

## **Nuances and Overtones of Paid Domestic Work in India**

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### **1. Introduction**

In the 21<sup>st</sup> century domestic work has been acknowledged as an important sector of female employment the world over calling for policy interventions. However until 1970s the sector was seen largely as one of the third world problems or identified as a phenomena of preindustrial society, likely to disappear with development and industrialisation. It is now fairly an accepted understanding that the sector is not to disappear though explanations for its continuation differ. Unlike the earlier understanding that it is women's entry into paid work that has increased the demand for paid domestic work, it is now well acknowledged that it is the unequal economic situation arising out of globalisation that has led to a surge in domestic workers.

Though domestic work is not a new phenomenon in India, what one understands as paid domestic work today is not an extension of the earlier feudal based system where the rich and dominant class had 'servants'. Loyalty, obligation and patronage governed the feudal relation where caste and gender decided the tasks assigned. Lower castes men and women undertook most of the cleaning tasks. Cooks were mostly upper caste men, though widowed women were also sometimes kept. With the new system of paid domestic service which is prevalent across urban and rural contexts, the nature of work, workers and work relations have changed rapidly, though one may see extensions of feudal practices in the everyday organization of modern system of domestic work<sup>1</sup>.

Economic changes leading to increased inequality marked by agrarian distress, indebtedness, and rural-urban migration have encouraged the growth of paid domestic work, as it produced an affordable class of employer and a surplus of unskilled workers. It is interesting to note that the feminised growth in paid domestic work has happened

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<sup>1</sup> Migration to foreign countries to take up domestic work is not significant as there are state regulations and restrictions such that women below 30 years of age are banned from migrating outside the country for paid domestic work.

during a time when there is an overall decline in female employment in the country. The rest of the paper is divided into three major sections. The second section gives an overview of work, work and work relations in the sector highlighting some of the challenges in paid domestic work. Critical analysis of policy interventions, through a detailed analysis of one the key regulation of the sector is attempted in Section 3. Section 4 provides a methodical account of the mobilisation initiatives underlining some of the challenges. Finally, Section 5 concludes the paper.

## **2. An Overview of Work, Workers and Work Relations**

Because of the limited data sets that are available for intense enquiry and due to the highly informal nature of employment relations, it is difficult to arrive at a definite macro profile of the sector. However, the available data provides broad contours which offer useful insights into the sector and the emerging social and demographic characteristics of the workers.

Estimates of the number of paid domestic workers in India, whatever be the source of data, have shown a huge increase over the last decade with a clear trend towards feminisation. The NSSO data for 2004-05 showed a dramatic increase in the number of women engaged in domestic service of about 4.25 million. The latest NSSO data (2011-2012) estimate is 3.9 million; of which male domestic workers are 1.3 million and female domestic workers are 2.6 million. In the context of reported anomalies in 2004-05, if a comparison is made between 1999-2000 and 2011-1, it is clear that domestic work shows more than four- fold increase over the ten year period. The share of female workers has also remained very high whatever be the variation across agencies on the number of workers.

Unlike many other countries, this upsurge has been driven by an increase in ‘part time’ workers, though the number (and demand) for full time workers is also on the rise. Most ‘part-timers’ undertake same or multiple/heterogeneous tasks in different households. While ‘part-time’ is from the point of view of the employer, their aggregate daily hours of work across all employer households tend to be equal to or greater than that of a ‘full time’ worker in a factory or construction site (as defined by ‘normal working hours’ under labour laws). Most urban middle class households prefer part-timers due to a variety of reasons; the most important being the possibility of engaging cheap labour with no

responsibility, easy hire and fire. This system frees the employer from the responsibility of boarding and lodging and allows employers to hire according to their budget. It enables the employer to keep an array of workers if required to carry out different tasks which are fragmented; where caste and other demographic characteristics are also considerations. Thus, often workers from lower castes are employed in cleaning tasks, while workers from upper castes are hired for cooking.

While the increase in the number of domestic workers across all sub-categories - housemaid/servant, cook, and governess/babysitter - is noteworthy, it is the all-encompassing housemaid/servant that shows the maximum increase, accounting for 92 per cent of all female domestic workers. This reflects the nature of tasks often assigned to these workers such as sweeping, mopping and other cleaning tasks. Child care and assistance in cooking and other odd chores are often subsidiary tasks which are expected from every domestic worker when demanded. Such tasks never form part of the negotiation, though multi-tasking is expected from every worker to meet any contingency. The current terminology -- 'maid' -- has thus come to denote an omnipresent all-in-all entity, who is expected to possess all the 'natural' skills including high levels of social competence.

The macro data shows that a large proportion of domestic workers are between the ages of 31-40 (33.3 per cent) and 41-50 (22.6 per cent). The share of those above 50 years also stood higher at 17 per cent. Currently, married women account for 55 per cent of domestic workers, followed by widowed or divorced/separated women (30.4 per cent). The age and marital profile highlight that more than the unmarried and younger age cohorts it is older women (for whom possibly other employment opportunities are few) who take up domestic work. The naturalisation of house work in a women's life by marriage is also another factor that would explain the increased presence of older women in this sector.

Most domestic workers have little formal education. About 54 per cent were "illiterate," and 83 per cent had less than middle level schooling, an indication of their poor socio-economic backgrounds. The most interesting pattern, also evident in many micro level studies, is the presence of high proportions of women from all social groups, clearly bringing out the gendered understanding of this work more sharply than any other occupation. The category of OBC accounted for the highest proportion (32.4 per cent) followed by SC workers (31.2 per cent) and upper castes (28.4 per cent). Across all castes,

migrants account for the largest share of domestic workers, with the supply of workers maintained through a regular flow of distress migrants from varied and shifting rural origins (Neetha & Palriwala, 2011). In this context, the migration of tribal women to urban centres to take up domestic work is an important development that needs special mention.

Micro level studies show that irrespective of the profile of workers and nature of domestic work, the employment and conditions of work are highly informal with low wages. The details of work, the wage structure and service packages are very complex and variable, making it problematic to arrive at a uniform wage rate for domestic work even for a specific locality (Neetha, 2009). Apart from the variation across larger divisions (such as cook, cleaner, and baby-sitter), wage rates vary within categories depending on the nature of contract and other specificities of work and the worker. Further, personal relations are crucial in setting the terms of the contract – be it entry into work and conditions of work such as wages, leave or other entitlements. Domestic workers may support practises that are rooted in feudal patronage based employee- employer relations which entitles them to additional payment in kind, access to loans, used clothes, utensils, appliances and gifts on festivals. Extra wage benefits are critical to the survival of the workers which explains the prevalence and continuation of non-wage relationships in a big way.

The employer-employee relationship is a complex one and is viewed as one of domination, dependence and inequality. Given that the market for domestic work is segregated with differential services and wage rates, households across classes are employers of domestic workers though middle class is the largest employer. Domestic work spheres, the homes of employers, as increasingly acknowledged, are not spaces of love and sympathy but locations of bargaining and negotiating. Interactions between social and economic groups do not always undermine, but often enhance the boundaries that divide them, especially when it is a highly privatised space. Also, this is an area of work where the employer and the employee are mostly females. Marked by exploitative relations, intimacy and shared gender concerns sometimes coincide. As a home is the site of work, relations between employer and employee are often not limited to work but spill over as larger support systems.

### **3. State regulation: Piece meal and Half-hearted**

State regulation has been almost absent and a cursory look at the long list of various attempts to regulate the sector clearly reveals a neglect (Neetha and Palriwala, 2011). Domestic workers are excluded from the coverage of many core labour laws<sup>i</sup> as they do not qualify under definitions of ‘workmen’, ‘employer’ or ‘establishment’ as defined in these laws (Shankaran, Sinha & Mahadev, 2007). There are three fundamental issues that are important from the perspective of state regulation. Firstly, the heterogeneity and diversity in domestic work relations and practices make it difficult to establish it as one occupation. The intimacy and personal discretion further makes it difficult to quantify and standardize it. The most critical issue is that of workplace being private homes which makes it difficult to intervene posing major challenges for monitoring and regularization. Apart from these, the possibility of large scale loss of employment opportunities of domestic workers is also a frequented anxiety shared by policy makers. However, there have been intensified efforts by activists and unions to introduce legislation at the state and national levels. Some state governments have opted to include domestic workers under the Minimum Wages Act, 1948<sup>ii</sup>. After much lobbying, domestic workers were brought within the ambit of the Unorganised Workers Social Security Act, 2008 and Prevention of Sexual Harassment at the Workplace Act, 2013. Welfare boards exist in a few states that partly address some of the social security dimensions though actual operation and coverage is an issue. In select states domestic workers are included under the Rashtriya Swasthya Bima Yojana (RSBY) in 2011 which provides for limited health insurance cover. To get registered under RSBY, domestic workers have to get verification from two out of the four authorized agencies such as the police, employers’ resident’s welfare associations, the employer and unions. Thus, RSBY after so much of fanfare is now understood as a program that did not have much success except in few states where some inroads are made in some pockets with continuous efforts of organizations working among domestic workers. Recently, since October, 2016 domestic workers in two states, Delhi and Hyderabad are extended limited medical facility under the ESI scheme, again with discriminatory and exclusionary clauses. Thus, while several piece meal extensions are attempted, there remains an absence of comprehensive, uniformly applicable, national legislation that guarantees fair terms of employment and decent working conditions to these workers.

An ongoing effort in the sector is the proposed national policy on domestic work which was drafted in 2012, after much pressure and lobbying from national and international organization. This did not get the clearance of the then government. The fate of this policy, is still unclear, despite its revision in 2015 and the statement of Labour Minister in Rajya Sabha, in March 2016 which says that the matter is 'under active consideration'. The present government has, however, reinforced its predecessor's stand of not ratifying the ILO (International Labour Organization) convention that forms the rubric for protection of domestic workers.

Among all these arbitrary interventions, one of the most important state interventions has been the inclusion of domestic work in the list of scheduled employment under the Minimum Wages Act as it recognise private households as workplaces. On the basis of the analysis of the minimum wages of domestic workers in select 3 states, namely Andhra Pradesh, Karnataka and Kerala, an attempt is made to analyse the legal intervention in terms of addressing some of the key issues of the sector.

### **3.1 Extension of Minimum Wages to Domestic Workers: Designed to Fail**

Karnataka was the first state to notify minimum wages for domestic work in 2004, Andhra Pradesh notified in 2007 and Rajasthan in 2008. The role of unions/ organisations working among domestic workers was instrumental in bringing the sector under Minimum Wages Act, 1948 in these states. In all these states there has been intense campaigning by unions/organisations pressurising political leadership and bureaucracy which ultimately resulted in the notification of minimum wages.

All the state notifications define domestic work in terms of tasks undertaken. The tasks listed in the notification vary across states though at the overall level some uniformity exists. Domestic work is defined in terms of the traditional gendered understanding of house work such as cleaning, cooking and basic care. However in Kerala, driving, gardening or private security guards are also listed in the notification under the list of tasks. Distinctions in a given occupation between skill categories -- skilled, semi-skilled and unskilled is common in notifications on minimum wages. However, the notifications on minimum wages for domestic workers are not explicit on the skill embodiment. No task in the domestic work notification schedule in any of the states are classified as skilled which means that none of the processes that come under the list of domestic work are

worthy of being classified as skilled work. This also means that no matter how many years of work that the worker may put into undertaking these tasks, such work will remain unskilled, so that the workers experience in these tasks are not worthy of consideration. The Kerala notification differentiates general care tasks and specialised care demanding technical expertise (the category of home nurse), with marginally distinct wages for these categories. This move, though apparently acknowledging levels of skill, results in only a negligible wage difference and thus effectively leads to an overall deskilling and devaluation of this category of workers.

The duration for which minimum rates are fixed further reveals the states' regressive approach. Minimum wage rates for domestic work are fixed either daily or hourly as against monthly wages, which is the general norm. Though, on the one hand, wage differentiations across duration do take into account the part-time nature of domestic work, on the other hand, it allows employers to pay workers on an hourly basis leading to increased work intensity. Thus, part time workers who work in multiple houses are at the risk of both self-exploitation and exploitation by their employers. As the payment is on an hourly or daily basis, employers could also conveniently deny weekly rest days. Further, there is a lack of appreciation of the existence of live-in workers and their work specificities by defining the wage rate in terms of 8 hours of work and by ignoring the issue of over time completely or of casually providing for overtime wages.

Table 1. Details of legally stipulated duration of work, tasks, year and wage rates – State wise

States	Rates fixed for duration	Tasks listed in the notification	Latest Minimum Wage Revision	Latest Minimum wage
Karnataka	Per day – 8 hours	Washing the clothes/ Washing the utensils/Housekeeping and looking after the children /and other work	April 2011	DAILY - (cleaning and cooking) 218.93

				DAILY - (cleaning and cooking with child care 223.93
Andhra Pradesh	½ hour; 1 hour; 1½, 8 hours	Cleaning of vessels/washing of the clothes/sweeping and swabbing floor/baby sitting /care of old or infirm persons/kitchen shopping/taking children to school and back/other household chores	Jan,2012	8 hours – 4521- monthly  DAILY - 214.38
Kerala	1 hour; >1 hour &<5 hours; 8 hours; monthly	Washing clothes; Washing utensils; Sweeping and cleaning house premises and moping; Shopping of vegetables and items related to cooking; Cooking assistance; Taking care of children and taking them to school; Taking care of elderly, disabled etc.; Cooking; Any other household work; Driving of personal cars; Gardening and assistance; Home nursing; Working as security/ watch man	August 2015	DAILY - 195 (cleaning and helpers in cooking)  DAILY - 201 (cleaning and helpers in cooking and care work) DAILY - 213 (cooking) DAILY –



				219 (live-ins)
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Source: Gazette Notifications of Various States, Government of India

Wage rates as prescribed by the Act do not suggest any clear method of the calculation followed, though minimum wages are to be notified taking into account the skill component of the tasks as well as the requirement of the worker and his/her family to maintain themselves. This arbitrariness in terms of fixing the minimum wage rates for domestic work has been pointed out by various organisations<sup>iii</sup>. There has been variation across states in the minimum wage which defy explanation.

Andhra Pradesh has same minimum wage rates for all tasks. Karnataka has two separate wage rates, with higher wage rates for housework with child care. However, cooking is missing from the list of tasks. Kerala differentiates wage rates for various tasks under domestic work in accordance with the social understanding of the hierarchy among domestic tasks, though the rates do not differ much across these tasks. Cooks, live in workers, security guards and helpers engaged in gardening activities share the same minimum wage but it is higher than that of cleaning and care workers. Drivers, gardeners and home nurse (day time) have equivalent wage rates. However, the difference in wage rates between the highest paid task and the lowest paid task on a day for an hour is just Rs. 2. This makes it clear that more than the monetary differences in wages it is the social understanding of a given task that the notifications are exemplifying.

The task based differentiations in minimum wages are more complex than suggested when the social profile of workers performing these tasks are analysed. As discussed earlier, there exists a considerable degree of segregation in terms of tasks along caste lines in all the states, though the degree to which such notions exist vary not only between states but also by rural/urban distinction and local parameters. Cleaning tasks are considered to be one general task – though sometimes cleaning utensils and washing clothes are considered better in terms of status compared to sweeping and mopping floors. The over representation of lower castes’ in cleaning operations is well documented (Raghuram, 2001; Neetha, 2009) which is true for all states. But in many states, they are also undertaking cooking tasks, though to a much lower extent. The presence of upper castes is reportedly the lowest in sweeping and mopping though some combine these tasks

with cooking. Interestingly, wherever the wage rates are differentiated this social hierarchy is reproduced.

### ***3.1.1 Other Working Conditions***

The disinterest and half-heartedness of the state in accepting domestic work as work and thus in extending labour rights to these workers are evident not only in terms of definitional issues and rates but also in specifying basic conditions of work such as working hours, overtime and so on. The Act enables appropriate governments to (a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals; (b) provide for overtime rate wages, (c) provide for a day of rest in every period of seven days; (d) provide for payment for work on a day of rest at a rate not less than the overtime rate.

In all the notifications, specifically or otherwise, normal working hours for a day is defined or assumed as a maximum of 8 hours. In Kerala there is direct mention of 8 hours as the normal working day while in other states, since the rates are given for an 8 hour schedule, there is an inbuilt assumption of 8 hours. In the context of a growing number of live-in workers who constitute about 10-20 per cent of domestic workers<sup>iv</sup>, the assumption of an 8 hour normal working day shows how alien are the interventions from the realities of the sector.

But in the case of part-time workers who have multiple employers, the worker will always be working for less than the stipulated regular working time of 8 hours under one employer. But, when the working hours across various houses are put together, the worker may have to work for more than the normal working time of 8 hours. Since the selection of the number of households and timing is an individual decision, regulating the working time for part-time workers is an issue. The legislation in all the states have conveniently ignored this specificity of the sector, by mechanically extending the provision as in the case of other informal sector employment. The only way to prevent the worker from working above normal hours is to ensure an adequate income, which could be achieved through better hourly wage rates. However none of this seems to be of concern in the states, as the wages are fixed at such low levels.

As regards rest intervals, none of the notification makes any provision for any break and assumes that the worker works continuously. Domestic workers' non-worthiness to

claim rest intervals is definitely an outcome of the social understanding of house work as light, natural and trivial. Further, except in the states of Karnataka, there is no mention about wages over and above the 8 hours of a normal working day, namely over-time wages. Yet another issue involving overtime provisions is the maximum limit to permissible overtime hours. All the notifications are silent on this issue, confirming the prevalent understanding of house work as gentle and natural.

Even in the state where overtime wages are specified, the calculation of overtime and its payment is a problem for the part-time worker who works in different houses, about which the regulation is completely silent. Over time wages are payable if a worker is made to work for more than 8 hours. But in the case of part time workers with multiple employers, the question arises as to under which employer or set of employers the overtime rate is to be applied. Moreover, a normal practice prevalent in the employment of part- time domestic workers is the practice of assigning more tasks than what was agreed upon in the initial contract. These tasks are not well defined and could vary from cutting vegetables, folding clothes, shopping, to washing a child and supervising the child, and so on, all of which finally extend the hours of work in a particular household. Furthermore, on days when there is extra work (on account of guests, functions, festivals etc), the amount of work would increase and exceed the normal working time. Even when workers do extra work in just one particular household on a given day, their total working hours get extended. Whether she is then eligible for over time is an issue that must be debated. Though it is possible to identify the employer responsible for overtime work, the way over time wages are understood in the Act is not of any help. Since domestic work arrangements are different from other sectors of informal employment a mere extension of these provisions is nothing but a half-hearted response of the state.

On the whole, in states where protection under minimum wages are extended the intervention is characterized by ambiguities not only in wage rates but also in extending minimum rights to these workers. Assumptions about house work underlie the many problems with the minimum wage act provisions.

### ***3.1.2 The Mockery of Enforcement***

There are specific notes under the minimum wage notification of domestic workers that directly affects its enforcement, which are rooted in the non-recognition of the home as a

workplace. Every employer under the Minimum Wages Act, 1948 is required to maintain registers and records of workers, giving particulars of employees, the work performed by them, the wages paid to them, the receipts given by them and any other required particulars. However, in all the states the notification clearly specifies that employers are exempted from the maintenance of registers and records.

Yet another issue is the restriction on inspection in the context of domestic work. While labour inspectors are free to conduct inspections for any violations of the Minimum Wages Act, 1948 in general. In the case of domestic work, restrictions exist in all the states. Thus, in these states the notification itself did not provide for implementation mechanisms such as regular inspections and regulations for the maintenance of a wage register by the employer. These provisions in the Act adversely affect the spirit of the legislation and reflect the half-heartedness of the state in addressing the issues of domestic workers. Without any records, should there be a minimum wage dispute, the worker is left to prove his/ her employment contract, which is simply an impossible proposition given the socio-economic conditions of these workers. There has not been much attempts to disseminate the coverage of the sector under the Act which is critical to its enforcement (Neetha, 2015). Thus, the rates largely remain on paper, with very few workers or employers being aware of the existence of such legislation and many workers get wages lower than the statutory rates.

#### **4. Organising Domestic Workers: NGO-isation, Expansion and Diversification**

The lack of proper unionization is a critical factor in their marginalisation as workers and exclusion from labour laws, the violation of national legal norms in their wage fixation, and the absence of entitlements to various social security benefits. Only a small fraction of domestic workers in the country are unionised or in touch with associations. It is often acknowledged that organizing is difficult due to the system of employment and the specific profile of workers which defines their social and political vulnerabilities as well as because of the familial responsibilities for part-time workers and the issue of isolation among live-in workers. However, the space that domestic workers have now acquired in policy and academic discourses, and in feminist writings, owe a great deal to the organized movements that have been taking place in various parts of the country.

Organisations with varied perspectives are into organising domestic workers or domestic workers are represented by organisations with varied political positions and social understanding. The current phase of organisational setting is marked by the presence of NGOs, civil society organisations, community or religious organisations, women's movement or by labour unions. Some of these current organisations have a long history in the sector while few have very short organisational experiences or have diversified into the sector from other areas of intervention or interest. The political visibility of the sector in the wake of the ILO convention on domestic work, has been important in the entry of new organisations, as well as some of the existing trade unions into unionising domestic workers.

Earlier attempts or initiatives towards organizing domestic workers were not only sporadic and haphazard but also outside the usual understanding of a trade union. Given the struggles for survival and the poor social and economic conditions that these workers represent and given the location in the forms of work that are denied not only of social recognition but also of self-recognition, the likelihood of spontaneous self-organisation of domestic workers are practically non-existent. Most organisations of domestic workers have their origins in the efforts of people who have a different class background to that of domestic workers who are being organised. Many earlier movements/organisational attempts around domestic work were led by religious organizations or NGOs with very specific areas of intervention. Partly due to the gender composition of the workforce in the sector as well as due to the nature of work that the workers undertake all early organizers of domestic workers were also women.

The organizing history of paid domestic workers can be divided into two phases – an earlier phase of sporadic initiatives largely by individuals or organizations and the latest phase of increased activism and networking both at national and international level. The phase which extend till the middle of 2000 is not marked much, by any discourse around the concept of domestic work or its gendered nature or employment relation. The personal relation of work or its feudal nature or systems of hiring practices was rarely a subject of direct interest. The first notable attempt at organizing domestic workers can be traced to the National Domestic Workers Movement (NDWM) which is now active in almost all states in the country, which has a federated structure. The origin of NDWM could be traced to the efforts of the Church to address the issues of Christian girls who took up

paid domestic work in cities after migrating from tribal areas. Though the organization is present in many states, the strength as well as activities differ drastically such that no comparison can be made across the various states.

In the first phase of organisational trajectory, though the target group was domestic workers, sympathy and charity overwhelmed their intervention in the initial years, limited to the personal private domain of the individual worker, leading to intervention largely in form of demands for welfare programmes as vulnerable poor. Conditions of work if a concern was limited to issue of low wages, the discussion of which was not pitched in any labour market issues of the sector. The organizations largely facilitated/supported them in accessing state schemes such as PDS, housing and livelihood programmes and other welfare programmes such as pension, children's education or health issues. Alongside facilitation to access state programmes, some organisations also had designed individual schemes to support workers though the scale of such interventions and direction vary across organisations across time. Organizations which had links to Christian missionaries because of access to resources both in terms of human and financial resources did support the workers in dealing with their day to day tensions and difficulties. Placement services offered by many organizations to its member domestic workers was one of initiative to address some of the issues of the sector. Organizers of this period were largely outsiders who did not share much social or economic identity with the group that they were organizing. Since these organisations were all designed, monitored and regulated from above and the workers engagement was limited to membership and accessing benefits, membership fluctuated considerably across years depending on the schemes and benefits with huge turn over with old workers leaving and new workers joining. The sector because of its specific employment characteristics never had any luck in the larger discussions around informal sector employment and thus was largely outside the realm of any trade union involvement.

With the increased visibility around domestic work attributable to international developments there has been upsurge in the number of organizations working among domestic workers. Organisations with varied perspectives have initiated efforts to unionise domestic workers in recent decades. Alternative styles of organisational politics have emerged, though highly region specific and somewhat sporadic. This phase was also inspired in the beginning by the macro data of the NSS in 2004-05 showing a massive

increase in the number of domestic workers. The political visibility of the sector both in terms of the campaigns around bills on social security for the unorganised workers and sexual harassment, alongside the international visibility in the wake of the International Labour Organisation (ILO) convention on domestic work, have been central in making existing trade unions finally open their doors to these “non-workers”. With the renewed interest in the subject, the character and nature of organization saw a massive change with many NGO led organisations registering their union of domestic workers. Thus in many cases , there are two wings to some of the earlier organisations such as the NDWM; a union and an association - the union dealing with issues of labour rights and labour welfare and the association taking on with the NGO agenda and general welfare schemes. Many associations also run their own self -help –groups with support from state governments or other financial agencies.

This period also saw many existing trade unions organizing workers in the sector. Now all the central trade union are actively engaged in the sector though there are differences across states in terms of their importance and successes. The period also saw new forms of organizing efforts and strategies and women’s movement involvement is noted in many states.

#### **4.1 Challenges of Mobilising and Unionising**

One of the critical issues that confront the sector both in terms of organising and regulation is the definition of domestic work. What constitute domestic work or domestic workers is still an area of conflict and diverse interest persists which has intensified since the ILO convention. ILO definition of domestic work clearly bring the policy formulation oriented definition where a “domestic worker” is defined as “any person engaged in domestic work within an employment relationship”. Domestic work thus may involve a range of tasks, including cooking, cleaning the house, washing and ironing the laundry, general housework, looking after children, the elderly or persons with disabilities, as well as maintaining the garden, guarding the house premises, and driving the family care. (Domestic Workers Convention 2011 (No.189), Article 1)

The employment relation based definition as above however, is not shared by many activists as it is assumed to hamper homogeneity in the profile of domestic workers and their interests. The understanding of domestic work among activists and organisers of

domestic workers in the national contexts is more or less uniform. Domestic work is commonly defined as house work performed for the private household such as housekeeping (cleaning tasks & cooking), child care and other personal care and all workers irrespective of the nature of engagement -part time, full time, live-in or live out workers are domestic workers. The other categories of domestic workers such as gardeners, personal drivers and ‘watchmen’/guards are not treated as domestic workers in this understanding as their profile and employment relation differ substantially from that of the larger category of workers, who undertake routine household tasks.

Though workers’ rights have taken a central stage in terms of issues with many organisations actively engaged in some of the fundamental concepts and issues such as definition of work, work place, under valuation of house work, the continued prevalence of patronage make workers less likely to identify themselves as workers and organise on a work-based identity. As discussed, NGOs are now compelled to get their association of domestic workers registered as trade unions as in many states as only registered unions can only register workers in the state sponsored welfare schemes. The change in position of the central leadership of NDWM on the demand for registering unions that came from many states such as Karnataka, Andhra Pradesh, Kerala and Tamil Nadu needs to be seen in this background. This fear that workers could leave organisations as they cannot represent or register workers have led to registration of many unions in different states since last 10 years.

Even when domestic workers are members of ‘unions’ their engagement with issues and the extent of their commitment with the cause of workers’ rights are limited. This is often accentuated due to the fact that the organisations that they are part are seen as external to their life and most organisations that represent workers have their origins in the efforts of people who have a different class background. Many newly formed unions though after years of working among domestic workers still are run effectively by non-workers and workers see themselves as beneficiaries like in any other social security programmes. The disengagement by many of the organisations even now, sometimes complete or at varying levels, with work place issues and conditions of work have added to the disassociation of domestic workers from the larger debates on worker’s rights. Though the inclusion of domestic workers in many existing and new welfare programmes/ schemes have attracted traditional trade unions into the sector, their



operations are also sometimes limited to enrolment and provisioning of such schemes. The specificity of the sector and its issues, largely of women and workplaces being homes, is surely going to take a long time in such unions spearheading these workers.

While at the state level many organisations are still caught up with issuing identity cards and provisioning social security or welfare schemes, at the national level the prime engagement was on the issue of a national policy on domestic workers. Though some groups also have allied with Dalit organisations and women's groups on specific issues, there is a lack of effective alliance which have contributed negatively to them being an effective pressure group (Chigateri, et. al 2015). The thrust on welfare schemes at the ground level and policy at the national level with poor alliances or networking have negatively affected the formulation and development of a collective consciousness among the workers, which is essential for organisational efforts to sustain. The discussions around the draft national policy and the various stages of its evolution to the present form and the uncertainty that surrounds the policy even now are all indicative of the poor organisational base of the sector. Though there are many changes taking place at the organisational level, creating class consciousness and identity among the workers would remain a challenge given the intersectionality of the sector with other axes of inequalities such as gender and caste.

## **5. Summing up**

Domestic work is a highly personalized and informal service and given the poor social and economic status, it is difficult for workers to contest her/his employment conditions. What makes matters worse is their engagement in housework which is socially devalued. These specificities of the sector must be taken into account if any legislative interventions are to benefit these workers. Discussions abound, interventions are few and arbitrary reiterating the apathy of the state in providing legal protection to domestic workers. Though these interventions have helped in bringing some change in terms of accepting domestic workers as 'workers', the actual wage situation and other conditions reflects its continuing devaluation. Existing interventions are not only arbitrary but also unenforceable. There has been no consensus on the definition of a domestic worker, an employer, and wages, the mode of delivery of welfare benefits, and the criteria for determining minimum wages or working conditions.

Unless support mechanisms and welfare provisions are brought in gradually to replace workers dependence on employers, it is impossible to break away from all patronage based relations, which is negatively affecting workers mobilisation. In an overall context of employment crisis, workers do have to ensure employment and this is sometimes ensured at the expenses of lower wages or poor conditions of work. There is a need to acknowledge these larger issues and its vicious nature in all the interventions in the sector be it formulating policies/regulations or organising workers.

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## Notes

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<sup>i</sup> Domestic workers are not included in the central list of scheduled employments under the Minimum Wage Act of 1948. Domestic workers are excluded from core labour laws such as Payment of Wages Act (1936), Workmen's Compensation Act (1923), Contract Labour (Regulation and Prohibition) Act (1970) and Maternity Benefit Act 1961. Since household is not identified as an industry domestic workers are outside the purview of these Acts.

<sup>ii</sup> The Act legally grants a minimum wage for workers in activities listed in the "employment schedule" of the government which is periodically revised.

<sup>iii</sup> For details of this please see Domestic Worker Productivity: A Rationale, Stree Jagruti Samiti, 2005.

<sup>iv</sup> There are no accurate estimates of their number as they mostly go unaccounted since they stay with their employers.