



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL **TEAM**

Raju Narayana Swamy (IAS) Indian Administrative Service **officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated 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

GENDERED VULNERABILITIES IN SOCIAL SECURITY SCHEMES: A FOCUS ON FEMALE MIGRANT WORKERS

AUTHORED BY - ANITHRA Y J

Student, B.Com LLB (Hons)

School Of Excellence In Law, Chennai.

ABSTRACT

The feminization of global migration has underscored significant social security challenges for female migrant workers, who often face unique barriers in accessing essential benefits. This study investigates the intersection of gender and migration, focusing on the specific obstacles that female migrant workers encounter within social security systems. Although social security schemes are designed to offer protections such as healthcare, pensions, and unemployment benefits, female migrants frequently experience exclusion due to legal, economic, and social factors.

The analysis provides an overview of the gendered dynamics of migration, highlighting the high concentration of female workers in informal and precarious sectors, including domestic work and care giving. These sectors are characterized by low wages, insufficient legal protections, and limited access to social security, which exacerbates the vulnerabilities of female migrant workers. Additionally, the study addresses how gender-based violence and discrimination further obstruct their access to social security benefits.

By synthesizing current literature and policy analysis, the research identifies critical barriers to social security for female migrants and offers targeted policy recommendations. These include enhancing legal protections, expanding social security coverage to include informal sector workers, and developing gender-sensitive policies to mitigate existing barriers. The work aims to contribute to the broader discourse on improving the socio-economic well-being of female migrant workers through more inclusive and equitable social security systems.

KEYWORDS: Gender disparities, Migrant workers, Social security, Legal protections

1. INTRODUCTION:

The global labour market has seen a significant rise in female migrant workers seeking better economic opportunities and living conditions. Despite their growing numbers and vital contributions, these women often encounter substantial obstacles when it comes to accessing social security benefits. Social security systems, which are intended to provide essential support and protection, frequently fail to meet the needs of female migrants due to their unique and often precarious employment situations.

These systems have traditionally been designed with a focus on more stable, long-term workers, leaving gaps that disproportionately affect female migrants. Legal exclusions, limited coverage, and barriers related to informal or irregular work contribute to the challenges these women face. As a result, many female migrant workers find themselves without adequate protection, which can lead to significant economic and social hardships.

Understanding these systemic issues is crucial for addressing the inequalities faced by female migrant workers and improving their access to necessary social security benefits.

2. METHODOLOGY:

a) Statement of the problem:

Social security systems often fail to address the needs of female migrant workers, who face barriers due to the systems' focus on stable employment. This results in inadequate protection and economic vulnerability for these women. Reform is needed to better support female migrants.

b) Research questions:

- i. What specific barriers prevent female migrant workers from accessing adequate social security benefits?
- ii. How can social security systems be reformed to better address the needs of female migrant workers?

c) Hypothesis:

Social security systems inadequately support female migrant workers due to their focus on stable employment, leaving gaps in coverage for those in irregular or informal jobs.

Reforming these systems to address these gaps will enhance access to benefits and improve economic stability for female migrants.

d) Objectives:

To examine the specific vulnerabilities faced by female migrant workers within existing social security schemes and propose gender-sensitive policy recommendations to address these gaps.

e) Scope of the study:

This study investigates the gender-specific vulnerabilities of female migrant workers in developing regions' social security schemes and identifies policy gaps. It aims to propose recommendations for enhancing social security inclusivity.

f) Relevance and significance of the study:

This study addresses the gaps in social security schemes for female migrant workers, a marginalized group. It aims to improve policy inclusivity and effectiveness, promoting gender equality and better social protection.

g) Sources of data:

The study draws on diverse sources, including academic literature on gendered vulnerabilities in social security schemes. Additionally, real-world examples, case studies, and research findings contribute to a comprehensive understanding of the subject.

3. LITERATURE REVIEW:

This paper examines the significant barriers faced by female migrant workers in accessing social security benefits. The study highlights that restrictive eligibility criteria, lack of legal recognition, and complex administrative procedures often exclude women, especially those in informal sectors, from adequate coverage. These barriers contribute to increased economic insecurity among female migrants compared to their male counterparts. [Kofman *et al.* (2013)]

This paper explores how the gendered division of labour and socio-economic factors exacerbate vulnerabilities for female migrant workers. The study finds that women are disproportionately employed in low-wage, informal jobs without social security coverage. This gendered labour market segmentation results in higher levels of economic and social insecurity for female

migrants, highlighting the inadequacies of current social security systems. [*Hondagneu-Sotelo (2001)*]

This study provides insights into how the intersection of gender and migration status creates compounded disadvantages for female migrant workers. *Piper* discusses how female migrants face discrimination based on both gender and migrant status, leading to heightened vulnerability and restricted access to social security benefits. *Ghosh* adds that existing policies often fail to address these specific needs, resulting in overlooked vulnerabilities. [*Piper (2005)* and *Ghosh (2016)*]

4. DISCUSSIONS AND FINDINGS:

4.1 BACKGROUND AND CONTEXT:

Social security schemes are critical components of government welfare programs, designed to provide financial support and protection during periods of unemployment, illness, old age, and other life events that may impact a person's ability to sustain themselves. These schemes play a vital role in promoting economic stability and reducing poverty by ensuring that individuals have access to a safety net when they are most vulnerable. However, the effectiveness of social security schemes often hinges on their inclusivity and accessibility, which can vary significantly across different population groups.

Women, particularly those engaged in informal or precarious employment, often face substantial barriers to accessing social security benefits. Gendered vulnerabilities are deeply rooted in systemic inequalities, such as economic disparities, social norms, and discriminatory legal frameworks. These factors can severely limit women's ability to benefit from social protection programs. For instance, women are more likely to work in informal sectors that do not offer the same level of security as formal employment, leaving them without adequate coverage in times of need. Additionally, gender-specific roles and responsibilities, such as care giving, can further restrict women's access to these benefits, perpetuating cycles of poverty and exclusion.

Female migrant workers represent a particularly vulnerable group within this context, as they face the dual challenges of gender and migration status. Migrant workers often encounter legal, linguistic, and social barriers that hinder their access to social security, and for women, these challenges are compounded by gender-based discrimination and exploitation. Female migrant

workers are frequently employed in sectors like domestic work and agriculture, where protections are minimal or nonexistent, further exacerbating their vulnerability. The intersection of gender and migration creates a unique set of challenges that are often overlooked in policy discussions, necessitating a deeper examination of how these factors influence access to social security.¹

4.2 FEMALE MIGRANT WORKERS: A VULNERABLE GROUP:

Female migrant workers are increasingly common in global labour markets, driven by the pursuit of better economic opportunities and improved living conditions. Despite their significant contributions to various sectors, such as domestic work, agriculture, and informal industries, they face unique vulnerabilities that set them apart from their male counterparts and other workers.

- **Employment Conditions:** Many female migrant workers are employed in informal or irregular sectors where labour rights and social protections are minimal or nonexistent. They often work in low-wage jobs with unstable conditions, making it difficult for them to access social security benefits or to claim rights that might be available to more formal workers.
- **Legal and Institutional Barriers:** Legal frameworks in many host countries may not fully recognize or protect female migrant workers. They may face restrictions on their eligibility for social security benefits, limited access to legal recourse, and bureaucratic hurdles that further complicate their situation.
- **Economic and Social Challenges:** The irregular nature of their employment often means that female migrant workers do not make consistent contributions to social security systems, affecting their entitlement to benefits like pensions and unemployment insurance. Additionally, the lack of job security and lower wages contribute to their economic instability.
- **Discrimination and Exploitation:** Female migrant workers are vulnerable to discrimination and exploitation due to their gender and migrant status. They may encounter unsafe working conditions, wage theft, and lack of access to essential services, which exacerbate their overall vulnerability.
- **Intersectionality:** The intersection of gender, migration status, and often racial or ethnic backgrounds can compound these vulnerabilities. Female migrant workers may

¹ <https://www.shram.org/uploadFiles/20170821010559.pdf>

face multiple layers of disadvantage, which can further limit their access to social security protections and support.

4.3 SYSTEMATIC BARRIERS IN SOCIAL SECURITY SCHEMES:

Systemic barriers in social security schemes refer to the structural and institutional obstacles that hinder access to benefits for certain groups, such as female migrant workers. Social security systems are often designed with the assumption of stable, full-time employment, which does not reflect the realities of many female migrant workers who are employed in informal or irregular jobs. These systems typically have eligibility criteria and contribution requirements that are difficult for these workers to meet. As a result, female migrant workers may find themselves excluded from critical benefits such as healthcare, unemployment insurance, and pensions. This design limitation is compounded by legal exclusions that may prevent migrant workers, especially those who are undocumented or employed informally, from accessing social security protections.²

Additionally, administrative barriers exacerbate these issues. Complex bureaucratic processes and language barriers can make it challenging for female migrant workers to navigate social security systems and access the benefits they are entitled to. Economic constraints, such as low wages and job instability, further hinder their ability to contribute regularly to social security schemes, resulting in gaps in coverage. Discriminatory practices within these systems can also marginalize female migrants, creating further obstacles to receiving support. Moreover, the lack of portability in social security benefits—where benefits accrued in one country are not transferable to another—adds an extra layer of difficulty for migrant workers who move between countries. Addressing these systemic barriers is crucial for ensuring that social security systems can effectively support all workers, including those in vulnerable positions.

4.4 INTERSECTIONALITY AND COMPOUNDING VULNERABILITIES:

Intersectionality is a concept that examines how various forms of identity and social categorization—such as gender, race, ethnicity, and migration status—interact to create unique experiences of discrimination and disadvantage. For female migrant workers, intersectionality highlights how overlapping social identities and systemic inequalities compound their vulnerabilities.³ These workers are not only affected by the challenges associated with

² <https://www.undp.org/india/publications/socio-economic-situation-working-migrant-women-workers>

³ <https://www.thehindu.com/opinion/op-ed/a-blurred-mapping-of-internal-female-migration/article67793617.ece>

migration but also face additional layers of disadvantage due to their gender and other intersecting factors.

Female migrant workers experience compounded vulnerabilities because their gender and migration status intersect with other aspects of their identity, such as race, ethnicity, and socioeconomic status. For instance, migrant women from marginalized ethnic backgrounds may face both racial and gender discrimination in the workplace, leading to more severe exploitation and fewer opportunities for advancement. Additionally, those in informal or precarious employment situations often encounter inadequate protection from labour laws and social security systems, exacerbating their economic instability and social marginalization.

The intersection of these factors creates a complex web of disadvantages. For example, a female migrant worker who is also a person of colour and employed in low-wage, informal work is likely to experience higher levels of vulnerability compared to her male counterparts or those in more secure employment. The systemic barriers they face in accessing social security benefits are thus not just a matter of individual challenges but are deeply rooted in intersecting forms of social inequality and institutional discrimination. Understanding intersectionality is crucial for developing more comprehensive and equitable policies that address the multifaceted nature of vulnerability experienced by female migrant workers.⁴

5. POLICY ANALYSIS AND RECOMMENDATIONS:

5.1 POLICY ANALYSIS:

Policy Analysis involves examining existing social security policies to understand their effectiveness and identify gaps that may impact specific groups, such as female migrant workers. This analysis typically includes evaluating how well current policies meet the needs of different populations, assessing the inclusivity and accessibility of social security benefits, and identifying systemic issues that create barriers to effective support.

For female migrant workers, policy analysis often reveals several critical shortcomings. Traditional social security systems may be ill-equipped to address the irregular and informal nature of their employment, leading to inadequate coverage and protection. For example, policies may be designed with an assumption of stable, long-term employment, which does not

⁴ <https://www.cwds.ac.in/wp-content/uploads/2019/08/1IndianPolicyPerspectives.pdf>

apply to many female migrant workers who face job instability and irregular income. Additionally, legal exclusions and bureaucratic hurdles can prevent these workers from accessing necessary benefits, exacerbating their economic vulnerability.

5.2 RECOMMENDATIONS:

Recommendations aim to address the identified gaps and improve the inclusivity and effectiveness of social security systems. Key recommendations might include:

- **Policy Reforms:** Adjusting social security policies to better accommodate the employment patterns of female migrant workers. This could involve expanding eligibility criteria, reducing contribution requirements, and including provisions for informal and irregular work.
- **Legal and Administrative Changes:** Updating legal frameworks to ensure that migrant workers, including those with temporary or undocumented status, have access to social security benefits. Streamlining administrative processes and providing multilingual support can help reduce barriers to accessing benefits.
- **Targeted Programs:** Developing specific programs and benefits tailored to the needs of female migrant workers, such as portable benefits that can be transferred between countries, and support services that address gender-specific vulnerabilities.
- **Increased Protections:** Enhancing protections against discrimination and exploitation in the workplace to ensure that female migrant workers receive fair treatment and adequate support.
- **Stakeholder Engagement:** Involving female migrant workers and their representatives in the policy-making process to ensure that their needs and perspectives are accurately reflected in social security reforms.

By conducting thorough policy analysis and implementing targeted recommendations, governments and organizations can work towards creating more inclusive and equitable social security systems that better support female migrant workers and address their unique challenges.

6. CONCLUSION:

Social security systems often fall short in supporting female migrant workers due to their design, which typically does not account for irregular or informal employment. Barriers such as legal exclusions, administrative complexities, and economic constraints exacerbate their

vulnerability and limit their access to essential benefits. To address these issues, it is crucial to reform policies to better reflect the needs of female migrant workers, enhance legal protections, and streamline administrative processes. Implementing these changes will improve the inclusivity and effectiveness of social security systems, ultimately providing better support and reducing the vulnerabilities faced by female migrant workers.

7. REFERENCES:

SECONDARY SOURCES:

1. <https://www.unicef.org/documents/social-protection-gender-equality-findings>
2. <https://www.ilo.org/media/72536/download>
3. <https://socialprotection-humanrights.org/key-issues/gender/>
4. <https://odi.org/en/about/our-work/gender-vulnerability-and-social-protection/>
5. <https://gsdrc.org/document-library/gender-and-social-protection/>
6. <https://www.issa.int/news/gender-mainstreaming-social-security-and-supporting-families-need>
7. <https://asiapacific.unwomen.org/en/countries/india/migration/women-domestic-workers>