UNORGANISED SECTOR - Unorganised Worker Social Security Act, 2007

Part of: GS-II- Labour reforms (PT-MAINS-PERSONALITY TEST)

The Ministry of Labour, Government of India, has categorised the unorganised labour force under four groups depending on occupation, nature of employment, specially distressed categories and service categories. They are:

Under Terms of Occupation:

Small and marginal farmers, landless agricultural labourers, share croppers, fishermen, those engaged in animal husbandry, beedi rolling, labelling and packing, building and construction workers, leather workers, weavers, artisans, salt workers, workers in brick kilns and stone quarries, workers in saw mills, oil mills, etc. come under this category.

Under Terms of Nature of Employment:

Attached agricultural labourers, bonded labourers, migrant workers, contract and casual labourers come under this category.

Under Terms of Specially Distressed Category:

Toddy tappers, scavengers, carriers of head loads, drivers of animal driven vehicles, loaders and unloaders come under this category.

Under Terms of Service Category:

Midwives, domestic workers, fishermen and women, barbers, vegetable and fruit vendors, newspaper vendors, etc., belong to this category.

Unorganised Worker Social Security Act, 2007:

An Act to provide for the social security and welfare of unorganised workers. It extends to the whole of India.

The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to provident fund; employment injury benefit; housing; educational schemes for children; skill upgradation of workers; funeral assistance; and old age homes.

National Social Security Board:

- The Central Government shall, by notification, constitute a National Board to be known as the National Social Security Board to exercise the powers conferred on, and to perform the functions assigned to, it under this Act. The Union Minister for Labour and Employment is the Chairperson.
- The Chairperson and other members of the Board shall be from amongst persons of
eminence in the fields of labour welfare, management, finance, law and administration.

- The term of the National Board shall be three years.

**Functions of National Board:**

The National Board shall perform the following functions, namely:—

(a) recommend to the Central Government suitable schemes for different sections of unorganised workers;

(b) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;

(c) monitor such social welfare schemes for unorganised workers as are administered by the Central Government;

(d) review the progress of registration and issue of identity cards to the unorganised workers;

(e) review the record keeping functions performed at the State level;

(f) review the expenditure from the funds under various schemes; and

(g) undertake such other functions as are assigned to it by the Central Government from time to time.

**State level:**

Even State Social Security Boards will be formed at the State level headed by the State Ministry of Labour.

**District level:**

The record keeping functions for the purpose of this Act shall be performed by the District Administration:

Provided that the State Government may direct that the record keeping function shall be performed by—

(a) the **District Panchayat** in rural areas; and

(b) the **Urban Local Bodies** in urban areas.

**Workers facilitation centres:**

The State Government may set up such Workers' facilitation centres as may be considered necessary from time to time to perform the following functions, namely:—

(a) **disseminate information** on available social security schemes for the unorganised workers;

(b) **facilitate the filling**, processing and forwarding of application forms for registration of
unorganised workers;

(c) **assist** unorganised worker to obtain registration from the District Administration;

(d) facilitate the **enrollment** of the registered unorganised workers in social security schemes.

**Eligibility for registration and social security benefits.**

(1) Every unorganised worker shall be eligible for registration subject to the fulfilment of the following conditions, namely:—

(a) he or she shall have completed 14 years of age; and

(b) a self-declaration by him or her confirming that he or she is an unorganised worker.

(2) Every eligible unorganised worker shall make an application in the prescribed form to the District Administration for registration.

(3) Every unorganised worker shall be registered and issued an **identity card by the District Administration** which shall be a smart card carrying a unique identification number and shall be portable.

(4) If a scheme requires a registered unorganised worker to make a contribution, he or she shall be eligible for social security benefits under the scheme only upon payment of such contribution.

(5) Where a scheme requires the Central or State Government to make a contribution, the Central or State Government, as the case may be, shall make the contribution regularly in terms of the scheme.

**Pradhan Mantri Matru Vandana Yojana:**

Pradhan Mantri Matru Vandana Yojana (PMMVY) is a Maternity Benefit Programme that is implemented in all the districts of the country in accordance with the provision of the National Food Security Act, 2013.

**Objectives:**

Providing partial compensation for the wage loss in terms of cash incentives so that the woman can take adequate rest before and after delivery of the first living child.

The cash incentive provided would lead to improved health seeking behaviour amongst the Pregnant Women and Lactating Mothers (PW&LM).

**Target beneficiaries:**

1. All Pregnant Women and Lactating Mothers, excluding PW&LM who are in regular employment with the Central Government or the State Governments or PSUs or those who are
in receipt of similar benefits under any law for the time being in force.

2. All eligible Pregnant Women and Lactating Mothers who have their pregnancy on or after 01.01.2017 for first child in family.

3. The date and stage of pregnancy for a beneficiary would be counted with respect to her LMP date as mentioned in the MCP card.

4. Case of Miscarriage/Still Birth:
   - A beneficiary is eligible to receive benefits under the scheme only once.
   - In case of miscarriage/still birth, the beneficiary would be eligible to claim the remaining instalment(s) in event of any future pregnancy.
   - Thus, after receiving the 1st instalment, if the beneficiary has a miscarriage, she would only be eligible for receiving 2nd and 3rd instalment in event of future pregnancy subject to fulfilment of eligibility criterion and conditionalities of the scheme. Similarly, if the beneficiary has a miscarriage or still birth after receiving 1st and 2nd instalments, she would only be eligible for receiving 3rd instalment in event of future pregnancy subject to fulfilment of eligibility criterion and conditionalities of the scheme.

5. Case of Infant Mortality: A beneficiary is eligible to receive benefits under the scheme only once. That is, in case of infant mortality, she will not be eligible for claiming benefits under the scheme, if she has already received all the instalments of the maternity benefit under PMMVY earlier.

6. Pregnant and Lactating AWWs/ AWHs/ ASHA may also avail the benefits under the PMMVY subject to fulfilment of scheme conditionalities.

Benefits under PMMVY:

- Cash incentive of Rs 5000 in three instalments i.e. first instalment of Rs 1000/- on early registration of pregnancy at the Anganwadi Centre (AWC) / approved Health facility as may be identified by the respective administering State / UT, second instalment of Rs 2000/- after six months of pregnancy on receiving at least one ante-natal check-up (ANC) and third instalment of Rs 2000/- after child birth is registered and the child has received the first cycle of BCG, OPV, DPT and Hepatitis - B, or its equivalent/substitute.
- The eligible beneficiaries would receive the incentive given under the Janani Suraksha Yojana (JSY) for Institutional delivery and the incentive received under JSY would be accounted towards maternity benefits so that on an average a woman gets Rs 6000/-

Draft Policy on Domestic Workers:

Features

- Inclusion of domestic workers in the existing legislations
- Domestic workers will have the right to register as workers with the State Labour Department. Such registration will facilitate their access to rights & benefits accruing to them as workers.
- Right to form their own associations, trade unions
Right to have minimum wages, access to social security, protection from abuse, harassment, violence
Right to enhance their professional skills
Protection of domestic workers from abuse and exploitation who are recruited to work abroad
Domestic Workers to have access to courts, tribunals, etc.
Establishment of a mechanism for regulation of placement agencies.

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