

# Denied Human Rights of Unorganised Women Construction Workers

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## Article Info

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## Abstract:

Labour Rights which is an integral part of the Human Rights is conferred to the workers by states in the national and international laws. Women being a rational being are entitled to all Human rights. By virtue of being workers they women are entitled to certain additional rights. Women rights are human rights but women in the unorganized sector face many problems. Their human rights are violated in many forms. The study covered the women workers employed in Building construction works and Road workers. 398 samples were taken for the study under stratified random sampling method. Interview schedule is a tool used to elicit information from the unorganized women construction workers in Madurai district of Tamil Nadu. The data obtained from the women workers and primary data enrich the study. The study revealed the fact that many of the laws enacted to protect the rights of the women workers remain silent in books without implementations. Minimum wages fixed by the appropriate government is not paid to the women workers. Sexual harassment at work is another important factor which affects the mental health of the women workers and their right to work with dignity is greatly affected. Maternity benefits are totally not provided and the pregnant workers remain jobless on account of being pregnant in the construction sector. Thus the study had identified host of human rights violation against women at the work in the construction sector. The laws are adequate to protect the workers but the implementation part is to be take care strictly by the administrators.

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## 1. INTRODUCTION

Basic human rights are inherent to all the human beings in this world, whatever their region, nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. Construction sector is one of the central pillars of Indian economy. The construction sector has the largest number of unorganized labourers in India Women constitute a significant part of the workforce in India and a big pool of unskilled labour force in the construction segment (Ananad, Vaijayanth 1998).The work participation rate of women is increasing in construction sector.

Despite long experience and acquiring adequate skills, women in construction sector are engaged only as unskilled labourers to do the manual works Construction women workers in India are mostly uneducated and illiterates (Dhamodharan K 2001). Almost all women construction workers are casual workers. They do work that is physically hard and work under close supervision without proper safety equipments, which results in industrial accidents and employment injuries. Being an unorganized sector, the conditions of women workers in construction sector are still in pathetic condition with following observations,

- High incidence of grievances
- Heavy workload
- Unhygienic working conditions
- Lack of welfare facilities such as crèche, canteen, medical aid
- Less promotional opportunities
- Absence of social security measures
- Absence of formal negotiating machinery

Domestic violence is another severe problem faced by Women Construction workers. Female workers are discriminated in wage payment in the construction operations, which are better performed by them (Keya Acarya 1999). Many of the national and international enactments had not altered the socio economic conditions of women construction workers. Sexual harassment is a serious problem for women construction workers. Many of the sexual harassment against women worker at construction sites is unnoticed as the affected persons conceal the fact.

## 2. REVIEW OF LITERATURE

Researchers, authors, Voluntary organizations, and Government agencies have undertaken several studies on Women's employment. Johri and Pandey observe that women construction workers are exploited because they are illiterate, socially backward, unskilled, unorganized, uninformed and poor. Vinita Shah (1998) found that non-implementation of labour laws. Anand (1998) observes that the wages of the women workers in the unorganized sector, particularly in the construction industries, have been significantly below the minimum wage payable under the Minimum Wages Act 1948 (Suresh Kanekar, 1993). Gender discrimination was well entrenched and women workers were paid less than men workers for similar work. Over three-fourths of the women and almost all men are working for 10 to 12 hours every day. Sexual harassment at workplace affected the workers and many seek to opt for other contractors. Singh (1989) revealed that in spite of the constitutional provisions and the Equal

Remuneration Act, 1976 women's participation in the total work force is low and their wages are deplorably insufficient. Praba (1991) found that construction workers work long hours with low wages. The construction industry claims the high rate of accidents. Civija (1998) study of chitalls (Unskilled helper to mason) had revealed the wage discrimination between men and women workers in construction sector. Sinha and Ranade (1975) portrayed that the Women Construction Workers were not paid the Minimum Wages. Women were employed only as unskilled Labour. Kalpana Sharma (1988) reported that women construction workers face various kinds of harassment at the worksites. Vaughn (1999) reported tainted image and reputation of the construction industry and claims that sexual harassment is inherent in the construction sector. GopalIyer (2004) reported that wage differentials exist among the men and women workers in Construction sector. The ILO states that the coverage of labour laws has not benefited these women workers in many crucial areas especially health, maternity and social security. Analysis of the above said studies reveal the fact that the conditions of women construction workers are found to be pathetic and their legal rights violated to great extent. The problems pointed out in the previous studies incorporated in the review of literature forms the base for the present research.

## 3. STATEMENT OF THE PROBLEM

Host of problems surrounding the women construction workers draw the attention of Human Rights Activist, Labour Activist, and Philanthropist in the recent times. The Government of India recognizing the importance of construction labour force had enacted a separate legislation "The Building and Other Construction Workers (Regulation of Employment and Conditions Service) Act, 1996 with an object to regulate the employment and conditions of building and other construction workers and to provide for their safety, health and welfare measures. The Government of Tamil Nadu even before the enactment of above stated central

Act had passed a separate Act for the regulation of employment and conditions of manual workers. The Tamil Nadu Manual Workers Act was enacted as early as in 1982. The Act provides for the regulation of the employment, conditions of work and security of the employments of manual workers in certain employments in the state of Tamil Nadu. Construction Workers are covered under this legislation and are entitle to legal protection. The Act provides for certain social security benefits like pension and financial assistance to the construction workers including Maternity benefits.

In addition to the above said legislations specifically applicable to the construction workers, a number of other national and international laws are also applicable to construction workers including women workers. Now this research study tries to be examining the follows:-

- How far the protective legislations are implemented in respect of the Women Construction workers?
- Whether the existing labour laws really serve the object and purpose of its enactment?
- Whether the Working conditions and conditions of employment of Women construction workers are improved after the enactment.

The examination of the above issues will certainly leads to a meaningful assessment of the existing conditions of women workers in Construction sector and the effective implementation of the labour legislations and its lapses if any so as to formulate a policy decision at national level.

#### **4. NEED FOR THE STUDY**

Women Construction workers encounter many difficulties because of their distressing and pitiable working conditions. The Human Rights of the women workers in the construction sector is violated in various forms. People are divided into social groups of castes and assigned hierarchical and unequal social positions and rights which are

predetermined during birth. Social exclusion between caste groups is ensured through the practices of endogamy and social separation (Vettriselvan R., Sathya M., Velmurugan T. 2018). There is an imperative need to take up more studies at this level to understand the problems of women construction workers more vividly. It is worth to mention that economic growths, growing urbanization, rise in per capita consumption and access to energy are the factors forcing the increase in the total demand for electricity (Vettriselvan R., Ruben Anto M., JesuRajan FSA. 2018). Such an understanding is absolutely necessary to evolve appropriate strategy to deal with their problems Human Rights violations and to bring about overall development of Women construction workers including the enjoyment of their Human Rights. So the studies of these types are absolutely needed at this point of time. Such studies will be helpful for the betterment of the women construction workers and society at large.

#### **5. SCOPE OF THE STUDY**

The study covered Women workers in Construction Sector in Madurai, which is an Industrial Township in the heart of Tamilnadu, situated 460 Kms from Chennai. Women construction workers are employed in the following projects,

- Building works
- Roads and Canal works

Therefore the present study is an attempt to investigate various facets of Human Rights of women construction workers so as to devise a strategy to improve their working and living conditions.

#### **6. OBJECTIVE OF THE STUDY**

The overall objective of the study is to understand the Human rights of Women Construction workers and thus it has its focus on the following specific objectives

- To study the socio economic profile of Women Construction workers.
- To understand the nature, pattern of employment, migratory character and living conditions of Women Construction workers.
- To examine the working conditions of women construction workers.
- To analyze the social security measures extended to women construction workers.
- To measure the sexual harassment issues at work places.
- To suggest suitable measures based on the study

## 7. METHODOLOGY OF THE STUDY

The enquiry has an exploratory –cum-Descriptive design. The present state of affairs of the Women Construction workers in construction sector is studied and analyzed with statistical tools. Survey method is used for eliciting data from the target population. Multi stage random sampling method was adopted for this study. The size of the sample is 398 drawn from the target population. Collection of accurate, authentic and reliable information is vital to draw valid inference and conclusion. The present study is based on both primary and secondary data. The following tools found suitable for the study is used in this study. An interview schedule is used to collect information from the Women Workers. A comprehensive structured interview schedule was prepared for Women workers incorporating questions pertaining to the Socio Economic, working conditions, sexual harassment and other violence etc. Observation is considered to be one of the most effective techniques of data collection especially to study the social phenomenon. This method helped the Researcher to collect the first hand information about the living and working conditions of women workers including the paradigm shift of human Rights issues in general and Construction workers in particular. The secondary data was collected from the Published Books, Government Agencies, Research reports, Internet resources, Acts and Commentaries relating to Construction workers. All

the schedules were initially coded providing code number on the first page. After the collection of data, all the variables are assigned numbers for facilitating computerization. The information collected is processed, tabulated and analyzed quantitatively by using statistical tools.

## 8. LIMITATIONS OF THE STUDY

The present study has the following limitations. During the course of study, the researcher faced many problems. The main difficulty encountered is lack of statistical data regarding the women workers in Construction sector. They were hesitant to give information's sought especially information relating to Sexual harassment. The study is also confined to developing areas in and around Madurai district where the construction is going on rapid phase.

## 9. FINDINGS OF THE STUDY

The present study has been undertaken to examine the working conditions of women construction Workers in Madurai district. From the study findings, the employment of children under the age of fifteen has been identified in the construction sector. Majority of the women workers (60 percent) are illiterates and not attended the proper schooling. The rights of children are violated (70 percent) and were deprived the education by their parents. Poverty (85 percent) is the main reason for the women construction workers to join in construction sector. Despite long experience, majority of the construction women workers continue to work as unskilled labors (90 percent) and are paid wages on par with other women workers with less experience. Majority of the women construction workers 92 percent) are not aware of the provisions of Building and other construction workers (Regulation of Employment and Condition of service) Act 1996. Many of them (63 percent) had contributed and registered their name under section 5 of the Tamil Nadu (Construction workers) Welfare scheme 1994.

### Working Hours



Most of the workers (94 percent) are required to work for more than 8 hours in a day. Many of them (82 percent) are not paid overtime wages as per the Act. No women (100 percent) worker is paid wages for the day of rest. The workers (100 percent) are not paid double the rate of wages when they are required to work on weekly rest days.

### Employment in Night shifts

Only a few women (18 percent) are required to work in night shifts. Certain persons who were prohibited from employment in Building construction works are also found to be working, violating the provision of section 31 of the Building and other construction workers Act 1996.

### Occupational diseases

A considerable percentage of respondents are affected by the occupational diseases such as skin disease (80 percent), TB (6 percent), Anemia (37 percent) and Jaundice (2 percent). No compensation (100 percent) is offered under the provisions of the Act. Many of the women construction workers (70 percent) are required to lift the weight exceeding 30 kg at a time without the help of mechanical devices.

### Safety Equipments

Majority (78 percent) of the workers were not provided safety equipments. First Aid Boxes (100 percent) to be maintained by the employers were found to be absent in many construction sites.

### Maternity Benefit & Workmen Compensation

No employer (100 percent) provides Maternity leave with wages to the women workers under the provisions of "The Maternity Benefit Act 1961". Majority (83 percent) of the respondents had stated that "Workmen compensation" under the Workmen compensation Act was not paid to the victims who met with accidents in the course of their employments. Crèche, Latrines and separate Urinals and canteen facility are not provided (100 percent) in the construction sites. A few employers (30 percent) have provided temporary accommodation to the

construction workers especially to the Outsiders. Discrimination in payment of wages (100 percent) based on sex is another important fact identified in this study. Women workers (100 percent) were paid lower rate of wages than men workers for the same work. Some of the respondents despite long experience receive the same wage on par with other respondents with less experience. The majority (51 percent) of the respondents are not paid minimum wages fixed by the appropriate government. Majority (95 percent) of the respondents receive their payment on the fixed day at their construction sites.

### Sexual harassment at work places

From the study, it was observed that majority (63 percent) of the respondents were found to be sexually harassed by verbally and physically at the construction sites. The level of sexual harassment is high for the older age group to get the job opportunity. The degree of harassment is less in the young age group due to basic literacy and existence of their parents in the worksite. Impact of harassment is manifested in many forms against the women construction workers. Work related domestic violence also has its vital place in the poor life of the depressed class of women workers.

### Garrett's Ranking Technique for major problems

This technique is used to understand the human rights issues faced by the women construction workers in the study area.

$$\text{Percentage Position} = \frac{100 (R_{ij} - 0.5)}{N_j}$$

$R_{ij}$  = Rank given for the  $i^{\text{th}}$  item or issues by the  $j^{\text{th}}$  individual

$j$  = Number of issues ranked by the  $j^{\text{th}}$  individual

The percentage position of each rank thus computed was converted into scores by referring to the Garrett ranking. The ranking was done according to the average score measured. The ranks computed from

the women construction workers about the human rights issues or problems were converted in to scores by applying Garrett scoring technique and finally the average values of the computed scores were ranked respectively as follows.

Garrett's Ranking for the problems faced by the women workers

S. No.	Problem	Total Score	Average Score	Rank
1.	Absence of promotion	12385	31.11	VI
2.	Poor health condition	16373	41.13	V
3.	Sexual harassments	25296	63.55	II
4.	Poor health and sanitation facilities	22383	56.23	III
5.	Lack of Social recognition	20795	52.24	IV
6.	Long working hours	10543	26.48	VII
7.	Unequal salary compare with the counterpart	26347	66.20	I

Source: Computed from field data

The results of the Garrett Ranking reveal the human rights issues or problems of women construction workers in the study area. From the view of the women construction workers Unequal salary compare with the counterpart, Sexual harassments, Poor health and sanitation facilities (absence of first Aid, rest room facilities), lack of Social recognition (in society construction women workers were treated like a sex workers) and poor health condition (most of them are malnutrition due to their husbands or wards took more than 90 percent of their wages for drinking), Absence of promotion (no promotion for women construction till the end of their life time) and Long working hours (they were starting their work by 6 am and wind up around 4/5 pm) are the major human rights issues faced by the women as per the response of the women construction workers in the study area ranked respectively.

## 10. CONCLUSION

The conditions of women workers in building construction works are found to be pathetic. Though the Government had enacted number of legislations to regulate the conditions of employment of construction workers, it is painfully observed that most of the provisions of the legislations have not been implemented effectively. The legal rights of construction women workers are violated in many forms like discrimination in payment of wages based on sex, denial of Minimum wages fixed by the Government, denial of Maternity benefits, harassment at construction sites, excess working hours, denial of wages for the weekly rest days, denial of overtime wages etc. The conditions of Women Construction workers need immediate attention of the Government to ensure the workplace safety and health status of the women construction workers in Tamil Nadu. The statutory authorities, Trade Unions, and NGO's have to play a vital role in effectively implementing the all provisions of labour legislations for the welfare of the women construction workers, apart from bringing awareness, educating and liberating the women workers. Laws are adequate but they remain in books. Strict implementation of the enacted laws on the part of the Government will certainly protect the Human Rights of women in the construction sector. These kinds of studies are most essential for to improve the standards of living of women construction workers.

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