

LABOUR

Volume 8 No: 1-3

January-June 2010

a bimonthly journal
of labour and
economic affairs

FILE

Price: Rs. 60

In Defense of the Rights of Domestic Workers



**Anecdotes from the
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Domestic Work:
Convention or
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whether the global body of governments, employers and employees will finally agree on standards for their work.

The double discussion mandated for setting standards for domestic work is driven more by the fluidity of the issue and the indecisiveness on the part of the member states rather than the procedural hurdles of the ILO. For instance, the Government of India, in its reply to the ILO, had advocated a non-binding Recommendation as opposed to a binding Convention. The Government of India followed this line of argument again in the Committee on Standards by introducing an amendment, which was seconded by the employers' group, to replace the words 'Convention supplemented by a Recommendation' with the word 'Recommendation'. Isolating itself from the progressive voices of the world, the Government of India representative argued, "Since many countries have no laws regulating and safeguarding the working conditions of domestic workers, a Convention might be difficult to ratify and will not have the desired impact. A Recommendation will, however, enable member states to develop feasible and practical standards and policies, and the ILO could assist member states in developing strategies." The Government of India's reluctance to be forthcoming in protecting domestic workers ostensibly stems from an apprehension that there is no existing law in India for domestic workers, and that the regulation of domestic work through the existing labour administrative instruments is not possible because private households are not included in the definition of 'industry' as per labour laws. Whereas the former is something that the Government of India can correct at any point in time, the latter is not exclusive to India; and international efforts to set standards will obviously begin with the recognition of the unique characteristics of domestic work and the challenges of implementation, rather than cite these as the reasons not to regulate.

Over the years, and in particular during the recent standard-setting efforts, a rich body of literature has come up on the unique characteristics of domestic work as a phenomenon, as it evolved historically and as it exists in its contemporary forms. Most significant of the insights of this literature is the articulation of domestic work as nothing other than the commodification of household tasks performed by women, generation after generation. Mainstream economics does not consider women's engagements at home as 'productive work' and, therefore, it is not recognised as work in the official economic and social policy documents. Challenging this patriarchal conception of work, women's movements and feminist literature have emphasised the social, economic and political value of 'reproductive tasks' undertaken by women. Simultaneously, women's movements have raised issues of the rights of women to be employed in those vocations considered productive and the exclusive domain of men, and the need for men to share household tasks relegated as women's exclusive domain. Though not much has happened in terms of men sharing responsibilities with women, women have entered areas of work hitherto undertaken only by men, or emerging areas of work, or as instances of emancipation of women from the drudgery of the kitchen. This 'increasing participation of women in the labour market', as it is usually put, and the reluctance of men to share household work results in the 'double burden' of work for women responsible both for their work in the office or factory and their household work which, in turn, requires that household responsibilities be taken over by someone else. Mainly, two aspects of the 'reproductive work' of women in households have been commodified and have become possible as paid work, namely, 'care' work addressing the physical and emotional needs of family members including husbands, children, sick and the elderly, etc., and 'dirty' work, that is, the maintenance of the household, including cooking, washing, cleaning, etc.

The coincidence of the commodification of household tasks and their displacement to another set of people is the basis of the second unique characteristic of domestic work. This 'other set of people' are also women. Domestic work is usually given as an example of the feminisation of work. In many countries, domestic work constitutes more than 15 per cent of women's employment and women constitute more than 90 per cent of domestic workers. However, what we see is not feminisation of work that was previously done by males but the continuation of work done by women by other women, as poorly remunerated and protected wage work, within a framework of class, caste, religious, regional and ethnic divides, and with serious consequences for the capacity of these 'other women' to care for their own families or selves. Women who opt for domestic work in the households of the middle class and the rich in India are mostly women from impoverished peasant families or women, who have lost access to natural resource-based livelihood systems. As a result of this kind of work, necessary care functions are cruelly denied to the family members of those, who provide those same services as paid service to others: In Delhi, a domestic worker revealed that she ties her two children to a cot while she works in the homes of others because there is no one to watch over them and nowhere to take them, and no other way to ensure that they remain safe when alone at home. The resolution of a work-life imbalance for some leads to serious work-life deficits for others, and an overall reinforcement of a gendered division of labour in society.

Third, the commodification of unproductive and private household tasks has not translated into its recognition as 'work' and the possibility of its 'valuation'. Domestic workers remain under-enumerated or non-enumerated in national statistics. For instance, the National Sample Survey Organisation (NSSO) 2004-05 estimate of 4.75 million domestic workers in India are employed in

private households, which includes domestic workers, but does not exclude other categories of persons working in households. The 'invisibility' of domestic workers is not only because they work in private households but also because they are engaged in performing traditionally invisible, non-enumerated and unpaid tasks. In most states of India, domestic work is not included in the schedule of the Minimum Wages Act 1948, and even when included, domestic workers are not paid notified minimum wages. Domestic work is generally the option of those who do not have any other skill to enter the labour market and are classified as 'unskilled'. In Delhi, domestic workers rarely get Rs 5,272, the notified (w.e.f 01 February 2010) monthly minimum wage for unskilled workers for eight hours of work, or Rs 203 per day. Live-out domestic workers are paid according to tasks performed but their payment never adds up to a daily wage of Rs 203. Non-recognition further results in the de jure and de facto partial or total exclusion from the protection of other labour laws, pertaining to working conditions, occupational safety and health, social security, right to bargain collectively, etc. With the normative and legal exclusion of the household as a place of work, enforcement too becomes impossible to achieve.

A fourth unique feature of domestic work is that domestic workers are overwhelmingly migrants, either migrating from low-income to high-income countries or within countries from impoverished regions to affluent regions. In Europe, the Gulf countries and the Middle East, the majority of domestic labourers today are migrant women from Asia. Similarly, high-income Asian countries receive a large number of women domestic workers from low-income Asian countries. The intensified female migration for domestic work in the context of the current phase of globalisation and uneven development has been variously designated as a 'global care chain', 'the new international reproductive labour' and a 'new domestic world

order'. Such terminologies denote informal and institutionalised mechanisms and processes that facilitate the movement of women for care work along the power axes defined by gender, economic growth, race, ethnicity, colour and religion. The flow of migrants are regulated and controlled by private agents and contractors, as well as public policies, without the least consideration for basic rights of those who migrate. Often, the combination of a demand for domestic work and restrictions on mobility result in the trafficking of potential domestic workers, especially women and children. Many remain undocumented and are subject to the attendant risks of insecurity and criminalisation. Domestic work is among the most racialised and segregated occupations. Racialisation happens when one group of workers are preferred or discriminated against, based on race, colour and ethnicity. Domestic workers from the low-income countries, who work in the high-income countries of Europe and the Gulf, are generally temporary migrant workers, who do not enjoy the right to become permanent residents in their host country, to take up any other job in the labour market or to enjoy any social security benefits. A replica of this international 'global care chain' is seen within India, where women in large numbers migrate to urban households to perform domestic work mediated through well-entrenched but uncouth agents, and controlled and regulated by the unwelcome urban policies of the state. They enjoy abysmal housing and civic amenities, and are shunted from place to place, denied education for their children, often denied citizenship rights due to non-availability of identity proof and criminalised, often based on prejudices. Domestic work carried out in India in the private spaces of homes is an area where caste discrimination gets reinforced, though the issue has not come for public debate so far. Domestic tasks are not decided on the basis of skills but on the basis of the caste of the worker. Preferences or rejection based on ethnicity, religion, colour and caste is a manifestation of

prevailing racialisation of domestic work in India.

A fifth unique feature of domestic work is the relationship of the worker to the employer and the conditions in which they work, which qualifies domestic work, as it is performed currently, to be classified among the contemporary forms of slavery by the UN Special Rapporteur on Contemporary Forms of Slavery. Domestic work, in the form that exists today, has been recognised as a form of slavery recently by the Parliamentary Assembly of the European Council in its adoption of a Recommendation on Domestic Slavery: Servitude, Au pairs and "Mail Order Brides" (1663/2004). In India, wives of bonded labourers were compelled to perform domestic work in the households of their masters although, in most cases, the kitchen was not accessible to them owing to caste considerations. Whereas such practices are not uncommon today in some parts of rural India, we have seen how it gets reinvented in the urban set-up.

In commodified domestic work, it is not the labour power of women that the employers are purchasing but the personhood of women—the socially reproductive characteristics of women. Especially for live-in domestic workers, the surrender of their personhood to their masters makes them extremely vulnerable to severe physical and emotional exploitation, the slavery-like practices of the contemporary era. There is no limit to working hours for domestic workers, including night work. Wages are often an important tool of control of domestic workers. Payments in kind, inclusion of food and lodging as in-kind remuneration, non-payment or late payment of wages, extracting unpaid labour, etc., are widely used to control domestic workers. Domestic workers usually share their employers' houses as their place of residence, which is also their place of work, restricting mobility and any sense of privacy. Verbal abuse, physical abuse and torture leading to death are not uncommon. Domestic workers also face sexual

harassment and abuse.

Such unique features of domestic work have acted as constraints in organising domestic workers, making this sector among the least organised. The lack of legal status, fear of loss of employment, fear of deportation if migrants, the inviolable privacy of households, the scattered nature of employment, long working hours and having more than one employer are factors that make domestic workers often hesitant to speak up publicly and demonstrate. However, the spread of commodified domestic work and the intensity of exploitation have also offered opportunities for the development of innovative strategies to organise the workers, by providing them opportunities to interact, exchange views and discuss political issues. The ILO's efforts to set standards for domestic work is a giant step towards the recognition of domestic work as work and domestic workers as workers by the international community. It will make national governments accountable and encourage domestic workers, trade unions and civil society organisations to put pressure on their respective governments to recognise and articulate the entitlements of domestic workers. Whether the universally accepted standards for domestic workers will eventually do away with the gendered division of household work is a larger issue.

With the ILO's efforts as backdrop, Labour File brings together a wide range of views on domestic work in India. This issue of Labour File provides analytical articles, stories from the field, narratives and profiles of domestic workers. Jayati Ghosh, Irudaya Rajan, Coen Kompier, Neetha N, Reiko Tsushima and Shrayana Bhattacharya are among those who debate the issue of standards for

domestic work and locate it in the Indian context. Whereas the interview with Ms Sachiko Yamamoto, Regional Director, Regional Office for Asia and the Pacific, gives an official view of the ILO on the issue, the interview with Shri Harish Rawat, Minister of State for Labour and Employment gives the Government of India's perspective. The issue also carries an interview with Sr. Jean Devos, the leader of the National Domestic Workers' Movement. This issue collates the rich and diverse experiences of innovators from central trade unions, from independent trade unions and from non-governmental organisations in organising domestic workers. Meeting workers at their residences (in the case of live-out workers), using the ethnic and regional identities of workers, using the religious congregations, engaging unionised middle class employers to sensitise their domestic workers, providing identity cards to domestic workers, starting alternative placement services for domestic workers, starting cooperatives of domestic workers, professionalising domestic work by upgrading their skills, helping professionalised domestic workers to manage their own services and leading them to strikes and demonstrations—the experiences in organising domestic workers are diverse and intense. The lead story by Sindhu Menon captures vividly the travails of domestic workers in Delhi.

This issue is dedicated to Sumari, who braved the physical assaults of her employer and is currently confined to a bed, and, despite this, continues to carry a gleam of hope in her eyes. Labour File urges the Government of India to stand by its domestic workers and decisively vote for a Convention followed by a Recommendation at the ILC 2011.

J John

COVER STORY

Anecdotes from the Life of Domestic Workers in Delhi and In Defense of Sumari's Rights

Sindhu Menon



"A domestic animal is one, such as a dog or cat, that is sufficiently tamed to live with a family; or one, such as a cow, chicken or horse, that can be used to contribute to a family's support," according to various English dictionaries. When something is 'domesticated', it is converted to domestic use, as in the case of a wild animal that is tamed. So, carrying this analogy further, can we say that domestic helpers are those human beings, who are tamed to cater to the needs of so-called upper- and middle-class households?

According to the ILO's recent Advocacy Brief on Decent Work for Domestic Workers, the total number of domestic workers in Asia and the Pacific, though hard to estimate, is believed to account for as much as 2.5 per cent of the total employment in developed countries, and as much as 10 per cent in some developing countries. The

vast majority are women—mainly under the age of 40; in very many cases, children are found working in the homes of others.

In India, domestic work is a vast area of employment, but there is no precise sense of its exact size and extent. The estimated number of domestic workers in India according to NSSO (2004–05) Report is 4.75 million. But this could well be an underestimation considering the 'invisibility' of domestic work and the agencies not perfecting their tools to measure this. "Around 50 lakh people in India keep more than two-three domestic workers as help," says Harish Rawat, Minister of State for Labour and Employment.

Caste: A Big Barrier

Caste and language play an important role in the lives of domestic workers. Indian society is still far

from being caste free; and although some changes have taken place in urban areas, most of the villages are still plagued by casteism and feudalism. Lower-caste families continue to work as bonded labour for upper-caste landlords. As domestic workers, they get only food and shelter. The entire family is supposedly 'taken care of' by the feudal joint families that employ them. The children too are not spared—at a very young age, they are taught to serve and not to question.

A Brahmin family still largely employs a Brahmin cook. A lower-caste woman is expected to clean the vessels, sweep and mop the floor, and wash clothes but when it comes to cooking, the upper-caste community still prefers to employ upper-caste cooks. Even in states that boast of high literacy, the majority of domestic workers are dalits or tribals and they are conveniently understood to 'prefer' certain jobs. However, 'preference' for a certain kind of work is not theirs to express. "Although women migrate in large numbers to work in Delhi as domestic maids, Muslims and lower castes are not preferred," says Bharti Sunar from Hoogly district of West Bengal. "The *dooms*, *chamars* and *muslims* are the worst affected. If you are dark, you will not get a job. One has to hide one's caste identity, most of the time, to get a job," says Bharti.



"Women change their dressing styles too; they wear bangles, put bindis, even if they belong to the Muslim community, and select a Hindu name," she

says. Thus, Jameela and Sheriffa become Sita or Geeta; their burkhas give way to sarees and mangalootras—just to get work. "We are not cheating anyone. We do this because it is a question of survival," says Nadira, a maid from Beghampur.

Bharti is a dalit (Dass) and her husband Ramkumar Sunar from Nepal belongs to the goldsmith (kshatriya) community. They stay with their children in Sector 9, Rajapur village. "My wife is dark and so people categorise her as a lower caste. It is difficult for her to get work as a cook. I am fair, therefore, I get work as a cook," says Ramkumar. "Complexion plays a crucial role in getting a job," says Bharti. "Though dark, I manage to get work because of my surname; most of them know that Sunar is a kshatriya," she adds.

The upper class has enough education to identify the caste of workers; but their education does not result in the understanding or realisation that the barrier of caste is something that needs to be done away with if we as a nation have to progress. Unfortunately, their ability to discriminate between castes is applied only to deny those seeking work on the basis of their caste, or to use them only for cleaning toilets.

Caste consciousness is not only with those who hire domestic maids; it also exists in the minds of the workers themselves. "I will never clean the toilet, it is not my work; it is the work of the *jamedar*," says Asha Lamba, a Nepali. A majority of the women interviewed have similar opinions. "*Achoot logon ka kaam hai bathroom safai karna, hum nahin karte* (Cleaning the bathroom is the work of untouchables; we will never do it)" is what they clearly say.

Language: Another Barrier

"When I came to Delhi, I barely understood Hindi. Slowly, I learned the language and now can communicate in Hindi," says Maya, a maid in south Delhi. Maya is a Nepali and during her initial years in Delhi, communication was very difficult.

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"Nepali and Hindi have some similarities, but my cousin, who went to a Marathi family, had a tough time," says Asha Lamba. "There are obvious differences in our use of the language, which differentiates us from upper caste women domestic help," says Bharti Sunar. "It is the issue of survival; so we try our best to adapt to the situation by trying to talk like the upper castes."

There are three types of domestic workers in the city: the live-in maids, the live-outs and the part-timers.

The Live-ins

Live-in maids are full-timers, who stay either in the servant quarters or within the house of the employer. "The work we do never gets over," says



Basanti Toppo from Jharkhand. Basanti came to Delhi with her sister in 2002. "We have to be available 24 hours a day," says Himani, another domestic maid from Jharkhand. "We have to get up early in the morning and start our work. Often, when we go to bed after finishing all the work, some member of the house will come home late. We will then have to open the door, warm up the food, serve

them, wash the utensils, clean the table and only then go to bed," says Himani.

There is no accurate data on the number of live-in maids. The highly exploitative conditions in which they work can be understood only when someone comes out to tell her/his story. Every employer guards his/her privacy. Questions on the status and conditions in which domestic workers live and work are not entertained.

"The live-ins work in highly exploited situations," says Sunita, the coordinator of the National Domestic Workers Union. "Accessibility to those workers is nil because they seldom come out or interact with others," she adds. The case of Sumari, a young girl from Jharkhand, is one such case of exploitation.

Sumari has been bedridden for the last one-and-a-half years. Her body, from hips downwards, is numb. Her legs are getting weaker day-by-day. Her condition is the outcome of a suicide attempt. Sumari, beaten up by her employers, decided to commit suicide by jumping from the terrace of the fourth floor of the house where she was working. The events leading to this are as follows:

Sumari worked as a live-in maid in a house in Janakpuri, West Delhi. She got the job through John Enterprises, a placement agency. Though the policy of the placement agency was to give workers only for 11 months, Sumari's was an exception. She worked in the house for more than one-and-a-half years. The employers—both husband and wife—would scold her in abusive language and torture her unnecessarily; she continued working there doing all the household chores, till that fateful day, which changed her life drastically.

Another maid asked Sumari to her carry her bag to a nearby house where some construction work was happening. The construction labourers saw Sumari and asked her where she was from. Sumari's employers saw her talking to the workers and

abused her in front of the workers and other neighbours. They dragged her inside the house and beat her brutally, all the while alleging that she was an immoral character. They then asked Sumari to cook the food and clean the entire house in half an hour, failing which she was threatened that she would be beaten.

Shattered and totally humiliated, Sumari started crying and went up to the terrace. The lady of the house followed her shouting abuses. In utter panic, Sumari jumped from the terrace. She was taken to the hospital and was admitted for two weeks. Later, John Enterprises took her to their agency office; since then she has been lying on the floor without proper treatment. The catheter through which her urine passes has become old and infected. She cannot move or get up; everything has to be done lying down. Her mother was called to the placement agency and is staying with Sumari.

"A staff member of this agency was my cousin. It is only due to his intervention that the agency brought me here. When he argued that I should be given better treatment, he was thrown out of his job," says Sumari. The placement agency wants to collect more money from the employer and so is compelling Sumari to make false charges. The employers, on the other hand, say that if Sumari keeps her mouth shut, she will be paid compensation. "What the arguments are between the agency and employer I do not know. I'll be happy if I die because I have been lying on this floor on a *chaddar* for more than one-and-a-half years. I have bed sores. It is better that I die," she wails. She doesn't know what to do. No one is there to take care of her. Her mother, a villager, who does not know Hindi, is confused.

Sumari needs treatment. She needs good food; at least, she needs to be able to return to her village. But nothing is happening. There are innumerable others like Sumari—beaten, exploited, sexually abused, raped or killed. These women are simply trapped and are known

to no one but their employers.

The Live-outs

Live-outs are those domestic help, who report at their employer's house in the morning and return to their homes in the evening.

In practice, however, nothing is defined. Live-outs, who work for one household, have to earn enough to pay their rent, electricity, water, food, fuel, transportation and other costs. "We are fortunate because the house we stay in is owned by my employer and so we have to pay only Rs 850 towards rent. Electricity and water are not charged," says Julie Thigga, who stays in Jasola village near Apollo Hospital, New Delhi.

Julie came to Delhi nine years ago from Chirayya village in Jharkhand along with her husband Kaleb Thigga, who works in an export factory in Okhla. Julie's first job was as a masseuse. She did it for the members of two to three households for a few months. Later, she managed to find a house in which to do household chores, and has been doing this work for the last eight years. Julie is paid Rs 1,800 per month for doing chores including dusting, cleaning, sweeping, mopping, cleaning utensils and washing clothes. Her work starts at around 9 a.m. and ends at 9 p.m. She is given breakfast and lunch. "Except cooking, and cleaning the toilets, I do all the work," says Julie.

Nirmala, from Jharkhand, has been in Delhi for the last 15 years. She came to Delhi with a friend. Within two months, she got a job in a house in Sarita Vihar and, till date, she has been working in the same house. She works for eight hours, cleaning the entire house. She is paid Rs 3,500 per month. In spite of the fact that the nature of work which Julie and Nirmala do and the time spent are somewhat similar, there is a huge difference in payment. There are, in fact, no general standards for fixing the wages of domestic workers.

The Part-timers

Part-timers are those who work for two to three hours at a time in different houses. They work like machines, running from one house to another. They are paid according to the tasks they undertake; for example, they earn Rs 300 for sweeping and mopping, washing utensils and washing clothes whereas they earn Rs 200 for dusting. These rates also are not fixed. "Apart from the household work, our employers make us do many other jobs—cutting the vegetables, looking after the baby and, at times, running errands," says Ellamma, a domestic worker. The worst part is that in the end, nothing is recognised. The workers are only cursed, blamed and fed with leftovers.

Placement Agencies: Boon or Bane?

Domestic maids in metros are largely migrants. Unemployment, poverty, loss in crops, mortgaged land, siblings to be married, death, sickness, etc., are some of the reasons that force these workers to migrate to cities in search of jobs. Many young girls are enticed by the lure of city life and the idea of getting some quick money. They are brought in by relatives, neighbours or friends from the same religion, community or caste. Placement Agencies are a relatively new phenomenon.

There are no rules or restrictions for setting up a placement agency. A majority of the existing placement agencies are fraudulent by nature. An agency is like an octopus. It entangles the girls in its tentacles, with no escape from its clutches. One agency in particular, John Enterprises, gave a clear picture of the atrocities perpetuated in placement agencies. It is located in Raghubir Nagar, Rohini, West Delhi. The inmates of the agency allege that the owner, Mr. John, and his wife are in Jharkhand jail for committing crimes of molestation, rape and kidnapping. Reportedly, Mr. John's second wife is running the office in Raghubir Nagar. None of the employers for whom the agency has procured

domestic workers could be reached.

Sushanti, and her brother, Bathru, have come all the way from Orissa in search of their sister Mubika, who was brought to Delhi by John Enterprises with an assurance of a job. Mubika has been in Delhi for the last one-and-a-half years. Till date, neither her parents nor relatives have spoken to her nor have they received any letter or money from her. "We have tried to get in touch with her. When any of our relatives or neighbours comes to Delhi, we request them to meet her. But the placement agency always refuses to allow them to meet her because she is working in a household as a full-timer," says Bathru. "My brother has been here for the last one month and I came two weeks ago, but madam has not given us our sister's address. We don't need her money. What we would like to know is whether our sister is alive or not," says Sushanti.

Placement agencies place workers on contract for 11 months. The employers make payments each month for the workers to the agency directly. After 11 months, when the girls wish to go back to their native place and ask for their money, the agency does not give it to them. It forces them to enter into another 11-month contract with another house in another area. The agencies make sure that the girl does not run away nor get close to the people who employ them. Sunita Sangre, from Jharkhand, finished her 11-month contract and pleaded for at least a ticket to travel back home. "This agency is very big and they recruit women in large numbers," says Sunita. "The agency people never check how we are treated at our employers place. If the employer shifts house, we are taken along with them; in such cases even the placement agency will not know where we have been taken." "*Humare madat karne koyi kanoon nahin hai* (There is no law to help us)," says Sangeeta, another domestic maid.

"At nights, the offices of many placement agencies turn into entertainment places for the police and local goons," says an activist (who wanted to

conceal his identity) in West Delhi. "When the police and the goons are there to support them, who will raise voice against the agencies?"

Child Labour

Despite the much-talked-about inclusion of domestic work in the schedule of hazardous employment in the schedule of the Child Labour (Prohibition & Abolition) Act 1985, child labourers are increasingly employed as domestic workers in cities. Very few organisations seriously take up the issue of child domestic workers. "Child domestic workers get the least priority, if we look at governmental interventions," says Urmila, a child rights activist. Many of the children start working when they are six years of age. In most cases, the child will begin by assisting its mother in domestic work. By the age of ten, she will be expert enough to manage an entire household. These child workers are also not free from beatings and abuses.

"My day starts in the kitchen. I have to prepare breakfast and lunch before 10 a.m. The whole family takes packed lunch," says Nandini, a 13-year-old, who works for an upper middle-class family. She has to get up at 5 o'clock in the morning to start cooking. Besides cooking, she does sweeping, swabbing, cleaning the vessels and washing the clothes. From 10 o'clock onwards, she becomes the babysitter. "Madam will always have guests. They may come at any time. I will have to cook food for all of them. Madam will be busy entertaining them so I have to finish all the work without any help." The likes of Nandini's madam are quite common. Children are made to work day and night without any consideration. "After all this hard work, I am scolded and thrashed even for the most trivial reason," says another twelve-year-old domestic worker. Cases of violation rarely get reported because the employers are usually influential.

Most employers have a disdainful attitude towards their maids. They miss no opportunity to rebuke

this underprivileged lot. For the rich and the influential, the domestic workers are paid slaves. They call them 'servants' and make them do all the menial work. This 'servant culture' prevails in most households. Parents hardly have the time to see how much work piles up on the domestic help. Even the children of the household learn to take things for granted and hardly show respect to the person they consider doing the 'dirty' work.

Living Hell

"Getting a house to stay in Delhi is a nightmare," says Parvati, a domestic maid in the Shivalik area of South Delhi. "Very often, we have to shift houses due to some flimsy reason cited by the landlords to increase the rent," says Maya, a maid in Sarvodaya Enclave. Maya pays Rs 2,800 as rent and Parvati Rs 3,500. Added to this are the electricity and water charges. A majority of the domestic workers live in resettlement colonies, or jhuggis. The city beautification drive by demolishing jhuggis has rendered thousands homeless in Delhi.

Very often, these resettlement colonies do not have any 'toilets.' "We use the open grounds," says Nirmala, an inmate of Jasola village jhuggis. After shopping malls have come up near these open grounds, it has become difficult to find an isolated place," she adds. "We are not allowed to use the toilets at our workplace," says Bharti Sunar. "We have to either control ourselves or, if the situation worsens, to use the common lavatory or look for open grounds. The open grounds in front of the apartments we work in are always parks and gardens. So the only option left we have is to control our urge or go home," adds Bharti. "This results in problems with urinary problems and the uterus gets affected," says Namita, a health worker.

"Our children are not allowed to play in the parks where we stay," complains Bharti. "Those parks are only meant for the landlord's family."

The worst problem these workers face is that they

have to purchase their groceries and vegetables from the shop that their landlords own. As tenants, they are supposed to buy rations from this shop only. "The landlord's charges for each item are exorbitantly high and its quality is poor, but we have no other option. If we do not buy from him, we will be thrown out of the house. If we do buy things from elsewhere, we can bring it in only late in the night when we are sure that the landlord and his family are fast asleep," says Ramkumar Sunar, Bharti's husband.

"This phenomenon is spreading very fast," says Rajendra Ravi, an activist of the National Domestic Workers Union. "It is quite visible in Aligaon and many other places. The family that owns the colony runs the shops too and make the inmates buy goods from these shops. And worse than the grocery shop is the money lending business of the landlord. When someone falls sick or faces any emergency, these domestic workers borrow money from the landlords. They pay 10 per cent interest monthly for the money borrowed. They pledge their things such as TVs, gold and gas cylinders. If the pledged goods are not taken back in a month's time, they become the property of the landlords.

Counting Domestic Workers

In India, efforts to organise domestic workers have been taken up by all central trade unions. The AITUC has come up with an innovative concept. "We are asking all our middle class working women, especially from banks, LIC, GIC, etc., to make sure that at least the rights of domestic workers who work for them are protected," says Amarjit Kaur, national secretary of AITUC. "We are asking them to take the initiative to make workers aware of the need for organising."

Organising domestic workers is a herculean task because there are no proper statistics available.

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There are innumerable civil society organisations that are taking the lead in highlighting the issues of domestic workers.

"The ministry has asked the National Labour Institute and the National Social Security Board to compile the statistics of domestic workers in the country. It is one of the priorities of the government," says Harish Rawat. "There should be a legal provision for protecting the rights of domestic workers."

In an effort to register the domestic workforce and protect them as well as the employers/employees, police stations are supposed to issue identity cards to domestic workers. Employers are expected to give photographs of their maids and have them registered with the police station of their locality. Some workers interviewed expressed happiness over this process because they need not answer the embarrassing questions of the employers and resident societies. At the same time, others voiced serious objection because they believed that the police verification makes them potential criminals.

Conclusion

"I tie my five-year-old daughter Seeta and four-year-old boy Rahul to the cot till I come back from work," says Parvati, a domestic maid. She has been doing this since they were out of the cradle. Women's movements and feminists in the country need to realise how these workers, who come to work at their places—the ones that make it possible for them to be outside the house and to work and live comfortably—live their lives and cope with their appalling circumstances. Ironically, this domestic workforce—exploited, abused and dehumanised—is the biggest contributor to women's liberation and independence!

Domestic Workers: Profile and Emerging Concerns

Neetha N



Introduction

Domestic service is emerging as the largest segment of female employment in India's service sector. Yet, the exact number of domestic workers is difficult to estimate because many of these workers are often not captured by extant macro-data sources or are spread across fluid categories that are not well defined. One can obtain a rough picture of the size of the sector as well as the growth patterns from the macro data on employment and unemployment. As per the National Sample Survey Organisation (NSSO) estimates in 2004-05, the number of workers employed in private households, largely as domestic workers, are 4.75 million workers. Of these, 3.05 million women are in the urban areas, making the sector prominent for female employment in urban areas. The percentage of domestic workers in total female employment in the service sector increased from 11.8 per cent in 1999-2000 to 27.1 per cent in 2004-05—a phenomenal increase of about 2.25 million in a short span of five years.

Characteristics of Domestic Workers

The category 'private household with employed persons', which is popularly used to estimate the number of domestic workers includes five sub categories, namely, housemaid/servant, cook, gardener, gatekeeper/chowkidar/watchman and governess/baby sitter. Of these categories, gardeners and gatekeepers/chowkidars/watchmen are highly male-centred sectors and, hence, need to be separated so that we get a good picture of the feminisation process in the sector.

The female share of the sector is as high as 71.6 per cent, which shows an increasing trend over the period. The housemaid/servant sector shows a high degree of feminisation with 87.4 per cent of the workers being women. The socio-economic characteristics of domestic workers, revealed by the macro data and many micro-level studies, show specific demographic, social and economic characteristics. A large section of the workers are

Part-time workers are typically an urban phenomenon, with workers undertaking one or more tasks in different households

Table 1: Domestic Workers across Sub-categories

Categories of Workers	No. of Workers		Female Share	
	1999-00	2004-05	1999-00	2004-05
Housemaid/servant	4,382	23,811	80.4	87.4
Cook	64	966	72.6	73.9
Governess/babysitter	26	696	76.4	74.2
Total domestic workers	4,471	25,474	63.4	71.6

Source: NSSO unit-level data

married women in the age group of 21-40. Illiteracy and poor educational achievement are common and the occupation is dominated by lower-caste women.

In the literature on modern domestic service, the growth of domestic service and the above patterns have largely been attributed to the processes of economic development. Industrialisation and urbanisation are said to encourage the market for domestic workers, correlating with a servant-employing middle class and a pool of unskilled workers, consequent to a steep decline in agrarian produce and livelihood security in rural areas.

Wages, Working Conditions and Employment Relations

Domestic work takes place in isolated and private environments, which itself insulates the occupation from many workplace-specific issues. The tasks usually allocated to domestic workers include house-cleaning, laundry, cooking, dish-washing, care of children and the aged, and various other activities associated with the regular and smooth functioning of a household.

An important distinction often drawn in the context of domestic workers is between part-time (often live-outs) and full-time workers (often live-ins). Part-time workers are typically an urban phenomenon with workers undertaking one or more tasks in different households. This characterisation is purely from the point of view of the nature of engagement with any single employer. Part-time workers have some level of independence because they do not stay with the employers.

However, the fragmented nature of their work, the manifold tasks, the multiplicity of employers and the instability of employment pose challenges for these workers. There is no uniformity in the hours of work, number of working days and other conditions of work. Wages vary across regions and even by locality in the same town/city. Apart from the variation across larger divisions such as cook, cleaner and babysitter, wage rates vary within these as well, depending on a number of factors, ranging from purely personal to market-related parameters. Thus, it is difficult to arrive at a uniform daily wage rate for domestic work even for a specified locality. In reality, whatever be the wages, these do not cover the basic necessities of life.

Full-time, or live-in, workers undertake several tasks in one household. They often stay with the employers and are 'on call' through the day and night and, thus, normally have longer working hours. They have no fixed time for themselves or for rest. The wages of these workers also show large variation, depending on a host of factors, with no provisions for overtime.

Most domestic workers work seven days a week with no concept of a day off. There is no uniformity in the hours of work, the number of working days and other conditions of work. Even sick leave or negotiated leave often results in a cut in wages. There is no security of employment and they can be dismissed any time for reasons the employers find fit. There are no provisions for any social security in terms of provident fund, health insurance or pension.

The market possibilities of the sector have affected the organisation of the domestic service drastically. In this context, 'placement' agencies managed by

private entrepreneurs and voluntary associations assume particular significance. There has been an upsurge in the number of agencies/individuals supplying domestic workers especially in metropolitan cities; these are largely driven by profit interest. These agencies vary in the number of workers placed, nature of operations, objectives, services offered to employers as well as workers, and the degrees and parameters of informality. The agencies mobilise large numbers of women (especially unmarried girls) from tribal pockets. Non-payment of wages, elements of forced/bonded labour and the possibility of sexual exploitation (by the middlemen, agents and employers) are among the concerns raised.

Regulating Domestic Work

Domestic workers are largely left out of the purview of the existing labour laws though the conditions of these workers beg legal intervention. The workplace of domestic workers is the employer's home. A household or home is not considered an 'industry' or an industrial workplace, to which labour laws apply. This characteristic has been central in keeping domestic work outside the purview of labour law. Domestic workers are, therefore, not entitled to maternity benefit or other social security, nor are their working conditions or hours of work regulated. The emergence of placement agencies poses further challenges in regulating the sector.

There have been many attempts to regulate the sector since independence. These have failed due to governmental resistance—active or through neglect. The Domestic Workers (Conditions of Service) Bill 1959; All India Domestic Servants Bill 1959; Domestic Workers (Conditions of Service) Bill 1972 and 1977, and The House Workers (Conditions of Service) Bill 1989 are some of the major legislations during the period. However, the government ignored the recommendations of the Committee on the Status

of Women in India 1974, and the recommendation of the National Commission on Self Employed Women and Women in the Informal Sector 1988.

Domestic workers were implicitly excluded from the National Minimum Wages Act 1948. Although the benefits of the Act can be extended to domestic workers through state legislations, the present scenario at the state level is not very promising. Barring a few states, the official minimum wage for the occupation is not specified, making workers vulnerable to blatant exploitation.

Despite the mushrooming of placement agencies, currently there are no laws to regulate these. Discussions have focused on the possibilities of a number of existing laws being expanded or new legislation pertaining to informal workers including domestic workers in its ambit. With some modifications, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, the Contract Labour (Regulation and Abolition) Act 1970, and Shops and Establishments Act 1954 could play some role.

The National Commission for Women attempted to address some of these concerns through a Domestic Workers (Registration, Social Security and Welfare) Bill 2008, the fate of which is yet to be decided. The proposal seeks to establish a compulsory registration procedure for all domestic workers, including part-time and full-time workers, the setting up of a Domestic Workers Welfare Fund, the registration of placement agencies, the regulation of working conditions, and the imposition of fines and imprisonment for violation of the provisions of the bill. Though there have been many discussions on the bill, without consistent campaigning and lobbying, the fate of the bill will not be different from that of earlier ones, given the strong counter-political pressures. The recent efforts of the ILO to introduce a Convention on Domestic Work will strengthen the ongoing efforts in bringing a national legislation into force.

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ARTICLE

The Macroeconomic Context of Rising Domestic Work

Jayati Ghosh



economic growth, which is the fact of exclusion: exclusion from control over assets; exclusion from the benefits of economic growth; exclusion from the impact of physical and social infrastructure expansion; exclusion from education and from income-generating opportunities. This exclusion has been along class or income lines, by geographical location, by caste and community, and by gender. However, exclusion from benefits has not meant exclusion from the system as such—rather, those who are supposedly marginalised or excluded have been affected precisely because they have been incorporated into market systems. So there has been in India a process of exclusion through incorporation, a process that has actually been typical of capitalist accumulation across the world, especially in its more dynamic phases.

One crucial reason for this is that the aggregate output growth has not been accompanied by similar increases in employment. In particular, formal employment has stagnated, and even paid employment, in general (in the form of regular or casual work), has fallen as a share of total employment. Most of the recent increases in employment have been in the form of self-employment. This growing army of 'self-employed' workers, who now account for more than half the work force, have been excluded from paid employment because of the sheer difficulty of finding jobs but are nevertheless heavily involved in commercial activity and exposed to market uncertainties in the search for livelihood. Therefore, the Indian economy shows a paradoxical trajectory

The recent period has been one of very significant changes both in the Indian economy as a whole and in the economic condition of women workers in India. With respect to women's work, there have been four apparently contradictory trends: simultaneous increases in the incidence of paid labour, underpaid labour and unpaid labour, and the open unemployment of women. This is a paradox because it is generally expected that when employment increases, unemployment will come down; or when paid labour increases, unpaid labour will decrease.

This reflects a basic feature of recent Indian

There have been four apparently contradictory trends: simultaneous increases in the incidence of paid labour, underpaid labour and unpaid labour, and the open unemployment of women

of high aggregate growth with inadequate or poor employment generation. And this has directly impacted the lives of women in India.

It is true that, compared to many other countries, there has been relative stability of aggregate female work participation rates in India over time, despite some increase in urban female work participation, reflected in the most recent data. But there have been wide variations across states, differing trends across rural and urban areas, and changes in the pattern of work. For urban women, the increase in regular work has dominantly been in relatively low-paid service activities, along with some manufacturing. In manufacturing, there has been some recent growth of petty home-based activities of women, typically with very low remuneration, performing outsourced work as part of a larger production chain. But explicitly export-oriented employment, even in special zones set up for the purpose, still accounts for only a tiny fraction of women's paid work in urban India. Meanwhile, in rural India, self-employment has come to dominate women's activities even in non-agricultural occupations, largely because of the evident difficulty of finding paid work.

A significant and disturbing trend is the evidence on wages: the average real wages of women workers increased relatively little over the ten-year period 1993-94 to 2004-05 (the most recent period for which reliable data are available) despite rapid increases in national income over this period; for some categories of women workers (rural graduates and urban illiterate females), their real wages actually declined. What is more, there were fairly sharp increases in gender gaps in wages across all categories of workers. Some of the gender gaps in wages for certain categories of workers such as production and transport workers are now among the highest in the world.

Unfortunately, recent public employment has not bucked the overall trend of low average real wages,

and casual or non-permanent contracts for women workers. Whereas a privileged minority of women in government employment continue to access the benefits of the government behaving as a 'model employer', new employment for the purpose of providing essential public services has been concentrated in low-remuneration activities with uncertain contracts and hardly any benefits. This is true of school education (with the employment of para-teachers) as well as health and nutrition (with reliance on *anganwadi* workers and ASHAs). Indeed, the recent provision of basic public services in India has increasingly relied upon the underpaid labour of women workers.

Conditions of self-employment among women show many of the disturbing tendencies of wage employment. The most important form of female self-employment is cultivation. But the enormous contribution of women to agricultural production, as farmers, unpaid workers on family farms and agricultural labour, is largely unrecognised. And their work is more precarious than that of men because they are typically denied land rights and all the associated benefits, such as access to credit, extension services and subsidised inputs. Cultivation has become volatile and insecure and women farmers have been especially adversely affected. Meanwhile, women's self-employment in non-agriculture is largely characterised by both low expectations regarding income and remuneration, and substantial non-fulfilment of even these low expectations. Despite some increase in remuneration, self-employment among professionals and micro-entrepreneurs, in general, the expansion of self-employment seems to be a distress-driven process, determined by the lack of availability of sufficient paid work on acceptable terms.

These conditions would suggest that distress migration among women is also on the increase, and this appears to be the case. There is evidence of a substantial increase in economic migration by women, both within and across borders. This

In rural India, self-employment has come to dominate women's activities even in non-agricultural occupations, largely because of the evident difficulty of finding paid work

reflects both 'push' and 'pull' factors, so not all of it has been distress-driven. Migration is a complex process, which can be a source of either empowerment or exploitation of women, depending on the context and the factors that have influenced the decision to migrate. Women migrants have been significant in cross-border labour movements, especially within Asia, and their remittances have played an important role in shoring up the aggregate balance of payments of the country in the past two decades. They work dominantly in service activities and the care economy, which means that the demand for their work is less dependent upon the business cycle in host economies than is the demand for male migrants in production work. But in distress-driven cases, there is often a fine line between voluntary migration and trafficking of women and girl children. Whereas the official data sources are relatively poor at picking up internal migration, especially when it is short-term in nature, there is micro evidence suggesting a substantial increase in such migration in the past decade, largely driven by agrarian crisis and the paucity of adequate income-generating activities across much of India. A major problem is the inappropriateness of public policy with respect to migration, and particularly female migration for work. Not only is there hardly anything by way of assistance or protection for migrants but also all public service delivery and citizenship rights in India are residence-based, meaning that short-term migrants are denied both access and rights.

A consideration of the extent of unpaid work by women indicates that a very substantial amount of

women's time is devoted to unpaid labour, often at the cost of leisure and rest. Such unpaid labour may actually have been increasing over time, especially in the past decade. Public policies have played a role in causing the unpaid labour time of women to rise, either because of reduced social expenditure that places a larger burden of care on women, or privatised or degraded common property resources or inadequate infrastructure facilities that increase the time spent on provisioning essential goods for the household, or simply because even well-meaning policies are often gender-blind.

This explains the new pattern of women's employment especially in urban India. It is often trumpeted that regular employment of women in urban India has increased in the period of liberalisation. But a look at the nature of such work provides little comfort. After work in the export-oriented garments industries, the biggest single increase in employment—and the category of work that is now the single largest for urban Indian women—has been among those employed in private households. In other words, women working as domestic servants numbered more than three million in 2004–05, and accounted for more than 12 per cent of all women workers in urban India.

Domestic service is well known to be poorly paid and often under harsh conditions, and is definitely not a 'preferred' occupation signifying greater economic empowerment of women. Certainly, it cannot be seen as a positive sign of a vibrant dynamic economy undergoing positive structural transformation.

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Normative Aspects of Domestic Work: Convention or Recommendation?



Coen Kompier



for ratification. Once countries ratify a Convention, they must ensure that its provisions are implemented at the national level. This is an obligation deriving from international law.

In addition, if a Convention is adopted, for which a majority of two-thirds of the votes cast at the ILC is required, certain obligations under the ILO supervisory machinery will be put into motion. First, ratifying countries have an obligation to report on the application of the Convention. These reports are sent by the government but trade unions and

employers' organisations have a right to send comments about the implementation of the Convention as well. This is a very powerful tool for social partners; each can inform the ILO about the true character of implementation, assuming that governments always tend to give a rosy picture of the application of ratified Conventions.

Ratified Conventions also provide opportunities to complain with the ILO when necessary. Governments can file complaints against each other if both countries have ratified the same Convention. This is based on Article 26 of the ILO Constitution. This procedure is rarely used because usually governments do not like accusing each other. Equally, social partners do have a right to file a so-

In 2011, the International Labour Conference (ILC), which in fact is the international parliament on labour, will decide whether domestic work will be covered by a new International Labour Organisation (ILO) Convention or a Recommendation, or both. Whatever be the form of the new instrument, its adoption will mean international recognition of domestic work as a real and genuine job. It will be difficult to predict what kind of instrument will be adopted, but one can easily predict that most trade unions and governments will be in favour of adopting a Convention.

The distinction between a Convention and a Recommendation is an important one. If a Convention is adopted by a country, it will be open

Whatever be the form of the new instrument, its adoption will mean international recognition of domestic work as a real and genuine job

called representation against governments. This is based on Article 24 of the ILO Constitution. This procedure is frequently used, and also allows social partners to complain against foreign governments. For clarity, 'representation' is just another word for complaint, but is used in order to make a distinction between Articles 24 and 26 of the ILO Constitution.

The opportunities to engage in healthy dialogue and discussion on the application of Conventions do not exist for Recommendations. Recommendations are nothing but an advisory international instrument. These apply to all members of the ILO, irrespective of the national systems by virtue of their ILO membership. Often, Recommendations are more detailed than Conventions but it is not mandatory for a government to implement these. In case countries do not implement the provisions, there is nothing the ILO can do about it formally.

This is why domestic workers will probably be most happy if the 183 ILO member states decide to adopt a Convention, followed by speedy ratification.

Many existing ILO Conventions, however, do apply to domestic workers. Some make explicit mention of the category of domestic workers whereas other Conventions apply to 'all workers' or to 'workers without distinction whatsoever'. This is especially the case for the ILO fundamental human rights Conventions, dealing with child and forced labour, discrimination and freedom of association, and others.

The main question of whether these existing Conventions would apply at the national level depends on the definition and classification of domestic work at the national level. In India, domestic workers are referred to in the new law on social security for unorganised workers. Domestic work also figures in minimum wage notifications in several states.

A good example of using the ILO supervisory machinery under the existing ILO Conventions, namely ILO Convention No. 111 on discrimination regarding domestic work, comes from the Philippines. A representation was filed by the trade unions in the Philippines against the Special Administrative Region of Hong Kong. The Hong Kong government had launched a skills programme, promoting the employment of national domestic workers. It paid for this skills programme by imposing wage reductions of 10 to 15 per cent on migrant domestic workers. Migrant domestic workers in Hong Kong are predominantly from the Philippines. The Philippines unions complained to the ILO that the access to and the funding of the Hong Kong skills programme were discriminatory. The ILO Commission of Inquiry, set up to investigate the representation, agreed with the complaining unions that the Hong Kong scheme was discriminatory. Hong Kong subsequently withdrew the skills programme to look for an equitable alternative. The representation procedure, however, can only be used when both involved countries—the complainer and complainant—have ratified the same Convention in question.

Whatever be the applicability of the existing ILO Conventions to domestic workers, any new international instrument specifically targeting these workers will be a breakthrough in the recognition of domestic work. Equally, it will allow ILO constituents to target issues and problems that are unique to domestic workers such as their hidden character and the dominance in the profession of young and moderately educated women from vulnerable backgrounds. It will also allow for focusing on other typical aspects of domestic work such as the difficulties full-time workers face in stepping out of their homes to organise effectively as a group of workers or the adverse working conditions of migrant domestic workers.

A couple of aspects regarding domestic work make the implementation of any new instrument challenging. First, in the ILO set-up, employers traditionally represent economic activities that are mostly happening in a 'workplace'—an office, factory, shop or enterprise. In the case of domestic work, any private person employing a domestic worker in a private homestead becomes an employer. The issue thus arising revolves around the representation of employers. Which group of employers will be responsible for answering to the shortcomings in domestic working conditions? This is a matter that must be resolved in the two discussions that will take place at the ILCs of 2010 and 2011. It will require fresh, innovative and solution-oriented thinking, which is not going to be easy, especially keeping in mind that the right to collective bargaining is also: who will bargain with whom to conclude collective agreements?

The second challenging aspect relates to enforcement. Normally, labour inspectorates verify working conditions and all legal requirements

regarding work at a workplace. In many countries, the labour inspectorate is not entitled or does not have the capacity to inspect private homes. It should be mentioned here, however, that in 1997, the ILC adopted Convention No. 177 on Home Work. Since home-based work is nothing but an economic activity in a private home, the adoption of C. 177 should help overcome this enforcement dilemma for domestic work. It must also be noted that India voted in favour of the adoption of C. 177 and that the Self Employed Women Association (SEWA) was a driving force behind the initiative establishing ILO standards on home work.

In conclusion, any ILO standard adopted by the ILC on domestic work will imply recognition not only of domestic work as a genuine form of employment but also firmly deal with the issue of private homesteads as a potential workplace. It will send a global signal that exploitation and abuse of domestic workers are totally unacceptable and shall be addressed with all possible technical, legal and moral means at the ILO's disposal.

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Migrating for Domestic Work from India

S Irudaya Rajan



Introduction

Globalisation has contributed positively to migration flow all over the world, and the flow of temporary migrant workers from all parts of the world to all directions is increasing. Within this, the movement of unskilled women workers from developing to developed countries is a common phenomenon, in which the bulk of them migrate for occupations such as domestic work. In the process, they earn low wages and tolerate harsh working conditions. Domestic workers probably form one of the most vulnerable groups of migrants in any country.

Trends in Migration of Women

How many Indians work abroad? What is the total

stock of international migrants from India? According to the Ministry of Overseas Indian Affairs (MoIA) Annual Report 2008-09, "India has the second largest overseas community with an estimated 25 million overseas Indians spread across over 11 countries in the world." However, there is neither any data on migrant workers from India nor any break-up by gender. Recent research by the author as part of work being done by the Centre for Development Studies, sponsored by the Asian Development Bank, to assess the economic crisis in the Gulf and its impact on migrant workers in South Asia shows that the total number of workers in the Gulf is 5 million. Similarly, four large-scale migration surveys were undertaken by the Centre for Development Studies, covering 15,000

The movement of unskilled women workers from developing to developed countries is a common phenomenon, in which the bulk of them migrate for occupations such as domestic work

households over the last ten years, to estimate the stock of emigrants from Kerala. The 2008 Kerala Migration Survey (the fourth migration survey conducted by the Centre for Development Studies) estimated the total number of emigrants from Kerala to be 2.2 million, of which 14.6 per cent are women (Zachariah and Rajan, 2007). If we apply this ratio to the author's estimate of the total number of workers in the Gulf from India, the total number of women workers in the Gulf may be estimated to be 7,37,300. Based on the research experience on international migration and women in Kerala (The Centre for Development Studies has conducted

four migration surveys in Kerala over the last ten years, in 1998, 2003, 2007 and 2008; the fifth one is planned for 2010) and our recent work on housemaids (Rajan and Sukendran, 2010a), we would like treat half of them as domestic workers and the other half as semi-skilled and unskilled workers such as nurses and other professionals. Thus, the estimated number of women domestic workers from India is 3,68,650. The information furnished through correspondence by the Indian Embassy in Kuwait indicated that in 2008 there were about 73,209 women domestic workers. To understand the living and working conditions of

Table 1:

Destination of Housemaids who Migrated Through the Office of the PoE, Chennai, 2005-07

Countries of Destination	No: of Housemaids		
	2005	2006	2007
United Arab Emirates	1,035	439	153
Oman	1,702	877	503
Qatar	926	706	349
Bahrain	728	434	244
Kuwait	913	1,012	1,289
Saudi Arabia	318	125	4
Lebanon	-	-	4
Maldives	218	-	-
Hong Kong	-	11	4
Brunei	1,312	-	5
Malaysia	-	-	1
Total	7,152	3,604	2,556

Source: S.Irudaya Rajan and Sunitha Sukendran. 2010. "Understanding Female Emigration: Experience of Housemaids", in S. Irudaya Rajan (ed.) *Governance and Labour Migration: India Migration Report 2010*, 182-195, New Delhi; Routledge

housemaids, information on the flow of housemaids from South India for the last three years and those who have returned was tracked. The data compiled from Chennai are presented in Table 1. The data indicate that the housemaids, migrating

through the office of the Protector of Emigrants (POE), Chennai, has declined over a period of time except in the case of those going to Kuwait. There is, however, the unofficial movement of several women through different routes to Gulf, seeking work as

India is probably the only country in the world, which divides its citizens thus and issues two categories of passports: ECR and ECNR

housemaids. Because of the strict rules of mobility of women, who hold ECR passports, to the ECR countries, the women, therefore, probably move to non-ECR countries without ECR clearance. (Bindhulakshmi, 2010)

There have also been reports in the press about the number of housemaids in the Gulf region. To quote the High Level Committee on Indian Diaspora, which submitted its report in 2001, "Out of a total of 2,94,000 Indian residents in Kuwait, about 1,13,000 of them are domestic servants, and, of them, about 49,000 are housemaids."

Lacunae in the Immigration Act

The World Bank (2009) placed India as the highest receiver of remittances in the world in 2008, that is, US\$ 52 billion. The bulk of these remittances are sent by unskilled workers in occupations such as construction and domestic work in the Gulf, and who have little legal protection and few labour rights in both the countries of origin and destination.

The Passport Act 1967 categorically states, "[N]o person shall depart or attempt to depart from India unless he holds in this behalf a valid passport or travel document. Section 22 of the Emigration Act 1983 provides that no citizen of India shall emigrate unless he/she obtains emigration clearance from the Protector of Emigrants." Such clearance is allowed only after the PoE verifies the relevant employment contracts. However, the Act excuses some categories of people for whom emigration clearance is not required, and refers to these as 'Emigration Check Not Required' (ECNR).

India is probably the only country in the world, which divides its citizens thus and issues two categories of passports: ECR and ECNR. In effect, this has also divided the globe into two categories: ECR and ECNR countries. In short, of 192 countries in the UN system, the Government of

India does not insist on emigration clearance even for ECR passport holders in 175 countries. ECR clearance is required for ECR passport holders seeking employment in only 17 countries: the United Arab Emirates, the Kingdom of Saudi Arabia, Qatar, Oman, Kuwait, Bahrain, Malaysia, Libya, Jordan, Yemen, Sudan, Brunei, Afghanistan, Indonesia, Syria, Lebanon and Thailand, alongside Iraq. (Rajan, et al, 2010b)

This dual system has to be scrapped with immediate effect. In fact, ECR passports seem to have become 'Exploitation Compulsorily Recommended' passports by officials handling migration governance in India! Due to this dual mechanism, the cost of migration and the cheating by the recruitment agents, the migrants, in particular the women, have become more vulnerable. (Zachariah and Rajan, 2007)

Imposing Age Bar on Migration of Women

There was no discrimination in India's migration policy against women or domestic workers up to 1999. The first instance of such discrimination occurred in 1999 when the Government of India banned deployment of Indian workers to Kuwait as housemaids and male domestic workers. Whereas the Ministry lifted the ban on male domestic workers, its order dated 29 May 2000 made "no change in the decision regarding the deployment of housemaids in Kuwait." Further, through another order dated 9 July 2002, the Ministry fixed 30 years as the minimum age prescribed for the deployment of Indian citizens as housemaids in the Gulf countries, with immediate effect. On 20 November 2003, the Ministry directed all PoEs not to give emigration clearance to women below 30 if they were seeking employment as housemaids/domestic-workers in any foreign country. This was re-emphasised in the order of the MoIA, dated 21 May 2007, which stated, "The newly established

Ministry of Overseas Indian Affairs (MoIA) brought an air of relief to prospective women emigrants when it issued its first order in this regard on 4 May 2007 stating that 'women below the age of 30 years may not be granted emigration clearance, who seek any kind of employment including employment as housemaids, domestic workers, hair dressers, beauticians, dancers, stage artists, labourers, general workers, etc., in any foreign country'. The age bar is extended to all women emigrants with ECR passport from 1 August 2007." (for more details, see Rajan, et al, 2010b, and Bindhulakshmi, 2010) This once again discriminates against women workers, in the name of protection and welfare.

Protection and Welfare of Domestic Workers

How can domestic workers be protected? The following guidelines are suggested. The Government of India and state governments, with the support of non-governmental organisations, should organise capacity-building training programmes for all workers in the 'domestic help' category before they

leave the country. Improving the capabilities and working skills of such workers should be accorded top priority in the countries of origin.

The Memorandum of Understanding (MoU) with countries of destination, especially the Gulf, should consider minimum working age, working hours, transfer of salaries through designated bank accounts and holidays, and allow domestic workers to organise themselves into groups that can, if necessary, present their demands in future. India should call upon the countries of destination to bring domestic workers under their labour laws.

All governance of migration points, in the countries of origin and destination, such as the passport office, emigration clearance office, airport office, immigration and customs offices, and the Indian embassies should have designated counters handled by women officers for domestic women workers. At the end of day, women should be allowed to move freely and safely and permitted, to migrate in an orderly manner, unfettered by any kind of discrimination, as with their male counterparts.

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Gender Equality and Domestic Work

Reiko Tsushima



significance presents an interesting picture.

Domestic work is an important profession that has, over the years, created an opening in the labour market for poor women from socially disadvantaged communities. The availability of paid domestic service, in turn, helps employers, particularly women, to pursue paid work. The irony of this seemingly mutually beneficial relationship is that it has left the gender division of labour intact, in which women are still, in fact and in society's expectations, the primary providers of care and household chores. Another very urgent policy matter is that while providing these services, domestic workers themselves are not able to provide quality care for their children and the elderly. In many cases, the children are left behind at home without anyone to look after them (Ibid., 2009) or taken along, which facilitates their entry into child labour. Further, the non-availability of care facilities affects the earning potential of domestic workers because they are not able to work longer hours or travel to higher paying locations. A study by the Institute of Social Studies Trust (ISST) found that domestic workers' wages were self-regulating and determined by tasks performed, the number of tasks and the locality of work (Ibid., 2009). Many studies on domestic workers in India have highlighted the abysmally low wages and inhuman working conditions; it needs to be recognised that freedom from menial housework enjoyed by the employers is built on a very unequal ground.

The issue of providing equal employment opportunities for women and men in the world of work revolves very much around the efforts to transform the conventional gender division of labour and promote equal sharing of care responsibilities between women and men. In view of this, the emergence of domestic work by which we refer to housework such as sweeping, cleaning utensils, washing clothes, cooking and such other manual work, which is carried out for an employer for remuneration (Bhattacharya and Sinha, 2009) as a feminised sector of employment that is growing in

In 2010, the International Labour Conference (ILC) will embark on a standard setting activity for domestic work. This development has been widely welcomed particularly by trade unions and civil society organisations promoting the rights of domestic workers and putting an end to the exploitative practices. This brief note aims to situate the significance of domestic work among other forms of women's work in India and highlight some key messages that need to be taken forward in order to make domestic work a vehicle for decent work and gender equality.

Domestic Work in India

While paid domestic work was once a male-dominated occupation in pre-independence India (Neetha, 2004), today women constitute 71 per cent of this sector. The National Sample Survey (NSS) data 2004-05 suggests that 4.75 million workers were employed in private households, of which 3.05 million were urban women. The feminisation is generally attributed to an increase in women searching for paid work as part of survival strategies coupled with changes in employer preference in favour of women because they are considered naturally more adept at housework than men, more reliable and obedient, especially for taking care of babies and the elderly. However, feminisation has also meant a further devaluation of domestic work. (Ibid., 2004)

Domestic work is the largest sector of employment for urban women and an important source of regular employment. Access to regular salaried employment is very important because other options are casual work on daily pay basis or self employment. Domestic work accounts for almost one-quarter (23.2 per cent) of all regular salaried work of women and is next only to the education sector (26.7 per cent). However, even though the women are registered as regular workers, their

working conditions may not be qualitatively better than the casual workers (Raju, 2009). For example, the Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector by the NCEUS in 2007 (pages 8586, Box 5.1) points out how an overwhelming majority of women domestic help about 84 per cent and 92 per cent in urban and rural areas, respectively get wages much below the minimum wage (Raju, 2009).

As a percentage of the total female employment, domestic work constitutes 2.3 per cent. Most of the women—72.77 per cent—are engaged in agriculture. Next, they are engaged in retail trade (3.02 per cent), education (2.74 per cent), spinning, weaving and finishing of textiles (2.71 per cent), tobacco products (2.38 per cent), private households (2.31 per cent) and so on. (Ravendran, 2009) The percentage of women engaged in domestic work is not as high as in some other developing countries (where data are available), which is as high as 18.31 per cent in Argentina, 17.10 per cent in Brazil and 16.13 per cent in South Africa. In industrialised countries, the share is smaller, ranging from 2 to 9 per cent (see Table).

Social Background of Domestic Workers

Socially discriminated and backward communities are usually highly represented in domestic work. Various studies and interactions with activists and workers' organisations highlight that domestic workers are from 'backward' communities, tribal villages or scheduled caste communities, who have been traditionally cast into a role of subordination and inferiority due to caste, class and gender hierarchies. Prejudice and bias related to social status are reflected very strongly at the workplace for many domestic workers. Caste also affects the type of tasks performed and the wages earned. Thus, certain forms of domestic work such as

Table I:1 Domestic Workers as a Percentage of Total Employment by Sex (selected years)

	Total			Men			Women			Women's Share of Total Domestic Employment 2006(%)
	1995	2000	2006	1995	2000	2006	1995	2000	2006	
Argentina	7.42	7.93	7.94	0.89	0.82	0.31	18.05	18.51	18.31	92.4
Belize	3.74	3.70 ^(a)	5.90 ^(b)	0.98	0.90	2.30	10.14	9.80	12.80	74.2
Bolivia	6.70 ^(c)	6.06	-	0.80	0.44	-	13.70	13.17	-	-
Brazil	-	7.64 ^(d)	7.70 ^(b)	-	0.92	0.90	-	18.73	17.10	93.3
Chile	-	6.10 ^(d)	-	-	0.90	-	-	5.80	-	-
Costa Rica	5.60	6.17	7.17	1.40	0.92	1.21	15.50	17.56	17.79	91.7
Ecuador	-	6.35	4.16	-	0.81	0.40	-	15.18	9.78	89.6
El Salvador	4.30 ^(e)	4.32	5.01	0.40	0.49	0.84	10.30	9.88	10.63	90.1
Ethiopia	-	-	5.26	-	-	0.70	-	-	9.78	90.7
France	-	-	2.50 ^(b)	-	-	0.80	-	-	4.50	-
Israel	1.66	1.56	1.78	0.25	0.34	0.31	3.57	3.03	3.49	94.1
Luxembourg	2.13	2.24	2.67 ^(b)	-	-	-	-	-	-	-
Mexico	3.35	4.47	4.16	0.44	0.78	0.54	9.46	11.55	10.34	90.9
Panama	5.98	5.66	6.19	1.07	1.21	0.98	16.30	14.48	15.53	87.1
South Africa	-	9.6	8.6	-	3.11	3.05	-	17.56	16.13	79.7
Spain	2.84	2.75	3.85	0.62	0.49	0.59	7.11	6.67	8.63	90.9
Switzerland	1.24	1.47	1.24	0.04	0.43	0.29	2.87	2.81	2.40	83.0
Uruguay	-	9.49	8.69	-	1.61	1.36	-	20.12	18.88	92.5

(a)1999. (b) 2005. (c) 1996. (d)2002. (e)1998. By default, labour force surveys were used to produce these data. Official estimates were used in the case of Switzerland and Luxembourg. Chile relied on a population census, as did Brazil, but only for the year 2000.

Source: ILO Bureau of Statistics, data extracted from www.laborsta.ilo.org, June 2008

cleaning toilets or sanitation-related activities are deemed suitable for low-caste women whereas access to better paid jobs such as household cooks are rendered difficult for lower caste groups. Most of the domestic workers are either illiterate or have only a limited amount of schooling.

Towards Decent Work and Gender Equality

Domestic work is an important source of employment for poor women from socially discriminated communities with little or no education. For these women, domestic work is one of the few openings in the labour market for regular paid work. Considering domestic work as no-skilled work, and hence not real work, is one of the

main reasons the work is poorly remunerated and regarded. Another problem is the assumption that women have an inherent or natural ability, much more than men, to clean, cook, wash, take care of children, and in this light domestic workers are seen as simply helping the women of the household. As such, the employment relationship is blurred and it is slow to be recognised as a skilled profession.

A recent ILO study (ILO, 2009b) of selected locations in Delhi found that there is a clear skills progression in domestic work, starting from sweeping and cleaning to tasks requiring more skills such cooking, caring for children and elderly and managing household staff in case there is more than one staff in the household's employ. Even in tasks such as cleaning, the knowledge of

specialised products is required to get rid of different stains or to add a polish. The study also showed that the wage levels increased as tasks got more complex. In the absence of formal skills-development opportunities, many workers acquire skills 'on the job' and spend a long period of time before moving up to the next skills level. The notion of a career ladder within domestic work can shift the perception of domestic work to 'professional service' as well as offer a possibility to move on to other sectors such as hospitality and health at the same time. The Skill Development Initiative for Domestic Work, which is a collaboration between the Ministry of Labour and Employment, the Delhi Government and the ILO, is a good example of establishing a skills structure in domestic work.

In this context, the increased visibility of domestic work, brought about by the ILC standard-setting agenda for 2010 and 2011, is an opportunity to ensure public understanding on two critical points: first, that domestic work is a skilled profession which is 'here to stay' with working conditions to match and, second, that 'care work' is not free and it is time to put it in the public policy domain. Treating care work as women's 'labour of love' results in the wastage of women's human capital because it prevents qualified women from entering/remaining/reentering the labour market and, moreover, compromises the productivity of women's work, not to mention the impact of the 'triple burden' of balancing productive, reproductive and community level work on their well-being. (The intermittent nature of women's work due to care responsibilities, including drudgeries has been the subject of many women-work studies; see, for example, Banerjee, 2009, and Raju, 2009.)

Professionalising domestic work is not only beneficial to the workers but also to employers. Nonavailability of quality care is one of the reasons

for women not returning to the labour market, especially after child birth.

The increase in demand for domestic workers is a reflection of the insufficient public investment towards facilities for child/elderly care and other infrastructure needed to enable workers balance work and family responsibilities. Professionalising domestic work needs to be considered in a broader light of expanding public facilities/support towards 'care work'. As a strategy for reconciling work and home life, for reducing poverty and for promoting social protection and gender equality at work, the ILO encourages the development of government-supported or cooperative childcare services. (ILO 2009a). It is particularly important that family care facilities are affordable and accessible for domestic workers and other workers in the informal economy.

Conclusion

The value attached to domestic work as a form of employment and in terms of remuneration is indicative of how the public—both men and women—perceives 'care work' or women's invisible unpaid work; we like to pretend it is not an issue. However, it is the most important enabling or debilitating factor for the pursuit of a career or participation in public spheres. In order to address gender equality across the board, it is first necessary to recognise 'care' as an important asset of the household, and paid domestic work as an important service that has been overlooked for its skills content. By recognising its worth, the workers' rights and introducing skills development, we will be able to aid the process of professionalising the sector and benefiting the workers, who mostly comprise women with little or no education/skills and whose career progression by default is limited. Professionalising domestic work will also mean that employers—particularly women—will be able

to participate in the workforce with an assurance of the quality of care provided. In terms of policies to support women workers, there is need to shift from relying on private solutions to care to one based on public funding. This not only includes facilities such as crèches relating to family care but also the development of infrastructure for basic needs

(food, water and fuel) to reduce women's time spent on these drudgeries. Among the important issues to address, however, are the domestic workers' child and family care needs. For 'decent work for domestic work' to be more than a slogan, we need to progressively improve the situation at the end of the care chain and level the playing field for all.

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Need for Domestic Workers in Households in the Current Economic Scenario

Shrayana Bhattacharya



Women's Work-Life Balance in Urban India

Domestic work has emerged as an important sector within the tertiary realm of the Indian economy. Not only is it one of the main employment avenues available to poor uneducated women but it also offers women from more upwardly mobile and endowed socio-economic classes with services that assist, enable and further the work-life balance, and increase their leisure time and market engagement. This article shall attempt to explore the emerging significance of paid domestic work for working women within the Indian economy and society.

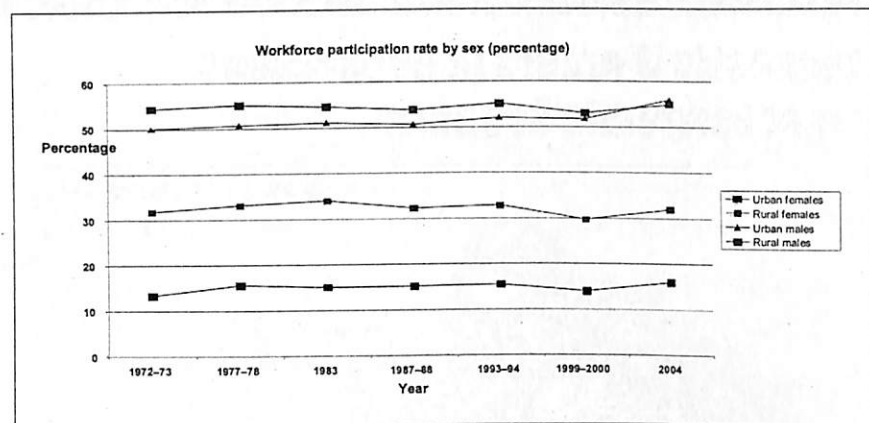
Historically, the urban workforce participation rates (WFPRs) of women in India have been lower

than their rural counterparts, with marginal increases being observed in the period between 2000 and 2004 (Rustagi, 2009). The data in Figure 1 show that the national urban female WFPR has peaked to an all-time high of 16 per cent in 2004 (NSSO, 2005). Academics commenting on such trends have observed that women's increasing labour market entry is witnessed 'more forcefully' (ibid., 2009) in urban India, with the number of women taking up employment increasing.

Whereas the recent 11th Plan document highlights the role of women as economic agents, who require institutional support to join the labour force, child-care or elderly-care debates in urban India have been close to non-existent, with the dominant view being that providing quality care for the household

The group of respondents, who withdrew from the workforce, cited excessive household workload as the dominant reason

Figure 1: Workforce Participation Rates: All India



Source: CSO 1998, NSSO 2005

is primarily a private, familial and female task. Such policy lacunae, in conjunction with our history of feudal domestic labour, have resulted in the increasing importance of informal care and household assistance provided by the domestic worker. The services provided by domestic workers abate the work-life pressures faced by working women, a growing section in the Indian urban landscape.

Paid domestic work is particularly valuable due to the rigid gendered division of roles, wherein women are cast as home-makers and men are seen as breadwinners. Feminist academics have highlighted the role played by care and reproductive responsibilities in mediating the market engagement of women (Banerjee, 1998; 2002). A recent survey commissioned by the International Labour Organisation (ILO) and conducted by the Institute of Social Studies Trust (ISST) unpacked the role played by care-related domestic workload in determining women's decision to take up paid employment. Twenty-five per cent of the non-working women surveyed by ISST cited household workload as the key reason for their decision to not seek employment.

The group of respondents, who withdrew from the workforce, cited excessive household workload as the dominant reason. Findings from the survey also

indicate that employed women spend five hours on an average per day on domestic duties, in addition to six hours on paid work. (Sudarshan and Bhattacharya, 2009).

Thus, working women are busy attempting to reconcile time and energy between paid work and care work, without being able to renegotiate the household division of labour. Such dual responsibilities also hamper their career trajectories, with industry studies on women workers also confirming how women's career advancements are compromised by their familial and personal responsibilities. (ASSOCHAM, 2007).

The ASSOCHAM study discusses the role of the nuclear family unit in creating a greater domestic work burden on working women. Data on family structures substantiate such analysis—with 47 per cent households in urban India housing not more than four members as per the Census in 2001. Other studies analysing the structure of families also find that a majority of the households in urban India are nuclear (Sonawat, 2001). Such changing family structures are extremely visible in urban metropolitan areas, irrespective of the types of settlements. For example, NFHS data for the state of Delhi in 2005-06 show that nearly 62 per cent households in slum communities are nuclear

whereas the estimate for non-slum areas is 65 per cent. With weakened support from familial and social networks, managing paid work and heavy household care commitments triggers poor work-life balance, manifesting in psychological tension and daily stress. The services of domestic workers help remedy and ameliorate such concerns pertaining to work-life management and career advancement.

Domestic workers are not solely employed by households with working women. A large majority of women in India continue to not participate in the labour force. Many analysts attribute this to prosperity because women's entry into employment has often been attributed to the household need for additional income or livelihood diversification (Sundaram and Tendulkar, 2004). Such need-based hypotheses are used to explain how women within a growing upper middle class do not need to work, and thereby choose to remain out of the labour force. However, the consumption of domestic services by the growing middle class is also related to lifestyle changes, whereby women previously engaged in domestic duties can afford to pay domestic workers to procure more leisure time for themselves. In addition, care work ensures the sustenance and survival of household labour, without which income earners—male or female—would not be able to function. Thus, the value of care support provided by domestic workers is linked to the amount of leisure time or remuneration the employing households can enjoy by substituting their time allocation away from domestic work.

With a new emphasis on modernity within urban areas, younger women are increasingly keen to take up employment. This has been identified as a key resource for the Indian economy—both in terms of their contribution to the labour force and the resultant consumption expenditure incurred by independent earning women. A study done by Roopa Purushothaman in 2007 for Future Themes, Future Group, estimated that more women entering

the workforce could add 35 billion US dollars to the Indian GDP.

The National Sample Survey data for 2004-05 suggest that women in their twenties are increasing their presence in the labour force. (Rustagi, 2009) The ISST study also indicates that women from younger post-marital age groups possess a greater proclivity to join the workforce than their elder counterparts. (In Census 2001, the mean age of marriage estimated for Delhi is 19.2 for women and 23 for men.) Investigators also found greater willingness among younger women to discuss working patterns and aspirations. To quote one non-working respondent, who has a 22-year-old daughter: "These days, girls work and we do not interfere. Times have changed and they had to. As long as she is happy and well." Thus, with emerging youth aspirations and changing family structures, without any major alteration in the gendered distribution of care roles, the domestic work sector will continue to gain greater significance in the lives and careers of the working women from elite and middle-class urban families.

At the other end of the spectrum are the poor women, for whom domestic work has emerged as a key urban livelihood strategy to allow them to cope with their current economic scenario of agrarian decline, increase in commodity prices, and user fees for essential infrastructure and services such as water and electricity (Bhattacharya and Sharma, 2009). Thus, the sector has emerged as the largest employer of women in urban India (Chandrashekar and Ghosh, 2007). The national estimates for 2004-05 suggest that of the 4.75 million workers employed by private households, 3.05 million were urban women. An analysis of the 2004-05 NSS data also suggests that close to 74.3 per cent of the workers engaged in private households are women.

In conclusion, it is clear that the emerging economic and societal changes in India shall result in greater numbers of women joining the workforce. Younger women from educated and upper economic classes are increasingly interested

in taking up employment whereas women from poor households must find additional employment to keep their households afloat. The significance of domestic work as a sector that unleashes the potential of the female labour force while providing income support to the working poor in the current economic landscape is paramount. Contributions to

the GDP by working women through employment and consumption expenditure, and the market remuneration earned by families supported by the labour of domestic workers need to be linked to the value of women's paid domestic labour.

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Domestic Workers and Trafficking



Seeta Sharma



Asha Iyer



forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs." Most adult domestic workers fall into the category of voluntary economic migrant workers, but many domestic workers toil in intolerable conditions, are exploited, held in virtual captivity and physically, sexually and psychologically abused (State of World Population, 2006), isolated and solely dependent upon their employers. The above form of intense rights violations bring about bonded labour with intense servitude and debt bondage, which constitutes trafficking in persons [the UN protocol clarified that the critical ingredients for trafficking are: a) the presence of exploitation and b) the fact of coercion]. Many Nepali women, who come to India as domestic workers or go through India to other destination countries, are often coerced to work in these exploitative situations by recruitments agents; these are cases of trafficking.

Human trafficking is a global phenomenon, driven by demand and fuelled by poverty and unemployment. Trafficking is most often spoken of in relation to sex work. However, the UN defines trafficking as "the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; exploitation shall include, at a minimum, the exploitation of the prostitution of others or other

Human trafficking is the third most lucrative illicit business in the world, and is a major source of organised crime revenue. Most of the victims are migrants in search of a better life, and are usually lured by the false promise of a decent job. Most adult domestic workers fall into the category of voluntary economic migrant workers. For some of these women, the global demand for their labour has resulted in a better standard of living, greater opportunities for their children and, in some cases, escape from bad or abusive marriages. However, as the ILO states, "Domestic workers experience a

degree of vulnerability that is unparalleled to that of other workers.” (State of World Population UNDP 2006, p. 51) The fact that domestic work takes place in the 'private' sphere is what makes workers especially vulnerable to exploitation. Many remain outside the protection of labour legislation, leaving them little recourse in cases of

abuse, non-payment or the arbitrary withholding of wages.

Trafficking is possible because of several reasons, including a) the lack of information at source for the people who need it most, for example, the women and her young daughter mentioned in the Box; b) the lacunae in the system that permits passports and

A Case of Trafficking

In a remote village in Nepal, a man suggested to a middle-aged woman that she send her daughter to Saudi Arabia for work as a domestic worker. The family was very poor, with no land. The mother resisted for many months but when the person suggested that she too could go as a domestic worker, the mother agreed. The daughter and mother travelled from Nepal to Mumbai in India, where they were put up for a few days while their papers were being processed. They were handed their passports and put on a flight after a few days. This happened despite there being a ban at that time on women from Nepal travelling to Saudi Arabia.

On reaching Saudi Arabia, the duo was initially housed with other Nepali women. Subsequently, the daughter and the mother were sent to different places. The mother had no idea where her daughter was sent, and was unable to meet her after that. She had an abusive employer, so she feigned sickness and left. Her next employer tried to abuse her sexually. She fought back and returned to the placement agency, asking to be sent back to Nepal but making it clear that she would not go back without her daughter. There was no news about her daughter for some time until, one day, the placement agency informed her that her daughter had been admitted to a hospital. The daughter had attempted suicide, unable to face her employer's abuse, by jumping off a building. For months, the daughter lay in hospital, emotionally and physically traumatised. Finally, the agency arranged to send both back to Nepal. The man who organised their 'employment' is yet to be traced.

other papers to be obtained by agents rather than individuals themselves; c) the absence of any bilateral agreements between countries such as Nepal and Saudi Arabia; d) the ban itself (if there had not been a ban, perhaps the woman and daughter would have gone directly from Nepal, through a verified agency or, at least, with some check on the placement agency and labour ministry support.); e) the inability of the consular services to provide support. (They claimed that the mother and the child should not have been there in the first place! There is need to protect the interests of citizens, no matter what the circumstances); f) the

lack of standards or mechanisms for protecting domestic workers in destination countries; and g) the presence of outsourcing agencies, which creates increased avenues for abuse and exploitation.

Migrant domestic workers are at higher risk of exploitation due to policies linking workers' immigration status to individual employers, excessive recruitment fees, unscrupulous agents, language barriers, wrongful detention, confiscation of passports and inadequate legal recourse.

Although the protection of many existing ILO Conventions technically apply to domestic

workers, traditional perceptions of domestic workers as 'helpers' rather than 'workers' and the location of employment in private households rather than commercial enterprises has meant that, in practice, these protections have not extended to domestic workers. National-level legislation and existing conventions have often failed to address the unique circumstances of domestic workers and the need to provide additional and specific legal guidance to protect their rights. (Human Rights Watch, 2009). If laws that protect domestic workers exist under labour Acts, these often do not cover non-nationals, thus depriving millions of women working as domestic workers in other countries.

Conclusion

Domestic work need not always remain hazardous. By recognising domestic work as work, the security of women in this occupation could be improved. Formalising domestic work would mean that the women in the occupation get the right to assemble or join unions, which in turn provides them support. More important, recognition would mean access to legal recourse in case of exploitation.

The idea of recognition of domestic work through a Convention is to make sure that working out of sight does not mean being cut off from labour rights, or exclusion from the basic human right of decent work (ibid.).

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Social Protection for Domestic Workers: Need for Innovative Approaches

Shalini Sinha



There is urgent need for devising social protection mechanisms for domestic workers in India. The reasons for this are several. First, domestic service is the largest sector for female employment in urban India. Around 3.05 million women in urban India are employed by private households. Thus, the working conditions and social protection needs in this form of work, with respect to women's work and welfare, are of concern. Second, informality is a dominant feature of domestic work. Practically 99.9 per cent of workers engaged in private households are informal workers and, thus, with very little social protection. Third, it is a fast growing sector—the number of women engaged by the sector has increased by 222 per cent since 1999–2000. Growing urbanisation, feminisation of labour and increasing numbers of nuclear families are some of the primary reasons for the exponential growth of this sector. Fourth, women form the dominant share of workers in the sector. This is a result of a long-standing perception that domestic work is 'woman's work', requiring no skills or training and is, thus, severely undervalued. And, finally, most domestic workers are from 'backward' communities, tribal villages or scheduled caste communities, carrying the combined burden of caste, class and gender hierarchies.

A recent study on women's workforce participation, supported by the ILO in Delhi, suggests that care-related roles and responsibilities influence women's decisions to join the labour market. In this context, services provided by

domestic workers are important in allowing greater degree of female labour force engagement. However, domestic workers often provide care services to households by sacrificing quality care in their own homes. There is a need to recognise their contribution to the economy and bring 'value' to their work so that it is not merely written off as 'something that women do, in the homes of others to 'help out'.

Domestic work is also often not considered to be 'real' work, and domestic workers are not real workers. They are considered to be 'one of the family'. There is need to provide social protection and legal rights that treat workers at par with other wage workers. There is need for policy to acknowledge that domestic work is carried out in conditions similar to wage work but within the confines of the private household.

Domestic service is the largest sector for female employment in urban India

Domestic work is often undervalued and poorly regulated and, thus, domestic workers remain overworked, underpaid and unprotected. Live-in work, in particular, occurs in an isolated, largely non-regulated and privatised environment. Mobility is heavily restricted and these workers do not have extended families or community based support. They are most vulnerable to physical and sexual abuse, excessively long working hours and deprivation, often working in isolation almost like bonded labour. For the live-out workers, the multiple employers, the informal nature of work arrangements and wage fixation, and lack of grievance-redressal mechanisms pose acute problems. Besides security of work and income, women domestic workers need grievance-redressal mechanisms, skill upgradation, old-age pension and child-care facilities, at the least.

There is no doubt that social security is an urgent need for domestic workers. The main issue is how this can be achieved, ensuring appropriate, efficient and quality services. Extending social security to the workers in the informal economy, particularly for women workers, is not merely a matter of extending existing formal sector schemes to new groups. The fragmented tasks and the multiple employers pose serious challenges for designing social security for domestic workers. Besides, domestic workers are commonly subject to different local labour market engagements. The existence of various layers of recruitment agents, the system of advance payments and the lack of regulation of employment agencies add to the complexities in delivering required social and legal protection to such workers.

In India, domestic workers are largely absent from state policy—be it labour laws or social policy. They are, therefore, not entitled to maternity benefits and other social security nor are their working conditions or hours of work regulated. However, some efforts have been made. The most

recent Unorganized Workers Social Security Act 2008 does cover domestic workers. In certain states, minimum wages have been notified for domestic work. There have been efforts to legislate for the protection of domestic workers, including a Bill drafted by the National Commission for Women in 2008. At the state level, the Maharashtra Domestic Workers Welfare Board Act 2008 and the Tamilnadu Manual Workers (Regulation of Employment and Conditions of Work) Act 1982 envisage welfare and protection for domestic workers through the welfare board models.

The experience of welfare boards has been very positive in India, particularly for reaching social security to workers without a clear employer-employee relationship. The advantages of a welfare fund are many. First, the financing for the funds does not depend on government budgets but on the surpluses in the particular sector or trade; it is financed directly from revenue generated from the sector. Second, it has a logic that is acceptable to all, in that the benefits of the trade accrue to the workers of the trade. Third, it has strong stakeholder participation. However, one major shortcoming of the existing funds is that they have not been very effective for women workers.

Innovative amendments to the existing welfare model structure will have to be introduced to make it appropriate for delivering social security to the domestic workers. Due to the person-and locale-specific ways in which wage and working conditions are negotiated by workers, there is urgent need to decentralise this process and factor in varying geographic and socio-economic profiles of the areas while setting wage fixation and working condition norms. At the very least, the welfare model will need to be changed to make it more decentralised, deliver more benefits and become more efficient. Some of the proposed bills assign a large gamut of activities for the welfare boards. Boards are to supervise the design of norms

In India, domestic workers are largely absent from state policy—be it labour laws or social policy

and programmes for workers as well as be responsible for facilitating the registration of workers while monitoring and allocating funds for the benefit of the workers. These are the large gamut of activities, and the capacity of any institution to manage such a combination of tasks needs to be evaluated.

There is also urgent need to look into other innovative practices that can be piloted at the locality level, in collaboration with other local institutions. Resident Welfare Associations (RWAs), private registered agencies, workers co-operatives and state programme units can play critical roles. For instance, the Gender Resource Centres (GRCs) designed by the Delhi government can become local, single-window facilities for registration and delivery of benefits. (The GRCs in the slums of Delhi are envisaged as instruments that bring social, economic and legal empowerment of women, particularly those belonging to the underprivileged sections of society). Residential area-based mechanisms for social security and dispute settlements can also be piloted. Local migration centres, linked to RWAs or neighbourhood services bureaus, are some other alternatives. Reconceptualising the legal framework so as to cover the domestic workers is imperative. The national labour laws need to extend recognition to

domestic work as 'work' through its inclusion within the ambit of minimum wage laws, dispute settlement laws and social security laws.

The invisibility of domestic workers manifests itself in several ways. Not included in the wider notion of a 'worker' category, they lack the right to claim certain benefits such as social security or welfare claims. Working at home, these workers have less voice vis-à-vis employers or public authorities than other workers. Organising at the grass roots is fundamental to finding solutions to the various problems faced by domestic workers and addressing the myriad vulnerabilities that they face. Organising domestic workers, like other informal workers—for personal, social and economic empowerment; to raise their visibility as a group; and to provide a mechanism for effectively representing their interests, or giving them 'voice' in their struggles around immediate issues, is the key to their empowerment. There is need to sustain and support organisations for domestic workers in order to improve their bargaining power, wages and voice. Furthermore, organising workers and providing information on basic entitlements at the local level will boost the ability of the workforce to negotiate and achieve improved wages and working conditions.

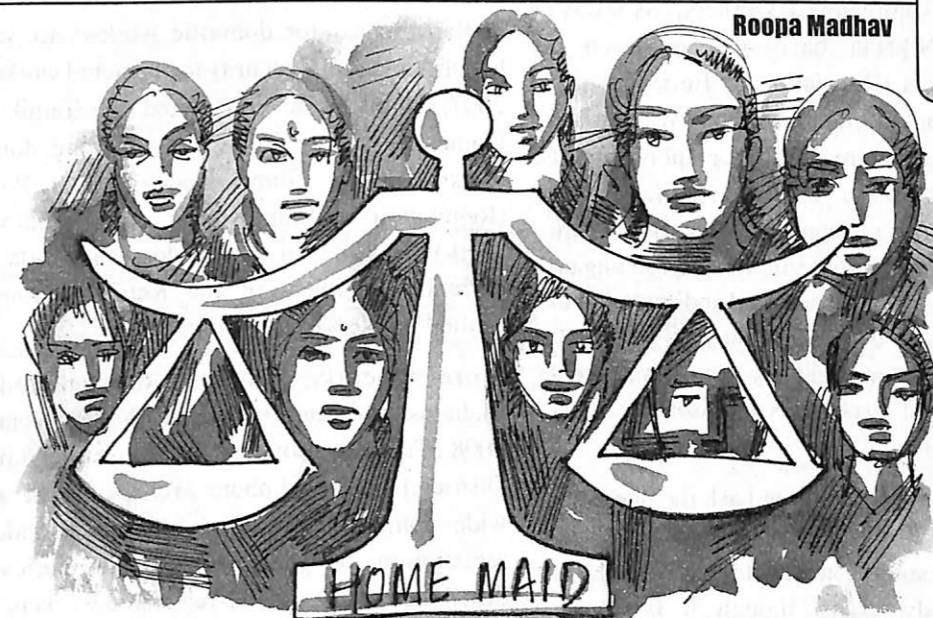
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Legal Recognition of Domestic Work

Roopa Madhav



Regulation of atypical work relations is complex and challenging. Domestic workers can be empowered by bringing them within an effective legal and regulatory framework. While acknowledging the value that labour rights can accord to workers, it must be contextualized within our prevailing realities on the ground. In a rapidly transforming world, labour jurisprudence has floundered in responding and evolving to meet the challenges. This is particularly stark in the context of workers in the informal/unorganised sector. Labour governance and regulatory structures are inadequate and ineffective, further contributing to marginalisation and disempowerment. Consequently, efforts at legislating for a new sector, must take into account how law operates in practice.

In March 2008, the Governing Body of the International Labour Organisation (ILO) decided to include 'Decent Work for Domestic Workers' on

the agenda of the 99th session (2010) of the International Labour Conference¹ in an effort to create an international convention for domestic workers. It is hoped that the Convention will contain certain binding standards while also providing for adequate flexibility to accommodate national specificities in ILO member states.

While the ILO process has been the impetus internationally in foregrounding concerns of domestic workers, the recent past has witnessed a flurry of activity nationally, on legal recognition for domestic workers. Noteworthy, at the national level, is the proposed National Commission for Women (NCW) bill—the Domestic Workers (Registration, Social Security and Welfare) Act 2008. It primarily seeks to register workers, full-time and part-time, and mandates compulsory registration of all placement agencies. The bill also proposes the setting up of a Domestic Workers

Welfare Fund to which workers and employers would be required to contribute. The NCW has held a range of consultations with stakeholders on the bill and is in the process of reworking the draft.

Simultaneously, the National Campaign Committee for Unorganised Workers (NCCUW) and Nirmala Niketan have also proposed a Domestic Workers (Regulation of Employment), Conditions of Work, Social Security and Welfare Bill 2008. The bill seeks to regulate the employment of domestic workers to ensure regularity of employment, payment of contribution to the Welfare Fund by employers and domestic workers, setting up a Social Security and Welfare Board and central- and state-level boards to administer the law. This draft also envisages enforcement by the government through a system of inspections at reasonable hours of domestic premises.

It is worthwhile to step back and ask the question: what protection already exists in law? At the national level, extending across states, certain legal protection already exists, though it is poorly implemented. The Child Labour (Prohibition and Regulation) Act 1986 was amended in 2006 to ban children from being employed as domestic workers. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979 is another broad legislation that provides scope for regulation of women and children being procured for employment in big cities from poor rural hinterlands and tribal districts. The Delhi government has sought to regulate placement agencies under this Act² and the Delhi Shops and Establishments Act, 1954. It also seeks to invoke the Contract Labour (Regulation and Abolition) Act 1970. Domestic workers are also included in the Unorganised Sector Workers' Social Security Act 2008, a national legislation that provides social security benefits for unorganised sector workers.

Several efforts have also been made at the state level for the protection of domestic workers. Under

the Minimum Wages Act 1948, the states of Karnataka, Kerala, Andhra Pradesh, Tamil Nadu, Bihar and Rajasthan have set minimum wage rates for domestic work.³ The minimum wage rates, however, are based on a differing rationale. Additionally, some states have set up tripartite welfare boards for domestic workers to provide benefits and social security to registered workers. In 2007, Tamil Nadu constituted the Tamil Nadu Domestic Welfare Board by including domestic workers in the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act 1982. In Kerala, domestic workers are currently members of the Kerala Artisan and Skilled Workers' Welfare Fund.

More recently, Maharashtra enacted the Maharashtra Domestic Workers Welfare Board Act 2008. The Act provides for the setting up of a District Domestic Labour Welfare Board with a wide range of functions. These include the registration of workers as beneficiaries; the distribution of benefits to registered workers in the event of an accident; education finances for children; medical assistance in case of ailments of the beneficiary or her dependants; maternity benefits restricted to two children and funeral expenses in case of death of a beneficiary. Another promising effort at the state level worth noting is the Domestic Workers Bill proposed by the Kerala Law Commission. The Kerala Domestic Workers (Livelihood Rights, Regulation of Employment, Conditions of Service, Social Security and Welfare) Bill 2009 is distinctive because it attempts to regulate the entire sector in a more comprehensive manner, not merely in terms of wages, social security or placement agencies.

Why is regulation important but difficult? Whereas it may not be necessary to reiterate the narratives on the appalling working conditions and marginalisation of domestic workers—predominantly women and children—it is important to flag crucial issues that emphasise the need for a holistic approach to

regulation. Domestic work is characterised by the invisibility of the work and work place, making it difficult to monitor and organise for collective rights. In India, it is further compounded by feudal structures and identity based (caste, tribe, woman, child) discrimination. This isolation of work and worker can effectively be broken through legislation that lays down workplace norms within a household. Re-ordering the equation from status to contract is the necessary first step to building a framework of labour rights for domestic workers.

Having said that, it is also acknowledged that regulation is difficult precisely because of the invisibility of the work and careful thought needs to be given to the contours of any proposed legal framework. All efforts, thus far, have been tangential, either notifying minimum wages or reaching social security benefits but not addressing the crucial issue of the working conditions of workers. Thus key issues⁴ such as a clear definition of what constitutes 'domestic work', wages whether time-rated or piece rated, hours of work, rest periods, overtime, bonus, leave (sick, maternity, casual leave), public holidays, privacy for live in workers, sexual harassment, discrimination, termination and notice period, migration, trafficking and registration of all placement agencies need meticulous legal scrutiny. Any effort at a national legislation needs to take into account the widely varying practices across the country, and

tailor it to be inclusive of all work relations that can be accommodated under the wide umbrella of 'domestic work'.

Perhaps, as important (or even more so) as a legislative framework is the enforcement or implementation mechanism that supports the effective working of the legislation. Conceptualising written contracts for a largely illiterate workforce or envisaging unbridled or inadequate powers to labour inspectors may prove counterproductive. Effective implementation requires a creative blend of civil society, state actors and worker involvement. For instance, Section 15 of the NCW Bill grants powers of inspection to any registered trade union. Evolving new paradigms of labour jurisprudence and out-of-the-box thinking for effective implementation would be the way forward.

Currently, there are several legislations that can assist in protecting and regulating domestic workers. Egregious violations such as bonded labour, sexual abuse and violence have adequate redressal mechanisms within the existing legal framework. A large number of workers are, however, unable to access even these protections accorded by law. Lack of awareness combined with illiteracy, isolation and lack of social capital makes access to justice difficult. It is, therefore, crucial that the law and institutional structures innovate to enable greater access to regulatory and the justice mechanisms for domestic workers.

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2. See http://labour.delhigovt.nic.in/Placement_adv.PDF for Delhi government advertisement for registration of placement agencies employing domestic workers.
3. Inclusion of domestic workers in the Schedule of the Minimum Wages Act 1948 Karnataka government notification No. KAE 15 LMW 04, 12 March 2004; Kerala government notification of 23 May 2006, G.O. (MS) No. 48/2005/LBR, and the Andhra Pradesh government notification GOMs. No. 119, Labour Employment, Training and Factories (Lab. 11), 10 December 2007
4. For a more detailed exposition, see Kamala Sankaran et al, "Legislating for Domestic Workers, WIEGO", at: http://www.wiego.org/informal_economy_law/india/content/dw_background_note.pdf

ARTICLE

**Domestic Child Labour:
The Dirty Secret of the Rising Middle Class**

Mini Srinivasan



the employment of children (below 14) is completely banned; in other sectors, it is sought to be 'regulated'. In October 2006, domestic labour and child labour in the hospitality industry were added to hazardous category, banning employment of children. That this ban has not had much effect is obvious from the fact that most middle class people know at least one person, who employs a child in the home, and frequent, at least once a week, a restaurant that employs children.

There are no substantive studies to give us a true picture of the number of children below 18 in full-time employment in homes; and to get this true picture is extremely difficult. Save the Children has recently estimated that around 50,000 children below 14 work in major cities such as Hyderabad and Kolkata, and at least twice that number in Delhi.

Employing Children—the Easy Option

When employers have been questioned about the reasons for employing children, the single fact that emerges is that it is cheap. With the increasing unionisation, the demands of adults in domestic labour have been steadily increasing. At the same time, with more middle class women moving out to work, the need for domestic labour is also on the rise. The newly affluent classes have adopted a lifestyle, in which a whole army of servants is needed to support it. Employing children at low wages is, therefore, an easier option, without having to make any promises and without having to answer to any union.

Added to this is the fact that many employers think that

The United Nations Convention on the Rights of the Child (UNCRC) will soon be celebrating its twentieth year of formulation. The Convention grants to all children (defined as persons up to 18 years of age) the rights to survival, development, protection and participation, and places on signatory governments the responsibility of ensuring the same on a priority basis. The Government of India signed the Convention in 1992. Yet, at least 40 million children, by most conservative estimates, remain out of school and are in the labour force.

Whereas the more publicised forms of child labour include children in extremely hazardous industries such as in the manufacture of fire crackers and in mining, there are millions more slaving in fields and homes, who are exploited, but have not yet been acknowledged by an increasingly material and upwardly-aspiring society. Domestic child labour is perhaps the most invisible of these.

The Child Labour (Prohibition and Regulation) Act (CLPRA) of 1986 lists hazardous industries in which

they are giving the child, who works for them, a better environment than the one she or he comes from. The fact that they are also effectively cutting the child off from any possibility of upward mobility is played down or unrecognised, giving the employer-employee relationship a patina of philanthropy. Children, who work in homes and are in contact with local NGOs, report payment as low as Rs 300 per month for a ten-hour working day, seven days a week. Apart from this is the fact that more than half report severe beatings and, frequently, sexual abuse.

In many cases, children have been brought from the backward districts of each state to the more developed towns and cities, bringing in an aspect of human trafficking and bondage. This also cuts the children off from any possible support system, effectively making them totally powerless and vulnerable.

Labour Standards and Child Labour

The most important reason for people to employ children as domestic servants is that they are cheap and pliant labour. No argument of philanthropy holds any ground when scrutinised—it is plain and simple human greed. No labour laws on wages, leave or any other benefits apply here, and neither are they demanded because children are isolated, unorganised and powerless. Stringent labour standards for domestic work, pushed by unions of domestic workers, would have an indirect effect on child labour in the sector. This would be effective in discouraging the employment of children because it would no longer be worth an employer's while to employ a child if he had to pay a minimum wage and benefits. Labour standards in the sector would also ensure that the mothers, who are also usually in domestic work, get a fair wage, freeing children to get an education and a childhood.

However, child labour activists are loathe to demand labour standards, specifically for children. Any discussion or negotiation on this would, they feel, mean an acceptance of child labour. Given that all wage labour is physically and mentally harmful to the child and compromises her future, it is felt that in

no circumstances should children be employed, even with adequate wages and working conditions. In fact, most campaigners agree that the CLPRA should be amended and made the Child Labour Prohibition Act, removing the aspect of regulation and calling for a total ban on child labour.

Another interesting aspect is that every time an estimate is made of the number of children working as wage or bonded labourers in India, the figures match the official unemployment figures for adults. Perhaps unions need to get involved in the campaign against child labour on this count alone!

Freeing the Child

The experience of NGOs and campaigns in releasing children from child labour in homes have been mixed. Whereas in most cities in India, a task force for child labour has been set up by the labour department, the actual process of 'rescue and rehabilitation' has many loopholes. At present, it is extremely dependent on NGOs to play the crucial role of supporting a child until he or she can be reunited with the family and keeping the regular support system going even for some years after. While more and more children are being rescued, the systems for rehabilitation are also falling into place.

The question, therefore, is, "If poverty drove the child into labour, what will stop her/him from returning?" There are no easy answers. Food security, health care and employment for adults; free quality education with a vocational training component in the later years, mid-day meals in schools, and residential facilities for children without families, are some of the essential supporting mechanisms.

However, the major push to eradicate child labour in homes has to come from adult domestic workers. The information regarding the existence of banned child labour in homes can only come from adults working in the sector. So also, the demand for employment of adults and the concomitant demand for decent labour conditions will work towards freeing children from one of the worst forms of exploitation.

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FROM THE FIELD

Organising and Unionising Domestic Workers: AITUC

Amarjeet Kaur



Being concerned with organising unorganised workers and having made significant progress, of late, in the capacity building of organisers and in increasing union membership, the efforts of AITUC have also shown the importance of solidarity among union members of various sectors, especially those in which employers of domestic workers are likely to work themselves. **Amarjeet Kaur** writes about the efforts, achievements and insights of AITUC in organising domestic workers.

For several decades, AITUC has been intervening in the interests of domestic workers as and when cases of abuse and assault have come to its notice. The organisation has often succeeded in ensuring justice for the victims and their families. In several cases, children in very distressing domestic work situations have also been rescued by AITUC. AITUC believes that children have no place in the world of labour, and that their place is in the school and the playground—places that contribute to their healthy intellectual and physical growth as citizens of the country.

AITUC has been pushing for an amendment to the Child Labour (Prohibition and Regulation) Act 1986 so that its stated objective becomes the total abolition of child labour (of course, gradually). It lobbied along with other organisations for including child labour in domestic work and in the hotel industry in the list of prohibited occupations for children. This collective effort by concerned organisations and citizens ultimately led to the inclusion of these two areas of work in the Act in 2007. Thus, when we speak of the rights of domestic workers, we are speaking not of child labour in domestic work but of just rights for adult labour engaged in domestic work.

The work of organising domestic workers in unions became very important for AITUC when the slogan

'Organising the unorganised' became its central theme in the mid-1980s. This does not mean that AITUC had not been organising the labour in the unorganised/informal sector earlier. This slogan gave an added impetus to the efforts, making AITUC venture into many more areas of labour in the informal economy. Various sectors have received attention. Domestic workers, who were not legally recognised as workers and were not covered by the minimum wages Act, however, found themselves being included in the organising endeavour, under the Trade Union Act, rather late.

Concerted efforts over the last six years have paid significant dividends. Today, AITUC has successfully formed unions of domestic workers in Maharashtra, Tamil Nadu, Karnataka, Andhra Pradesh and Assam, and preparatory work is underway in several other states. On 4 December 2009, AITUC organised a massive rally of working women. About 20,000 women from the formal and informal unorganised sectors participated from almost all corners of India. Domestic workers were present at the rally in good numbers. The charter of demands submitted to the Prime Minister and the President of India, and the Speaker, Lok Sabha, that day included several demands of the working women, one of these being social security coverage for domestic workers.

Most of these women domestic workers are the sole bread-earners of their families, and cannot afford to lose work

AITUC organised its national consultation and experience sharing meeting on 6 and 7 December 2009 in New Delhi. It invited detailed discussions on organising and unionising domestic workers, to push forward, consolidate and expand work in the states in which unions have been formed, and to target other states for organising domestic workers by forming unions.

The current proposal of the ILO for a convention on domestic workers in its next ILC in June 2010 was discussed in the national-level AITUC meeting in which AITUC leaders and activists from 15 states and ILO representatives from the sub-regional office, New Delhi, participated. The experience of AITUC organisers reveals clearly that the task of organising domestic workers is tough because the workplace is a family—mainly middle-class families, in addition to the wealthy households, who employ domestic workers. Experience also shows that full-time workers are the most difficult to organise because they are migrants with no relatives or friends in the city/town where they work. Those working part-time usually work for more than one employer. Organising part-time workers at their workplace or in their housing complexes is difficult because of the active opposition from the employers and the fact that the domestic workers fear they will lose their jobs. Most of these women domestic workers are the sole bread-earners of their families, and cannot afford to lose work.

Efforts to organise these workers at the clusters/colonies in which they live or at other locations where they visit have succeeded to some extent. The unionised employees from the middle class unions (banks, LIC, oil, coal and other public sector), committed to the Left unions, have to come forward in helping the domestic workers to get organised. Such initiatives have already begun in Maharashtra. Middle-class employees, who are better placed, and also understand the strength and need of unions, can contribute in a better way for the well-being of the domestic workers. They, by paying the domestic workers decent salary, allowing them freedom

to form unions and making them realise the need for being unionised, can serve as the model employers for domestic workers. Once unionised, it is not difficult to find strong organisers and role models for others from amongst these workers. Their demands concerning ration cards, education of their children and their health needs must be addressed. Social security is a very important component of their demands to the government. Experience shows that the resistance from employers lessens when they understand that social security is a requirement of the governments.

With full-time, live-in workers, who are often migrants, AITUC realised the need to undertake simultaneous work in the areas of supply of such workers. In its national strategy meeting, AITUC decided to explore the possibility of reaching live-in workers through the already organised, part-time workers, working in the same homes.

The experiences shared by the domestic workers in the national meet of AITUC were varied. Some had good employers whereas for others their experience was a nightmare. There were complaints of sexual advances and sometimes actual abuse, which had remained unreported out of the fear of losing jobs. Sexual abuse is more rampant with full-time workers because they do not have anybody to look to for help. Sometimes, the threat of filing false theft cases is used against domestic workers to keep them quiet. Instances of framing of workers are common. This is not to deny instances of actual crimes of this nature. However, the general tendency to view domestic workers as criminals needs strong rebuttal and opposition. Of late, the media is being used to tarnish the image of domestic workers by showing them as criminals. Civil society has to take note of the fact that those with intentions of committing a crime, be it theft or dacoity, will use any disguise to pursue their goal. The attempt to criminalise a whole set of people in a particular profession is dehumanising and against civil ethics.

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FROM THE FIELD

Recognise Domestic Work as Work

Sr. Jeanne Devos



Emphasising the need for movements to tackle the broad range of concerns of domestic workers, and the urgent need for social policies and laws to provide a framework of protection of the dignity of domestic workers as workers. Sr. Jeanne Devos, who spearheaded the National Domestic Workers' Movement (NDWM) based in Mumbai, gives her views on the significance of the movement toward an ILO Convention on domestic workers. An interview.

What is the genesis of the movement? Why did you think that domestic workers needed to be organised?

The belief that nothing will change unless the target group participates. Real changes don't come through five-year projects. While projects highlight issues, real changes come about through movements like the dalit movement, for instance, where work has gone on for the last 50 years.

The idea of organising domestic workers came about when I was involved with the women's movement in Tamil Nadu. Where other workers had only one employer to deal with, domestic workers dealt with 25 employers. So there was a certain commonality in the group. And the perspective of the employers was that domestic workers should be considered lucky. Before becoming domestic workers, they had nothing, no food, no shelter, and now they have it all, including TV!

If you listen to the workers, you find that they get only the leftover food or that which has gone bad, and they stay in the kitchen, verandah or staircase or sometimes even in the toilet.

So here were two different perspectives, and I realised that, as a society and as women, we have never listened to domestic workers.

Domestic workers compete fiercely with one another, for even as less as Rs 5. There were no contracts. So my first task was to foster a group feeling or identity among domestic workers and listen to them. I started with 23 groups in Dindigal (Tamil Nadu) in 1984. There was no movement yet, I just tried to listen to them and give them a voice.

And they were a dynamic group. As I shared their perspective, their pain, I found a denial of even basic human rights. People slogged all day yet, sometimes, their money was not given; they had no option but to work even when sick. It seemed like a contemporary form of slavery. At that time, I didn't know that they have no labour rights whatsoever.

What are the major issues/concerns of NDWM?

Basically there are three main objectives of the movement.

- Dignity of domestic work: Society looks down upon it and has internalised the stigma, so much so that domestic workers themselves are affected by it. An air hostess does the same kind of work but is not looked down upon, so why look down upon domestic work? We'd like to stress on the dignity of work and person, so the point is not to do away with domestic work.

- Following a rights-based approach: The right to get a just wage, leave, social security
- Empowerment: Leadership training to get rights, not just labour rights

So we are more than a union, a movement...the right to water, the right to information, all of it matters.

What is the process of organisation adopted by the movement?

Area-wise, small groups are formed in a locality. Every group has a leader. These groups organise themselves around whatever issue is important to them. Sometimes, the issue is ration cards, sometimes water, and sometimes the right to information; there is discussion around the issue and then collaboration.

In Mumbai alone, there are 200 such groups. These groups meet on a regular basis and there is tremendous solidarity among them. The leadership comes from within the groups and it is fantastic, given that there is no education or formal schooling.

We also undertake capacity building programmes among the groups: leadership skills, public speaking, rights on health, educating their own children and ban on child labour.

What are the major demands of the movement?

- Recognition of domestic work as work. Specific rights for domestic work with provision for supervision in the privacy of homes.
- Registration of workers/employers
- Ban child labour in domestic work

We want a national legislation. In 1989, a bill was drafted to recognise domestic work as work, provide minimum wages, holidays and social security to domestic workers but this bill never saw the light of day due to vested interests. Even the excuses were so lame. They say we will not know who the employers are.

Seven states have provided for minimum wages for domestic work. We are currently in the process of

lobbying for a bill for Minimum Wages for domestic work in Maharashtra. We want social security for domestic workers and a Welfare Board. We have begun consultations with lawyers, corporators, MLAs and other stakeholders.

Once the bill comes into effect, how will you ensure its implementation?

A strong movement of domestic workers will demand it. A bill without a movement is no use.

What would you say are the overall achievements of the movement in the last 22 years?

When we began, we were working for domestic workers, now we work with them and soon they will work for themselves.

I have seen the strength and solidarity of domestic workers. They may have no academic background but have tremendous values of life. We have been able to harness their solidarity for one another and for others over the years. Recently 270 women came together spontaneously in Badlapur to protest against the ill treatment of a domestic worker. When the Mumbai bomb blasts took place, domestic workers were on the spot with buckets of water.

The domestic workers we work with are now empowered to bring to our notice children employed in homes. They even participate in rescuing children. Recently, when the police refused to register a case of sexual harassment of a domestic worker, a rally was taken out.

We have also had three very successful campaigns. The first was on the ban of child labour in domestic work. The second was an anti-trafficking campaign, under which, in Jharkhand and other source states, we have started pre-departure training, so we are not against migration per se. The third has been a media campaign through billboards, posters, TV and radio due to which at least 40 per cent people now feel that domestic work is work, have started respecting it and have refused to hire children for domestic work.

What are the constraints in organising domestic workers?

Resistance from the decision-makers. Not a single bill has been fully accepted. Minimum wages for domestic workers have been set only in seven states. We want domestic work to be recognised as work.

The attitude of employers is a stumbling block. They say we will give Rs 5 but don't ask for rights.

The attitude of society at large regarding child labour. Fifty per cent of the people still feel that child labour is the solution to poverty. However, working at such young ages impairs brain development in children; so society does not think ahead that it actually leads to the impoverishment of society.

What are the challenges that the movement faces now and in the coming years?

Implementation of the ban on child labour in domestic work, recognition of domestic workers as workers, and putting the leadership of the movement in the hands of workers. Just now it is probably 30 per cent. I would like it to be 99 per cent.

What is the nature of your interaction with central trade unions/other unions?

We are on friendly terms with other trade unions with working relationships in states such as Andhra Pradesh, Karnataka and Kerala. Most of the unions are not very active on the issue of domestic workers though. But we are alert to political links and do not want to be used by political parties. This is a human rights issue; we would like to have a union free of political links.

What is the importance of the ILO focus on domestic workers and the suggestion of a Convention?

The decision of the ILO in March 2008 to put on the agenda of the 99th Session (2010) of the

International Labour Conference an item on 'Decent work for domestic workers', leading to the possible adoption of a Convention supplemented by a Recommendation is, for domestic workers in India, very important. After many years of difficult struggle for the recognition of domestic workers, we are starting to see a light at the end of the tunnel. Indeed, this initiative may be the beginning of a real lasting change for domestic workers around the world.

NDWM has worked closely with the ILO and with the Ministry of Labour in India to draft a paper to assist the government in completing an ILO questionnaire on domestic work and its regulation. In many of our states, various groups and leaders are responding to this questionnaire. On the initiative of the Ministry of Labour, we have shared the experiences of domestic workers, and provided information on their situation and analyses of the relevant existing national legislations and regulations.

Right from its start—25 years ago—the NDWM has been working for the elimination of poverty through struggle for decent work for domestic workers. This was strengthened in 2000 by the acceptance of the millennium development goals by the international community. NDWM would never have dreamed of an ILO proposal for decent work for domestic work. The plan to work toward a formal ILO instrument for the 2011 ILC serves as a green signal to our further efforts, and proves that in a process of working together, change is possible. Many domestic workers are realising the importance of defending their work conditions (for the first time) and are demanding that their rights as dignified workers be recognised.

This interview is an updated version of an interview published in *Labour File*, "Women in Unions: Breaking the Male Bastion, Vol. 5, Issue 6, September-December 2007." The interview was conducted by Sujana Krishnamoorthy, a Mumbai-based freelance researcher.

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FROM THE FIELD

Professionalising Domestic Services: SEWA-Kerala

Nalini Nayak



Professionalising domestic work and the relations between domestic workers and their employers, through organising and institution building, SEWA-Kerala has been able to effect significant changes in the working conditions of domestic workers, including benefits such as paid leave. **Nalini Nayak** describes the struggles and successes of SEWA-Kerala in building solidarity among and ensuring decent treatment for women domestic workers.

SEWA-Kerala was registered in 1986 and its members affiliated to the National SEWA Trade Union in 1990. Subsequently, it was registered as a trade union in Kerala in 2008, remaining an affiliate of the National SEWA union, which has since also been recognised as a Central Trade Union.

Origins of SEWA-Kerala

Women workers from other sectors that depended on natural resources were losing access to raw material for their livelihood. For instance, fish vendors were losing access to fish for sale because of the centralisation of fish landing at distant harbours; women reed workers were losing access to reeds that were allotted at cheaper rates to the paper companies; and agricultural workers were losing wage work with the conversion of paddy land for housing or other land to cash crops. They were looking for work, and the domestic sphere seemed the only option because they had no other skills. The initiative to organise SEWA was taken by a small group of women, including Aleyamma Vijayan and the author, who also worked in trade unions; the main objective was to see that women workers, who moved into the domestic sphere,

retained their identity as workers and remained visible in the workforce so that they too would get their rights.

The group brought the women workers together. Some of them were already working as maids. Others had not left their villages but were clamoring for work either because they were mothers managing the family single-handed or had drunken husbands, who squandered all the earnings. The idea of bringing them together was to professionalise domestic services such as caring for the sick and old, assisting in the post-natal care of women and looking after babies and children. The group of women workers created their own organisation—the Self Employed Women's Association, SEWA, in order to undertake work on a collective and organised basis.

Although the women were reluctant initially, the first group of 20 agreed to undertake a short training of 15 days in caring for the sick. Discussions were held on organisational aspects. Building solidarity among women workers at the local level was the main focus, with a slow yet steady awakening of feminist and worker consciousness. Wages were also discussed. To start with, in those days in

Building solidarity among women workers at the local level was the main focus, with a slow yet steady awakening of feminist and worker consciousness

Thiruvananthapuram, it was Rs 500 a day, which was very high compared to the prevailing levels. The women, however, went to work in uniforms and donning the SEWA badge. They were punctual; the clients were informed of the rules; and payment was centralised. There was a weekly off. Women, who lived at a great distance from the city, worked on a full-time basis; others, who could go to work on time without spending too much on transport, went on a daily basis. SEWA offered both services.

The group rented a room with a telephone and one of them, manned the 'office' and distributed notices about SEWA at the local hospitals. The first 20 women got jobs immediately. Seeing this, other women lined up for the training and very soon the numbers grew and there was immediate employment.

Over the years, the services also multiplied. Women were trained to run canteens and SEWA now runs several institutional canteens. Women also clean offices. A specialised service for the 40-day post-natal ayurvedic care of mother and child has also been developed. A housemaid service was introduced only a few years ago because of the demand. For all services, there is a regular supervision by the office, in order to handle various issues that crop up at the workplace.

Benefits as a Result of Collective Action

SEWA was then registered as a membership organisation and, gradually, its working was streamlined. After a few years, the members began to work towards a contributory provident fund (PF). Initially, this was very small and was handled within the organisation. After a few years, however, SEWA was able to convince clients that this was a worker's due; thereafter, PF was contributed on a daily basis—Rs 5 from the client and Rs 5 from the member/worker. Members can take loans, depending on their own contributions to the PF. Some of the members opted to join the SEWA Bima

Yojana, or health insurance scheme, by putting Rs 1,000 of their PF into a fixed deposit that pays the annual premium. Hospitalisation and medicines are covered by this. It has also a death by accident insurance cover.

Similarly, as the service charge collected by the organisation has grown, it is able to provide 10 days paid leave a year for a certain number of workers each year. This is given on priority, based on the number of days each person has worked. Other services such as training, seminars and children's camps for members' children are also being organised. The full member general body meets once a year.

Spokes in the Wheel

Undertaking work collectively and living up to the professional requirements of the service are not always smooth sailing or easy. Women workers, who are usually mothers as well, have several pressures, both from husbands and children, and this tells on the work. On the other hand, the demands and behaviour of clients, who feel they have the right to extract work because they pay for it, are the other problems. There have not been any cases of abuse, except two, in all these years and these were handled appropriately. The client knows that the women belong to an organisation and just as they feel confident to trust the workers of the organisation, they also know the workers have an organisational backing and cannot be exploited. The members of SEWA have also become very wise because they bring their issues to the office and these are attended to promptly.

Building Workers' Solidarity

The primary aim of this organisational process is to build solidarity among women workers. The members meet every month in their local areas and discuss various issues and act on them, if necessary. There are regular seminars, in which the more

For all services, there is a regular supervision by the office, in order to handle various issues that crop up at the workplace

active women participate; this is an opportunity for them to grow. Now that SEWA is recognised as a trade union in Kerala, it has a membership of other kinds of workers as well. In a highly politicised state like Kerala, where workers' unions are widespread, the focus of SEWA is to make the women workers' issues visible on the labour front because these are usually not taken up by other unions.

Legal Protection

About five years ago, SEWA-Kerala submitted a draft bill for domestic workers to the Labour Secretary. This was also because, after SEWA commenced, 'supplying domestic labour' became a 'business' for many. But whereas these labour contractors, several of them women, register their enterprises, they also exploit the women workers and come under no scrutiny. The women workers are at their mercy. Hence, it is very important that the state legislates and ensures that the women workers, who work in the domestic sphere, get legal protection. Only now has a Bill been taken up by the central government and we assume that there will soon be one in Kerala. The Bill must also legislate on the role of such labour contractors while seeing that the workers get their due as workers. Kerala has already scheduled domestic work and notified the minimum wage.

Some state governments have already passed Acts for domestic workers and several of them are in the process of doing so. This is because domestic

workers have begun to organise themselves all over the country and raise their demands.

The International Labour Conference 2010 will be discussing Standards of Decent Work for Domestic Workers and the need for a Convention or Recommendation. SEWA votes for a Convention because this will be binding on the government. Of course, such a Convention has to be ratified by a certain number of countries in order to be binding. Whereas this is important and necessary, such ratification will only take place if trade unions and governments also understand the importance of binding regulations vis-à-vis the particular worker constituency. Because a majority of the domestic workers are women and the work space is the home, mainstream trade unions, which have hitherto developed theories only for workers in the organised sector, do not see the urgency of developing new legislative frameworks for changing the labour scenario and seeing the private sphere of the home as a workplace. This is also one of the reasons that the Convention on Home Based Workers has not yet been ratified by India. Unions such as SEWA and organisations such as the International Labour Organisation need to interact more extensively with unions all over the country so that this awareness is raised and the Indian government is made to acknowledge this as a demand from the entire labour congress of the country.

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FROM THE FIELD

Relentless Struggle and a Bill: Vidarbha Molkarin Sanghatana, Nagpur

Rupa Kulkarni



Describing the many steps forward and backward in the pursuit of a Bill on domestic workers and the growing strength and solidarity of women workers as they confront the government, demanding implementation of a recently enacted legislation, **Rupa Kulkarni** gives an account of the relentless struggle of domestic workers in Nagpur for the adoption of policies that uphold and protect the dignity of domestic workers.

In 1978, domestic workers were called servants, and never workers. This made a great difference, so far as their minimum wages, service conditions and other benefits were concerned. All these concepts were totally absent in this field. The exploitation, therefore, at the hands of employers in three ways—work-wise, gender-wise and caste-wise was tremendous. In those days, domestic workers would get only Rs 5 each for cleaning the vessels and washing the clothes and Rs 2 to 3 for sweeping. These were monthly wages and not daily wages. Most of them worked through the day at 7 to 8 places, and suffered from malnutrition, severe anaemia, back-ache and skin infections.

On 30 December 1980, all the women domestic workers, who had often sat together and discussed their situation, decided to march to the collector of Nagpur and submit a charter of demands. For the first time in the history of Nagpur city, around 400 domestic workers marched the streets to claim their rightful demands. The memorandum included: 1) annual increment 2) one weekly-off 3) bonus and festival gifts 4) medical aid and medical leave 5) recognition as a worker.

The next day, at a press conference, the workers articulated their main demand—the inclusion of

domestic work in the list of scheduled employments. Whereas there was great excitement among the workers about having a platform to speak, the employer class was very disturbed and annoyed. The resentment was mainly towards the new organization that the domestic workers had formed. Many wrote letters about this in almost all newspapers. Debates started and the reactions were varied and very strong.

Meetings were held on various occasions to strengthen the organisation, which was named Vidarbha Molkarin Sanghatana (VMS).

As an outcome of these continuous agitations, the Maharashtra government had no alternative but to draft a Bill for the protection of house workers, numbering lakhs. A draft was completed in 2004, but it was delayed further due to procedural requirements and was not placed in the Assembly. Then elections were held, and a new government was formed; a new labour minister took over.

The agitation continued. On 15 December 2006, a delegation met the Chief Minister of Maharashtra, Vilasrao Deshmukh, and handed over a memorandum asking the government to create a Board for house workers. On 9 October 2007, a massive rally of thousands of women house workers

Most of them worked through the day at 7 to 8 places, and suffered from malnutrition, severe anaemia, back-ache and skin infections

was held at Variety Square, Nagpur; the workers demanded that a Board be set up to look after their welfare and that they be given pension.

On 18 November 2007, on the eve of the Nagpur session (the winter session of Maharashtra Assembly is held in Nagpur), VMS took out a morcha and again reminded the chief minister about the Bill for house workers. He asked for six months time to place the Bill in the state Assembly. Six months later, as is the practice, prior to the Assembly session, when the chief minister announced in a press conference the list of bills to be taken up during the session, the house workers' Bill was not on the list. In protest, the members of VMS again gathered at the All India Radio Square in thousands and courted arrest on 17 March 2008. The last big demonstration of the strength of the organisation was seen by the people on 14 December 2008 in Chitnis Park, Nagpur, in a Kashtkari Mahila Parishad, which was attended by over 15,000 house workers. It was addressed by the then central minister, Renuka Choudhary, and other dignitaries.

In the centre, the Lok Sabha Committee for Social Security for Unorganised Workers also decided to draft a Bill for an umbrella legislation that would provide social security measures. After much debate, the Bill was ready in 2006 and country-wide discussions started about some lacunae in it. The VMS also took part in these discussions. Meanwhile, a pension of Rs 500 was announced by the Prime Minister for the unorganised sector and for people above 65 years on the birth anniversary of Late Prime Minister Smt. Indira Gandhi, in November 2007. The scheme was called Indira Gandhi Nivrtti Vetan Yojana. Finally, the Bill was tabled and on 18 December 2008, it was passed.

In Maharashtra, the Bill for house workers, named Mah Rajya Gharelu Kamgar Kalyankari Mandal Vidheyak, was tabled in the winter session of the

Legislative Assembly in Nagpur and passed on 27 December 2008 in the lower house and on 29 Dec 2008 in the upper house unanimously.

The main hurdle was thus crossed and the Act for the creation of a welfare board for house workers came into existence in Maharashtra after a long struggle. But the government did not implement it throughout 2009. The house workers are now, once again, ready to agitate for the implementation of the Act immediately without any further delay.

Thus, after 30 years of struggle, domestic workers now have the courage to speak openly about various injustices and, sometimes, about the atrocities committed against them. Although no minimum wage has been fixed as yet, domestic workers are now demanding decent returns for the volume of work they do. This bargaining power is adding to their strength as workers, thereby enhancing the value of their work. Together they are solving general problems of the *bastis* (slum settlements) effectively. Through the VMS, a new leadership of working class women is emerging.

The ILO and the Need for a Convention

If the ILO desires real progress of these marginalised workers, a humanitarian approach alone will not do. The work of a domestic worker should be regarded as an essential service, and like other essential services, that is, hospitals, electricity and water supply, and telephone services. The intervention of the ILO in this direction will definitely change the picture.

Hereafter, the term, 'minimum wages' should be replaced by the term, 'living wages', which will provide a certain standard of living to all these workers.

The blueprint of the Act, which paves the way for the creation of a welfare board for house workers, registration and various benefits for domestic workers in Maharashtra may be used as a model, nationwide.

Rupa Kulkarni is associated with Vidarbha Molkarin Sanghatana, Nagpur



FROM THE FIELD

Stree Jagruti Samiti: Spreading Awareness among Domestic Workers

Geeta Menon



Detailing the various challenges in organising women domestic workers, Geeta Menon describes the Stree Jagruti Samiti's efforts to create a society free of exploitation by looking beyond familiar organising models, intervening in the placement of workers and using various methods of 'symbolic politics' to make their issues more visible.

Stree Jagruti Samiti (SJS) is a mass organisation in Bangalore that emerged in the 1980s and comprised mainly of young men and women committed to working to build a society in which there will be no exploitation of man over man, man over woman, and man over nature. Its vision is to build an equal society—one that is without class, caste, gender discrimination, hierarchies or violence. In the course of pursuing this dream, it has been consistently involved with issues of oppression and exploitation of women, within the home, in society and at their workplaces. Members of SJS have struggled with women, who are marginalised by class and caste—construction workers, garment workers, domestic workers or small vendors—all part of the ever growing informal economy and the unorganised working class.

The focus on domestic workers was based on the premise that domestic workers are neither servants nor machines. They are workers, part of a productive economy and their identity as workers must be recognised, respected and protected. SJS also seeks recognition for the value of this work. Domestic workers contribute Rs 4 million a year to the economy. Following this, in 2006, the Domestic Workers Rights Union was set up and began to

spread awareness to collectivise workers, to increase bargaining power, to struggle for decent wages for decent work.

Employment Situation of Domestic Workers

The gendered notion of housework must be kept in mind when organising these workers. Very little value is given to housework. Therefore, domestic workers doing these tasks in others' homes receive no recognition. The first step in organising is to build a database of their employment, taking into account all the categories of domestic workers.

Live-in, full-time workers are the ones that are most likely to be in bonded labour situations, to be trafficked and be most vulnerable to sexual abuse. It is very difficult to protect them because very little is known about what happens inside households. These workers work in the households all through the day and every day; it is, therefore, often difficult for anybody to contact them or for them to get the time to leave the household for meetings.

Full-time workers, who do not live in, usually work from 7 a.m. to 5 or 6 p.m. Other workers, especially part-time workers, may be employed to perform

Its vision is to build an equal society—one that is without class, caste, gender discrimination, hierarchies or violence

only one kind of task, such as only cooking, only cleaning or only child care. Often the task allocation has a caste basis. In other situations, the tasks for which the worker is responsible may not be properly defined in the beginning, making it easy for the employer to allocate extra tasks, usually with no gratitude or recognition.

Part-time workers, often work in several houses every day to make a minimal living. Their wages are as low as around Rs 300–500 a month for a basic task. This includes four categories of work—sweeping, mopping, cleaning utensils and washing clothes. There is no regulation of their work. They get no holidays, support or recognition. They are entitled to no leave, not even sick leave. If they do get sick, their pay is usually deducted for the time taken off or the work just piles up for the next day.

Piece-rate workers work on particular tasks, and get paid by the task, for example, clothes washers or *dhobis*, in Bidar charge a rate of Rs 50 per person for washing clothes. This is a monthly rate! In urban areas, it varies. Monthly rates are fixed at, say, Rs 200–250 per task. Most payments are in cash; in some areas, cheque payments are made. Usually, in Bangalore, domestic workers are not paid in kind. But a large number of live-in domestic workers, including the child domestic workers brought in from outside Bangalore city, are paid in kind. Paying in kind means providing them with a place to stay, food, electricity and water. The demand is to get payment in cash, even if the amount is meagre.

Strategies for Organising

Keeping these facts in mind, it is obvious that strategies for organising will vary. The part-timers and full-day workers, living in the slums of Bangalore, are contacted directly through cultural programmes, awareness programmes, membership drives and through the existing NGOs and CBOs in different residential areas. Public sittings, information surveys and street corner meetings are

held in these areas. Some volunteers have been working in colleges to sensitise the students to their own domestic help. One of the important, but not necessarily easy, ways of reaching domestic workers in their residential colonies is through NGOs working in these areas. SJS has, through several meetings with NGO staff and with the Self Help Groups that they have helped form, spread awareness on issues faced by domestic workers, as well as held membership camps. Leadership committees in the slums, some affiliated to political parties and political groups such as youth clubs, are also potential contact points.

The strategies to organise residential or live-in domestic workers have been evolved by trial and error. These workers are the most difficult to organise, and getting information about their numbers or contacting them is sometimes impossible. So the practice adopted has been to survey apartment complexes, to stand at the gates and gather information from the other domestic workers. The child and the adult live-in workers are contacted in parks or gardens when they bring the children to play. Information is also gathered indirectly through existing members, who work in the same apartments and have access to these apartments. Another strategy has been to talk to the Residents Welfare Associations, which have, in many cases, responded favorably to efforts to work on the issue of child labour.

But the response has been slow and not very favourable in the case of adult domestic workers. Often, employers simply look down on workers and do not consider the possibility of working issues out with them. SJS tried out an experiment in one of the apartment blocks. A forum, which functioned like a grievance cell, was formed by the employers and the employees. This allowed for dialogue between employers and employees. The process also enabled the mechanism of record keeping, and identity proof of the domestic workers. An attempt to form such a forum was initiated in Wilson Gardens, a housing

Live-in, full-time workers are the ones that are most likely to be in bonded labour situations, to have been trafficked and to be most vulnerable to sexual abuse

society in Bangalore. However, it had to be stalled because permission was not given by the president of the Residents Welfare Association. But the attempt to form such a forum is being strongly followed up by SJS.

The situation demanded a strategy different from unionisation. Hence, a placement cell was set up. This provided members of SJS scope for dialogue with employers, and both—the employer and the employee—had a sense of accountability and responsibility. This strategy did help to contact more domestic workers but it did not necessarily translate into them becoming members. Also because of the limited members and infrastructure, SJS did not run the placement cell as a professional placement agency. However, this whole process led to a more careful investigation of the placement agencies in Bangalore, in order to map the live-in workers. More work remains to be done.

SJS has also thought of skill development as a strategy to reach domestic workers. It conducts small trainings in housekeeping and cooking so that, with these upgraded skills, domestic workers can earn more money.

SJS also works through the medium of culture, using symbolic politics as a strategy. For example, during Dussehra, on one day of the festival, the implements people work with are worshipped—commonly garlands are put on buses and rickshaws and the carpenters' tools. SJS conducted a pooja in which the broom was worshipped. A broom is considered very 'dirty' and some women objected to the practice. They were then told that all work is dignified. To further this thought through a symbolic act, a dalit lady did the *aarti* (customarily done by higher caste). This was done to prompt discussion.

In order to involve the husbands, as well as to work with what is available, SJS has been spreading awareness in the welfare board set up for construction workers. The work with (male)

construction workers is a strategy or entry point because it often allows SJS to work with their wives.

Impact

The impact of the effort to organise domestic workers is certainly being felt although it may not be clearly visible and defined. There are noticeable changes in the women between the time they joined the union and today. This is evident in the small assertions made by the women and the recognition they have received. An example of this is that the women boldly raised the issue of caste at their workplace. In most households in India, women face discrimination because most of them belong to the dalit caste. Very often, employers give them food in a glass and plate (plastic) that is specially allocated for them. One domestic worker broached this issue with her employer saying, "I am not an outcaste. I clean and wash your house, vessels and clothes. We both have the same blood. I will not drink from a separate plastic cup." Her assertion helped her to claim her dignity.

Similarly, other women have shared how their employers have begun to see them in a new light. Many of the domestic workers now have a weekly off, get some extra money as bonus and some have even got an increase in salary! The women too have realised the value of collective strength and have managed to voice and take up issues collectively. Many a time, women have themselves handled issues of allegations of theft and have also negotiated for themselves. Many domestic workers have expressed how their being a member of a union has given them new respect in the police station. They have gained courage in their own lives.

Women's rights are at such a premium in our country that even a few hundred individuals raising their voice and trying to break the culture of silence is of immeasurable value. Every voice counts because women have to surpass class, caste and patriarchy controls to gain visibility and dignity.

Recognising Domestic Work

It is heartening to see that the ILO, decades after its birth, is willing to recognise domestic work as decent work. This gives the invisible nature of domestic work a visibility and, therefore, the push for all of society to take the notion of domestic work and the workers seriously. The setting up of a Convention will help to establish the notion of domestic work as productive work and, therefore, to be regulated, recognised and protected. It will also push the governments to sit up and pay attention to the plight of domestic workers, who have so far been ignored and treated as though they do not exist and are not human beings.

The proposed Convention will also be of help in pushing for a national legislation, which is needed because the working conditions and realities of domestic workers are very different from that of other unorganised sector workers. The employer-employee relationship and the nature of employment too are very different and are grounded in social realities. Domestic workers are a huge, neglected workforce, comprising mainly women, who are an invisible, productive part of the economy. The nature of the workplace, the lack of access to the households for negotiations and the non-worker identity of domestic workers require not only separate laws but also very different implementation mechanisms.

The Road Ahead

There are miles to go, and the struggle is tough and arduous. However, it is certain that, one day, the domestic worker will march with dignity, head held high, claiming a rightful place in the listing with other workers, earning recognition, protection and justice.

One of the most important and urgent giant steps to be taken is to build a database (through the national census) of domestic workers in our country, which will enable us to ascertain the magnitude of the domestic work sector. Stree Jagruti Samiti insists during its regular work or in public sittings that domestic workers share all their workplace details, so that it is documented. The second task is to draft a comprehensive legislation, or at least push for a reference point of action, for example, a code of practice for both employers and employees.

Third, a lot of time, money and energy have to be expended to sensitise the many stakeholders in this sector—the employers, employees, Resident Welfare Associations, police, media, youth, and general public. The importance of the domestic workers and the need to treat them with respect is the consistent message. There is also tremendous need for documentation of the issues involved in this sector, covering all the categories of workers, with different kinds of case studies, and practices, in order to arrive at sustainable processes for a future with dignity for all domestic workers.

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FROM THE FIELD

Pune Domestic Workers on the March

Medha Thatte

Describing the formation of Pune District Molkarin Sanghatana out of a spontaneous strike of women domestic workers, and its achievements since then, **Medha Thatte** details the efforts of women to close down liquor shops—a serious community problem, and also to establish gratuity payments to domestic workers as a standard practice.

Pune District Molkarin Sanghatana (originally named Pune Shahar Molkarin Sanghatana) was born during the course of a spontaneous strike by domestic workers in Pune in the early 1980s. The strike rapidly spread to various parts of Pune city against the background of rising prices of all essential commodities alongside years of stagnant wages and the adamant refusal of householders to raise the wages of their domestic workers. When the Pune District Molkarin Sanghatana was formed, there was no other organisation in the city to lead the struggle and give it shape and direction.

In its efforts to organise domestic workers, the focus was on forming committees in the *jhuggies* (slums), where the activists would enroll members, take up their day-to-day problems and help solve them. These committees also became the centres for mobilisation for wider struggles and for raising activists.

Immediately after the formation of the organisation, a *morcha* was taken out to the District Collector's office, and later, in Mumbai, to the Maharashtra government, demanding a legislation for the protection of right and benefits of domestic workers as well as the regulation of service conditions and provision of social security. A model draft legislation was submitted to the state government. The Maharashtra government has

since passed an Act for domestic workers—the Domestic Workers Act 2008—which is the first and only such legislation in the country. Nothing much has been done concerning this Act. Although the Act suggested that boards be constituted, no such boards have been constituted. Besides, there is no budgetary allocation for providing the benefits suggested in the Act, for example, old-age pension, educational support for children, sickness benefits, etc. In Maharashtra, there are around 2.5 lakh domestic workers and if the basic minimum of Rs 200 is to be provided to these workers, money should be set apart by the government. The Molkarin Sanghatana has decided to take up the issue very strongly and build pressure.

Our Struggles and Achievements

The Molkarin Sanghatana has engaged in various struggles and has had a number of significant achievements.

In Pune, there are an innumerable liquor shops, which produce and sell liquor illegally. These shops, located in the *jhuggi* clusters attract large numbers of men. The family counselling centre had to tackle issues of frequent fights in families because of the drinking habits of male members. Being part of this society, the members of the Molkarin Sanghatana thought that action should be

The Molkarin Sanghatana has engaged in various struggles and has had a number of significant achievements

taken up immediately to sort out these issues. They went in large numbers to these shops and asked the shopkeepers to wind up the business and leave the place. The police were in support of the shopkeepers and refused to listen to the activists. The activists then opted for more aggressive methods. They entered the shops, emptied the liquor barrels, broke the glasses and other utensils in the shop and asked them to leave the place. The police intervened and had to plead with them to stop such activities. They continued to do so till most of the illegal shops were closed. They even captured the vehicles that brought the liquor and destroyed the liquor inside the vehicles. The vendors had no option but to close down. The youngsters in the locality also supported them in these activities. Now, problems related to liquor are no longer so serious.

Gratuity for domestic workers was something that one could not even dream of until recently. However, it will soon become a law in Maharashtra. Many people are paying gratuity now, even before the law has been enacted. Efforts were made to convince the employers through the family counselling centres. The Molkarin Sanghatana runs the counselling centre and people visit the centre to find solutions to issues. Domestic workers, who complain about their employer, and employers, who have problems with the domestic workers, come to the centre. It is through this counselling that the idea of giving gratuity to the workers was mooted. Almost all the employers were against this idea; however, slowly pressure was exerted on them to agree. The employers who refused to pay gratuity were denied maids for work in their homes. The maids, who were going to take up jobs in these

households, were convinced not to do so. Now, gratuity is being given to the maids without any pressure. The social movement and the pressure built up for this has borne fruit.

A number of sustained interventions have also been established. Women activists from the domestic workers' movement run a bi-weekly centre for solving domestic problems of the poor people, women in particular, aided by a few lawyers. This centre has been active since 1986 and by now over 15,000 disputes in poor families, including cases of domestic violence, have been attended to. Perhaps, more significantly, domestic worker activists have formed a separate organisation called Shramik Mahila Morcha, on whose behalf the centre is run. Besides, it is also used as a forum for participation and development of various actions and activities of the women's liberation movement, for instance, participation in the programmes of International Women's Day on 8 March every year. Whenever any cases of rape or cruel acts against domestic workers or women or children are reported, the activists of the Sanghatana make their presence felt by effective intervention.

Directions of Future Work

Domestic workers form a part of the unorganised workers, who constitute 93% of the total workforce of India. When fighting for their own issues, domestic workers form a part of the wider struggle of millions of unorganised workers of the country struggling for dignity and recognition as humans. There is strong need for special training courses for domestic workers so that they handle the changing nature of their work competently.

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FROM THE FIELD

Organising Women Domestic Workers in Kolkata

Anchita Ghatak



Highlighting the experiences of Parichiti in Kolkata in organising domestic workers, and finding sustainable ways to address their everyday working concerns, **Anchita Ghatak** describes its efforts to bring domestic workers together in informal social settings thereby building their sense of collective interest and solidarity and resulting in a desire to organise themselves.

A large number of women work as paid domestic workers. This sector of women's employment has not received much activist or academic attention. Domestic workers, or 'servants', are a popular topic of private conversations but do not figure much in public discourse; this invisibility in public discourse and action has to be confronted. Thus, the main objective of Parichiti, an organisation working for the welfare of domestic workers in Kolkata, is to assert the identities and claim the rights of women, who are unrepresented or under represented in public discourse and action.

Parichiti currently works with three types of domestic workers: live-in help, fixed-time help, who live in the city, and fixed-time help, who commute to work from outside the city.

Addressing Violence

From its inception, Parichiti has been intervening in cases of violence at the workplace against individual women domestic workers (WDWs). A large number of WDWs face domestic violence. The perpetrators of such violence are either their own husbands or other members of their families. Addressing such complaints involves meetings with the victim-survivor, her family and

community, and the perpetrator wherever possible.

Parichiti also engages with the police, lawyers, courts and other government bodies such as the State Commission for Women. Parichiti supports victim-survivors of violence in different ways such as securing relief/justice from courts, arranging schooling and/or jobs, and finding shelter. The objective of addressing cases of violence against women is to provide relief to the victim and arrange for rehabilitation where needed.

Spaces for Women Domestic Workers

At present, Parichiti is engaged in mobilising workers in Dhakuria and Bagha Jatin railway stations. At the Dhakuria station, Parichiti conducts a *Mangal Baithak* every Tuesday. These are long but informal sittings, in which WDWs meet the Parichiti staff and each other. On an average, 30-35 WDWs attend these meetings. Weekly *baithaks* are also conducted at Bagha Jatin station. Usually 15-20 WDWs attend these *baithaks*. Information dissemination is an integral part of these *baithaks*/interactions at the Bagha Jatin and the Dhakuria stations.

From April 2007, Parichiti has been running a drop-in centre, or *Bishram Ghar* (BG), at Dhakuria. The

Parichiti supports victim-survivors of violence in different ways such as securing relief/justice from courts, arranging schooling and/or jobs, and finding shelter

The Rescue of a Child Worker

A case in which Parichiti intervened concerned a young person being held captive by employers. On 12 March 2010, Rupali and her husband, Dinesh, came to Parichiti along with a staff member of another organisation and reported that their 16-year-old daughter, Mitul, who was working as a live-in domestic worker was being held captive in her employer's house and was also being physically abused by them. The employers, Colonel and Mrs. Srivastav, were reluctant to let Rupali meet her daughter and insisted that Mitul had stolen their gold bracelet. They said that they were willing to let Mitul go if she returned the bracelet.

Rupali and her husband had already made two trips to the local police station in Purva Jadavpur, asking for help to free their daughter. The police did not act. Parichiti contacted Childline asking for support in freeing Mitul. The police informed Childline that they had already investigated the complaint and because Mitul herself was reluctant to leave her employers' home, they could not understand why her mother was so agitated.

On March 15, representatives of Childline and Parichiti, accompanied by Rupali met officers at the Purva Jadavpur station. The ASI was reluctant to discuss the case and even suggested that it was fairly possible that Rupali was only posing as Mitul's mother. Finally, Parichiti staff contacted another child rights activist and requested a magistrate to call the police station regarding this matter. Following this, the police officers started behaving differently. They readily accepted Rupali's written complaint; after a while, a police officer, some constables, Rupali and representatives of Childline and Parichiti went to the house of Mitul's employers.

At the Srivastav's residence, because Mitul looked too terrified to say anything before so many people, Kakuli Deb of Parichiti asked to speak to her alone. After talking to Mitul, it was decided that it was best that Mitul leave her abusive employers' home. Despite protests from the employers, the police too agreed that moving Mitul to the Childline home would be best for her protection and also aid the investigation.

Mitul's case is now being heard by the Child Welfare Committee (CWC) and, according to their instructions, Mitul has been moved to a government 'home'. The Officer in Charge of the Purva Jadavpur Police Station has also appeared before the CWC to answer questions. Parichiti is working closely with CWC, Rupali, Childline and the police to ensure that justice is done and Mitul can get on with her life.

BG works from Monday to Saturday and is open from 10 a.m. to 6 p.m. to all WDWs. WDWs come here between jobs to relax, rest and talk. They meet other WDWs and talk about their lives. This is also where WDWs exchange information about prospective jobs, education of children, confronting/negotiating with employers, and so on.

Parichiti staff members also hold discussions with WDWs, both in groups and on a one-to-one basis. These discussions touch upon many things, for example, work-related issues, transport problems, personal issues and information on government schemes.

Many of the WDWs, who visit the centre, stay in



From April 2007, Parichiti has been running a drop-in centre, or Bishram Ghar (BG), at Dhakuria



slums or settlements within the city; the BGs are thus a way to connect with many WDWs, who do not come by local train. However, WDWs, who commute daily to the city, usually have no place to rest because they go from one employer's house to another. Toilet facilities are also a problem because there are very few public toilets in Kolkata and most employers are reluctant to let WDWs use their toilets. At the BGs, these WDWs discuss issues with others, take rest and/or have bath or tea. The BG is part of the strategy to mobilise and bring together WDWs from all different situations, and acts as a space where WDWs can discuss their work and lives with each other and strengthen their process of organising.

It is important to actively create spaces in which WDWs can interact with each other on their own terms. On 31 January 2010, twenty-eight WDWs and four members of Parichiti took a day trip to the Nature Park in Garden Reach, Kolkata. The purpose of this trip was to spend a day relaxing, away from work and family responsibilities and to get to know other WDWs.

The day began with everyone being introduced through a ball game. They relaxed after the game, rather thrilled to be out in the open, on a mild winter's day. We began talking about our feelings and Mira Roy of Parichiti asked why there were more WDWs on this trip than ever before. Some said, "Well, that's because of Parichiti." As we talked, it became evident that this was also because WDWs themselves look forward to this trip, and are gradually taking the initiative to contact their friends and acquaintances and making sure they come along.

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The participants broke into three groups to discuss the problems they face in their workplaces and the steps that they take or would like to take to confront injustice. The groups were anchored by Ruma Mondol, Saraswati Panja and Arati. One of the workers, Bharati, said, "Employers often falsely accuse WDWs of stealing and then use it as an excuse to sack them. Where is the proof that we have stolen anything? We should complain to the neighbourhood associations or even the police if such accusations are flung at us." Chandana, another worker, said, "It doesn't help to protest. I'll get sacked and another woman will come and do my job for a lower wage." Several WDWs said that they could ask Parichiti members to help them protest. Ruma Mondol said, "We can't always wait for Parichiti. Sure, they'll help us but this is our life, our fight. Suppose something happens in the locality where I work, I will try and contact other WDWs and we must get together and protest. We can always look for other allies later, including Parichiti."

At the end of the outing, the WDWs expressed the need to get together and explore these ideas further. They said they would talk to other WDWs about these ideas. They also said that they might meet at the Parichiti office to talk more about these issues. It is our hope and our aim that the awareness and independence of the WDWs continues to grow, and that the number of those whom they can count as their allies increases.

The names of all women domestic workers and members of their family have been changed to protect their privacy.

FROM THE FIELD

Nirmala Niketan: Streamlining the Domestic Workers' Sector

Subhash Bhatnagar



Dwelling upon Nirmala Niketan's efforts in Delhi in monitoring and reforming the working of placement agencies, **Subhash Bhatnagar** writes of the realisation of the need to develop a new business model for placement agencies—a cooperative effort in which women workers share in the surplus they generate. He also shares reflections on the usefulness of the lessons learned in organising construction workers, the demands of domestic worker campaigns and the push for legislation.

Nirmala Niketan was formed in 1998 by the tribal girls of Jharkhand, working as full-time, in-house domestic workers in Delhi. Because domestic work was not an acceptable vocation for registration as a co-operative society, it became part of the Apna Nirman Mazdoor Co-operative Society Ltd., a registered cooperative society of construction workers, and an active partner of the National Campaign Committee for Unorganised Sector Workers (NCC-USW). The founders of Nirmala Niketan were well aware that working conditions in domestic work were inhuman. The organisation began placement activities to understand the system of recruitment and to explore viable solutions to humanise domestic work and make it 'decent work' because lakhs of families back home depended on the earnings of these migrant domestic workers.

Intervening in Recruitment

Ten years of experience of placing and monitoring the working conditions of over 700 girls—at an average of 100 to 150 girls per year—has provided insights into domestic work and the working of placement agencies. Nirmala Niketan trains and places tribal girls in different colonies of Delhi. In the weekly meetings at the Nirmala Niketan office, these girls are encouraged to befriend other

domestic workers in their colonies, who have found work through other placement agencies, tribal agents, etc. It is easier for domestic workers in a colony, than for outsiders, to mingle, talk to and gather information about each other and the families for which they work. All vulnerable cases are reported in these meetings and help in rescuing a girl in crisis is then provided.

A placement agency usually comprises one or two non-tribal owners and a few tribal girls and boys, who work for the agency as agents and who earn a commission for providing these girls. Only some of the agencies have placement offices, that is, one or two rooms with a dedicated phone number, to which clients in need of domestic workers go, and in which domestic workers are housed when they come from the villages in search of work. Most agencies only have a phone number, usually a mobile phone, and no address.

The main function of these agencies is to receive a tribal girl or boy for placement from the agent and pay his or her commission. The agencies often house the tribal girls in unknown places before they are placed with families for work. They then place the tribal girl or boys with an employer and collect their own commission. Agency owners visit the employers periodically to collect the salary of domestic worker and to change the placement

The founders of Nirmala Niketan were well aware that working conditions in domestic work were inhuman

annually. The entire commission collected by such agencies and the full salary collected by the girls 'belongs to them'. It is up to the agency owner to give the domestic worker a part of the salary that he/she earns. If domestic workers or employers are in any crisis, the agency owners decide, according to their convenience, whether to meet the domestic worker or the employer. Even the agents are not provided with the address of the families in which the girls are placed. If the agent, who originally brought the tribal girl to the city, or the family members of the domestic worker want to reach the tribal girls placed by them, it is not easy. Neither is it easy for the police or any other authority to trace these girls. There is no law in India that requires that these placement agencies of domestic workers be registered.

In contrast, Nirmala Niketan, as mentioned earlier, is part of a registered cooperative society of construction workers. The project team members of Nirmana help, guide and train the domestic worker to take care of themselves and to take care of other tribal girls in their neighbourhoods. Nirmala Niketan has two MIG flats and an old office in the main city, shared with Nirmana (an organisation constituted for supporting campaigns on construction labour and unorganised workers) as the office-cum-accommodation space, and a nurse to conduct regular health examinations and provide all medical support from a collective fund. All senior domestic workers have their own bank accounts, in which they deposit their salaries. Nirmala Niketan keeps systematic accounts of all salaries and deposits. Most of the administrative work is managed by the tribal girls themselves.

Two of the most crucial insights of this placement experience are: first, in-house, domestic work cannot be a long-term engagement. Tribal girls join this work just before the marriageable age and they cannot continue after marriage. Therefore, as an alternative and ongoing occupation, they tend to form teams with other tribal and non-tribal girls/boys and become agents or part of an agency. This takes them into a vicious circle, in which either they start exploiting others or they become victim of exploitation by others. Second, unless all the employers are compulsorily

registered, all domestic workers and all placement agencies cannot be reached.

The influence of these two insights is clearly visible in the legislation drafted by the Joint Sub Committee for National Commission of Women (NCW), in which Nirmala Niketan representatives were also included.

The Nirmala Niketan experience has opened up the possibility of developing placement work on a cooperative basis, by which tribal girls can share the surplus they generate, instead of either becoming victims of exploitation or exploiting others. Visits to places of origin by the core team of Nirmala Niketan have also created the possibility of opening other earning activities such as in handloom units and in food processing units in the tribal areas. Tribal girls can start earning their livelihoods there after they work for a few years as domestic workers in the metros or cities, and get married and settled in the native places. Similar alternative occupations need to be explored in cities after these girls undergo some additional basic education and training, which Nirmala Niketan has begun providing.

Although Nirmala Niketan has been placing around 100 girls every year for the last ten years, it has not reached the break-even point to share surplus money. Most of the earnings have gone into the running costs and other support activities. However, this has a very positive possibility and a very bright future. When placement agencies are properly regulated, running one of these agencies to misappropriate the income of tribal girls will no longer be a lure or a viable option. The 'cooperative model' will then perhaps be the only viable alternative. Once a cooperative starts earning surplus, it will become a model that can be replicated anywhere.

The Need for a National Legislation and the ILO Convention

A law specifically addressing domestic workers is necessary because the working conditions of domestic workers are unique. The place of work is the private house of a family. Unless the house is recognised as a place of work—an establishment—no legislation can be implemented properly to safeguard the interest of domestic workers. The employer-employee

relationship in domestic work is a fluid relationship, in which most of the in-house domestic workers are young unmarried girls from tribal and other communities of migrant workers, including children below the age of 14 years (40 per cent). There is no 'management' as such in domestic work. Therefore, the legislations that have been drafted for the organised sector such as Employees Provident Fund Act 1952, Employees State Insurance Act 1948 and Inter-State Migrant Labour Act 1979 cannot be implemented in the sector. There is need to enact a special comprehensive legislation with the provision for a sectoral tripartite Board to register all the employers, domestic workers and placement agencies and to regulate working conditions. Domestic workers themselves are 'invisible' and placement agencies are, as of now, neither registered nor regulated. The only visible and definite entity is the employer. Therefore, the success of a domestic workers' legislation depends on the compulsory registration of each and every employer as an essential prerequisite. Only through the registration of employers can all the domestic workers and other middleman/placement agencies be reached.

Additionally, as in the construction workers' and other unorganised workers' sectors, child labour cannot be eradicated in isolation. Regulation of the entire industry or occupation is essential to prevent child labour in any segment of employment. The passage of a specific legislation will facilitate the implementation of a ban on child workers in domestic work, the rescue of child workers and the prevention of re-employment of children.

In March 2008, the governing body of the International Labour Organisation (ILO) agreed to put 'Decent Work for Domestic Workers' on the agenda for the International Labour Conference (ILC) 2010, with the objective of developing an ILO instrument, a Convention and/or Recommendation, to provide guidance to constituents on developing legislation, policy and good practice for domestic work. The Government of India has a practice of

ratifying only those Conventions that have already been implemented in India, at least in the form of enactment of a legislation. Therefore, the ILO Convention and the advocacy for a comprehensive Central Legislation for Domestic Workers must go hand-in-hand to achieve success in the direction of a workable ILO instrument and its ratification.

Ensuring an adequate Convention for the ILO and the enactment of an appropriate, comprehensive central legislation by the Parliament in India will require at least two years of intensive campaign activity before the Convention is adopted in June 2011 by the ILO. Nirmala Niketan, along with Delhi Domestic Workers Union, has planned to build a National Campaign Committee for Domestic Workers, with the active participation of domestic workers' unions from all over the country. The legislation, drafted by the NCW and endorsed by the National Consultation of March 2008 (in which over 100 representatives from 16 states participated), needs some fine-tuning before a nationwide signature campaign is started and a petition sent to Parliament to demand the enactment of a legislation for domestic workers.

At this juncture, the key to success for the construction workers' campaign in 1996 was their united effort under the single banner of NCC-CL. The failure to learn from this experience is evident when the pursuit of legislation for social security by various platforms of unorganised workers resulted in the enactment of a bogus legislation that, in the absence of any budget provision, cannot provide assistance to even a single worker. In the name of domestic workers, many platforms have come up in India. There is need to bring all these together in order to succeed. Given the past success of the unified construction industry, in which the builders had a directly antagonistic relationship with the interests of construction workers, there is confidence that efforts to unite all the platforms working for domestic workers will succeed in bringing in a central legislation in India.

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FROM THE FIELD

Domestic Workers' Federation, Mumbai: From Initial Diffidence to Growing Militancy

Babli Rawat



Detailing the experiences of the Domestic Workers Federation in Mumbai in building a collective, and developing a sense of dignity, solidarity and will to struggle on among domestic workers, **Babli Rawat** describes the challenges faced in building their confidence and their need to find roots in their daily concerns.

In October 2005, in Kolhapur, the author took up the challenge of organising domestic workers, and finding an appropriate authority to address the demands for their rights. This was difficult at first because of the facts that domestic workers work in different houses under different owners and that there is no single governing authority covering them, as in the case of women working in factories.

The number of domestic workers who attended the first meeting was just five. Each of them was requested to bring along at least one domestic worker for the next meeting. However, only one woman came for the next meeting and she said that if her owner became aware of the formation of a union of domestic workers, he would throw her out of work. This highlighted the danger of conducting any meeting near their workplaces. Their job security needed to be given top priority. Therefore, it was decided to conduct the meetings in a suitable park or garden.

Thirty to forty women participated in the next meeting, held in a nearby park. It was their first experience of a meeting being organised exclusively for them. They were curious and full of questions—what was the aim, and what were the benefits of such meetings? One of them asked, “Have you approached us with the intention of fighting elections?” The intention, however, was to gain information about their work duration, number of houses they are employed in, the problems associated

with their work, the challenges and difficulties faced by them at working place, and so on.

These women work because of the compulsion to fulfill the basic needs of their family; most of them do not even have primary education, their spouses are either alcoholics, unemployed or employed on daily wages. They prefer domestic work because of its easy availability. In their families, the number of consumers is more than the number of earners. These women make many sacrifices for their families. They wash utensils in different houses to feed those living there; however, those they serve do not recognise their contribution to the household.

A strategy emerged—no issues that would pit the union against individual employers would be taken up. Instead, pension would be demanded from the state government as well as that a Board be formed to monitor other welfare schemes for the domestic workers. Even this needed some convincing.

At the first rally, all the women were afraid and had only one request—that their photo should not be printed in the newspaper, because if their employers were to see their pictures, they would be dismissed from their job. One of the women did not want her picture to be shown on television because her son was ashamed that he is the son of a domestic worker, and was worried about how he would face people if they came to know this.

There was danger in conducting any meeting near their workplaces. Their job security needed to be given top priority

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There was the other side too. Domestic workers were seeing themselves in such a large gathering for the first time. Their expectations soared. They felt whatever they were demanding would be granted immediately.

The fight, however, was a long one and after the initial success, the women started becoming skeptical about the union. They began to lose confidence. They wanted to know why the law was not being enacted. In the initial stage, 400 to 500 women used to attend the meetings. However this figure dropped to 100 to 150 as time passed. Without sufficient numbers, the union would collapse and would not be able to forge ahead. Discussions were therefore, held about issues related to their daily routine life. Many issues were thrown up: their housing, the use of banks, self-help groups, health, their children's education, the problem of being accused of theft in the work-place and so on. Most of the women did not have ration cards because they lived in rented houses; those who did have ration cards did not get the allotted ration from the ration shops. The union approached the government. After a struggle, supply of rations to the shop became better and ration cards were issued even to those people, who were residing in rented houses. This experience was very enriching. After the initial resistance, the ration shopkeepers and the rationing officers started respecting the union leaders. The shopkeepers asked that they be provided with the lists of the union members, in order to ensure them a regular supply of food grains and kerosene. The union considered this offer and collectively took a decision NOT to accept this offer but to keep on fighting for everyone's right for ration in the locality, whether they are members of the union or not.

The domestic workers were, initially, not health conscious. Discussions were held on the value of health. Free medical health camps and dispensaries were organised, in which all could avail of medication and treatment. In the cancer detection camp arranged by the union, four to five cases of cancer were detected early. Free medical treatment was provided to these women at the Tata Memorial Hospital in Mumbai. They are getting proper

medication and routine check-ups these days.

The biggest victory of the union was on 27 December 2008 when, in the Maharashtra Legislative Assembly (Vidhan Sabha), a Bill was passed for domestic workers. In reality, there is nothing special for workers in this Bill but it has boosted the morale and motivation of the union members. It has strengthened the belief that if they continue to fight, they will definitely secure their rights. The state government is now in the process of forming district-wise Welfare Boards as per the Act and the union is trying to ensure that union representatives are on those Boards.

Today, these women are not ashamed of their jobs. They have realised the dignity of labour. They say that though they are not armed with weapons, they have two powerful hands to work with honesty. In the past four years, they have participated in rallies in Delhi, Nagpur, Kolhapur and Nasik, and are now full of confidence and energy. The organisation is successfully working and running in 22 districts of Maharashtra under the banner of AITUC. Unions are being registered district-wise and a state federation, comprising the district unions has been formed. The participation and support of domestic workers has encouraged the union, and the union has been driven by the expectations of their members. Today, the members of our union say that since the day they have been registered as members of this union, they are no more afraid to oppose oppression and suppression. They are no more tolerant of injustices. They are tasting the nectar of respect and honour in society.

Obviously, a lot needs to be done. The workers have taken the first faltering steps by getting organised. To inculcate a class outlook is a long drawn process. A precarious economic condition, coupled with illiteracy, male-dominated social customs and so on make this process that much more difficult. Some of them have been candidates for the municipal elections but without success as of now. And the march continues enthusiastically.

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FROM THE FIELD

Rajasthan Mahila Kamgar Union: The Journey So Far

Mewa Bharti



Describing the development of the Rajasthan Mahila Kamgar Union in Jaipur, from being an informal discussion group to building greater organisational strength and commitment through concrete achievements on the issues of working conditions, **Mewa Bharti** enumerates the obstacles to unionisation and the possible ways of overcoming these, especially how the challenges related to the acceptance of migrant domestic workers among local workers are addressed.

As in many cities of India, Jaipur (Rajasthan) has an increasing number of domestic workers—both live-in, full-time and live-out, part-time workers. There are no studies on the live-in workers in the region. A study (undertaken by the author as part of a fellowship provided by JAGORI. For details, see Mehrotra, Surabhi T, 2008, *Rights and Dignity: Women Domestic Workers in Jaipur*, New Delhi: JAGORI) shows that the part-time domestic workers in Jaipur are from different parts of Rajasthan, West Bengal, Bihar and Uttar Pradesh. Some of them had worked as construction workers whereas others switched to domestic work for a short time when they were unable to find any construction work.

The author's association with domestic workers began with her work with construction workers earlier this decade, which involved addressing cases of wages being withheld, compensation for injuries or death and sexual harassment. This period also saw constant interaction with domestic workers because they lived in the same localities. Some of them approached the author for assistance when they faced problems related to wages. This resulted in frequent interactions with domestic workers and an understanding of the problems related to working and living conditions.

During the course of the study, small groups of domestic workers came forth with their issues and

gradually began to meet regularly, especially in the slums of Sanjay Nagar, Sushilpura and Fauji Nagar. When efforts to reach out to more domestic workers were made, many did not see the purpose of such meetings. Others refused to accept that they worked as domestic workers. However, once the group resolved a few cases of wages being withheld by the employers, more women started attending these meetings. The meetings varied from small groups of four or five to groups of thirty or forty women. The findings of the study were discussed with the workers during the meetings or there were discussions on wages or how many of them were not allowed to use toilets at their employers' homes. Dignity of work, and the need to have domestic work recognised as dignified work and to see themselves as workers with rights were some of the issues brought up at these meetings. The successful rescue of a child domestic worker further brought the group together. In course of time, domestic workers began sharing their personal experiences of domestic violence, which were then handled by the local group.

The idea of starting a formal group in the form of a union was initiated. Some women were skeptical saying that their husbands and employers would react sharply and they might even lose their jobs. Several discussions about the strength of a collective and the successful resolution of some of the cases gave these workers, about 200 in number, the confidence to support the

When efforts to reach out to more domestic workers were made, many did not see the purpose of such meetings. Others refused to accept that they worked as domestic workers

formation of the union. A few workers participated in the discussions on office bearers. It was decided that the union should be called Mahila Kamgar Union (Women Workers' Union) and not Domestic Workers Union, to include workers who move between domestic and construction work. The Rajasthan Mahila Kaamgaar Union was registered in June 2008.

The union is a member-based one, with an annual registration of Rs 10. Initially, the office bearers would have to go to the homes of domestic workers to register them; in course of time, they started coming to the drop-in centre, which also serves as the office of the union, located adjacent to the slum where most workers reside. In about 18 months, the strength of the union rose to 630.

Cases of accusations of theft, domestic violence and sexual harassment in public spaces (often faced by daughters of domestic workers) led to many visits to the local police stations. The successful resolution of these cases not only gave the workers the confidence to seek the help of the police but also to challenge their employers, especially when accused of theft. The discussions in the union meetings instilled confidence in the workers to demand more wages and paid leave. Some workers now take four days paid leave in a month. Some are beginning to demand increments. Discussions in the group regarding these issues encourage others to follow. Besides advice on issues related directly to their work, the union has become a platform for women to get more information about the welfare policies of the state government such as old age pension. The union assists them in applying for such schemes. Both domestic workers and other community women participate in events such as Women's Day Celebrations or Domestic Workers' Day. Further, regular capacity building sessions, held by JAGORI, a Delhi-based women's resource centre, also provide the women an opportunity to discuss a range of issues such as gender, health, domestic violence and violence at the workplace.

Interestingly, the local domestic workers were critical of the migrants, especially those working in a large number of houses, for taking away the work of the locals. This prevented the recent migrants from attending the meetings and sharing their problems. The problems of the newer migrants were discussed regularly with the local women. At the same time, continuous interactions gave these migrants the confidence to attend the meetings. These differences surface regularly at the meetings and are handled by the union leaders.

The activists in Rajasthan, especially Jaipur, discussed minimum wages for domestic workers with the state government. Representatives of domestic workers participated in these discussions and presented their working conditions and demands. The government notified the wages of domestic workers as Rs 83 per day. Negotiations for higher wages are on, with the union demanding minimum wages of Rs 120 per day.

A separate legislation will give domestic workers their rights and dignity as workers. Part-time workers have multiple employers, with no standard structure for wages and leave. The separate legislation will ensure that the same standards are applicable to all workers even if they migrate to different parts of the state or, in some cases, the country. The ILO Convention on domestic work will further pressurise the Indian government to have a national legislation on domestic work, leading to recognition of domestic work and to workers getting their due rights. The discussions on the rights of domestic workers will necessarily involve the participation of employers. The focus, in the future, will be to work with employers, making them aware that their domestic helpers are actually workers with rights while advocating for higher minimum wages with the state government. The union is in the process of moving to other areas where domestic workers live in large numbers and hopes to reach out to a larger group on the issue of rights and dignity.

The author would like to thank JAGORI, a Delhi-based women's resource centre and Chaitali Haldar for support, and Surabhi T. Mehrotra for her comments on the paper and for translating it into English.

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FROM THE FIELD

CITU: District Level Unions for Domestic Workers in Maharashtra

Subha Shamim



Detailing the efforts of CITU to generate a comprehensive, detailed and systematic picture of the domestic workers in Mumbai, as an integral aspect of developing effective trade union organisations for domestic workers, **Shubha Shamim** highlights various social and economic details of the workforce as well as the plan to establish training centres and future plans.

Rural Maharashtra has been suffering from a severe agricultural crisis since the early 1990s. It has also seen a prolonged crisis in industry, with widespread closure of small and medium factories, especially in small industrial towns, which employed many people from adjoining villages. This has resulted in an exodus of the rural population to metropolitan cities. This newly shifted population is illiterate or semi-literate and is unable to get decent employment. They enter the unorganised, or informal, sector, which pays them poorly and does not offer them any job security. In such a situation, the so-called 'head of the family' often collapses, and looks to various vices as a means to escape from the burden of running the house. This throws the women of this deprived class into the job market, where they are looked down upon because they occupy a very low position as far as education and skills are concerned. The only skill that they have and which can get them a job immediately without formal training is domestic work, which they have been traditionally doing as home-makers.

At the same time, the middle class in urban areas has also expanded. Neo-liberal economic policies have created a class that has high income levels and high levels of lifestyle consumption. A common feature of this lifestyle today is the large,

professionally decorated apartment, which must be kept perfectly and reflects the status of the occupant. The 'party culture', widespread today, has added to the burden of hospitality, which has always been the woman's responsibility. The challenge of maintaining this changed lifestyle has compelled middle-class women into the job market. Increased levels of education among women of urban areas too have contributed to their seeking employment, which may be remunerative but also makes a great demand on their time. Moreover, joint families have given way to the nuclear families. All these factors have contributed to the need for domestic assistance.

There has been, therefore, a phenomenal increase in the number of women seeking employment as domestic workers in Maharashtra. The number of domestic workers has been estimated at more than 1.5 million. Such a large number may create competition but also has the possibility of co-operation. Because most of the domestic workers are first- or second-generation migrants, they still have their roots in rural areas, and many of them have to visit their village periodically. During such visits, they need to arrange for replacements. There is also a tendency for employers to employ more than one worker to do different chores. So, workers

They enter the unorganised, or informal, sector, which pays them poorly and does not offer them any job security

staying or working in the same area are interacting with each other constantly. This interaction creates opportunities for workers to discuss their work, their dissatisfaction with the poor working conditions, the exploitation and the lack of social security, and has led to some of them organising themselves.

Organisations of Domestic Workers in Maharashtra

There have been a few attempts by independent organisations in the last two decades to organise domestic workers in Maharashtra, especially in Mumbai, Pune and Nagpur. However, they did not have sufficient strength to influence the government because they were limited to specific geographical areas within the city in which they operated, did not have a state-level network and did not draft a specific agenda aimed to influence the policies of the government.

The Centre of Indian Trade Unions (CITU) decided to work among domestic workers at the state level in 2002 although it was already doing so informally in many districts. Its sister organisation, the All India Democratic Women's Association (AIDW), has been working among these workers since the 1980s. In 2002, CITU and AIDW decided to formalise their activities among domestic workers and started registering their unions under the Trade Union Act in district after district. Unions in Pune were a pioneer in this, and the Pune Zilla Ghar Kamgar Sanghatana

(PZGKS) was registered in 2004, followed by registration of unions in Nasik, Solapur, Aurangabad, Nanded, Jalna, Mumbai-Navi Mumbai, Wardha, Ahmednagar, Nagpur, Chandrapur, Amaravati and Kolhapur. Parbhani, Satara, Sangali, Dhule, Beed, Jalgaon and Gondia are well on their way to registering their unions. The total membership was expected to reach 50,000 by end-2007; however, it reached only 35,000 due to the strong resistance faced in the struggle for social security and legislation regulating work below the poverty line and the provision of ration cards.

All the organisations, including registered unions and unions in the process of registering, announced the formation of a state-level body in their first state-level convention held in Pune on 27 August 2005, attended by more than 5,000 domestic workers. At the first conference, attended by the representatives of all the registered unions of domestic workers in the state in Nasik on 5 August 2006, a State Co-ordination Committee was formed. The Committee meets regularly to discuss and identify the problems that need to be addressed, the demands to be placed and the plans of action.

Socio-economic Survey of Domestic Workers

More than 35,000 domestic workers, among them 20,000 from Pune, have been registered in the state. On becoming members, all CITU-affiliated unions fill up a detailed survey form. Currently, the

Table 1: Age and Education

Distribution According to Age		
Age (years)	Number of Workers	Percentage
Below 14	11	0.11
15-30	2,752	28.32
31-45	4,691	48.28
46-60	1,792	18.51
61-70	401	4.13
Above 70	63	0.65
Total	9,716	100.00

Distribution According to Education		
Education	Number of Workers	Percentage
Illiterate	5,594	57.58
Neo-literate	781	8.01
Primary	1,239	12.75
Secondary	2,046	21.06
10-12 Pass	44	0.45
Graduates	5	0.05
Total		100.00

Most of these women domestic workers are the sole bread-earners of their families, and cannot afford to lose work

In Defense of the Rights of Domestic Workers

analyses of 9,716 forms are complete, with further analysis to be undertaken in the near future.

The points on which details have been collected are age, education, religion, caste, marital status, physical and health problems, operations if any, savings in banks or self help groups, insurance, debts taken through private or public sources,

ration-cards; information about the family members, that is, the number of children, education, occupation, income, and information about their work, that is, the names and addresses of all the employers, hours spent in each household, chores done, number of rooms, persons and wages paid, etc.

Table 2: Monthly Income and Hourly Wages

Distribution According to Monthly Income of Domestic Workers		
Monthly Income (Rs)	Number of Workers	Percentage
0-1,000	7,026	72.31
1,001-2,000	1,820	18.73
2,001-3,000	364	3.75
3,001-4,000	75	0.77
4,001-5,000	20	0.21
Total	9,716	100.00

Distribution According to Hourly Wages Given by the Employers (Households)		
Wages per Hour (Rs)	Number of Households	Percentage
Less than Rs. 3.50	3,014	15.06
3.50-6.50	5,800	28.99
6.50-9.50	6,274	31.36
9.50-12.50	2,903	14.51
More than 12.50	2,011	10.05
Total	20,002	100.00

The sub-total of illiterate, neo-literate and women with primary-level education (that is, barely literate) is 78.34 per cent, whereas the percentage of women earning up to Rs 1,000 is 72.31, and between Rs 1,001 to 2,000 is 18.73. This shows that lack of education is very likely a factor, besides other important factors, which strongly contribute to a low level of income. Domestic work has never been considered a productive and gainful economic activity and it has always remained an unpaid, invisible and thankless work, done exclusively by

housewives. The low status of the work itself is the main factor responsible for the low wages of domestic workers. The other factors are lack of coverage by labour laws such as the Minimum Wages Act and the lack of organisations that can fight for their rights and have some influence on the policies of the government. Table-2 also shows that only 1 per cent of the domestic workers earn more than Rs 3,000. But the fact that they can earn up to Rs 5,000 suggests that if their level of education or skills are enhanced, they can enter the section of domestic

Table 3: Marital Status and the Percentage of Contribution of Domestic Workers in Gross Family Income

Marital Status		
Marital Status	Number of Workers	Percentage
Unmarried	178	1.83
Widowed	2,552	26.27
Deserted	643	6.62
Divorced	91	0.94
Married	6252	64.33
Total	9,716	100.00

Percentage of Contribution to Gross Family Income		
Contribution of the Domestic Workers	Number of Workers	Percentage
100%	3,123	37.34
75%	905	10.82
50%	2,743	32.82
Sub-total of 50-100 %	6,761	80.98
25%	1,591	19.02
Total	8,352	100.00

In Defense of the Rights of Domestic Workers

workers, who have a reasonable income.

The need to earn more becomes even more significant, considering the fact that there is a high percentage of women, who are either the sole bread-earners or contribute more than 50 per cent to the gross family income, whether married or unmarried. Table 3 show the volume of domestic workers, who contribute significantly to their family income. Eighty-one per cent of domestic

workers make more than 50 per cent contribution to the gross family income.

Analysis of Social Classification of Domestic Workers

The fact that most domestic workers come from the lower social strata can be seen from Table 4. These belong to the deprived section of society comprising dalits, tribals, other backward castes (OBCs) and

Table 4: Social Classification of Domestic Workers

Social Classification of Domestic Workers		
Social Strata	Number of Workers	Percentage
Scheduled Caste (Dalits)	2,514	25.87
Scheduled Tribes (Adivasis)	112	1.15
Other Backward Castes	2,766	28.47
Minorities	983	10.12
Others (Savarnas)	3,333	34.30
Total	9,716	100.00

minorities. The percentage of tribals will be more in the predominantly tribal district.

The Need for Skill Enhancement Programmes

Families of the new middle class predominantly earn a double salary, and make use of modern amenities and gadgets in their luxurious apartments. They have everything that money can buy but do not have time or inclination to run their homes or expensive gadgets. The standard of domestic service they expect is very high. They are also ready to pay higher wages if they get what they expect. Such highly professional service, obviously, cannot be given without proper training. The role of the organisations working among domestic workers will have to be modified in this light. These organisations must continue with their important struggle against exploitation and their demand for having domestic

workers covered by labour laws and social security. They must also cater to the needs of the domestic workers to gain the skills they need to perform their daily routine.

The Future

The PZGKS has registered more than 26,000 domestic workers in Pune and has recorded all the details about them and given them photo-identity cards. It has categorised them, according to their education and are making preparations for setting up a training centre. It has identified cadres that can take exclusive responsibility for the training. A detailed project will be planned and implemented within six months. Short-term, part-time certificate courses will be started in different areas that have a concentrated population of domestic workers. Hopefully, significant progress in securing the rights of domestic workers will be made.

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FROM THE FIELD

Bringing Change to the Employer-Employee Relationship in Domestic Work: Astitva

Preeti Kirbat



Sharing the experiences of Astitva in Dehradun in facilitating placement and its efforts to form 'friendly employer groups', **Preeti Kirbat** touches upon the challenges faced in the formation of these groups, how these challenges were overcome, and how working with these groups helps to ensure decent treatment of domestic workers.

Astitva is a community based, working women's organisation in Dehradun that strives to empower and enable women workers from poor socio-economic areas to access better-paid work and, thereby, have increased control over their lives. Low incomes and poor economic control result in reduced decision-making powers for women regarding health, education and money management. It also makes women and children more vulnerable to abuse and violence.

Dehradun has suddenly expanded in the last decade from a small sleepy town into a bustling city. The city has a population of about 12 lakhs and is attracting an increasing number of migrants from surrounding areas and from other states such as Uttar Pradesh and Bihar, and neighbouring Nepal. The majority of these migrant workers come to live in the city's slums and join the construction and domestic workforce. Typically, domestic workers work seven days a week without any scheduled days off, and are paid very low wages for hard manual work.

Astitva works mainly with domestic workers and their children in southwest Dehradun in two villages and three urban slum clusters. The majority of women in the Astitva community are migrants; they work as domestic workers whereas their

husbands work as construction workers. In Dehradun, the average monthly wage for full-time domestic work is around Rs 2,000 and around Rs 350 per task per month.

Astitva understands that class and gender issues are central to determining the situation of domestic workers. However, these workers are survivors and not victims; they ensure that family needs are met through hard work, and are, thus, central to our philosophy of creating a symbiotic relationship among women from varied socio-economic backgrounds. Astitva has a holistic approach; it believes in protecting and promoting women's rights because workers by themselves cannot bring about the overall and sustained empowerment of women.

Women bear the main burden of household responsibilities, including cleaning, cooking and child care. Most of them face restrictions, harassment and regular violence at home and have lack of support from their husbands and parents. Therefore, Astitva aims to empower women so that they are able to lead their lives with dignity, both at home and the work place. Women are encouraged to challenge restrictive and oppressive attitudes and practices present in the wider context of class, gender and social structure.

Low incomes and poor economic control result in reduced decision-making powers for women regarding health, education and money management

Concretely, Astitva works a) to ensure that women receive proper wages under reasonable work conditions, b) to increase their economic opportunities by entering competitive work areas and drawing higher salaries, c) to facilitate their access to support services such as crèches, clinics and legal aid, d) to inculcate professional work attitudes among all women workers, e) to provide women and young girls with information about their social and economic rights thereby ensuring gender equality in homes and communities, f) to provide women with information about how to use their money and resources in an effective manner, and g) to be a space for women and girls to come and build friendships, discuss difficulties and aspirations, and enjoy and relax. Astitva has undertaken this work through awareness building and rights advocacy, organising women workers in the community, leadership building, job placement, and establishing an employers' support group.

Astitva has had great success in organising job placements and the formation of a friendly employers' group. Domestic workers come to Astitva every day, seeking help in finding jobs. They describe the sort of job they would like, the suitable timings, their experience, salary expectations, etc. A few of them are keen to try other work such as working as helpers in schools, tailoring or cooking. Astitva tries to help them find work for them accordingly. Similarly, employers contact Astitva to recruit domestic workers. Astitva tallies the requirements of both the employers and the domestic workers and fixes appointments for meetings at the office. During the meeting, employers are informed about Astitva's role in promoting basic wages and the rights of domestic workers and, at the same time, in helping build a supportive and sensitive relationship between employer and employee. The employer is asked to sign an employer's form that states that Astitva works to increase the earnings of low-income women and that as employers they agree to pay

their domestic workers as agreed at Astitva, treat them with respect and dignity, give them one day in a week off, etc. Employers are told that a minimum of Rs 2,500 per month be paid for full-time workers (8 hours) and Rs 400 be paid per task such as sweeping-mopping and dish washing. If the number of family members or rooms in the house is more, higher wages are fixed. Astitva also suggests payment of Rs 25 per hour for overtime work. Astitva charges the employers a placement fee of Rs 100.

Initially, however, things were not so smooth. Employers would approach Astitva as a service provider only, demanding that new domestic workers be sent as and when they wanted, and at the timings and rates they decided. Some also treated the staff and domestic workers, who went to meet them for domestic worker placement, in a demeaning way. Thus, the meetings were shifted to the Astitva office, thereby establishing a more equal ground for discussions and negotiations. There has also been collective resistance from employers, who thought that some of the domestic workers were 'becoming difficult' and that Astitva was 'spoiling' them. These resulted in Astitva reassessing its approach and clarifying to both employers and domestic workers that it is an organisation that supports domestic workers and other low-income women workers from the unorganised sector, and not simply a placement service.

Despite attempts to create an open communicative and supportive relationship, both the workers and employers often came back with complaints. The domestic workers are unhappy because employers are not paying enough, are making them do more work than was agreed upon, are not speaking nicely to them, are not offering them tea, etc. The employers are usually unhappy because the domestic workers are not regular, come late and do not inform their employers in advance about taking leave. As a norm, Astitva encourages domestic workers to have a professional approach by being

Typically, domestic workers work seven days a week without any scheduled days off, and are paid very low wages for hard manual work

punctual, asking about what work needs to be done, their wages, the days off, etc., charging for extra work done or overtime, and feeling good about their work. When they have complaints, they are encouraged to tell their employers directly the cause for their unhappiness rather than simply stop going to work. In case they are unable to communicate to the employers for some reason, the staff of Astitva speaks to the employer.

Astitva, in mid-2009, began an effort to set up a formal employers' group to reach out to employers of domestic workers. Many employers do not consider that the domestic workers have rights. They are not aware they have a responsibility of paying reasonable wages and treating their domestic workers with dignity. However, over the last year (2009), some of these employer women from the surrounding localities have become supporters of Astitva's work.

In recent months, members of the employers' support group have helped Astitva deal with cases of angry employers and worker-employer conflicts. One or two members of the employers' support group usually go to the concerned employer's house to discuss the problem and to explain to them the situation of the domestic worker and why Astitva is supporting the worker. Many employers assume that all high-income employers should and will support each other and all domestic workers will support each other. In one example, an employer was paying a young woman with a small child Rs 500 for full-time work. The domestic worker's husband had deserted her. Because her employer helped her by giving her meals and old clothes, the domestic worker initially felt very grateful for the support; later, she realised that she could not

manage with the money she earned from the full-time work. Astitva counselled the domestic worker and found two part-time jobs for her to do along with the present work. However, when the domestic worker communicated her wish to either be paid for full-time work or be able to work in more houses, the employer refused. The employer got very angry and came to Astitva and shouted at the staff. Some members of the employers' support group members went with the domestic worker to the employer's house that same afternoon and explained to the employer that she either should employ the worker for specific tasks or employ her full time and pay her accordingly. The employer decided to employ the domestic worker on a part-time basis.

Thus, the understanding that domestic workers are 'workers' with 'rights of workers' and that minimum wages, fixed timings and tasks, days off, etc., are the basic rights of domestic workers is coming about. Astitva helps create an awareness that the issue is a larger one of workers and employers as a community rather than that of one employer and one domestic worker in conflict.

ILO Convention for Domestic Workers

The proposed ILO Convention is a very important step towards recognising the rights of Domestic Workers around the world. It will set the basic guidelines for classifying and defining domestic work, making domestic work contractual and deciding remuneration.

However, a strong national legislation is needed to encompass other issues such as paid leave, contracts and social security so that there is a standard legislation at the national level, which benefits domestic workers.

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FROM THE FIELD

A Forum for Domestic Workers

Sr. Ranjita



Describing the work of the Delhi Domestic Workers' Forum and its strategy of organising, including its efforts to work with other like-minded organisations and build an umbrella group, Sr. Ranjita discusses the difficulties of reaching out to domestic workers because access to them is prevented by the placement agencies through which they find employment.

Purpose and History of the Delhi Domestic Workers' Forum

With an aim to prevent the exploitation of domestic workers and trafficking of women and children, the Archdiocese of Delhi promoted the formation of the Delhi Domestic Workers' Forum, which was registered as a Charitable Trust in 2004. The Forum had been working since 2002 with a small group of people headed by Sr. Pratiti, who was appointed as Coordinator of the Forum in 2004.

The work of organising domestic workers began with their meeting regularly in large numbers on Sundays for prayers in different churches. The members of the Forum started talking to them personally and in groups. We also held classes on different issues and organised programmes to share a sense of working towards goals in life. We offered shelter in our centres to those workers, who were having problems in their workplaces. Gradually, the numbers increased. There were already two centres working independently with the domestic workers in Delhi. We started working with these groups of likeminded people, NGOs and centres, and planned to bring all of them under one umbrella group.

Difficulties and Achievements

A large number of girls are placed as domestic workers through illegal placement agencies in and outside of Delhi, and are forcefully made to pay high commissions to these agencies. Domestic workers are not allowed to come out from their employers' houses until their contract is completed. The workers are not given time off or allowed to meet their neighbours. No one is allowed to visit the girls without the permission of the placement agencies. Therefore, it is very difficult to organise those girls, who have been employed through placement agencies. Many of the girls are not aware of their rights and about the dignity of work as domestic workers; therefore, they also often resist cooperation with us.

There has been a change in the mindset of people, of late, to the extent that these girls are actually called 'domestic workers'. Ten years ago they were called 'ayahs', 'maids', 'naukranis' and so on.

In 2010, Delhi chief minister Sheila Dikshit included domestic workers under the category of unskilled labourers, saying, "Now the wages for unskilled labourers will be Rs 203 per day from Rs 163. Domestic maids and peons come under this category."

The ILO Convention and National Legislation

There are around 90–100 million domestic workers in India (See World Bank Report 2004) providing household services to middle- and upper-income families. Domestic work is the largest sector of female employment in urban India with approximately 3.05 million women employed. It is a fast growing sector having increased by 222 per cent since 1999–2000. In Delhi alone, there are thousands of domestic workers employed in families. These numbers are rising rapidly given the nature of change in society. Most of the domestic workers are women and

children. Because of the nature of conditions of their work and the lack of necessary protective legislation, both at the state and the national levels, domestic workers are among the most exploited workers in the country. There is urgent need for national legislation and also state legislation to regulate domestic work. The passing of an ILO Convention on domestic work will be an important impetus towards this effort, and will present a model of 'decent work' in domestic work, in which 'opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity' will be the central goal.

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NEXT ISSUE

Labour Rights Violations

- Labour rights are Constitutionally and legally guaranteed human rights at the workplace. However, the powerful middle class, the Indian opinion makers, are unconcerned when employers and the state violate labour rights with impunity.

Labour File captures some of the contemporary, untold or suppressed stories in many sectors, including the Automobile, Garment, Diamond, Financial Services, Health Services, Rural and Traditional Sectors

FROM THE FIELD

National Domestic Workers' Union: Providing Relief to Victims of Oppression



Rajendra Ravi

Sunita

Recognising that the heterogeneity of informal work makes organising informal workers as a whole ineffective, **Rajendra Ravi** and **Sunita** recommend that the focus be on specific occupations. They detail the effectiveness of workers having a sense of collective identity, which increases their confidence and bargaining power with their employers, and the importance of being able to present organised resistance to employers, and weather reprisals and attacks.

Purpose and History of the Union

National Domestic Workers' Union (NDWU) has been mobilising unorganised workers around the issues of housing, employment and public transportation for the last few decades. We strongly believe that no individual or group can mobilise all the workers of the unorganised sector around a single issue or question.

Unorganised workers account for approximately 93 per cent of the total workforce in India, and the number is on the rise. Among these workers, the diversity and nature of their occupations means that the problems and challenges faced by any one group of workers are generally exclusive to them. Both the sheer size of this workforce and its heterogeneity, therefore, make it impossible—or rather, illogical—for a single organisation or union to mobilise them as a whole. It was with this understanding that we took up the cause of organising the domestic workers under the aegis of a union.

The recent rise of domestic workers as a distinct workforce is closely intertwined with the processes of globalisation, liberalisation and privatisation, which have deprived a large mass of people of their access to natural resources such as forests, land and the water. These efforts to empower capitalists to mine the ore and minerals from the land on which tribals live have led to the pauperisation of the tribal people. The tale of displacement is one of

ruthless takeover of lands by corporate houses for mining and setting up special economic zones, reducing peasants to penury and destitution. The process has also been abetted by the increasing mechanisation of agricultural operations with the introduction of tractors, threshers and harvesters, which has resulted in a decrease in job opportunities for landless labourers. Currently, rural India is witnessing a serious crisis of livelihood for such deprived people, who for want of sustainable means of employment at home are forced to leave their homes and hearths and make a beeline for the big cities. Metros such as Mumbai, Kolkata, Chennai and Delhi and smaller cities such as Patna, Nagpur and Indore are some of their destinations. Sometimes, the search may take them as far off as the Gulf countries.

The other factor that contributes to the growth of the phenomenon of domestic workers is the fact that the middle class, the upper middle class and the elite living in cities find it hard to manage their domestic chores due to the increasing pressures of their own jobs. When they return home from their high pressure jobs, they can hardly spare time for their parents or children or household work. Sometimes, it is not so much a paucity of time that deters them from doing household jobs, but a simple matter of arrogance: washing linen, cleaning utensils, dusting and sweeping floors are considered undignified things to do. There seems to be an inverse relationship between

Currently, rural India is witnessing a serious crisis of livelihood for such deprived people, who, are forced to hearths and make a beeline for the big cities

the salary one earns and the indifference with which they treat domestic chores: the heftier the salary, the more indifferent towards housekeeping. When both the husband and the wife are working, they find it especially difficult to do without domestic help.

Demographically, the majority of domestic workers in Delhi are drawn from tribal dominant areas such as Jharkhand, Bundelkhand in Uttar Pradesh, Chhattisgarh, and Bhilwara in Rajasthan. Nepal also figures as a sizable supplier of domestic workers in India. Placement agencies have significant networks in these areas and through them make available domestic workers to the potential employers. Placement agencies are not, however, the sole supplier of domestic workers. There are informal networks, and a majority of domestic workers find their employers through their relatives.

The category of domestic workers includes such persons who offer their services to employers at their residence. The sector also includes 'housekeeping' workers, who are employed as cleaners at hospitals and institutions. A small number of domestic workers eke out an income by working part-time at two or more places. Often, such workers have a fixed work schedule and receive a certain amount of money for each job. However, the work profile of full-time domestic workers is seldom defined, making them prey to round-the-clock engagement. With work timings decided by the employer, they may be called by the employer at any time between 5 a.m. in the morning and 11-12 p.m. in the night. Such workers are expected to take care of chores such as sweeping and dusting along with the regular jobs such as washing the clothes and cleaning of utensils. That is to say, the full-time domestic worker must perform any work that an employer may demand. Thus, a domestic worker is asked to prepare breakfast, lunch and dinner along with other tasks such as getting provisions from the market and taking care of the employer's parents or children. The hapless worker gets neither a weekly off nor annual leave to visit his/her home. Usually, full-time workers are subject to subhuman treatment at the hands of their employers, reducing them to the status of slaves. The amount of time such workers spend at the employer's home and the amount of work they do makes most common equations for determining remuneration demeaning.

Adding to their woes is the fact that they are contractual labourers. Rather than getting their wages directly from the employers for whom they work, they are paid through the agency of contractors, who, more often than not, get away with as much as half of the wages meant for the workers. For instance, a contractor receiving Rs 5,000 for the 'housekeeper' will give only Rs 2,500 or Rs 3,000 to the worker and will pocket the rest. The institutions/homes, with the overt or covert consent of the contractors, will keep these workers at their premises for 12 hours a day, in violation of the fixed hours of duty.

A resisting worker is often dumped by the employer with false charges of his or her being involved in a case of theft. In such cases, workers are known to face physical punishment at the hands of the employer, making the workers at times lose their patience. Women domestic workers share such travails; however, being female, they are also vulnerable to other ordeals. While in some cases sexual harassment may become a routine trauma for a female worker, she is generally reduced to a captive, not being allowed to meet people outside her employer's home. There have been reports of women domestic workers who, after becoming pregnant, have committed suicide to escape the stigma.

Illiterate and child domestic workers are all the more vulnerable. With an apathetic police and a blatant lack of any law to protect their rights, domestic workers seldom get justice in times of need. The legal measures employed by the police in the name of 'police verification' often end up being a shield for the employer.

Placement agencies are in the business only to make fast money. It is a simple deal for them: they take commission from both the domestic workers and the employers. The workers' interests hardly figure in their scheme of things. In some cases, such placement agencies have been involved in sexual harassment of female workers yet they are never booked for these crimes. Unfortunately, the fact that domestic workers do not constitute a cohesive group lets their oppressors go scot-free. This also, in part, explains the lack of an organised resistance to the problem.

It is precisely in view of these fault lines that we decided to organise a national union of domestic workers. The

idea is to draw the attention to the cause and explore effective measures to provide relief to them.

Organising Domestic Workers and Its Difficulties

We realised that the best way to approach domestic workers is to contact them at their residence. This was how we got to learn about their experiences and causes of displacement, their everyday struggles to find a foothold in the city and the challenges faced in the new place of work. These relationships, built around individuals, gradually coalesced into a collective whole, which, in turn helped people to come together, cutting across barriers of regional biases and linguistic differences. Both men and women forged a common identity, leading to a vigorous campaign for membership. Members put us in contact with other workers, paving the way for the expansion of our union. However, it was not an easy time for us because the workers would not trust us; they also feared that they would lose their jobs if they joined the union. There also existed the age-old fissures of caste, religion, region and the languages, as well as gender inequality, preventing the workers from sharing a common platform. The local residents also posed a constant threat to our efforts because they saw unionising as a challenge to their continued supremacy over the local power relations.

Protecting the Rights of Domestic Workers: Achievements

The efforts at unionising domestic workers have yielded tangible results, leading to the consolidation of the workers into an organisation. The identity cards issued to the workers by the union have empowered the workers. They feel connected to a larger group with a

distinct collective identity, which gives the workers a legitimacy to settle disputes with their employers on respectable terms. The employers now find it increasingly hard to get away with their whims. Clearly, the potential employer fears an organised intervention in the event of a dispute with the worker. There is now a national alliance of domestic workers, which is a collective of various organisations and groups working among the domestic workers in different cities across India. An initiative has also been launched to influence national policy measures on domestic workers under the aegis of this organisation. A memorandum has been submitted regarding the problems of domestic workers and an alternative draft Bill to the central ministry of labour. The union supports the proposed ILO Convention on domestic work, based on social, economic, cultural and gender equality.

Impact on Domestic Workers

The activities taken up by the union have had a wide-ranging impact on domestic workers, irrespective of whether they have membership of the union or otherwise. They confide in the union on issues ranging from wages to family disputes. The membership card carries a promise of collective help, in case of any dispute or problem. For instance, recently some female workers approached us and shared their problems regarding the non-payment of their wages by the placement agencies. Acting on the complaints, the union took the matter to the police station and filed a report. Later, the placement agencies had the union office vandalised by their goondas; however, joint resistance by the members of the union created pressure on the police, compelling them to provide for the security for the union office. The success was clearly a result of the organised resistance of the workers.

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FROM THE FIELD

INTUC: Making Inroads into the Lives of Domestic Workers

Shantakumar



Underlining the need to organise domestic workers through processes of systematic planning and mapping and by convincing workers of the benefits of trade unions, **Shantakumar** describes the ongoing efforts at increasing union membership and creating a cadre of trained organisers to sustain these efforts. He also highlights the efforts of the INTUC in advocating for the application of social security laws to workers and its strong resolve to contribute to mobilisation around the protection of the rights of domestic workers.

The ground reality and the nature of the Indian economy is predominately informal; about 92.8 per cent of total employment is without any formal terms and conditions of employment or well-defined rights and obligations. These workers are generally not recognised as workers whose working conditions are regulated by labour laws. A vast majority of informal wage workers are casual, insecure about their employment and often exploited. They also lack adequate legal and social protection such as fixed wages, regulated working hours, provision of social security and a right to collective bargaining. As per the statistics available, there are about 422.6 million informal economy workers in India, of which 256.1 million are in agriculture sector and 166.5 million in non-agriculture sector. About 90.7 per cent of male workers and 95.0 per cent of female workers in the non-agriculture sector are employed in the informal sectors. Among informal women wage workers, about 47 per cent are casual wage workers, of which 20 per cent are employed as domestic workers in private households. The INTUC's main objective, in this context, is to work toward decent work, decent life and decent wages for all domestic workers by promoting equality and bringing them under the definition of workers.

The Importance of Trade Unions

In our understanding, it is unfortunate that work with

domestic workers is taken up mostly by NGOs. The INTUC thought it was important to develop a project to organise the unorganised domestic workers through a systematic process of planning and mapping, with the aim of enrolling them as members and in the process communicating the importance of a trade union.

Accordingly, a joint ILO-ACTRAV and INTUC Workers' Education Project titled 'Pilot Project on Decent Work for Domestic Workers: Organising, Skills Upgradation and Advocacy' has been developed for implementation in Bangalore city. The INTUC has also organised domestic workers there under a registered trade union, the Karnataka Domestic Workers' Congress.

Because it was difficult to meet domestic workers in the day, INTUC workers and organisers met them in groups during the evenings to inform them about their rights and the need for a trade union. They were told about the role of trade unions in taking up issues directly with different government departments to ensure that domestic workers' rights are enforced and improved, and to have them covered by the social security net. Subsequently 30 trainers, 27 of whom are women, were identified and a three-day ILO/INTUC training workshop was organised for them in November 2009.

A vast majority of informal wage workers are casual, insecure about their employment and often exploited

The participants were trained with the aim of making them effective organisers, capable of mobilising a maximum number of domestic workers to join the INTUC union. The training also included the drafting and collective critique of action plans to this effect. Trainees were advised to listen patiently to the grievances of domestic workers and to give them confidence in their situation by communicating what trade unions can do for them, and in the process enroll them as union members. The results have been good so far, with many domestic workers voluntarily joining INTUC unions.

A central issue of concern, taken up on a war footing by the national INTUC President, Dr. G. Sanjeeva Reddy, M.P., is the lack of access to social security by domestic workers. A common characteristic of the working situation of many domestic workers is the denial of protection needed to preserve the conditions of decent work. The workers are not effectively brought under the existing social safety net, and are ignorant of the schemes and benefits available to them. Though Karnataka has been a pioneer in extending the Minimum Wages Act to Domestic Workers in 2004, the rate fixed is insufficient for a living wage. The Government of India, headed by Prime Minister Dr. Manmohan Singh and UPA Chairperson Smt. Sonia Gandhi have released significant funds for people below the poverty line, to which domestic workers largely belong; it is in the process attempting to bring them under the social net. These benefits, however, have not reached these workers due to poor delivery systems and poor implementation in the respective states. For example, the central government's National Social Assistance Programme has been in force since 1995-96 and has three components (1) National Old Age Pension Scheme (NOAPS), (2) National Family Benefits Scheme (NFBS) and (3) Annapurna Scheme. Under the NOAPS, destitute persons above 65 years of age are given Rs 400 as assistance. Under the NFBS, Rs 10,000 is given to BPL families on the death of the bread winner and

under the Annapurna Scheme, 10 kg of good grain per month is given free of cost to all destitute persons above 65 years of age. Many domestic workers do not know about these schemes, available since 2004, and the concerned government departments are not serious in implementing these schemes.

ILO Convention and National Legislation

The Governing Body of the International Labour Organisation (ILO), at its March 2008 session, put the promotion of Decent Work for Domestic Workers on the Agenda of the 2010 International Labour Conference (ILC). The INTUC sees this as a historic step, following as it does on the resolution on domestic workers adopted unanimously by delegates to the ILC in 1948! What is needed now is to prepare to revisit this resolution in 2010.

The ILO should ensure that maximum support is mobilised for the proposal to draw up a Convention and an accompanying Recommendation. The adoption of instruments in the ILC is no easy task and worker delegates must be mobilised in order to obtain a two-thirds majority of the votes cast. We are confident that our INTUC National Vice President/President INTUC Karnataka and the ILO Governing Body member Sri. N.M. Adyanthaya and Dr. Reddy, will be able to make central contributions to this mission at the appropriate forums.

Responding to a call by Dr. Reddy for a national legislation for domestic workers in a paper presented in the 29th Plenary Session of the INTUC held in Cochin from 9-12 October 2009, the INTUC took a unanimous decision to urge the Government of India to form a social security net by merging PF, ESI and other social security benefits systems. Dr. Reddy has also urged that the Government of India consider INTUC's suggestion to increase its present spending towards social security services, which is currently hardly 2 per cent of the GDP as compared to other countries, which are spending net 10-20 per cent or even more. This will bring many millions of workers under the Social Security Net.

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FROM THE FIELD

Protecting and Promoting the Rights of Migrant Domestic Workers: The Migrant Forum in Asia Experience

William Gois



Discussing the difficulties in organising domestic workers and securing their rights, owing to the non-recognition of domestic workers as 'workers' in national law and thereby being prohibited from joining trade unions by law or as part of their contract, **William Gois** details the work of Migrant Forum in Asia (MFA) in establishing a legal and regulatory framework adequate to the demands of domestic workers for their rights as workers.

The Migrant Forum in Asia (MFA) is a regional network of migrant organisations, NGOs, trade unions, faith-based organisations, grass-roots organisations and individuals working to protect and promote the rights of migrant workers. Among the mandates of the network, as stated in its Terms of Reference is the recognition of the issues of women migrant workers in the discourse of the feminisation of migration. Migrant domestic workers (MDWs) comprise a significant population of women migrant workers.

Organising MDWs

Since its inception, the MFA network has strongly supported the call for legal protection of domestic workers and their recognition as workers. Among the network's programmes is the organising of MDWs for self representation and collective action. Through the latter, the MDWs gain recognition, allowing them to voice their issues as a collective body. This leads to an increase in their bargaining power as is the right of workers recognised in the International Labour Organisation (ILO) standards, under ILO Conventions Number 87 (Freedom of Association and Protection of Migrant Workers) and 98 (Right to Organise and Collective Bargaining).

Since domestic workers are not recognised under the

labour laws or as 'workers' in most countries in Asia, the task of organising them was a big challenge for the network. The obstacles include non recognition under labour law, not being allowed to join or form associations and unions, provision in the domestic contract specifically prohibiting them from joining trade unions and the lack of a day off. In Singapore and Malaysia, domestic workers are not allowed to form and join trade unions. MFA members have been lobbying with trade unions for several years now to include domestic workers as part of their agenda.

In some countries, however, MFA members were able to make considerable progress. In Hong Kong, after several years of advocacy for their rights, MDWs have been allowed to form and join trade unions. MFA members in Hong Kong include MDWs unions, which are affiliated with the Hong Kong Confederation of Trade Unions. (HKCTU).

Need for an International Framework for Protection of Rights

The issue of domestic workers in Asia is hardly new. Asia is home to about 60 million migrant workers (UN estimates), of which a vast majority are women. The general situation of MDWs in Asian countries is that a large number of them live and work in slave-like

Migrant domestic workers comprise a significant population of women migrant workers

Several MFA members are organisations of domestic workers as well. Among them are:

1. Indonesian Migrant Workers Union (IMWU), Hong Kong
2. Filipino Domestic Helpers General Union (FDHGU), Hong Kong
3. Coalition for Migrants Rights (CMR), Hong Kong
4. Serikat Buruh Migrant, Indonesia (SBMI)

Several MFA members also provide direct services to MDWs in both countries of origin and destination. These include:

- Action Network for Migrants, Sri Lanka
- Asian Migrant Center (AMC), Hong Kong
- Association for Community Development (ACD), Bangladesh
- Cambodian Women for Peace and Development (CWPD)
- Center for Migrant Advocacy (CMA), Philippines
- Coalition for Migrants Rights (CMR), Hong Kong
- Hope Workers Center (HWC), Taiwan
- Humanitarian Organisation for Migration Economics (HOME), Singapore
- Kanlungan Center Foundation, Philippines
- Legal Support for Women and Children, Cambodia
- Migrant Care, Indonesia
- Migrant Forum in India (MFI)
- POURAKHI, Nepal
- Tenaganita, Malaysia
- Transient Workers Count Too (TWC2), Singapore
- WARBE Development Foundation, Bangladesh
- Women and Media Collective, Sri Lanka
- Women's Rehabilitation Center (WOREC), Nepal

The services provided by the above organisations include the following:

- Assistance in cases of distress
- Temporary shelter
- Case processing and legal assistance
- Counselling
- Livelihood assistance and reintegration
- Capacity building programmes through training and organising
- Advocacy for legal protection and recognition
- Research and Documentation

The general situation of MDWs in Asian countries is that a large number of them live and work in slave-like conditions

conditions. Whereas MDWs generally suffer the same abuse as local domestic workers, they also face other kinds of exploitation owing to their status as migrants. They experience wage discrimination, contract substitution, abandonment, forced confinement, lack of job mobility, confiscation of identity documents, restriction on the freedom of movement, and physical abuse and humiliation. In most countries, MDWs are not covered by labour laws and are, thus, not awarded the right of regular workers.

Domestic workers form a significant part of the working population in many countries in Asia and their vulnerability to discrimination, dangerous and abusive working conditions, their rights as workers need to be addressed.

MFA believes that the special conditions of domestic workers require legislative frameworks that protect their rights, which must be based on the dignity of work and the rights to life and safety. An international instrument such as the envisioned ILO Convention on Domestic Work will go a long way in setting standards that can be translated into national legal frameworks.

Engaging the ILO Process: Convention on Domestic Workers

MFA's engagement with the ILO dates back to 2004 when the International Labour Conference (ILC) took up migration during its 92nd session. As part of its programme in engaging in international advocacy, MFA sent a delegation to the ILC with the objective of monitoring and ensuring that labour and human rights standards of migrant workers are not compromised during the ILC discussions. One of the objectives was to strengthen MFA's collaboration with trade unions and workers groups. The recommendations of the 92nd session of the ILC led to the creation of the ILO Multi-Lateral Framework on Migration.

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Since 2004, MFA has continued its engagement with the ILO through collaborative programmes and capacity building exercises. In 2005, ILO supported a number of MFA's capacity building programmes on Migrant Savings for Alternative Investment under the programme 'Mobilising Action for the Protection of Domestic Workers from Forced Labour and Trafficking'. MFA implemented training and capacity building programmes among MDWs and their families in the Philippines, Singapore and Indonesia. On 1 May 2008, the ILO-supported MFA and the Asian Domestic Workers Alliance in launching a campaign 'Domestic Work is Work' in Jakarta, Indonesia.

Given the significant developments at the ILO and the 2010 ILC, the MFA network has decided that a campaign for the 'Adoption of an ILO Convention in 2011' will be one of its major advocacy efforts. MFA believes that the special conditions of domestic workers require a legislative framework that addresses their needs if their rights are to be protected.

In preparation for the ILC in 2010 and 2011, MFA organised online and face-to-face consultations among its members, partners, trade unions and other significant stakeholders to discuss and deliberate on policy positions and come up with regional responses to the ILO Convention. Engagement with relevant international platforms was also utilised to raise the issue at the international level.

Future Directions

The struggle for the protection of the rights of MDWs will not end with an ILO Convention on Domestic Workers. Post ILC 2010, more work needs to be done in terms of calling on governments to support policies at the national level that will provide protection for the rights of MDWs. The MFA network has been working on this with its members at the national level.

INTERVIEW

National Policy on Domestic Workers Government's Priority - Labour Minister

Harish Rawat



In an exclusive interview with Ms. Sindhu Menon, Special Correspondent, *Labour File*, Minister of State for Labour and Employment, Mr. Harish Rawat discusses the government's views on the regulation of domestic work and the protection of domestic workers. Rawat emphasises that the number of domestic workers is large, and that the government's current priority is to frame and implement a comprehensive national policy.

What is the government's assessment on the number of domestic workers in India? Does it have any plan to garner more precise information, particularly in the 2011 Census?

There is no authentic data available on the number of domestic workers in India. We understand the need, and V.V. Giri National Labour Institute has been asked to find out, on the basis of various studies and observations, what the exact number is.

The NSSO data shows that there are 4.5 million domestic workers in India. According to the 2001 census, the number is above 67 lakhs. But my estimate, the most conservative number will be more than one-and-a-half crores. The so-called, white-collared middle class in India is around 3 crores, and a middle class family without a maid is a rare phenomenon. In such a situation, the estimate I mentioned earlier is the most conservative assumption; the number of domestic workers will be more than 1.5 crores.

Counting the number of domestic workers becomes all the more difficult because there is an issue of privacy involved in collecting details. Knocking on every private door might not be possible because every one prefers to maintain privacy. The Delhi Police had initiated a way of registering workers. Employers were asked to make photo identity cards of their domestic workers, with the help of the police. But the results have not been very positive.

In Defense of the Rights of Domestic Workers

The National Social Security Board (NSSB), which looks at unorganised workers for targeted welfare schemes under the Unorganized Workers Social Security Act, has been asked to work towards obtaining statistics on domestic workers. The Board, with the assistance of a sub-committee, will develop a methodology to count domestic workers. The Government of India is determined to take up the issue of domestic workers very seriously. One model the ministry has in mind is the Mathadi workers model. One will have to first study the reach and success of that model as well.

Domestic workers, particularly women, in the confines of homes, are among the most exploited in India. What are the factors preventing Government of India from enacting a law protecting the rights of this group of workers?

Accounting for live-in maids is the most difficult task. The household will have to continue to be a private space without any legislative intrusion. The first major difficulty is that there is no definition of domestic workers. The task force, constituted in January 2010 under the leadership of the director general, Labour Welfare, is in the process of finalising such a definition, and it will be announced soon. The formulation of the definition is a very difficult task. A boy working in a wayside *dhaba* falls under which category? What about cooks, watermen, ironing people, gardeners, drivers? There are innumerable such issues that have to be sorted out. The section of people to be included and those to be excluded have to be finalised first.

Domestic workers will have to be registered, and only then one can come up with schemes for their welfare. Having a law or enacting a law for protecting women domestic workers can be taken up when there is a proper definition of domestic workers and when they get registered.

The National Commission for Women has drafted a bill for protecting the rights of domestic workers.

Was the labour ministry consulted in the process? Do you think this bill could be taken up further and presented in the Parliament? What is its status?

When the National Commission for Women drafted the Domestic Workers (Registration, Social Security and Welfare) Act 2008, the Ministry of Labour was also consulted. This bill also seeks to establish a registration procedure for all domestic workers, including part-time and full-time workers.

The Government of India is in the process of formulating a National Policy for Domestic Workers. This will be a comprehensive policy, looking at various issues pertaining to domestic workers. We will be giving priority to this policy now.

If the Government of India proposes a new law, what would be the specific provisions?

Drafting a national policy is our foremost priority, and we will, of course, be coming up with new laws. But what specific provisions will be included is very difficult to comment now. It will all depend on the National Policy.

Do you think that domestic work can be regulated? If so, how? If not, why?

The government is serious about regulating domestic workers. But exactly how this is to be done is an issue of concern. We realise that different categories of workers need different approaches. The first step is to set out a definition. Then comes the process of identifying the agencies that can undertake such registration and identification of domestic workers. After this, comes the process of regulation. The Shops and Establishment Act is one such law that could be explored. But this Act, which is applicable to shops, if used for households, will surely be challenged. There are many other existing laws—The Minimum Wages Act 1948, Child Labour Prohibition and Regulation Act 1986,

In Defense of the Rights of Domestic Workers

Domestic Violence Act 2005 and so on. But the question is, under which of these laws should domestic workers be regulated? This should be studied.

Has the Ministry taken steps to provide social security to domestic workers? How?

As mentioned earlier, we are determined to formulate, at the earliest, a National Policy on this. The Task Force of the NSSB has come up with many good suggestions. It has recommended that

Rashtriya Swasthya Bima Yojana (RSBY) and the National Pension Scheme be extended to domestic workers. Under RSBY, which is a health insurance benefit, below the poverty line (BPL) workers are entitled up to Rs 30,000. The task force has also worked out that benefits for health and maternity, death and disability, and old-age, should follow this. RSBY is run on biometric cards, and its extension to domestic workers will give them a permanent identity; later, other benefits can be better targeted without leakage.

Skill Development Initiative Scheme

With the objectives of providing vocational training to school dropouts, existing workers, ITI graduates, etc., to improve their employability by optimally utilising the infrastructure available in the government, private institutions and the Industry and to build capacity in the area of development of competency standards, the Government of India has launched a *Skill Development Initiative Scheme*. The Scheme will provide an opportunity to the large, unskilled workforce of the country from the socially and economically disadvantaged sections, to secure jobs in both manufacturing and service sectors. Well over 200 modules for employable skills as per Industry and labour market demands have already been identified and the course curriculum has been developed.

Modular Employable Skills

Demand-driven, short-term training courses based on Modular Employable Skills (MES) have been evolved in consultation with Industry. MES is the 'minimum skills set' that fulfils optimal requirement for gainful employment. It has been envisaged in the Scheme that the central government will facilitate and promote training whereas the Industry, private sector and state governments will train the persons. Optimum utilisation of existing infrastructure will be ensured to make the training cost-effective. It has also been decided to have a flexible delivery mechanism (part-time, weekends, full-time, on-site/off-site) and different levels of programmes (foundation-level as well as skill upgradation) to suit the needs of various target groups. The services of existing or retired faculty or guest faculty will be utilised.

In line with the Unorganised Workers Social Security Act 2008, Government of India is even thinking of coming up with a new social security Act only for domestic workers. This will entitle them to PF, pension and other benefits.

Does the ministry acknowledge the rampant exploitation of domestic workers by recruiting agents? What steps is the government proposing, to regulate recruitment and punish violations?

Yes. We are aware of it. Placement agencies, which work as mediators in getting employment for the domestic workers, exploit the domestic workers to

the core. A large number of agencies engage in fraudulent practices. They mobilise uneducated tribal young girls and place them in such a situation in which wages are rarely paid to them in full.

Stringent action has to be taken against such placement agencies. As a first step, these agencies should be regulated. The Shops and Commercial Establishments Act 1953 should be used to regulate placement agencies. We are even thinking of asking the state governments to declare minimum wages for workers. A notification will be issued to take immediate action for ensuring minimum

wages for domestic workers.

We cannot evade the responsibility of regulating placement agencies. It is the duty of the government, and the implementation of this cannot be given to other agencies. We should formulate a code of conduct for them and penalise the violators.

A large number of Indians work as domestic workers outside the country in extremely precarious conditions; what steps has the government taken or is it intending to take in order to address their problems?

This is a critical area of concern. The Overseas Affairs ministry will be better placed to answer this. However, we believe that measures have to be ensured to protect these workers, who are basically ignorant and vulnerable. They should be given proper training about their rights as well as how to protect themselves from being cheated by placement agencies. Initiatives should be taken to upgrade their skills and provide them with pre-departure orientation. Besides these, proper attention should be given to see that the recruitment agencies are registered.

How does the government view the idea of 'professionalising' domestic work, especially in the context of the large pool of women and male workers available for work in rural and urban areas? Does the government have any programme along these lines?

We understand the need for professionalising domestic workers. Training should be given to domestic workers on the use of household electrical gadgets and appliances and the security precautions required in the household. Skill development will also be a part of the National Policy. We are also working towards having a modular employable skills scheme for domestic workers, which will be part of the NSSB.

Domestic child labour has been declared a hazardous employment. Nevertheless, child domestic labour prevails. What steps are being taken to address this issue?

The root cause of child labour is poverty and illiteracy. Through the convergence of various programmes, we are attacking the roots of child labour. We are hopeful that with the passing of the Right to Education Act, some positive changes will take place in children's education. Our expectation is that the incidents of child labour will be reduced soon. Besides, the Child Labour Prohibition and Regulation Act (CLPRA) 1986 is also well in place.

Recently, we developed a protocol for the rescue and rehabilitation of child labour in hazardous areas. The National Child Labour Project (NCLP), formulated in 1988, runs schools for working children. Under the Scheme, 4002 schools have been sanctioned in 100 NCLPs during the Ninth Plan, and this is expected to increase to 10,000 schools during the Tenth Plan. To date, we have been able to mainstream 6 lakh working children into the formal education system and currently 4 lakh children are studying in different schools under this project. The Scheme has been expanded to 150 districts more in the Tenth Plan, thereby covering a total of 250 districts in the country.

The CLPRA, NCLP, the Convergence Project—an international programme of ILO for the elimination of child labour, implemented in collaboration of Child Labour Division of the Ministry for Labour and Employment—and so on will soon result in eradicating child labour. We have also introduced the mid-day meal programme in schools.

At present, the focus is on the source areas (places where they come from) of child labour. Certain check points have been developed and the first initiative of giving training to employees of the

Indian Railways has begun. V.V. Giri National Labour Institute has given training to railway guards. They have been trained to identify children, who board trains, in search of employment. Identifying these children at the source station itself will be helpful to take measures to control them. We are planning to involve the *panchayats* and the NGOs, to act against child labour. There are certain communities that have never sent their children to school.

A holistic approach is required to address this deep-rooted problem.

The latest report on ILO Convention on Domestic Work shows that the Government of India has suggested a Recommendation and not a Convention? What are the specific reasons for taking such a position?

Our approach is very simple. We ratify a Convention when we see that there is a law in place. We feel that the situation is such that developing country governments are not yet able to provide all social security measures for its workers. We have to first put things in place nationally.

There is need to develop some guidelines on the working conditions of domestic workers. A Recommendation will help achieve flexibility in implementation and provide guidance for the regulation of domestic work.

You said earlier that the Government of India seriously considers the enactment of a law for domestic workers. Can we expect it before 2011, when ILC is expected to consider a proposed

Convention for domestic workers?

Industrial establishments come under various laws. There are also municipal laws and Shops and Establishment Act. Under which law can you come and knock on my private door? This is a practical issue.

It is actually tightrope walking. Without offending the privacy of the individual household, one will have to collect data and enforce the law. Many consider domestic workers as part of their family and an issue of mutual confidence. The employer-servant relationship should not be spoilt. By passing a law, if this confidence erodes, such a law will not function properly. At the same time, domestic workers should get protection. It is going to be a gigantic task. We have constituted the task force in January 2010. It will function properly. The only thing is that we need more time.

Is it likely that the government will change its position if there are chances that India is isolated in its stand on the inadvisability of a Convention, perhaps to avoid bringing disrepute to the country before the international community?

India will not be isolated. This might be the view of almost all developing countries.

While answering the ILO questionnaire, the Government of India has asked that the phrase 'child domestic worker' in the definition of domestic worker be changed to 'young domestic worker'. Why was this done?

Children should not be included as workers. We think child labour should be done away with. Thus, it should be 'young worker' and not 'child worker'.

INTERVIEW

The Purpose and Scope of Standard Setting on Decent Work for Domestic Workers

Sachiko Yamamoto



Ms. Sachiko Yamamoto, Regional Director, ILO Regional Office for South Asia, in an email interview with the *Labour File* Team, argues that a well crafted regulatory mechanism with suitable enforcement is the need of the hour. She also speaks of the purpose and the scope of the standard setting on decent work for domestic workers initiated by the ILO.

Is there currently a working draft of the Convention/Recommendation? What has been or will be the process of its drafting? What is the specific aim in this respect for the ILC 2010? What are the possible outcomes of the ILC discussions?

This is an exciting time for those of us involved in promoting 'decent work' for domestic workers. Decent work refers to work undertaken in conditions of freedom, equity, security and human dignity. Improving the conditions of domestic workers has been an ILO concern since its early days. As early as 1948, the ILO adopted a resolution concerning the conditions of employment of domestic workers. In 1965, it adopted a

Convention or Recommendation: Responses

GLOBAL	Convention	Recommendation	Convention Supplemented by a Recommendation	Convention Comprising Binding and Non-Binding Provisions	TOTAL
Governments	6	31	42	11	90
Employers	0	15	2	0	17
Workers	7	4	115	6	132
Total	13	50	159	17	239

resolution calling for normative action in this area whereas, in 1970, the first survey ever published on the status of domestic workers across the world made its appearance.

The Decent Work Agenda provides a new and promising avenue for ensuring visibility and respect for domestic workers. Standard setting on decent work for domestic workers will take the ILO beyond the identification of non-compliance and towards the provisions of specific, constructive guidance on how to regulate effectively a category of worker that is singularly in need of support.

In 2009, a report on the law and practice on domestic work accompanied by a questionnaire was sent out to the governments of the member states of the ILO, which were invited to send in their replies by 30 August 2009. The questionnaire sought to elicit views on the nature and content of a comprehensive standard(s). Replies were received from 103 member states. A considerable majority of respondents favour the adoption of a Convention supplemented by a Recommendation. For example, two-thirds of the government responses favour a Convention as opposed to a Recommendation only. Most responses received from the workers' organisations favour a Convention whereas most of the employers' organisations favour a Recommendation only.

Based on the replies received, the Office has compiled a second report, which includes the 'Proposed Conclusions' that reflect the issues to be highlighted in the proposed instrument and to be discussed at the ILC in June 2010. Based on the outcome of the 2010 discussion, draft instrument(s) will be prepared, and adopted at the ILC in 2011.

It is common to describe the situation of domestic workers as unique, in which besides the general features of informal work, there are also issues concerning the regulation of domestic space of employment. Can a distinction be made between 'regulating work' and the provision of 'social security' for workers, in the case of domestic

workers and their relationships?

The law and practice report has shown that the conditions of domestic workers do not improve unless there is concerted action to improve the legislative framework. This is a sobering insight. However, one of the most encouraging discoveries is that creative experimentation in regulating the occupation is underway in a broad cross-section of member states around the world. Studies confirm that well-crafted regulatory mechanisms with suitable enforcement machinery make an important difference in the everyday lives of domestic workers and convey the message that domestic workers are indeed workers, who deserve both rights and respect. What is important is to regulate the employment of domestic workers and their working conditions, provide employers with a rights-based framework upon which to determine what is 'fair' in the domestic workplace, and identify factors that might be a source of occupational risk and to take appropriate steps. Providing social protection is an integral part of the decent work agenda and it should be addressed in the regulatory framework for domestic workers, taking into account national realities and existing programmes, with attention to the mechanisms through which social protection benefits will flow.

The GOI has asked that the phrase 'young domestic worker' be used in place of 'child domestic worker' in the definition of domestic worker. What would be the implications of this, in terms of the scope and application of a possible Convention and its relationship to other Conventions, such as those relating to child labour?

It would be best to stick to phrases that are not ambiguous. The implications of using 'young domestic workers' would depend on how this is defined. In general, a young worker would be taken to mean a worker in the age groups of 14 or 15 years to 24 (14 in developing countries and 15 in developed countries). Using 'young domestic workers' would, therefore, shift the focus in question from child labour to youth employment issues.

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Does the ILO have a clear position on the treatment of child labour in domestic work, with regard to the Convention?

Throughout the world, thousands of children are working as domestic helpers, performing tasks such as ironing, cooking, minding children and gardening. In many countries, this phenomenon is not only socially and culturally accepted but might be regarded positively as a protected and non-stigmatised type of work, and, therefore, preferable to other forms of work, especially for the girl-child. Ignorance of or disregard for the risks children might be exposed to in this kind of work is an alarming reality in many parts of the world. Given its hidden nature, it is impossible to have reliable figures on how many children are globally exploited as domestic workers.

There are two important instruments for the abolition of child labour—Minimum Age Convention (No. 138) adopted in 1973 and the Worst Forms of Child Labour Convention (No. 182) adopted in 1999. Both these Conventions require ratifying countries to

- Define and make lists of hazardous work prohibited to children less than 18 years.
- Enforce the prohibition of this work through law and action.

Convention 138 requires that no child should be at work before completing compulsory education. For this purpose, countries must set a minimum age for admission to work of 14 or 15 years, depending on national conditions. No child under 18 years of age should be engaged in hazardous work. Hazardous work by its nature or circumstances jeopardises the health, safety and morals of a child. Conventions 138 and 182 are identical in the aspect of age and definition of hazardous work. Convention 182 leaves it to members whether to define child domestic labour as the worst form of child labour or not but some of its provisions are applicable in cases of hazardous work, trafficked children or

situations of forced labour or practices similar to slavery.

Hence, using the ILO Conventions as guidelines, child domestic labour is domestic work undertaken by (a) children under the legal minimum working age, and (b) children above the legal minimum age but under the age of eighteen and subject to slavery-like, hazardous, or other exploitative conditions—a form of 'child labour to be eliminated', as defined in international treaties.

India has listed domestic work in the schedule of hazardous work for children. Given this, the age for entering domestic work should not be less than 18 years, according to international law. However, India has not ratified Convention 182 and 'hazardous work' is legal as per national legislations from 14 years onward. The ILO has been pointing out this age gap to the Government of India for some time, and there are signals that India may ratify Convention 182 in the near future and do away with this discrepancy.

Does the ILO Convention consider a model/principle or method for fixing the wages of domestic workers?

Conventions set minimum standards of protection to which a worker should be entitled. However, the exact provision and extent of protection needs to be defined by ratifying countries themselves, taking into account their national contexts. In this regard, detailed mechanisms such as a method for fixing minimum wage and migrant workers' specific concerns and regulating the so-called 'placement agencies' social protection would be re-defined at the country level.

The Standard Setting Process of the ILC for domestic work has come up with a number of conclusions based on the questionnaires returned by member states. These conclusions lay out what the Convention will do as follows:

- Generic definition of domestic work and its built-in flexibility

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- Reaffirmation of the application of fundamental principles and rights at work for domestic workers
- Measures to ensure fair terms of employment and decent working conditions
- Specific attention to needs of migrant domestic workers
- Easy and affordable access to dispute settlement procedures
- Suitable arrangements to ensure compliance

An important point to make note of in looking at these conclusions is that the domestic workers are entitled to 'fair terms of employment and decent working conditions', which are to be supported by the following measures:

- Setting a minimum age for admission to domestic work
- Contract particulars to be communicated to the worker in an appropriate and easily understandable manner
- Effective protection against all forms of abuse and harassment and protection of the workers' right to privacy
- Conditions not less favourable than those of other wage earners in respect of
 - ◆ (i) occupational safety and health, and
 - ◆ (ii) social security, including maternity

How will the ILO address the issue of representation of employers, and ensure the validity of their representation?

That is the main challenge. Normally, employers own factories or offices in which they employ workers. For domestic workers, every individual household is a workplace. This makes an employer of every private person engaging domestic workers. The inputs by delegates at the ILC should provide answers to these issues and sure some original and

innovative ideas will be generated to come up with solutions acceptable to all stakeholders.

A large number of domestic workers, especially women, are immigrants. What provisions are there in the proposed instrument to address specific problems of immigrants, in particular, non-discrimination with respect to national laws, illegal detentions, portability of social security, etc.?

Generally, the ILO promotes the equal treatment of national workers and migrant workers. At the same time, special measures will be introduced to make sure that migrant workers can enjoy special protection against abuse and exploitation, given their extra vulnerability.

It is clear that the mechanisms for recruitment and the provision of workers to employers is an issue for workers—both domestic and others. It has been recognised by the Government of India that these intermediaries should be directly regulated, and made accountable as employers. How would a Convention (or other document) seek to address this fact, especially in the larger context of generally exploitative labour recruitment for all sectors of employment?

Conventions set minimum standards of protection that a worker should be entitled to. However, the exact provision and extent of protection needs to be defined by ratifying countries at the national levels, taking into account their national context and conditions. In this view, the opinions of national social partners are extremely important in ascertaining the situation and proposing measures to address it.

A number of questions pertain to the inclusion of references to other conventions in the Preamble of the proposed Convention on domestic work. The Government of India has replied that the applicability of other ILO Conventions is not necessary because domestic work is 'unique'. Could you please explain what is at stake in the

inclusion or otherwise—in the normative and the legal context? How would the inclusion or otherwise of the reference to the body of principles and Conventions regulating work impact the subsequent work of ILO?

It is common drafting practice to make reference to the Fundamental Principles and Rights at Work, related conventions and other international treaties in the Preamble of ILO Conventions. This is done to reaffirm the application of other Conventions to domestic workers, to ensure multiple and comprehensive coverage and avoid loopholes.

Such as...?

The relationship between hazardous child labour and domestic child labour is a good example. The potential loopholes and contradictions about the age of entry into domestic work could exist if domestic work is not seen in connection with child labour, particularly hazardous child labour. In countries where 'domestic work' is listed as hazardous and, hence, the worst form of child

labour, the age of entry should not be below 18 years of age.

Reference to other Conventions is another way to make sure that the coverage of those conventions extends to the beneficiaries of the new Convention, without cumbersome repetition in the text.

What are the future steps—beyond ILC 2010?

Further to the discussion of the 'conclusions' in the ILC in 2010, the ILC in 2011 will move towards adopting a Convention or/and a Recommendation. Depending on the outcome of this process, the ILO will determine its next course of action. If a new Convention is adopted, the ILO will start a ratification campaign, in most cases, to provide international support for the protection and rights of domestic workers. We can do many things, including taking small steps such as translating the instruments to providing technical assistance to a social protection system. Again, consultations with ILO constituents will guide ILO action—this is the only acceptable way forward.



DOCUMENT

During the meeting of the International Labour Conference in Geneva from 2–18 June 2010, a Committee on Domestic Workers was formed to discuss the creation of standards for domestic work. The Committee considered two reports submitted by the ILO on 'Decent Work in Domestic Work', covering law and practice regarding the regulation of features of domestic work, and the proposed recommendations of the ILO on the nature of a standard for this sector. On the basis of the Committee's report, the General Conference of the ILO, resolved that an item shall be placed on the agenda for ILC 2011 for a second discussion "with a view to the adoption of a comprehensive standard (a Convention supplemented by a Recommendation)." The Committee held 21 sittings, comprising 85–115 government members, 10–32 employer members and 19–71 worker members over the course of these sittings. We give here the "Proposed Conclusions" from the Committee's report.

Proposed Conclusions of the Committee on Domestic Work on Decent Work for Domestic Workers (99th Session, ILC 2010)

Excerpted from Provisional Record No. 12 Fourth item on the agenda: Decent work for Domestic workers Report of the committee on domestic workers (99th Session, International Labour Conference, 2010)

Proposed Conclusions

A. Form of the instruments

1. The International Labour Conference should adopt standards concerning decent work for domestic workers.
2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Definitions

3. For the purpose of these standards:
 - (a) the term "domestic work" should mean work performed in or for a household or households;
 - (b) the term "domestic worker" should mean any person engaged in domestic work within an employment relationship;
 - (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

C. Proposed Conclusions with a view to a Convention

4. The Convention should include a preamble with

the following wording:

(a) mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization;

(b) recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for workers with family responsibilities;

© considering that domestic work continues to be undervalued and invisible and is mostly carried out by women and girls, many of whom are migrants or members of historically disadvantaged communities, and who are therefore particularly vulnerable to abuses of basic human rights and to discrimination in respect of employment and

working conditions;

(d) further considering that, in developing countries with historically high rates of unemployment, domestic workers constitute a significant proportion of the national workforce, are predominantly nationals drawn from the ranks of the unemployed and are among the most marginalized and vulnerable workers;

(e) recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided;

(f) noting that there are international labour Conventions and Recommendations which have particular relevance for domestic workers, such as, where appropriate, the Migration for Employment Convention (Revised), 1949, the Migrant Workers (Supplementary Provisions) Convention, 1975, the Workers with Family Responsibilities Convention, 1981, the Private Employment Agencies Convention, 1997, the Employment Relationship Recommendation, 2006, as well as the ILO Multilateral Framework on Labour Migration;

(g) recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers, to enable them to enjoy their rights fully, taking into account the right to privacy that each domestic worker and each household enjoys;

(h) recalling other relevant international instruments, such as the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime and in particular its Protocol to Prevent, Suppress and Punish Trafficking in

Persons, Especially Women and Children, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

5. (1) The Convention should apply to all domestic workers, provided that a Member which has ratified it may, after consulting representative employers' and workers' organizations and, in particular, organizations representing domestic workers and their employers, where they exist, exclude wholly or partly from its scope:

(a) categories of workers who are otherwise provided with at least equivalent protection;

(b) limited categories of workers in respect of which special problems of a substantial nature arise.

(2) Each Member which avails itself of the possibility afforded in point 5(1) should, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

6. Each Member should take measures to ensure the effective protection of basic human rights for all domestic workers.

7. Each Member should take, in relation to domestic workers, measures to respect, promote and realize, in good faith, and in accordance with the ILO Constitution, the fundamental principles and rights at work, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

(b) the elimination of all forms of forced or

compulsory labour;

(c) the effective abolition of child labour; and

(d) the elimination of discrimination in respect of employment and occupation.

8. (1) Each Member should set a minimum age for domestic workers in accordance with the provisions of the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and not lower than that established by national laws and regulations for workers generally.

(2) Each Member should ensure that domestic work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of, or interfere with, their education or vocational training.

9. Each Member should take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, where applicable, decent living conditions respecting the worker's privacy.

10. Each Member should ensure that domestic workers are informed of their terms and conditions of employment, in an appropriate, verifiable and easily understandable manner, including, where possible and preferably, through written contracts in accordance with national laws and regulations, in particular:

(a) the name and address of the employer;

(b) the type of work to be performed;

(c) the remuneration, method of calculation and regularity of its payment;

(d) the normal hours of work;

(e) the duration of the contract;

(f) the provision of food and accommodation, if applicable;

(g) the period of probation or trial period, if applicable;

(h) the terms of repatriation, if applicable; and

(i) termination of employment provisions.

11. Each Member should take measures to ensure that domestic workers enjoy effective protection against all forms of abuse and harassment.

12. (1) Each Member should take measures to ensure that domestic workers:

(a) are free to negotiate with their employer whether to reside in the household;

(b) are not bound to remain in or with the household during the periods of daily and weekly rest or annual leave;

(c) are entitled to keep in their possession their travel and identity documents.

(2) In taking these measures, due respect should be given to the right to privacy of both the domestic worker and the household.

13. (1) Each Member should take measures to ensure that the normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave of domestic workers are not less favourable than those provided for workers generally in accordance with national laws and regulations.

(2) Weekly rest should be at least 24 consecutive hours per each seven-day period.

(3) Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls should be regarded as hours of work to the extent determined by national laws or regulations, collective agreements or any other means consistent with national practice.

14. Each Member should take measures to ensure

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that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

15. (1) The wages of domestic workers should be paid directly to them in legal tender at regular intervals but not less often than once a month.

(2) Taking into consideration point 15(1), national laws or regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of allowances in kind, in conditions not less favourable than those applicable to other categories of workers generally, provided that measures are taken to ensure that such allowances are agreed to by the worker and are appropriate for the personal use and benefit of the worker.

16. (1) Each Member should take appropriate measures, with due regard to the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of:

- (a) occupational safety and health; and
- (b) social security protection, including with respect to maternity.

(2) The measures referred to in point 16(1) may be applied progressively.

17. (1) National laws and regulations should require that migrant domestic workers receive a written job offer or a contract of employment containing minimum terms and conditions of employment that must be agreed upon prior to crossing national borders for the purpose of taking up domestic work to which the offer or contract applies, without prejudice to regional, bilateral or multilateral agreements, the rules of a regional

economic integration area, where applicable to migrant domestic workers.

(2) Members should cooperate with each other to ensure the effective protection of migrant domestic workers' rights under this Convention.

18. Each Member should take measures to ensure that all domestic workers, either by themselves or through a representative, have easy access to courts, tribunals or other dispute resolution procedures under conditions that are not less favourable than those available to workers generally.

19. Each Member should establish effective means of ensuring compliance with national laws and regulations for the protection of domestic workers.

20. (1) Each Member should take measures to ensure that domestic workers recruited or placed by an employment agency, including migrant domestic workers, are effectively protected against abusive practices, including by establishing the respective legal liability of the household and the agency.

(2) Each Member should take measures to:

- (a) establish criteria for the registration and qualifications of employment agencies, including for publicly available information on any past violations;
- (b) ensure regular inspections of employment agencies to ensure compliance with relevant laws and regulations, and institute significant penalties for violations;
- (c) provide accessible complaint mechanisms for domestic workers to notify authorities of abusive practices; and
- (d) ensure that fees incurred by agencies are not deducted from the remuneration of domestic workers.

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21. Each Member should implement, in consultation with representative employers? and workers? organizations, the provisions of this Convention through laws, regulations and collective agreements, as well as through additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them.

22. The Convention should not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

D. Proposed Conclusions with a view to a Recommendation

23. The Recommendation should include a preamble indicating that the provisions of the Recommendation should be considered in conjunction with those of the Convention.

24. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:

- (a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers? organizations of their choice, and to the right of organizations of domestic workers to join workers? organizations, federations and confederations;
- (b) ensure the right of employers of domestic workers to establish and join organizations, federations and confederations of employers of their choosing;
- (c) take or support measures to strengthen the capacity of organizations of domestic workers to protect effectively the interests of their members.

25. In taking measures to ensure the elimination of

discrimination in respect of employment and occupation among other things, Members should ensure that work-related medical testing respects the principle of the confidentiality of personal data and the privacy of domestic workers and should prevent any discrimination related to such testing.

26. When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers under the age of 18 and above the minimum age of employment defined by national laws and regulations, including in respect of working time and restrictions on undertaking certain types of domestic work.

27. (1) The terms and conditions of employment should be provided in an appropriate, verifiable and easily understandable manner including, where possible and preferably, through written contracts in accordance with national laws and regulations; when

necessary, appropriate assistance should be provided to ensure that the domestic worker has understood those terms and conditions.

(2) The terms and conditions of employment should include the following particulars, in addition to those provided for in point 10:

- (a) the starting date of the employment;
- (b) job description;
- (c) paid annual leave;
- (d) daily and weekly rest;
- (e) sick leave and any other personal leave;
- (f) the rate of pay for overtime work;
- (g) any other cash payments to which the domestic worker is entitled;
- (h) any allowances in kind and their cash value;
- (i) details of any accommodation provided;

(j) any authorized deductions from the worker's wages; and

(k) the period of notice required by either the domestic worker or the employer for termination.

(3) Members should consider establishing a model contract for domestic work, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

(4) Each Member should consider specifying, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation, at no cost to the worker, upon the expiry or termination of the employment contract.

28. (1) Hours of work and overtime should be accurately calculated and recorded, and this information should be freely accessible to the domestic worker.

(2) Members should consider developing practical guidance in this respect, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist.

29. With respect to periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls (commonly known as standby or on-call periods), national laws and regulations or collective agreements should regulate:

(a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby and the means by which these might be measured;

(b) the compensatory rest period to which a

domestic worker is entitled if the normal period of rest is disturbed by standby; and 12/130

(c) the rate at which standby hours should be remunerated.

30. Members should consider specific measures, including appropriate financial compensation, for domestic workers whose normal duties are performed at night, taking into account the constraints and consequences of night work.

31. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for the taking of meals and breaks.

32. The day of weekly rest should be a fixed day in every period of seven days to be determined by agreement of the parties, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.

33. National laws and regulations, or collective agreements, should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.

34. Time spent by domestic workers accompanying the household on holiday should not be counted as part of their annual leave.

35. When provision is made for the payment of a limited proportion of the remuneration in the form of allowances in kind, Members should consider:

(a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the cash remuneration necessary for the maintenance of domestic workers and their families;

(b) calculating the cash value of allowances in kind by reference to objective criteria such as the market

value, cost price or prices fixed by public authorities, as appropriate;

(c) limiting allowances in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation; and

(d) prohibiting allowances in kind that are directly related to the performance of work duties, such as uniforms, tools or protective equipment.

36. (1) Domestic workers should be given at the time of each payment an easily understandable written account of the payments due to them, the amounts paid and the specific amount and purpose of any deductions which may have been made.

(2) Upon termination of employment, any outstanding payments should be made promptly.

37. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of insolvency or death of the employer.

38. When provided, accommodation and food should, taking into account national conditions, include:

(a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;

(b) access to suitable sanitary facilities, shared or private;

(c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and

(d) meals of good quality and sufficient quantity, adapted to the cultural and religious requirements, if any, of the domestic worker concerned.

39. In the event of termination of employment, for

reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.

40. Members should take measures to:

(a) identify, mitigate and prevent occupational hazards specific to domestic work;

(b) establish procedures for collecting and publishing statistics on occupational safety and health related to domestic work;

(c) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and

(d) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.

41. Members should consider means to facilitate the payment of social security contributions by employers, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.

42. In relation to point 10(h) of the proposed Conclusions, consideration should be given to migrant workers receiving repatriation at no cost on the expiration or termination of the employment contract for which they were recruited.

43. (1) Members should consider additional measures to ensure the effective protection of migrant domestic workers' rights, such as:

(a) providing for a system of visits to households in which migrant domestic workers will be employed;

(b) developing a network of emergency housing;

(c) establishing a national hotline with interpretation services for domestic workers who need assistance;

(d) making employers aware of their obligations and of the applicable sanctions;

(e) ensuring that domestic workers can access complaint mechanisms and have the ability to pursue both during and after employment legal civil and criminal remedies, both in-country and after repatriation;

(f) providing for a public outreach service to domestic workers, in languages understood by the workers concerned, to educate them about their rights under relevant laws and regulations, their access to complaint mechanisms and legal remedies, and other pertinent information.

(2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and any other appropriate measures.

44. (1) Members should establish, in consultation with representative organizations of employers and workers and, in particular, organizations representing domestic workers and their employers, where they exist, policies and programmes that:

(a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate,

so as to enhance their career and employment opportunities;

(b) address the worklife balance needs of domestic workers; and

(c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.

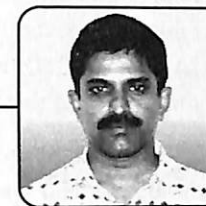
(2) Members should develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices and effectively collect comprehensive data on domestic workers.

45. (1) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning social security, the monitoring of private employment agencies, the prevention of forced labour and human trafficking, the dissemination of good practices and the collection of statistics on domestic work.

(2) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programmes and universal education.

LABOUR IN THOSE YEARS

ILO: Nine Decades of Labour for Labour



Babu P Remesh

1919: The Beginning of a Long Journey

The initial four months of 1919 are significant in international working class history in which the Constitution of the world's most prominent organisation for labour, the International Labour Organisation (ILO), was written by the Commission on International Labour Legislation constituted by the Treaty of Versailles. The Commission comprised representatives from nine countries: Belgium, Cuba, Czechoslovakia, France, Italy, Japan, Poland, the United Kingdom and the United States, under the chairmanship of Samuel Gompers, head of the American Federation of Labor (AFL).

The ILO, which came into existence as part of League of Nations in the wake of the destructive First World War, was mandated to pursue a vision based on the premise that universal, lasting peace can be established only if it is based upon social justice and decent treatment of working people. Though there were immediate humanitarian, political and economic motivations for setting up ILO in 1919, the desire for setting up an international legislative framework for the working class may be traced to the conceptualisations of nineteenth century industrialists, Robert Owen (1771-1853) of the United Kingdom and Daniel Le Grand (1783-1859) of France. Their vision was furthered by the International Association for Labour Legislation, founded in Basle in 1901. The Constitution of the ILO, adopted by the Peace Conference in April 1919, duly incorporates and truly reflects the spirit of these earlier contemplations.

The first international labour conference was held in Washington in October-November 1919. The

Conference adopted the first six International Labour Conventions. The initial growth of the organisation owes much to the contribution of its first Director, Albert Thomas, who provided it with a sound foundation. In the summer of 1920, the ILO headquarters was set up in Geneva and in less than two years, 16 International Labour Conventions and 18 Recommendations had been adopted.

The Early Decades

During its first 40 years, the ILO devoted the bulk of its energies to developing international labour standards and ensuring the application of these. The first Convention in 1919 dealt with hours of work, the famous eight-hour day and 48-hour week. The other major initial conventions include those on unemployment, maternity protection, night work for women, minimum age and night work for young persons in industry. In 1926, the International Labour Conference (ILC) set up the supervisory system on the application of standards, an important innovation that exists even today. During these first few decades, the organisation grew in terms of the number of members, and took on its universal character by changing from a forum conceived by and for industrial countries to that of an organisation that has the prominent participation of the developing countries of the world.

Declaration of Philadelphia 1944 and the 'Golden Jubilee' Nobel Prize!

In 1944, the ILC Meeting in Philadelphia, organised in the midst of the Second World War, was attended by

representatives of governments, employers and workers from 41 countries. The meeting adopted the Declaration of Philadelphia, which redefined the aims and purposes of the ILO. The Declaration, which was annexed to the Constitution, still constitutes the Charter of aims and objectives of the ILO.

The declaration proclaimed that 'labour is not a commodity' and 'poverty anywhere constitutes a danger to prosperity everywhere'. It was also held by this declaration that freedom of expression and association are essential to sustain progress and all human beings (irrespective of race, creed or sex) have the right to pursue both their material well being and their spiritual development (in conditions of freedom and dignity, of economic security and equal opportunity). Subsequently, in 1946, the ILO became the first specialised agency of the United Nations.

There was a commendable increase in the membership of the ILO in the two decades following the Second World War. The ILO Conventions shaped after the Second World War focused largely on human rights (freedom of association, elimination of forced labour and discrimination). In 1948, the ILC adopted its seminal Convention No. 87 on freedom of association and the right to organise. The Convention gave full recognition to the right of workers and employers to organise freely and independently.

The ILO expanded its organisational structure in 1960s by setting up its research and training centres. In 1960, the ILO created the International Institute for Labour Studies at its Geneva headquarters and the International Training Centre in Turin in 1965. Subsequently, in 1969—the ILO's 50th anniversary—the organisation was awarded the Nobel Peace Prize. While presenting the prestigious award, the President of the Nobel Prize committee said, "The ILO has had a lasting influence on the legislations of all countries" and that it "was one of

the rare institutional creations of which the human race can be proud."

Imprints of the ILO

The ILO is the only surviving major creation of the Treaty of Versailles, which brought the League of Nations into being. The organisation is the only 'tripartite' agency of the United Nations, bringing together representatives of governments, employers and workers to jointly shape policies and programmes. This structure makes the ILO unique among world organisations, providing equal voice for employers, workers' organisation and governments.

The ILO Declaration on Fundamental Principles and Rights at Work, adopted by the ILC in June 1998, marked a universal reaffirmation of the obligation of member countries to respect, promote and realise the principles concerning fundamental rights, which are the subjects of certain ILO conventions, even if those conventions have not been ratified. These rights include freedom of association, effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, effective abolition of child labour, and elimination of discrimination in respect of employment and occupation.

The present Director-General, Mr. Juan Somavia, in March 1999, is ILO's first supreme official from the southern hemisphere. Mr. Somavia has been successful so far in bringing out more focused interactions between the ILO and its constituents in the world of work through a redefined and refined slogan of 'Decent work for all'. The framework of decent work brings together the four key elements of employment, workers' rights, social security and social dialogue.

(Major Sources: *The ILO: What it is. What it does, International Labour Organisation, Geneva; www.ilo.org*)

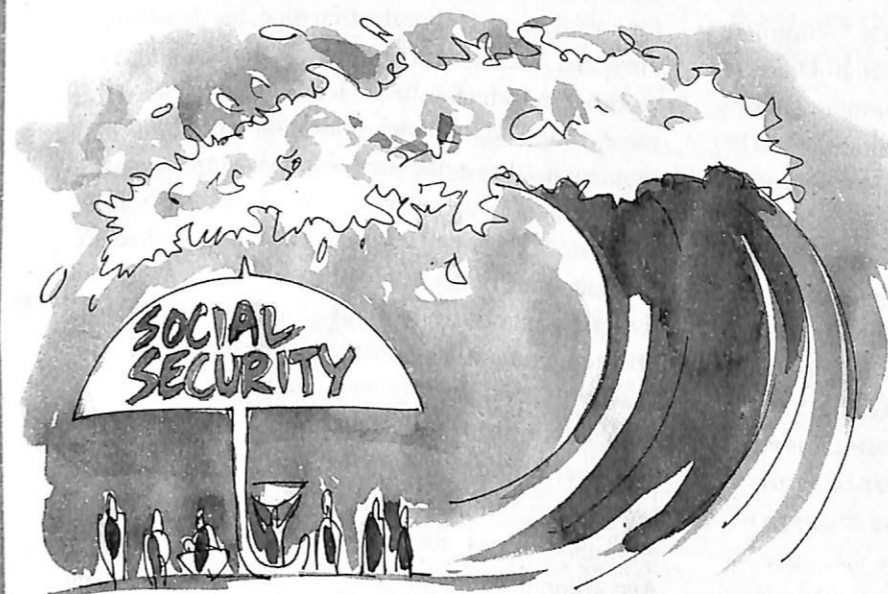
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REPORT

Towards A Universal Social Security



Sindhu Menon



unorganised trade unions, civil society organisations and concerned individuals together took up the issue when it became clear that the Government of India, though willing to work on a legislation, was not agreeable to formulating a law that would provide social security as a right to the workforce.

The campaign grew in strength when it was realised that the

"Social security should be universal and non-discriminatory, and the state should ensure social security to all people living and working in India" declared a conglomeration of unorganised workers, trade unions and civil society organisations, gathered in Patna for a three-day national convention on social security for unorganised workers from 8-10 January 2010. The convention was organised by Social Security Now, a national network of organisations working on social security as a basic right.

The campaign to secure social security as a right for the unorganised workforce in India was given an aura of national importance when different bills were drafted and re-drafted by various stakeholders, including the National Commission for Enterprises in the Unorganised Sector (NCEUS), the labour ministry and civil society organisations. Increasingly, organised and

Unorganised Workers Social Security Act, 2008, which was signed by the President of India, Smt. Pratibha Devisingh Patil on 30 December 2008, clearly reflected the dilly-dallying attitude of the government and the envisioned provision of social security as charity, rather than a right.

In this context, Social Security Now decided to organise a two-day convention followed by a rally and public meeting on the third day in Patna. The convention saw the massive participation of unorganised workers, people's movements, organisations campaigning for social security, organisations of dalit, adivasis and other socially disadvantaged groups, and trade union members from All India Trade Union Congress (AITUC), Hind Mazdoor Sabha (HMS), Indian National Trade Union Congress (INTUC) and United Trade Union Centre (UTUC). The convention drafted a declaration, in which the immediate launch of a

national movement for universal and non-discriminatory social security for all people living and working in India, with emphasis on social security for those who have been denied this, has been given priority.

"It was indeed a very good exercise," comments Sujata Gothoskar of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). Emphasising a demand made in the Patna declaration, she said, "Social security should be universal and the state should provide it without fail." According to her, this will be a very difficult task. "We have to struggle to the core to attain this." Recollecting the negative attitude that prevailed during the campaign for NREGA, Sujata Gothoskar said, "The majority was under the impression that NREGA could not be implemented, but we succeeded. The situation with social security is similar."

Prof. Praveen Jha, an economist at Jawaharlal Nehru University, New Delhi, says that the Unorganised Workers Social Security Act 2008 is just old wine in a new bottle. "In many cases, the schemes put under the name of social security are nothing new, but old programmes packaged under a new set," says Prof. Jha. "If one scans through the Union Budget 2009-10, to our dismay, one can see that even after introducing social security for unorganised workers, the total fund allocation for social security has gone down drastically." Prof. Jha agrees with the idea of having universal social security for all. "The idea should be made practical, and for that there should be functional mobilisation," he says.

"When the Government of India passed the 'Unorganised Workers' Social Security Act', supposedly for the benefit of about 423 million unorganised workers and their dependents, it fell short of everything that was required," says Mr. J John, Executive Director, Centre for Education and

Communication, Editor, *Labour File*, and an active member Social Security Now. According to him, the structural gaps and inadequacies makes the Act totally ineffective.

The Patna convention marks a shift in the campaign for social security. For the first time, the demand for universal social security for all those living and working in India has been clearly articulated. At the same time, war on the policy of targeted social security has been declared. Emphasising the state's responsibility to provide social security, John suggested that social security could be thought of as a basic income guaranteed to all those who are living and working in India. John further argues, "Basic income is a guarantee by the state and is not charity. It is an income unconditionally granted to all without means test. It takes away the economic and social stigma attached to targeted welfare systems, avoids huge expenses on administration and undermines the prevalence of corruption." According to him, the idea of social security for all living and working in India will also "overcome the constraint of indefinable employer-employer relationships in informal set-ups and the predominance of self-employment in economic activities."

Prof. Narasimha Reddy, economist and former dean, University of Hyderabad, emphasised that it is the "lack of political will which denies social protection to unorganised workers." Prof. Reddy, who firmly believes that no civilised country will allow its people to remain without social security, noted that social security should be fully provided by the state and that enough mobilisation should be made to achieve it.

"Social security cannot be eyewash or an election gimmick. Though the Act was passed in the Parliament, it is not being effectively implemented due to structural inadequacies," says Ashok Ghosh, General Secretary, UTUC. Social security, rightly conceived, can be realised if trade unions willingly

take it up. "Since the issue of labour is in the concurrent list of the Constitution, the union government should compel all the state governments to proceed with the social security act and allocate state funding for that purpose," he adds.

"The AITUC General Council organised in Bhubaneswar on 4-6 February 2010 gave prominence to the issue of social security, especially by initiating steps to create a national fund for social security," says Comrade S.N. Thakur, national secretary of AITUC. "Social Security for all is indeed a viable idea, but one has to plan it out properly and lead struggles with stringent action plans," he adds.

Social security is one among the five issues that has been taken up by the nine central trade unions in a nationwide campaign. "Around ten thousand workers courted arrest on 15 March 2010 as part of the nationwide satyagraha, organised to focus the centre's attention on these five issues," says Comrade Thakur. "In AITUC, we demand social security at two levels—first, for all without any exception and second, a contributory one from workers for a higher level of social security. All unions are geared up to highlight the issue of social security and take it up in their main agenda, because it is the need of the hour," he adds.

Agreeing with Comrade Thakur, Ashok Ghosh reiterates that without sufficient budget allotment, there cannot be social security. "If the government is serious about social security, the first thing they should initiate is a national wage policy. Without a national-level minimum wages, no social security can be made practical," says comrade Ghosh. He further says, "In our pre-budget meeting with the finance minister on 14 January 2010, we had very seriously taken up the issue of social security." He wonders that when even the organised workers'

social security rights are being snatched away, how unions cannot take up the issue as their main agenda. "In the struggle between capital and labour, the government cannot be only a spectator. Simply passing an Act will not solve the problem. The government should chalk out methods to implement it."

"Sarkar means those people whom we have chosen to rule us. When they are not ruling properly, it becomes the duty of every citizen to point out the mistakes," states Dr Shanti Patel, veteran freedom fighter, ex-mayor of Mumbai and an active member of HMS. "The social security convention brought together workers—sand that too, those workers whose voices were never heard. It is high time trade unions take up the challenge of organising these workers and work towards providing them social security." According to him, the Unorganised Workers Social Security Act 2008 has many lacunae that should be rectified by the government itself. "The members of the convention should take up the whole issue directly with the Parliament, central government and state. And for this, the working people should organise and strengthen their organisations, so that they can have direct meetings with the persons concerned," he adds.

The campaigners for social security have emphasised the need for the state to provide five per cent of the GDP for universal non-discriminatory social security because all people living and working in India have the right over the wealth that is collectively produced in India. A call to observe a national action day demanding five per cent of GDP for social security was also given, and the campaigners have resolved to take an oath to take the inalienable right to social security to all those, who have been denied social security, and to mobilise half the population to demand social security.



Thirty-three Per Cent Hike for Daily Wage Earners

In a significant policy shift, favouring the workers of the unorganised sector, the Delhi government has announced an increase in daily wages by 33 per cent. The decision was taken in a cabinet meeting on 8 March 2009. After the meeting, the Delhi Chief Minister, Sheila Dixit, informed the media that the daily wages of an unskilled worker has been increased from Rs 163 to Rs 203 and that of a semi-skilled worker to Rs 225. The wages for a skilled worker was fixed at Rs 248. Calculating this, on a per-month basis, the wages of an unskilled, a semi-skilled and a skilled worker will be around Rs 5,272, Rs 5,850 and Rs 6,448, respectively. The announcement has brought jubilation among the daily wage earners, most of whom are migrant workers from Bihar, U.P. and Rajasthan. "Ab hum thoda sa achha khana kha sakte hain aur bachchon ko doodh bhi de sakte hain (We can now eat slightly better food and even provide our children with milk)," says Kishorilal, an unskilled worker based in Jamuna Vihar area.

The cabinet has also decided to increase the wages of non-technical and clerical staff. Workers who have not passed the matriculation examination or Class Ten Board exams will fall under the category of semi skilled and will get Rs 225 as per day wages whereas a matriculate will get wages equivalent to a skilled worker (Rs 248). Workers, who are graduates or more, will get Rs 270 per day or Rs 7,020 per month.

This hike makes Delhi the highest payer of daily wages in the country. A hike in the daily wages was deemed necessary in view of the repressive effect that the runaway inflation was having on the lives of the daily wage earners. Also, there were some discrepancies between the minimum wages in Delhi and the wages announced by the central government; the workers engaged in central government projects were earning more than those engaged in Delhi government projects.

Eight Per Cent DA Hike for Government Employees

The Union Cabinet on 19 March 2009 agreed to an 8 per cent hike in the Dearness Allowance for all central government employees and pensioners. This is as per the recommendations of the Sixth Central Pay Commission, regarding the salaries of the central government employees. This new hike, as announced by the Minister for Information and Broadcasting, Ambika Soni, will be over the existing rate of 27 per cent of the basic pay or pension. This will benefit about 50 lakh government employees and about 38 lakh pensioners and will cost the exchequer Rs 6,969.36 crores per annum.

The DA hike was seen as necessary by the Sixth Pay Commission to lessen the gap and disparity between the salaries of the private sector and the government employees and in view of the current inflation rate. The increase will be effective from 1 January 2010. The decision was taken by the cabinet, considering the uncontrollably high inflation rates. There was a sense of jubilation in all government offices. Especially happy were the retired government personnel, who were reeling under the pressure of the excessively high current inflation rates.

NGOs to Give PF to its Employees

In a landmark judgment, the Delhi High Court on 25 February 2010 vacated its interim order of 29 March 2000, and ruled that NGOs with strength of more than 20 would have to provide employees the

benefits of provident fund. The judgment came following a plea appeal filed by an NGO, Professional Assistance for Development Action (PRADAN), which had approached the High Court



against a judgment of the Employees' Provident Fund Appellate Tribunal (EPFAT) of 16 March 1999. The EPFAT has dismissed PRADAN's appeal against the order of Regional Provident Fund Commissioner (RPFC) that some of its activities were systematic. The NGO has contended that the provisions under Sections 1.3(a) and 1.3(b) of the Employees' Provident Funds & Miscellaneous Provisions Act 1952 were not applicable to it because it was not engaged in a 'systematic activity' and the training it imparted to the underprivileged was sporadic and without any prescribed syllabi, methodology or schedule. (As per the Employees' Provident Funds & Miscellaneous Provisions Act 1952, PF rules are applicable to all NGOs who are involved in systematic activities and those involved in unsystematic activities might be considered outside its purview.) Earlier, the Regional Provident Fund Commissioner (RPFC) had initiated an enquiry under Section 7(A) of the same Act after which a conclusion was reached that the NGO in question was involved in systematic activity because the NGO was "engaged in the activity of imparting knowledge or training." To reach this conclusion, the RPFC relied upon a notification under Section 1.3(b) of the Act, according to which the Act was applicable to "any other institution in which the activity of imparting knowledge of training is systematically carried on." Though in its order dated 10 May 1998, the RPFC has agreed that some of the activities of the NGO were not systematic but because the Act was welfare legislation, it could be applied to the NGO. The NGO made an appeal to EPFAT against this order, but EPFAT again ruled against the stand taken by the NGO and observed that since the name of the NGO itself suggested that the NGO was providing professional assistance for development action and that assistance being a service, it should be brought under the ambit of section 1.3(b) of the Act. Also it is worth mentioning that PRADAN has its own Provident Fund Trust for the benefit of its

employees and that PRADAN was fearful that it might be victimised by not following the route that has been prescribed by the government in relation to PF.

Dissatisfied, the NGO then approached the Delhi High Court. The court thereupon questioned the motives of the petitioner in opposing the applicability of the Act, despite PRADAN having established its own Provident Fund Trust. Counsel to the NGO, Advocate Saurabh Prakash, clarified to the court that the petitioner was afraid that it would be victimised for not applying the Act till date. Though the court was sympathetic to this reasoning, any decision on penalty was not brought under the ambit of the current order. The court then decreed that since the appellant was not able to provide any proof that its activities were not systematic and decided that since the Act was a "welfare legislation aimed at promoting and securing the well being of the employees," it could be applied to the NGO.

The writ petition no. WP(C) No. 2954/1999 was being heard by Justice Rajiv Sahai Endlaw. The Judge, during the course of hearing, referred to the following judgments of the Supreme Court: Prakash Foods Limited vs State of Andhra Pradesh (2008) 4 SCC 584, M/s. Siddeshwari Cotton Mills (P) Ltd. vs UOI AIR 1989 SC 1019 State of Bombay vs Hospital Mazdoor Sangh AIR 1960 SC 610, Andhra University vs Regional Provident Fund Commissioner of Andhra Pradesh (1985) 4 SCC 509. The High Court being a court of record (Article 215 of the Indian constitution), its judgments carry legal authority over all such disputes arising within the judicial territory of the High Court.

According to its website: "PRADAN professionals, divided into 30 teams, work with over 180,000 families in 3,429 villages across eight of the poorest states in the country. A majority of the families that PRADAN works with belong to the Schedule Tribes and Schedule Castes."



ILO: Decent Work Country Programme for India

“Promote opportunities for all women and men to obtain decent and productive work in conditions of freedom, equity, security and dignity” declares the recently adopted document—Decent Work Country Programme (DWCP) for India (2007–2012). The International Labour Organisation's (ILO's) agenda of decent work for all has evolved into a very unique country programme, with India to not only ensure decent work environment for the working class but also ending child labour in the country. The DWCP for India has been prepared in cooperation with the Ministry of Labour and Employment, the trade unions—All India Trade Union Congress, Bharatiya Mazdoor Sangh, Centre of Indian Trade Unions, Hind Mazdoor Sabha and Indian National Trade Union Congress—and the Council of Indian Employers. This has also been incorporated in the 11th Five Year Plan (2007–2011) of the country. The vision of faster and inclusive economic growth of the country resonates with the DWCP objectives of social equity and is reflected in the macro-level policy of the country. The DWCP has been linked with the United Nations Millennium Goal 1, that is, eradication of extreme poverty and hunger (to halve the number of people living in extreme poverty by

2015). This global poverty reduction goal has been linked with five regional priorities of youth employment, local development for decent work, productivity, competitiveness and jobs, management of labour migration, and labour market governance. Because the DWCP has built its aim around the needs, priorities and conditions in individual countries, it has the potential to lead to more equitable work conditions and pay structure, healthy work environment with fair play ensured from all the involved parties, empowerment of the weak and poor, and eradication of child labour.

In 2007, an agreement was reached to align DWCP–India with the 11th Five Year Plan and the United Nations Development Assistance Framework (UNDAF)—India (2008–12).

DWCP for India lays special emphasis on the following three priorities and four medium-term outcomes requiring actions at macro, sectoral and micro levels spanning research, advocacy and demonstration technical cooperation programmes. The priorities include (i) enhancing productive work for women and men, particularly for youth and vulnerable groups; (ii) extending social protection progressively and (iii) eliminating

Areas of Consonance between India's 11th Plan and ILO's Decent Work

Income and Poverty:

- (i) Averaging a GDP growth rate of 9 per cent per year in the Eleventh Plan period
- (ii) Averaging an agricultural GDP growth rate of 4 per cent per year
- (iii) Generating 58 million new work opportunities

Women and Children:

- (i) Ensuring that at least 33 per cent of the direct and indirect beneficiaries of all government schemes are women and girl children
- (ii) Ensuring that all children enjoy a safe childhood, without any compulsion to Work



unacceptable forms of work progressively.

The outcomes include i) decent and productive employment integrated into socio-economic policies through policy/action and research, ii) comprehensive approaches developed to address decent and productive work in selected sectors and states, with emphasis on women workers iii) formulation and progressive extension of social protection policies/programmes and 4) strengthened policy framework for the elimination of unacceptable forms of work.

Analytical studies are being carried out to address employment-related challenges in the country whereas the ILO is directly providing technical support for the promotion of employment in the formal sector as well as improving work conditions in the informal sector. ILO is also helping in tripartite deliberations for informed and effective participation in the policy making process. Providing training to the workforce, with special focus on the informal sector, is also in the ambit of DWCP.

India, as a founding member of the ILO, has ratified ILO Convention No. 142 (Human Resource Development) and recommendation 195 (HRD: Education, Training and Lifelong Learning) to show its commitment to providing training to the workforce in both formal and informal sectors and, thus, maintaining international labour standards.

The ILO is also looking at getting DWCP integrated into the National Rural Employment Guarantee Programme (NREGP) so as to promote sustainable livelihoods and capacity building for partners at the grass-roots level. The ILO aims at studying and implementing micro-insurance schemes so that these observations can be applied and used elsewhere. The DWCP has been proactive in the development of Local Economic Development (LED) tools, which had specifically been adapted to local conditions. Post-tsunami alternative livelihoods programmes and similar programmes in the post-Kosi flood Bihar

have the potential of being further developed and spread to various localities through other Government of India (GOI) schemes. The DCWP also aims at providing social protection to workers of all strata and all levels. These include occupational safety and healthy work conditions (workplace safety, and occupational accidents and diseases, and linking these with social security schemes.)

Top on the UNDAF 2008–12 agenda is “promoting social, economic and political empowerment of the most disadvantaged, especially women and girls.” Thus, the alignment of DWCP with UNDAF provides for streamlining ILO's attempts to act on various issues such as alleviation of poverty, and its careful study of and multi-tasking activities on HIV/AIDS at the workplace. A common area of concern being the environment, the Ministry of Labour and Employment has set up a multi-stakeholder taskforce on Climate Change and Green Jobs, with ILO launching a green job initiative.

The eradication of child labour has been on the top of the list of both GOI and ILO; in DWCP too, it has been given high priority. The ILO is, therefore, committed to provide to NCLP (National Child Labour Programme) full technical cooperation for the elimination of child labour. Such technical cooperation plans will also serve as pilot models as well as research laboratories for the elimination of child labour.

The DWCP India aims at preventing family over-indebtedness. A very interesting aspect of the DWCP programme is to experiment with new tools and techniques, and to learn from these experiments. The DWCP aims at providing training to unskilled labour and recognising the skills acquired informally (mostly through family apprenticeship).

Three tripartite meetings of the constituents, that is, the employers, the workers and the GOI, will be held every year to discuss, study and observe the



status of outputs achieved. Modifications will be suggested and joint reviews made. These will also help identify the areas in which improvements are

required; other inferences will be fed into the system for planning and implementation of future activities.

Andhra Construction Workers Get Pension Scheme

In a very positive move, the Andhra Pradesh government has, with the support of the Union Finance Ministry, launched a pilot project to enrol construction workers in the pension scheme. Already 8 lakh workers have been registered and the government aims to cover about 25 lakh workers within two years. The scheme is being spearheaded by the Andhra Pradesh Building and Other Construction Workers' Welfare Board. This is in accordance with Section 18 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996. Under Section 22(b) of the same Act, these boards were entrusted to look after the welfare of the building and other construction workers. As per Section 18 of the Act, all states are supposed to constitute a welfare board for such workers. Many such boards have already been constituted by states, including Delhi, Haryana, Madhya Pradesh, Kerala and Tamil Nadu. These Boards are known

by the names of the state followed by 'Building and Other Construction Workers' Welfare Board'. Andhra Pradesh formed this board in 2007.

As per the scheme, workers between the age group of 18-50 are required to contribute Rs 100-200 per year towards their pension, with the state government providing Rs 1,000 and the centre giving a similar amount towards each worker's pension. The scheme has been kept voluntary in nature.

The workers, in the plan, will be provided with smart cards, which will contain their details. As per the state government officials, after the age of 60, the workers can expect a pension ranging from Rs 600 to Rs 2,000. To become eligible for pension, the workers should have worked for at least 90 days in a year and should possess a certificate from the builders to this effect. The builder's contribution towards the pension fund has been ensured by a 1% cess.

Retired Employees to Get Medical Reimbursement Benefits

Passing a historic judgment in the Suraj Bhan vs Govt. of N.C.T. of Delhi & Others {W.P. (C) No.12853/2009} case, the Delhi High Court ruled that even retired government employees will now be eligible for medical reimbursement. Suraj Bhan, an ex-District Employment Officer, had approached the court after he was denied medical reimbursement. Bhan, who had retired from service in 2002, had enrolled in a medical insurance scheme in 2003 after a circular was issued by the Delhi government to the effect. Bhan paid his premiums regularly. However, in 2007, a new

scheme was introduced, of which Bhan was not aware. He, therefore, could not register for the scheme. Subsequently, when he went for the reimbursement of his medical bill, it was denied to him. Mr Bhan then filed a writ petition in the Delhi High Court. The Judge, Kailash Gambhir, allowed the petition and directed that the reimbursement be paid to the petitioner. The judgment said, "It is a settled legal position that a government employee during his lifetime or after his retirement is entitled to get the benefit of the medical facilities and no fetters can be placed on his rights..."



MGNREGS Kerala on the Path to Unionisation

The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) workers in Kerala are now on the path to unionisation. In all the 14 districts of the state, these workers have formed some kind of union. Seven district units of Grameena Tozhilurappu Tozhilali Congress (Rural Employment Guarantee Workers' Congress) have registered themselves with the Registrar of Trade Unions. Initially, there was some confusion because the Registrar of Trade Unions did not consider the MGNREGS workers as falling within the purview of trade unions. Currently, the Grameena Tozhilurappu Tozhilali Congress is affiliated to Indian National Trade Union Congress (INTUC), the labour wing of the Congress party, and claims a membership of over 50,000.

According to media reports, these unions have already begun demanding 150 work days (up from the present 100) at the rate of Rs 150 per day (up from Rs 125). The forming of these unions is sure to have a positive effect on the morale of the workers

and can be expected to play a vital role in curbing corruption and leakages in MGNREGS. These unions will also ensure that the workers get their full quota of work days and that the money does not end up in the coffers of middlemen or corrupt officials.

The rural workers in Kerala are already organised. Panchayati Raj institutions, which are central to the implementation of MGNREGS, are very developed and active there. This has been instrumental for the workers under MGNREGS to form unions to protect their rights as well as to demand better pay and more job days. The workers are all geared up to check the corruption that has surfaced in states such as Jharkhand, in relation to MGNREGS.

Workers in the other states have also formed unions of MGNREGS workers. Villagers in Bajesar, Nimbada and Dungle blocks of Chittoargarh, Rajasthan, have formed a union called Rojgar Guarantee Majdoor Union of Chittoargarh and have also been able to get it registered.

Public Hearing on Privatisation of Waste Management

Rag pickers should have rights over the waste collected by them. There should be no privatisation of waste management in Delhi. The profession of rag picking should be legally recognised and the Municipal Corporation of Delhi (MCD) should provide them identity cards so that the police and MCD employees do not harass them. The MCD should provide space to the rag pickers for the segregation of dry waste and conversion of wet waste into compost, and banks should provide them the required loan to start the work of waste handling.

In a public hearing, organised at the Constitution Club, on 17 February 2010 on the subject 'Waste Management—Public or Private Interest', jury members

unanimously demanded the above-mentioned rights and facilities for those employed in the work of making the city of Delhi neat and clean. Chairing the jury, Justice S.N. Bhargava (Retd.) said that the human rights of rag pickers are being violated and this is not acceptable in any form. He added that human rights are the birthright of every human being. Veteran labour leader, Baba Adhav, working for rag pickers in Pune, vehemently condemned the privatisation of waste management in Delhi and raised questions on the motive of those implementing it. He argued that when waste management has not been privatised in any other part of the country, what is the need to do so in Delhi. Swami Agnivesh, Chairman, Bandhua Mukti Morcha, demanded a round table conference on



this issue, including all the stakeholders—the rag pickers, the MCD and the Delhi government.

Traditionally, the responsibility of waste management in Delhi has been with the MCD, New Delhi Municipal Corporation (NDMC) and the Cantonment Board. Three years ago, the MCD outsourced a large share of waste management to Ramki Private Limited. Today, private companies such as Ramki and Metro Waste Company control over 80% of the waste produced in Delhi.

Around three lakh people earn their livelihood through rag picking in Delhi. These people pick waste from households, take the dry waste to their workplaces and dump the wet waste in the large dustbins (*khatta*) of the MCD. They then segregate the dry waste into various items such as paper, plastic bottles and glass bottles. Then, these people sell these to *kura vyapari*, who, in turn, sell these to companies as raw material. The wet waste is dumped by the MCD vehicles in outside areas.

“Earlier, I used to earn Rs 300–400 every day. But, since the private companies have come in, it becomes difficult to earn even Rs 100 per day. We have lost our livelihood and our children are dying of starvation.” says Avadhesh, who has been a rag picker in the Burari region of North Delhi for ten years. Earlier, the rag pickers used to pick wastes from households. Now, this work is being done by private company employees on three-wheelers. As a result, the rag pickers have lost their jobs. But, these companies do not segregate the dry waste. So, the rag pickers buy the dry waste from company employees, segregate it and sell it to the *kura vyaparis*. In this way, they somehow save themselves from starvation.

The private companies hire a few of these rag pickers; the rest are unemployed. This creates two factions among the rag pickers—one employed with the company and others without any job. The companies take full advantage of this 'divide-and-rule' policy.

Member of All India Kabadi Mazdoor Mahasangh, Devendra, says, “The police and the MCD officials often harass and extort money from these rag pickers. The MCD officials extort up to Rs 5,000 per month from these poor people.” The police also does *hafta vasuli* from these people and when they refuse to pay their hard-earned money, they are often locked up and beaten. Their rickshaws are also often seized and released only when they pay the '*dakshina*' to the policeman.

The MCD sanitation employees also force the rag pickers to do their work such as sweeping the roads for them, without paying anything for this. Many employees sub-contract their work to these people and pay them a meagre amount of about Rs 1,000 per month.

Addressing the gathering at the Constitution Club, Ambarish Rai, a member of AIKMM drew the attention of the jury members to the deplorable condition of the rag pickers. He said these people live in filthy *jhuggis*, drink poisonous water and their children are devoid of education. The public hearing was also addressed by Swapan Mukherjee (General Secretary, AICCTU) and other eminent personalities. Earlier, the rag pickers presented their problems before the jury members.

Put Jobs at the Centre of the Recovery Policies International Labour Conference Concludes

On 18 June 2010, the International Labour Conference (ILC) concluded its 99th session, giving a strong call for placing employment and

social protection at the centre of recovery policies. The Conference delegates unanimously declared, “We must get the right balance of policies to secure

strong, sustainable and balanced growth.” Many of the members present in the discussions were supportive of a Convention.

ILO Director-General, Juan Somavia, in a message to the closing plenary of the Conference, stated that the ILO had thus reinforced the idea that the only real recovery is a recovery without social deficit and that quality jobs are at the heart of recovery. Delegates called for action to apply the ILO's Global Jobs Pact. The Pact was adopted at a crisis summit held during ILC in 2009 and received strong support during the G20 summit in Pittsburgh in September 2009.

The Conference reiterated its call to the ILO to place full and productive employment and decent work at the centre of economic and social policies, to strengthen the social dimension of globalisation. “It is urgent for the ILO to play its full role in the challenges posed by globalisation,” said Mr. Gilles de Robien, France, President of the Conference.

Representatives of governments, employers and workers alike noted that the continuing lack of a jobs recovery placed 'a terrible burden' on the unemployed and, at the same time, hindered efforts to create 'the right environment for enterprises to create employment'. Others cautioned against the premature exit from stimulus packages, which was 'simply going to make matters worse'.

An important item on the agenda was the discussion of standards for domestic work, leading to a discussion of an ILO instrument in ILC 2011.

The Conference has placed discussion of the Convention (accompanied by a Recommendation) on the agenda for ILC 2011. Indian trade unions that participated in the ILC said that the Indian government cut a sorry figure with its anti-worker attitude in declining to ask for a Convention (set of rules) on decent work for domestic workers. Some trade unions report that the government had even put up an amendment opposing the adoption of a global Convention, stating that the time had not yet come for such an instrument. According to the provisional record of the proceedings, the Government of India also pushed for an amendment suggesting that the rules being discussed be 'guidelines' rather than 'standards'.

The ILC also adopted a new international labour standard on HIV and AIDS—the first international human rights instrument to focus specifically on the issue in the world of work. After two years intense and constructive debate, this new standard has been adopted by a vote of 439 to 4, with 11 abstentions. The standard is the first internationally sanctioned legal instrument aimed at strengthening the contribution of the world of work to universal access to HIV prevention, treatment, care and support. It contains provisions on potentially life-saving prevention programmes and anti-discrimination measures at national and workplace levels, and emphasises the importance of employment and income-generating activities for workers and people living with HIV, particularly in terms of continuing treatment.

Haryana Roadways Strike

The buses in Haryana stayed off the road for a day on 31 March 2010 as 18,000 members of Haryana Roadways Workers (affiliated to All India Road Workers' Federation, CITU) and Haryana Transport Karmachari Union went on a 24-hour strike. The Haryana roadways employees were protesting against the government's action of issuing 3,700 permits to private operators to run bus services in the state. The employees were also demanding regularisation of 3,000 employees. The Haryana Roadways Employees Union leader, Sarbat Singh Punia, told the media, "Our decision to strike was forced on us by the government because it is not ready to listen to our genuine and just demands. If the government still does not listen to our woes and lamentations, we will be forced to take the more severe recourse of a longer or an indefinite strike." Though the state government officials claimed that the strike was a failure and that over half of the buses plied on the roads, the

Agitation at IISCO, Sindri

In one of the important labour struggles unfolding in the steel giant, Steel Authority of India Ltd (SAIL), trade unions are agitating against the new appointment policy of Indian Iron and Steel Company (IISCO) plant at Sindri in Dhanbad (Jharkhand), with respect to appointments on compassionate grounds. As per the SAIL directive, those recruited on compassionate grounds will be designated as trainees for two years before being absorbed in the company as permanent employees. All the unions have come together to protest against this and are demanding that the previous rule of the probation period of six months be applied. The unions also struck work for 24 hours on 23 February 2010 and disrupted mining at Chasnala (the site of the mine tragedy in India in 1975, considered the

union leaders claimed the strike to be very successful. The union leaders also claimed that the state administration tried to break the strike by using terror tactics and even arrested a number of union members. The government, on the other hand, claimed that it was looking sympathetically into the genuine grievances of the transport workers. It explained that it is issuing licences to private players, with a view to improve the existing transport system, which would improve transport facilities in rural and less connected areas, without harming the Haryana Roadways revenues. The government also said it welcomes any suggestions on its new transport policy, while it claimed that a committee is sympathetically looking into the regularisation demands of the unions. The union leaders lamented that this 'looking into demands' has been going on since 2003.

worst ever in India. According to official reports, 372 workers died; unofficial estimates put the figure at 1200), causing huge losses to the company.

Despite the intervention of the Deputy Labour Commissioner, Dhanbad, the management is reluctant to bring a change in the appointment policy. It claims that it is as per the appointment policy of SAIL, the parent company of IISCO. An earlier agitation had resulted in the company agreeing to issue appointment letters on compassionate grounds to 205 dependents of deceased employees. But an agitation had to be started afresh when the management clearly mentioned in the appointment letters that they will be appointed as trainees for two years (and not as regular



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employees as was the demand of the unions) with a consolidated pay of Rs 6,600 for the first year and Rs 7,700 for the second year. In addition, the workers were asked to join the Burnpur unit in West Bengal, instead of the Jharkhand unit.

As per the wage board of the company, the minimum salary is more than Rs 10,000 at the starting level. This injustice irked the unions. This

Auto-rickshaw Agitation

On 1 April 2010 over 55,000 auto-rickshaws in the national capital kept off the roads. All the auto-rickshaw unions had announced that they would be going on strike that day but the strike was called off by the unions, except for the Dilli Auto-rickshaw Sangha, after talks with Delhi Transport Minister Arvinder Singh Lovely and Transport Commissioner RK Verma on 31 March 2010. Since the drivers are a loosely organised lot and the system of communication between the union leaders and the members is not effective, the drivers could not be informed of the decision that the strike had been called off. So despite the decision arrived at by the leaders of not going on strike, the drivers stayed away from work.

On 22 March 2010, about 1,000 auto-rickshaw drivers had held protests outside the Delhi Vidhan Sabha and, the very next day, had given a strike notice to the state government. The auto-rickshaw unions were protesting against the statement made by Sheila Dixit in the Assembly on 17 March 2010 that auto-rickshaws should be phased out from Delhi. The CM's comment—"Auto-rickshaws are not a good option because they are uncomfortable and pollute environment and that the auto-rickshaw drivers are unruly and harass passengers,"—disturbed the auto-rickshaw drivers, forcing them to fight the move by the government to go ahead with the phasing-out programme.

agitation is significant because its outcome will determine revolutionary changes in the policies of SAIL and other public-sector companies, regarding appointment on compassionate grounds.

They were also demanding that the government set up a welfare board to help arrange pension, provident fund and medical insurance plans for auto-rickshaw drivers. The drivers demanded that shelters and stands be made for auto-rickshaws and that base fares be increased from Rs 10 to Rs 15 (some unions such as the Delhi auto-rickshaw Chalak Sangha want this hike to be Rs 20 and Rs 8 per km), in view of the current price rise and inflation; similarly, they wanted the per kilometre charge to be a bit higher. Some of the drivers demanded that because these charges have not increased for years, the new rates should be as much as 50 per cent higher than the current rates.

Earlier, the CM had said that the government was looking for some alternative means of transport for commuters in Delhi by phasing out the current CNG-run auto-rickshaws in favour of battery operated vehicles. The auto-rickshaw drivers lamented that the price of CNG had already increased from Rs 13 to Rs 22.75 per kg, and only a few years back they had converted their diesel autos to CNG. Now again they would have to bear the financial burden of converting their auto-rickshaws to battery run vehicles.

The agitation is being spearheaded by a conglomerate of 18 unions, including Rashtriya Rajdhani Kshetra Tipahiya Chalak Union, Dilli Auto-rickshaw Sangha, Tipahiya Chalak Sangh, Bharatiya Tipahiya Chalak Sangh, Capital Auto-



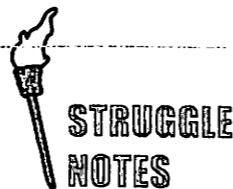
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rickshaw Drivers Union and Rashtravadi Tipahiya Chalak Sangh. The unions said that they will be forced to take further action if the government does not reconsider its decisions.

A similar condition is brewing in Mumbai where the state government has proposed a life of seven years for auto-rickshaws. The Mumbai Auto-rickshaw Union is planning to approach the High Court if the proposal is implemented because there

is already a Bombay High Court order, in which the court allowed vehicles that are more than 10 years old to ply on the roads if these were converted to CNG engines. According to the union, the government's proposal, if implemented, would affect about 3 lakh auto-rickshaw drivers in Mumbai and 10 lakh in all of Maharashtra.



Nokia Strike

The four-day-long strike by the workers for the reinstatement of 63 of their suspended employees at the Nokia factory at Sriperumbudur (near Chennai in Tamil Nadu) ended on 22 January 2010 after mediation by the Joint Labour Commissioner, Chennai. Even after the end of the strike, the stalemate between the workers and the management continued over issues of wages, etc., which were also the reasons for the 10-hour strike in August 2009.

This time, the strike was declared on 19 January 2010, following the suspension of an employee, who had protested on being transferred to a different department without any intimation. The workers claim that the human resource manager, when approached, threatened them with suspension if they challenged the transfer orders. The workers protested against this and 63 workers were suspended by 20 January 2010. The company charged the suspended employees of serious misconduct and breach of company rules. The Joint Labour Commissioner had, on 20 January 2010, issued an advisory to the Nokia workers' union to return to work and had asked the management to solve the issue by 25 January.

The strike was spearheaded by the Nokia India Employees Progressive Union, which is affiliated

to DMK's Labour Progressive Front. Of the 12 office bearers of the union, 9 had been suspended. Whereas the management has agreed to take back the suspended workers in phases, the union demanded that it take all the workers back at once. The workers also wanted that no penal action be taken against the suspended or the agitating workers. General Secretary of the union, P. Suresh and President, M. Shanmugam, told the media, "The management has assured us in the conciliatory meetings that it will take back the suspended employees."

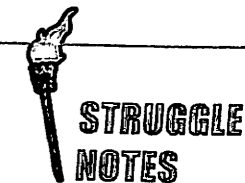
According to the union, more than 3,500 workers took part in the strike (though the management figures are considerably lower). The company maintained its stance that the strike was illegal because it had been called without any notice to the company. A press release of the company said, "The issue has been resolved through mutual dialogue and to the satisfaction of all parties involved." The release also stated that the company has initiated enquiry proceedings against some of the suspended workers.

The company employs around 8,000 workers in the plant, including the permanent, the casuals and the trainees, and, according to various sources, has a capacity of producing 5,00,000 phones a day—the

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highest in the country. About 70 per cent of the workforce is female. Even after an agreement was reached between the workers and the management, the non-union workers continued agitating till the 25 January 2010. The company stated that it was

able to meet the supply requirements through its international production network.



Orissa: Doctors Call Off Strike

On 18 April 2010, just hours after going on strike, the government doctors in Orissa withdrew their protest. The decision to call off the strike was taken after a public appeal came from the Orissa Chief Minister, Naveen Patnaik, and subsequently talks were held between the representatives of the doctors, headed by Orissa Medical Service Association (OSMA) president, Madhusudan Mishra, and the Health Minister, Prasanna Acharya.

The Chief Minister assured the doctors that their demand for the implementation of the Dynamic Assured Career Prospect (DACP) would be studied by a three-member inter-ministerial committee appointed by him and its recommendations would be implemented. The implementation of DACP will ensure better career prospects and promotions

for doctors in the service. OMSA has around 2,500 members.

The doctors' woe was that the government has always taken them for a ride on the issue and, although repeated assurances were given, nothing concrete was ever done. Of significance is the fact that doctors are reluctant to join government service in Orissa. Recently, of the 556 posts advertised for doctors, only 408 were filled. OMSA claims that this is so because of lack of support of government. There are only 2,500 doctors against the requirement of 12,000; of these, 2,500, about 200 retire every year. The doctors had threatened to go on strike in December 2009 but had to defer it in view of Essential Services Maintenance Act (ESMA) and government assurances.

Meru Cab Strike

Around 1,100 Meru cabs stayed off the roads in Delhi on 7 April 2010 to protest against the business models being followed by the operators. The drivers claimed that they have to pay to the operators Rs 800 per day and, often, this amount had to be paid by the drivers because their business fell below this amount. Said a Meru cab driver, Ramesh, "We want this subscription fees to be reduced to Rs 600 because Rs 800 is too high an

amount; after paying this amount per day, my average monthly income remains Rs 10,000, which is not enough to sustain myself in Delhi." The operators, meanwhile, agreed that something must be done to increase the income of the drivers, who made less money and assured them that they will try to get these radio taxi drivers more business. The radio taxi system was introduced three years back.

LABOUR

a bimonthly journal
of labour and
economic affairs

FILE

ISSN 0972-673X

REGISTERED WITH REGISTRAR
OF NEWSPAPERS FOR INDIA VIDE
REGISTRATION NO. DELENG/2003/8983



This issue of Labour File has been produced with
the support of the International Labour Organisation



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