

AS INTRODUCED IN THE RAJYA SABHA
ON THE 2ND DECEMBER, 2016

Bill No. L of 2016

THE WOMEN WORKERS (EQUAL PAY AND WELFARE) BILL, 2016

A

BILL

*to provide for equal pay to women workers and their welfare and for matters connected
therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Women Workers (Equal Pay and Welfare) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force at once.

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 all other cases, the Central Government;

Short title,
extent and
commencement.

Definitions.

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

(c) "women worker" means a woman worker engaged in any shop, establishment, industry, factory or agricultural operations or any other work where physical labour is required.

Equal pay for
equal work. **3.** Notwithstanding anything contained in any other law for the time being in force, 5
every woman worker shall be paid equal pay for equal work performed by her as compared to
a male worker.

Facilities to be
provided to
the women by
employer. **4. Every person who is the owner or the in-charge of any establishment, industry,
factory or activity, where woman workers are engaged shall provide the following facilities
for such workers at the place of work:—** 10

(i) Creche including mobile creche facilities;

(ii) rest rooms;

(iii) separate toilets;

(iv) drinking water; and

(v) health care facilities. 15

Mandatory
rest to women
workers. **5.** Every woman worker shall be entitled to half an hour rest after every three hours of
work performed by her with lunch break for one hour.

Appointment
of Inspectors. **6. The appropriate Government shall appoint inspectors to inspect the facilities
provided by employers to women workers at work place and ensure compliance of the
provisions of this Act.** 20

Penalty. **7.** Whoever, contravenes the provisions of,—

(i) section 3 shall be punishable with fine which may extend to rupees five lakhs
and the licence of such employer or the establishments shall also be cancelled.

(ii) sections 4 and 5, shall be punishable with fine which may extend to rupees
ten lakhs. 25

Overriding
effect of the
Act. **8.** The provisions of this Act 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 equal pay for equal work.

Power to
make rules. **9.** The Central Government may, by notification in the Official Gazette, make rules for 30
carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

It has been observed that women workers are not paid equal wages for equal work done by them as compared to their male counterparts and are given less wages though, the concept of equality enshrined in the preamble has also found expression as a fundamental right in article 14 to 16 of the Constitution but in practice, it is not being equally administered. This has resulted into discrimination against women workers. At times, they are asked to acknowledge the receipt of full wages. Though the Equal Remuneration Act, 1976 is in place, it is not complied with. Moreover, women workers are not getting adequate facilities at their work places. At some places, there are no toilets or drinking water facilities for them. The infants of these workers have to be taken care of but there are no creche facilities. There are no proper health facilities or rest rooms for women workers. Due to biological reasons, women workers have to take rest after performing work for some period, say, three hours. At present, there is no law providing for facilities to women workers at their work places. Therefore, it is proposed to provide for a comprehensive legislation to make way for equal wages to women workers and provision of certain facilities to them at their work places.

Hence this Bill.

SASIKALA PUSHPA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for making certain facilities to women workers at their work places. Some of the organisations under the Government have also to provide these facilities. Clause 6 of the Bill provides for the appointment of Inspectors to inspect the facilities provided by the employers. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure to the tune of rupees nine hundred crore per annum and a non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill provides for framing of rules for carrying out the provisions 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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(Smt. Sasikala Pushpa, M.P.)