

PWESCR works to promote women's human rights, especially in the context of economic, social and cultural rights, by bringing a gender framework to policy, law and practice at local, national, regional and international levels, through ever-evolving strategies and activities in both conceptual and practical realms.

Goals

- To establish links and foster collaborations in order to enhance learning, as well as develop shared strategies to advocate problem-solving alternatives at all levels in the context of gender.
- To build leadership and capacity of groups, organizations, activities and other actors in the field of human rights and economic justice to promote women's ESCR;

Principles

- All human rights are universal, indivisible, and interdependent. Civil and political rights are mutually interdependent on economic, social and cultural rights.
- Women's economic and social empowerments are fundamental to full realization of women's human rights.
- Gender analysis is crucial to advance all ESCR.
- Human rights mechanisms are an organizing, mobilizing and empowering tool in addition to an international legal framework;
- An intersectional analysis ensures that women from marginalized communities are not left behind.

Women and Social Security

Background

Neo-liberal paradigm is a reality for economies globally today. State economic growth rates are like never before. Yet, poverty, hunger and lack of basic resources still remain the reality of a large majority across the world. India, a country that has already earned the epithet of 'emerging economy' based on 'growth' statistics, manifests this contradiction most poignantly. Traditional means of livelihood are vanishing, increasingly becoming unfeasible or are simply being snatched away. Work is moving from the formal to the informal sector. Those living in poverty are everywhere increasingly working in hazardous and precarious conditions, for longer hours. Yet they have incomes that are barely enough to meet their survival needs, let alone enable them to cope with any contingencies. The traditional social support systems are fast vanishing with nothing new being created to replace it.

Every individual works not only to be able to survive but also to be able to maintain an adequate standard of living and lead a dignified and secure life for the self and for her/his family. What we have today is a situation where people work hard, work for long hours and are yet able to

make enough only to just barely survive. They have nothing which they can fall back upon in times of contingencies such as unemployment, sickness, accidents, child birth, children's education, family events such as marriages or deaths, widowhood and old age and are forced into a vicious cycle of debt and deprivation.

What is Social Security?

Social security in the broad sense of the term means overall security for a person in the family, work place and society. It may then be understood as measures designed to ensure that all citizens meet their basic needs (such as adequate nutrition, shelter, health care and clean water supply), as well as be protected from contingencies (such as child birth, child care, illness, disability, death, unemployment, widowhood and old age) to enable them to maintain an adequate standard of living consistent with social norms. It must also by implication include protection of livelihoods, a guarantee of work, adequate and fair wages, because without these, other contingency benefits have no meaning.

Women and Social Security

Most women work whether paid or unpaid. Women do a lot of unpaid work within the household, in family farms and enterprises. Despite its obvious economic and social worth, much of the work that women do remains 'invisible' in national accounting and censuses and even while defining the 'informal sector' and assessing its contribution to the GDP.

Estimates based on the National Sample Survey (NSS) 1999-2000, women are said to account for one-third, about 118 million, of the unorganised sector workers in India. These figures would be much larger if the unpaid work done by most women is recognized and included. Nearly 95% of all female workers in India are engaged in the unorganised sector. The non- existence of social security provisions for the unorganised workers therefore means that an extremely large section of women in the country remain unprotected. None of the Bills concerned with the Unorganised sector workers, that are in circulation, take unpaid women workers into account.

Since women constitute such a large portion of unorganized sector workers, it is imperative that the social security needs of women workers are taken into account in any discussion and attempt to provide social security for these workers.

A demand for social security for the unorganised sector workers must ensure that:

- a. Unpaid women workers are recognized as unorganised sector workers.
- b. Women workers, whether paid or unpaid should be eligible for social security entitlements.
- c. Social security is available to the unpaid women workers equally.

The draft Bills that are in circulation have, apart from excluding unpaid workers, also left out several categories of paid work where women dominate.

A demand for social security for the unorganised sector workers must ensure that all categories of women workers are included in the definition of unorganised sector worker, including unpaid workers, domestic workers, sex workers, entertainment workers, migrant workers - seasonal and permanent, street vendors, pre-agricultural and hunter gatherer communities.

Insecurity of employment is a major vulnerability that most women face. They are usually the last to be hired and the first to be fired. They are often employed in work which is seasonal in nature. They are predominant in sectors where there is steady loss of employment without a corresponding creation of new avenues for work due to factors such as technological changes, coming in of big domestic and multi national companies, increased imports, forced displacement and government policies. Guarantee of employment and year long availability of work is the most basic social security need for women.

A demand for social security for the unorganised sector workers must ensure that:

- a. Women workers are guaranteed year long employment.**
- b. Unemployment benefits are available to all workers equally irrespective of the employment status of any other family member.**

Gender based wage disparities exist across all sectors and occupations. While male workers in the unorganised sector are paid wages much below the minimum wage standards, women workers are paid even less. Social security provisions have no meaning until workers are paid wages that ensure an adequate standard of living.

A demand for social security for the unorganised sector workers must ensure that:

- a. All workers are paid Living Wages which enable them to have an adequate standard of living.
- b. A floor level wage must be fixed based on the living needs for all workers.
- c. Once this floor level wage is set, then occupation or sector wise minimum wages must be fixed.
- d. All women workers have Equal Remuneration available to them.

All women should be entitled to social security benefits as independent citizens and not as dependents on male earning members or as part of the family/household.

A demand for social security for the unorganised sector workers must ensure that:

- a. Employment status of a male member in the family must not be the criterion for availability of the entitlements to women
- b. Women are not treated as dependents on male family members and assumed that they are automatically covered by social security coverage.
- c. Every woman must have a workers identity card in her own name.
- d. Social security provisions must accrue to women as individuals.

Many women workers retire from paid work at an early age, due ill health or simply because they stop getting

employment. The absence of old age security provisions would imply leaving them unprotected.

A demand for social security for the unorganised sector workers must include a demand for:

- a. Providing adequate pension to retired women workers, widows and single women and should have provisions for old age support.**
- b. The amount of pension must be based on living wages which accrue to the worker.**

The most productive years of a woman's life are the reproductive years. The absence of maternity entitlements often means that a woman worker has to leave her job to have a child. With the near absence of any effective primary health care system in the country, most women are forced to have children at home without any medical care. Majority of the women and their families are unable to bear the burden of hospitalization costs. Even when they opt for hospitalization, additional medical expenses and loss of employment makes women economically vulnerable. Absence of maternity entitlements also means that a woman is unable to take care of her nutritional needs before and after the pregnancy and get adequate rest, and is compelled to start working soon after child birth.

A demand for social security for the unorganised sector workers must ensure that:

- a. Maternity entitlements are available to all women, whether employed or not, in terms of hospital and medical expenses.**

- b. These maternity entitlements include paid maternity leave of at least 12 weeks.
- c. Women workers must be paid for the leave as per the living wages they are entitled to.
- d. There must be provision for financial support during childbirth so as to promote the health of mother.

The absence of child care provisions means that the burden of work on women is increased further tremendously, affecting their health and work participation.

A demand for social security for the unorganised sector workers must include childcare provisions from the point of view of women workers. Provisions aimed at ensuring protection and promotion of nutritional needs of mother and child must be included such as time breaks for nursing once the mother rejoins work.

For women workers, their own health and ability to work is usually the only resource they can fall back upon. They are the most vulnerable in this regard because their health and nutrition needs form the least priority within the family. Women in the poorest households are the least likely to receive medical attention.

A demand for social security for the unorganised sector workers must ensure:

- a. Health care, which provides protection during contingencies like minor and major illnesses and accidents at work and “non contingencies” such as including HIV/AIDS.

- b. Special provisions for mental health and differently abled women.
- c. Widespread shelters and short stay homes and other support service (counseling, legal aid, job training etc.) by the state (through Zilla Parishads/municipalities/municipal corporations) for girls and women survivors of domestic violence, sexual assault and trafficking.

Sexual harassment and violence at the workplace is a threat faced by all women workers.

A demand for social security for the unorganised sector workers must ensure that complaint and redressal mechanisms against sexual harassment at workplace following the Vishakha guidelines are put in place, keeping in mind the specific concerns of women workers in the unorganised sector. The employment security of a female worker-complainant must be guaranteed.

In general, women are not land or property owners.

A demand for social security for the unorganised sector workers must ensure that:

- a. Benefits are not tied to land or property.
- b. All housing schemes under social security provisions should ensure that titles are in women's name or are in joint names.

Depending solely on contribution based, social insurance types of schemes to provide old age, disability pensions will be disadvantageous for women because most women are engaged in either unpaid or low paying jobs. Most women also have many interruptions in their working life due to child

birth and domestic work at home. Their capacity to contribute to such schemes, that too on a regular basis is low.

A demand for social security for the unorganised sector workers must ensure floor level social security to all women, irrespective of their ability to contribute to social security schemes. Floor level social security should include food security, primary health care, adequate shelter and provision for education, especially for the girl child.

Women workers are usually at the lowest-paid end of any sector, they are usually termed as unskilled. Skill training and up gradation of skills for women workers on a widespread and continuous scale is important.

A demand for social security for the unorganised sector workers must guarantee that opportunities for skill development would ensure labour market entry and upward mobility to all women.

Women workers usually find themselves excluded from participation in decision making regarding the administration and implementation of labour laws, even when there is provision for equal participation of workers and employers.

A demand for social security for the unorganised sector workers must ensure that women workers are involved adequately and proportionally at all stages including the drafting, administration and implementation of this Bill. Mechanisms for grievance redressal must be women friendly.

PWESCR Action on Social Security

Social Security Now! is a campaign comprising of a consortium of more than 500 civil society organizations, people's groups and trade unions of unorganised workers. The campaign has given a Call for Action by organising rallies and demonstrations on 10th **August 2007** to express its dismay and anger over the Union Cabinet's decision of giving its approval for a so-called social security for the Unorganised Sector Workers. PWESCR is a member of the working group for the **Social Security Now** campaign and was actively involved in the nationwide rally held in New Delhi.



“Social Security Now’ campaign called for a comprehensive social security bill insuring citizenship rights, social security benefits and employment regulation based on our Constitution, International Obligations, ILO guidelines and the principle of social justice. It specifically demanded that the bill should affirm the rights of unorganised workers, in particular, rights of women, dalits, tribal and other marginalized workers, and their representation in the Social Security boards and in the administration of the Boards.

Demonstration of Social Security Now! 10th August 2007 at Jantar Mantar, New Delhi



PWESCR Slogan on Social Security Now!



Social Security Now!

*“Hum mahilayen karti hain adhik kaam,
Par hamare shram ki nahin koi pehchaan.
Mahilayen mange adhikar aur sammaan,
Sampoorna suraksha sarkaar kare pradaan.”*

(We women do more work, but our work is never acknowledged. Women demand their rights and dignity and the government should provide them with comprehensive social security.)



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Programme on Women's Economic,
Social and Cultural Rights

