

GENDER WAGE GAP: A CASE OF NON- IMPLEMENTATION OF EQUAL REMUNERATION ACT

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By

S.Shwetha

MSc Financial
Economics

Gokhale Institute of Politics and Economics, Pune

Under the supervision of

Dr. Mridul Eapen



Kerala State Planning Board

Government of Kerala

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ABBREVIATIONS

NSSO	National Sample Survey Organization
ERA	Equal Remuneration Act
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CITU	Centre of Indian Trade Unions

INTRODUCTION

One of the harsh realities of the 21st century is the existence of a persistence gap between the wages of men and women around the world. Wage difference on gender basis has been a great global concern for over a century now. Despite stipulations regarding equal pay being included in the legislation of many countries, and despite the fact that equal pay for equal work is a right included in the Universal Declaration of Human Rights, women are still paid less than men in almost all countries.

Even after the passing of The Equal Remuneration Act 1976 which guarantees equal rights to women in terms of wages as compared to male counterparts, it is clearly visible that the women labour is still paid lesser wages than male counterparts even for the same type of work. In this paper, we have attempted to show how lower wages of women are socially justified with the help of occupational segregation along with the notion of considering them as secondary earners compared to men despite the implementation of Equal Remuneration Act.

As across the rest of the world, in India too, significant difference in wages for male and female workers exists across occupations and locations. On an average, female workers in India earn only about 66 percent of the wages earned by male workers. (NSSO, 2011-12) However, differences in wages occur depending on the sector, nature of occupation and types of contract.

Table 1 analyses the wage structure in the five main forms of agricultural occupations in India which are taken into consideration. It becomes clearly evident that women tend to get less wages than men. Going beyond agricultural wages to the non-agricultural sector we find that the gap in male-female wages is the lowest in regular service activities, where female workers get almost 80 percent of the male wages.

However, the gap is higher in casual manufacturing activities with approximately 34.90 percent. This is illustrated in table 2. It is important to highlight this aspect as sectors which have more employed female workers, such as the casual manufacturing activities, the wage gap is wider and for those activities where the presence of female workers is less, such as regular high skilled economic and financial service sectors, the gap is narrower. (Major Dimensions of Inequalities in India: Wage, 2014)

Table 1: All-India Annual Average Daily Wage Rates in Agricultural Occupations during the year 2014-2015(July, 2014 to June, 2015) (occupation-wise)

पुरुष	महिला	बच्चे	Occupation
Men	Women	Children	
2	3	4	1
269.72	189.31	@	Ploughing/Tilling workers
234.80	190.81	115.40	Sowing (including Planting/ Transplanting/ weeding workers)
238.82	201.42	156.35	Harvesting/Winnowing/ Threshing workers
202.02	167.48	172.35	Picking workers (including Tea, Cotton, Tobacco and others)
222.08	162.56	@	Horticulture Workers (including nursery growers)
277.06	181.13	-	Fisherman- Inland
298.62	@	-	Fisherman - coastal/ deep-sea
310.21	168.47	@	Loggers and Wood cutters
184.53	138.62	87.56	Animal Husbandry Workers (including poultry workers, Dairy workers and herdsman)
223.24	179.36	@	Packaging Labourers, agriculture
227.62	174.82	122.42	General agricultural labourers (including watering/ irrigation workers, etc)
286.39	171.09	-	Plant protection workers (applying pesticides, treating seeds, etc)

- = Not reported & @ = Number of quotations are less than five.

Source: Wage Rates in Rural India 2014-15, Labour Bureau

Table 2: Gender pay gap in India by Sectors, 2011-12

Sector	Gender Pay Gap
Legal and market consultancy, business activities	24.20%
Information and communication technology	34%
Health care, caring services, social work	26%
Education, research	22%
Financial services, banking, insurance	17.70%
Transport, logistics, communication	17.70%
Construction and technical consultancy	25.30%
Manufacturing	34.90%

Source: Employment and Unemployment in India, NSSO, GOI, 2011-12(Edited on 20th Dec 2017)

The reason for gender wage gap is a very contentious issue and various schools of thought have endeavoured to ascribe reasons for the same. The Neoclassical view is that free markets, through the competition process, ensure that wage differentials are eliminated. In other words, the basic Neoclassical model of the labour market is based on assumptions which include perfect competition, maximization of profit, and homogeneity within the workforce, suggesting that wages should be equal. But there are persistent wage discrepancies between men and women workers which was explained in terms of the human capital theory of Becker (1962), that is, gender differences in wages are due to differences in the skills, abilities and knowledge acquired by the workers. Because of the different socialisation of women before they enter the labour market which shapes their employment aspirations, they do not invest adequately in human capital. Hence, women workers are rewarded less than the male workers not because they are being discriminated against but because on average they acquire less education/skills and are thus less productive than men (Maria, 2014). The cultural historians are of the view that gender wage differentials are because of cultural or societal stereotyping of women's work for low-end, less remunerated jobs. Such culture-driven occupational segregation persists even under competitive conditions.

The theory of human capital was widely critiqued in the context of the wage differentials since it focussed mainly on individual productivity ignoring a crucial factor, the socially ascribed roles and responsibilities to men and women making it difficult for women not only to keep up with the men in respect of levels of education and skills but that even if they did their commitment to the labour market was considered lower given their household responsibilities. A possible explanation to this is that discrimination and biases against women witnessed in social spheres gets mirrored in economic spaces not only through direct, legitimate routes (skills, education etc) but also via the resilience in perceptions and mindsets among the agents of the labour markets that reconfigure to retain elements of gender imbalances. (Javeed & Anupam, 2013)

Becker did work on the Economics of Discrimination in the context of race, and ethnicity which could be extended to gender too, explaining gender wage differences in terms of prejudice preferences, primarily on the part of employers who may not want to employ women due to ignorance or prejudice or (male) employee's prejudice who may not want to work with women in higher positions. The higher salaries that employers may have to bear to avoid hiring women is described as the "discrimination factor" and according to neo-classical

theory under the assumption of perfect competition are predicted to be competed out of the market due to the higher cost (Maria, 2014).

Another approach to discrimination in labour markets is the comparative approach of the institutions, according to which the differences in wages are not a result of differences in productivity but are rather the result of social and institutional effects, such as the structure and the functioning of the labour markets, and also the relative value of professions in the society. In addition, the institutional context in which the wages are determined includes characteristics, such as the system of the wage protection and the system of the collective negotiation that may affect the pay gap. (Maria, 2014)

Further, women's work in agriculture is largely manual it is considered unskilled and hence less productive. On this basis, women are invariably paid less wage despite their working harder and for longer hours. Occupational segregation in agriculture is a major impediment to women since they are given employment in basic divisions of agriculture which are underpaid. Women are also considered as secondary workers with very less bargaining power. Low wages for women leads to economic dependence and thereby their lower social status and decision-making position in society.

A contrasting view was given by Joyce Burnette (2008) through her studies on gender work and wages in Industrial Revolution Britain, concluded that occupational segregation was not the cause of wage gap but a way to shelter women from "the full force of their lower productivity" caused by their less physical strength and child care responsibilities.

The paper is divided into four sections following the Introduction. Section 1 talks about the landmark legislation of the Equal Remuneration Act 1976 which places a duty on the employer to pay equal pay for equal work for both the genders without any discrimination. The second Section analyses the occupational segregation practiced in the labour market through case studies. The first case is based on the cashew workers of Kerala where it is observed that a strict gender division is observed where women continue to work in lower paid occupations. The gender wage gap existing in the agricultural sector is explained in the second case where there is segregation in the agricultural tasks in which women continue to work with lower wages in the lower paid occupations. Section 3 discusses perceptions about women's work as supplementary to that of men resulting in their lower wages even for work of similar nature. It is explained with the case of Mahatma Gandhi National Rural Employment Guarantee Scheme where it is observed that several states in India pay lower wages to women and is viewed as a

violation of the Equal Remuneration Act. The concluding section is based on the discussions in the paper and highlights the gender based discrimination prevalent in wage compensation and earnings as being an outcome of occupational segregation as well as attitudinal notions reflected in the behaviour of various agents—employers, state, contractors and workers themselves. Unless these stereotypes are changed or women’s position and status in society undergoes significant alteration, the wage shares and payments will continue to be imbalanced and unequal despite the legislative provisions such as Equal Remuneration Act. (Rustagi, 2005)

SECTION 1

EQUAL REMUNERATION ACT, 1976

Women have been entering activities earlier considered to be the preserves of men only and in contemporary India women are no longer restricted to minimal jobs or the traditional works. They are employed at par with men and to protect their interest and to ensure gender justice statutory recognition is given through different legislations like The Workmen Compensation Act, Payment of Wages Act, Factories Act, Minimum Wages Act, The Equal Remuneration Act, Maternity Benefits Act and so on. One major legislation among this is the Equal Remuneration Act which was passed by the parliament in 1976.

In India, there was no specific provision directing payment of equal wages for women till 1975, though the ILO Equal Remuneration Convention¹, 1951, was ratified by the Government of India in 1958. In 1975, the Equal Remuneration Ordinance² was promulgated to commemorate the International Women’s Year, and was later replaced by the Equal Remuneration Act in 1976 (hereafter ERA).

The ERA is “An Act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.”³

¹ The Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, or Equal Remuneration Convention is the 100th [International Labour Organization Convention](#) and the principal one aimed at [equal remuneration](#) for *work of equal value* for men and women. States parties may accomplish this through legislation, introduction of a system for wage determination and/or collective bargaining agreements.

² Article 39 of Constitution envisages that the State shall direct its policy, among other things, towards securing that there is equal pay for equal work for both men and women. To give effect to this constitutional provision, the President promulgated on the 26th September, 1975, the Equal Remuneration Ordinance.

³ Equal Remuneration Act Preamble statement

The Indian law places a duty on the employer to pay “equal remuneration to men and women for the *same work or work of similar nature*”⁴ in an establishment or employment, and is commonly referred to as the “Equal Wages for Equal Work” law.

Inequality with respect to recruitment processes, job training, promotions, and transfers within the organization can also be challenged under this act. The act also seeks to establish an Advisory committee at the Central and State level to promote employment opportunities for women and reviewing the steps taken for effective implementation of the Act. A Central Advisory Committee has been set up at the Centre under the Act and that requires the establishment of a State Advisory Committee to promote employment opportunities for women.

Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

But, the major problem with this Act is to define “similar” work in practice since most of the times the nature of work given to men and women is different which serves as the basis for justifying discrimination. Especially in the unorganized sector, it is difficult to delineate categories of work by level of education and experience or ability which along with occupational segregation would make it difficult to identify work of same or similar nature

Though the ERA got implemented there are certain practices which are followed to discriminate women in terms of payment. The discrimination stems from the consideration of women as supplementary earners, despite the growing evidence of the increase in the number of female headed households, especially among the poorer sections. Many devious means are adopted to undervalue women’s work and deny them equal wages with men. This is by classifying work women do as “light” work, with less output, even if the women are performing more strenuous and skilled tasks. Thus, in agricultural operations, winnowing and transplanting, both difficult tasks, are considered “light work usually done by women” and therefore to be done by women at lower rates of payment.

⁴ Section 4 of the ERA states which implies work in respect of which the skill, effort and responsibility required are the same when performed under similar working conditions by a man or a woman.

Operations traditionally done by women in agriculture include transplanting, winnowing, threshing are classified as unskilled (with lower wages) and by men, like ploughing, as skilled with (higher wages). This kind of occupational segregation is exercised not only in agriculture but also in non-agricultural operations.⁵ This serves as a basis for justifying their lower wages.

The lacuna in the ERA effectively operates even in cases of “same work or work of a similar nature”. For instance, the Mahatma Gandhi National Rural Employment Guarantee Act (hereafter MGNREGA) which stipulates for equal pay for equal work, there were instances in several states of India where payment was unequal.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) stated that the National Sample Survey Organization’s (hereafter NSSO) statistical data on earnings of men and women by occupation, sector or industry, and level of skills or education show considerable differentials in the earnings of men and women even when they are engaged in the same occupations or where they have the same skills or education.⁶ The difference in wage rates per day for persons of age from 15-59 is shown below in Table 3. This table shows the difference in payment of wages given to men and women for the same type of work and the variation in payment depending on the level of education.

The Centre of Indian Trade Unions in its Equal Remuneration convention cited that wage discrimination is found in beedi, plantation, construction, manufacturing and particularly in the agriculture and unorganized sector. In fact, in all the sectors where women work. To take the example of construction industry, if men and women are doing the same work of stone cutting for road making the men will be paid Rs. 80 per day and the women in the range of Rs. 50 to Rs. 60.

The labour machinery of the Government takes no notice of non-implementation of ERA even when there is discrimination in wages between men workers let alone between women and men workers. The Act is observed more in its violation than implementation. A mechanism should be created to involve trade unions in the enforcement of ERA. Special cells should be formed within labour department to monitor discrimination against women in wages, categorization and promotion⁷.

⁵ This is taken from a write up on wage inequality titled “Why am I Paid Less?”

⁶ A statement from CEACR: Individual Observation concerning Equal Remuneration Convention, 1951 (No.100) India (ratification: 1958) Published:2010

⁷ A statement from CITU article 22 of the constitution of International Labor Organization

Table 3: Average wage earnings (Rs. 0.00) per day received by casual wage labour (activity status codes: 41, 42, 51) of age 15-59 years during NSS 50th (1993-94), 55th (1999-2000), 61st (2004-05), 66th (2009-10) and 68th (2011-12) rounds

type of casual labour (1)	rural			urban			all-India
	male (2)	female (3)	person (4)	male (5)	female (6)	person (7)	
NSS 68 th round (2011-12)							
casual labour in public works other than MGNREG public works	127.39	110.62	121.46	-	-	-	
casual labour in MGNREG public works	112.46	101.97	106.71	-	-	-	
casual labour in other type of works	149.32	103.28	138.62	182.04	110.62	170.10	
NSS 66 th round (2009-10)							
casual labour in public works other than MGNREG public works	98.33	86.11	93.11	-	-	-	
casual labour in MGNREG public works	90.93	87.20	89.03	-	-	-	
casual labour in other type of works	101.53	68.94	93.06	131.92	76.73	121.83	
NSS 61 st round (2004-05)							
casual labour in public works	65.33	49.19	59.33	-	-	-	
casual labour in other type of works	55.03	34.94	48.89	75.10	43.88	68.68	
NSS 55 th round (1999-2000)							
casual labour in public works	49.04	39.48	46.72	-	-	-	
casual labour in other type of works	45.48	29.39	40.23	63.25	38.22	57.98	
NSS 50 th round (1993-94)							
casual labour in public works	24.65	18.52	22.44	-	-	-	
casual labour in other type of works	23.18	15.33	20.54	32.38	18.49	28.77	

Note: CPI(AL) and CPI(UNME) for the periods 1993-94, 1999-2000, 2004-05, 2009-10 and 2011-12 are given in Statement 5.14

Source: NSSO Report 2011-12

Keeping this aside it is surprising to note that, Labour Bureau in its Occupational Labour Surveys have revealed that none of the establishments surveyed violated the provisions of ERA since the difference in the earning of male and female workers at the industry and occupational level is mainly due to seniority/length of service, difference in output etc. Further, the difference in wages and earnings at Stratum/All India level is due to inter-State difference in wage rates/earnings of men and women work. (Press Information Bureau, 2012)

We have taken three case studies to examine the prevalence of gender wage inequality in agricultural as well as non-agricultural occupations in India wherein the inequality is sought to be justified by the gendered segregation of work and by having notions of considering women as secondary earners determined by the patriarchal norms prevalent in the Indian society. This is discussed in detail in Section 2.

SECTION 2

OCCUPATIONAL SEGREGATION

Among all the gender inequalities that persist in every sphere of life occupational gender segregation is the most enduring one. It is one of the significant aspects of gender inequality around the world, despite the fact of increasing participation of women in the labour market. (Chakraborty, 2010) We can examine two cases where occupational segregation is used as a justification for the lower wages for women which are described below:

Case 1: Cashew workers of Kerala

A significant example of the occupational segregation by sex has been experienced by the workers at the cashew factories of Quilon in Kerala since mid-1920s. The economic and political importance of the cashew industry is based on the great number of workers it employs and the amount of foreign currency it brings in to the country. From its inception in the mid-1920s, the industry grew very quickly, and in 1941 cashew workers accounted for 45% of the registered factory workforce in Travancore. A remarkable factor is that an overwhelming majority of all cashew workers are women.

The cashew factories in Kerala exhibit a transition of work culture wherein the initial period marked an absence of gender segregation at work to a phase where gender determines the type of work to be performed. On a general note, the female industrial workers are mainly employed in labour intensive serial production with a low input of capital per worker and are often paid by piece-rate. (Lindberg, 2001)

Moving on, with the mechanization of the industries there is an increasing trend of the exclusion of the female workers. This is illustrated by the fact that in traditional industries such as jute, textile and mining the proportion of women workers has been reduced drastically as a result of mechanization. Not only in Kerala but also in other states of India. For instance, rice husking is traditionally a female occupation was transformed into a male occupation when machines were introduced.

The main work processes performed in the cashew factories involve roasting, shelling, drying, peeling, grading and packing. It is worth noting that only very small technological improvements have occurred since the industry's inception. It is still by and large, a manual labour-intensive process. The main labour-intensive processes among these include shelling and peeling, with grading third.

Roasting, shelling and peeling were generally described as an extremely dirty and unpleasant job. They are highly monotonous and stressful work. Roasting which was considered to be predominantly men's work even in government reports, booklets and articles published by the trade unions also involved the participation of women workers. Remarkably, the fact that women were also doing this work has been omitted from the stories. This is likely due to the fact that gender composition of the factories varied considerably in the different regions so that we may find places where women roasters never existed. It is ironic that when the drum roasting method was introduced and working conditions became a little better, those women roasters were transferred to the shelling section. A brief statistic on the proportion of workers in cashew factories of Travancore is given below in Table 4.

Table 4: Composition of workers in Travancore cashew factories

Year	Males	Females	Factories Surveyed
1936-37	27%	73%	32
1937-38	26%	74%	39
1938-39	27%	73%	41

Source: Statistics of Travancore, 18th, 19th & 20th issue

Adding to this, it is logical to assume as Marx did that employers in order to reduce labour costs would seek to substitute men for women to greatest degree possible. But this did not happen with regard to roasters even though women were able to carry out this factory operation. Instead, women ceased to be engaged in this task. A lot of legal restrictions resulted in this situation. One major legislation was made by the Kerala Government declaring the tasks like roasting and shelling to be "hazardous occupations" basing this on a finding that cashew shell oil had a negative effect on workers' health. Thus, the elimination of women from certain factory operations can be explained with two different explanations: introduction of gender specific protective legislation and such changes in the work process as the introduction of machines. The rationale for withdrawing women from roasting was that women were incapable of handling the machines.

Moving on, the male dominated trade unions pleaded for legislation against female roasters though there was a sincere wish to protect women from heavy dirty and dangerous operations. But it can also be viewed as a preventive measure aimed at securing job opportunities for male workers since roasting was a job which yielded higher wages than other tasks in cashew factories. Factory owners did not even try hiring women for roasting because

they were surrounded by the more rigid gender ideology. On the whole, it is accurate to say that cultural perceptions of gender had probably strongly influenced factory life already. (Lindberg, 2001)

Keeping this aside, the processes of shelling, peeling and grading were unconditionally considered as female occupations. All the trade unionists as well as civil servants are of the opinion that these activities can only be performed by women. This explanation stems from a biological perspective that women embody qualities of dexterity and patience which are essentially required to do these kinds of work.

According to Lindberg, women have been defined as antithesis to able-bodied, and machine oriented male workers often they have been merged into a single group called “women and children”. The classification of women and children as one group further stresses the status of women as non-workers. In cashew factories, no machine was employed and it explained the feminine nature of the work. Moreover, the cashew factory owners have attributed certain characteristics to women such as deftness, nimble fingers and patience to justify that the majority of workers were women.

The cashew factories have here followed a pattern noted in other industries in India, strongly linking the degree of labour intensity of a task with gender. It seems obvious, however, that in the early period around 1925-1945 there was a less strict gender division of labour with regard to the processes of roasting and shelling. During this period, the shellers were not given epithets like “nimble” or “patient”, these being constructions formed later to legitimize the dismissal of male shellers and the establishment of a rigid gender division. (Lindberg, 2001)

Coming to the wages and gender discourses among the cashew workers, wages in cash, as well as payment in kind, were often so construed that a woman received three-quarters as much as a man, although a figure of two-thirds has been cited. In most of the early factories in Travancore, a wage structure where in workers were paid in cash was introduced. On the other hand, in early cashew factories all workers were paid by the piece without consideration of gender.

There were arguments from employers that it was impractical to restrict working hours as women only came to work at times which suited them and which were conveniently coordinated with their main duties like domestic work. Their earnings from cashew nut factories are therefore virtually the earnings of their spare hours. A strong argument was thus

made for not regarding women as true workers and it was argued that their incomes should only be seen as complementing to their households.

In 1948 a minimum wage act was enacted in India. Along with this a committee on Fair Wages were also formed. The main features of this act were as follows:

1. No difference in the wages paid to men and women doing the same type of work.
2. Wage differential should be based on a scientific appraisal of skill, experience and training required for a particular job. Strain, fatigue, hazards and the disagreeable nature of certain work tasks should be taken into account.

It was argued that if a wife had to work for wages it must be because of the absence of a providing husband. A fair wage for a woman would be therefore based on two consumption units and her wage should amount to two-thirds as much as a male worker's wage.

The discrepancy between male and female wages were legitimized by the gendered division of wages. The men and women were thus employed in different sections, it can be argued that if minimum wages are to be calculated on the requirements of the worker and his family, there is justification for rating the standard family at a lower number of consumption in the case of women, since they are not expected to maintain at least their husbands. The Minimum Wages Committee decided to fix different wages for different sections on the basis of the sections being "male" or "female", the female section being allotted a lesser wage, regard being had to the above considerations.

Table 5: Estimated average daily wages according to the stipulated minimum wages for cashew workers 1953, 1960, 1967, 1975, 1990, and 1999. (mw= monthly wages, ss= separate settlements)

Categories	1953	1959	1967	1975	1990	1999
Females, piece work						
Shellers	1.25	1.6	3.24	8	24.23	63.02
Peelers	1.24	1.59	3.14	7.85	24	63.01
females, daily wage earner						
Graders	1.25	1.56	2.92	7.43	24.65	65
Others		1.56	2.92	7.43	24.65	66
Males, daily wage earner						
All workers	1.88					

Causal worker	2.21	3.72	9.18	28.4	75
Scrubber	2.31	3.72	mw	mw	mw
Roaster	2.76	4.28	mw	mw	mw
Fireman	2.76	4.28	11.38	32.6	80
Tinker	2.76	4.28	mw	mw	mw
Stenciller	2.61	4.02	9.83	31.05	75
Packer	2.61	4.02	mw	mw	mw
Bag carrier	2.56	4.02	9.83	31.05	80
Oil bath roaster	2.46	4.28	mw	mw	mw
Sizer				28.4	75
Others				34.75	85
Monthly wage Earners					
Males					
Borma-worker	2.66	4.34	10.7	ss	ss
Roaster, scrubber			10.7	ss	ss
Oil bath roaster			10.7	ss	ss
Tinker, packer			10.7	ss	ss
Females					
Creche nurse, kernel checker				ss	ss
Female/Male	0.66	0.67	0.73	0.74	0.79
				0.79	0.82

Source: RSP office Quilon, Minimum wages for cashew workers and lists with dearness allowances for the years 1953, 1959, 1967, 1975, 1990, and 1999.

In 1967 and 1975 the minimum wages act was revised. This did raise most wages but a wide gap still existed between wages for males and females. In 1966 a joint outcry from main trade unions demanded that male workers be paid on a monthly basis since it was said they did the vital work and it was reasonable to pay them a high salary. Thus, the demands of the trade unions were not based on an economic rationale but on gender.

As a result, the call for diminishing the gap between women's and men's wages subsided and, in its place, the notion that women were only supplementary wage earners was accepted. In practice, the wage gap widened, with more and more male workers receiving

monthly wages and the right to unemployment compensation. The disparity was not only one of capital-labour relations for men. Monthly male workers were given continuous employment which meant that their salaries had to cover the costs of reproducing labour. Women, however, were classified as temporary or seasonal workers towards whom their employers had less obligations.

Case 2: Agricultural Occupations in India

Another scenario in which occupational segregation on the basis of gender is exercised is in the agricultural sector. In the overall farm production, women's average contribution is estimated at 55% to 66% of the total labour with percentages, much higher in certain regions. As per Census 2011 the participation rate of females trails at 15.44% against 53.76% for males. 41.1% of female main and marginal workers are agricultural labourers, 24.0% are cultivators, and 5.7% are household workers. This is illustrated in Table 6.

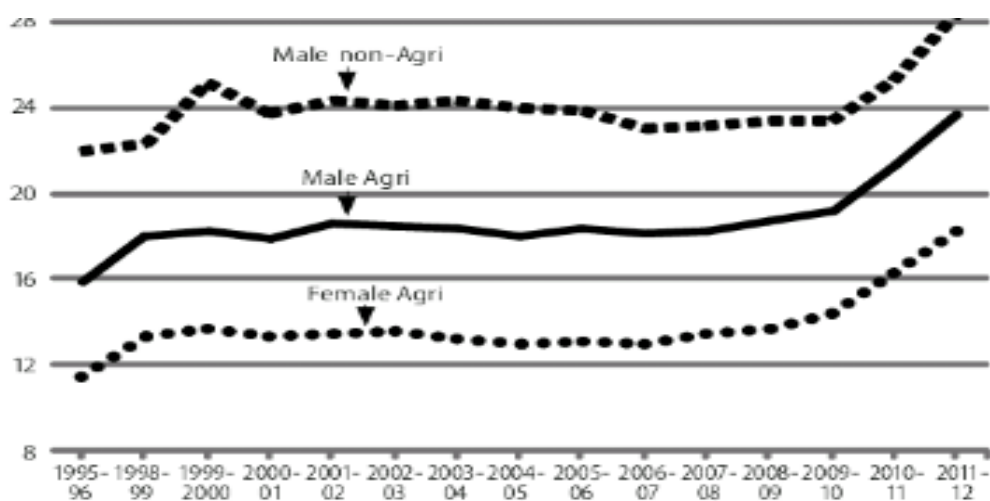
Table 6: Category-wise Percentage Distribution of Workers (Main + Marginal): 2011

Category of worker	Rural			Urban			Combined		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Cultivators	28.8	35.2	33.0	3.1	2.73	2.80	24.01	24.92	24.64
Agricultural Labourers	48.5	34.4	39.3	9.0	4.58	5.51	41.09	24.93	29.96
Household Industry workers	5.0	2.6	3.4	8.8	3.72	4.80	5.71	2.95	3.81
Other Workers	17.7	27.8	24.3	79.1	88.97	86.90	29.18	47.20	41.60
Total workers	121.83	226.76	348.60	28.04	105.10	133.15	149.88	331.87	481.74

Source: Census 2011 data, Office of the Registrar General, India.

Though there is an increase in wages in the agricultural sector, there is a clear gendered division of labour in this sector. The trend in real wage rate is given in Table 7.

Table 7: Trend in wage rate



Source: Economic Survey, Various Issues, Ministry of Finance

The underlying concept behind the discrimination of women is the stigma associated with their gender which in turn lead to the treatment of their labour as cheap and secondary which can be hired according to the requirements of the employer. This in turn results in women receiving lower payments.⁸

Table 8: Real wage rates for agricultural labour (at 1986–87 prices) in rupees for Ploughing

		Andhra Pradesh	Assam	Bihar	Gujarat	Haryana	Himachal Pradesh	Jammu & Kashmir	Karnataka	Kerala
Ploughing (Male)	1998–99	17.1	20.1	14.3	17.7	23.0	31.4	29.5	15.0	59.0
	1999–00	16.3	20.0	15.1	17.6	24.7	30.7	28.9	15.6	56.8
	2000–01	17.6	20.6	17.0	18.9	26.4	33.8	34.5	18.3	59.4
	2001–02	17.7	20.9	18.2	20.3	24.6	34.5	35.9	18.5	74.2
	2002–03	18.2	19.5	18.5	20.0	25.3	33.4	35.2	17.9	73.6
	2003–04	17.3	20.3	18.7	20.4	24.7	37.8	35.0	17.4	70.2
	2004–05	16.9	19.4	18.5	21.0	25.1	39.3	35.2	16.9	60.6
	2005–06	18.3	18.7	18.3	20.9	24.7	37.1	34.9	17.9	59.2
	2006–07	19.2	19.0	18.3	19.8	24.7	40.1	31.1	17.4	63.5
	2007–08	20.8	19.4	18.7	20.7	25.6	45.4	31.4	18.0	68.0
	2008–09	23.4	19.0	19.2	21.3	26.5	48.3	31.0	18.9	64.5
	2009–10	25.4	18.7	21.4	19.0	27.8	44.5	33.0	18.4	64.7
2010–11	30.1	20.9	22.9	18.7	30.7	45.1	36.9	21.2	70.7	

In the Tables 8,9, and 10, the trends in rural wage rates for three farm operations – ploughing (male), sowing (male) and weeding (female) are observed. This shows that there is a clear occupational segregation of labour according to gender in Indian agriculture. Besides, the wages for operations done by women are comparatively lesser than that done by men. This can be explained with regard to the low bargaining power associated with the women workers due to which they are exploited.

⁸ Statement given by Self Employed Women’s Association (SEWA) 2000.

Table 9: Real wage rates for agricultural labour (at 1986–87 prices) in rupees for Sowing

		Andhra Pradesh	Assam	Bihar	Gujarat	Haryana	Himachal Pradesh	Jammu & Kashmir	Karnataka	Kerala
Sowing (Male)	1998–99	13.3	14.4	14.3	16.9	22.1	27.6	24.7	15.0	44.3
	1999–00	13.0	15.3	14.9	16.9	23.9	31.1	24.3	15.5	49.3
	2000–01	14.3	16.9	16.6	17.9	25.0	35.4	28.4	17.1	52.9
	2001–02	14.6	17.0	17.4	19.2	25.5	33.8	32.0	17.2	55.7
	2002–03	14.6	17.0	18.0	18.8	24.8	33.5	32.1	16.3	52.5
	2003–04	14.7	18.6	17.8	19.4	23.6	34.2	34.1	15.9	51.1
	2004–05	14.8	18.4	17.4	19.4	24.3	na	34.6	15.3	53.0
	2005–06	15.5	18.6	17.2	18.7	25.5	na	29.8	14.8	51.7
	2006–07	16.5	18.9	16.4	18.3	24.4	na	30.4	16.0	54.6
	2007–08	18.1	19.3	16.4	18.8	24.9	na	30.9	16.3	53.5
	2008–09	19.5	19.0	16.7	18.7	26.7	37.8	29.9	16.6	53.7
	2009–10	23.5	18.9	18.4	16.4	28.0	34.3	31.3	17.3	52.9
2010–11	24.7	20.8	19.5	16.6	29.2	39.0	35.8	19.5	62.2	

Table 10: Real wage rates for agricultural labour (at 1986–87 prices) in rupees for Weeding

		Andhra Pradesh	Assam	Bihar	Gujarat	Haryana	Himachal Pradesh	Jammu & Kashmir	Karnataka	Kerala
Weeding (Female)	1998–99	8.5	15.3	10.9	14.7	19.6	25.7	na	10.1	25.7
	1999–00	9.4	17.0	11.0	14.6	20.8	26.7	na	10.6	30.8
	2000–01	10.0	na	12.3	14.9	21.1	na	na	11.5	31.5
	2001–02	9.5	na	13.2	16.2	23.6	na	na	11.3	32.5
	2002–03	9.2	na	14.4	15.4	23.0	na	na	11.3	30.9
	2003–04	9.4	16.2	14.3	15.1	22.1	na	na	10.6	29.2
	2004–05	9.8	16.6	13.1	15.7	23.1	na	na	10.8	29.1
	2005–06	9.9	16.2	13.2	15.3	na	na	na	10.9	29.5
	2006–07	10.8	16.6	12.0	14.5	na	na	na	10.6	29.3
	2007–08	12.2	16.1	12.1	15.1	na	na	na	10.9	29.5
	2008–09	15.1	16.2	13.1	15.7	24.5	na	na	10.9	30.6
	2009–10	16.0	16.1	15.1	14.2	na	na	na	11.4	32.0
2010–11	18.5	16.5	16.3	14.5	28.7	na	na	12.7	31.3	

Source: Labour Bureau, Wage rates in rural India

Many theories are often employed to explain the gender wage gap in the agricultural sector. One most prominent theoretical explanation for the prevalence of gender wage gap in the agricultural sector is the human capital productivity approach wherein the lower earnings of women are considered to be the result of their lower productivity and is the reason why they work in operations involving lower wages. It is also associated with their domestic duties and childcare responsibilities or can be due to interruptions in employment due to these duties.

According to the devaluation theory, wage differentials are as a result of biases towards those employed and earning wages. It explains the differences in wages as the direct result of

biases of the wage payer. Put differently, biases from the measurement of productivity could result in women earning less. This holds true in explaining the wage differentials in the agricultural sector. It is due to the gender bias that the gap in wages exist. The basic assumption of this theory is that women are culturally devalued in society.

As a consequence, female occupations and tasks are assumed to be less valued than the male tasks. It is also known as comparable worth discrimination and is mostly used in sociological explanations to define the situation of negative wage effect of the female share of occupations. The main argument of the theory is that the value of labour is gendered. One explanation of this theory is that occupations dominated by men are ascribed greater value as compared to the occupations dominated by women. This occurs due to the cultural devaluation of women's work which in turn would decrease wages in female dominated occupations for both men and women. The second line of explanation propounds that traditionally feminine tasks are undervalued due to its traditional association with women.

Thus, even in agricultural occupations the lower wages of women are justified with the occupational segregation of work wherein the women work in occupations which are labelled as having lower productivity.

CHAPTER 3

NOTIONS PERTAINING TO WOMEN'S WORK

The difference in the wages between men and women are justified not only by gendered segregation of occupation but there are certain notions which people hold pertaining to the work done by women. This notion stems from the consideration of women's work as just complementing to their household's income which was discussed earlier under section 2.1.1. The consideration of women's participation in paid spheres of the labour market differs from that of male's due to the stereotypical traditional notion that women's roles are limited to the private, domestic spheres. Since this kind of patriarchal role stereotyping precedes any deliberation on women's contribution to the economy, the space for unbiased consideration and gender based comparison becomes non-existent. (Javeed & Anupam, 2013) It has been observed that even in programmes which vow for equal wages for both men and women like the MGNREGA there is a clear discrepancy in wages of men and women with women receiving comparatively lesser wage for the work of similar nature.

Case 3: MGNREGA and Wage Inequality

The MGNREGA guarantees 100 days of employment in a financial year to any rural household whose adult members are willing to do unskilled manual work. The Act has come into force with effect from February, 2006 in 200 districts initially and later on extended to all the rural districts of India from the financial year 2008-09. (TISS, 2011)

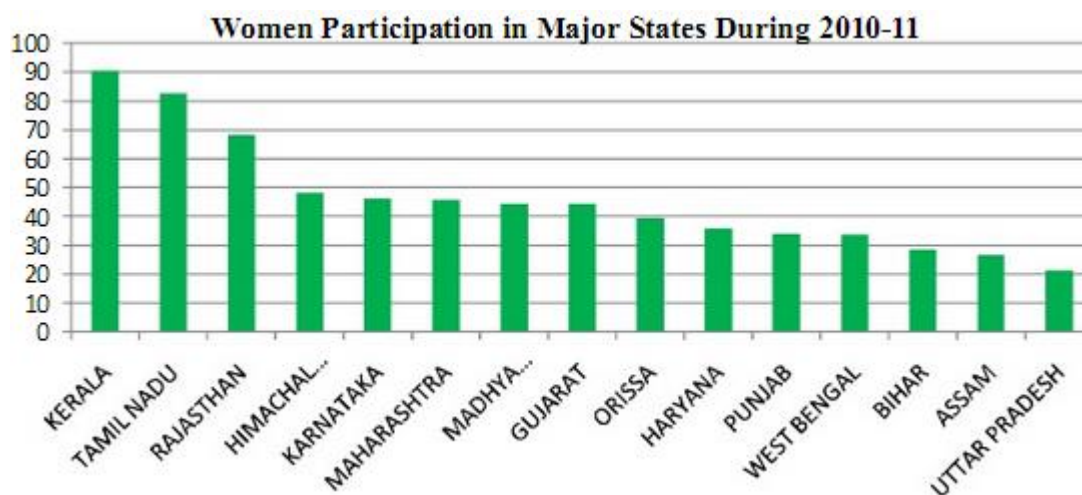
An equally important feature of MGNREGA is that it links the livelihood security of the poorest sections of society with natural resource regeneration and protection. By laying down a clear priority in which works are to be taken up (beginning with water conservation, drought proofing, afforestation, land development and so on), this legislation attempted to link livelihood security with the revival of agriculture and sustainable management of natural resources, which alone can sustain the livelihoods of the poor in our society.

The uptake by women is not surprising, given that women tend to receive lower wages and could probably earn better wages from MGNREGA than the market. (Sudarshan, 2010) Some researchers argue that MGNREGA, through improving women's wages, has broadened consumption options for women, and enhanced their economic independence. (Pankaj, 2010) NREGS appeared to have created spaces for women to engage in public works and earn decent wage, that has the potential to alter gender relations within the family as well

as in the broader community. As per the Act, the following specific provisions are aimed at enhancing women's participation:

- (i) At least one-third of beneficiaries are women workers [Schedule II (6)]
- (ii) Equal wages for men and women [Schedule II (34)]
- (iii) Provision of crèches for the children (aged 1–5 years) of women workers [Schedule II (28)]

Table 11: Women's participation in NREGA



Source:nrega.in

The states like Kerala (90.39) followed by Tamilnadu (82.59), Pondicherry (82), Rajasthan (68.34) is marked high percent of women participation with lowest participation of states like Assam (26.4), Bihar (28.5), Arunachal Pradesh (33), Punjab (33), West Bengal (33), Mizoram (33) during financial year 2010-11. Participation of women has increased significantly. In several states participation of women has surpassed men's participation. (Reddy, 2010)

Studying women's participation in MGNREGA, it is found that the employment scheme fell short in terms of understanding life course issues for women, such as child rearing, and also failed to adequately consider the physical capabilities of women, particularly older women. (Sudarshan, 2010) However, there are certain factors which inhibit participation women in NREG and these include local social and cultural norms which run against women's wage work, inadequate worksite facilities like childcare, gender insensitivity of the nature of work, work measurement and schedule of rates, and in some cases, exclusion of single women in the definition of 'household'.

The figure below clearly illustrates that there is the prevalence of wage difference

between men and women even for the same kind of work.

Table 12: Daily wages (Rs. 0.00) received by casual labourers and regular wage/salaried employees of age 15-59 years

category of persons		category of workers			all-India
		regular wage/salaried employees (31, 71 and 72)	casual labour in works other than public works (51)	casual labour in public works other than MGNREG public works (41)	casual labour in MGNREG public works (42)
(1)		(2)	(3)	(4)	(5)
rural	male	322.28	149.32	127.39	112.46
	female	201.56	103.28	110.62	101.97
	person	298.96	138.62	121.46	106.71
urban	male	469.87	182.04		
	female	366.15	110.62		
	person	449.65	170.10		
rural + urban	male	417.08			
	female	307.72			
	person	395.82			

Source: NSSO 68th Round

Women workers on the whole have demanded for a shortening of work timings under MGNREGA. Women from across the four districts, particularly women living in remote pockets with limited transport facilities have found it difficult to reach worksites by 8 am, after completing household work. Another problem they face is having to work with heavy tools at the worksite. They are also not provided with adequate protective gear, which they particularly need when they clean up dirty irrigation canals and ponds (which off late are dumped with decomposing waste). Women have also demanded for crèche facilities at the worksite, which is rarely provided. (TISS, 2011)

As indicated in Figure 11, there were wage discrepancies in MGNREGA across sites, and between men and women, and in some cases the wage was lower than the minimum wage. When asked about wage discrepancies, participants indicated that women could not get the amount of hard labour done in a day that was expected of those working with MGNREGA, therefore they could be paid lower wages within this programme. Wage payment is linked to a task-based Schedule of Rates (SOR), and since the SOR is prepared based on the average output of a healthy, invariably male worker, women have to work very hard to earn minimum wages. This is much more difficult for old, physically weak, and lactating women. Thus, Landless women in our Tamil Nadu site indicated that they only received Rs 148 if they were able to complete the work and dig the whole area. They had to clear and dig three square metres of land about 30 centimetres deep.

The women indicated that they could not achieve this in a day, nor could most men. Therefore, they would not get the full day wages. In the private market, the key reason cited for varying wages was ‘different pay for different work’. When this reason was cited, it was clear that there was a gendered element to the pay. Policy implementers in our Tamil Nadu site indicated that male labourers in the private market were paid Rs 350 per day, on average, and women were paid Rs 200 per day, on average. (Rhonda Breitreuz, 2017)

Table 13: Daily wages (Rs. 0.00) received by casual labourers and regular wage/salaried employees of age 15-59 years

Project Site	Group	MGNREGA Wage	Private Wage	State Minimum Wage ⁵	Type of Work Done by MGNREGA Workers
Kerala	Men	Rs 180	Rs 350–550	Rs 150	Farm pond development; road construction
	Women	Rs 180; Rs 125 for landless women	Rs 125–225		Roadway cleaning; clearing fields
Tamil Nadu	Men	Rs 100–148	Rs 350	Rs 100 (men, 6 hours); Rs 85 (women, 5 hours)	Digging
	Women	Rs 70–120	Rs 120–150		Cleaning brush and shrubs along roadways; pond construction
Odisha	Men	Rs 150–240	Rs 150	Rs 90	Road construction and repair; pond excavation; housing and community infrastructure
	Women	Rs 150–240	Rs 110		Pond excavation; construction of latrines in primary schools; housing construction; road construction

Source: The authors

In Kerala, participants in the landless women's group indicated they were paid Rs 125 for work under MGNREGA (Rs 55 less than men), but made no mention of inequality between genders and socioeconomic groups under the programme. Instead, when asked about MGNREGA wages for women and men, participants all indicated that the wages were equal between the genders.

A possible explanation for participants' lack of recognition of wage discrepancy may be that private wages in Kerala were highly variable, and depended on the type of work done, location and gender of the worker. Wages in the private market ranged from Rs 350–550 for men and Rs 125–225 for women. It may also be that inequality in wages between the genders was so common that it was perceived as fair.

In Tamil Nadu, policy implementers stated that the private market wages in their state were Rs 350 for men and Rs 200 for women. Participants in the women's focus groups, however, indicated that private wages in the agricultural sector were significantly lower for women, at Rs 120–150. (Rhonda Breitzkreuz, 2017)

Studying women's participation in MGNREGA, it is found that the employment scheme fell short in terms of understanding life course issues for women, such as child rearing, and also failed to adequately consider the physical capabilities of women, particularly older women. (Sudarshan, 2010) (Rhonda Breitzkreuz, 2017)

Besides, women were still disadvantaged workers even within MGNREGA. In addition to receiving lower wages, women reported that they were not always treated very well by their site supervisors, and were often given work that was too difficult for them. In addition, their unpaid care responsibilities for children and home meant that they could often not work the long hours that men worked, and they were sometimes docked pay for this. In Kerala, landless women indicated that they sometimes used childcare facilities, or, more often, took their babies to the fields. In Tamil Nadu, women were more likely to put their children in Anganwadi Centres, which are childcare facilities, so that they could work in the fields.

Interestingly, despite the challenges faced by women as MGNREGA workers, they generally viewed the programme as positive, perhaps because it provided them with opportunities to earn their own wages. While the participants confirmed that the official upper wage limit was Rs 148, the work required to earn that wage was based on what a man can complete in a day, despite the fact that the majority of MGNREGA workers were women.

Because the work was paid according to what was accomplished, women tended to get paid less because they did not get as much done. It can be seen from the statement that at the all India level, the average daily wage rate of casual labourers engaged in MGNREG public works was Rs. 112.46 for males and Rs. 101.97 for females.

There were two reasons for this. First, they found the work difficult, particularly in cases where they were digging, and were unable to complete the required digging work. Second, women indicated that they had to work around the schedules of their children, and so women with children tended to work a shorter day. Women indicated that the wages they received from the MGNREGA programme ranged from Rs 70–90 to a maximum of Rs 120. (Rhonda Breitzkreuz, 2017)

Table 14: Daily wages (Rs. 0.00) received by casual labourers and regular wage/salaried employees of age 15-59 years Average wage/ salary earnings (Rs. 0.00) per day received by casual labour of age 15-59years engaged in MGNREG public works (activity status codes: 42) for each State/UT

State/UT	male		female		person		rural
	average wage/salary	sample person-days	average wage/salary	sample person-days	average wage/salary	sample person-days	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
Andhra Pradesh	101.29	278	100.79	278	101.02	556	
Arunachal Pradesh	-	0	-	0	-	0	
Assam	168.57	7	-	0	168.57	7	
Bihar	110.00	8	-	0	110.00	8	
Chhattisgarh	124.94	61	125.48	45	125.17	106	
Delhi	-	0	-	0	-	0	
Goa	-	0	-	0	-	0	
Gujarat	-	0	100.56	19	100.56	19	
Haryana	-	0	-	0	-	0	
Himachal Pradesh	120.93	181	118.56	215	119.66	396	
Jammu & Kashmir	116.31	10	-	0	116.31	10	
Jharkhand	-	0	-	0	-	0	
Karnataka	-	0	-	0	-	0	
Kerala	150.00	10	148.67	182	148.74	192	
Madhya Pradesh	119.65	23	122.00	21	120.89	44	
Maharashtra	-	0	-	0	-	0	
Manipur	119.71	115	112.52	246	115.24	361	
Meghalaya	113.82	250	117.23	156	114.67	406	
Mizoram	124.33	88	113.82	90	120.14	178	
Nagaland	-	0	100.00	2	100.00	2	
Odisha	121.69	48	134.14	13	125.26	61	
Punjab	130.00	14	130.00	7	130.00	21	
Rajasthan	94.02	38	87.29	118	90.17	156	
Sikkim	118.1	19	118.14	15	118.11	34	
Tamil Nadu	94.27	109	87.59	895	88.78	1004	
Tripura	118.72	261	118.29	220	118.47	481	
Uttarakhand	100.00	11	107.54	17	104.69	28	
Uttar Pradesh	117.57	116	115.82	42	117.14	158	
West Bengal	126.45	168	130.95	52	127.27	220	
A & N Islands	175.00	6	-	0	175.00	6	
Chandigarh	-	0	-	0	-	0	
Dadra & Nagar Haveli	-	0	-	0	-	0	
Daman & Diu	-	0	-	0	-	0	
Lakshadweep	-	0	120.00	5	120.00	5	
Puducherry	-	0	102.76	12	102.76	12	
all-India	112.46	1822	101.97	2650	106.71	4471	

Source: NSSO 68th Round

To put in a nutshell, there were clear cases of gender- and class-based inequalities with implementation of the program. Our landless women participants' stories showed that recognition of different gendered realities, such as responsibilities for child care and differences in physical strength, were not acknowledged within the implementation of MGNREGA, with the outcome being lower wages and, in some circumstances, worse working conditions, for women. It seemed that there was a poor understanding of, and lack of provision for, women's responsibilities for caregiving. Even if childcare was available, as in the case of Tamil Nadu, women's sole responsibility for their children was not considered in the programme.

CONCLUSION

In this paper, we found that even with the implementation of the ERA women continue to receive lower wages compared to men for the work of similar nature. We also found that occupational segregation has been used as a tool to justify the lower wages of women which is shown by the case of cashew workers and also in the agricultural occupations. This study underlines the fact that payment of unequal wages has been justified with instances of gendered segregation of occupations and also due to the consideration of women as supplementary earners.

India, among few leading countries, had been a land where woman had been given the right to vote. There is no question of any less efficiency, ability and productivity in women than men. A country cannot realize its dream of becoming super power by ignoring the better half of the humanity.

The enforcement of the ERA is based on the establishment of the employer-employee relationship, which is very difficult in the informal sector. It has been seen that even in the organized sector the ERA is better implemented where the workers unions are strong and do take up working women's problems. Therefore, it is necessary to organize working women in strong unions and to sensitize the union leadership to fight against gender discrimination.

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