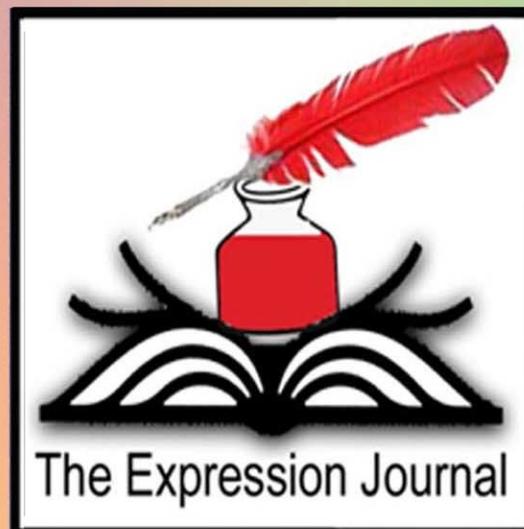


ISSN : 2395-4132

THE EXPRESSION

An International Multidisciplinary e-Journal

Bimonthly Refereed & Indexed Open Access e-Journal



Impact Factor 3.9

Vol. 4 Issue 6 December 2018

Editor-in-Chief : Dr. Bijender Singh

Email : editor@expressionjournal.com

www.expressionjournal.com

The Expression: An International Multidisciplinary e-Journal

(A Peer Reviewed and Indexed Journal with Impact Factor 3.9)

www.expressionjournal.com

ISSN: 2395-4132



ILO AND WOMEN LABOUR

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Abstract

International Labour Organization is an international body and the Parliament of World Labour. It adopts International Labour Standards in the form of Conventions and Recommendations which are collectively called as International Labour Standards, or International Labour Code. The ILO's primary goals are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen social dialogue on work-related issues. Gender equality in the world of work is at the heart of this mandate. And women's full and effective participation in the workforce – and equal opportunities for leadership at all levels of decision-making in political, economic and public life – is key. In almost every country in the world, men are more likely to participate in labor markets than women. However, these gender differences in participation rates have been narrowing substantially in recent decades. Women constitute half of humankind and 40% of the global workforce. As workers, entrepreneurs and service providers they contribute actively to social and economic development. Empowering women economically and making them central to solutions is a moral imperative. But it also makes good economic sense. A growing body of research shows that enhancing women's economic participation improves national economies, increases household productivity and living standards, enhances the well being of children with positive long term impacts and can increase women's agency and overall empowerment.

Keywords

International Labour Organization, International Labour Standards, Employment, Gender Equality, Women Empowerment, Living Standards.

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Introduction:

The International Labour Organization (ILO) was created in 1919. Since 1946 the ILO is a specialized agency of the UN. The Organization aims at promoting social and economic progress and improving labour conditions. The main functions of the ILO are the following:

- Creation of coordinated policies and programs directed at solving social and labour issues;
- Adoption of international labour standards in the form of conventions and recommendations and control over their implementation;
- Assistance to member-states in solving social and labour problems;

International Labour Organization is an oldest international body, functioning successively, successfully and continuously since 1919 with a slight gap during the period when many world countries were facing famine, unconnected with political changes and economic disparities among its member States. It symbolizes social justice, universal and lasting peace, human dignity and labour welfare throughout the world.

The objective of the International Labour Organization is to assure overall development of working class of the world through standard setting and economic development of member countries, as a means to improve world economy. All the programs of the International Labour Organization are aimed at reducing the socio-economic disparities between the rich, developing and underdeveloped States.

International Labour Organization the protector of the Basic Human Rights of the workers of the world, and shows enforceable concern as and when any infringement thereof reported or apprehended in any Member country, and takes appropriate remedial measures to restore the deprived rights.

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International Labour Organization has adopted on the above subject 6 protocol and 3 Recommendations which can be divided among following heads i.e. I. Maternity Protection, II. Night Work and, III Underground Work.

Position under the Indian Constitution:

The impact of Convention can be said to be very minute on the Indian Labour Conditions. The Constitution of India under Article 19(l)(g) provides the right to practices any profession or to carry on any occupation trade or business subject to the power of the State to impose any conditions in public interest. This Article paves the way indirectly for the exploitation of labour. Clause (1) of Article 23 of the Constitution is a direct provision prohibiting forced labour. Under that Article, “traffic in human beings, begar and other similar forms of forced labour are prohibited, except the compulsory services for public purposes.

Article 14 of the Constitution of India forbids discrimination and guarantees equality before law and equal protection of laws to all the citizens. Article 15 of the Constitution prohibits discrimination on grounds of religion, race, caste, sex or place of birth, but provides an additional provision empowering the state to make any provision for the development of women. Similarly, Article 16 of the Constitution guarantees equality of opportunity in matters of public employment, subject to the power of the State to make law for the upliftment of the backward classes of people. Article 17 of the Constitution abolishes untouchability and Article 18 abolishes titles etc., which in other words assure equality principle.

Position under the Labour Law:

Under the labour law arena, one of the important enactments which prohibit/regulate bonded labour is the Bonded Labour System (Abolition) Act, 1976. It is aimed at preventing the economic and physical exploitation of the weaker sections and that all contracts relating to bonded labour, attachment of property for recovery of debts, etc., are declared to be null and void.

Equality of Opportunity and Treatment:

Under this head ILO has adopted three Recommendations, namely, Recommendation No. 90 of 1951 dealing with Equal Remuneration; Recommendation No. 111 of 1958 dealing with Discrimination (Employment and Occupation); Recommendation No. 165 of 1981 dealing with Workers with Family Responsibilities.

Impact of the ILO Conventions and Recommendations Relating to the Employment of Women on the Indian Labour Law:

Since the beginning of the civilization, women all over the world occupied greater importance in all walks of life. Being “fair sex”, they needed special protection and conditions as compared with the men. This is more so in respect of working women. The justification for promoting special protective measures to women has been long felt at all times in all segments of the society.

According to Manu, “Woman is always under tutelage. Before marriage, she is under her father’s guardianship, after marriage, under the control of her husband; and after widowhood, her eldest son becomes her guardian, so to say” (Wadia 1961). Participation of women in economic activity for remuneration has been the result of the demand for labour, on the one hand, and the

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poor standards of living, on the other hand. In case of developed countries where frictional full employment partakes, there would be greater scope for employment of more women, for a variety of reasons. But in case of underdeveloped and developing countries where surplus labour is most prevalent, preference to women employment took a secondary importance, especially during the early period of industrialization. The quest for employment and the taste for outdoor work among women had resulted in providing special openings to them in all kinds of employments including Defense Services of certain countries. This has paved the way for women to make a purposeful life as compared to the status of traditional women holding the domestic duties as mothers or housewives.

According to an estimate of the ILO made as early as in 1975, more than 575 million women were engaged in economic activities throughout the world, namely, 35 per cent of the global force. (International Labour Review 295)

The Constitution of the ILO included in its objectives the need for and importance of protecting women and for their upbringing to ensure equality and social justice including non-discrimination. As a maiden step in this direction, the ILO in its first Washington session held in 1919 adopted two Conventions, out of the total of four, relating to the protection and regulation of the employment of women. The International Labour Conference in certain Conventions and Recommendations of general application, such as, White Lead Convention of 1921, Inspection of Emigrants Convention of 1926 and Minimum Wage-Fixing Machinery Convention of 1928, also envisaged special provisions for the protection of women.

Areas of Protection

The United Nations Convention on the Elimination of all Forms of Discrimination against Women spells out the areas of protection namely:

1. Prohibition of dismissal on the ground of pregnancy.
2. Maternity and marital status with maternity leave and pay without loss of employment, seniority or social protection.
3. Providing special protection during pregnancy in harmful jobs.
4. Encouraging child care facilities.

ILO provides similar benefits. Women being fair sex, they need special protection and conditions of work.

The impact of ILO Recommendations on the Indian Labour Law has been of great importance. It may be mentioned that in India under the various enactments like Factories Act, Mines Act, Plantations Labour Act, the welfare measures provided are either statutory or non-statutory. Most of the industries though covered by organized sector provide for non-statutory benefits governing utilization of spare time by establishing clubs etc., welfare facilities like cinema theaters, hospitals and workers' housing. It may however be mentioned that these facilities and benefits provided for by the employers are rarely sufficient to meet the growing demand of the workers.

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