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Plight of Women Domestic Workers in India

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ABSTRACT

Domestic Workers generally come from the backward areas within vulnerable communities. Even though the Domestic workers are covered under the unorganised sector, they don't have a regularized working hour as well as minimum wages. They come under the terms of Service Category of unorganised labour force. As of now there is no exact number of data regarding domestic workers in India. However, about 50 million, approximately estimated under domestic workers category in the Country. Major steps in the recent years have been taken to provide legal protection and social security to domestic workers by the Government of India. Unlike other forms of works, the nature of domestic work is considered to be a unique one. But on the other side they have to manage the dark fact of their employers. They were the most exploited labour force in India as there is no kind of Union started by their own to solve their issues and raise against the exploitation.

Those women who were employed for domestic work will be already belonging to a poor family and because of their financial situation they were engaged into the kind of domestic works. But the employers by using this situation they were exploiting them sexually and giving torcher to them. Though it can't be brought down to all employers as some of them were treating their women domestic workers as the part of their family and offering them all their needs.

The present paper attempts to describe the problems faced by the women domestic workers in India. It also attempts to identify the protection given by the Government of India under the Law as well as schemes specifically to them. And suggest the way to improve their standards among other unorganised sector workers in India.

Keywords: Domestic Workers, Women, Human Rights Violation.

I. INTRODUCTION

Although domestic work has been a global phenomenon through the ages, it has only been explicitly connected to globalization very recently. The need for care work is universal as all human being, at one time or another in their lives, are dependent on other people's care. The importance of domestic work has been evident across the world, with ancient Mesopotamian

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sources referring to it and continuing and probably even expanding into the present. Domestic work is often determined by and has contributed to global connections. It has been and still is a substantial aspect of the global division of labour. This work's universal character and the need to improve its generally harsh working conditions and poor remuneration have recently been recognized by the ILO Convention No. 189, Concerning Decent Work for Domestic Workers.

According to the ILO Convention No. 189, 'Domestic Work' means "work performed in or for a household or households" [Article 1(a)]. The Convention defines a 'Domestic Worker' as "any person engaged in domestic work within an employment relationship" [Article 1(b)]. It is estimated that there are over four million domestic workers in India. They remain part of an informal and unregulated sector, obscured in private homes, not recognized as workers but rather as 'informal help'.² As this Convention is defining the domestic work as through protective regulation which has been globally very crucial, but which the Indian state still has not ratified.

Domestic servants are one unique group of workers in modern India which is ever-present but invisible. The explosion in urbanization, migration, and the changes that have occurred in the nature of the household has created a great demand for this labour pool.³ Domestic workers are still seen as unproductive labour, no matter how well they cook, how diligently they clean. Thus, they are not only invisible but also informal.

The National Commission for Women drafted the Domestic Workers (Registration Social Security and Welfare) Act in 2008, which has not been notified by the Central Government. Some State Governments did indeed take the lead in framing laws on this subject. In 2018, it was said the Central Government was working on bringing out a national policy to protect the interests of domestic workers which has been pending for almost three years not.

II. ROLE OF DOMESTIC WORKERS

Domestic workers provide a range of services in private homes, they sweep and clean, wash clothes and dishes, shop and cook, care for children, the elderly and the disabled. They provide gardening, driving and security services too. Some live on the premises of their employer itself and pursue these kinds of works. Other may work as a part time, mostly they work for multiple employers. Generally, women were concentrated in the care and cleaning

² Indian Domestic workers, Anti-slavery domain, (Dec. 2, 2020, 03.56 PM) <https://www.antislavery.org/what-we-do/past-projects/india-domestic-workers/#:~:text=It%20is%20estimated%20that%20there,rather%20as%20informal%20help>.

³ Nitin Sinha, *Between Welfare and Criminalisation: Were Domestic Servants Always Informal?* (Dec. 03, 2020, 06.49 PM), <https://thewire.in/labour/domestic-servants-informal-workforce>

services, whereas

Many factors lead women to enter domestic work. Women from poor households or disadvantaged communities often have few employment opportunities, and may face discrimination based on gender, caste or class, race or ethnicity. Cleaning, cooking and caring for children and the elderly is almost universally regarded as women work, so men rarely compete in this place.

Low levels of education and few marketable skills also play a role. Demand for domestic services is growing due to demographic social and employment trends. These include women working outside the home, a decline in public provision of care services, and the disappearance of extended family support. Affordable domestic workers free up other women to work outside the home.

III. PLIGHT OF WOMEN DOMESTIC WORKERS

Understanding domestic work, both within the paid and unpaid sphere, and its role in the reproduction of labour within capitalism has been an important contribution of the women's movement. Questions such as what is domestic work? Is this work productive? What is its value and composition within the division of labour? have been discussed and debated upon repeatedly.⁴

A) Unregulated and Under paid:

The nature of domestic work – including it being unpaid in many cases, the overwhelming female participation rate in this work, its location in the private space of a household and the low level of participation of women in formal employment – all resulted in the work being largely unregulated and underpaid.

In the context, the 14.4 percent contribution of domestic employment to the increase in employment for women in the 2000-2010 is of interest. According to the National Sample Survey data for India, for 2004-05, only around 24 percent of the urban female working population (aged more than 15 years) was employed compared to 79 percent of men. By 2009-10, the proportion of urban female working population had declined to 19 percent.⁵ Around 1 in every 7 addition to the female workforce is a domestic worker, which underscores the importance of domestic work as a means of livelihood for a large section of urban families. The rural-urban migration might be seen, in part, as being encouraged by this

⁴Gothoskar Sujata *New initiatives in organizing strategy in the informal economy – Case study of domestic worker's organizing*. Bangkok Committee for Asian Women, (2005).

⁵Chen, Martha. *Urban Employment in India: Recent trends and future prospects*, Workshop on Growth and inclusion: Theoretical and Applied Perspectives, ICRIER, New Delhi, (2012)

form of occupation. On the other hand, this would also point to the division of labour and the new opportunities for women in formal employment, particularly in the service industry like education, banking and finance and information technology.⁶ The rising middle-

On 16 August 2011, the Domestic Workers Convention (C189) was adopted by the ILO at the 100th International Labour Conference. The ILO Convention (C189) was an important victory for organisations and advocacy groups that were campaigning for the rights of workers in the domestic sector. India did not ratify the Convention, which came into force on 5 September 2013. The Convention, among its other provisions, requires ratifying countries to ensure minimum wage protection for domestic workers. It also recommends regulations for occupational health and safety and the social security of workers in the sector.

In India, two draft bills, put forward by the National Commission for Women and the National Campaign Committee of Unorganised Sector Workers, to protect domestic workers have been in circulation since 2008,⁷ but neither has been passed. Meanwhile, some states have passed legislation for minimum wage and social security for domestic workers. Tamil Nadu included domestic workers in their Manual Workers Act and in the Manual Workers Welfare Board, Maharashtra passed the Maharashtra Domestic Workers' Welfare Board Act in 2008 and the rules for it were framed in 2010. Further, under section 27 (A) of the Maharashtra State Public Service Conduct Act, 1997, government employees are now prohibited from employing children below 14 years as domestic workers.

class population needs a large domestic workforce to sustain its needs of reproduction of labour. This is an interesting matrix, where the rise of a middle class with increased female participation in formal employment creates demand for domestic services, and where increasing migration and lack of opportunities for women drive many of them to seek employment in the domestic sector. The efforts to organise and fight for regulation in the domestic sector will have to be analysed in this context.

The Government of India has also amended the Central Civil Service Conduct Rules to prohibit civil servants from employing children below the age of 14 years as domestic workers. The states of Andhra Pradesh, Karnataka, Kerala, Bihar, Jharkhand and Rajasthan have notified a minimum wage for domestic workers but there has been no attempt to enforce

⁶ According to a study by the IT association NASSCOM and the HR consulting firm Meercer the number of women working in the IT-BPO sector in India grew by 60% during 2006-08. www.nasscom.in

⁷ Domestic Workers (Registration, Social Security and Welfare) Act, 2008 and the Draft National Policy on Domestic Workers as recommended by the Taskforce on Domestic Workers

the legislation.⁸

B) Caste determined task division:

In India, caste categories continue to determine the division of labour and tasks among domestic workers. Employers often arbitrarily decide on the workers' caste on the basis of the workers' skin colour. Women from 'backward' castes are largely employed in cleaning tasks, while upper-caste women are employed in the kitchen as cooks and/ or for washing dishes. However, these caste stereotypes are increasingly violated, especially in the case of migrant workers, who are able to hide their caste identity. Women migrants, who had not sought employment in their place of origin due to caste and social status, often seek work when they migrate to urban centres. Moreover, given the social transformation of urban centres, young professional nuclear middle-class and upper-middle-class households often employ workers without prejudice to caste. However, migrant workers still choose not to divulge their caste and even religious identities to better their chances of finding employment. The fact that caste determines task, and tasks that are traditionally performed by those from the higher castes command higher wages, such as cooking, also push workers to keep their caste identity undisclosed to be able to negotiate tasks with higher wages.⁹

C) Non-recognition of skills:

Domestic work is considered "unskilled" work, and hence is usually the first kind of employment for women, especially migrant and young women, entering the job market through local networks. The prevalence of the patriarchal notion that women's work is inherently unskilled underlies this assumption. Thus, a domestic worker cooking at home is considered 'unskilled' work and hence underpaid, but a chef working at a hotel is 'highly skilled' and earns a salary that is several times higher than that of the former. To put it simply, the same task may be considered skilled in location A but unskilled in location B, depending on whether it is a male-dominated or female-dominated employment sphere.

D) Extra working hours:

Most domestic workers in every area stated that they chose their work hours according to their family's needs. Thus, while younger domestic workers went out to work while their children were at school, they also had more employers. This meant they worked in more households for shorter periods, thus had to work more intensively. Older workers, on the

⁸ www.paycheck.in

⁹ Kasturi, Leela. (1990). 'Poverty, Migration and Women's Status' in Vina Mazumdar (ed) *Women Workers in India: Studies on Employment Status*; and Raghuram, parvati, 2001, 'caste and gender in the organization of paid domestic in India', in *Work, Employment and Society*.

other hand, usually worked longer hours but earned lower wages as they were unable to work with multiple employers.

Most of the workers stated that they received no extra remuneration for additional work, which employers, according to the workers, seemed to always find a reason not to pay for.

E) Lack of leave and weekly rest days:

Most workers claimed that they abstained from taking leaves of absence, and did so only for important occasions, for out-of-town trips or for instances of sickness as according to most of them, employers may not approve of their other planned absences.

F) Deficiency in providing festival bonus and other social security benefits:

Until recently, the common practice for most employers was to give a *saree* (clothing) and some money, usually up to Rs. 500, as an annual bonus.

G) Sexual Harassment at workplace:

Mostly women working under the domestic work sector were abused sexually by their employers as they were from a poor family and their financial weakness. As we know that women were protected in all other sectors with utmost protection from their employer and they have a special team to investigate their problems regarding sexual harassment in the workplace. But in the case of the domestic workers the employers themselves abuse their women servants sexually which can't be expressed or complained against their employer as if they do means they would be terminated from their work immediately without any kind of courtesy.

IV. CONCLUSION

The domestic work sector is a growing employment for women. It has no regulation of employment, and there is an extremely low level of organisation of workers. The importance of organisation in the sector is critical. Without organisation, existing regulatory measures like the statutory minimum wage will remain an illusory victory for the sector, with no real impact on the actual conditions of employment. Organising in the sector, however, is a challenge.

There is the issue of the perception of women that their wage in the family is secondary, while the reality for many female domestic workers is that their wage is critical to the survival of the family. Women also tend to devalue domestic labour, given that they have traditionally performed tasks in their own homes as unpaid labour. The presence of multiple employers and absence of a clear and unique employer-employee relationship also inhibit the

development of a clear working-class identity. Finally, organising female workers has its own challenges, given the restrictions on time and mobility of women.

Migration poses an important challenge to organising within the sector. Economic distress in the rural economy is pushing increasing numbers of women into cities in search of employment. Employment in domestic work is often the first choice for women migrants, given the relative ease of entry, the possibility of flexible work hours, and the scope for neighbourhood employment. Given their greater vulnerability and linguistic and social isolation, migrants form part of the sector that is more difficult to organise.

This is the context in which the experience of unions like the PTS is of immense importance, not only for organising and for better regulation in the sector, but also for the learning of trade unions of female workers in the informal sector. The union has made significant achievements in being able to bring a working-class perspective among the most economically and socially disadvantaged sections of female workers. It has been able to push for important regulatory measures in the sector. It has, through a citywide organising network, been able to take forward attempts to improve conditions of employment. The union faces the challenges of expanding its membership and organisation base and reaching out to new sections of workers.

Finally, organising domestic workers is an important challenge to understanding the sexual division of labour, and the linkages of exploitation within capital. It faces the challenge of preparing its members to confront patriarchy, be it at the workplace, in society, or even within their own homes. To quote Selma James, "...[a] woman's first job is to reproduce other people's labour power and her second is to reproduce and sell her own...[so] that her struggle in the family and the factory...is one whole. The very unity in one person of the two divided aspects of capitalist production presupposes not only a new scope of struggle but an entirely new evaluation of the weight and crucially of women in that struggle." This is an important ideological perspective for the labour movement that unions like the PTS should continue bringing to the force.

V. SUGGESTIONS

1. Widespread public awareness of the law related to domestic workers is a recognised standard requirement. This requirement has often neglected while extending current legal provisions to domestic workers.

2. While creating legislation or making policy changes concerning domestic worker, the State should also necessarily include proper campaigns to extend awareness of the same beyond mere gazetted publication.
3. While these are not alternatives to actual implementation, increased awareness may improve compliance as evidenced by the experience in Paraguay.
4. The State can seek the assistance of labour unions and NGO's for conducting large-scale awareness programmes to target different group of workers and employers.
5. Unionisation is a recognised global practice to improve the bargaining power of domestic workers, which in turn improves wages and gives other economic benefits through the market mechanism.
6. The role of unions in the improvement of social security for domestic workers has also been adequately recognised.
7. In India, domestic workers, isolated through various factors including caste, religion, ethnicity, and so on, have not been able to organise themselves into unions. The legislation, therefore, has to play a proactive role in organising domestic workers into unions.
8. Boards may be tasked with the responsibility of organising and promoting unions of domestic workers. Not only can unions improve market wages and benefits available to domestic workers, it can also apply pressure on the state machinery to function properly and in some cases, even act as an alternative to implementation by State machinery.
