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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WOMEN LABOUR UTILIZATION IN INDIA

AUTHORED BY – TAYYABA*, DR. RAJ KUMAR** & DR. JASDEEP KAUR***

Abstract

Women employment in India has an intrinsic relationship with Women empowerment. Women employment and empowerment have been considerable issues over the years. The rise in economic growth in India has brought significant change to the lives of Indian women and ultimately affects the Women employment. The national Household survey, Periodic Labour Force Survey, conducted by National Statistics Office (NSO), Ministry of Statistics and Programme Implementation (MoSPI), reveals the Women employment status in India. No doubt that the Women labour force participation (FLFPR) rate in India, which refers to women who are either working or looking for a job, is below the global average of 47 percent for several years. But the commendable fact is that the women empowerment over the years has taken the Women employment at the risings steps. Though it is still not at par with global average, however, it's improving over the years. The latest Periodic Labour Force Survey for 2021-22 highlights that the FLFPR for prime working age group (15 years & above) has increased considerably and stood at 32.8% in India. Experiencing structural improvements to their lives, such as decline in fertility rates and expansion of women's education brought India's Women LFPR on an upward track. Now, India is a country where one third of women have joined the labour force.

Key Words: women, employment, participation, labour force.

INTRODUCTION

Women labour force participation rate is a multidimensional agglomeration of structural and socioeconomic factors. Over the years, the Women participation in labour force showed an increasing trend. Encouraging and welcoming Women higher participation in the labour force is vital for economic growth. The latest Report of Periodic Labour Force Survey (PLFS) 2021-22 is evident of increased Women Labour Force Participation Rate (LFPR) in India. Though it

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is lower than the male, but Women LFPR is significantly increasing over the years and at present, around one third of women have joined the labour force. As per the latest PLFS report, around 32.8% Women of working age (15 years and above) were in labour force in 2021-22 which was just 23.3% in 2017-18, registered a surge of 9.5% points during these years. The major push came from the rural sector than the urban sector, where it increased by 12.0 and 3.4 percentage points, respectively. In rural areas, Women LFPR has increased to 36.6% during 2021-22 as compared to 24.6% in 2017-18, showed an increase of 12.0% points. On the other side, Women participation in urban areas was significantly lower than the rural areas. Women LFPR was 23.8% in 2021-22 as compared to 20.4% in 2017-18 in urban areas, showed an increase of just 3.4% points.

FACTORS RESPONSIBLE FOR LOW WOMEN PARTICIPATION IN LABOUR FORCE IN INDIA

The participation of women in the labour market are primarily driven by various factors, viz., economic development, education levels, fertility rates, access to childcare and other supportive services and, ultimately, the cultural and normative context of society and social norms. These factors react as the “Push and Pull factors” for female participation in employment. However the rapid economic growth, rising education, and declining fertility, results in increasing women participation in labour force but women faces barriers in accessing economic opportunities. World Bank Report “*Reshaping Norms: A New Way Forward*” reveals that the economic development and increasing income levels don’t seem sufficient to reduce stubbornly high gender gaps across multiple dimensions in the region. Social norms about gender can be considered as a key obstacle towards gender equality. This section highlights the major reasons that forced women to be outside the labour force. Here, an analysis has been done to understand the prime factors that create hurdles for women for participating in labour force.

COMPONENTS OF WOMEN LABOUR UTILIZATION

This section elaborates the Women labour utilization components based on the activity situation with regard to participation in economic and non-economic activities. The broad activity status is “being in labour force” and “not being in the labour force”. The labour force is categorized in two components, viz., persons who are working, i.e. employed, and persons who are not working and want to work, i.e. unemployed. On the other side of the spectrum are

persons outside of the labour force (also known as the economically inactive population), a person who neither works nor looks for work. The descriptions and analysis regarding the distribution of Women s by the activity status are based on the PLFS results. Breaking down the Women labour into different components helps to understand the type of work, paid-unpaid activities and unemployment. It also gives the details where the Women s are engaged if not in labour force. In India, 32.8% of total women of age 15 years and above are participating in labour force and the remaining 67.2% women are outside the labour force. This aggregation is here studied in detail to learn the activities of Women s, either in labour force or not. It is clearly visible from the Figure 6 that out of total Women, 67.2% Women s of age 15 years & above is not in labour force and must have engaged in some kind of non- economic activities. Here, it is observed that Women participation in unpaid works is truly high and that are unlikely to be considered as work. Around 49% Women s (almost half of the Women population) are engaged in performing their domestic duties, child care, free collection of goods, sewing, tailoring, weaving, etc. for household use. These household chores keep the Women s away from labour force due to the “Women Homemaker Norm”. Women partaking in their domestic activities, thus, are not paid for the labour they perform. Around 11.3% Women s are neither in work nor seeking any work as they are attending the educational institutions. Thus, it is apparent that the large proportion of Women s of age 15 years & above is outside the labour force due to the unpaid household activities and studies.

CORRELATION OF WOMEN EDUCATION AND EMPLOYMENT

Over the time, the access to education for Women s has increased and as education empowers women, employment choices for them become more stringent. Both social norms and lack of quality employment opportunities have an impact on the employment options for women with secondary and tertiary education. Women enrollment in school education and higher education has increased nearly twice as fast as male enrollment over the last four decades.

VOCATIONAL/TECHNICAL TRAINING FOR ENHANCING EMPLOYABILITY

Vocational/technical training seems to be an important factor to improve the labour market prospects in the era of digitization and emergence of technologies. The technical/vocational training programmes provide occupation specific knowledge and job related skills to participants. Vocational/technical trainings are closely related with the economic growth and

are capable to create employment for their income generation. Vocational and technical trainings are designed to develop the skills, ability and knowledge necessary for employment, income support and development of women empowerment. Vocational trainings provide an opportunity to Women s for climbing on a social ladder of faster development. The participation rate of male and Women in various vocational education/training programmes are also affected by the traditional patterns of occupational segregation. The Women enrolment has increased to 2.01 crore from 1.88 crore in 2019-20. The percentage of Women enrolment to total enrolment has increased from 45% in 2014-15 to around 49% in 2020-21. India registered improvement in the Gender Parity Index (GPI), the ratio of Women Gross Enrollment Ratio (GER) to male GER, has increased from 1 in 2017-18 to 1.05 in 2020-21.

GOVERNMENT INTERVENTIONS

The Government has taken various steps to improve Women's participation in the labour force, to ensure their economic security and quality of their employment. Some major schemes/policies/programmes are as follows:

a) for Survival and Education of Women

Beti Bachao Beti Padhao Scheme was launched for creating awareness among the people to educate all girl children in the country. It was launched with the objective to guarantee the survival, safety, and education of Women children. The initiative intends to tackle the issue of the diminishing sex ratio in recent years, raise social awareness, and improve the effectiveness of welfare benefits for girls. National Education Policy (NEP), 2020: The policy priorities gender equity and envision ensuring equitable access to quality education to all students, with a special emphasis on socially and Economically Disadvantaged Groups (SEDGs).

b) For Safe and Convenient Accommodation

Working Women Hostel: One of the main difficulties faced by working women is lack of safe and conveniently located accommodation. The Government introduced a scheme of grant-in-aid for construction of new/ expansion of existing buildings for providing hostel facilities to working women in cities, smaller towns and also in rural areas where employment opportunities for women exist. The objective of the scheme is to promote availability of safe and conveniently located accommodation for working women, with day care facility for their children, wherever possible, in urban, semi urban, or even rural areas where employment opportunity for women exist. The scheme is assisting projects

for construction of new hostel buildings, expansion of existing hostel buildings and hostel buildings in rented premises. The working women's hostel projects being assisted under this scheme shall be made available to all working women without any distinction with respect to caste, religion, marital status etc., subject to norms prescribed under the scheme. While the projects assisted under this scheme are meant for working women, women under training for job may also be accommodated in such hostels subject to the condition that taken together, such trainees should not occupy more than 30% of the total capacity the hostel and they may be accommodated in the hostels only when adequate numbers of working women are not available. Children of working women, up to the age of 18 years for girls and up to the age of 5 years for boys may be accommodated in such hostels with their mothers.

c) For Supporting Women affected by violence

One Stop Centre (OSC) and Universalization of Women Helpline: The Scheme of Universalization of Women Helpline is intended to provide 24 hours immediate and emergency response to women affected by violence through referral (linking with appropriate authority such as police, One Stop Centre, hospital) and information about women related government schemes programs across the country through a single uniform number. Women Helpline (WHL) will be integrated with One Stop Centre Scheme (OSC) under which one OSC shall be established in every State/UT to provide integrated support and assistance to women affected by violence, both in private and public spaces under one roof. One Stop Centres (OSCs) are intended to support women affected by violence, in private and public spaces, within the family, community and at the workplace. Women affected by violence and in need of redressal services will be referred to OSC through WHL.

d) Codification of the Labour Laws for harmonizing the needs of job seekers, workers and employers

The Government has notified four Labour Codes namely, the Code on Wages, 2019, the Industrial Relations Code, 2020, the Code on Social Security, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020 by simplifying, amalgamating and rationalizing the relevant provisions of 29 Central Labour Laws. Codification of the Labour Laws provides a policy framework for harmonizing the needs of job seekers, workers and employers. The Labour Codes will, inter-alia, reduce multiplicity of definitions & authorities, facilitate implementation and use of technology in enforcement of labour laws and bring transparency and accountability in enforcement,

promote setting up of more enterprises, catalyzing the creation of employment opportunities in the country. It would promote setting up of industries by reducing rigidity of labour market and facilitate hassle free compliance, paving the way for realizing the goal of Atmanirbhar Bharat.

e) Equal Opportunity and Congenial Work Environment

A number of protective provisions have been incorporated in the labour laws for equal opportunity and congenial work environment for women workers. These includes enhancement in paid maternity leave from 12 weeks to 26 weeks, Maternity leave of 12 weeks to mothers adopting a child below the age of three months as well as to the commissioning mothers, provision for mandatory crèche facility in the establishments having 50 or more employees, permitting women workers in the night shifts with adequate safety measures, etc. Employment of women in the aboveground mines including opencast workings has been allowed between 7 pm and 6 am, and in below ground working between 6 am and 7 pm in technical, supervisory and managerial work where continuous presence may not be required.

f) Wage Parity

The Equal Remuneration Act, 1976 now subsumed in the Code on Wages, 2019 provides that there shall be no discrimination in an establishment or any unit thereof among employees on the ground of gender in matters relating to wages by the same employer, in respect of the same work or work of similar nature done by any employee. Further, no employer shall make any discrimination on the ground of sex while recruiting any employee for the same work or work of similar nature in the conditions of employment, except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force. To enhance the employability of Women workers, the Government is providing training to them through a network of Women Industrial Training institutes, National Vocational Training Institutes and Regional Vocational Training Institutes.

g) Steps for Protected Employment in Government Jobs

To increase the representation of women in Central Government jobs and to provide them a balanced life between professional and family, following concerted efforts has been taken-The women employees having minor children are granted Child care Leave (admissible in different spells) for maximum period of two years (i.e. 730 days) during the entire service. CCL can be taken to take care of upto two children whether for rearing or to look after any of their needs like examination, sickness etc. In continuation of the

child care leave, a Women Govt. servant can also take any leave due and admissible for a period of one year. Special Allowance to Women with Disability: Instructions issued for special allowance to women employees with disabilities. They are being provided Rs. 3000/- per month as Special allowance for child care w.e.f 1st July 2017. The allowance is payable from the time of the child birth till the child is two years old for a maximum of two children.

Special Leave connected to inquiry of sexual harassment: Provision made for leave upto a period of 90 days to an aggrieved Women Government servant. The leave may be granted after the recommendation of the internal Committee or the Local Committee, as the case may be. Leave granted to the aggrieved Women Government Servant under this rule shall not be debited against the leave account. Special Maternity Leave: Keeping in view the potential emotional trauma caused due to stillbirth or death of a child soon after birth, which has a far-reaching impact on mother's life, provision has been made to grant a Special Maternity Leave of 60 days to a Women Central Government Servant in case of death of a child soon after birth/stillbirth. It will be admissible to Women Central Government Servant with less than 2 surviving children and for child delivery only in an authorized hospital.

h) Skill India Mission

In order to enhance the employability of Women workers, the Government is providing training to them through a network of Women Industrial Training Institutes, National Vocational Training Institutes and Regional Vocational Training Institutes. To ensure economic independence of women through skill development and vocational training, the Government has also introduced Skill India Mission.

i) Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA)

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) mandates that at least one third of the jobs generated under the scheme (MGNREGS) should be given to women.

CONCLUSION

In India, Women labour force participation rate is at the risings steps. The latest PLFS 2021-22 shows that the Women LFPR for the age group 15 years & above has increased considerably and stood at 32.8% in India, which was 23.3% in the year 2017-18. Women LFPR for the age group 15-59 years also increased to 35.6% in 2021-22 from 25.3% in 2017-18. The continuous

Government interventions are one of the major factors of this successive progress. Despite various socio-economic norms, Women participation in labour force and workforce is increasing significantly and further inspiring the others for moving on the success path. In the journey of employment of Women s, Government assistance in terms of policies, schemes, programmes, etc., are their companion. The various Government programmes and schemes are ongoing process to increase the Women participation in labour force along with the safe working environment. Girls' enrolment in schools and higher education are also increasing over the years. The structural improvements to their lives, such as decline in fertility rates and expansion of women's education might have a major role to push India's Women LFPR on an upward track.

Since the educated women are a significant part of the workforce and that the various skilling programmes, vocational trainings are effective in generating employment in urban areas, policymakers must formulate strategies towards the diversification of jobs. To dissolve the taboos and insecurities associated with Women working, it is necessary to create a healthy, safe, and hygienic work atmosphere. These are some of the issues that should be considered in a gendered form of policymaking so that Women labour force participation in India can become a more hopeful aspiration. It is well known that the hindrances catalyzed by the social norms and domestic responsibilities can't be neglected, but the part-time better paid employment opportunities may help it in a positive way and may perhaps increase the Women workforce. After the Covid pandemic, "work from home" has spiked and a large segment of workforce has already experienced the remote-work. Therefore, it is imperative to chalk out the policy on hybrid approach, giving choices to workers about where they work, especially to females who are bound to perform their domestic duties but, are willing to work.