**Questionnaire on ‘Women’s Human Rights**

**in the Changing World of Work’**

The Working Group on discrimination against women and girls will present a thematic report on ‘women’s human rights in the changing world of work’ to the 44th session of the Human Rights Council in June 2020. This report will be produced in the context of the Working Group focus on key areas affecting the human rights of women and girls and will aim at reasserting women’s right to equality and countering rollbacks in this area. An overview of the scope of this can be found in the Appendix.

In this regard, the Working Group would like to seek inputs from States and other stakeholders to inform the preparation of this report in line with its mandate to maintain a constructive approach and dialogue with States and other stakeholders to address discrimination against women in law and practice. Submissions should be sent by 1 September 2019 to wgdiscriminationwomen@ohchr.org and will be made public on the Working Group's web page, unless otherwise requested.

**Core questions**

* What are the main trends influencing women’s human rights in the world of work in your national context and their impact:
* on the types of and quantity work available to women, and the quality and conditions of work (including access to social protection and equal pay)?
* for women’s safety (including violence and sexual harassment) at work?
* on women’s rights to organize and claim rights?
* What are the promising practices emerging from your country to ensure the realization of women’s rights to work and women’s rights at work, in the context of technological and demographic change, as well as continuing globalization and the shift towards sustainability? (laws; economic, labour market and social policies; programmes).

India has made significant economic progress in recent decades, however, such economic growth, has not been matched by the overall progress towards women’s equal economic participation. The country’s female labour force participation rate is declining and stands at just 27 percent, compared to 96 percent for men. This demonstrates the under participation of women in the Indian workforce and requires an urgent course correction.

Woman workers account for about 1/3rd of the total work force which is currently estimated at over 470 million. Over 8.5% of women main workers work in rural areas, mostly as agricultural labourers and cultivators. In urban areas, majority of the women are engaged in informal sector in household industries, petty trades, services, domestic work, construction sector, etc. with low wages and poor working conditions without any social security.

Women’s access to decent paid work is an undisputed ethical and economic imperative as well as a primary human right and aspiration. However, it is still a distant dream for millions of women workers in India due to lack of availability of quality jobs for women reinforced by gendered occupational segregation and a significant gender wage gap. It is clear that the current under-participation of women in paid employment in India is not due to their lack of will.  More than a third of Indian women primarily engaged in house-hold work/activity. The patriarchal society by and large is still hinder women’s mobility and freedom to work resulting in overwhelming majority of our women engaged in unpaid house-hold and care work.

Though, India has ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993, ILO Convention No.100 Equal Remuneration Convention, 1951 and Convention No.111 Discrimination (Employment and Occupation) Convention, 1958. The implementation of provisions enshrined in some of these conventions are somewhat satisfactory in the public and government sectors, but their implementation in the private sector and particularly in the informal sectors in India where majority of women workers are working today is poor.

The amended Maternity Benefit Act which stipulates that employers must provide women with 26 weeks of paid time off is a positive development. However, the law covers only formal and large-sized firms which, overall, employ only a small proportion of the India’s female workers. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 is a positive step towards addressing harassment at work. However, a large number of establishments being unaware of the policy and the act is poorly implemented.

**Specific questions**

*Technology*

* How is technological change impacting on women’s experiences of work in your national context? (e.g. increasing access to ICTs, robotics, machine learning, automation)

What are some of the good practices for supporting women to benefit equally from technological advances? *(laws, economic and social policies, institutional measures, regulation, actions by employers)*

The technological advancement and changes such as machine learning and artificial intelligence, advanced robotics and autonomous transport, cloud computing etc. are expected to profoundly transform the future of work. Many jobs and ways of working will become redundant while many others will be created anew. Production processes, business models, service delivery mechanisms along with employment relationships and social protection frameworks are likely to be reconfigured in the world of work and India will be no exception to this situation.

In India, the bulk of the labour force is engaged in unskilled or low-skilled and low-income jobs within the unorganized sector. Needless to say, an overwhelming majority of workers in the unorganized sector is female. India is thus unlikely to experience a hollowing out of the labour market in terms that may be similar to other industrialized economies. As businesses realign to new technological possibilities, a critical pathway for upward labour mobility and income mobility is likely to shrink. This can pose a significant challenge in the Indian context as middle skill jobs have served as a pathway out of poverty.Also Gender inequities in Indian labour market are likely to become further entrenched due to low levels of education and skilling and socio-cultural norms and belief systems.

*‘Gig’ and ‘On Demand’ Economy*

* How is the rise of more flexible forms of labour, including the ‘gig’ and ‘on demand’ economy impacting on women’s experiences of work in your national context?
* What are the implications for job security for increased flexibility and women’s caring responsibilities, and for harassment and violence?
* Which groups of women are most likely to be impacted by this type of work?
* What are some of the good practices for ensuring access to social protection for women in informal and ‘on demand’ work? *(laws, economic and social policies, institutional measures, regulation, actions by employers)*
* What are the good practices for women’s collective organising in the context of more flexible forms of labour?

India, is leading in the gig and on demand economy and creating new economic opportunities for both service and white-collar workers. The digital platforms will enable women to avail new employment opportunities, circumventing barriers of physical mobility and domestic commitments provided they possess the required skills for such jobs. Platforms could potentially be beneficial for migrant women workers, who may not have strong social networks in their new place of residence. However, leveraging these opportunities will require workers to have technical skills along with entrepreneurial and soft skills. Nonetheless, platform economy is also creating more precarious work conditions in terms of job security and social protection.

Of particular significance in India is the growth in digital platforms targeted at service workers, many of whom fall under the purview of informal employment and this trend is likely to accelerate, particularly as urban consumers get increasingly accustomed to an on-demand economy. Gig-work or piece-work, however, is not new to India. Most workers already work multiple jobs for multiple employers and lack access to formal social protection mechanisms. In this sense, the platform economy can be seen as reproducing informality in India reflecting poor employment conditions in the unorganized sector. Yet, platform economy does offer a degree of formalization and an opportunity to rearrange informality. This could be done once union have their presence amongst such workers and the potential of platform economy can be harnessed to facilitate the delivery of social protection mechanisms, skilling and other opportunities for the workers.

Labour mobility and welfare is as much a social question as it an economic one. Access to gainful employment for women and marginalized groups is sadly hindered by both a lack of suitable work opportunities and prevailing socio-cultural norms that restrict access to education and employment. Current technology and work trajectories are likely to further entrench labour market inequities along gender, caste, class, and religious lines. Women have relatively limited access to technology gains, with less than 30 per cent of India’s internet users being women. Lower levels of education and skilling combined with socio-cultural norms inhibit their capacity to leverage new digital opportunities. The platform economy is creating new economic opportunities for women, but unfortunately they are less likely to have the digital fluency skills required to succeed in the digital economy. Moreover, they are more likely to occupy low-medium skill level jobs that are most vulnerable to the effects of automation. Past experiences shows that brunt of mechanization were mainly borne by women, because they occupied lower-skill jobs and due to social norms perceived that operating technology and heavy machinery etc. is to be a man’s job. In the IT and BPO sector in India, where a large chunk of women workers are working, but they are mainly occupying low-skill, back-end jobs, which are likely to be more susceptible to technological advancement and automation thus creating job insecurity for them.

*Demographic change*

* How is demographic change in your national context impacting on women’s experience of work?
* What are the implications of an ageing population and of the ‘youth bulge’?
* What economic and social policies are needed to ensure that the growth in the care sector creates decent work opportunities for women? What are some emerging promising practices? *(laws, economic and social policies, institutional measures, regulation, actions by employers).*

In general, we may view the demographic transition as being a positive process for women although in assessing its implications we must also take account various other factors. Many women undoubtedly gain from the demographic transition, with fertility decline being the key demographic change associated with their increasing freedom to participate in education and employment and today it is seen as a new source of growth in India. However, the effects of demographic change on women’s non-domestic roles do not occur in isolation from their domestic roles. As women continue to bear the lion’s share of responsibility for the care of dependants, their expanding non-domestic roles may mean that they increasingly confront a double work burden.

India has one of the youngest populations and by 2020 the median age in country will be just 28. Demographics can change the pace and pattern of economic growth. Nonetheless, India is yet to be benefitted from demographic dividend as the growth benefit of a demographic dividend is not automatic. A lot depends on whether the bulge in working population can be trained, and enough jobs created to employ over 12 million people who are entering to the Indian labour market and joining the labour force every year. There is mounting concern that as the present growth in India is jobless. There is also concern that in future digital technologies may enable the creation of new products and more productive jobs in India, but they may also substitute existing jobs. India may therefore not be able to take advantage of these opportunities, due to a low human capital base and lack of skills.

Lack of jobs combined with a demographic dividend will increase the share of the population that is dependent on the working population. This will increase the economic insecurity of the elderly, as there will be fewer people generating wealth. Whether the demographic dividend promotes growth or transforms into a curse depends on how prepared the states that should benefit from a young population. For example, Indian states such as Bihar, Uttar Pradesh and other lagging states will experience a much bigger bulge in working population than more developed states like Tamil Nadu. Unfortunately, the less-developed Indian states are also the least prepared to take advantage of the demographic change they will undergo.

India’s human capital base may not be fully adequate for the future or in a position to benefit from the demographic dividend. It has made gains in human development, but challenges remain, including big barriers to secondary schooling, low-quality public services, and gender discrimination. New technology could be exploited to accelerate the pace of building human capital, including massive open online courses and virtual classrooms. Therefore, we believe investing more and more efficiently in people will enable India to tap into its demographic divided, and prepare the country for the future.

Demographic dividend is a time-limited opportunity, and policymakers should have a greater incentive to redouble their efforts to promote human capital so that it can contribute to economic growth and job creation. India cannot achieve its potential and meet the challenges of the 21st century without the full participation of working population, both women and men. High-quality education is one of the strongest ways for us to reduce poverty, achieve gender equality, and create more jobs. Building human capital translates into higher rates of economic growth and job creation. Demographic dividend without investments in human capital will be a wasted development opportunity, and it will further widen economic and social gaps, instead of narrowing them.

*Transition to sustainability*

* What measures are necessary to ensure that women benefit equally from the transition to sustainability in your national context? What are some of the promising practices to ensure that green jobs do not replicate existinggender inequalities in other sectors (e.g. occupational segregation, gender pay gap)?

Sustainable development can only be achieved through long-term investments in economic, human and environmental capital. At present, half of India’s human capital i.e. female is undervalued and underutilised. As a group, women – and their potential contributions to economic advances, social progress and environmental protection – have been marginalised. Undoubtedly, better use of the female population could increase our economic growth, reduce poverty, enhance societal well-being, and help ensure sustainable development. Further, sustainable economic growth at national level largely depends on women joining the labour force and fuller use being made of their skills and qualifications. More working women would also help offset the negative effects of declining fertility rates. Therefore, exploring the various aspects of sustainable development with a gender perspective is essential. It is also essential to find out how female contributions can be better realised at present and how strategies can be developed for meeting the needs of future generations. Apropos, a robust government policies on engendered are imperative including family-friendly policies to increase the labour force participation of women, development assistance policies which promote the economic role of women, upgrading the status of and wages for traditional areas of women’s work, increased access to finance and support services for women entrepreneurs, gender-specific approaches in health care planning and treatment, better integration of women migrants in labour markets and society, and finally giving greater weight to female perspectives in environmental policies and programmes.

**APPENDIX**

**Report overview**

The specific objectives of the thematic report and the context driving the Working Group to develop this thematic analysis are, as follows:

* Deepen the understanding of the implications for women’s human rights at work in the context of megatrends that are changing the world of work, including technological change, demographic change, globalization and a shift towards sustainability;
* Identify the risks and opportunities for women’s rights to work and women’s rights at work (e.g. inter alia, access to decent work and workplace entitlements, equal pay, support to balance paid work with caring responsibilities, freedom from discrimination harassment and violence and support for women’s collective action and organising)
* Identify promising approaches and make recommendations for promoting and protecting women’s human rights in the changing world of work.

Closing gender gaps and realizing women’s human rights in the world of work remains one of the most pressing economic and social challenges facing the global community today. At 48.5 per cent in 2018, women’s global labour force participation rate is 26.5 percentage points below that of men.[[1]](#footnote-2) While the gender gap in labour force participation has narrowed in most regions, the gap remains especially wide in the Arab States, Northern Africa and Southern Asia where it is expected this gap will remain wide in the near future.[[2]](#footnote-3)

There remain significant deficits in the quality and conditions of women’s work. Globally, women remain concentrated in the lowest paid jobs, in vulnerable forms of employment including in the informal sector, with limited or no access to decent work conditions and social protection. In low-income countries, 92 per cent of women are employed informally (compared to 87.5 per cent of men), with little access to the raft of employment and social protection rights conferred on workers who have a formal employment contract.[[3]](#footnote-4) Particularly stark gender gaps can be seen in the proportion of informally employed who work without any direct pay or remuneration, as unpaid family workers in family farms and enterprises (28.1 of women versus 8.7 per cent of men).[[4]](#footnote-5)

Systemic discrimination continues to pose a barrier to women’s enjoyment of their rights to work and rights at work around the globe.[[5]](#footnote-6) A significant constraint to women’s participation in paid work and advancement in the publicsphere at large remains their disproportionate responsibility for unpaid care and domestic work. This has significant impacts on women including the vertical and horizontal segregation of women workers (resulting from for example the higher concentration of women in informal and lower paying sectors as well as the lack of gender parity in positions with higher pay and influence), pervasive gender-based discrimination at work, and the high incidence of sexual harassment and violence. Realizing women’s *rights to work* includes removing barriers to women’s workforce participation, such as legal barriers, socio-cultural barriers for example the lack of public policy support for care, and the availability of ‘decent work’[[6]](#footnote-7), amongst others. Realizing women’s *rights at work* includes ensuring decent conditions at work, including equal access to workplace entitlements and equal pay, dismantling the barriers to women equal progression and access to leadership positions, freedom from violence, discrimination and harassment and enabling conditions for women’s collective action and voice in decision-making.

The context for women’s rights in the world of work is shifting dramatically – especially through technological change – but also through significant demographic change and continued globalization.[[7]](#footnote-8) The sheer scale and velocity of these changes are unprecedented, and they are occurring against a backdrop of an increasing focus on creating a sustainable future. History indicates that no industrial or technological change has been gender-neutral.

At the same time as technological and demographic changes, the increasing level of backlash and resistance to women’s rights across different parts of the world is also influencing women’s rights at work. Growing conservatism and extremism often seek to misuse interpretations of ‘religion’, ‘tradition’ and ‘culture’ to challenge gender equality and women’s rights and reinforce traditional gender roles, particularly in relation to the gender roles in the family and women’s sexual and reproductive health and rights. In some contexts, the concept of gender is being challenged by women’s rights and misleadingly characterized as an “ideology” that is opposed to family values. Such forces can serve to deny women’s access to education and economic opportunities, including their right to work.

Dominant economic models, based on financial liberalization and weak regulation, combined with boom and bust cycles geared to short-term profits, have created a global economy marked by uncertainty, increased vulnerability and deepening inequalities. The changing structure of work over recent decades has also created new vulnerabilities due to fissuring of the workplace through increased global supply chains, sub-contracting and the use of flexible forms of labour. Such trends present challenges for women’s collective action and organising which is crucial for the protection of women’s rights in relation to work.

If existing gender inequalities are not addressed and new threats not fully assessed, there is significant danger that gender inequalities will not only be replicated but amplified in the future world of work. Creating a world of work where women benefit and contribute on an equal basis to men requires recasting the structure of work and the economy with women’s human rights at the centre.

Against this background, the report will examine several mega-trends that will impact women’s human rights in relation to work in the future, building on the key themed identified by the ILO Commission on the Future of Work.[[8]](#footnote-9)

**Technological change** is driving significant change in the world of work with increasing access to information and communication technologies, artificial intelligence, robotics, machine learning and automation. There are significant implications for women’s access to work, the kinds of jobs available to women, and their rights at work. Increasing women’s access to ICT has been found to enable access to markets and information for women entrepreneurs. Yet, the digital divide continues to negatively impact on the most marginalized women and new technologies have also opened up new spaces for violence and harassment against women.

There are divergent views on how automation will impact on women’s jobs, with variation across regions and countries. Based on US data, a 2018 World Economic Forum report found that 1.4 million US jobs will be at risk by 2026,and 57% of these jobs are currently performed by women.[[9]](#footnote-10) In ASEAN countries, women represent the majority in occupations that are likely to be automated and are thus more likely to become unemployed than men.[[10]](#footnote-11) However, in Argentina, women’s jobs face an automation probability of 61.3 per cent, while for men it stands at 66.1 per cent.[[11]](#footnote-12)A key challenge in a future of tech-driven job creation is women’s underrepresentation in STEM education which limits their access to jobs in high-growth and high-paid areas.[[12]](#footnote-13)

Technological change is also shifting the type of work available, with a growth of jobs in the ‘gig’ or ‘on-demand’ economy.[[13]](#footnote-14) While these jobs may offer flexibility, they are insecure and most often do not offer the workplace entitlements and access social protection as decent work.[[14]](#footnote-15) More broadly, informal work is expected to grow in the future, which presents significant challenges for access to social protection and women’s economic security.

**Demographic change** is also continuing to transform the world of work in different ways. Developed country populations are ageing with low fertility rates, while developing country populations have growing youth populations, often referred to as the ‘youth bulge’.[[15]](#footnote-16) Ageing populations have significant implications for gender equality. Women’s poverty in old age is a major concern, stemming from their lack of access to social protection, low participation in paid work over the lifecycle, gender pay gap and lower likelihood of asset ownership. An ageing population will also increase the demand for care, both unpaid care work as well as paid care workers, with significant gender implications. Currently, nearly 1 in 5 women in paid jobs are employed by the care sector.[[16]](#footnote-17) The growth of jobs in the care sector will create increasing opportunities for women’s employment, however the key concern is the quality and conditions of these jobs as well as the risk of another layer of women care workers being exploited to sustain the participation of those for women paid opportunities open us (the ‘global care chain’).

**Globalization** is characterized by increasing trends of human, financial, economic, technological transactions and communications across countries and regions. In developing countries, the growing prominence of export-led growth, for example through the creation of export processing zones and industrialzones, have not necessarily created decent work, with new employment generally being more insecure and precarious. For example, recent years have seen large numbers of women in developing countries employed in assembly manufacturing in export processing zones, areas in which labour and environmental standards may not apply in full or remain unenforced, leaving women vulnerable to poor working conditions.[[17]](#footnote-18)

Relaxed labour and environmental regulations in some countries have created a context where some multinational corporations have engaged in a ‘race to the bottom’ in search for countries where the requirements to ensure safe, fair and decent conditions of work are less stringent. Governments have also sought to provide cheap labour with little attention to safety and environmental standards to multi-national corporations in an effort to attract investments. A devastating example is the Rana Plaza factory collapse in 2013 which killed over 1000 people due to unsafe work conditions. While globalization will inevitably continue, with emerging shifts such the increasing outsourcing of the services sector to developing countries, a focus on decent work conditions with respect for labour and environmental standards will be critical for women’s enjoyment of human rights at work.

**Sustainability** and just transitions are critical for the changing world of work. Unsustainable patterns of development and environmental degradation disproportionately affect low-income countries and vulnerable populations, while intensifying gender inequalities because women and girls are often disproportionately affected by economic, social and environmental shocks and stresses. The future of work and livelihoods must be premised on inclusive patterns of development that reduce inequalities, deliver economic justice and are also environmentally sustainable.[[18]](#footnote-19)

Women often play an important role, particularly in developing countries, in the conservation of the natural environment.[[19]](#footnote-20) The growth of movements around gender equality and environmental issues is an important development in recent decades. One example includes movements advancing the rights of women peasant farmers which are simultaneously focussed on promoting a vision of small-scale peasant farming based on ecological conservation and food sovereignty while also calling for women’s equal access to and control over land, agricultural inputs and natural resources.[[20]](#footnote-21)

However, given the focus on the creation of new jobs in the green economy, there is limited evidence on the extent to which women will benefit from new jobs created, and the extent to which women are benefitting from skills development and education in these areas. In developing countries, women arehighly concentrated in low-paid and insecure green jobs, for instance as informal workers in waste collection and recycling. Such jobs are often under risk due to technological advances. Furthermore, with continued investment in extractive industries, the consequences of exploitative extractive industries on local communities and their livelihoods including the increased risk of poverty and violence for women, as well as violence against women human rights defenders requires focus.

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1. ILO (2018) World Employment and Social Outlook: Trends for Women 2018 – Global snapshot

International Labour Office – Geneva: ILO, 2018. [↑](#footnote-ref-2)
2. Ibid. [↑](#footnote-ref-3)
3. ILO. 2018. Women and Men in the Informal Economy: A Statistical Picture. ILO, Geneva. [↑](#footnote-ref-4)
4. Ibid. [↑](#footnote-ref-5)
5. ILO conventions recognize the central importance of both the right to work—to have full and productive employment—and rights at work—to non-discrimination and to fair, safe andjust working conditions. For further details see UN Women (2016) Progress of the World’s Women, Chapter 2, pp. 70-71. [↑](#footnote-ref-6)
6. According to the ILO, decent work involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men. [↑](#footnote-ref-7)
7. ILO (2017) Inception Report for the Global Commission on the Future of Work. [↑](#footnote-ref-8)
8. Ibid. [↑](#footnote-ref-9)
9. WEF (2018) *Towards a Reskilling Revolution.* World Economic Forum. [↑](#footnote-ref-10)
10. ILO (2018) Issue Brief: No.6 The impact of technology on the quality and quantity of jobs. [↑](#footnote-ref-11)
11. Ibid. [↑](#footnote-ref-12)
12. OECD (2017) Going Digital: The Future of Work for Women. [↑](#footnote-ref-13)
13. De Stefano, Valerio. (2016) The rise of the "just-in-time workforce": on-demand work, crowd work and labour protection in the "gig-economy" International Labour Office, Inclusive Labour Markets, Labour Relations and Working Conditions Branch. - Geneva: ILO, 2016 Conditions of work and employment series; No. 71. [↑](#footnote-ref-14)
14. ILO (2018) Digital labour platforms and the future of work: Towards decent work in the online world

International Labour Office. [↑](#footnote-ref-15)
15. United Nations Department of Economic and Social Affairs/Population Division (2017) World Population Prospects: The 2017 Revision, Key Findings and Advance Tables:<http://blogs.worldbank.org/developmenttalk/youth-bulge-a-demographic-dividend-or-a-demographic-bomb-in-developing-countries> [↑](#footnote-ref-16)
16. ILO (2017) Care Work and Care Jobs for the Future of Decent Work. Geneva: ILO. [↑](#footnote-ref-17)
17. Matthew Amengual and William Milberg, *Economic development and working conditions in export processing zones: A survey of trends* (Geneva, ILO, 2008). [↑](#footnote-ref-18)
18. ILO. 2019. Global Commission on the Future of Work. Work for a Brighter Future. ILO, Geneva. [↑](#footnote-ref-19)
19. United Nations (2014) © The World Survey on the Role of Women in Development, on the theme of “gender equality and sustainable development”, Report of the Secretary-General, (A/69/156). [↑](#footnote-ref-20)
20. See for example: <https://viacampesina.org/en/information-note-un-declaration-on-rights-of-peasants-and-other-people-working-in-rural-areas/> [↑](#footnote-ref-21)