



Easing Legal Barriers to Employment of Women in the Hospitality Industry

P O L I C Y B R I E F



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Published in 2023 by Centre for Public Policy Research, Kochi

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Distributed by Centre for Public Policy Research, Kochi

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1. Key Highlights



The study focuses on the Kerala Abkari Act, Kerala Abkari Shops Diposal Rules 2002, and the corresponding Liquor Licence under the Foreign Liquor Rules 1953, and examines the approach towards the employment of women in this sector.

Entry level legal barriers are one of the key factors contributing to reduced female labour force participation in any country. The Women, Business, and Law annual report of 2023 brought out by the World Bank highlights that “Equal treatment of women under the law is associated with larger numbers of women entering and remaining in the labour force, rising to managerial positions, and becoming intellectual and political leaders.” (Women, Business and the Law 2023, n.d.)



The study focuses on the Kerala Abkari Act 1967, Kerala Abkari Shops Disposal Rules 2002, and the corresponding Liquor Licence under the Foreign Liquor Rules 1953, and examines the approach towards the employment of women in this sector. Women are prohibited from working in any capacity to serve liquor in those liquor-licensed establishments where consumption is allowed on the premises. Despite the Kerala High Court judgement in 2014 allowing women to work in any capacity in FL 3 licensed bar hotels, our study shows that women are not recruited as bartenders in Kerala, and there are few women waitresses in these establishments. The reasons cited by the hotel management is the fear of enforcement by excise department, the restrictive provision disallowing women employment under the Foreign Liquor Rules 1953 that still remains in the statute. The law has not been repealed, regardless of the High Court's judgement.

There are 721 FL3 bar licensed hotels in Kerala. However hardly any woman work as a professional bartender .

The safety argument emanating from cultural and social attitudes is another reason cited for not employing women in these establishments. Through stakeholder analysis of hotels, hotel associations, women bartenders working in various states of India, and colleges conducting bartending courses in Kerala, recommendations and suggestions are made to remove entry-level legal barriers.

The research involved a qualitative study through semi structured interviews and questionnaires. The hotels surveyed are mostly in Kochi and Trivandrum. The women bartenders who responded to the questionnaire are from Maharashtra, Goa, Delhi, Karnataka, and West Bengal and none are from Kerala. There were few women waitresses interviewed from FL3 bar licensed hotels in Kerala.

The legal analysis of the Kerala Abkari Shops Disposal Rules 2002 and Kerala Foreign Liquor Rules 1953 brought to light the discriminatory clauses in foreign liquor licenses other than FL 3. The major findings include the revelation of restrictive provisions under other licenses like FL 4 A (club license), FL 11 (Beer/ wine parlour), FL 12 (beer retail sale outlet), and FL 13 (pub beer parlour) licences. In the above establishments women are not allowed to be employed in any capacity.

The removal of gender discriminatory provisions in the legislation helps improve the economic choices of women. The safety of women at the workplace must be ensured without compromising their opportunities to earn an income.

EMPLOYMENT OF WOMEN IS PROHIBITED IN LICENCE CONDITIONS OF THE FOLLOWING LICENCES

FL 4A Club Licence	FL 11 Beer/ wine parlour licence	FL 12 Beer retail sale outlet licence	FL 13 Pub beer parlour licence
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2. Some Vital Indian Statistics

The female worker participation rate has shown a declining trend, from 32% in 2005 to 19% in 2021.

19% in 2021

6.53%

The liquor industry's characteristics have changed over the years, from liquor being considered taboo to growing to US\$49,580 million in 2023. The market is expected to grow annually by 6.53% (CAGR 2023-2027).

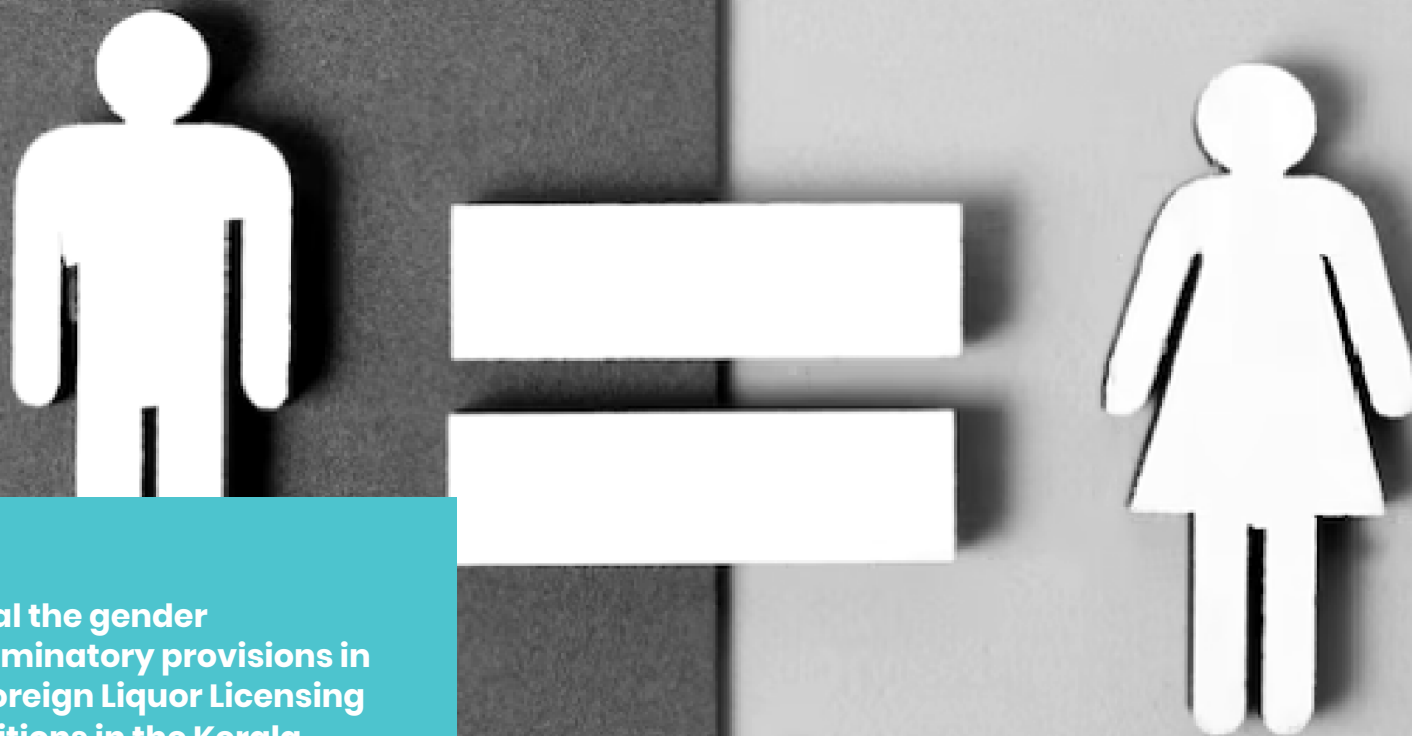
In the market for alcoholic beverages, out-of-home consumption (such as that found in bars and restaurants) will account for 8% of volume consumption and 11% of spending by 2027

8%

**1444
(Total)**

In the foreign liquor sector, Kerala has 384 FL 1 shops (BEVCO), 721 FL3 license (bar license provided for 3 star and above hotels), 295 FL 11 (beer and wine parlour licenses) and 44 FL 4A club licenses.

3. Recommendations



Repeal the gender discriminatory provisions in the Foreign Liquor Licensing Conditions in the Kerala Foreign Liquor Rules, 1953

1. Repeal the gender discriminatory provisions in the Kerala Foreign Liquor Rules and Kerala Abkari Shop Disposal Rules.

- Rule 7(37) of the Kerala Abkari Diposal Rules 2002: *"No woman shall be employed in any capacity in a toddy shop."*
- Rule 27A of the Kerala Foreign Liquor Rules 1953 and Condition 9A of Form FL3 under the Kerala Foreign Liquor Rules 1953 : *"No woman shall be employed in any capacity for serving liquor in the licensed premises."*
- Condition 20 under the Form FL4A license given to clubs for consumption on the premises by its members and their guests: *"No woman shall be employed in any capacity in the Club in connection with the sale of liquor."*
- Condition 17 under Form FL 11 licenses given for possession and vending of beer/wine for consumption on the premises: *"No woman shall be employed in any capacity in a beer/wine parlour unless she be the licensee herself".*

- Condition 17 under Form FL 12 licenses the possession and vending of beer in bottles without permission for consumption on the premises through retail sale outlets: *"No woman shall be employed in any capacity in a beer retail sale outlet unless she be the licensee herself"*.
- Condition 16 of the Form FL 13 license given to possession and vending of pub beer for consumption on the premises: *"No woman shall be employed in any capacity in pub-beer parlour unless she be the licensee herself"*.

Explanation

The above-mentioned provisions affect women's employment in the sector. The professionals who are skilled in bartending find it difficult to get jobs in Kerala as due to the informal ban that is being practiced by the hotels, citing prohibitory legal provisions and safety concerns. They eventually move out of Kerala to states like Maharashtra, Goa, and others that follow liberal provisions with respect to women's employment in hotels and restaurants with bar licenses.

The irony in the provisions is that in FL 11, FL 12, and FL 13 licenses, if the licensee is a woman, she can work in any capacity for serving liquor in the establishment. That is, she can work as a bartender or bar server on the licensed premises. If the law allows the woman licensee to work, why are there restrictions on other women working in the same establishment? Similarly, how are the circumstances different in other licensed establishments like clubs or star hotels, where even such exceptions do not exist? In star hotels, women are not permitted to serve alcohol in any capacity, even if one of the licensees is a woman. If the ground for the classification of licenses into two categories, one with restrictions and the other without restrictions for women's employment, is the consumption of liquor on the premises, then allowing women licensees of FL11, 12, and 13 licenses an exception squashes the entire argument. The legislative classification does not stand the test of equality and thus has to be repealed.

The Kerala Foreign Liquor Rules outline additional licenses, such as the FL 6 license, which the Excise Commissioner can grant in special circumstances when no other liquor license can be provided. It is issued for a fixed period of time.

Typically, FL6 licenses are required for private events and parties that serve alcohol. At such events, women are not prohibited from serving or working as bartenders. Women who work as independent bartenders were interviewed, and it came out that they work at private events in Kerala.

Similarly, an FL7 license is issued to air caterers and flight service operators who have lounge bars in domestic and international airport terminals in the state. There are no restrictions on women's employment under license. FL 8 licenses issued to canteens and messes attached to military units, FL 8a licenses provided to central armed forces canteens, and FL 9 licenses for wholesale possession and supply of liquor do not specify any women's employment restrictions on the premises. Hence, the classification of licenses into categories where women are allowed and not allowed is irrational and affects women's choices.

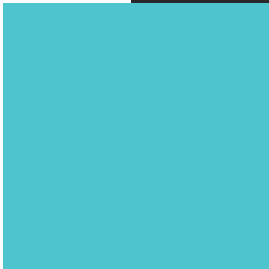
Further, the new excise policy brought out by the state government in 2023-24 promotes the establishment of pub beer parlours in IT parks and MICE (Meetings, Incentives, Conferences, and Exhibitions) tourism. While the tourism and alcohol industries are closely intertwined and have the potential to create employment opportunities in the state, the complete prohibition will affect the female labour force participation rate (FLPR) of the state.

2. Gender sensitization policies in hotels

The study indicates a lack of understanding and awareness among hotels and bartenders about the existing legal framework regarding women employment in the hospitality sector. Implementing gender sensitization policies and awareness sessions in hotels is a crucial step in addressing this issue and promoting a more inclusive and equitable work environment.

The Kerala Hotel and Restaurant Association (KHRA) can present standard gender sensitization policies for member hotels to adopt. By presenting these policies as guidelines rather than rigid requirements, member hotels can be encouraged to voluntarily adopt practices that promote gender awareness and equality in their workplaces.

According to a study by WICCI Hospitality and Tourism with assistance from Brigade Hospitality and the Indian School of Hospitality, the paternalistic nature of society puts enormous pressure on women workers (Financial Express, 2022). Lack of mentoring opportunities and gender stereotypes in the hospitality sector limit their ability to advance in their careers and assume leadership roles. Therefore, concerted efforts by the hotel association to raise awareness of gender issues and a policy on using gender-inclusive hiring practices in hotels can help women get more opportunities in the industry.



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