
UNIT 25 WOMEN IN CONSTRUCTION

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25.1 INTRODUCTION

Women have been playing leading and important role in the construction industry from the very beginning. Even with the passage of time and changing technology, the percentage of women employees have gradually but constantly improved. Due to the prevailing socio-economic environment, women have been getting employment easily in construction industry vis-a-vis other industries as it requires higher qualifications and experience. Construction industry has been a boon for helpless, illiterate, migratory labour who have been leaving their original place of living in search of employment and surviving by fulfilling at least their basic human needs.

Objectives

After studying this unit, you should be able to

- highlight and appreciate the role and importance of women in construction industry,
- create awareness among the society about the various problems faced by women during the course of their work and the apathy of the employer as well as government agencies towards their problems, and
- discuss the various labour laws providing special protection to women employees.

25.2 ROLE, SCOPE AND IMPORTANCE OF EMPLOYMENT OF WOMEN IN CONSTRUCTION INDUSTRY

India as a nation till today is predominantly an agrarian society where majority of the people are dependent on agriculture production for their livelihood. However, with the growing pressure of the population and economic disparity, and the resultant division of land and reducing per capita share, more and more people are moving towards cities with the hope of employment and survival. Such migratory labour has more than 50% population of women who also have to look for employment due to the prevailing economic compulsion and social evils and customs. Due to illiteracy and lack of skills they are unable to find employment elsewhere except the construction sites where normally there is dearth of labour to do manual work. Women by virtue of their inherited qualities of tolerance, patience, perseverance and lack of awareness ideally fit into such employment opportunities in the construction industry. The employer also prefer women employees because they are less demanding and give better output vis-a-vis the male workers.

25.2.1 Traditional Role of Women in Construction and its Historic Perspective

In Indian society, working woman is entrusted with the responsibility of the work not only at the place of work but also in her family as a housewife. In spite of working for minimum eight hours at the construction site, she has to look after all house hold work like cooking for the family, washing of utensils and clothes and cleaning of house, etc. apart from rearing the children. Although the trend is gradually changing in cities among the women employees specially for those who are into white collar jobs but for women in blue collar jobs or in construction industry there is hardly any noticeable change. Due to disparity in the standards of upbringing of a male and female child, she is subjected to discrimination by her own parents right from the very beginning of her childhood. The process of exploitation continues even after her marriage in the family of her in-laws. The Indian woman has reconciled to this aspect of life as a natural process and takes it in her stride alongwith other struggles and problems of her life.

Although lot of reasons are responsible and attributable for this current social status of women but predominantly she herself is responsible for this sorry state of affairs. Another very important aspect for this historic perspective is that it is woman who is causing more damage and harm to the another woman for her continuance in the present misery and sufferings. In spite of various social projects initiated under various government schemes both by Central as well as State governments and the supporting role played by various non-government voluntary organisations, there has been hardly much improvement in the plight of woman specially in the construction industry. Lack of education, infrastructural support and lack of political will on the part of government and other supporting organisations are also contributory factors towards this problem.

25.2.2 Factors Affecting Performance of Women Employee

Psychological Factors

Woman in Indian society has been treated as second class citizen. In spite of being most productive and performing not only her household functions but also working in most difficult and low paid jobs she is not given a warm and decent treatment by her own family members, live alone the treatment meted out to her by outsiders. The quality of her personal life as well as the quality of her work life particularly in construction industry forces her to make constant compromise at home and at work. These psychological adjustments affect her values, attitudinal & motivational profile and her morale at work. Most of the time she suffers from a high degree of sense of insecurity being at the receiving end. The job is not able to even fulfill her basic needs relating to food, shelter & clothing and safety and security need. Therefore, the question of inspiring for satisfaction of higher order needs does not arise.

Social Factors

The social and political empowerment of woman is not possible without economic empowerment. The very fact that most of the women in our country are financially dependent on their spouse for economic support, put their spouse in advantageous position. The social status of working women who are in white collar or technical jobs is substantially different from those of non-working women as they have better recognition in society and financial independence. Although this should take away the suffering of working women but surprisingly there is no substantial difference between the social status of non-working women and working women in construction industry. The women in construction industry even in spite of their financial independence have to depend heavily on their spouse and other family members because of psycho-sociological factors. Lack of awareness and education on their part is one of the major reason for contributing to this sorry state of affair. Her plight is worse than non-working women because inspite of putting in minimum 8 hours of physical hard work, she has to discharge all her family responsibilities at home including cooking, cleaning of utensils, washing of clothes, etc. Till today in spite of more than 50 years of independence of the country, the Indian women do not have any independent status of her own as she merely follows the dictate or instructions of her spouse. In many states, they are not even allowed to cast their vote in spite of the fact that government has given full political independence to them. Although government has framed various social welfare schemes for upliftment and independence of working women including hotel for working women, women finance corporation, etc. but not much

could be achieved so far because of prevailing social factors. Non-government organisations and trade unions functioning should take the lead in this regard to alleviate the suffering of working women in construction industry.

Economic Factors

Most of the women working in construction industry come from extremely poor families. Due to economic compulsion of their family they had to look for avenues for their employment to supplement the family income. Due to lack of education and lack of any technical skills, they are unable to get employment in other industry except construction. Since construction industry require large manpower to do physical manual work, such women get the employment without much problem. Even after getting the job they are constantly under economic pressure and are not able to come out of the vicious circle of poverty. For fulfillment of their basic needs such as food, clothing and shelter, they are always under pressure due to scarcity of economic resources. In many companies, they are exploited by contractors who often do not pay them even minimum wages, forces them to work for longer hours without any overtime or extra payment. There are instances of contractor showing payment of higher wages to them and paying them much less than that or making the payment of amount shown in muster roll in presence of representative of principal employer and taking back part of the payment from them outside the site. For procuring employment also they have to bribe the middleman.

In spite of detailed provisions under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, the Building and Other Construction Workers Welfare Cess Act, 1996 and the Building and Other Construction Workers Welfare Cess Rules, 1998, most of the employers do not provide various economic benefits admissible to the construction workers including women. There is rampant corruption, lack of awareness, relevant information, non-cooperative behaviour of the spouse and the family are the root causes for economic suffering of women in construction industry.

Technological Factors

With the ongoing process of liberalisation, privatisation and globalisation of Indian economy, all industries including construction are gradually adopting the latest technology in their operation in order to retain their competitive edge. One of the essential requirements for making use of latest technology, is continuous upgradation of knowledge, skills, performance, capacity and capability building of its existing human resource. Unfortunately, training and development of manpower especially in construction industry in general and women in particular is the most neglected area. It is the human being who has created the technology and it is he who will operate the technology and not vice-versa. In order to make the maximum use of the existing technology, plant and machinery and the existing human skills, most of the construction industries are not quite willing to adopt the latest technology in their operations. The availability of cheap manpower including women with low skills in abundance, the employer in construction industry often find it convenient to continue with the existing infrastructure rather than investing in new technology at the cost of taking risk.

Due to lack of awareness, education and predominant pre-occupation with their family problems, Indian working women give their job second priority and do not concentrate on their demand for upgradation of their skills along with changing technology. Surprisingly, such issues also do not find high priority in the list of demands raised by the employee associations and trade unions in construction industry with their management.

25.2.3 Status of Women at Place of Work

Indian society historically has always been male dominated. The role of women traditionally has been confined to domestic work or working in the fields. As a nation, India is gradually emerging as an industrially developing country being in transformation from an agrarian to industrial society. Therefore, working of women in industry is relatively recent phenomenon being hardly 2-3 decades old.

Obviously, in such a society like ours, the recognition to working woman is and going to be a slow and difficult process wherein she has to undergo lot of inconvenience, humiliation and harassment to establish her independent status in the industrial world.

Discrimination

Discrimination of women on the grounds of sex has been perennial problem in our society from time immemorial. It continues in the families, villages, panchayat, etc. and even in the cities and at the place of work although to somewhat lesser degree in comparison to villages. At the place of work often women is considered for promotion or discharge of higher responsibility on grounds of gender bias as she is not considered competent enough to discharge the higher responsibility. It has been proved beyond doubts that given an opportunity woman can be equally competent and efficient in discharging the duties of any function as efficiently as man folk based on the opportunities given to them in different industries and services like defence, airline, hotels, engineering and software companies, etc. In construction industries also this trend of gradually imparting higher responsibility to woman is on the rise although relatively with lesser pace. It is not only at the level of manual, semi-skilled, skilled, supervisory but also at the managerial level. The number of women students is increasing significantly in engineering colleges, architect colleges and interior decoration courses as a result of which the percentage of women employee in construction industry have also increased to a sizeable extent. With the growth and development of the society and consequent increase in awareness and education level, the discrimination against women will gradually disappear.

Harassment

As an extension of discriminatory practices followed in many organisations, working women are often harassed at the place of work. Specially, in small cities and towns where the awareness level among the citizen is poor and the law enforcing agencies often restrict themselves to take care of the interest of only few. The politically and economically well off employers and managers due to the socio-economic and political environment encourage harassment of women at the place of work. Although to certain extent the problem continues in large and metropolitan cities but due to better education and awareness and close public scrutiny of various organs of government by media restricts the problem to a great extent. Nevertheless the problem continues in one form or other. The gravity of the problem is so serious that Supreme Court through one of its judgement in case of *Vishaka vs. State of Rajasthan*, AIR 1997, SC 3011 has made use of its extraordinary power under Article 32 of the Constitution and made it a law by exercising its power under Article 141 to ensure that there is no harassment to the women at the place of work. It has asked central as well as state governments to frame appropriate law on the subject. Till such time, its directions as per the said judgement should be implemented rigorously to provide adequate protection and to avoid harassment to working women. According to the above judgement of the Supreme Court, sexual harassment includes such unwelcome sexually determined behaviour whether directly or by implication as physical contact and advances, a demand or request for sexual favour, sexually covered remarks, showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Exploitation

Harassment is used as tactics on the part of male folks at the place of work to sexually exploit the women. By making various kind of verbal comments or physical advances, pressure is created on women to concede to the desire of the male sooner or later. As and when any victim of sexual harassment has a reasonable apprehension that in relation to her job or work in a voluntary organisation, public or private sector undertaking whether she is drawing salary or honorarium or otherwise that such conduct can be humiliating and may constitute a health and safety problem, she may lodge her complain to the employer. She has the choice to complain to the employer or to request him to initiate disciplinary action against the culprit or she may file a FIR with police for initiating criminal proceeding against him. The employers whether in government, public or private sector, have been instructed to express prohibition of sexual harassment at the work place by notifying, publishing and circulating in appropriate manner. They should include in their rules, regulation or standing orders, 'sexual harassment' as a major misconduct. Employer should provide appropriate working conditions in respect of work, leisure, health and hygiene to further ensure that there is no hostility towards women at work place and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her

employment. The Supreme Court has provided multiple relief to working women against their sexual harassment and exploitation. It includes a complaint committee, freedom to trade unions to raise issues of sexual harassment in their own meetings as well as meetings with employers, creation of awareness among female employees by notification of its guidelines, relief in case of harassment by third party and direction to central and state governments to make law preventing sexual harassment and exploitation at the place of work. Relief through these guidelines are in addition to any right available to a woman under the provisions of Protection of Human Right Act, 1993.

SAQ 1

- (a) What is role and importance of women employees in construction industry ?
- (b) Briefly state the impact of various factors affecting the performance of women employees.
- (c) Write a short note on the status of women at the place of work.

25.3 SPECIAL PROTECTION TO WOMEN UNDER VARIOUS LABOUR LAWS

25.3.1 Equal Remuneration Act, 1976

The main objective of Equal Remuneration Act, 1976 is to ensure payment of equal wages for same or similar work to men and women and to prevent discrimination on grounds of sex against women in the matter of employment and for all matters connected therewith and incidental thereto. The Act was enacted to give effect to the provision of Article 39 of our Constitution which envisages that states shall direct its policy, among other things, towards securing equal pay for equal work for both men and women. It also prevents discrimination against women in the matter of recruitment and other employment matters.

Scope and Coverage

The Act extends to the whole of India and applies to practically every kind of establishments including factories, industrial establishments, banks, insurance companies, hospitals, local bodies, plantation, hotels, restaurants, shops and establishments, transport, construction, real estate, community services, professional and personal services, etc.

The work of similar nature has been defined as the work which requires same skill, effort and responsibility when performed under similar working conditions, by a man or a woman. The differences, if any, within the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment. It covers all type of workers in an establishment or employment covered by the Act.

Administration

The Act is administered by the central government in relation to any employment carried on by or under the authority of central government or railway administration or in relation to the banking company, mines, oil fields, major ports or any corporation established under the central government.

In relation to any other employment, it is administered by the concerned state government. The appropriate government appoints officers and inspectors for looking into the complaints of concerned women employees and giving effect to various provisions of the Act.

Main Provisions of the Act

Duty of the Employer to Pay Equal Remuneration (Section 4)

No employer shall pay to any worker's remuneration's at rates less favourable than those which is paid to the workers of opposite sex in his establishment for

performing the same work or work of similar nature. He shall not reduce the rate of remuneration of any worker to comply with the provision of this section.

No Discrimination in Recruitment (Section 3)

While making the recruitment for the same work of a similar nature or in any condition of service subsequent to recruitment such as promotion, training or transfer, etc. make any discrimination against women except where the employment of women in such work is prohibited or restricted by any law for the time being in force without affecting any priority or reservation for schedule castes, schedule tribes, ex-service men, retrenched employee, etc.

Constitution of Advisory Committee (Section 6)

The appropriate government shall constitute one or more Advisory Committee to advice it on increasing employment opportunities for women or extent of their employment in different establishments.

Power to Appoint Authority for Deciding Claims and Complaints (Section 7)

The appropriate government may appoint any officer not below the rank of a Labour Officer to hear and decide the claims arising out of non-payment of wages at equal rates to men and women workers for the same work at similar nature or to look into complaints regarding the contravention of the provisions of the Act.

Obligations of the Employer

The employer has the following obligations under the Act :

- (a) to pay equal wages for equal work to men and women;
- (b) not to discriminate women in matter of recruitment, transfer, promotion, and training, etc.; and
- (c) to maintain the register with up-to-date entry regarding the category of workers, nature of work, number of men and women employed and rate of remuneration paid to them.

Right of Employees

The employees have the following rights :

- (a) right to complaint against the employer for contravention of any of the provisions of the Act;
- (b) right to file claim arising out of non-payment of wages at equal rate to men and women for the same work; and
- (c) right to appeal against the decision of the authority within a period of 30 days.

Offences and Penalties

For various offences in contravention of the provisions of the Act, the employer shall be fined for not less than Rs. 10,000 which may extend to Rs. 20,000 or with imprisonment which shall not be less than 3 months and may extend to 1 year or both for the first offence and with imprisonment which may extend to 2 years for second and subsequent offence.

For refusing to produce record or omission to maintain the record in the prescribed manner, employer may be fined upto Rs. 500.

25.3.2 The Maternity Benefit Act, 1961

The Maternity Benefit Act, 1961 intends to regulate the employment of women in certain establishments for certain period before and after the child birth and to provide for maternity benefit and certain other benefit. The basic object of the Act is to protect the employment and to ensure payment of wages during the period when she is away from work before and after the birth of a child upto a certain period.

Scope and Coverage

The Act applies to every establishments being a factory, mine or plantation including any such establishment belonging to the Government and to every establishment wherein persons are employed for exhibition of equestrian, aerobatics and other performances. It also applies to every shops and

establishments within the meaning of any law for the time being in force in relation to shops and establishments in a state, in which 10 or more persons are employed or were employed on any day of the preceding twelve months.

Nothing contained in this Act shall apply to any factory or establishment to which the provisions of Employee's State Insurance Act, 1948, apply for the time being except that a woman shall continue to enjoy the benefit of the Act till she becomes entitled for the maternity benefit under Employee's State Insurance Act, 1948 even if the ESI Act becomes applicable to establishment in which she is working. The Act has been made effective in different states from different dates and at present it extends to whole of India.

Administration

The Act is administered by Central Government in relation to an establishment being a mine or an establishment wherein persons are employed for the exhibition of equestrian, aerobatics and other performances. The State Government is responsible for implementation of the various provisions of the Act in relation to all other establishments.

Main Provisions of the Act

Employment or Work by Woman Prohibited During Certain Period (Section 4)

No employer shall knowingly employ a woman and no woman shall work in any establishment during the six weeks immediately following the day of her delivery or her miscarriage. No pregnant woman on a request made by her in this behalf be required by her employer to do any strenuous work any time during two and a half month before her delivery.

Right to Payment of Maternity Benefit (Section 5)

Every woman shall be entitled to payment of maternity benefit at the rate of average daily wages for the period of her actual absence immediately preceding the day of her delivery and period immediately following her delivery subject to a maximum of twelve weeks of which not more than six weeks shall precede the date of her expected delivery.

Payment of Medical Bonus (Section 8)

Every woman shall be entitled to receive a medical bonus of Rs. 250 from the employer, if no prenatal confinement and postnatal confinement is provided by her employer, free of charge.

Leave for Miscarriage (Section 9)

In case of miscarriage subject to production of prescribed medical proof, be entitled to leave with wages at the rate of her average daily wage for a period of six weeks, immediately following the day of her miscarriage.

Leave for Illness Arising out of Pregnancy, Delivery, Premature Birth of Child, Miscarriage (Section 10)

A woman suffering from illness arising out of pregnancy, delivery, premature birth of the child or miscarriage shall be entitled additional leave upto a maximum of 30 days over and above maternity leave or leave for miscarriage.

Nursing Break (Section 11)

Every woman after the delivery of the child when she resumes duty, is entitled to additional break of 15 minutes duration over and above a normal rate till the child attains the age of 15 months.

Dismissal During Absence or Pregnancy

Any woman to absent herself from work in accordance with the provision of the Act, it shall be unlawful for her employer to discharge or dismiss her on account of such absence or to change any condition or her service to her disadvantage during this period.

Obligations of the Employer

The important obligations of the employer are as under :

- (a) to pay various benefits to the women employees such as maternity benefit, medical bonus, nursing break as per the provisions of the Act:

- (b) not to engage woman after delivery within six weeks in his employment in contravention of Section 4 of the Act;
- (c) to exhibit the abstract of the provisions of the Act and rules in local language at a conspicuous place in the establishment; and
- (d) to prepare and maintain the prescribed registers & records and submit the prescribed returns.

Rights of the Employees

The woman employees are entitled to the following rights :

- (a) to avail various benefits as provided under the Act subject to prescribed rules; and
- (b) to make a complaint to the inspector and claim the benefit illegally denied by the employer.

Offences and Penalties

For committing violation of any of the provisions of the Act, the employer can be imprisoned for a term extending upto one year or fine upto Rs. 5000 or both.

25.4 COMPETENCY DEVELOPMENT AND EMPOWERMENT OF WOMEN EMPLOYEES

All developmental processes are essentially self-motivated. All other concerned parties for competency development and empowerment of women in an industrial environment are trade unions, non-government welfare agencies, employers and various government agencies. The concerned parties can only play a supportive role by creating and nurturing a conducive work culture for self-learning and development. As a first step for the competency development of women, it is an essential precondition that a level playing ground free from gender bias and sexual discrimination is created so that woman can fearlessly come out with her normal expression and actively participate in the various activities of the organisation. The process of empowerment involves delegation, assigning higher responsibility, certain amount of risk taking on the part of concerned individual as well as by her immediate boss, mentoring and coaching, etc. Faith, trust and love for work, organisation and her mentor and other colleagues are other essential conditions for successful transformation of women in order to be fully empowered in her present job. The process of competency development and empowerment is a life long process, which should continue throughout the career of a woman. She should be able to identify her mentor within the organisation so that she can seek his/her help as and when required. The mentor should prepare a career progression plan in joint consultation with the women keeping in mind her learning ability, ambition level, ability to put in sustained efforts over a period of time and untiring zeal to excel under all kind of circumstances.

SAQ 2

- (a) What is the role various labour laws in providing special protection of women at the work place ?
- (b) State the benefits admissible to women employee under Maternity Benefit Act, 1961.
- (c) Suggest an action plan for competency development & empowerment of women employees in construction industry.

25.5 SUMMARY

Women have special role to play in construction industry by virtue of the fact that they constitute sizeable work force. In spite of their sizeable number, they are not able to get a reasonable and decent share in the prosperity of the industry and continue to work in

pathetic conditions due to lack of awareness & education, prevailing psychological & socio-economic and technological factors. Women are considered a second class employee in construction industry because of discrimination on ground of gender bias, sexual harassment and exploitation at the place of work. Although they are provided special protection under various labour laws such as Equal Remuneration Act, 1976, Maternity Benefit Act, 1961 and Factories Act, 1948 but in reality it has not brought any sizeable difference in their standard of living especially in the construction industry. By and large, women continue to be exploited by employers, contractors, supervisory and managerial employees who have done very little for their competency development and empowerment. A proactive and systematic approach is needed on the part of management to allow women employees to grow and develop to their optimum level by ensuring a level playing ground.

25.6 ANSWERS TO SAQs

Refer the relevant preceding text in the unit or other useful books on the topic listed in the section "Further Reading" given at the end of the block to get the answers of the self-assessment questions.

FURTHER READING

Arya, Ashok, *Human Resource Management – Human Dimensions in Management*, Organisation Development Institute, 46, LGF, World Trade Centre, Barakhamba Lane, New Delhi - 110 001.

Arya, Ashok, *Essence of Labour Laws*, Organisation Development Institute, 46, LGF, World Trade Centre, Barakhamba Lane, New Delhi - 110 001.

Arya, Ashok, *Discipline & Disciplinary Procedure*, Organisation Development Institute, 46, LGF, World Trade Centre, Barakhamba Lane, New Delhi - 110 001.

Arya, Ashok, *Management Case Studies – An Analytical & Developmental Tool*, Organisation Development Institute, 46, LGF, World Trade Centre, Barakhamba Lane, New Delhi - 110 001.

Malik, P. L., *Industrial Law*, Eastern Book Company, Lal Bagh, Lucknow.

Various Bare Acts, published by Universal Law Publishing Co. Private Ltd., G. T. Karnal Road, Delhi - 110 033.