justice and Empowerment (*Member*)
 - Representatives (2 Nos.) International Labour Organization (*Member*)
 - Representative, V.V. Giri National Labour Institute (*Member*)
 - Representatives (2 Nos.), Women Wing's of Employers' organization
 - Representatives (2 Nos.), Women Wing's of Central Trade Unions
 - Representative, Legal/Academic/Research Institution (*Member*)
 - Representative, Women Wing's of Public Sector Undertakings (*Member*)
- 3.2. The Task Force may also co-opt any other member as and when it may consider necessary.
- 3.3. Experts may be called for Task Force Meetings as 'Special Invitees' to provide technical inputs on the matters under discussion.

4. Technical Sessions

- 4.1. **Session 1: Key challenges for women's access to decent and productive work** (*Ms. Reiko Tsushima, Senior Gender Specialist, ILO*)

The purpose of the presentation was to set a background and introduce the context for the Task Force objectives by providing an overview of trends in women's employment in India today, highlighting issues and questions regarding women and work that are gaining attention and providing a broad framework for monitoring gender equality at work. She briefed the participants about the need for a guiding framework and identification of indicators for measuring gender equality in the world of work. Ms Tsushima gave an overview of women workers' trends in India. The second part of her presentation related to the indicators that can be used to adapted and expanded to monitor “**gender equality in the world of work**”.

Ms Tsushima informed the participants that since last decade there is a steady increase in women's labour force participation. Out of 455.7 million workforce women workers numbered 146.9 million, which is 32 per cent of the entire workforce. The growth rate of

female workers has been much greater than men in the period between 1999/2000 to 2004/2005. However, this women's workforce participation shows wide variation across states (Rural: highest 74 % in Himachal Pradesh and lowest 13 % is in Tripura; Urban: 44% in Meghalaya and lowest in Bihar 11 %). For males, the workforce participation rate is 87 percent (Rural: highest in Gujarat 91% and lowest in Manipur 75%; Urban: highest in 86% in Himachal Pradesh and lowest in Manipur 86%). Nearly 80 percent of women workers are in "traditional" industries (agriculture, tobacco products, private households, wood and wood products), which are also the sectors that have registered lowest average gross value added per worker. Also, the women tend to get concentrated in the lowest productivity sectors (Raveendran 2010). With nearly 85 per cent of rural and 59 percent of urban women workers being illiterate or literate only up to primary level (Rustagi 2010), their chances of decent employment are further weakened. More than half of poor urban women regular workers are employed with private households as domestic workers. Newer avenues of work are opening for women, mainly because women are entering into atypical and uncommon job profiles, eg. involving night work as in IT, BPO, call-centres etc., leading to gradual transformation. Most of this however, is limited to urbanized, metropolitan areas, with little percolation into rural villages. The issue for Indian women is not finding work, but of finding work with higher productivity and returns.

Ms Tsushima said, given this context, it is important to analyze and discuss the policy measures supporting women as workers and mothers and if there is a policy bias, which can be eliminated, for both organized and unorganized sector women. The second challenge is to measure and monitor progress in these areas. India has formulated laws and process, such as the Equal Remuneration Act 1976 (pertinent ILO Equality Convention C100: Equal Remuneration, 1951 and C. 111: Discrimination (Employment & Occupation), 1958) and Maternity Benefit Act, 1961 and Employee's State Insurance Act 1948 (pertinent ILO Equality Convention C.183, Maternity protection, 2000), measuring discrimination based on sex is challenging as there is both *de jure* and *de facto* discrimination. Capturing indirect discrimination (rules and practices which appear gender neutral but in practice lead to disadvantages primarily suffered by persons of one sex) and measuring discrimination based on sex poses several methodological challenges. She gave an overview of the various tools and data sources, which can give gender indicators, such as the employment and unemployment; sectors of employment; status of employment; wages. She also talked about the usefulness of the time use surveys and collection of statistics to understand different time use between men and women especially paid and unpaid work/productive and reproductive work. She also listed the decent work indicators used by the ILO for illustration of broad framework to measure gender equality and decent work in the world of work. These are listed in the Annexure III.

4.2. **Session 2: : Effectiveness of labour laws for addressing women's equality in labour in India- issues and data needs** (*Professor Dr. Kamala Sankaran, Law Faculty, Delhi University*)

Dr. Kamla Sankaran discussed about the coverage of the labour law and the challenges faced due to the lacunae in the availability of gender disaggregated data and the collection of the statistics by different statistical bodies and the labour departments. She recalled some of the important data sources she has used in a past work on gender equality in the world of work were labour policies, legislation, judiciary and court decisions and collective agreements. However, the availability of data / Information particularly at the national level is scarce and that many gender equality analyses rely on several micro level studies which are not sufficient to draw conclusions or assess the progress on gender equality in the world of work. She further highlighted some information sources that can be better tapped or made available to facilitate the analysis of gender equality in the world of work. Such include the annual data collected by the Department of Public Enterprises; annual reports of enterprises in the private sector (Ministry of Corporate Affairs collects information). The challenge is to how to persuade the companies to report regularly on gender sensitive data (such as data on the number of women working in the organization, the occupations in which they are working, facilities provided for women workers, amount of money spent per year on such facilities, the wages of women workers vis-à-vis men workers etc.). She said that the Collection of Statistics Act 2000 is a good tool which should be used to the maximum potential for gathering such data. She urged the Task Force members to see the possibility of using this legislation to collect relevant data from not just public but also private institutions and organizations. She highlighted the importance of using a tripartite social dialogue process, the Indian Labour Conference to (a) persuade that such gender disaggregated enterprise data should be reported; (b) to include gender equality as a standing item on the agenda of the Indian Labour Conference. She also suggested the evaluation of statutory and non statutory schemes, their impact on the beneficiaries and an assurance that the schemes are not counter productive to the gender equality goals envisaged.

Dr. Sankaran also pointed out that collective agreements, which are so crucial to the safe guard the conditions of work, are not recorded at any central repository. She said that it may be possible to an extent to reach such collective agreements which are tripartite in nature, however any bipartite agreements are not even recorded with the Ministry of Labour. Such bipartite agreements are important in giving indication about the enterprise level data and issues and should be available publically. Similarly, there is no reporting on data on women participation from the Employers and Trade Union organizations. She said that there are only a couple of cases where

the women have become part of the negotiation process. There should be a legal obligation on part of the organizations (employers and TUs) to report women in leadership (management/ executive and formal negotiation process).

The absence of a general anti-discrimination law in India, the issue of gender inequality assumes a greater implementation challenge. Dr. Sankran referred to the Equal Opportunity Bill which was proposed by the UPA government and urged the Task Force to inspect whether the bill also integrates the gender concerns.

4.3. Sexual Harassment in the place of work (Ms. Aparna Bhat, Advocate, Supreme Court)

Sexual Harassment needs to be seen as a labour issue rather than violence against women issue, said Ms Aparna Bhat. This perspective change will make this issue more specific and stronger and the organizations and the Labour Department will be able to work more effectively towards ensuring a harassment free work environment to the workers. She said that though Vishakha Guidelines, which have the mandate of a law, till a formal law is drafted, have been in operation since 1997, not much has changed. The new bills, which are being drafted, are not too different from the guidelines, which actually meant only to set minimum standards. In this context, it is important to not just think about legislation, but how to implement it (or till the time Vishakha Guidelines) in an effective manner.

Ms Bhat remarked that some companies list prevention of sexual harassment as a corporate social responsibility issue rather than a labour rights issue. She said that just as we ensure decent work conditions for the workers, and are obliged to provide facilities for the employees, the right to a sexual harassment free workplace is also a right of the employee. Hence, it should also be mentioned in the employment contracts. Most people within the organization lack awareness about the Complaints Committee (where they exist) do not know what to do or how to approach the Committee. The Committee, also, in several instances, does not know what to do when they receive a complaint. In some cases, such Committees exist only at the level of head quarters of the companies and are not accessible easily to employees who are in the field offices/branches.

Highlighting the lacunae in the draft bill on Prevention of Sexual Harassment, especially regarding the complaints procedure and the formation of the complaints committee for the organized and unorganized sector, she said that since it is a labour issue, the Ministry of Labour should be taking an active role. The issue of prevention needs to be addressed more significantly. A greater challenge remains for the unorganized sector, as there is no forum or mechanism currently available to file such sexual harassment

complaints. The Unorganized Sector Act is also silent in such matters. The role of Labour Commissioners in such complaint process needs to be defined.

Ms Bhat also urged the participants to distinguish between sexual harassment and general workplace discrimination. She said that as practitioners, we should be careful not to mix the two issues together. She said that there is great need for awareness generation amongst the employers and the employees as well as those who hear such complaints, need to establish definite sanctions against employers who do not provide for a sexual harassment free environment, instituting strong punitive action against the employee who indulges in such act (such information should be a part of the employment contract, workplace rules and regulations), prevention and strong enforcement with Ministry of Labour taking a lead.

4.4. Schemes for Women Workers and challenges (By Dr. Dr.(Mrs.) S. Vasudevan Joint Director, Women Development Division, NIPCCD)

Dr. Vasudevan provided an overview of several schemes in operation for the empowerment of women and the Convergence Mission, which aims at the convergence of these schemes to achieve a greater impact. She discussed the salient features of some important national schemes, such as: Integrated Child Development Services (ICDS) Scheme; Kishori Shakti Yojana (KSY); Nutrition Programmes for Adolescents Girls (NPAG); Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG) - SABLA; Indira Gandhi Matritva Sahyog Yojana (IGMSY)/CMB Scheme; Rajiv Gandhi National Creche Scheme for the Children of Working Mothers; Integrated Child Protection Scheme (ICPS); Support to Training and Employment Programme for Women (STEP); Priyadarshini Project; Swadhar - A Scheme for Women in Difficult Circumstances; Ujjawala; Dhanalakshmi; and Gender Budgeting.

Dr. Vasudevan said that most of these schemes have been designed with the assumption that the women's major role is that of a mother. The perspectives of a 'working' mother needs to be integrated in these schemes. For example, if the crèches and day care centre operate for 4-8 hours, working women can not leave use these facilities as they need a 10 hour support (apart from the working hours, there is additional time to commute from workplace to day care centre). In some cases, the day care centre need to be provided near the workplace, especially when the children are younger and need mother's attention/breast feeding.

Talking about the National Mission for Empowerment of Women, which has been set up in 2010, Dr. Vasudevan informed the participants that 14 Ministries are converging for this mission. The aim of the mission is to strengthen the processes that promote all

round development of women by focusing on a coordinated approach for implementation of the scheme of participating Ministries and departments and create enabling environment conducive to social change. The Task force setup under the mission, identified specific action points for gender convergence such as: access to health, drinking water, sanitation and hygienic facilities for women; coverage of all girls especially those belonging to vulnerable groups in schools from primary to Class XII and creating enabling environment for the same; higher and professional education of girls/women and facilities to enable the same; skill development, micro credit, vocational training, entrepreneurship, SHG development for economic empowerment of women/girls; gender sensitization and dissemination of information; and prevention of crime against women.

The Mission will over see the institutionalized convergence of the following: Review of overall policy based on actual inputs obtained from studies commissioned; Review of the programmes with reference to the adopted strategy; Assess the impact of training and capacity building initiatives; Monitor and evaluate programme outcomes and suggest mid course correlations, if required; Reallocation of resources keeping in view the demands of the emerging scenario; Introducing flexibility in the ongoing schemes to bring them in line with the needs of women; Set up special economic zones for women where all needs for successful entrepreneurship, e.g., facility for training and skill upgradation, information about products, designs, market trends etc; assistance in procurement of credit, inputs etc., assistance for linkages to marketing and distribution network etc. would be made available; Set-up an information and data depository at the Central level with further decentralization up to the State, District and Panchayat levels Collate sex disaggregated data and facilitate information availability across States on women's development efforts; Ensure that States set up State Missions to review the programmes of convergence strategy at the district and block levels and set up Task Forces may comprise of Gram Panchayats, Mahila Mandals, Self Help Groups, Federations and Clusters, Youth Clubs, NGOs and Community Based Organizations and Promote public private partnership to reach services meant for women in un-served areas.

5. Deliberations of the Participants and Task Force Members

The forum was open for discussion and several participants made their comments and suggestions. The comments have been grouped together for easy reading.

- 5.1. **Equal Remuneration Act: *Discussion generally focused on the existing challenges in implementation of the Equal Remuneration Act, the functioning of the statutory Advisory Committee at the Central and State level, the concept of 'equal value of work' vs 'similar nature of work' and the need for awareness generation on the issue.***
- 5.1.1. Establishment (in states where they do not exist) and ensuring effective functioning of the Central and State Advisory Committees on ERA should be taken on priority basis.
 - 5.1.2. There should be awareness generation on the ERA at all levels. The capacity of the judges and the labour department should be enhanced on the issue of non discrimination, equal employment opportunity and equal wages for work of equal value.
 - 5.1.3. The ERA legislation should be strengthened to promote gender neutral job evaluation.
 - 5.1.4. Any data requirements which can help strengthen the enforcement and implementation of the ERA should be identified and required data collected. Such data should be carefully analyzed to strengthen policy responses.
 - 5.1.5. The issue of piece rate vs time rate as well as women's contribution in family business, where such piece rate is given needs serious review. Women's piece rate wage is disproportional to the time spent on those activities.
- 5.2. **Sexual Harassment in the world of work: *The discussion focused on the existing challenges in implementation of the Vishaka Judgement (SC Directives), its inadequate implementation, the lack of operational level clarity at the enterprise level and contents of the proposed bill***
- 5.2.1. The sexual harassment free workplace is a fundamental labour right and not just a women's issue.
 - 5.2.2. The advisory committees /complaints committees of organizations, looking into these matters, must have 50% women participation.
 - 5.2.3. Manipulating sexual harassment cases and reporting them or twisting them as cases of mental disturbance/emotional insecurity issues, and further using medical grounds to dismiss such complaints should be looked into carefully by the Ministry of Labour.
 - 5.2.4. Where ever possible, the employee contract should have specific section on sexual harassment which lays down what happens in case such an event takes place, rights of the harassed, punitive actions against the harasser, the complaint mechanism etc.

- 5.2.5. There should be mandatory reporting on the Complaints Committees, the number of cases handled, and the outcomes of the complaints. The details of complaints submitted/disposed off (along with outcomes) to the Labour Commissioners and National and State Women Commissions should all be available at one place.
- 5.3. **Equal employment opportunities for women: *The deliberations centered around the need to ensure workplace measures to ensure equity do not disadvantage women, providing enabling conditions to help women work.***
- 5.3.1. The labour laws should promote work and family life balance for all sectors of workers.
- 5.3.2. The labour laws which deter the employers to provide for facilities to women workers should be studied, identified and modified. For example provision of crèches in case there are 20 or more women working act as a deterrent to employee women workers. Also, the crèches should be available in case there are 20 employees, irrespective of the fact whether they are male or female. Also, such crèches should be also available near the residential areas, if bulk of the workers live in that area. Thirdly, the crèches and day care centres should be open for atleast 10 hours to factor for the travel time, which the parents spend to reach workplace and back.
- 5.3.3. Maternity benefit should be available to all women workers and should operate as part of fundamental social security cover rather than operating as schemes.
- 5.3.4. With the changing nature of family system in India, the family responsibilities not only include child care but also caring for the aging and ailing parents.
- 5.3.5. Working women hostels currently exist for a specific class of women workers or girls enrolled in professional courses. They should also be available for women workers who are in low paid, unskilled or low skilled jobs, such as domestic work etc.
- 5.4. **Participation of women in policy level, labour law formation process and collective bargaining process**
- 5.4.1. It has been observed that there is a very little participation of women when policy issues are being discussed, when new laws are being drafted or old laws are being amended. The women from think tanks, civil societies, academia, workers and employers representatives etc. should be invited, encouraged to participate and should be trained to participate in such discussions so that the policies and legal drafting process incorporates the crucial gender issues in the first stage itself.

5.4.2. Similarly, it has been observed that the women have a very insignificant role in the collective bargaining process or social dialogue mechanisms. This should also be looked into and the participation of women should be encouraged by the tripartite constituents (Govt. , TUs and Employers) in all forums.

5.5. Globalization and women's work

5.5.1. In the context of globalization, there is a need to assess its impact on women's work, particularly the Changing nature of work, the emerging challenges and employment opportunities in skilled and low skilled areas.

5.5.2. The condition of women workers in the SEZs (which get special exemptions under the law) and new and emerging sectors (such as retail services, IT services, outsourcing/call centre etc.) need to be assessed and decent work conditions be ensured.

5.5.3. There should be collection of successful models being implemented by public and private corporations where they have been able to successfully integrate and built capacities of women who are low skilled and low paid to move up the pyramid. Such initiatives should be documented and replicated so that women can use the empowerment to take higher skilled responsibilities resulting in wage enhancement. Newer initiatives should be encouraged.

5.6. Reforms in labour administration and enforcement procedures

5.6.1. In most cases, the Labour departments are overworked and understaffed. Some of the administrative procedures may hamper the efficient working of the labour inspectors/administrators, including paucity of time and resources to look into gender equality issues because of the other pressing challenges. There is an urgent need to conduct a study to assess the practical challenges faced by the labour inspectors/administrators in administration and enforcement of the labour laws and seek solutions.

5.7. Using other international instruments like CEDAW to report workplace inequality issues

5.7.1. Several participants suggested that reporting on CEDAW should also include the reporting on gender equality in the world of work.

5.7.2. Several participants suggested that reporting on CEDAW should also include the inequalities in the world of work and especially violence and sexual harassment in the workplace.

5.7.3. CEDAW can also be used to ensure the reporting such cases under the labour law.

5.8. Status of women workers in Government schemes

5.8.1. Assess the conditions of work and gender equality issues of the women workers recruited under different schemes of the central and state governments, such as the NHRM, ICDS etc.

5.9. Older women workers

5.9.1. Recognizing paid and unpaid work of older women.

5.9.2. Issues of age discrimination (especially when they are denied top level positions because of the age).

5.9.3. Need for social security for older women.

6. Identifying priorities of the Task Force

6.1. Mr. A.C. Pandey, Chairperson said that though there was Women Labour Cell under Ministry of Labour, which was setup as early as 1975, the mandate of the Task Force is also to strengthen the capacity of this body, especially in the context of changing nature of women's work, the changing priorities and the new emerging issues. Though several issues have been brought to the notice of the Task Force members, there is a need to prioritize and set up a road map for next few months and then revisit the points already discussed. Based on the discussions that happened, it has been decided to prioritize the issues for the first phase (4 - 6 months) of the Task Force as under:

6.2. Legislation, administrative and implementation issue

6.2.1. **Need for data collection:** The limited availability of pertinent gender disaggregated data to monitor on gender equality in work is a major challenge at the National and State Level. There is a need to look into the following issues:

- a) what kind of data is required
- b) from where such data can be procured,
- c) are there additional data/information needs that can not be fulfilled by the current survey techniques, if so, how this can be addressed
- d) Creation of a comprehensive data bank on women workers by convergence of data collected by different agencies, such as Ministry of Statistics, Ministry of Women and Child Development and other ministries on a single

platform, which can also be accessed by think tanks, researchers and academia.

6.2.2. Equal Remuneration Act: This is a high priority area. Despite the ratification of C.100 and C.111, there is a need to identify:

- a) The issues and gaps in the implementation process
- b) The changes required in the legislation, if any
- c) Strengthening the functioning of the Advisory Committee on the Equal Remuneration Act
- d) Spreading awareness about the ERA amongst the employees.

6.2.3. Sexual Harassment in the world of work: The issue is of utmost importance. The Task Force needs to work towards:

- a) Implementation of the Vishakha Guidelines for prevention of the Sexual Harassment issues
- b) Developing a workplace guidelines on then basis of the Vishakha Guidelines and the proposed bill to enable better implementation of the law
- c) Identifying the role of the Ministry of Labour and Employment and other sister ministries in such implementation process.

6.2.4. Convergence and strengthening of schemes: The Task Force should look into the different schemes implemented for women and workers/employees and suggest means to:

- a) Converge the identified schemes for greater impact
- b) Suggest strengthening of identified schemes to enable the women workers to effectively use such schemes
- c) Identify any lacunae or gaps in the schemes which can not be addressed by the above process and suggest a new scheme focused on women workers in organized and unorganized sectors.

7. Road Map

The Road Map for the first phase of the Task Force will be as under:

- 7.1. Identification of successful practices and schemes at the State Level for women workers
- 7.2. Identification of successful practices (relating especially to ERA and SH issues, participation of women in social dialogue process) at the level of the social partners (Corporate/Employers' Organizations, Trade Unions)

- 7.3. Development of guidelines on Sexual Harassment at the place of work for better implementation of the Vishakha Guidelines (also incorporating relevant procedures suggested in the draft bill on SH by NCW)
- 7.4. Strengthening of the ERA National Advisory Committee and strengthen the implementation of the ERA.
- 7.5. Identify points of convergence of schemes by different schemes by Ministry of Labour and Employment, Ministry of Women and Child Development, Ministry of Social Justice and Empowerment, Ministry of Human Resource Development, Ministry of Rural Development, Ministry of Urban Development and Ministry of Health.

Annexure-I Constitution of Task Force

Attached

Annexure-II: Agenda for First Meeting

First meeting of the Task Force on Gender Equality in the World of Work Maple Hall, India Habitat Centre

27 October 2010

Programme	
9:30-10:00	<i>Registration</i>
10:00-10:15	<i>Opening remarks</i> Ms. Tine Staermose, Director of the ILO Decent Work Team and County Office India
10:15-10:30	<i>Chairperson's address</i> Mr. A.C. Pandey, Joint Secretary, Ministry of Labour and Employment
10:30-11:00	<i>Session 1: Key challenges for women's access to decent and productive work</i> Ms. Reiko Tsushima, Senior Gender Specialist, ILO <ul style="list-style-type: none">- Overview of women workers' trends and policy responses- How do we monitor "equality at work", what is the guiding framework and indicators we need?
11:00 – 11:15	<i>Tea/Coffee</i>
11:15 - 12:00	<i>Session 2: Gender disaggregated data availability and gaps</i> Effectiveness of labour laws for addressing women's equality in labour in India- issues and data needs: by <i>Professor Dr. Kamala Sankaran</i> Panel Discussion on data and legislative strengthening on different laws concerning labour and gender issues: <ul style="list-style-type: none">- Sexual Harassment at the Workplace (<i>Ms Aparna Bhat,</i> <i>Advocate, Supreme Court</i>)- Equal Remuneration Act (<i>Mr. Arshdeep Singh, Advocate</i>). How do existing schemes for women's empowerment converge? How enabling are they for women workers: Issues and data needs: <i>By Dr.</i> <i>Dr.(Mrs.) S. Vasudevan Joint Director, Women Development Division,</i> <i>NIPCCD</i>
12:00 – 12:20	<i>Question and Answers, Comments from the Participants</i>
12:00-13:00	<i>Feedback on the Task Force from:</i> A representative of the Ministry of Women and Child Development A representative of the Workers Organisations A representative of the Employers' Organisations
13:00	<i>Closing remarks by the Chairperson, Mr. A.C. Pandey, Joint Secretary, MoLE</i>

Annexure-III: List of Participants

First meeting of the Task Force on Gender Equality in the World of Work Maple Hall, India Habitat Centre

27 October 2010

There are two categories of Participants, Task Force Members and Special Invitees (Technical and Subject Matter Experts).

S. No.	Name	Designation and Affiliation	Invited As	Contact Details
TASK FORCE MEMBERS (To be invited by MoLE)				
1.	Mr. A.C. Pandey	Joint Secretary , Child and Women Labour, Ministry of Labour and Employment	Chairman of the Task Force	Ministry of Labour and Employment Shram Shakti Bhawan, Rafi Marg New Delhi 110001 Tel: 011- 23710239
2.	Mr. Goutam Roy	Director, Child and Women Labour Ministry of Labour and Employment	Task Force Member	Room Mo.313, Shram Shakti Bhawan, New Delhi, Tel: 23766904, Email: goutam.roy@nic.in
3.	Represented by: ---	Representative of DGET, MoLE	Task Force Member	Represented by: ---
4.	Represented by: ---	Representative of DGLW, MoLE	Task Force Member	Represented by: ---
5.	Represented by: Mr. K.D.R Achari Deputy Chief Labour	Chief Commissioner Labour (Central)	Task Force Member	Commissioner Office of the Chief Labour Commissioner Room No. 606, 6 th Floor, Shram Shakti Bhawan, Rafi Marg, New Delhi, Tel: 011-23710515, Email: dilliraoachari@yahoo.in
6.	Represented by: ---	Representative, Ministry of Women and Child Development	Task Force Member	
7.	Represented by: ---	Representative, Ministry of Rural Development	Task Force Member	
8.	Represented by: ---	Representative, Ministry of Social Justice and Empowerment	Task Force Member	
9.	Dr. Shashi Bala	Representative,	Task Force	VVGNLI

		V. V Giri National Labour Institute	Member	Sector 24, Noida Tel : 24115334 Extn. 225 Email: shashi_bala98@rediffmail.com
10.		Representative 1, Women Wings of Employers	Task Force Member	
11.	Ms. Suchitra Guha Head HR/IR – Commercial Division Tata Steel	Representative 1, Women Wings of Employers	Task Force Member	Tata Centre, 9th Floor 43, Chowrangee Road Kolkatta-71 Tel: 9831175442 Email: sguha@tatasteel.com
12.	Rakhee Gupta Executive Officer	Representative 2, Women Wings of Employers	Task Force Member	249-F, Sector 18 Udyog Vihar, Phase IV Gurgaon Tel: 9910203355 Email: rakhee.gupta@cii.in
13.	H. Mangalamba Rao Secretary Bharatiya Majdoor Singh	Representative 1, Women's wing of Central Trade Unions	Task Force Member	C/o BMS Office S.C. Road Bangalore-9 Tel: 9449930020 Email: mihirhulikal@yahoo.com
14.	Annsuiya Sharma INTUC V.P (U.P)	Representative 2, Women's wing of Central Trade Unions	Task Force Member	2 LKS Colony Purnia Aliganj LKO U.P Tel: 9650155010 Email: sharma.ausuiya@gmail.com
15.	Name Awaited	Representative 3, Women's wing of Central Trade Unions	Task Force Member	
16.	Name Awaited	Representative from Legal, Research and Academic Institution	Task Force Member	To be decided later
17.	Ms. Nisha Sharma Dy. Manager (CC and PR) SCOPE,	Representative, Women's wing of Public Sector Undertakings	Task Force Member	SCOPE Complex 7 Lodhi Road, New Delhi-110003 Tel: 24361495, 26966902 ®/ 9910669910 Email: nish_scope@yahoo.com
18.	Ms Tine Staermose	Director, ILO	ILO Representative	Core 4B, 3rd Floor, India Habitat Center, Lodhi Road, New Delhi-110003 Tel: 91-11-24602101-02-03-06 Email: staermose@ilo.org
19.	Ms Reiko Tsushima	Senior Gender Specialist, Representative, ILO	ILO Representative	Email: tsushima@ilo.org
20.	Ms Bharti Birla	National Professional Officer (Projects) -	ILO Representative	Email: birla@ilo.org

		Project Coordinator, Gender Equality in the World of Work		
21.	Mr. Ravichandran	National Professional Office (Program), ILO	ILO Representative	Email: ravi@ilo.org
22.	Mr. Anandan Menon	Gender Focal Point Program Officer, ILO	ILO Representative	Email: anandan@ilo.org
23.	Ms Hilde Roren	Associate Expert Women's Employment and Empowerment	ILO Participant	Email: roren@ilo.org
24.	Ms. Ingrid Christensen	Senior Specialist, OSH	ILO Participant	Email: christensen@ilo.org
25.	Mr. Piyush Sharma Project Coordinator		ILO Participant	Email: sharmap@ilo.org
Special Invitees (Invited by ILO)				
26.	Dr. Kamla Sankaran	Professor, Law	Speaker /Special Invitee from ILO	Campus Law Centre Faculty of Law University of Delhi Tel: 9810512637 Email: kamala@sankaran@gmail.com
27.	Dr.(Mrs.) S.Vasudevan	Joint Director, Women Development Division, NIPCCD	Speaker /Special Invitee from ILO	5, Siri Institutional Area, Haus Khas New Delhi Tel: 011-26566995 Mobile: 9810619491 Email: sulochana26@gmail.com
28.	Ms Aparna Bhatt	Advocate, Supreme Court	Speaker /Special Invitee from ILO	3-14/B Jangpura B New Delhi-110014 Tel : 24376447/ Mobile : 9811113979 Email : aparna.bhat@gmail.com
29.	Ms Martha Farrel	Director, Continuing Education, PRIA	Special Invitee from ILO -	42, Tuglakabad Institutional Area Tel: 29958559 Email: martha@pria.org
30.	Ms Julie Thekkudan	Senior Programme Officer, PRIA	Special Invitee from ILO -	42, Tuglakabad Institutional Area Tel: 9810573397 Email: julie@pria.org
31.	Representing Mr. Sanjay Kumar - Ms Sonali Jain	SEWA Bharat	Special Invitee from ILO -	SEWA Bharat 7/5, Ist Floor, South Patel Nagar, New Delhi Tel: 011-25840937/25841397 Email: mail@sewabharat.org
32.	Representing Mr. Sanjay Kumar - Ms. Pinkesh			
33.	Dr. N. Hamsa	Director, WPC	Special Invitee from ILO -	Women power connect A1/125 Safdurjung Enclave New Delhi-110025 Tel: 9811213079

				Email: nhamsa@womenpowerconnect.org
34.	Ms. Sunila Singh Represented by Prabhat Gautam (Research Consultant)	Lawyers' Collective- Women's Rights Initiative	Special Invitee from ILO –	632/43 Jungpura, Bhogal Lawyers Collective WRI Tel: 9910214411 Email: prabhatsgautam@gmail.com
35.	Dr. Surbhi Tandon Mehrotra	Manager, Jagori	Special Invitee from ILO –	Jagori, B-114, Shivalik Malviya Nagar Tel : 011-26691220 Email : surabhi@jagori.org / jagori@jagori.org
36.	Ms Benita Sharma	Gedner Consultant	Special Invitee from ILO –	8 Hemkunt Colony New Delhi-110048 Tel: 9999907092 Email: sharma.benita@gmail.com
37.	Dr. Mala Kapur Shanker Das	Social Scientist Associate Professor of Sociology Chair for Asia including India: International Network for Prevention of Elder Abuse	Special Invitee from ILO –	D-104, Anand Niketan New Delhi-110021 Tel: 9818138553 Email: mkshankardass@gmail.com
38.	Ms. Indrani Mazumdar	Senior Research Associate, CWDS	Special Invitee from ILO –	25, Bhai Veer Singh Marg New Delhi Tel: 23345530 Mobile: 9891439876 Email: indrani@cwds.ac.in
39.	Ms. Sunita Dhar	Director, Jagori	Special Invitee from ILO –	B-114, Shivalik Malviya Nagar New Delhi-110017 Tel: 9810509338 Email: suneeta.dhar@jagori.org
40.	Dr. Huma Masood	Programme Officer (Education) UNESCO	Special Invitee from ILO –	B5/29, Safdurjung Enclave New Delhi-110029 Tel: 26713000 Email: h.masood@unesco.org
41.	Dr. Malika Basu	Resource person and Moderator (Gender) Community, UN Solution Exchange	Special Invitee from ILO –	UNICEF India office, 73 Lodhi Estate, New Delhi-110003 Tel: 24690401 Extn. 230 Email: malika.basu@un.org.in / mbasu@unicef.org
42.	Dr. Neetha N	Senior Fellow CWDS	Special Invitee from ILO –	25 Bhai Vir Singh Marg New Delhi Tel: 011-26536164 Email: neetha@cwds.ac.in

Annexure-IV Decent Work Indicators

The ILO proposes 23 indicators to examine “decent work” conditions (all data to be disaggregated by sex). These are:

- **RIGHTS AT WORK**

1. Child school non-enrolment rate 5-14 years (From UNESCO)
2. Female share of employment as senior officials and managers (International Standard Classification of Occupations1)
3. Complaints/cases brought to labour courts or ILO (Prosecutions by DOL)

- **EMPLOYMENT**

4. Labour Force participation rate
5. Employment-population ratio
6. Informal employment
7. Number and wages of casual/daily workers (labourers)
8. Youth unemployment rate
9. Youth non-activity rate
10. Unemployment rate
11. Employment by status of employment, and branch of economic activity
12. Share of female wage employment in agriculture, industry and services sector
13. Labour productivity
14. Real per capita earnings (from National Accounts) (at constant 1990 prices)

- **SOCIAL PROTECTION**

15. Social security coverage (for wage and salary earners)
16. Public social security expenditure (as percent of GDP)
17. Rates of occupational injuries (fatal/non-fatal)
18. hours of work (≥ 49 hrs/week)
19. Low hourly pay rate

- **SOCIAL DIALOGUE: VOICE and REPRESENTATION**

20. Trade union membership
21. Number of enterprises belonging to employer organizations
22. Collective bargaining coverage rate
23. Strikes and lockouts: rates of days not worked