

**Domestic Workers in South Asia
In Search of Protection and Dignity**

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Domestic Workers :Who We Are?

- Working inside household, particularly responsible for household chores, may be coupled with engagement in other services not defined as household chores.
- **Two Central Elements**
 - In a employment relationship and
 - Employed in a household (including placed by an agency).
- Both within a nation or in foreign land

Estimation (2010)

- **Global** - Close to 100 million, 1.7 percent of total employment and 3.6 percent of wage employment, 7.5 percent of all female wage employment
- **Women in Domestic Work**- 83 percent of workers are women, ranging from 64 to 90+ percent.
- **Children**- 5-14 Years- 7.4 million (2008), 5-17 Years- 15.5 Million
- **Bigger share** – Asia- 41% or 21.5 million and Latin America- 37 %, 19.6 million

Significance of Domestic Work

- Direct contribution on GDP with wage employment
- Indirect contribution on GDP with facilitating efficiency of other employment
- It is estimated that household production/ services can contribute 25-50 percent of GDP.
- In developing countries upto 10 percent employment is on domestic work.

Challenge

- **Informality**- Excluded from Social Security,
- **Unreported**- Evading Fiscal Regulation by Employers,
- **Unrecorded**- Skipped in Labor statistics or declaration of lower payment,
- **Illegality**- Employment of child, forced labor or human trafficking practices
- **Employers**- Mostly Govt. Officials, Private Entrepreneurs, Social Workers/Activists, Political Leaders

The South Asian Context of Local DWs

- **Estimated Number**
 - **Nepal** – 200 thousand Domestic Work (More than half child labor) **India** – 2 Million plus
 - **Bangladesh** – 2 to 3 Million
 - **Pakistan** – 8.5 Million
 - **Sri Lanka** – Data of Local DWs (N/A), Migrant- 15000+
 - **Bhutan** – Local DWs (N/A), Migrant from other Countries
 - **Maldives**- Local DWs (N/A), Migrant from other Countries
 - **Afghanistan** – Data Available
- **Migrant Domestic Workers to Foreign Land, from Foreign Land (India)**
- **Common Problems**- Exploitation, Enslavement, Children Engagement, Sexual Violence, Bondage and Trafficking
- **Nature** - Scattered, Semi or Illiterate, Diverse (Live in or Live Out, Through Agency or Directly Employed, Status of Employers, migrant and local)

Legal Protection

- None of the south Asian Countries has ratified ILO convention 189.
- Only 16 countries in the world at the moment have ratified
- Labor code/labor law in south Asian Countries does not address domestic Workers
- No Minimum wage acts are applicable for them
- **In Nepal** Domestic Violence Act, Act on Addressing Sexual Harassment at Work Place, Child Labor Prohibition and Regulation Act and Foreign Employment Act for Migrant Workers+ Civil Code (recently tabled in parliament) have provision for domestic workers

Legal Protection

- **In Sri Lanka** – Maternity Leave Legislation has addressed domestic workers
 - The Wages Boards Ordinances Nos. 28 of 1871 and 18 of 1936 – registration of domestic “servants”,
 - Domestic workers are entitled to maternity leave.
 - The 1999 amendment to the Employment of Women, Young Persons and Children Act (No. 47), 1956 prohibits the employment of children under 14.
 - The Fee-Charging Employment Agencies Act, Immigrants and Emigrants Act and the Sri Lanka Bureau of Foreign Employment Act cover domestic workers leaving Sri Lanka for employment overseas.

Legal Protection

- **Bangladesh**- The Unorganised Workers' Social Security Rules, 2008, The Government has set up a policy framework taskforce to look at extending other work benefits to domestic workers (Situation Not updated).
- Legislation related to foreign employment address domestic workers as well in many of the countries
- **Discrimination** – Local Domestic Workers and Migrant Domestic Workers
- Even Migration for Domestic Work is more focused on Migration to Developed Countries and Gulf Countries
- Migrant Domestic Workers within South Asian Countries are not addressed and responded

Current Challenges and Difficulties

- *Dilemma over Conditionality of Domestic Work*
– Addressing Child Labor, Bonded Labor, regulating decent work condition
- *Definition of Migrant Domestic Workers* – Cross Boarder or Inside country??
- *Legal Jurisdiction* - Within Nation or in Foreign Land
- *Standardization* – Work Nature, Working Hours, Employers' Definition, Monitoring and Inspection, Labor Statistics

Current Challenges and Difficulties

- *Functional Networking, Organization and Unionization* – Scattered, Communication, Education
- *NGOs, Trade Union and Government Partnership*
- *Exclusion of Domestic Workers in Mainstream Movement* Women's Rights, Human Rights, Labor Rights Movement, Urban Concern Movement both at national and regional level.

Ways Ahead

- *Legal Protection* - Ratification of ILO Convention 189, Extension of Labor Legislation Purview, Specification of Standards and Minimum Wage, Regional Legal Standards for migrant within South Asia.
- *Clarity and Inclusion* – Migrant Domestic Workers (within nation migration+ migration within south asia)
- *Labor Perspective and Action* – First Unfair Labor Relation; Extreme- Trafficking and slavery practices; Are as other workers; Demand Labor Standards
- *Empowerment and Organizing* – Trade Union Education, Labor Rights Education, Unionization Facilitation
- *Recognition and Recording* – Registration and Bringing under labor legislation purview

Ways Ahead

- *Self Help and Resilient* – Cooperative, Group Insurance, Soft Loan Schemes
- *Be Visible and Build Network* – South Asian Alliance, National Networking, Facilitation/Support Group, Regular Dialogue and Exchanges, Solidarity Action and Local Movements.
- *Get into Mainstream Movements*- Women's Rights Movement, Indigenous Rights Movement, Mainstream Workers' Movement, Land Less and Urban Poor Rights Movement, Anti Human Trafficking/Anti Slavery Movement, End Child Labor Movement etc.
- *Trade Union, Government and NGO Joint Intervention*- Facilitation and Empowerment, Legal and Education Services, Unionization, Registration, Recognition and Legal Protection

**Domestic Work
Decent Work
Ratify ILO C189**
