



Discrimination And Violence Against Working Women: A Socio-Legal Analysis

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ABSTRACT

While increased access to employment has provided new economic and social opportunities for women, the jobs they occupy remain unregulated and unstable. Women workers are systematically denied their rights to regular pay and regular working hours; equal pay for equal work; permanent contracts; safe and non-hazardous work environments; and freedom of association. Sexual harassment in the workplace, and workplace-related sexual violence, is a particularly egregious and widespread form of discrimination against women. Forced sexual relations and near misses which become a pre-condition for employment, significantly reduce a woman's ability to demand a living wage and break out of their living condition. Organizing against abuse is also particularly difficult for women, because of the highly gendered nature of subcontracting and other forms of flexible work.

Keywords : Discrimination, Violence, Working Women, Human Right

Introduction

Globalization has allowed a large number of women to join the work force but in contrast it is an open truth that working women have to face problems just by virtue of there being women. Women constitute a significant part of the work force in India. Working women here are referring to those who are in paid employed. Technology advancement results in retrenchment of women employees. But the working women in India continue to face stiff challenges and social resistance even in the 21st century. Discrimination against working women refer to the low wages, glass ceiling, lack of access to labour market and violence against working women that committed by the clients or patients, violence associated with robbery or other crime, crime by co-worker or manager and domestic violence that spills over in to the work force. Incident occurs largely in the healthcare industries, nursing homes, police offices, prison staff, flight attendant and teacher are also example of worker who may be exposed to this type of violence. Some time perpetrator has no legitimate relationship to the business or its employees. Convenience, store clerks, taxi drivers, security guards and priest are examples that do the crime against working women. After job time working women suffer more problems like domestic violence. In this category perpetrator usually does not have relationship with the business but has a personal relationship with the intended victims.

Exclusion In Working Condition

While economic reform has brought new employment and business opportunities to women, they have also been the primary victims of retrenchment, making up the majority of those laid off and of the unemployed. Ironically, laws and regulations protecting women workers have exacerbated such discrimination, while their selective application means that some of the most vulnerable workers - particularly female migrants from the rural areas - are unprotected. Huge numbers of women workers in cities, rural factories and private businesses labor in Dickensian conditions, exposed

to toxins and abuse by employers. Some departments, regions and units, to varying degrees, still prefer men to women in enrolling students, recruiting workers, or making choices of promotion. Some enterprises, especially some overseas-funded firms, privately- owned enterprises and individual businesses still fail to provide proper labor protection for women workers.

Discrimination Against Women In The Workforce

The working women are generally ignorant of their rights as workers and have comparatively low expectations for wages and benefits. The first problem which women encounter is a lack of access to the labour market. The second problem is the wage gap. The third problem is the "glass ceiling". The special situation of handicapped women and women belonging to minorities should also be addressed as they often suffer from double discrimination.

Low Pay, Sometimes No Pay

One of the major reasons employers like to women workers, is that they can pay them less than their men counterparts who have higher expectations. One of the major reasons for this is that a large proportion of women workers do not go through official channels in finding work. In the absence of contracts and official monitoring of employment practices, non-payment of wages is common. There are several dimensions to the problem of the wage gap: First, there is the classic case of a man and a woman doing exactly the same job (whether in a factory or on the stock market floor), but the woman being paid less for it. This used to be a common problem,

Second, women are often paid less than men for work of equal value. This type of discrimination is usually based on "horizontal occupational segregation by sex". For example, the level of education and experience required to work in a certain job might be the same, but women are paid less (e.g. chauffeurs/taxi drivers are usually paid more than cleaners or receptionists).

The "Glass Ceiling"

Women are routinely passed over when it comes to promotions. The higher the post, the less likely a woman even one as qualified as her male colleague (or even more qualified) is to get it. Women who manage to break through this so-called "glass-ceiling" into decision-making positions remain the exception to the rule, as even in female-dominated sectors where there are more women managers, a disproportionate number of men rise to the more senior positions.

There are a number of barriers to women's career development - here are a few examples:

- Lack of management or line experience
- Lack of mentoring and role models for women at the highest levels;
- Exclusion from informal networks and channels of communication
- Stereotyping and preconceptions of women's roles and abilities, commitment and leadership style;
- Sexual and moral harassment, bullying and mobbing;
- Unfriendly corporate culture

Sexual Harassment

A number of surveys of organizations where female workers are employed have found that basic work safety rules are not observed, national regulations on protections for women workers are ignored, employers provide little or no monitoring of employees' health conditions and the dormitories frequently attached to the plants are severely inadequate. An investigation by the University of Delhi scholars found that while 53 percent of the women surveyed had experienced some form of sexual harassment, 47.9 percent reported that they had been the subject of sexual jokes, discussions or insults by male colleagues or superiors at work, while the latter had offered some sort of professional advantage in exchange for sexual favors to over 13 percent of respondents. According to this researcher, the problem affects women of all social strata including those who work in government offices, but is particularly severe in private businesses. Many women felt that the frequency and degree of sexual harassment at work was on the rise. Yet, the researcher said, many legal experts view the problem as a moral, rather than legal, issue.

Laws And Regulations On Women's Employment

The Government of India has passed a variety of laws and regulations setting high standards for the rights and working conditions of women workers. But although these appear to be very progressive, in fact they are a double-edged sword. Their protective provisions attach all expenses and facilities related to pregnancy, childbirth and child-rearing to female employees, with the result that many employers discriminate against women to avoid taking on these burdens. It appears that for some employers the regulations are a convenient excuse for discrimination against female workers. Thus the central legal problem in relation to women's employment is not a lack of law, but a lack of enforcement. The absence of any law suits against discriminatory practices or violations of regulations protecting women workers are clear evidence of this.

Labor laws and regulations emphasize the protection of women's "special characteristics" and making provisions for these, rather than focusing on outlawing discrimination. There are also local and provincial regulations and rules governing women's employment. Some provinces, cities, autonomous regions and even particular industries have enacted implementation regulations for some of the above regulations, particularly the Labor Protection Regulations.

Some cities or other administrative units have created insurance systems to cover women's pregnancy and maternity costs rather than requiring employers to cover these expenses. However, it is unclear whether these have reduced discrimination against women employees.

According to Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), parties must "take all appropriate measures to eliminate discrimination against women in the field of employment." This article mandates that women should enjoy the right to work, to the same employment opportunities, to free choice in work, to equal pay for equal work and to health and safety protections. It also requires that states "prevent discrimination against women on the grounds of marriage or maternity," prohibiting dismissals on such grounds and setting up social services to "enable parents to combine family obligations with work responsibilities and participation in public life." Article 14 orders states to make a special effort to ensure that rural women are covered by the provisions of the Convention, enjoying the same rights as their urban sisters.

Reasons For The Lack Of Action Against These Violations

Reason for the poor conditions of working women is the lack of inspections and prosecutions of violators of laws and regulations. This is due to several organizations, principally endemic corruption, the involvement of officials in business ventures and a belief that economic growth should be the highest priority. In some areas, officials think that enforcing regulations will deter foreign investment, and thus allow factories to open without proper provisions for worker safety.

Recommendation

It is necessary to point out that discrimination at work will not vanish by itself; neither will the market, on its own, take care of its elimination. The elimination of discrimination requires deliberate, focused and consistent efforts and policies by all parties concerned over a sustained period of time.

- Revise and devise laws and treaties which not only prohibit discrimination in law but which also provide for a positive duty to prevent discrimination and promote equality.
- Ensure a better implementation and enforcement of existing laws, rules and regulations on the national level which counter the discrimination of women in the workforce and the workplace,
- Set concrete targets on the national level for women's labour force participation and unemployment rates, as well as for a narrowing of the gender wage gap, and take specific measures to ensure these targets are met;
- Create and encourage the application of affirmative-action on the national level to fight against the inherent prejudice against women in senior positions, so that female candidates are hired/ promoted in the case of equal merit;
- Start and support campaigns on all levels against the existing gender stereotypes in society (traditional division of roles in society, family and workplace) and promote a better division of household and care responsibilities between women and men;
- Support projects which help women who have been discriminated against to take their case to the competent authorities and ensure that the burden of proof in cases of discrimination based on sex are shifted to employers;
- Head an awareness-raising campaign to stamp out gender stereotypes and preconceptions relating both to the economic cost of hiring and employing women and to women's roles and abilities, commitment and leadership style in the workplace.

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