

Women migrants in India's construction and brick kiln industries



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Construction industry: An overview

- In the last few decades, the biggest increase in non-agricultural employment has been in construction, both rural and urban, from a total of 17 million in 2000 to 50 million in 2011-12 (Mahajan and Nagraj 2017).
- A recent study of structural changes in the Indian economy has shown that while the share of manufacturing in the country's GDP peaked in the mid 1990s, between 2002-03 and 2007-08, it was construction that was the driving force behind the increased share of industry (Mazumdar 2010).
- However, the strength of skilled workforce in construction has dwindled substantially from 15.34% in 1995 to 10.57% in 2005, whereas relative proportions of unskilled workers have gone up from 73.08% in 1995 to 82.45% in 2005 (GoI 2008).
- Most of the migrant workers who come to cities for work in construction sites are landless labourers from rural areas or own the least land. Due to increasing unemployment, poor economic conditions of the family and distress in agriculture, more number of workers from 'forward' castes are also coming to work in these sites, however, the number of workers from Scheduled castes and Tribes in the workforce remain significant.
- The construction industry relies on a process of contracting and subcontracting, entailing a proliferation of intermediaries. These include labour contractors who are the prime mobilisers of construction labour for both construction companies as well as individuals/households. Infact, the migrant labour depends mostly on their contractors for work and their welfare, who are most of the time their 'intimate exploiters'.
- Construction workers consist of two types- cyclical and permanent. Cyclical are seasonal migrants and permanent are the ones who settle in the city forever. A third kind are workers who are not attached to the contractor but collect at labour chowks from where the latter takes them for work.

Women in the construction industry

- Women are employed in almost all the work related to the construction process, from foundation work to masonry and beyond. Women are mostly found in unskilled jobs; never get training in developing any skill. This affects their upward mobility. Only 1.4% of the 8.5 million women in construction are in the top hierarchy (Mahanta 2017).
- Construction jobs are considered male oriented, however, a large number of women work at the construction sites.
- **Working and living conditions of women workers**

Wages and working conditions of women workers: There are wage differentials on the basis of type of workers, gender, age, and workers doing skilled and unskilled work. Wages are not only less than minimum wage, but also less than what a male unskilled worker gets for the same set of tasks. Women are also not given maternity leave, breastfeeding breaks, crèche or day care facilities at worksites. Wage differential between local and migrant worker also exists. Women also admit that they face harassment, but are scared of admitting what type is prevalent in the workplace.

Living conditions: Basic amenities of separate toilets for women and drinking water, proper housing is not available for migrant workers. Workers usually do not have ration cards or voter id at the place of destination that can facilitate other benefits or government schemes. There are no education facilities on sites and access to schooling is a problem.

Occupational health hazards: Many physical and health problems arise specifically to women workers due to their precarious work conditions where they are not provided with safety wears and proper basic amenities. Cough, regular chest pain, asthma, dehydration, cervical pain, sore throat and heat stroke are common to female construction workers. Urinary tract infections due to non-availability of toilets and not drinking enough water are also common problems. Miscarriage has also become usual among women. Medical insurance is also not provided.

Legal framework

- Despite several legislations like Employees State Insurance Act, 1948, Workmen's Compensation Act, 1923, Contract Labour (Regulation & Abolition) Act, 1970, the Minimum Wages Act, 1948, etc, they were not effectively practised in the construction industry. The compensation never reached the affected workers on time because of long procedures and obstacles that delay the process.
- Construction companies and the state are ineffective and reluctant in enforcing the

Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996 and Building and Other Construction Workers Welfare and Cess Act, 1996, and form a welfare board.

- Unionization is difficult due to a non-resident and seasonal workforce.

Brick kiln industry: An overview

- The brick industry, on the other hand, is characterized by small scale, decentralized production units mainly situated in rural and peri-urban areas catering to entire construction industry of the country (DA 2012). It is the largest employment generator in the informal sector.
- One of the defining characteristics of the brick kiln production in India and in fact the whole Indian subcontinent comprising South Asia has been its manual nature. Another defining feature of the brick industry is its unorganized nature.
- The brick kiln industry is a seasonal, labour intensive industry. The brick kiln season lasts from October to June in most parts of the country. The labour starts coming in early September as kiln owners want to secure labour early on. There are specialised categories of work, and labourers are recruited in accordance to these categories.
- The work process in brick kilns involves, raw brick making, *bharai* (shifting the sun dried bricks to firing kilns), *khadkan* (arranging bricks in a specific style in stacked array, requires skilled labour), *jalai* (firing in brick kilns), *nikasi* (after cooling fired bricks are to be removed and transported in trucks for supply). All these tasks are physically exhausting and crude to the body and no arrangements are made to handle any emergency.
- Brick kiln industry requires a resident labour force and workers are mostly seasonal migrants. Workers from the Bilaspur cluster in Chhattisgarh migrate to UP, Gujarat, Rajasthan and Orissa.
- Similarly, workers from the western Orissa cluster migrate to the southern states of Andhra Pradesh, Karnataka and Tamil Nadu. Source clusters are located in some of the poorest parts of the country where there is lack of livelihood opportunities. Migration is mostly family-based with young children being left behind with their grandparents.
- The labourers are primarily from the backward sections of the society- the Scheduled Castes, the Scheduled Tribes, and most backward from amongst Other Backward Castes.



Women workers in the brick kiln industry

- Women in large numbers migrate to the brick kilns along with their families. While men and women perform the same set of tasks in the kilns, there are only few categories of work that are specialized for men.
- The manual nature of work in the brick kilns demands women from a particular age group, preferably 19-50 years, to be employed in the industry. Child labour is also a prominent feature in this sector.
- While men and women work equally in the fields, they do not receive their payments separately. They get a family-wage where there is no recognition of women as workers.
- Health of women workers is neglected. They have no access to basic government health facilities. The outreach to Primary Health Care Centres (PHC) is also limited owing to the distant location of kilns from villages. Lack of social security makes women prone to sexual harassment at workplace.
- Several legislations, Equal Remuneration Act 1976, Maternity Benefit Act 1961, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act), 2013, have been implemented to protect the interests of women at the workplace. However, these get violated on a regular basis rendering the workplace insecure and unsafe for women workers.

Organizing and mobilising brick kiln workers

- Brick kiln workers remain mostly unorganized across major parts of the country. It is only in the North West province of Punjab and areas adjacent to Punjab in Rajasthan and Haryana where trade unions, mostly belonging to major federations, are active amongst brick kiln workers.
- In the event of organizing, the workers stop work, force the employers to negotiate and gain significant wage hikes. Wage fixation follows a particular system. The employers decide the wage rate for the current season towards the end of the season. However, workers stop working in the middle of the season, and unions build up on this tradition.
- In 2010, unions organized a big strike in Gujarat, but failed as employers refused to negotiate. Unions also threatened the employers with mass desertion under the Bonded Labour Act. This strategy helped workers gain significant wage hikes and collective wage agreements. This model was replicated in Rajasthan as well.
- The wage struggles were dampened by the recession in brick kiln industry. However, there were localised struggles even during this period.