

Bill No. 274 of 2019

THE WORKING WOMEN (BASIC FACILITIES AND WELFARE)
BILL, 2019

By

DR. T. SUMATHY (a) THAMIZHACHI THANGAPANDIAN, M.P.

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BILL

to provide for the protection of women from discrimination, and for the basic facilities like creche, recreational facilities, maternity benefits, hostel and transport facilities, and for the welfare measures to be taken by the employers and the State for the women employees working in Government establishments; public sector enterprises including banks and ports, educational institutions including universities, colleges and schools; factories, mines, plantations, agricultural fields, orchards and such other places and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Working Women (Basic Facilities and Welfare) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

Definition.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "child" includes a still born child;

(c) " employer" means,—

(i) in relation to an establishment which is under the control of an appropriate Government, the person or authority appointed by the appropriate Government for the supervision and control of the employees or where no person or authority is so appointed, the head of the establishment;

(ii) in relation to an establishment under any local self-government or authority, the person appointed by such authority or local self-government for the supervision and control of the employees or where no person is so appointed the Chief Executive Officer by whatever name called of the local self-government or the authority, as the case may be;

(iii) in other cases, the person who or the authority which has the ultimate control over the affairs of the establishment;

(d) "establishment" include an office of the appropriate Government, *quasi* government or department including telegraph office, post office, telephone exchange a mine, a plantation, an agricultural field, a hospital or nursing home, a shop or any business establishment, a brick kiln, construction site, any banking establishment, any private office or house, any school, college university or like institution, establishment for the exhibition of equestrian, acrobatic and other performances and any other such place where a women is employed for any work whatsoever;

(e) "factory" means a factory as defined in the Factories act, 1948;

(f) "industry" means an industry as defined in the Industrial Disputes Act. 1947;

(g) "prescribed" means prescribed by rules made under this Act; and

(h) "working woman" means a woman who is employed whether directly or indirectly through any agency or contractor, as the case may be, for wages in any establishment, factory or industry.

Appropriate Government to ensure non-discrimination and equal wages for working women.

3. It shall be the duty of the appropriate Government to ensure that no discrimination is done by any establishment on gender basis with its women employees particularly in the matter of payment of wages which are paid to her male counterpart in such establishment.

Employer to have childcare facilities for working women.

4. (1) Notwithstanding anything contained in any other law for the time being in force, every employer shall provide basic child care facilities such as milk, tiffin, clothes, toys, trained ayahs and other essential facilities for the children of women working in the establishment.

(2) The appropriate Government shall ensure that every employer of an agricultural field provide mobile childcare facilities for the working women in his establishment;

Provided that two or more such employers may provide common childcare facilities for their establishments.

(3) The appropriate Government shall open such number of creches at such places as it may deem necessary for carrying out the purposes of this Act.

5. Every employer shall provide retiring rooms with facilities like bathroom, latrine, drinking water at the workplace or worksite of the working women and recreational facilities like *radio and television* for working women and their children. Recreational facilities.
6. Every employer shall provide adequate and proper security measures for the safety of working women in the establishment, factory or industry, as the case may be, and provide transportation facility free of cost if the working women comes to the workplace after the sunset or has to leave the workplace before the sunrise. Security Arrangements.
7. It shall be the duty of the employer to ensure proper and adequate maternity facilities for the working women. Maternity facilities.
8. Every employer shall provide hostel and residential facilities both for married and unmarried working women nearest to their place of work and cheap, safe and quick transport facilities of such working women. Hostel and transport facilities.
9. The appropriate Government shall ensure protection from health hazards particularly for the women working in factories or industries like beedi, tobacco, stone mines, cashew, fish processing, salt, silk construction projects and such other establishments as may be prescribed. Protection from health hazards.
10. Every employer shall provide one year child care leave with full salary and other benefits to the married working women till the child attains eighteen year of age: Child care leave.
Provided that no such facility shall be available for more than two children.
11. (1) The appropriate Government shall maintain a register of working women in such manner and at such place as may be prescribed. Register of women working.
(2) The appropriate Government may require an employer to furnish for the purposes of this act, such statistical and other information, in such form and within such period as may be prescribed.
12. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this act shall be in addition to and not in derogation of any other law for the time being applicable to the working women. Overriding effect of the Act.
13. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of parliament or the Legislative Assembly and the Legislative Council, as the case maybe, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Despite the unabated female foeticides and dwindling population of girls in the country and the conservative attitude of the society towards women, more and more women are venturing out of their houses to work to support their families. As a result, the number of working women in Government services, factories, industries, commercial establishments, agriculture, mines, fish processing sector, silk industry and so on so forth is increasing day by day, but their conditions of employment need amelioration. Various basic and essential facilities which are supposed to be made available to the working women by the Government and private employers are either absent or not adequate and satisfactory. Unfortunately, in most of the private sector including agricultural sector, the facilities are rather minimal or negligible and the working women are an exploited lot there. The existing labour laws also do not provide for proper medical, educational recreational and other facilities for the working women and their children. As regards, other social security measures like security, transport, accommodation have also not been made so far. In many establishments they are not given equal pay for work. This discrimination has to be stopped.

Hence it has become necessary to provide adequate welfare measures for the working women.

Hence this Bill.

NEW DELHI;
November 4, 2019.

T. SUMATHY(a) THAMIZHACHI THANGAPANDIAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain childcare facilities of the working women. Clause 5 provides for recreational facilities for working women and their children. Clause 6 provides that the appropriate Government to provide adequate and proper security measures for the safety of working women. Clause 7 provides for maternity facilities. Clause 8 provides for hostel and transport facilities for the working women. Clause 9 provides for appropriate Government shall ensure protection from health hazards of the working women. The expenditure relating to States shall be borne out of the Consolidated Fund of the State Government concerned. However, the expenditure in relation to Union territories shall be borne out of the Consolidated Fund of India. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees five thousand crore is also likely to involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

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