

Sixth Pay Commission: Class and Gender Bias

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The Sixth Pay Commission has recommended a liberal increase in maternity and childcare facilities – a welcome move. It has however specified only women, thus making childcare the mother's responsibility alone. Even the present entitlements are implemented only in the government and public sector, largely ignored in the private sector and not available at all to a majority of women in the unorganised sector though some states have made attempts to cover the latter. The central government has also ignored the National Labour Commission (2002) report that emphasises the State's share in providing maternity entitlements in different sectors rather than making it the employer's liability alone.

The Sixth Pay Commission has made recommendations relating to maternity and childcare – only within its terms of reference involving workers in the service of the central government. However, the government's total and uncritical acceptance of these recommendations exposes its class and gender prejudices and needs to be critically scrutinised.

Maternity Leave

The liberal increase of maternity leave to 180 days from the present 135 days, along with the possibility of continuing it for a maximum period of two years, even (exceeding the International Labour Organisation (ILO) norms), is a long-awaited change especially in the context of universal agreement on the benefits of exclusive breastfeeding for the first six months. However, it is the application of the recommendation which raises doubt. For, the announcement comes in the context of a female labour force in the organised sector which is a little less than 10% of the total, and has entitlement to maternity leave. In recent years feminist economists have debated the underestimation of the size of this labour force. The scepticism rests on a strong statistical base – the Central Statistical Organisation's (CSO) Time Use Study – which shows that women spend far more time than indicated by CSO data in productive but “unpaid” work (the latter does not enter the System of National Accounting). Since this work is not monetised it is not included in the gross domestic product or in conventional labour surveys.

Again, only government and some public sector employees can be sure of the present entitlements; the implementation of the law is seriously wanting in the private sector. Women employees and unions generally shy away from demanding these entitlements for fear of being thrown out of their jobs should they do so. Some

estimates (Hirway 1986) suggest that as few as between 1.5% and 2% of “working women” get this “benefit” as it is still quaintly termed. But academics and activists today both prefer the term “entitlements” to benefits on the grounds that the women concerned are not taking leave to enjoy any privileges or perquisites but are merely exchanging one kind of work for another – that of childbearing and child rearing.

A Neoliberal Paradigm

What is the context in which this minuscule fragment of the female labour force is being singled out for additional “benefits”? There is no provision of any maternity and childcare entitlements (at the national level) for the vast majority of women in the unorganised sector, and for the additional number of “invisible” women workers identified by the Time Use Study, except for the meagre Rs 500 provided by the National Maternity Assistance Scheme, and which is barely enough to cover the immediate expenses of childbirth. It certainly cannot provide for any woman staying away from the labour force to care for or breastfeed a newborn. However, half a dozen state governments have made attempts to provide some financial assistance to pregnant women and lactating mothers, but usually under stringent conditions related to factors other than the health and welfare of either mother or child. A remarkable example is that of Tamil Nadu which gives Rs 6,000 (calculated as Rs 1,000 per month for six months) to pregnant women below the poverty line (BPL) beginning from the eighth month of pregnancy. This is a maternity entitlement scheme for poor women in the unorganised sector that needs to be welcomed and replicated in other states.

For more than a decade various groups ranging from trade unions and workers' cooperatives in the unorganised sector to women's groups, women's movements, child rights groups, health movements, people's movements, medical professionals, and international networks have all been clamouring for precisely such maternity entitlements. The National Labour Commission's report (2002) had outlined a comprehensive four-tier scheme to address needs at different levels, allowing for

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dichotomies like employed/self-employed, unorganised/organised sectors, BPL/APL (above poverty line), low-middle-high income, and statutory/voluntary schemes. The report attributed the failure of the present legislation to the provision of making maternity entitlements entirely the employer's liability. It has proposed different forms of shared liability, with emphasis on the State's share, in the context of Article 42 which says that the State shall make provision for securing just and humane conditions of work and for maternity relief. The issue has come up in every version of the Unorganised Sector Workers Social Security Bill presented to Parliament and has not been resolved satisfactorily yet with only sops like advisory services and insurance schemes (the latter now launched) being offered. Arun Gupta (National Coordinator, Breastfeeding Promotion Network of India) has recently calculated that the entire cost of providing maternity entitlements at Rs 1,000 every month for six months to all women below poverty line would only amount to Rs 4,056 crore. But the government has so far refused to heed these arguments.

It would seem therefore that the benefits are restricted to a handful of women at the top of the social ladder (since even employees of state governments, semi-governmental organisations, autonomous corporations and parastatals may not qualify) while the needs of poor women go unrecognised and unmet. Is this "inclusive growth" or yet another outcome of the neoliberal paradigm – the rich get richer while the poor get poorer?

Childcare Leave

Coming to the second provision aimed specifically at women, a new type of leave has been introduced called "childcare leave", for a maximum of two years (730 days) during the entire service period of a woman, for up to two minor children (up to the ages of 18 years). It is also clarified that the term "care" is not to be interpreted narrowly but includes examinations, sickness, etc.

This can only be described as an unimaginably retrogressive step, since it appears to be based on the assumption that *all* parenting responsibilities/tasks are the woman's sole responsibility. Even a

limited observation of Indian social customs and culture, confirmed by empirical studies, would show the variety and importance of roles that men at all levels still play in child rearing and parenting, varying according to age and gender of the child, as well as class, caste, ethnic, religious and occupational group, at different stages and in relation to different matters. Men who neglect their families or are indifferent to them, especially children, are widely regarded as irresponsible and unworthy of respect. Expectations that men will be role models for their sons are almost universal and there is vast literature on the damage done to children, especially to growing boys, whose fathers are absent, unavailable or indifferent, and who fail to participate in the processes of parenting.

In cultural terms then, male participation, especially that of the father, is the norm in child rearing. In biological terms, the major role has to be played by the mother *only* in the first two years of life, first because of the importance of exclusive breastfeeding during the first six months and then of continued breastfeeding up to two years of age. But after the age of two, there is hardly any activity related to childcare that cannot be performed by either sex. However, in India and indeed in almost societies, the bulk of the actual "work" related to childcare is usually left to women. Why is the work of childcare so widely perceived to be that of women alone? The short answer is – a deeply patriarchal outlook.

Patriarchal Notions

When Karl Marx first spoke of the "reproductive labour" of women, he was not referring to the biological tasks of childbirth and child rearing alone, but to those of reproducing the next generation of labour. In other words, of rearing and preparing future labourers. This work of reproduction of the human race, in effect, was divided into two broad areas – the first known variously as housework, home management, or homemaking and the second classified as care. And this reproductive labour fell to women, in addition to their employment in workplaces. But though Marx specifically used the word "labour", the male-dominated perception

that neither housework nor childcare involve much by way of "work" has continued to prevail. It is only with the rise of feminist thinking and the women's movement that this view has been challenged. The first asks why these tasks have to be performed exclusively by women, and the second has struggled worldwide in the last century to persuade and convince men to share them equitably. After all, there is no evidence to suggest that women have an unbearable biological urge to engage in housework!

Feminist discourse has helped to create growing recognition of the multiple roles of women – in the productive and reproductive domains, leading to what is known as the "double burden". In the 1980s, this burden was sometimes referred to as the "three C's" – cooking, cleaning and child care. However, women in the third world have always had to cope with much more – housework, for example, includes gathering water, food, fuel and fodder for domestic animals, collecting, preparing and processing food, homestead and tool maintenance and so on. "Care" too has come to be recognised as far more than childcare – the definition now encompasses care of the aged, sick, and disabled as well as domestic animals, and as involving considerable work. Ironically, the West is now "outsourcing" care – whether in the form of institutionalised professional services or imported domestic help (again mostly female) from the third world. Economists have reluctantly begun to take note, since the cost of care, institutional or personal, can now be computed, and the economic value of such services by women can now rightfully enter the gross national product (GNP). Are Indian statisticians and economists taking note?

A Deadly Mixture

Ironically, this negative announcement, undermining a century of struggle by the women's movement, has come at a time when there is an increasing clamour for "paternity leave", emphasising that even at the time of childbirth, there are important social roles and familial expectations by and from men. And it has come from the same government which constantly talks about gender mainstreaming, gender budgeting and other fashionable

terms. What about some plain old gender justice for a change? Starting with childcare leave for either parent? And why are men silently allowing themselves to be painted as unfeeling, heartless wretches who want to have nothing to do with their own children? It is not the women's

movement which is doing this male-bashing after all.

So let us see this for what it is – a deadly mix of class and gender prejudice, and let all concerned with justice come together to continue the struggle – for maternity entitlements for *all* women, in all sectors,

starting with poor women in the unorganised sector; for crèches at *all* levels for women struggling with multiple burdens, starting with the Integrated Child Development Scheme; and for opportunity for men to prove that they are not child haters.