

Regulating Domestic Work

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Domestic work is next only to education in its share of total female employment in the service sector. Except for piecemeal measures in a few states, there is no legislation to protect this vulnerable workforce or monitor the increasing number of agencies supplying domestic workers who are mostly recruited from the tribal pockets of underdeveloped states.

The number of female domestic workers in cities across India has been increasing rapidly since 1999. Yet, domestic workers occupy little or no place in most of the contemporary discourse on economic development. Domestic workers do not have the required collectivities or associations or popular spokespersons to voice their concerns. This is not to claim that domestic workers as a category is completely ignored in public discourse. It does figure in academic circles sporadically as a growing category of female employment, and their reference in intervention programmes is largely limited to their status as migrant workers.¹ However, they are largely absent from state policy – be it labour laws or social policy.

Thanks to collective struggles, some interventions have come through in a few states. In Karnataka, Maharashtra and Rajasthan domestic work is now included under the minimum wages notification. In Tamil Nadu, domestic work is added to the scheduled list under the Manual Workers Act (Regulation and Employment and Conditions of Work Act), 1982. However, even in Karnataka, which is the first state to fix minimum wages for domestic

workers and has a strong organisational backing of domestic workers, the legislative benefits are yet to reach a large chunk of workers. The politics at work is evident in its removal from the scheduled list in 1993 (after a year of its inclusion) till 2004, when it finally reappeared in the schedule. Apart from these sporadic interventions, national level interventions are yet to begin in this sector.

Size, Growth and Characteristics

The importance of the sector in our economy can be gauged from a careful analysis of its size and growth. Private households with employed persons who are largely domestic workers are next to only education in terms of the share in female employment in the service sector. 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, with a phenomenal increase in the number of workers by about 2.25 million in a short span of five years. The data shows a feminisation of the service with the share of female workers increasing sharply over the period [Neetha 2007].

Domestic work in itself has undergone tremendous changes. Domestic workers used to be attached to one single household and undertook one or more work such as cleaning or cooking. In the modern system of domestic work, this has changed and a large number of workers undertake

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heterogeneous work in different households. Thus a domestic worker may do cooking in one house and only cleaning work in another. This system of “part time domestic work”² is typically associated with the phenomenon of urbanisation and the emergence of modern nuclear middle class families. The social value of the labour of the domestic servants has assumed a different orientation, with a large number of women seeking job outside the home; and the comparatively limited capacity of large sections of the middle class to employ and patronise full-time domestics. The increased demand for domestic workers has also been related to the reduction in provision of public social services, which has forced families to depend on market oriented care services to cope with childcare and other domestic duties, especially when women members are employed outside the home.

The patterns of urbanisation in urban centres have ensured the existence of pockets of urban slums that service the surrounding middle and upper class areas in a variety of ways, and domestic service is one of the most important provisions thus rendered. Interstate migrant women account for a majority of the domestic workers. Growing demand for domestic workers has also resulted in a regular flow of domestic helps from particular pockets of out-migration areas. With the increase in the number of workers and the demand for domestics the occupation has got segregated into a number of differentiated tasks. The preference for domestic work among poor women is documented in many studies. Poor women find it convenient to be employed as domestic labour in the surrounding residential areas. Since it is convenient for them to shoulder their own double burden if work is in the close vicinity, and especially if it permits them a few hours at home in between the shifts. Although it is definitely not unskilled work, there are fewer barriers to entry, and many of them perceive it as an extension of work done in one’s own home, although in a different socio-cultural situation.

Though the sector occupies a central role in women’s employment, there is no uniformity in the level of wages, hours of work, number of working days, nature of payment and other conditions of work.

Domestic work occurs in isolated, largely non-regulated and privatised environment and most domestic workers negotiate job terms and pay on an individual basis. The pay of the domestic workers is often determined by the task performed, the locality, their social status and other labour market conditions [Neetha 2003]. Studies have shown that there is clearly a hierarchy among domestic workers in terms of type of work done that is reflected in the wage structure. Total emoluments for cleaning work in urban areas ranges from Rs 100 to Rs 400 per month for tasks such as washing clothes, cleaning utensils, sweeping and cleaning floors. On the other hand, childcare fetches monthly wages in the range of Rs 500-1,000, and cooking is the best paid in the range of Rs 500-1,500 per month. Further, the number of members in the employer family (for washing clothes, utensils and cooking) and the area of the dwelling (sweeping, mopping, etc) also affect the wage rate.

The working hours of domestic workers also vary. Research on domestic workers suggests that many workers suffer from occupational health problems especially backaches, joint pains and allergies to detergents and other cleaning agents [Moghe 2005]. However, there is no provision for social security in terms of provident fund, health insurance or pension. The conditions of work and lower socio-economic status of these workers gives sufficient pointers to the possibility of physical and sexual violence, which is largely under-reported.

Commercialisation of Domestic Work

Domestic service is still a highly personalised service. However, the market possibilities of the sector have affected the organisation of the service drastically, posing further challenges in the regulation of this sector. The huge amount of commission involved and the absence of any regulation are the major attractions. During the past few years there has been an upsurge in the number of agencies supplying domestic workers especially in metropolitan cities. As per broad estimates, there are over 800-1,000 placement agencies in the capital city of Delhi itself.

Since agencies differ considerably in terms of functioning, doubts are often raised about the genuineness and method of functioning of these organisations. The tribal pockets (of the states of Jharkhand, Chhattisgarh and Orissa) are often the hubs of such recruitment from where large number of women (especially unmarried girls) are mobilised. Single women migrants depend on these agencies, as they are unaware of the dispersed employment opportunities in the city. The linguistic barrier of the migrant is another factor, which makes the role of a middleman or agency inevitable. The existence of various layers of recruitment agents and the system of advance payments adds to the complexity. It is widely documented that a large number of agencies take undue advantage of the illiteracy and ignorance of these workers and non-payment of wages and the element of forced/bonded labour are also rampant. Trafficking for domestic work and the possibility of sexual exploitation of domestics (by the middlemen, agents and employers) are among the concerns often raised in this context. Thus, in reality, there are regular traumatic incidences in which domestic workers are exploited in the cities by agencies as well as employers – a trend that is sure to increase in the future unless appropriate policy interventions take place soon.

Need for Regulation

Lakhs of women and girls turn to domestic work as one of the few options available to them in order to provide for themselves and their families. This definitely poses serious concerns in terms of women’s work and the larger issue of women’s agency and empowerment. The relocation of work from public to domestic, which are governed by personalised service conditions and are often oppressive, pose serious challenges. The domestic worker has an ambiguous status, and remains “a special

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type of worker who is neither the member of the family, nor an employee in the public sphere enjoying the full advantages of socialised work” [Arat-Koc 1989].

Domestic work poses challenges in terms of regulation in the context of its fragmented nature, different tasks and a multiplicity of employers. The emergence of middlemen and agents further complicates the scenario. Notwithstanding this, instead of guaranteeing better employment conditions, governments have systematically denied them key labour protections extended to other workers. Given a history of neglect of issues of women workers in general it is not surprising that domestic workers have been excluded from even a basic labour law like the Minimum Wages Act. The first attempt to regularise domestic work, i.e., the drafting of the Domestic Workers’ Bill (Conditions of Service) 1959 is now a matter of history. Along with efforts to include domestic workers in the pending Unorganised Sector Workers’ Bill (2004) there are also demands for a separate bill, which would address the special employment conditions of this category of work. In this context, the bill framed by the National Commission for Women deserves special mention.

The process was initiated following a growing number of media reports on the exploitation of tribal girls by placement agencies and employers in Delhi. The Commission held a series of discussions with various stakeholders and came out with a draft bill, the Domestic Workers (Registration of Social Security and Welfare) Act 2008, the details of which are on its web site.³ Apart from regulating placement agencies the bill also stipulates conditions of work and also addresses the social security concerns of domestic workers. The present bill, though it takes into account many of the specificities of domestic work, needs to be developed further especially on the implementation aspects. This calls for extensive consultations and discussions with various stakeholders across the country. If enacted it would surely improve the conditions of millions of domestic workers. Whether this bill becomes just an addition to the numerous bills that various commissions have drafted and which have not seen the light of the day is a matter of real concern.

NOTES

- 1 For instance, domestic workers in urban areas find mention in the intervention and advocacy programme on HIV/ AIDS.
- 2 Though these workers may work only for a few hours in each household, their total hours of work are as much as or greater than a ‘full time’ worker.
- 3 http://ncw.nic.in/Comments/Domestic_worker_bill.pdf

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