

CPPR EVENT REPORT

CPPR WEBINAR SERIES – END EMPLOYMENT BIAS WOMEN IN FACTORIES: A LEGAL PERSPECTIVE



The poster is a blue rectangular graphic with a yellow border. At the top left is the CPPR logo, and at the top right is the JCI logo. Below the logos, a blue banner contains the text 'LIVE WEBINAR'. The main title 'WOMEN IN FACTORIES: A LEGAL PERSPECTIVE' is in large white letters, with the date '23 AUGUST 2022' and time '5PM TO 6PM' below it. The poster is divided into two sections: 'MODERATOR' and 'SPEAKERS'. Under 'MODERATOR' is a circular portrait of Ms April Suzanna Varkey, with her name and title 'RESEARCH ASSOCIATE, CPPR' below. Under 'SPEAKERS' are two circular portraits: Adv Ramola Nayanpally (Associate Lawyer, Menon & PAJ Advocates, Cochin) and Dr Neethi P (Senior Consultant, Academics & Research, IIHS, Bangalore). The Zoom logo is at the bottom left, and the hashtag #EndEmploymentBias is at the bottom right.

Date & Time : **23rd August 2022 at 5:00 pm**

Venue: **Zoom**

Event Partner : **JCI Kakkanad Cyber City**

Moderator : **April Suzanna Varkey**

Speakers/Panelists': **Advocate Ramola Nayanpally and Dr. Neethi P**

- **About the Event:** The webinar on topic “Women in Factories: A Legal Perspective” was hosted live on 23rd August 2022 (Tuesday) at 5:00 PM. It was structured on initiating discussion on the declining women’s participation in factory employment, the legal perspective of the problem women face, and other challenges in the employment of women in factory work force, and the way forward.
- The webinar series is organized by CPPR as part of a Research Project on “Easing Barriers for Women in Factories”. The organization will study the existing laws and rules regarding the employment of women in factories in Kerala, along with holding stakeholder discussions with labour union leaders, factory owners, women employees in the factories, as well as government officials.
- **The Key Speaker or Speakers:** The distinguished speakers for the webinar were Dr Neethi and Advocate Ramola Nayanpally. Dr. Neethi is associated with the Indian Institute for Human Settlements (IIHS), Bangalore. She works on labour informality in the urban sector and focuses on women informal workers and various forms and responses from upcoming alternative labour associations. She has published in the areas of garments, electronics, ports, home-based work, street vending, sanitation, mill work, and sex work. She is the author of Globalisation Lived Locally: A Labour Geography Perspective, and several research articles. She completed her PhD and MPhil at the Centre for Development Studies, under Jawaharlal Nehru University. She was also a Fulbright-Nehru Doctoral Fellow at the University of Georgia.
- Advocate Ramola Nayanpally. She completed her B.A., LL.B. (Hons.) from the National Law School of India University, Bangalore, in 2014. She attended the fall semester at the Singapore Management University, as a Temasek Leadership Enrichment and Regional Networking Scholar. She worked as an Associate at Cyril Amarchand Mangaldas, Mumbai, till 2016, after which she joined Menon & Pai Advocates in Cochin. Her main practice areas include civil, contract and employment laws before the High Court of Kerala. She also routinely handles company cases before the National Company Law Tribunal, Kochi.
- The webinar was moderated by Ms. April Suzanna Varkey, Research Associate, CPPR.

SUMMARY OF DISCUSSIONS

1. The webinar on topic “Women in Factories: A Legal Perspective” was structured on initiating discussion on the declining women’s participation in factory employment, the legal perspective of the problem women face, and other challenges in the employment of women in factory work force, and the way forward.

Female Labour Force Participation Rate

2. Dr. Neethi P highlighted the importance of keeping a broader perspective while discussing the FLPR and not only women in factories. These could be done by mapping out the employment scene in India with special emphasis on women’s employment. She mentioned the role of pandemic having aggravated the existing system of women being underemployed and emphasized on how the working age population has increased, but not the working force as much. By quoting the Inequality report 2022, she talked about the manufacturing sector, which contributes to 17% of GDP, seeing a significant decline of 46% in employment according to the recent data.

3. She further talked about gender equality being a far goal for India and elucidated the reasons for the same. Women's employment is often not recognized because they are mostly engaged in the informal sector such as agriculture where they don't own the lands they work on. Exploitative and vulnerable participation and unequal gender division of house work in India puts a double burden on women and makes them really vulnerable to discrimination. She mentioned that as a policy expert she knows what the problem is, however there is no implementation of strategies.
4. Dr. Neethi P also suggested a few ways to ensure that women are being employed in factories. She mentioned that most manufacturing companies lack inclusivity and diversity and just getting women into factories alone is not sufficient. Necessary conditions such as gender sensitive programmes should be promoted and potential employees should be educated about progressing policies and inclusive processes. She talked about how the labour code does not seem to acknowledge the wage gap, especially when manufacturing is a male dominated sector. In such a scenario, the provision of gender-neutral opportunities, training and competence building becomes critical. It is important to show that there are equal opportunities for both women and men, beginning from the hiring phase which is then proceeded with equality.
5. Moreover, she also mentioned that parental leave, paternity leave and menstrual leave being introduced to the labour sectors will provide benefits and initiate policies to make factories more gender-neutral. Women in factories are often associated with light work, but perhaps it is time to change that ideology which will require a 360-degree support system. Skill building and enhancement opportunities to train women, especially to keep them adjourned on technological advancement is welcomed. Lastly, she mentioned that rather than changing laws at a superficial level, it is time to make changes in the image of the work space itself.

Role of Law

6. With respect to the participation rate of women in the labour force, advocate Ramola highlighted the role of law. She mentioned that most women are involved in unpaid labour work. Moreover, the ones who form a part of the paid labour workforce are further restricted and discriminated against. There is a lack of research when it comes to the role of laws in the female participation rate.
7. She then talked about 2 major aspects that should be taken into consideration while analyzing the female labour workforce in India, i.e., when and where women can work.
8. The Occupational Safety, Health and Working Conditions Code, lifts the complete prohibition on night shift, but with certain conditions. She then took the example of the Kerala State Government which completely prohibited women in dangerous activities, contrary to the central code which is unscientific, given that there is technological advancement. In the Kerala Draft Rules, there are certain imposed conditions on employers with respect to laws related to women, for example, separate dormitory and transport to the DOORSTEP, employment of batches in 5 and at least 2 women. Though these provisions aim to look after the welfare of women, it gets difficult for the employer to fulfill these conditions. This further leads to them not employing women in factories altogether.
9. Analyzing this situation in the context of when and where women can work, there are multiple restrictions on them from working in factories. Moreover, the lack of exposure to get involved in the high working jobs in factories such as factory floors, denies them the required experience and exposure about the work there. In that way, the code restricts women working in factories.
10. She further raised the question of equal pay. Since the code specifies experience being a prerequisite to higher pay, which is actually restricted for women as discussed above, it leads to further disparity. Thus, law plays a significant role considering when, where and how much pay will be given to women in the factory workforce.
11. On talking about the provision of consent, Adv. Ramola mentioned that this is a necessity and it's empowering to a large extent. Many women don't wish to work at night, so the provision actually

provides them with a choice and gives them a sense of autonomy. She called it an open-ended welfare measure, however, until what time is the consent valid and how the consent should be taken is still unclear. She suggested that it should be mentioned or women should have the option to withdraw consent with prior notice.

12. With respect to the role of courts, she mentioned that they have been giving a transformative response to the OSH Code, especially the night lift ban and consent. The courts are progressive when it comes to women empowerment and their participation in the labour workforce. In fact, in 1994, the Kerala High Court said that the state shouldn't decide what women should do and what not. By putting such blanket restrictions, the code is not exactly doing justice to the women workforce. Thus, it has to be holistic in nature.

Concluding Remarks

13. Several policy suggestions and amendments in law were proposed by the distinguished speakers. Dr. Neethi P suggested giving women the autonomy to choose their priorities without discrimination, providing incentives to factory employers, creating spaces that are already inclusive to be a model for other factories to implement the same framework, clear communication on inclusivity, promoting a positive work culture and provision of gender-neutral competences training.
14. Legal amendments as proposed by Adv. Ramola Nayanpally included the removal of the blanket provisions for women working in dangerous and hazardous activities and easing the entire burden of women's employment solely on the employer. She suggested that the code should provide for solutions such as medical amenities, safe working conditions, technological advancements and scientific reasons for people not being involved in a factory. She also mentioned that states should give incentives to the employers so that they employ more women in factories and that the above mentioned could be done by state reimbursement, tax investments, etc.

KEY TAKEAWAYS

1. Law does play a role in restricting women from entering the workforce with a protective nature. But again, social and patriarchal attitudes are also other major reasons for the same. So, the change has to be holistic.
2. Looking at skill building opportunities for women workers to move along with technological advancement and in an inclusive way. This will also help them look at their job in a more equal way and will allow them to hold positions at supervisory level. Bringing changes in the images of the workplace is necessary.
3. Gender has to be a major aspect; workspaces should commit to being gender neutral as possible and women should be given a choice to choose their priorities and participation in the labour work force.
4. Doing away with blanket legal provisions and easing the absolute burden on employers in factories is a necessary legal amendment required for the current labour codes, especially the OSH Code.

This report was prepared by **Soumya Singh**, Research Intern at CPPR.

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