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SYNTHESIS OF IMPORTANT DISCUSSIONS ON LIVELIHOOD and MICROFINANCE ISSUES of DOMESTIC WORKERS

2012

**United Nations Development Programme
New Delhi**



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Ratna M. Sudarshan	Kris Dev	Sudhir Katiyar
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Sr. Jeanne Devos	Anup Ghoshal	Gitali Thakur
Sr. Josephine Amala Valarmathi	Aditya Misra	Shivani Bhardwaj
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Sunita	Smita Premchander	Geeta Menon
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P. S. M. Rao	Purushothaman P.	Rajib K. Halder
Hemantha Kumar Pamarthy	Abhishek Gupta	

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Selection and Compilation of Consolidated Replies

Navin Anand

Resource Person and Moderator
Microfinance Community

Malika Basu

Resource Person and Moderator
Gender Community

Warisha Yunus

Moderator
Work and Employment Community

Solution Exchange, United Nations

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Poverty



Work and Employment Community



Gender Community

Solution Exchange for the Work and Employment Community

Solution Exchange for the Gender Community Consolidated Reply

FOR COMMENTS: Protection of Rights and Promotion of Decent Work for Domestic Workers

Compiled by [Radhika Desai](#) and [Malika Basu](#), Resource Persons and [Warisha Yunus](#) and [Dhivya David](#), Research Associates

Issue Date: 28 April 2010

From [N. Hamsa](#), WomenPowerConnect (WPC), New Delhi

Posted 23 December 2009

WomenPowerConnect (WPC) has taken up a study for International Labour Organization (ILO) to look into the existing **legislations** for the protection of rights of the Domestic Workers. The study will contribute to initiatives underway in regulating domestic work and protecting the rights and providing better working conditions for domestic workers.

As “domestic work” is considered “women’s work”, an exceptionally large number of domestic workers are women. The National Sample Survey (NSS) 2004-05 data suggests that close to 74.3% of workers engaged in private households are women.

There is **no common legal framework at the national level** promoting and protecting the rights of the domestic workers though several legislations and notifications do exist to provide some coverage to domestic workers. These legislations and notifications are:

Legislations

- The Unorganized Workers' Social Security Act, 2008 ([Act 33 of 2008](#))
- Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982
- Maharashtra Domestic Workers Welfare Board Act [2008](#)

Notifications

- Minimum Wages Act – Notifications of [Karnataka](#)
- Minimum Wages Act – Notifications of Kerala

Over the years, attempts have been made to have a **national legislation** first under Domestic Workers (Conditions of Service) Bill, 1959; thereafter under The House Workers (Conditions of Service) Bill, 1989; and The Housemaids and Domestic Workers (Conditions of Service and Welfare Bill), 2004. Ms. Shrimati Prema Cariappa introduced this latter Bill as 'Private Member Bill' in Rajya Sabha on 3 December 2004.

The Central government has recently renewed its commitment to have a National Bill. It has led to Draft Bills. Some of these, mentioned below, are being circulated by different stakeholders, as part of the consultative phase.

- [Domestic Workers \(Registration, Social Security and Welfare\) Bill, 2008](#) – Prepared by National Commission for Women (NCW), India
- Draft Bill - [Domestic Workers \(Regulation of Employment, Conditions of Work, Social Security and Welfare\) Bill, 2008](#) - National Campaign Committee for Unorganized Sector Workers
- [The Domestic Workers Employment Rights Protection Bill, 2004](#) (SEWA- Kerala Bill)

The various Legislations, Bills, and Notifications deliberate upon issues covering:

1. Who is a Domestic Worker?
2. Age of Domestic Worker
3. Wages
4. Residential Arrangement
5. Who is the employer?
6. Conditions of Work: a) Leaves/holidays; b) Hours of work
7. Social Security
8. Enforcement Mechanisms

You can access a detailed background on the various issues and challenges related to formulation of a law for protecting the Domestic Workers [here](#).

In the light of the above, WPC would like members of both Work and Employment Community and Gender Community to:

- Comment on the issues (1-7) highlighted above; these are **core issues** in the several Bills under circulation.
- Cite relevant references to any National and State Bills in India and the Model Code of Practice (formulated in countries like Bangladesh, Philippines, and Singapore) which cover Domestic Workers.
- Share documents and other resources that would shed light on the core issues (1-7) mentioned above.

Members' responses will help WPC to present informed suggestions while making recommendations on the legal framework for the National Bill on Domestic Workers. WPC will duly acknowledge contributions of Solution Exchange members.

Responses were received, with thanks, from

1. [Ratna M. Sudarshan](#), Institute of Social Studies Trust (ISST), New Delhi
2. [Uma Shankar Sharma](#), Jaipur Zila Vikas Parishad (JZVP), Jaipur
3. [Umamani K. S.](#), Institute for Social and Economic Change (ISEC), Bangalore
4. [Shrayana Bhattacharya](#), Institute of Social Studies Trust (ISST), New Delhi
5. [Renu Mehra](#), Network 21, Delhi

6. [Shivani Bhardwaj](#), Sathi All for Partnerships (SAFP), New Delhi
7. [Sr. Jeanne Devos and Sr. Josephine Amala Valarmathi](#), National Domestic Workers Movement (NDWM), Mumbai/Chennai
8. [Bharti Sharma](#), Domestic Worker Rights Campaign (DWRC), New Delhi
9. Leena Zaveri, Independent Consultant, New Delhi ([Response 1](#); [Response 2](#))
10. [Rahul Banerjee](#), Khedut Mazdoor Chetna Sangath (KMCS), Indore
11. [Meena Patel](#), Domestic Workers Rights Campaign (DWRC), Ahmedabad
12. [Nalini Nayak](#), Protsahan, Trivandrum, Kerala
13. [Anchita Ghatak](#), Parichiti- A Society for Empowerment of Women, Kolkata
14. [K. R. Renuka](#), Centre for Women's Development and Research (CWDR), Chennai
15. [North Eastern Regional Domestic Workers Movement \(NERDWM\)](#), Meghalaya
16. [Urmila Bendre](#), Vistaar, New Delhi
17. [Jayati Chakraborty](#), Rashtrasant Tukadoji Maharaj (RTM) Nagpur University, Nagpur
18. [Ram Kumar Atri](#), Bharat Shodh, New Delhi
19. [Surabhi Tandon Mehrotra](#), JAGORI, New Delhi
20. Subhash Bhatnagar, National Campaign Committee For Unorganized Sector (NCCUS), New Delhi ([Response 1](#); [Response 2](#))
21. Rajesh, LabourNet, Bangalore ([Response 1](#)) ([Response 2](#))
22. [Mukul G. Asher](#), Lee Kuan Yew School of Public Policy, National University of Singapore, Singapore
23. [Tada Prabhakar Reddy](#), Satavahana Development Society (SDS), Hyderabad
24. [Anuja Mirchandaney](#), Alternative Law Forum (ALF), Bangalore
25. [Bharati Birla](#), International Labour Organization (ILO), New Delhi
26. [Sister Leona](#), Domestic Workers's Forum (DWF), New Delhi
27. [Sunita](#), National Domestic Workers Union (NDWU), New Delhi
28. [D. Punitha](#), Tamil Nadu Domestic Worker Movement (TNDWM), Chennai
29. [P. S. M. Rao](#), Independent Consultant, Hyderabad* **NEW!**

*Offline Contribution**

Further contributions are welcome!

[Summary of Responses](#)

[Related Resources](#)

[Responses in Full](#)

Summary of Responses

There has been considerable debate and work over the past years to address the issue of protection of rights and promotion of decent work for domestic workers. The gendered nature of the domestic work has guided several initiatives, nationally and internationally, regulating domestic work and providing better working conditions for domestic workers.

Introduction:

Domestic work is gendered. **Studies and documentation**, show that it is mostly women who do 'domestic work' - either as unpaid labor in their own homes or as paid labor in other persons' home. The very fact that women do this work and it is not perceived as "work" is a reason for the devaluation of domestic work and domestic workers. Their work is seen as unskilled and wages are low. Even legal judgments accept and provide guidelines for lower remuneration of domestic work based on unequal gendered understandings of domestic work. An ILO study of 65

countries showed that only 19 countries had brought in laws or regulations specifically concerning domestic work. Thus **a primary global task is to establish the social acceptance and the legal acknowledgement of domestic work as “work” and domestic workers as “workers”.**

The struggles and advocacy by Domestic Workers’ Unions and Non-governmental Organizations (NGOs) working with domestic workers has in recent times resulted in formulation of the **Maharashtra Welfare Board Act**, the (constitution of) [Tamil Nadu Domestic Welfare Board](#), the **Notification of Minimum Wage by Karnataka and Kerala** and the inclusion of domestic workers in the [Unorganized Workers’ Social Security Act, 2008](#).

Domestic workers are largely migrants to cities. The majority of domestic workers are members of the so-called backward and scheduled castes and of late, young girls from tribal communities. Domestic workers income is a primary source of stable earnings for the family. This fact of the centrality of their income to household survival, their residence in slums and the consequent poor access to basic needs such as housing, sanitation, drinking water conditions, limits the work they do, the working hours they keep and constrains their bargaining position in the labor market. Expenditure on transportation and demands of child care and responsibilities of one’s own household work are other important factors that influence the decisions of workplace and negotiations for remuneration of domestic workers.

There is a striking difference between part-time domestic workers and live-in domestic workers. This difference is not restricted to the “residential status” in the employer’s house. It extends well beyond that into the conditions of work, access to social networks, mobility, isolation, etc. Live-in domestic workers are undoubtedly the most vulnerable in the category of adult domestic workers. Girl child domestic workers are another group of vulnerable; they are the largest single category of workers among girl child laborers.

Definition of Domestic Worker:

Three principles are considered internationally to define domestic work; namely, **Types of Tasks Performed, Place of Work, and Employer**. A fourth one emerges because of the gendered nature of domestic work. In India, the definition of domestic work primarily uses the principle of the Place of Work. Therefore domestic work is defined in terms of work/tasks done inside the household for a private employer. These tasks may include housekeeping, cooking, cleaning, washing and extensions of these outside the home such as marketing. The definition does not include tasks done for private household as drivers, gardeners, gatekeepers, etc. and thus excludes most men working for private employers.

The [Domestic Workers Rights Campaign](#) argues for defining the following terms in any Bill regulating domestic work: employer, child worker, replacement worker, placement agency/service provider/NGOs doing placement, contractor, Tripartite Welfare Board, Appropriate Government and Inspector.

Age of Domestic Worker:

There was agreement that minimum age for domestic workers should not be less than 18 years and 58 years should be the age of retirement. The lone exception, a domestic worker herself, felt that because the work is hard it should be restricted to women between the age of 25 and 55.

Wages:

The issue of wages is complex and sensitive because

- Firstly, one sees the differences among categories of domestic workers; especially between part-time domestic workers and live-in domestic workers

- Secondly, wages are presently not merely determined by the task profile- its nature, the skill required for it, the number of tasks done, the amount of time spent on tasks
- Thirdly, wages differ by locality-a locality is a proxy indicator of the income levels of the employers. In other words as domestic workers are employed by households of varying socio-economic status the capacity of employers to pay itself is a factor in determining wage levels of domestic work
- Fourthly, wages also differ and discriminate according to the social characteristics such as caste, religion, and tribal status
- Fifthly, the social capital of the domestic worker is an important determinant in her ability to demand higher wages
- Sixthly, wages are many a time paid in kind and their conversion into monetary value is difficult

The methods of calculating minimum wage add to the debate on wages. Some of the accepted ways of calculating minimum wage are the **Needs based Formula**, the **Wage rates based on time work**, **Wage rates based on piece work**, and **Wage rates based on guaranteed time work**. There is an argument that the Needs based Formula suggested by the **2nd National Labour Commission (2002)** supplemented by the [Supreme Court Judgment in the Raptokos Brett and Co. which is the "Law of the Land"](#) is the least open to abuse by employers. It is also the most likely to lead to domestic workers get a living, dignified and decent wage.

However, the Minimum Wage merely reflects an established living wage floor. It does not take care of the issue of the ensuring wage rates that reflect remuneration commensurate with skills and capacities, principles of supply and demand, equal pay for equal work, overtime for work more than eight hours, wages for work not defined in contract, wages for standby, night shift wages, wages for child care and care of elderly, wage increments linked to inflation (similar to dearness allowance of government employees) discrimination; bonuses; payment for on call and stand by periods; arbitrary deductions for food, leave, illness, etc.

Some argue that wages for type of work done and the number of jobs done be standardized, but others suggest that given the variation and the possibility of negotiating better wages consequent to organising only the Minimum Wage floor must be standardized. They suggest that the commensurate remuneration for other specifications such as those mentioned above should be factored in as additional top-ups. For the live-in workers there appears a consensus that there should not be wage deduction or adjustment for food provided or for accommodation, except in cases where the live-in worker is given separate living quarters.

In spite of the complexity, there seems to be a consensus that minimum wage should be in monetary terms; in-kind payments should be specified in advance and are not be confused with incentives and bonus; automatic deductions at source must be avoided by employers, and placement agencies should not be allowed to receive wages on behalf of employees and neither should they be allowed to deduct their commission at source.

Some States like Karnataka, Kerala, Andhra Pradesh, Tamil Nadu, Bihar and Rajasthan have set minimum wage rates for domestic work. While this gives domestic workers the official status of a worker within a legal framework, the actual wage fixed is apparently far from adequate to meet the needs of domestic workers and their family.

Residential Arrangements:

Some argue that only those employers who can provide separate living quarters not shared with any of the household members should be allowed to hire live-in workers. Others feel that such a requirement may work to the disadvantage of the domestic workers. All agree though that the

domestic worker should have the choice to decide whether she wishes to reside in the employer's house. To enable domestic workers to actually exercise this choice in practice, there were calls for the establishment of working hostels for domestic workers.

Who is the Employer?

One simple answer is that the employer is one who signs the contract and who is legally and fully responsible for paying the just/fair wages to the domestic worker. There was one suggestion that the placement agency be the employer.

Conditions of Work:

Domestic workers should have the freedom of association, i.e. the right to organize and belong to a union and to collective bargaining. There is a need to have fair terms of employment. To ensure this, the worker should be given in writing a contract specifying the following:

- Detailed list of duties, hours of work, payment for overtime, and terms of recruitment, termination and severance
- Daily rest periods and paid leave such as one day of weekly leave, annual leave for 30-36 days, medical and sick leave; and maternity leave for no less than 14 weeks
- Provision of safe drinking water; fresh, timely and full meals as per the category of part-time or live-in worker; access to toilets; provision of proper equipment and consumables required for occupational health safety in work
- Mobility and leisure time

Social Security:

The domestic workers should be covered under all legislations that provide for the following:

- Universal pension for workers upon retirement such as Employees Provident Fund (EPF) and Employee State Insurance (ESI) as also gratuity-there should be mandatory contributions from employers but only nominal ones from employees
- Medical coverage, insurance and access to medical institutions under these
- Occupational Health and safety compensation-a protection net for covering medical expenses for injury, diseases at workplace, and occupational health and sickness allowance
- Central Compensation Fund for Domestic Workers that provides for compensation for contract violations, pending labour cases or complaints, etc.

Additional suggestions include provision of child care (for their own children) in the vicinity, day care and education facilities for older children; provision of education, training and skill development for enhancement of capabilities of domestic workers; provision of housing subsidy, transportation subsidy, and allowances/grants for education and housing.

Enforcement Mechanisms:

The state has to enact Legislation, make Amendments, promulgate Acts and issue Notifications, to recognise the rights of domestic workers and ensure their protection. The state is seen to be primarily responsible for the implementation, enforcement and monitoring of the mechanism for decent work of domestic workers and the establishment of infrastructure and institutions to achieve the goal of decent work of domestic workers.

There are differences with regards to who should be the implementing and monitoring agency. One proposition is that the Department of Labour, Director General Labour Welfare to be the responsible body with powers to monitor implementation, penalise, resolve disputes and function de-facto like a Labour Court with all judicial and executive powers. The other proposition is to have the mechanism of the Tripartite Welfare Board (TWB).

The TWB is perceived as a substitute to the absence of a) Long term Employer-Employee relationship b) Permanent Team of Management and c) Role of employer to regulate work and

provide Social Security. Thus it would have tripartite representation-25% from government, 25% from employers and 50% from Domestic Workers. The TWB (and not the placement agencies or the domestic worker) would be responsible for all social security measures. It would also be responsible for registration of employers and workers and for monitoring and allocating funds for the benefit of the workers. But some caution that a large gamut of varied and complex tasks have been proposed for the TWB; there is therefore a need to assess its capacity before coming to a decision.

With regards to the operational sing of the regulation there is a suggestion that there should be mandatory registration of employers, whether individuals or placement agencies. Placement agencies should be regulated. Employees should also be registered and issued smart identity cards. For implementation at the local level there are multiplicity of institutions that can serve as intermediaries including Residential Welfare Associations, NGOs, Domestic Workers Unions, Domestic Workers' Cooperatives, Placement Agencies, and even social networks and groups which are the institutions for the social capital of the communities they domestic workers belong to.

In conclusion it is to be noted that there was participation in the discussion from the representatives of several groups and/or organizations across the country working with the domestic workers. Their comments on the issues raised were well thought, exhaustive and showed a great awareness of the differences of social belonging, tasks, skills, working conditions and vulnerabilities among domestic workers. The discussion has provided guidelines and suggestions for further action.

Related Resources

Recommended Documentation

From [Sr. Jeanne Devos and Sr. Josephine Amala Valarmathi](#), *National Domestic Workers Movement (NDWM), Mumbai/Chennai*

Domestic Workers (Registration Social Security and Welfare) Draft Bill

Draft Bill; by National Campaign Committee for the Unorganized Sector Workers (NCCUSW), Nirmala Niketan and National Commission for Women; 2008

Available at

http://www.wiego.org/informal_economy_law/india/content/dm_workers_registration_2008.pdf

(PDF; Size: 331 KB)

Promotes and protects the rights of domestic workers; provides for security of tenure, bargaining power over wages and regulation of working hours etc.

The Minimum Wages Act, 1948

Act; by Government of India; 1948

Available at http://www.kerala.gov.in/dept_lab/act11.pdf (PDF; Size: 21 KB)

Provides for minimum rates of wages payable to employees, it is suggested for implementation in the case of domestic workers.

Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

Act; by Office of Labour Commissioner, Government of India; 11 June 1979

Available at

http://labour.delhigovt.nic.in/act/details_acts/interstatemigrnatwirmen/inter_state/part_1.html

Regulates the employment of inter-state migrant workmen and provides for their conditions of service; does not prove effective in the case of domestic workers.

The Unorganized Workers' Social Security Act, 2008

Act; by Ministry of Law and Justice; Government of India; 31 December 2008

Available at <http://labour.nic.in/act/acts/Unorganised-workers-social-security-act-2008.pdf> (PDF; Size: 375 MB)

Provides for social security and welfare of unorganised workers; includes domestic workers under the purview of unorganised sector workers.

Employees' State Insurance (ESI) Act, 1948

Act; by Government of India; 1948

Available at <http://nrcw.nic.in/shared/sublinkimages/17.htm>

Provides benefits to employees in case of sickness, maternity and employment injury, highlights the need for tripartite boards under this Act and bill for Domestic Workers.

Employees Provident Fund and Miscellaneous Provisions Act, 1952

Act; by Government of India; 1952

Available at <http://employment.mizoram.gov.in/files/pdf/Empprovtfundmiscprov.pdf> (PDF; Size: 267 KB)

Provides for provident funds, pension and deposit linked insurance fund for employees, highlights the need for tripartite boards for this Act and bill for Domestic workers.

Workmen's Compensation Act, 1923 & Workmen's Compensation Rules, 1924

Act; by Government of India; 1924

Available at http://pblabour.gov.in/pdf/forms_procedures/procedure07_workmens_compensation_act_1923.pdf (PDF; Size: 62.7 KB)

Provides for employment injury compensation to the injured workman and in case of his death to dependants, it is suggested that domestic workers be included under its purview

Weekly Holidays Act, 1942

Act; by Government of India; 1942

Available at <http://india.gov.in/allimpfrms/allacts/1765.pdf> (PDF; Size: 118 KB)

Provides for grant of weekly holidays to people employed in shops, restaurants and theatres, it is suggested that these benefits be extended to domestic workers.

The Maternity Benefit Act, 1961

Act; by Government of India; 1961

Available at <http://nrcw.nic.in/shared/sublinkimages/68.htm>

Regulates the employment of women for certain period before and after child-birth and provides for maternity benefits; suggested for extending these to domestic workers.

Personal Injuries (Compensation Insurance) Act 1963

Act; by Government of India; 1963

Available at http://www.commonlii.org/in/legis/num_act/piia1963437/

Imposes a liability on employers to pay compensation to workmen sustaining personal injuries and to provide for the insurance against such liability.

Payment of Gratuity Act, 1972

Act; by Government of India; 1972

Available at <http://labour.nic.in/clc/PaymentofGratuityAct.doc> (Doc; Size 86 KB)

Provides for the payment of gratuity to employees engaged in factories, mines, oilfields, plantations, ports, railway companies, shops or other establishments.

Child Labour (Prohibition and Regulation) Act, 1986

Act; by Government of India; 1986

Available at <http://nrcw.nic.in/shared/sublinkimages/28.htm>

Prohibits the engagement of children in certain employments and to regulate the conditions of work of children, suggested that this be applied in case of domestic work.

The Central Civil Services (Conduct) Rules, 1964

Act; by Government of India; 1964

Available

at

http://persmin.nic.in/EmployeesCorner/Acts_Rules/CCSRules_1964/ccs_conduct_rules_1964_index.htm

Prohibits any government official/civil servants from employing children below the age of 14 years as domestic workers.

Establishment of Tamil Nadu Domestic Workers Welfare Board

Notification; by Labour and Employment Department, Government of Tamil Nadu; 2007

Available at http://www.tn.gov.in/gorders/labour/labemp_e_12_2007.htm

Notifies the formation of the Tamil Nadu Domestic Workers Welfare Board and inclusion of domestic work under Tamil Nadu Manual Workers Act.

Minimum Wage Act for Domestic Workers in Karnataka

Act; by Government of India; 1948

Available at <http://labour.kar.nic.in/labour/minimumwages-1948.htm>

Provides for fixing minimum rates of wages in certain employments, these are fixed in Karnataka on the advice of the State Level Minimum Wages Advisory Board.

From [Bharti Sharma](#), Domestic Worker Rights Campaign (DWRC), New Delhi

Convention on the Rights of the Child

Convention; by United Nations; Office of the United Nations High Commissioner for Human Rights (OHCHR); Geneva, Switzerland; 20 November 1989

Available at <http://www2.ohchr.org/english/law/crc.htm>

States that a person who has not attained the age of 18 is a child, it is suggested that this be implemented to prevent child labour in domestic work.

Juvenile Justice (Care And Protection of Children) Amendment Act 2006

Act; by Government of India; New Delhi; 22 August 2006

Available at http://www.commonlii.org/in/legis/num_act/jjapocaa2006519/

Declares a child as a person who has not attained the age of 18 years, it is suggested for implementation to prevent domestic child labour.

From [Meena Patel](#), Domestic Workers Rights Campaign (DWRC), Ahmedabad

The Beedi And Cigar Workers (Conditions of Employment) Act, 1966

Act; by Government of India; 1966

Available at <http://nrcw.nic.in/shared/sublinkimages/24.htm>

Provides for the welfare of workers in beedi and cigar establishments; suggested that the dispute resolution mechanism be replicated in the case of domestic workers.

Payment of Wages Act, 1936

Act; by Government of India; 1936

Available at <http://nrcw.nic.in/shared/sublinkimages/18.htm>

Regulates the payment of wages of certain classes of employed persons; suggested for setting decent work conditions for domestic workers.

Right To Education Bill 2005 (from [K. R. Renuka](#), Centre for Women's Development and Research (CWDR), Chennai)

Bill; by Ministry of Human Resource Development, Department of School Education and Literacy, Government of India; 2005

Available at <http://www.education.nic.in/elementary/RighttoEducationBill2005.pdf> (PDF; Size: 121 KB)

Provides for free & compulsory education to all children between 6 - 14 years of age, it is suggested that this be extended to 18 years to prevent child labour in domestic work.

From [Urmila Bendre](#), Vistaar, New Delhi

Vishakha Guidelines

Guidelines; Government of India; 1997

Available at <http://www.uttaranchalpolice.com/ncwp/vishakha.htm>

Guidelines to prevent sexual harassment at work place and mechanism for redressal, it is suggested that domestic workers be included under its purview.

The Sexual Harassment of Women at the Workplace (Prevention and Redressal) Bill, 2004

Draft Bill; by National Commission for Women; 2004

Available at <http://wcd.nic.in/draftbillonsexualharresmentonwomen.htm>

Provides for the protection of women from sexual harassment at the workplace, it is suggested that this bill covers domestic workers under its purview.

From [Subhash Bhatnagar](#), National Campaign Committee for Unorganized Sector, New Delhi

The Building & Other Construction Workers Welfare Cess Acts

Act; by Government of India; 1996

Available at <http://indiacode.nic.in/fullact1.asp?tfnm=199628>

Provides for the levy and collection of a cess on the cost of construction incurred by employers for the Construction Workers' Welfare Boards.

The Building & Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996

Act; by Government of India; 1996

Available at http://labour.nic.in/dglw/building_works.html

Aims to provide for regulation of employment & conditions of service for the construction workers as also for their safety, health and welfare measures.

Proposal for a Comprehensive Legislation to Regulate the Entire Domestic Work through a Tripartite Board of Domestic Workers

Note; by Nirmala Niketan

Available [here](#)

Proposal for a Comprehensive Legislation for domestic workers to regulate the conditions of employment in domestic work and the working of placement agencies.

The Dock Workers (Regulation of Employment) Act, 1948

Act; by Ministry of Shipping, Government of India; 1948

Available at <http://shipping.gov.in/writereaddata/linkimages/dock8286649217.pdf> (PDF; Size: 126 KB)

Provides for regulating the employment of dock workers, has a broader definition of unorganized sector than other labour legislations based on British Legislation.

The Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969

Act; by Government of Maharashtra; 1969

Available at <http://www.vakilno1.com/bareacts/maharashtramathadiact/maharashtramathadiact.htm>

Regulates the employment of unprotected manual workers such as Mathadi, Hamal etc., has a broader definition of unorganized sector than those based on British Legislation.

Building & Other Construction Workers (Regulation of Employment & Regulation of Services) Act, 1996

Act; by Office of the Labour Commissioner, Government of Delhi; 1996

Available at http://www.labour.delhigovt.nic.in/act/details_acts/buliding_other_construction/building/intro.html

Regulates and provides for decent working conditions for building workers, has a broader definition of unorganized sector than those based on British Legislation.

Key Findings From Survey of Live-out Domestic Workers in NCT of Delhi (from [Ratna M. Sudarshan](#), Institute of Social Studies Trust (ISST), New Delhi)

Note; by Institute of Social Studies Trust (ISST); New Delhi; 2009

Available [here](#)

Highlights the status of domestic workers working in Delhi from a survey of over 1400 domestic workers.

Maternal Health and Family Planning among Maidservants in Bangalore City (from [Umamani K. S.](#), Institute for Social and Economic Change, Bangalore)

Paper; by K. S. Umamani; Journal of Social and Economic Development Vol. II, No.1.; Bangalore; January-June 1999; Permission Required: Yes/Paid Subscription.

Available at Journal of Social and Economic Development, Institute for Social and Economic Change, Prof. V.K.R.V Rao Avenue, Nagarabhavi P.O, Bangalore - 560072, Karnataka

Focuses on reproductive health and fertility of women Domestic workers.

Domestic Workers in India: Background and issues (from [Shrayana Bhattacharya](#), Institute of Social Studies Trust (ISST), New Delhi)

Draft Paper; by Shrayana Bhattacharya and Shalini Sinha; International Labour Organization (ILO); New Delhi

Available [here](#)

Attempts to map out various issues and concerns related to paid domestic work in India.

Rights and Dignity: Women Domestic Workers in Jaipur (from [Surabhi Tandon Mehrotra](#), JAGORI, New Delhi)

Report; by Mewa Bharati and Surabhi Tandon Mehrotra; Jagori; New Delhi; 2008

Available at http://jagori.org/wp-content/uploads/2008/09/cover_jaipur_report_english.pdf (PDF; Size: 415 KB)

Provides insight into the working and living conditions of part time domestic workers; suggested that legislation on domestic workers take this into account.

Indiramma Housing Scheme (from [T. Prabhakara Reddy](#), Satavahana Development Society, Hyderabad)

Scheme; by Andhra Pradesh State Housing Corporation; 2006

Available at http://apshcl.gov.in/schemes/UPH_Urban.html

Provides for housing for those living below the poverty line, domestic workers have benefited from this scheme.

Law and Practice Report and Other International Issues on Domestic Work and Domestic Workers (from [Bharti Birla](#), International Labour Organisation (ILO), New Delhi)

Note; by International Labour Organisation (ILO)

Available [here](#)

Highlights international perspectives, legislations and innovative regulations related to domestic work and domestic workers.

Commuting Women Domestic Workers in Kolkata: A Study (from [Anchita Ghatak](#), Parichiti- A Society for Empowerment of Women, Kolkata)

Report; by Parichiti; 2008

Available at 28/15, Dhakuria Station Road, Kolkata - 700031, West Bengal; 91-98310038183; parichiti@gmail.com

Highlights issues related to women domestic workers, it suggests that they be recognised as a distinct category of workers whose rights must be protected by the state.

From [Anuja Mirchandaney](#), Alternative Law Forum, Bangalore

2nd National Labour Commission Report

Report; by Ministry of labour and Employment, Government of India; 2002

Available at http://labour.nic.in/lcomm2/nlc_report.html

Recommends that minimum wages should be set to satisfy the needs of the worker and his family, arrived at on the 'Need Based Formula' of the 15th Indian Labour Conference.

The Equal Remuneration Act, 1976

Act; by Government of India; 1976

Available at <http://www.helplineinlaw.com/docs/THEEQUALREMUNERATIONACT,1976>

Provides for payment of equal remuneration to men and women workers and prevents discrimination, on the ground of sex, against women in the matter of employment.

The Workmen represented by Secretary Vs. Respondent: The Management of Reptakos Brett & Co. Ltd

Case Document; by Supreme Court of India; 31 October 1991; Permission Required: Yes/Paid Publication

Available at <http://www.manupatrainternational.in/supremecourt/1980-2000/sc1992/0301s920353.htm>

Documents the Supreme Court's additional components to norms adopted by the 15th Labour Conference in 1957 to be considered as guidelines for fixing minimum wages.

Domestic Workers and Demand for Living Wages

Report; by Geeta Menon; Stree Jagruti Samiti; 11 February 2006

Available

at

[Shttp://www.thesouthasian.org/archives/2006/domestic_workers_and_demand_fo.html](http://www.thesouthasian.org/archives/2006/domestic_workers_and_demand_fo.html)

Highlight the conditions of employment for domestic workers, shows that the existing wages prevalent in the domestic work sector are insufficient.

Subversive Sites. Feminist Engagements With Law in India

Journal Article; by R. Kapoor and B. Cossman; Sage; New Delhi; 1996; Paid Publication

Available at <http://www.springerlink.com/content/8377477p17t52171/>

Highlights the practice of paying women lower wages, abetted by the lack of institutional recognition of the reproductive and care work by women.

From [Malika Basu](#), Resource Person

Regulating Domestic Work

Article; by Anuja Agrawal; India Together; May 2008

Available at <http://www.indiatogether.org/2008/may/law-domestic.htm>

Domestic Worker's Bill, if passed, will be an important step to secure the rights of the unorganized workforce; the real test of this legislation however lies in its implementation.

Domestic Workers in India No Better Than Slaves

Article; by Kalpana Sharma; OneWorld South Asia; February 2009

Available at <http://southasia.oneworld.net/opinioncomment/domestic-workers-in-india-no-better-than-slaves>

Despite government steps to improve their lot, the article argues unless there is change in attitudes, no improvement in working conditions of domestic workers is possible.

Domestic Women Workers

Book; by Tanuja Trivedi; Jnanada Prakashan; New Delhi assisted by Text Book Promotion Society of India; 2009

Available at <http://www.a1books.co.in/domestic-women-workers/itemdetail/8171393330/> [To Place an Order]

Documents the plight of domestic women workers.

Domestic Slaves

Article; by Annie Zaidi; Frontline; Volume 23 - Issue 15; July 29- August 11, 2006

Available at <http://thehindu.com/fline/fl2315/stories/20060811003310700.htm>

Highlights the status of Child domestic workers; they are victims of various forms of abuse but the government is yet to come up with a law to protect their rights.

From [Radhika Desai](#), Resource Person

Decent Work for Domestic Workers

Report; by International Labour Organization; February 2009

Available

at

http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/98thSession/ReportsubmittedtotheConference/lang--en/docName--WCMS_123731/index.htm

A preliminary report as preparation for the ILOs decent work for domestic workers on the 99th session 2010; examines laws & practices on the DW issue in several countries.

Maid to Order

Article; by Human Rights Watch; December 6, 2005

Available at <http://www.hrw.org/en/node/11507/section/11>

Documents the terms and conditions of employment contract for a domestic worker recruited from abroad in South East Asia region.

Respect and Rights for Domestic Workers

Articles; International Domestic Workers Network (IWDN)

Available at <http://en.domesticworkerrights.org/?q=node/75>

Highlights the conditions of domestic workers across the globe and the demands made by them for decent wages, annual leaves etc. and protection of their rights.

Recommended Organizations and Programmes

Institute of Social Studies Trust (ISST), New Delhi (from [Ratna M. Sudarshan](#))

India Habitat Centre, UG Floor, Core 6 A, Lodhi Road, New Delhi-110003; Tel: 91-11-47682222;

Fax: 91-11-47682220; isstdel@isst-india.org; http://www.isst-india.org/completed_proj.html

Undertook a survey of over 1400 domestic workers in 117 slums and Jhuggi Jhopdi (JJ) clusters in Delhi and NCR.

National Domestic Workers' Movement (NDWM), Mumbai (from [Sr. Jeanne Devos and Sr. Josephine Amala Valarmathi](#))

A-104, St. Mary's Apartments, Nesbit Road, Mazagaon, Mumbai - 400 010, Maharashtra; Tel: 91-

22-23780903 /23702498; Fax: 91-22-23771131; <http://www.ndwm.org/about-dw/default.asp>

Works for the recognition and protection of Domestic Workers (DW) rights, it has organized Domestic Workers in 69 major cities and towns in 23 states of the country.

International Labour Organization (ILO), New Delhi (from [Bharti Birla](#))

Theatre Court Core 4B, 3rd Floor, India Habitat Centre, New Delhi - 110003; Tel: 91-11-4602101;

Fax: 91-11-4602111; DELHI@ilodel.org.in;

<http://www.ilo.org/public/english/region/asro/newdelhi/>

Initiated a campaign, "Your Work is Important to Promote Decent Work for Domestic Workers".

From [Shivani Bhardwaj](#), Saathi All for Partnerships (SAFP), New Delhi

National Commission for Women (NCW), New Delhi

4, Deen Dayal Upadhyaya Marg, New Delhi-110002; Tel: 91-11-23237166/23236988;

ncw@nic.in; <http://ncw.nic.in/frnAboutUS.aspx>

Works at protecting the rights of women, it formulated the Domestic Workers (Registration Social Security and Welfare) Act, 2008.

Sathi All For Partnerships (SAFP), New Delhi

81 Pratap Nagar, Lane 6, Mayur Vihar Phase I, New Delhi-110091; Tel: 91-11-22756014, 91-

9810536717; sathiallforpartnership@gmail.com; <http://sathiallforpartnerships.org/>

Advocates for neighbourhood services bureaus managed by domestic workers to provide safe placement and migration services

Domestic Worker Rights Campaign (DWRC), Ahmedabad (from [Bharti Sharma](#))

C/o. A/2, Krupali Apartments, Gulabi Tekra, Ahmedabad- 380015, Gujarat; Tel: 91-79-2643185/

91-9824008950; dwrc.legislation@gmail.com; Contact Meena Patel

Advocates for the rights of domestic workers, it is preparing the draft legislation for protection of the rights of domestic workers.

From [Subhash Bhatnagar](#), National Campaign Committee for Unorganized Sector, New Delhi

Nirman, New Delhi

484, Millennium, C- Block, Sector - 18, Rohini, New Delhi -110085; Tel: 91-11-27859158; Fax: 91-11-27022243; nirman@vsnl.com; <http://www.nirman.org/>

Set up model cooperative society of tribal girls working in Delhi as domestic workers so as to replace the placement agencies exploiting poor and ignorant migrant girls.

National Campaign Committee for Unorganized Sector (NCCUS), New Delhi

B-19, Subhavna Niketan, Pitampura, Delhi-110034; Tel: 91-11-27013523, 27022243; ncccl@vsnl.net

Advocates and protects the rights of unorganised sector workers including domestic workers, developed a proposal for a Comprehensive Legislation for Domestic Workers.

Nirmala Niketan, Delhi

Nirmala Sundharam Memorial - Apna Nirman Mazdoor Co-operative Society Ltd.), Flat No.484, Millennium Apartment, Block – C, Sector-18, Rohini, Delhi - 110085; Tel: 91-11-27859158; domesticworkersindia@gmail.com

A cooperative society of domestic workers, works for the welfare of domestic workers and campaigns against trafficking of tribal girls for domestic work.

Centre for Women's Development and Research (CWDR), Chennai (from [K. R. Renuka](#))

5/359 Annai Indira Nagar, Okkiyampet, Turaipakkam, Chennai - 600096; Tel: 91- 44- 24963621; cwdrindia@yahoo.com; http://www.cwdr.org.in/activities_details.html#manushi

Initiated Manushi a Trade Union for women domestic workers, it is involved in advocacy, lobbying and campaigning to regulate domestic work.

Jagori, New Delhi (from [Surabhi Tandon Mehrotra](#))

B-114, Shivalik, Malviya Nagar, New Delhi - 110017, Delhi; Tel: 91-11-26691219, 91-11-26691220; Fax: 91-11-26691221; jagori@jagori.org; <http://jagori.org/about-jagori>

Advocates for the rights of women, undertook a study on Domestic workers from the Mahila Kaamgar Union.

Parichiti- A Society for Empowerment of Women, Kolkata (from [Anchita Ghatak](#))

28/15, Dhakuria Station Road, Kolkata - 700031, West Bengal; Tel: 91-98310038183; parichiti@gmail.com

Works with women who are domestic workers to give them a better world by helping them raise their voices for their rights.

Stree Jagruti Samithi (SJS), Bangalore (from [Anuja Mirchandaney](#), Alternative Law Forum, Bangalore)

54/1, Old Gurupampalya, Next to Munichinappa Kalyana Mantapa, Off Bannerghatta Road, Bangalore - 560029, Karnataka; Tel: 91-80-257609652; mahila_21@yahoo.co.in

Collective of domestic workers, it campaigns for labour rights, dignified treatment, benefits, etc. it undertook a survey on the status of domestic workers in Bangalore.

Domestic Workers' Forum (DWF), New Delhi (from [Sister Leona](#))

Chetanalaya, 9-10 Bhai Veersing Marg, New Delhi 110001; Tel: 91-11-23347506, 23744308; Fax: 91-11-23747293. Contact Sister Leona

Promote the interests of the poor/ adivasi girls who work as domestic help in Delhi, seeks to empower the domestic workers through capacity building programmes.

Life Insurance Corporation of India, New Delhi (from [D. Punitha](#), Tamil Nadu Domestic Worker Movement (TNDWM), Chennai)

"Jeevan Bharati", 124 Connaught Circus, P.B.NO-630, New Delhi - 110001; Tel: 91-11-23762681; co_pgs@licindia.com; http://www.licindia.in/about_us.htm

Provides life insurance policies, Tamil Nadu Domestic Worker Movement (TNDWM) is launching life insurance policies for domestic workers to provide for social security.

From [Malika Basu](#), Resource Person

Delhi Domestic Workers Union

C/o Flat No-231, Pocket-A, Sector-13, Ph-II, Dwarka, New Delhi 110075; Tel: 91-11-28031792; delhidss@gmail.com

Supports demand of Domestic workers to accept Domestic Work as 'Work', Domestic Worker as 'Workers' and lend it the dignity and reorganization of labor.

Pune City Domestic Workers Organization (PCDWO)

1245 Shukrawar Peth, Hat. No. 403, Shubhashnagar, Pune 411002; Tel: 91-20-24452053; Fax: 91-20-21712870;

http://www.wiego.org/program_areas/org_rep/database/index.php?a=3&id=97&idprev=383&idnext=296&minrec=482&maxrec=92&c=#; Contact: Medha M. Thatte; Vice President

The organization works for the welfare of domestic workers in Pune; is also a member of WEIGO.

Karnataka Domestic Workers Union (KDWU), Karnataka

Contact: Maariyamma; mahila_21@yahoo.co.in

Works for the welfare and protection of rights of domestic workers; rights to minimum wages, fair treatment and annual/maternity leaves etc.

International Domestic Workers Network (IWDN) , Switzerland

IUF, Rampe du Pont-Rouge, 8, CH-1213, Petit-Lancy (Switzerland); info@domesticworkerrights.org; <http://www.domesticworkerrights.org/>

Works to assist in the organisation of domestic workers' unions, information exchange; organise mutual support and solidarity and to advance common political aims.

Domestic Workers United (DWU)

1201 Broadway, Suite 907 - 908 , New York 10001; Tel: 212- 481-5747; Fax: 212- 481-5747; dwuinfo@domesticworkersunited.org; <http://www.domesticworkersunited.org>

Organization of Caribbean, Latina and African nannies, housekeepers, elderly caregivers in New York to build a movement for power, respect, fair labor standards.

From [Radhika Desai](#), Resource Person

Labour Department, South Africa

Private Bag X117, Pretoria 0001; Tel: 012-309-4000; Fax: 012-320-2059; webmaster@labour.gov.za; <http://www.labour.gov.za/find-more-info/all-about-domestic-workers>

Has an array of Acts for protecting the rights of Domestic workers for inter alia annual leave, employment contract, child labour, maternity leave, minimum wages etc.

Recommended Portals and Information Bases

From [Malika Basu](#), Resource Person

WIEGO; Women in Informal Employment: Globalizing and Organizing
http://www.wiego.org/occupational_groups/domesticWorkers/index.php

Site provides various resources and updates on domestic workers worldwide.

The Inter-American Centre for Knowledge Development in Vocational Training
<http://oitcinterfor.org/public/english/region/ampro/cinterfor/temas/informal/about.htm>

Site provides various documents, links, events, international experiences related to informal economy, decent work, and domestic workers.

Recommended Upcoming Events

International Labour Conference, Geneva, Switzerland, June 2010 (from Bharti Birla, International Labour Organization (ILO), New Delhi)

Sponsored by International Labour Organization (ILO), Geneva, Switzerland. Information available at

http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/99thSession/lang--en/docName--WCMS_112359/index.htm

It will discuss the need for an International legal instrument for protecting the rights of domestic workers.

Related Consolidated Replies

Protection of Women in the Unorganized Sector, from Sukanya Rai, Peoples' All-round Welfare and Development Assistance Council (PAWDAC), Bhopal (Experiences). Solution Exchange - Gender Community, India,

Issued 31 March 2007. Available [here](#).

Shares experiences and strategies for protecting women at the workplace in the unorganized sector and remedial measures to gender based discrimination at work place.

Social Security for Unorganized Workers, from S. Mahendra Dev, CESS, Hyderabad (Experiences). Solution Exchange - Work and Employment Community, India,

Issued 27 December 2005. Available [here](#).

Shares initiatives in public and non-public sectors in providing social security to unorganized workers, and to improve their conditions of work

Responses in Full

[Ratna M. Sudarshan](#), Institute of Social Studies Trust (ISST), New Delhi

The Institute of Social Studies Trust (ISST) has just completed a study of domestic workers in Delhi and National Capital Region (NCR) which is based on a survey of over 1400 domestic workers. The study was carried out in 117 slums and Jhuggi Jhopdi (JJ) clusters in Delhi and NCR through the use of the electoral rolls and a stratified three stage quota sampling design. Each of the nine districts of Delhi formed a stratum and the survey covered 36 of the 70 Assembly Constituencies in the State.

The study has information on the various dimensions listed in the query, for Delhi.
We expect to upload the report on our website soon. I enclose a brief note on some of the key findings (Interested Members may write to us; we will email them the file)

Uma Shankar Sharma, Jaipur Zila Vikas Parishad (JZVP), Jaipur

In my opinion, providing decent work for Domestic Workers involves taking care of the following points:

- Domestic workers must be trained in good manners, discipline, punctuality etc.
 - The agency on completion of training must issue a formal certificate so that the worker can use it at any other city also. Dress code should be finalized and one agency should be authorized for the purpose so that the requisition may be made by a particular person for particular job to that agency.
 - In case of any harassment, the action should be initiated by the agency as the domestic workers are not legally protected.
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Umamani K. S., Institute for Social and Economic Change (ISEC), Bangalore

The findings of the [study](#) by Institute of Social Studies Trust (ISST) are very interesting. It gives full profile of the domestic workers. This sociological study would have been much more informative if demographic background information was also collected from these women. I would like to give one reference of a similar study which looked into the fertility aspects of these women. Journal of Social and Economic Development Vol. II, No.1. January-June 1999, PP 154-163. "Maternal Health and Family Planning among Maidservants in Bangalore City" By K. S. Umamani.

Shrayana Bhattacharya, Institute of Social Studies Trust (ISST), New Delhi

Please find a paper (Interested Members may write to us; we will email them the file) written by myself and Shalini Sinha for the International Labour Organization (ILO) Domestic Work Consultations held in Delhi, earlier this year. The text is under review for a journal publication and is currently at a draft stage. However, many of the queries posted by the WomenPowerConnect (WPC) are addressed in the contents and I hope this shall be useful.

Renu Mehra, Network 21, Delhi

As a guest volunteer in Solution Exchange Community, I have been highly enlightened by the various case studies on the issue of 'Women's Contribution through Unpaid Work – either to uphold household duties and responsibilities or to mobilize economic security for the families'. The focus of most development initiatives is reflected in the studies of rural women, who live in agriculturally predominant communities, and despite their contribution to the agronomy, go unaccounted for in the country's Gross Domestic Product (GDP) evaluation.

As an Indian citizen, living in a metropolitan like Delhi, I find a parallel, of the above inequity, in the issue of 'Domestic Workers' who live in urbanized slums or resettlement colonies such as the Jhuggi Jhopdi (JJ) Colonies. Importance of these domestic workers to our modern lifestyle cannot be overemphasized. The responsibility of individual employers towards their respective domestic workers may account for moral or attitudinal discussions at the micro-level.

But what is of overarching importance is the welfare mandates and therefore, the actions taken by the State Government and the elected representatives for the benefit of these 'slum-dwellers' who constitute the 'unorganized labour force'.

Hence my query remains: How does the State Government or the elected representatives ensure that the Domestic Workers' Act and other such bills are enforced at the ground level especially vis-à-vis 'minimum wages' to the 'domestic workers' as also access to public utilities such as water, electricity, cooking gas and rations; besides benefits of Education and Health facilities?

Regarding the core issues relating to Domestic Workers, as raised by the Planning Commission, the National Commission for Women (NCW) and the Work and Employment Community, my take is as follows:

1. Who is a Domestic worker?

I believe that a domestic worker is one who consents to a moral or legal contract with an Employer, who agrees to provide Social and Economic Security in exchange for household work /services that are valued by both the employee and the employer.

2. What is the legal age for a Domestic worker?

It should be the age as determined by voting rights criteria for an adult i.e. 18 years and above for workers either employed full-time or part time.

3. Who is the Employer?

I feel that an employer should view his/her role as no less than a benefactor – who enables/binds the domestic worker in a mutually agreed domestic work contract of moral, legal, social and economic implications; while also viewing himself/herself as the beneficiary of the housekeeping services extended by the domestic worker such cooking, cleaning, washing and childcare. The role of each is irreplaceable and thus holds sanctity if the contract is worked in a mutually beneficial and mutually accountable manner.

It seems like the Singapore Government has set a precedent in 'enforcement and implementation' of a mutually beneficial and accountable work contract between a Domestic worker and the Employer. On compassionate grounds, both the 'Domestic worker' and the 'Employer' ought to have equal protection by the Government's law enforcement agencies i.e. the Municipal Corporations, Department of Labour Welfare, Department of Family Welfare and Department of Women and Child Welfare.

Thus, it is important that at the level of Policy Planning and Implementation of Economic Budgetary Allowances, the stakeholders (Government Officials, Elected Representatives, Workers' Union) ought to elaborate the aspirations of people being represented (Domestic Workers and Employers). In this light, the synergies of Individuals and NGOs will also bring about some significant changes....hopefully.

Shivani Bhardwaj, Sathi All for Partnerships (SAFP), New Delhi

There has been considerable debate and work over the past years in developing differing legislation for domestic workers. The issues remains like all unorganized sector workers legislations applicability that the mechanisms to invoke the legislation in favor of workers do not exist. A good act like Migrant Workers Act still

awaits appropriate implementation. The employers take no responsibility for so called "irregular" work.

The National Commission for Women (NCW) draft legislation is focused very much on regulating placement agencies while the differing legislations from civil society groups and church organization look at humanistic work culture for the worker, while taking up the justice and protection issues on to themselves. Yet none thinks of the responsibilities that the employers and workers have to each other. This responsibility needs to be supported with a monitoring and placement system that does not put either the employer or the worker at risk.

The Resident Welfare Associations (RWA) can very well represent the employers and keep records of who is employed where to also maintain a register of terms and conditions of employment. The RWA however needs to be supported by a neighborhood domestic services bureau that trains workers and verify antecedents of workers in a way that responsibilities are shared. This bureau should be linked to social welfare and labor mechanisms of the state.

No legislation will be functional sans the mechanism and institutional support at neighborhoods at the source as well as at the destination area. Thus safe migration centres linked to RWA as well small scale neighborhood services bureaus are needed. The gender resource centres of the government can appropriately take this responsibility backed by tripartite Labor Boards that Nirman Mazdoor Panchayat Samgam has worked upon.

We at Sathi All for Partnerships (SAFP) advocate that each neighborhood should have these neighborhood services bureaus that perhaps are managed by domestic workers who now are married and settled in cities. These worker who graduate from domestic work and take on short terms work today shift roles from being workers during the days in homes to vending in the evenings and doing night duties in apartments and shops to care for elderly or children. The way in which this mechanism can be a win-win for all will be to situate this neighborhood services bureau as part of each district plans investment that provides spaces the migrant workers to prove their antecedents as well as get time to acquire skills and have space to recuperate in case of illness and loss of work.

Sr. Jeanne Devos and Sr. Josephine Amala Valarmathi, National Domestic Workers Movement (NDWM), Mumbai/Chennai

Since 1985, the **National Domestic Workers' Movement (NDWM)** has been in the forefront of the struggle for the recognition and protection of Domestic Workers (DW) rights. The NDWM has organized Domestic Workers in 69 major cities and towns spread out in 23 states of the country. The NDWM is a movement of (and by) the Domestic Workers, seeking a comprehensive legislation by Parliament to protect their rights. Presently, the total membership of NDWM is almost 2.5 million (Domestic Workers). In Tamil Nadu, NDWM is working in 18 districts. Through active lobbying, advocacy and campaigning, NDWM works towards helping domestic workers attain their rights and demand justice for them as workers. The Movement organizes awareness programs, advocacy and campaigns, lobbying and consultations for stakeholders and duty bearers which include advocacy with government officials and law enforcement agencies at Gram (village), Municipal, State and National levels. (For more information on NDWM [<http://www.ndwm.org/>], please write to Sr. Jeanne Devos at jeanne@bom8.vsnl.net.in. For more information on NDWM work in Tamil Nadu, please write to Sr. J. A. Valarmathy at mjavalarm@gmail.com).

The fair and equal treatment of domestic workers has been among the major concerns of NDWM working for both domestic workers in India and Indian migrants working abroad. Domestic

workers, particularly child workers and full timers, comprise one of the most vulnerable and exploited groups of the unorganized sector; routinely denied basic rights.

Domestic workers and their conditions of work

- Nearly 90% of domestic workers are women, girls or children, ranging from ages 12 to 75; 25% are below the age of 14
- Comprise mostly women, who leave their own homes to look after other people's homes
- Majority of domestic workers are illiterate
- Domestic Workers are engaged in tasks such as cooking, washing, and cleaning, traditionally viewed as 'women's work' (therefore looked down upon)
- In India, the caste system heightens the stigma for domestic work; tasks such as cleaning and sweeping are associated with low castes
- The reference to Domestic Workers as 'servants' and 'maids' has contributed to the indignity inflicted upon them and their work and led to their feelings of insecurity and inferiority
- Domestic Workers are highly exploited and denied just and humane wages
- **Labor laws do not cover Domestic Workers;** hence, they do not enjoy legal protection.

National Acts that still do not include domestic workers:

1. The Workman's Compensation Act of 1923
 2. The Weekly Holiday Act of 1942
 3. The provision of Minimum Wages Act of 1948
 4. The Maternity Benefit Act of 1961
 5. The Personal Injury Act of 1963
 6. Gratuity Act of 1978
- The working hours of Domestic Workers can go up to 8 to 18 hours a day; wage, leave facilities, medical benefits and rest time depends totally on the employer.
 - Domestic Workers are victims of suspicion. If anything is missing in the house, they face accusations first and deal with threats, physical violence, police conviction and even dismissal.
 - A great number of live-in Domestic Workers are from villages or tribal areas. They have to adapt to an alien environment, culture, and language. Domestic Workers experience a tremendous sense of loneliness because of the solitary nature of the work. What compounds this loneliness is the fact that most have no or very little time off; unable to communicate with distant friends and relatives due to illiteracy; not allowed to use the telephone and prohibited from socializing with friends and relatives who are living and working in the same city.

Reviewing various Legislations, Bills, and Notifications, which deliberate upon issues covering:

1. Who is a Domestic Worker?

- Any person, who engages in domestic work in the household for remuneration - whether woman or man, stay-in or live-out, local or migrant, on a full-time or part-time basis or as part of contracted work - provided that domestic work is the primary source of income.
- Any remunerated work performed in a household other than one's own for the employer and immediate members of the household.
- Household work refers to housekeeping, cleaning, marketing, cooking, laundry and related household chores NOT done for commercial purposes.

2. Age of Domestic Worker

In India, Child Labour (Prohibition and regulations) Act 1986 lists domestic work in the schedule of "hazards" work; hence, the permissible age is 18 years. (Given the prevailing conditions in the country, 15 years may appear permissible, but there is a need to strive progressively towards making the age of admission to domestic work as 18 years).

3. Wages

- Cover Domestic workers through Minimum Wages laws. Make minimum wage law, standard contract, and other terms of employment part of national labor laws.
- Based on the stipulated minimum wage let domestic workers receive their wages in cash.
- Enable domestic workers to receive a living, dignified and decent wage.
- Receive equal pay for equal work.
- Do not subject Domestic workers to wage discrimination.
- Establish mechanism to determine wage; and monitor compliance

4. Residential Arrangement

- Ensure that domestic workers are afforded the right to choose whether to stay within the employer's house or to find accommodations outside the employer's house. National Law should not bind domestic workers to the employer's house, which is often the root of domestic worker-related conflict, abuse and violations.
- In case of live-in workers, give separate rooms to the domestic workers.
- If a family cannot offer "reasonable" degree of privacy and accommodation that is safe, decent and respects the worker's privacy, meals of good quality and sufficient quantity, they should not be permitted to have live-in domestic workers.

5. Who is the employer?

- The person (or entity), who directly signed the contract and is directly, fully and legally responsible for paying the just/fair wages and benefits to the domestic worker
- Make the employer directly responsible for work-related protection, safety and welfare of the worker and redressal or compensation for violation of the same.

6. Conditions of Work: a) Leaves/holidays; b) Hours of work

- Provide the worker a detailed list of duties
- Hours of work
- Annual leave with pay
- Daily and weekly rest
- Sick leave and any other personal leave
- Rate of payment for overtime; for the full timer, it is 8 hours of work - a worker who does more than eight hours be paid for her over time
- Pay for part time work on hourly basis

Give in writing the above to the domestic workers

7. Social Security

- Covers reproductive health rights (rights to marry, right to get pregnant, etc); make provisions for long service benefits and for eventual retirement packages to ensure protection of domestic workers. If better standards at the national-level exist, cover domestic workers under those.
- Apart from inclusion in the coverage of minimum wage laws, include in a universal pension (or social security, retirement, provident fund) scheme that aims to aid all workers upon retirement.
- Establish a central occupational compensation fund for domestic workers – a protection net for work-related injuries, diseases, and compensation for contract violations. Use this compensation fund to provide a living subsidy for migrant domestic workers who have pending labor cases or complaints.
- Provide Maternity benefit
- In addition, it is important to provide education grant, housing allowance, etc.

8. Enforcement Mechanisms

Ensure appropriate complaint and redress mechanisms; prompt investigation and prosecution, protocol for investigation and prosecution that are appropriate to the special circumstances of domestic workers; provisions for emergency care of victims, and competent legal assistance. It is State's responsibility to create suitable monitoring and enabling mechanisms to ensure the proper functioning of these.

Before closing our response we would like to briefly state the achievements in the Domestic Workers Struggle for Justice and Legislation till date. These are the following:

- The Domestic Workers (Conditions and Services) Bill 1996, introduced in Parliament in 1998
- Advocates Mr. Colin Gonsalves, Ms. Aparna Bhat, Mr. P. Ramesh Kumar, and Mr. Vipin M. Benjamin filed the PIL: National Domestic Workers' Welfare Trust and Others (Petitioners) versus Union of India (Respondent). This lawsuit seeks to compel the respondent to enact comprehensive legislation protecting the rights of domestic workers throughout India. On April 10, 2003, the Honorable Justices Mrs. Ruma Pal and Mr. B.N. Srikrishna of the Supreme Court of India agreed to hear the Public Interest Litigation (PIL). This was an important breakthrough for NDWM after ten years advocacy on behalf of the implementation of legislation protecting domestic workers.
- Tamil Nadu Domestic Workers Welfare Board (constituted 22 January 2007) under section 6 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act 1982 - Nomination of Chairman and Members-Orders-Issued; Tamilnadu Government included the domestic workers under Minimum wage Act (August 2007); it is on the process of fixing minimum wages for domestic work.
- The Central government amended the Central Civil Service Conduct Rules to prohibit any government official/civil servants from employing children below the age of 14 years as domestic workers.
- Indian law prohibits the employment of children below 14 years age, in certain occupations in accordance to the Child Labour (Prohibition & Regulation) Act 1986. By 10 October 2006, the ban on child labour included employment of children in domestic work.
- Notification for Minimum Wage Act for Domestic Workers passed in the following State governments: Kerala (23 May 2005), Andhra Pradesh (24 April 2007) and Rajasthan (4 July 2007).
- The Unorganized Sector Workers' Social Security Bill, 2007 passed on 8 January 2008 includes domestic workers in the unorganized sector of workers.

- [Minimum Wage Act for Domestic Workers in Karnataka](#); the Act, passed on 01 April 2004, includes fixing minimum rates of wages for Domestic Workers
- **Error! Hyperlink reference not valid.;** The Labour, Employment, Training & Factories department has fixed the minimum rates of wages in employment for Domestic Workers in Part-I of the Schedule of the Minimum Wages Act 1948. The Final Notification is of G.O. Ms. No. 119, Labour, Employment, Training & Factories (Lab II), 10 December 2007.
- The H'ble Supreme Court directed the Government to include the domestic workers in the proposed Unorganized Workers' Social Security Act. Accordingly, The Unorganized Workers' Social Security Act, 2008, enacted by the Parliament in December 2008, included the domestic workers in no. 2 (n) of the Act. The Tamilnadu Government has included Domestic Work under unorganized worker's bill; it is also making efforts to fix minimum wage for domestic workers. (This was in response to the Public Interest Litigation (PIL) filed in the Supreme Court of India by the National Domestic Workers Welfare Trust - the legal entity of NDWM, and others seeking a *writ of mandamus*, directing the State to enact a comprehensive legislation for at least a minimum level of protection to domestic workers as guaranteed under Articles 15 (3), 21, 23, 38, 42, 43 and 51 of the Constitution.).
- The Maharashtra Government passed the Domestic Workers Welfare Bill in 2008.
- Andhra Pradesh, Bihar, Karnataka, Kerala, Meghalaya, Rajasthan, and Tamil Nadu have brought domestic workers under the schedule of Minimum Wages Act (1948). Efforts are on in other states as well.
- The state government of Meghalaya approved AAY/BPL cards to 750 domestic workers, registered with the Meghalaya unit of the North East Domestic Workers' Movement. These cards will allow domestic workers to buy essential commodities at a much cheaper rate from the government approved fair price shops.

The growing recognition of Domestic Workers' Rights in State Governments as well as in Central Government spurs to continue our efforts.

Bharti Sharma, Domestic Worker Rights Campaign (DWRC), New Delhi

Thanks to the Moderators for extending the date for the comments. The detailed comments of Sr. Jeanne and her team of NDWM are encompassing the whole issue of DW and are so minutely and excellently done that it remains very little to be done in the matter. However, I would like to further add to two points of NDWM viz. No. 2 **Age of DW** and No. 7 **Social Security**.

2. Age of Domestic Worker:

India as one of the signatories in the United Nations Convention on the Rights of Children (UN CRC) is duty bound to implement the CRC in the country. As per the CRC, **a person who has not attained the age of 18 is a child**. Keeping in tune with CRC, the **Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 declares a child as a person who has not attained the age of 18 years**. Any new legislation, should be progressive, notwithstanding what is said in earlier legislations. Therefore, the age of a child as 14 years in Child Labour (Prohibition and Regulation) Act, **1956**, rather than restricting the new forthcoming legislation in being progressive, should itself bring about modification in its provisions. Hence, according to my view the demand for legislation for Domestic Workers must not shy away from being forward looking in **the best interest of child**. Very categorically, therefore, the age of a domestic worker should not be less than 18years, thereby, meaning domestic child labour should be prohibited.

7. Social Security:

(To the matter of NDWM under Social Security, I would add the following)

- Provision for (their own) child care such as creche in the vicinity, day care and education facilities for older children so that when mothers go to work as domestic help their children get education and are cared for. In the process the older children and specifically a girl child is not sacrificed debarring her from schooling and above all her "childhood".
- Provision for skills training and enhancement of the DW capabilities to function at their optimum, thereby facilitating their development.

May I also add here that "Domestic Worker Rights Campaign" (DWRC) has been spearheaded after the National Consultation organized by NCW in March, 2008. The DWRC is preparing the draft legislation with involved participation of domestic workers from most of the parts of the country to bring the voices of the domestic workers in the draft. DWRC has the representations of a number of organizations, groups and individuals working on this issue in various parts of the country. The secretariat of DWRC is based at the following address with Ms. Meena Patel as Convenor:

Domestic Worker Rights Campaign
C/o. A/2, Krupali Apartments
Gulabi Tekra
Ahmedabad- 380015
Ph./fax-079-2643185; Mob.: 9824008950
Email id: dwrc.legislation@gmail.com

Leena Zaveri, Independent Consultant, New Delhi (*response 1*)

My opinions are based upon the observations made during the 10 years of working actively with the people belonging to lower income group who are forced to work due to various reasons/compulsions as domestic workers. My observations are as follows:

- The law protecting the Domestic Workers should be enacted after doing the essential ground work. The main thrust should be balance between the employer and employee relationship because every law is susceptible to misuse and abuse just like the enactments made for the protection of STs/SCs.
- While domestic workers are engaged in various kinds of work, employers also fall in various age and income groups, living in big, small and medium houses.
- The relations between the employer and employee in most cases are based upon mutual trust and convictions. There should be a minimum time fixed for enforcement of the laws in cases where there are part time arrangement for work or work contracts.

Rahul Banerjee, Khedut Mazdoor Chetna Sangath (KMCS), Indore

Under the guise of providing employment as domestic workers, young tribal girls from the districts of Sarguja, Ambikapur and Raigarh in Chhattisgarh are frequently taken to Delhi. They often work as full-time workers with little protection of their rights. They are in danger of double exploitation - on the wages and working conditions front as well as their personal security front.

Shivani has rightly noted that the Inter State Migrant Workers Act does not prove effective even in the case of non-domestic workers and it is even less likely to prove effective in the case of migrant female domestic workers. Thus there must be a section in the new legislation that

specifically deals with the security of migrant female domestic workers who are often less than 18 years of age.

Meena Patel, Domestic Workers Rights Campaign (DWRC), Ahmedabad

Let me begin by fully endorsing the views expressed by Sr. Jean Devos and Sr. Valarmathi of the National Domestic Workers Movement (NDWM).

The Domestic Worker Rights Campaign (DWRC) (Core group: Dr. Bharti Sharma, Chairperson; Sr. Jeanne Devos, Vice Chair; Meena Patel, Convener; Dr. Surbhi T. Mehrotra, Member; Geeta Menon, Member; Sr. Leona, Member; and Sr. P. Clara, Member) has through a nationwide consultative process with the workers directly, drafted a legislation for protection of Domestic Workers. The legislation is called Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill, 2009. Two more consultations are due this month and we would certainly make the bill available to the members of Solution Exchange for comments upon individual request.

However, responding in brief to some of the discussion points raised, I would like to state that any legislative protection for workers and Domestic Workers in particular has to agree at the outset that:

Domestic Work be defined as work and lend it the dignity and recognition of labour. Consequently all benefits and rights that accrue to workers are extended to this huge workforce (largely female) so far unprotected by any labour legislation;

All labour laws to apply including Minimum Wages Act, Payment of Wages of Act, Workmen's Compensation Act, Accident Benefits and any such law applicable to industrial workers; Minimum labour standards be set to achieve decent conditions of work.

Without going into the details of each section of the law, one has to ensure that the legislation includes the following:

Definitions:

Domestic Workers

Employer

Child Worker

Replacement worker

Placement agency / Service provider / NGOs doing placements

Contractor

Tripartite Welfare Board

Appropriate Government

Inspector

Regulation of Employment: (Refer to state laws and best practices therein)

Nature of work be defined as:

- Full time work
- Residential work Live-in
- Part time work (not more than 4 hours)
- Night shift work
- Piece work

Working Hours

Wages

Employers contribution to the workers welfare fund

Minimum age of employment

Leave provisions:

- Full time work
- Residential work
- Part time work
- Night shift work
- Medical and Sick leave
- Personal Day off
- Maternity leave

Regulation of Working Condition:

Work Contract

Working hours

Time off

Accommodation

Safe drinking water

Food quality:

- Full time work: Breakfast, lunch and tea
- Residential work: Breakfast, lunch, Dinner tea and food during weekly / or other days off
- Part time work: Tea and snacks
- Night shift work: tea, snacks and breakfast and dinner where applicable

Social Security and Welfare Provisions:

Health

Occupational health hazards

Child care

Education of children of Domestic Worker

Education, Training and skill development of the worker

Natural death and accident benefit;

Old age pension

Provident fund

Gratuity

Bonus

Maternity benefit

Paternity leave

Retirement age

Housing subsidy

Freedom of Association:

Right to organize and belong to a union; (There should be area wise unions of domestic workers)

Right to collective bargaining

Implementation Mechanisms:

- Registration of workers at source
- Registration of placement agencies, agents and service providers and NGOs doing placements etc.
- Inter-State migrant act to apply without bar of minimum number of workers
- Tripartite Welfare Boards (TWB) to be set up to regulate only the social security measures
- Registration cards be like PAN cards which have a National status and numbering
- The responsibility of implementation should be with the government labour department through a special Domestic Worker department (departing from the usual hoopla about tripartite boards, the Campaign is very clear that implementation of a labour law can not be

the responsibility of a tripartite board. It has to be the explicit responsibility of the Government via its Labour Departments.)

Offences and Penalties:

- Offences and penalties to be registered as per IPC and as per the Juvenile Justice Act
- IPC to apply for all offences and penalties. (We will define offences and penalty for each offence after extensive consultation with the workers during the Regional Consultations);

Protection mechanisms:

- Shelter homes
- Helpline and information centers
- Sexual Harassment, Physical abuse, Gender Harassment
- Domestic workers should be organized and unionized
- A complaints committee
- A monitoring and vigilance committee
- Counseling center
- Orphanage
- Old age home
- All workers should have a bank account
- There should be a log book system;

Termination and Severance:

Protection Provisions for Emigrant Labour:

- State and status of Immigrant Migrant labour to be documented
- Guidelines to be formulated for regulating employment and working conditions for workers going outside of India as domestic workers

Dispute Resolution Mechanism:

A competent authority to be the Labour department with a specialized mechanism like that of the Bidi and Cigar Workers Act and with powers to penalize and will have all dispute resolution powers and function like a de-facto labour court with all judicial and executive powers.

[Nalini Nayak](#), Protsahan, Trivandrum, Kerala

We think that the response of the National Domestic Workers Movement (NDWM) is comprehensive. But there are some aspects that need to be included:

- There are several domestic workers that are placed through agencies several of which also exploit the workers. Such agencies/contractors should also be brought within the purview of the Act. The act should specify that agents should be registered. Clients should be aware of the agent chain and should insist that they have the details of the agent when employing a worker.
- This provision will facilitate the implementation of the Interstate Migrant Labour Act as the agents have to make their payments to the labour departments in the state of recruitment. But efforts will also have to be made as a second step to amend the Inter State Migrant Workers Act as migrant workers are also recruited in local labour markets and not necessarily in the home state.
- The Act should also specify the role of the Labour Department in this process. There are already a few draft Bills that are being lobbied in certain states. It maybe good

that the moderators also draft a model bill drawing on those that already exist, on which we can then make our comments.

Anchita Ghatak, Parichiti- A Society for Empowerment of Women, Kolkata

Parichiti - A Society for Empowerment of Women works with women domestic workers (WDWs) in Kolkata. Women domestic workers in Kolkata can be broadly classified as:

Live in help: Those who live and work in their employer's household. They usually have one employer.

City based fixed time help: They live with their families in the city's recognized and unrecognized slums. They generally have more than one employer and visit the employers' households to perform their tasks.

Commuting fixed time help: They come into the city everyday to work, usually by train. They live with their families in villages of districts close to the city of Kolkata. They usually have more than one employer.

In 2008, Parichiti published a research report entitled **Commuting Women Domestic Workers in Kolkata: A Study**. Based on the findings of our study and work in the field, we feel that WDWS need recognition as a distinct category of workers. We believe that the state must recognise and protect the rights of WDWs.

It is recommended that:

- WDWs may be issued identity cards that will help them access services and benefits. The process of getting an identity card must be made as simple as possible. The WDWs come into the profession at different stages of their lives, and they should have immediate access to the authority for granting identity cards. The local government body, whether panchayat or municipal authority, should have the power to grant cards. It will also be easy for them to verify the claim for a card. This will mean least waste of time for WDWs, for whom the loss of even one day may mean the loss of a job.
- The application form and process should be such that illiterate women are not intimidated.
- The process of getting cards should also act as a bar to underage or minor workers. The local government body would be able to monitor whether a girl of school-going age is going to school, and also, indirectly, the poverty level of families in order to identify truly vulnerable families for special aid.

Regarding **provident fund** facilities for WDWs, it is recommended that:

- It should in reality be a form of insurance to be undertaken by the employer and/or the government, to be paid into an account in a bank in the WDW's name during the period that she is employed. The account should be automatically opened in a bank of the WDW's choice when she makes the card if she does not have one already.
- All nationalized banks have to accept this responsibility; the state has to make this clear. The WDW should not have to deposit anything from her wages until those reach a certain standard. Then, too, a nominal amount, not more than a one time contribution of Rs 100, should be considered an adequate token.

Further, it is recommended that:

- The process of getting **railway tickets** at a concessional rate for those WDWs who have to travel daily be made far simpler and less time-consuming.

- Wages for type of work done and the number of jobs done be standardized, bonus, increment and leave be made compulsory, a certain amount of medical assistance be added on to wages for each month. For this, the government has to promulgate a law, and see to its implementation through the cooperation of local government bodies, councils, NGOs, and panchayats.
- The police and the justice system must be sensitized to the special vulnerability of WDWs, so that cases of violence and abuse are treated with the seriousness they deserve and disposed off quickly in the courts.

[K. R. Renuka](#), Centre for Women's Development and Research (CWDR), Chennai

One of the major problems in domestic work is that there are more employers than workers; part time domestic workers work in more than one house. This is a big constraint in implementing any law regulating domestic work, and welfare schemes for domestic workers. Government can tackle this by serving as a single employer. The Welfare Board can serve as a single employer where both the worker and employer have to register. Or government can encourage private job placement agencies; they can serve as single employer for domestic workers and government can regulate them.

The age of the domestic worker has to be fixed as 18 to 58 years. But the present child labour laws prohibit employment of children only below the age of 14. In effect they allow children above 14 years as workers. Even the Right to Education Bill guarantees compulsory education only upto 14 years. Similarly "The Unorganized Workers Social Security Act 2008" also states that anyone who is above 14 years can register under it. Thus we have to change sections in Laws and Acts, across the board that permits a child less than 18 years of age to be a worker. We have to ensure that we fix the minimum age for work as 18 years.

The wages we have to fix must be livable wages. The Minimum Wages Act is very old and fixes wages based on outdated understandings. Mostly the minimum wages are fixed with a traditional attitude towards domestic work done by women. We have to find new ways of fixing minimum wages. Instead of fixing wages on hourly basis wages can be fixed on the basis of tasks done, area of the house, number of people in the house etc. Minimum wages should also be based on the cost of living in the city.

We are working only among the part time domestic workers, but we agree that a safe and comfortable residential arrangement should be given for domestic workers.

Conditions of work should be like those of any other formal sector work. Since domestic work is entirely done by women, they have to get maternity leave and benefits like any other woman worker in the formal sector. We have to provide social security. Their pension, insurance should be based on the present cost of living.

As mentioned earlier all these can be possible only when government serves as a single employer; enforcement can be done by the Welfare Boards and Trade Unions.

[North Eastern Regional Domestic Workers Movement \(NERDWM\)](#), Meghalaya

We are part of the National Domestic Workers Movement. Our views on the issues raised in the Domestic Workers Bill are given below.

1. Who is a Domestic Worker?

- **Any person, who engages in domestic work in the household for remuneration** – whether woman or man, stay-in or live-out, local or migrant, on a full-time or part-time basis or as part of contracted work - provided that domestic work is the primary source of income.
- Domestic workers are the most vulnerable women, often single headed. Besides working in their own homes for their survival and for their children, they also works in other people's houses.

2. Age of Domestic Worker

- There should be a minimum age for admission to domestic work given that we recognize domestic work as a decent, formal, and skilled profession. We would strongly **suggest the age of 18** as the minimum age.

3. Wages

- Domestic workers should be **covered through Minimum Wages laws**. Make minimum wage law, standard contract, and other terms of employment part of national labor laws.
- Domestic workers should be paid wages in cash based on the stipulated minimum wage
- Domestic workers should receive equal pay for equal work.
- Domestic workers should be paid a **decent wage for decent living**

4. Residential Arrangement

- Domestic workers must be given the **right to choose** whether to stay in the employer's house or accommodate outside the employer's house, which also serves as the domestic worker's work place. National laws should not bind domestic workers to the employer's house, which is often the root of abuse and violations
- Live-in workers should be given separate rooms pertaining to their privacy.

5. Who is the employer?

- **The person (or entity), who directly signed the contract** and is directly, fully and legally responsible for paying the just/fair wages and benefits to the domestic worker.
- The employer is also directly responsible for work-related protection, safety and welfare of the worker and for redress or compensation for violation of the same.

6. Conditions of Work: a) Leaves/holidays; b) Hours of work

Fair terms of employment that stipulate the following:

- Decent and fair working conditions.
- Hours of work
- Annual leave with pay
- Daily and weekly rest
- Sick leave and any other personal leave
- Rate of payment for overtime; for the full timer, it is 8 hours of work - a worker who does more than eight hours must be paid for her over time
- Pay for part time work on hourly basis

7. Social Security

- Should cover **reproductive health rights** (rights to marry, right to get pregnant, etc); make provisions for long service benefits and for eventual retirement packages to ensure protection of domestic workers. If better standards at the national-level exist, cover domestic workers under those.

- Apart from inclusion in the coverage of minimum wage laws, include in a **universal pension** (or social security, retirement, provident fund) scheme that aims to aid all workers upon retirement.
- Establish a **central occupational compensation fund** for domestic workers – a protection net for work-related injuries, diseases, and compensation for contract violations. Use this compensation fund to provide a living subsidy for migrant domestic workers who have pending labor cases or complaints.
- Provide **Maternity Benefit**
- In addition, it is important to **provide education grant, housing allowance**, etc.

8. Enforcement Mechanisms

- Ensure appropriate complaint and redress mechanisms to protect the rights of domestic workers at various levels. It is **State's responsibility** to create suitable monitoring and enabling mechanisms to ensure the proper functioning of these.

Urmila Bendre, Vistaar, New Delhi

There seems to be one aspect untouched within the purview of the discussion and the law. This is the protection of domestic workers from abuse – physical, sexual, economic and other. This relates to both young domestic workers and women in general who work as domestic workers.

In this regard, the present Vishakha Guidelines and the pending bill on the Prevention of Sexual Harassment at workplace need to be taken into account. The mechanism of complaint for such incidences along with redressal processes need to be specified.

Jayati Chakraborty, Rashtrasant Tukadoji Maharaj (RTM) Nagpur University, Nagpur

I sincerely feel for the pathetic condition of the domestic workers and believe that in a democratic country they are entitled to certain rights and privileges. But I am forced to rethink the entire issue mainly due to the fact that everything that is happening in the west cannot happen in India. The socio-economic status of the people along with the poverty existing in India needs to be taken into consideration.

Today Domestic workers are not only employed by the rich but also by the middle class and lower middle class people. If minimum wages are fixed and maternity benefits and other benefits given to them, they might land up having no jobs for themselves as many of the employers might be forced to stop employing domestic servants. This might grow into a serious problem as these rights and privileges might lead to loss of jobs. We need to keep in mind the changing lifestyle and the modern household amenities available in the market which will minimize domestic work to a great extent. Perhaps people might prefer to make one time investments and relieve themselves of domestic servants. Take the case of the Dhobi or washerman who was a very important person in our house a few decades ago. Today with the increasing use of washing machines this person has lost his job.

Ram Kumar Atri, Bharat Shodh, New Delhi

I am very happy to see discussion on such an important topic which is very close to my heart for a long time but could not get a platform to share my views. For a long time i have been seeing these kind of issues for but could not get time and right platform.

I would be happy to make some small film on this topic in case people are interested. Do write to me if people are interested. Sharing some similar links for your information

<http://www.uttarakhandconclave.org/default-video.aspx>.

Leena Zaveri, Independent Consultant, New Delhi (response 2)

I fully agree with the opinions and work done by K. R. Renuka. The Welfare Board for Domestic Workers should serve as Single Employer for the part time workers who provide their services to more than one household.

The law should be made more stringent to protect the workers who are working full time. There should be a unified law regarding domestic workers and not a multiplicity of laws creating confusion and chaos giving an opportunity to law enforcers to exploit the employer and employee both. The interstate laws should be made in such a way that the workers employed in different states should be protected and welfare board should have branches in all the states in various districts. Computerized records of workers and identity cards with a single number will help in such cases.

Surabhi Tandon Mehrotra, JAGORI, New Delhi

We endorse the views expressed by National Domestic Workers Movement (NDWM). Along with NDWM, other organizations and individuals; JAGORI is part of the group working towards a national legislation on the rights of Domestic Workers - Domestic Workers Rights Movement (DWRC). We have also been associated with the National Commission for Women's (NCW) proposed law.

Our understanding of domestic workers, especially part-time workers, is based on our work with them in Delhi and Jaipur (http://jagori.org/wp-content/uploads/2008/09/cover_jaipur_report_english.pdf; Size: 415 KB)

In addition to some of the points raised in the discussion so far, I would like to highlight a few issues.

- One of the basic differences between part-time workers and live-in domestic workers is that the former have multiple employers. Apart from issues such as getting tea/snacks/meals at the employers' homes and access to toilets, in this process rushing from house to house they have no period of rest. We need to take this difference into account while protecting the rights of the domestic workers.
- Besides having mechanisms to determine wages, we have to build mechanisms for annual wage increment. Our work with part-time domestic workers has shown that increments are rare.
- Legal protection is one aspect of the issue. It is critical to work with the domestic workers on their rights, the dignity of work and also their responsibilities. This is possible through awareness campaigns and being a part of different forms of organizations. This awareness is high in parts of Maharashtra but our experience in Jaipur with Rajasthan Mahila Kaamgar Union has shown that it is a long process where socio-cultural issues of both the employers and the workers need to be addressed. Sensitization of employers is also imperative for moving towards the rights of domestic workers.

Subhash Bhatnagar, National Campaign Committee For Unorganized Sector (NCCUS), New Delhi (response 1)

Nirmala Niketan has grown out of the genuine concern of the Nirmana team in working with important segments of Unorganized Sector Workers after Construction Workers. Nirmana was constituted to provide logistic support to the National Campaign for a Comprehensive Central

Legislation for Construction Labour(NC-CL) under the Chairmanship of Justice V.R.KrishanIyer . This Campaign resulted in the enactment in 1996 of the following two legislations:

(1) The Building & Other Construction Workers (Regulation of Employment & Conditions of service) Act, 1996

(2) The Building & Other Construction Workers Welfare Cess Acts.

National Campaign Committee of Construction Labour petition in the Supreme Court has made many States take initiatives to implement the 1996 Acts. Along with follow-up of the implementation of these two Acts all over the Country. The Nirmana team decided to utilize its experience for a Comprehensive Legislation for four hundred Million Unorganized Sector Workers. The association of Nirmana team with domestic workers through Nirmala Niketan, a part of the registered Cooperative Society of Construction Workers, has helped us in developing a proposal for a Comprehensive Legislation for Domestic Workers (Interested Members may write to us; we will email them the file). Since the entire theme of Nirmala Niketan was incorporated in the Legislation proposed by National Commission for Women, now Nirmala Niketan has decided to take forward the Campaign for the enactment of the Domestic Workers Legislation by the Parliament on the basis of the National Commission for Women proposal.

We are late in submitting our comments due to our engagement in Social Security Now Patna meeting on the Unorganized Sector Workers Social Security Bill. This delay has given us the benefit of getting the comments of Sr. Jeanne Devos, Sr.Josephine Amala Valmathi, Ms.Meena Patel. Ms.Nalini Nayak, Ms.Anchita Ghatak, K.R.Renuka, Ms.Bharti Sharma, Ms.Renu Mehra, Ms.Urmila Bendre, Jayati Chakraborty,and Ms.Shivani Bhardwaj. This opportunity has made our task easier, **to highlight only the crucial issues which have not as yet received the required emphasis.** The crucial issue we wish to bring to the attention of members is the concept of **Tripartite Board in the Unorganized Sector** as a **substitute to the absence of**

- **long term Employer-Employee relationship** in the Unorganized Sector Workers,
- **permanent team of management** and
- **role of Employer** to regulate work and provide Social Security.

The experience of the implementation, rather **the failure of the implementation of the legislations drafted by the bureaucrats without, the participation of the victims of injustice**, such as the extension of Employee's State Insurance Act, 1948, Employees' Provident Fund and Miscellaneous Provisions Act,1952, Child Labour (Prohibition and Regulation) Act,1986, Inter-State Migrant Workmen (Regulation of Employment and Condition of Services) Act, 1979 has proved the necessity of having a Tripartite Board repeatedly. **We can say that the success or failure of the Domestic Worker Act will be proportionate to the dilution of the concept of Tripartite Board.** Only Ms. Meena Patel has referred to Tripartite Welfare Board (under the section on definitions); it needs further elaboration.

Meaning of Unorganized Sector

The most important issue to be clearly understood is the **meaning of Unorganized Sector** because almost all labour legislation in India has been designed keeping in mind the 'Organized Sector' following the British Legislations [A few exceptions to this are the Dock Workers (Regulation of Employment) Act 1948; Maharastra Mathadi Labour Act; Tamil Nadu Manual Workers Act,1982; and Delhi Building & Other Construction Workers (Regulation of Employment & Regulation of Services) Act,1996.].

Industrial growth, both in Britain and India, started with Textile Industry. By conceiving the Textile Industry we can understand the **real difference between Organized Sector and Unorganised Sector.** In 'textile industry' there used to be long term employer-employee relationship and a permanent team of management beyond the life span of a worker. Therefore the role of '**principal employer**', '**Employer**' and '**Management**' is crucial for the success of

the Employees State Insurance Act 1948 and the Employees PF Miscellaneous Provisions Act of 1952. In contrast to the Textile Industry, Domestic Work and Domestic Workers are part of 'Unorganized Sector' where **there is no long term employer-employee relation and no permanent team of management**. Most of the employers in Domestic Work are individual families and most of the part-time Domestic Workers have multiple employers. The employer-employee relation in Domestic Work keeps changing, both ways, from the sides of employee and employer. Therefore for providing long term social security measures such as pension, medical care, accident compensation, education support for children, vocational training, etc. We need to **create a 'substitute' to the 'absence of management' in the form of a 'Tripartite Welfare Board'**.

Role of the Tripartite Board

The Tripartite Welfare Board should compulsorily register all the employees, 'collect contribution from their registration' and 'provide Social Security for the long term'. We cannot expect individual employers to pay pension to domestic Workers after they reach the retirement age. But all the 'employees' with whom a domestic workers works during her life span can contribute a proportionate share in the pool of Social Security Fund of the Tripartite Board during the tenure (short or long) of a domestic workers working with them. Thus with the **contribution of various employer** during the life span of a domestic workers and with the **nominal contribution of the domestic worker** herself the **Tripartite Board** will be able to collect a '**corpus fund**' for providing funds for Social Security to each and every domestic worker enrolled with the Tripartite Board. Collective utilization of the fund by the Tripartite Board, instead of insurance scheme, will leave the gains of an insurance company also with the Tripartite Board.

Acknowledging the specificity of Unorganised Work (mentioned above), we need to give more attention to the constitution of '**Tripartite Welfare Board**'. It is often seen that the government and employers' representatives join hands. Therefore instead of giving 1/3rd representation to all the three segments, which will necessarily reduce the representatives domestic workers to a minority of one third, we have been proposing that the **Tripartite Board should give 25% representation to government, 25% representation to the employers** which may largely include Residents Welfare Associations and **50% representation to Domestic Workers** themselves. Instead of nomination we propose that **after initial phase of registration is completed** the registered domestic workers should themselves **elect their representatives**.

Registration of Employers

Another extremely crucial issue is **the registration of employers**. In fact the domestic workers and placement agencies both are more or less non visible and without a definite entity. All the employers who intend to employ a domestic worker, in-house or part-time, should be necessarily required to register themselves with Tripartite Board. There must be very heavy penalty for failure to do so. **Only if we start with compulsory registration of all employers can we reach all the domestic workers employed by them and all the placement agencies through which these domestic workers are employed**. Otherwise reaching 'Placement Agencies' is almost impossible; this situation is causing in-human exploitation, trafficking and continuation of child labour in domestic work with high level of sexual-exploitation of tribal and other vulnerable girls. **Regulation of Placement Agency under any other legislation will only perpetuate them**. Only the regulation of 'Placement Agencies' by the 'Tripartite Board of Domestic Workers' can regulate them to earn up to a limit of their genuine contribution of facilitating the employer and employee to meet each other and for any other service they provide. This will also **encourage opportunities for the emergence of alternate Placement entities like Cooperative Societies of domestic workers** themselves. The Cooperatives of domestic workers will provide alternate work to the senior domestic workers and

help in sharing the surplus of Cooperative Society with members of the cooperative itself and end the inhuman exploitation.

Critical examination of the proposals given by various respondents

What is the use of Minimum Wage Notifications for Domestic Workers if they can not be implemented? In our opinion all Six National Acts quoted by Sr. Jean Devos or the provisions therein can be implemented for the Domestic Workers only if **we all put together our efforts to create the mechanism of Tripartite Welfare Board**. Many of the conditions of work quoted by her can be implemented only through the tripartite Boards. The Central Govt. Code of Conduct Rules are likely to remain unimplemented without a Tripartite Board of Domestic Workers.

Suggestion for registration of workers at source, Registration of Placement agencies, Implementation of Inter-State Migrant Workers Act without the bar of a minimum number etc. by Ms. Meena Patel is feasible only through a Tripartite Board. We do not understand why she is proposing that the Tripartite Welfare Board **be confined to regulate only the Social Security measures** and suggesting that the entire responsibility of implementation should be with the government Labour Department. We feel that the Offences and Penalties, Protection Mechanism, Protection provision for Emigrant Labour, Dispute Resolution Mechanism etc. proposed by Ms. Meena Patel can work only through Tripartite Welfare Board. We agree with the suggestion of Ms. Nalini Nayak that the placement agencies should also be brought within the preview of this Act but not with her proposal that the moderators also draft a model rule. **In our opinion we all can incorporate our proposals in the Bill proposed by National Commission for Women including the DWRC**. The recommendations of Ms. Anchita Ghatak can also work through the Tripartite Welfare Board. Ms K. R. Renuka has given similar proposal since the Board is going to include the employers' representatives also, from whom the main source of fund is to be collected. The concern of Ms. Renu Mehra of equal protection for both domestic workers and employers will be taken care of by the Tripartite Board as well as will the concerns of Ms. Urmila Bendre. The proposals of Ms. Shivani Bhardwaj for institutional support at neighborhoods at source and destination can be fully taken care of only by the Tripartite Welfare Board system. Once a healthy route of migration through the coordination between the Tripartite Welfare Board at source and destination is created the exploitation referred by Rahul Banerjee will also end.

Way Ahead

Accepting **domestic work as work** and **domestic worker as workers** is **not sufficient in itself** although both are very crucial. We **must develop a feasible mechanism for the implementation** of the various proposals. We also need to examine why none of the proposals initiated in 1959, 1989 and in 2004 ever resulted in enactment.

Multiple fronts taking up the demands for Unorganised Sector Workers has resulted in the Unorganised Sector Social Security Act 2008 which is a total failure. **Our main concern is that since organizationally the Domestic workers are an equally weak front, if not weaker, then the multiple approaches will only lead to a similar failure. We are open for a joint, single effort for a Comprehensive Legislation for Domestic Workers.**

We are also enclosing '**Our Proposal**' which is but the **narrative presentation** of the National Commission for Women (NCW) proposal simplified to help those persons who are not familiar with legal language to understand it.

Rajesh, LabourNet, Bangalore (*response 1*)

I would like to add some points to what Mr. Subhash Bhatnagar has already pointed out. Mr. Subhash Bhatnagar has rightly pointed out that the problem lies in the implementation of the laws. We have too many laws in India, though the implementation has not been thought about completely.

I agree that the implementation body should be the Tripartite Welfare Board and not the Labour Department. As the Labour Department has too many labour laws to implement, it is better for the Tripartite Welfare Board to be the body to implement as the labour issues in the unorganized sector are too complex. Enforcement becomes easy where there is a clear employer - employee relationship.

The Tripartite Welfare Board should not only deal with the welfare activity but must also have the powers to implement the laws. The suggestion that the placement agencies should be regulated and registered under the Tripartite Board is good. But we need to remember that there is a huge demand for Domestic Workers and there is also a good supply through the placement agency. One reason for the informal contractors to thrive in the unorganized market is that instead of making the sector organized, the laws are made in a manner that provides disincentive to formalize. For example, if a placement agency places more than 10 to 20 Domestic Workers in a household, they will attract both the Employee State Insurance (ESI) and Employees Provident Fund and Miscellaneous Provisions (EPF) Acts which are applicable to the formal sector. This naturally becomes a disincentive for any agency to register.

Instead there should be incentives for placement agencies to register. This can happen only if the Board takes care of all welfare activities irrespective of the number of Domestic workers the placement agency have on their rolls or else we will have many small placement agencies showing less workers on their rolls. This will only hurt the interests of the workers. The implementation of the Act will also become difficult, defeating the purpose of helping the workers get their rights.

So any Act, be it ESI and EPF should be not applicable to the sector at all, if the implementation has to be successful. The board should take up this function instead, provided the placement agency is registered with the board. Also, incentives like tax exemptions must be provided – for e.g., if a placement agent has to add a service tax component to his bill, he becomes uncompetitive, hence he or she will not register instead, it is better for them to work in the unorganized scenario. So the incentive should be to attract more entrepreneurs, so that the sector is developed in a holistic way. Presently there is more established business in the B2B (Business to Business) segment of the market, which is well developed and structured. It is B2C (Business to Customers) segment which has to be developed, so as to benefit the domestic workers.

Mukul G. Asher, Lee Kuan Yew School of Public Policy, National University of Singapore, Singapore

While you emphasize rights, please also spell out clearly the responsibilities as well. What are the disincentives for not fulfilling these responsibilities?

You may also consider the principle of substitution. If a particular factor, such as domestic labour becomes relatively too expensive, capital goods, mainly durable goods, will be substituted for it. Total employment will decline. Have you done rigorous study of the impact of what you are proposing? What would be the costs of implementing these rules? Who will implement such complex rules?

I strongly suggest getting services of a competent Economist who can give a fair assessment of the impact of such measures.

What are the plans to improve skills levels and capacities?

Tada Prabhakar Reddy, Satavahana Development Society (SDS), Hyderabad

While fully agreeing with Surabhi Tandon's views that domestic workers must enjoy annual wage increment and legal protection etc., I would like to direct attention to the issues raised by Mukul Asher. It is equally important to make them understand their rights as well as responsibilities.

Further, the principle of substitution assumes significance considering the cost of hiring domestic workers is becoming relatively expensive in cities like Hyderabad. Therefore, one really needs to look into the economics of the issue and conduct an in-depth study which can facilitate formulation of better policies.

As a matter of fact, domestic workers are reasonably paid in many parts of the city of Hyderabad and they are also provided tea/tiffin/meals everyday. They are also given weekly/monthly off. They also bargain for annual wage increment at the time of joining itself. In some cases they are also given pair of clothes once a year. Besides, some are also helped by their employers to fulfill their other responsibilities like marriage or education of their children.

Further, I would like to add that the Self Help Group (SHG) movement in Andhra Pradesh (AP), particularly in urban areas has really given fillip to the cause of domestic workers as it has facilitated in uniting them. They are now aware of many issues pertaining to their work and pay. We have seen that some of the SHGs from AP are very active. They have formed associations though informally and improved their bargaining power. As a result, they became the beneficiaries of Indiramma Housing Scheme and many other programmes in urban AP.

Finally I want to stress that it is essential to have social security mechanisms like setting up of welfare boards, provision of insurance, co-contributory pension etc. (as in Kerala and AP). They would go a long way in having a positive impact in improving the lives of the domestic workers.

Subhash Bhatnagar, National Campaign Committee for Unorganized Sector (NCCUS), New Delhi (response 2)

We do not agree with Rajesh that Employee State Insurance (ESI) and Employees Provident Fund and Miscellaneous Provisions (EPF) Acts etc. should be not applicable to the unorganized sector at all if the implementation has to be successful. Domestic Workers (and other workers in the unorganized sector) are not mere commodities but human beings with Right to Decent Work; this includes social protection. On the other hand we agree with your suggestion that ESI, EPF can be implemented through the Board; we have said so in the note as well.

The coverage of all domestic workers and implementation will not be a problem as the suggested process of registration and stiff penalties for violation will create an incentive for the employers and placement agencies to register. Additional incentives for placement agencies are neither required nor should they be provided. The Placement Agencies need to get sufficient commission for their personal earnings and maintenance of office; for additional earning they must provide additional services.

Rajesh, Labour Net, Bangalore (*response 2*)

Let me make it clear that I did not mean that the Employee State Insurance (ESI) and Employees Provident Fund (EPF) should not be applicable; my apologies if it sounded that ESI and EPF should not be applicable. What I meant was that all social security measures (including PF, ESI, Pension) should be looked after by the board and done through the Board (not by the placement agencies or the customer). And for that the placement agency and clients will have to pay fee to the Board.

The point I was making is that presently under the existing law both PF and ESI, clearly defines that for any person to avail this benefit there must be a clear defined employee-employer relationship. For an informal sector worker, where he/she has multiple employers and where there are informal work agreements, it is best for the Board to take care of this activity. To avail these benefits it is necessary to amend the existing Acts and Rules, so that unorganised workers can get benefitted through the various welfare boards.

Anuja Mirchandaney, Alternative Law Forum (ALF), Bangalore

I would like to add to the discussion by sharing the "Note on Minimum Wages for Domestic Workers" that I prepared for Women in Informal Employment: Globalizing and Organizing (WIEGO) Law Project. The note is given below. I hope it will help members understand the "law of the land" on Minimum Wages, the pros and cons of some methods of measuring minimum wage, and the insufficiency of the current minimum wages paid to the domestic workers.

Note on Minimum Wages for Domestic Workers

Existing Laws- Legislation and Judgments

Domestic workers are implicitly excluded from the National Minimum Wages Act, 1948, No. 11 of 1948, but states may extend its application to domestic workers on their territory through state legislation.

- Central Government sets minimum wages for 45 occupations from which domestic work is excluded. Nonetheless, central and regional governments are allowed to set minimum wage rates for additional occupations. The states of Karnataka, Kerala, Andhra Pradesh, Tamil Nadu, Bihar and Rajasthan have set minimum wage rates for domestic work.

Going by the example of the minimum wage set in Karnataka, although the very act of setting a minimum wage in a hitherto ignored sector has been a landmark in terms of giving domestic workers the official status of a 'worker' within the legal regime, **the actual wage fixed itself is far from adequate to meet the needs of domestic worker and her family.**

A criticism against the Minimum Wages Act has been that it does not define the term "Minimum wages". Trade Unions have urged that to avoid differences in interpretation by wage fixing authorities "minimum wages" should be spelt out in precise terms. Should it be spelt out quantitatively, i.e. in terms of cash? Or should certain norms be put in place to guide authorities fixing the minimum wage? While fixing a rigid cash equivalent of the statutory minimum wage may not be a good idea (because of rise in prices due to inflation and differences in regional conditions), some norms should be followed to guide the fixation. The Act itself does not contain any clue as to the principles, criteria or norms, to be followed while fixing a minimum wage for a given employment.

The **2nd National Labour Commission** which came out with its **report in 2002** recommends that the **Minimum wages should be such as to satisfy the needs of the worker and his family**, arrived at on the '**Need Based Formula**' of the **15th Indian Labour Conference**. This, the Commission said **should be supplemented by the judgment of the Supreme Court in Raptakos Brett & Co.**

The "Needs Based Formula":

The **Committee of the 15th Indian Labour Conference** recommended that these norms **be followed by all wage fixing authorities**, including minimum wage committees, wage boards, adjudicators, etc.:

- (i) In calculating the minimum wage, **the standard working class family should be taken to consist of 3 consumption units for one earner and his family consisting of his wife and two children below the age of 14 years**. The earnings of women, children and adolescents should be disregarded (The latter part of the norm disregards the fact that in many cases women contribute significantly to the family income.).
- (ii) **Minimum food requirements** should be calculated on the basis of a **net intake of 2,700 calories** for an average Indian adult of moderate activity. **Clothing requirements** should be estimated as per the **per capita consumption of 18 yards of cloth per annum** which give for the average workers family of four 72 yards of cloth.
- (iii) With respect to **housing**, the norms should be **the minimum rent charged by the government in any areas for houses provided under the Subsidized Industrial Housing scheme for low-income groups**.
- (iv) **Fuel lighting and other miscellaneous** items of expenditure should **constitute 20%** of the total minimum wage.

Norms laid down by the Supreme Court in Reptakos Brett's Case (Should supplement the norms accepted by the 15th Indian Labour Conference, according to the 2nd National Labour Commission report of 2002). In Workmen vs. Management of Reptakos Brett & Co Ltd., **the Supreme Court held that the following** additional components (i.e. in addition to norms laid adopted by the 15th Labour Conference in 1957) **should be added as a guide for fixing the minimum wage** in the industry. These should **amount to 25% of the total minimum wage**.

- Children's education
- Medical requirement
- Minimum recreation including festivals/ceremonies
- Provisions for old age
- Marriages

The Central Government did not at that time accept the norms laid down by the 15th Labour Conference. However subsequently they were upheld by the Supreme Court in the case of Unnichoyi v. State of Kerala, and hence may be considered **the law of the land**.

Studies dealing with Minimum Wage

A 2004 sample survey done in Bengaluru by Stree Jagruti Samithi (SJS) (conducted by Geeta Menon and others of SJS) **shows** clearly how the **existing wages** prevalent in the domestic work sector (not necessarily the notified minimum wage), are **insufficient**. Their findings include the following:

Total Expenditure exceeds family income in two-thirds of all cases! Average expenditure is Rs. 5189/- including loan repayment and saving; Rs. 4973/- including loan repayment only; and, Rs.4154/- excluding loan and saving. School fees are Rs.1221/- on average for all families, but Rs.174/- for families with children under 12; Loan repayments are Rs.817/- on average for all families, but Rs.1148/- among just the families who have loans.

At the time of the survey, **146 loans were being repaid. This is 72% of the sample.** Most of these loans are short-term, high interest loans. Four-fifths of all loans taken were for consumption rather than investment; two were even taken to pay off existing loans! This means that the family income is insufficient to cover the basic day-to-day needs of the family.

The above described situation (from the SJS study), that of indebtedness on account of short term loans to meet consumption needs, it would not be incorrect to say, would be prevalent even today. It should be noted that **even with multiple earners in families' surveyed in the 2004 study, the situation of indebtedness existed.**

In a May 2007 field-based empirical research (conducted in 2005 by Anuja Mirchandaney, Alternative Law Forum, for the South India Garment Worker s' Rights Coalition) **on the 'need based wage', it was found the salary per month should be Rs. 4,954/- for a worker working an eight hour day.** Although the study was conducted to arrive at a computation of a need-based wage for the garment workers in Bangalore, the wage would hold good for any other worker including domestic workers.

Contrast this with the **current notified minimum wage for domestic workers (with dearness allowance revised for 2009- 2010)**, who are entitled **as per law** to a **wage of only Rs. 2532/- for an eight hour work day per month.**

In her analysis of the Equal Remuneration Act 1967, [Kapur \(2005\)](#) finds the practice of paying women lower wages being abetted by the lack of institutional recognition of the reproductive and care work taken up by women. She **cites cases, where judgements implicitly place greater value on men's work.** Perhaps the same analysis would apply to the low rate of the minimum wage fixed by the various State governments for domestic work.

Key Issues Regarding Time, and Piece Rate Methods

The Appropriate Government, who is determining the minimum wage for a particular sector of employment, has the option of fixing:

- i. A minimum rate of wages for time work, or;
- ii. A minimum rate for piece work¹⁸, or;
- iii. A minimum rate of remuneration for employees employed on a piece work, on a time rate basis "referred to as a "guaranteed time work"
 - (as per s. 2 (c), of the Minimum Wages Act, 1948)

Time and Motion Study. Time and motion study is often done by industrial establishments who have to pay wages on **guaranteed time work basis**. Establishments which have workers to whom such a method of calculation applies often fix a production targets which are in turn linked to wage payment. Taking the example of the **garment industry**, where the **minimum wage is fixed on the guaranteed time rate basis**, and where target fixing is the norm, the concerned department **measures how much of a given task in the production process an 'average' worker can complete within an hour**. It is on this basis that a target is fixed for all workers in the establishment who do the same task. The payment of the wage is linked to reaching the target within an eight hour day. Wage is paid only after the target is reached, and this could result in some workers working over time without overtime payment. As activists working with garment workers in Bangalore have seen, this manner of fixing a target is open to abuse. **The management will select a very efficient worker on whose performance the target is fixed, and not really an average worker as is required for such a study.**

Would such similar abuse be possible if the government were to fix a minimum wage for domestic workers on the basis of time and motion study? In this connection, it is to be noted that the **dominant practice of employers in India is never to pay any over time payment. A guaranteed time work method** of calculating minimum rate of wage for domestic work **could in a sense sanction an existing abuse and exploitation.**

In support of this, the current President of the Karnataka Domestic Worker Union endorses the time rated method and definitely not the piece-rated method or guaranteed time work method. **If piece rate or a time rate basis means**, taking the example of washing vessels, **washing 'x' number of dishes per hour in a household to receive a fixed amount (minimum wage), this may mean the domestic worker has to wash an extraordinary number of dishes per hour.** Hence this method of fixing the minimum wage may be **susceptible to abuse in the case of domestic work too.**

If one sees the '**piece rate method**' of fixing the minimum wage, the **example of the Beedi workers** for whom minimum wages was fixed on a piece rate, is telling: It was found that the **wage was significantly lower than other workers for whom the minimum wage was calculated on a time rate basis.**

Bharati Birla, International Labour Organization (ILO), New Delhi

The query makes a reference to Legislations and Code of conduct in the international arena. Thus I would like to share some information regarding domestic work and domestic workers at the international level. Domestic work has been an International Labour Organization (ILO) concern since 1948. ILO has initiated a campaign, "Your Work is Important to Promote Decent Work for Domestic Workers". In March 2008, the Governing Body of ILO has put the agenda of discussing the need for an **International legal instrument** for protecting the rights of the domestic workers at the **International Labour Conference (ILC) in June 2010**. This legal instrument can take the form of (1) a Convention, (2) a Recommendation, (3) a Convention and a Recommendation (4) Convention with binding and non-binding parts.

The need for a special instrument was felt because domestic workers form a significant part of the working population and given their vulnerability to dangerous, discriminatory and abusive working conditions, they warrant special attention. It is also important to mention that in principle, ILO labour Conventions and Recommendations cover all the workers, including domestic workers; however the provisions applicable to them are scattered across different

Conventions. A few Conventions specifically allow the exclusion of domestic workers, because of the nature of the work.

To initiate the first discussion at the ILC in June 2010, the ILO has prepared a **Law and Practice Report on Domestic Work** which covers the aspects being discussed in this query, including the definitional issues, aspects related to social security, legislative measures and implementation mechanisms. The report gives an international perspective and the initiatives taken by individual countries to include domestic workers in the existing labour legislations or having separate legislative coverage for them. Some of the key aspects discussed in the report have been summarized in the attached note (Interested Members may write to us; we will email them the file).

I hope you will find the same useful as it will bring into focus some practices and issues being considered globally to promote decent work for domestic workers.

[Sister Leona](#), Domestic Workers' Forum (DWF), New Delhi

Following are the comments of the Domestic Workers Forum (DWF) that I am putting forward:

- **Who is a domestic worker?**

Domestic workers means a person who has agreed to carry out household chores like sweeping, cleaning utensils, washing clothes, cooking and such other manual work on a temporary, permanent, part time or full time basis.

- **Age of the domestic workers:**

Legally only people over 18 years must be allowed to work as domestic workers.

- **Wages:**

Wages means all remuneration paid to domestic workers for their work. Payment of wages in kind should be strictly limited and must be fair and reasonable. The part time workers are paid directly with no intermediation of outsiders or family members. However in case of full time workers who are employed by placement agencies, the wages are collected by them and given to the workers only after taking a substantial commission. The domestic workers deserve full payment of their work.

- **Residential arrangement:**

For the domestic workers who live with the family, separate space is very essential for their privacy and safety. They should be provided fresh food, things for their daily use at work place, safe drinking water and clothes.

- **Who is employer?**

"Employer" in relation to a domestic worker means the person who has the ultimate control over the affairs of the establishment work/service as head of the family or the manager.

- **Condition of work**

- Leave / holiday

The live-in workers especially the ones coming from the welfare centers must get a weekly off according to their requirement. They must also be given one month holiday annually. But those who are employed by placement agencies are deprived from these holidays. The part-time workers stay absent from work once a week. However, they also don't have specified weekly/monthly or yearly holidays to visit their family in the village or for attending any other

social function like marriage. They also don't get sick leave. Money from their salary is deducted if they take leave or they may even lose their job.

- Hour of work

Domestic workers should be paid for overtime or emergency service on hourly basis.

- **Social Security:**

Domestic workers should be provided social security benefits like other workers of organized sector like

- Maternity leave and crèche facility
- Health care service
- Old age and Provident Fund (PF) etc.

- **Enforcement mechanisms:**

Due to absence of legal provisions/redressal mechanisms, the domestic workers are mentally tortured, verbally abused, physically and sexually harassed. They are the first people who are looked at with suspicion in case of theft/robbery etc. in the family. The following measures may help the cause of domestic workers:

- Any person found to employ a child (below 18 years) as domestic worker must be fined a minimum of Rs. 10,000 or more. The Child Labour Act must be strictly implemented for all the employers including Government officials.
 - Support services and protective measures must be improved by providing legal aid, health care trauma counseling and shelter to those domestic workers who have undergone violence or harassment or have not been paid wages or worked under poor conditions.
 - Young working girls must be given training in self-defense to protect themselves under threatening situations.
 - Domestic workers union/association/federation must be formed and strengthened to take collective action for their cause.
 - Right to education of children must be enforced.
 - Sensitization of police administration to deal with the cases of domestic workers.
 - The domestic workers must have identity card - voter card or skill ID card - Government must make provisions to issue such ID cards to them.
-

Sunita, National Domestic Workers' Union (NDWU), New Delhi

I am writing the following response on behalf of the National Domestic Workers' Union (NDWU)

- **Who is a Domestic Worker?**

Traditionally, a Domestic Worker is a person (male/female) who provides services like dusting, cleaning the house, dishes, clothes etc., looking after old aged persons and kids etc. Earlier this work was carried out by the women of the household. Some of the Domestic Workers work part time. They work at more than one place.

- **Age of Domestic Worker**

In India, an 18 year old person is considered an adult, therefore, the minimum age for someone to be eligible to work as a Domestic Worker must be 18 years or above. They must also get retirement benefits as per the respective State's norms and Government's service rules.

- **Wages**

There are two types of domestic workers - part time and full time. The Government should fix wages on hourly basis for the part-timers. For those who work full-time, it should fix a work day of not more than eight hours a day. The Domestic Worker who stays at the employer's premise must be provided separate accommodation with all amenities and facilities. If the employer makes the Domestic Worker work for more than eight hours a day, then he/she must be monetarily compensated as per Government norms for the overtime.

- **Residential Arrangement**

Due to the nature of the domestic work, most of the part time domestic workers stay in their own house with their family. For the people who do not have family should be given working hostel facility. For the full timers and for the people who reside in the employers premises should be given separate accommodation with all facilities and amenities.

- **Who is the Employer?**

The employers of domestic workers are those who avail the facility from the domestic workers such as individuals, companies, hospitals, hotels, canteens etc.

- **Conditions of Work**

(a) Leave/holidays: As per Government law they should be given leaves/holidays.

(b) Hours of work: The working hours should also be fixed as per Government law.

- **Social Security**

There should be social security for all Domestic Workers.

- **Enforcement Mechanisms**

There should be tripartite enforcement mechanism available to protect the rights of the Domestic Workers. Further, there should also be a forum where the Domestic Workers can lodge their complaints to get justice.

D. Punitha, Tamil Nadu Domestic Worker Movement (TNDWM), Chennai

This is what I have to say on the issue:

- **Who is the domestic worker?**

"One who serves as a maid in order to earn money. She does tasks like washing cloths, scrubbing utensils, sweeping, cleaning home, watering plants, etc. in order to provide financial support to her own family."

- **What should be the Age of the Domestic Workers?**

"My age is 33. To work as domestic worker, approximate age must be 25 to 55 years because it is a hard job. Girls of the age of 17 to 24 seem too young for this job. Similarly after the age of 55, women become older and have more health problems and difficulty in physical movements. Domestic workers loose their verve/energy at this age."

- **What about Wages?**

"Wages should be provided according to basic hours, nature of job, number of family members, and area (square feet) of the house. I am working in house for 8 am to 4 pm. They are paying Rs. 2500. I expect Rs 3500 per month. Over time work should also be paid for."

- **How should the Residential Arrangements be?**

"For full time workers, the employer must provide separate accommodation within or away from the house. They must provide food for her too."

- **Who is a Employer?**

"An employer is one who

- pays wage or salary,
- gives a job,
- supervises her work."

- **What about Leave?**

"Leave must be given to domestic workers; it must be equivalent to what the government employees get. More specifically, domestic workers should get

- Weekly - one day leave
- Monthly - additional three days leave
- Yearly - total of 36 days (over and above weekly leave)"

- **How many Hours should the domestic workers' work?**

"Eight hours per day; may be shifts like morning four hours and evening four hours."

- **What about Social Security?**

"There is no social security for the domestic workers as of now. With the help of our movement now we have launched the Life Insurance Corporation (LIC) policy for them. We are expecting that they must get the benefits of Provident Fund (PF) and Employee State Insurance (ESI) Acts. They must also get credit facilities, pension, maternity and education benefits, etc."

P. S. M. Rao, Independent Consultant, Hyderabad* *NEW!*

It was really a great idea to interview Ms. D. Punita who is a Domestic Worker (DW) herself. It was good to know first hand, her experiences and views on the entire range of issues the query had raised. This is, however, not to say that the experiences of one individual are representative of the entire population of the DWs in the country.

I would like to give my views on two of her responses while agreeing to other demands without amendments:

Age of the Domestic Worker: I agree with Ms. Punita that the job is very hard and backbreaking. Yet, it can not be classified as hazardous occupation nor is it always a full time job. When the idea is to make the occupation decent and dignified, at least in the long run, in the changing society, I think entry level age barrier of 25 is not ideal. It can be less than that, around 18. But the right age should be fixed based on the medical opinion. If their physical growth is stunted due to this hard work then what Punita said should be accepted or right age should be decided through scientific reasoning.

My point is that those women who need a job to support their families, or studies, through part-time work of this nature - there should not be a legal obstacle to engage those below 25 years of age. Similarly, upper age limit can be slightly enhanced to 58 years if the women are fit to work. They should get retirement benefits too.

Wages: On wages, her expectation of Rs. 3,500 per month for full time work of eight hours a day is quite reasonable. In fact a little more is advisable, but, that would not be feasible because most of the employers are middle class and lower- middle class households with low incomes.

High wages, beyond the paying capacity of employer, has the danger of reducing the employment opportunity. Also, this paid work may turn into unpaid work of the woman members of the low-income households!

As for the formula of wage fixation for part time job, hourly rate should be fixed factoring in the following requirements:

- Full day should be taken as 7 hours work (8 hrs minus 1 hour break/leisure time)
- One day off a week
- 36 days leave per annum over and above one weekly off

Since work is quantified into hours, the size of the floor etc., suggested by her, lose relevance.

Another point, I consider very important, is the enforceability of the legislations made. The laws so far made, I understand, are of no practical value. Rather, the supposed beneficiaries do not have any knowledge of the protection offered to them. In fact even the employers are not aware of these laws, on minimum wage etc.

As a way out, I suggest organizing the domestic workers into Self Help Groups with NGO/Government initiative. The SHG mode is likely to bring the following benefits:

- Acquainting the members with their rights
- Making arrangements for incessant supply of service to the employers while the workers avail themselves of their holidays/leave.
- Upgrading their skills, improving literacy etc.
- Taking up productive activities – during their leisure hours - through small investments. This is possible because in majority of cases the domestic workers are engaged part time

I conclude on the note that the laws that are enforceable will alone have practical value. Mere legislative measures without their enforcement are unlikely to change the lot of the domestic workers.



Poverty

Microfinance Community



Solution Exchange for the Microfinance Community Consolidated Reply

Query: Financial Inclusion of Urban Poor and Issues Related to Identification - Experiences; Advice

Compiled by Navin Anand, Resource Person and Monika Khanna, Research Associate
Issue Date: 26 July 2010

From Harish Chotani, Resource Consultant - Microfinance and Livelihoods Promotion, Gurgaon
Posted 23 April 2010

In the last two decades, there have been a number of powerful concepts such as 'Inclusive Growth', 'Financial Inclusion', 'Mainstreaming' and 'Pro-poor equity' that have influenced policies, initiatives, programmes and projects to focus on specific sector and target group. The emphasis placed on "faster, more broad-based and inclusive growth" in the 11th Five Year Plan of Government of India is an acknowledgment that a considerable population of the country has been excluded from the benefits of poverty reduction programmes and also banking services.

A report by United Nations Population Fund at one hand reveals interesting fact that by year 2030, 40.7 per cent of India's population will be urban. On the other hand, the report of National Commission for Enterprises in the Unorganized Sector states that "informal workers in the Indian economy are estimated to be more than 91 per cent of the workforce. They consist of informal workers in the informal sector (85 per cent of the total workforce) and informal workers in the formal sector (6 per cent of total workforce). These workers have limited or no formal social security cover which increases their vulnerability during times of illness, old age, unemployment and untimely death.

RBI has issued guidelines under Section 35A of the Banking Regulation Act 1949, that ".....the adoption of customer acceptance policy and its implementation should not result in denial of banking services to general public, especially to those, who are financially or socially disadvantaged...". Again in its Mid Term Review of the Policy (2005-06), RBI stresses on making available 'no frills' accounts either with 'NIL' or very minimum balances as well as charges that would make such accounts accessible to vast sections of the population.

In the urban areas especially in the large cities, there is significant influx of people from various regions of India for want of labor employment in the domestic work market, industry as well as in service sector. Among these migrants, a large number of people possess an identity card such as 'Election Card or Ration card' which had been issued to them at their home of origin. Being migrant and poor, they normally stay in temporary huts/'Jhugies' or small rented rooms. In spite of high propaganda of financial inclusion, it is a reality that majority of them especially the domestic workers are not able to open their 'Savings bank Accounts' as banks are not recognizing

it as an identity valid for opening the bank account. They Interpret it as “Insufficient Identity” in banking rules.

In the last three decades, there have been a number of mechanisms evolved to securing savings whether at JLGs /SHGs/ Federations or in the near by bank branches. However, still many people are not able to use secured saving services due to limited access to bank branches and also lack of knowledge and therefore still depend on ‘Sahukars’ or others for their savings and other microfinance needs.

Thus in the back drop of the above, I would like to request the members of Solution Exchange to share their experiences and views on the following questions:

- Are the RBI criterion/guidelines for no frill accounts for the socially disadvantaged people adequate to open savings account and provide microfinance services by the banks? If not, what can be suggested to RBI to strengthen implementation of financial inclusion in urban areas?
- What processes can be adopted to engage banks to be proactive and cooperative in providing microfinance, especially savings services to disadvantaged people particularly in urban areas?
- What are the existing experiments and possible mechanisms to creating awareness amongst the people about their rights to banking services in context of RBI guidelines?

The experiences, views and suggestions of members will be useful in developing a practical strategy to provide mF services to the urban poor and migrants.

Responses were received, with thanks, from

30. [Hemantha Kumar Pamorthy](#), Hand in Hand Micro Finance Limited, Chennai
31. Kris Dev, Life Line to Business, Chennai ([Response1](#); [Response 2](#))
32. [Ajaya Mohapatra](#), We The People, New Delhi
33. [N. Srinivasan](#), Consultant, Pune
34. [Baladeb Sen](#), Consultant, Chennai
35. [Harish Chotani](#), Resource Consultant - Microfinance and Livelihoods Promotion, Gurgaon
36. [Jaya Patel](#), Tata Power Company Limited, Ranchi
37. [Anup Ghoshal](#), Ideal Invent Technologies Private Limited, Bangalore
38. [Aditya Misra](#), Small Industries Development Bank of India (SIDBI), Jaipur
39. [Sarbeswara Sahoo](#), Mahatma Gandhi Labour Institute (MGLI), Ahmedabad
40. [N. P. Mohapatra](#), National Bank for Agriculture and Rural Development (NABARD), Mumbai
41. [Teki Surayya](#), Adikavi Nannaya University, Andhra Pradesh
42. [N. Jeyaseelan](#), Hand in Hand, Tamil Nadu
43. [Arbind Singh](#), NIDAN, New Delhi

[Summary of Responses](#)
[Comparative Experiences](#)
[Related Resources](#)
[Responses in Full](#)

Summary of Responses

Responding to a query on financial inclusion of urban poor and issues related to identification, members felt that there is a need to bring the clarity on the identity proofs accepted by the banks. Broadly, there is a de-link between policy and the practice in context of opening 'No Frill Accounts' and providing financial services to the poor in a proactive manner. Members pointed out that although the voters ID has a photo identity of the person, still it is not accepted in the bank branches as a valid identity proof. Since opening of bank account in the branch is the first step towards using the financial services and products, if a poor is denied from this, this will impede the way to achieve financial inclusion.

Members raised their concern that despite the initiatives of Reserve Bank of India, many poor people do not have access to formal financial services. Although to overcome the situation, the banks are directed to open 'No frills' accounts that provide special facility of keeping zero minimum balance by the account holder. However, the access to such accounts is still in small numbers. There are two main reasons cited by the members. First, not many people that have migrated to the urban areas know about the concept of 'No Frills' account. Secondly, even if a person manages to know the benefits of these accounts lack of valid identity acts as a hindrance.

Members viewed that despite the well formed rules and regulations, these have to be implemented by the officials of a particular region and branch. Therefore, it is important that rules are not only formed but also implemented in the full capacity. Members suggested for creating the mechanism of rewarding and recognizing the officials who are committed towards achieving the financial inclusion and are working with passion and commitment. This will help in creating the role models and others will also feel motivated to adhere to the rules and regulations. Members referred to the initiative of Indian Bank – [Microstat Branch](#), where the branch is headed by a dedicated official, who is passionate in lending to the poor and vulnerable.

Moreover, to strengthen the implementation of financial inclusion in the urban areas, members suggested to relax the Know Your Customers (KYC) by accepting and opening the no frills accounts of the workforce recommended by the organization having current account operational for two years in the bank. Sharing the concern over lack of valid proof of local identity, members viewed that many migrants are denied to open the bank accounts. To overcome this, members shared that there are number of Government Corporation and Boards where these workers are registered. Hence the identity cards issued by these Government institutions can be used and accepted as an identity proof by the banks. However, this will require the efforts from the civil societies to take the forward with the bank branches.

Referring to the process to be adopted to engage banks to be proactive and cooperative in providing MF, members suggested the following:

- Publishing the guidelines for opening of 'No frills accounts' in a prominent place of the bank in the regional language and also using pictorials.
- Government of India taking up publicity campaigns using TV, print media and other methods

- Displaying the Toll Free number and the name of a designated officer in each bank for grievance redressal
- Maintaining the register at the branch level for getting information about the issues related to 'No Frill' Accounts that can be verified by the Branch Managers on regular intervals
- Formation of the specialized customer acquisition teams that focus on linking the excluded people in a particular region
- Opening the 'No Frills Account' to be fixed as a quarterly target for the bank branches and incentivizing the bankers excelling these targets
- Appointment of Business Correspondents (BCs) in remote locations and broad basing the person/institutions to become BCs

Members suggested that the Financial Inclusion Fund can be utilized by the banks and other Micro finance institutions for underwriting the costs of the customer enrolment from the excluded segments. To achieve the financial inclusion, it is imperative that the poor are offered financial services through different channels rather than only relying and expecting from the nationalized banks. It is important that the services offered by Cooperatives, Societies, Post Offices and MFIs to be reviewed so that these institutions are utilized more effectively for providing financial services to the poor.

On Unique Identification ([UID](#)), members expressed that it can be a good identity proof of the people but could not be used as the residence proof, which is also required by the banks to fulfill KYC norm. They also mentioned about [RBI guidelines](#) on Anti Money Laundry under the prevention of Money Laundry Act 2002, according to which banks should collect three documents- photograph, proof of identity and proof of address.

Moreover, members suggested using technology and moving beyond the brick-n-mortar to provide financial services to the urban poor due to floating nature of the population. They referred using Mobile Phone Banking as a means to be used in extending the financial services to the migrants/urban poor. Experiences of '[M-Pesa](#)' in Kenya, [SBI partnership with Eko](#) in Delhi and Bihar and [Yes Bank's collaboration with Nokia](#) were also referred. Members suggested that for the migrants the mobile banking can be a boon as it can provide simple transactions through mobile at an affordable rate. They also quoted the example of [Migrant Labour Support programme](#) (MLSP) of [Gramin Vikas Trust](#) wherein Migrant support centers were created to guide laborers and provide Identity cards.

Overall respondents felt that in order to extend the financial services to the urban poor and the migrants, the financial institutions have to go an extra mile. Only formulation of stringent rules and regulations will not serve the purpose. Moreover on the issue of identity of a person, members viewed that there are many identity documents that exists but they are disregarded by banks. Under KYC the banks demands the proof of the address, which a migrant may not be able to provide. Finally, members agreed that there is a need to relook at the KYC guidelines, make poor more aware about 'No frill' accounts, motivating bankers by rewards and incentives and publicize the guidelines in multiple ways to reach the poor including illiterates.

Comparative Experiences

National

Maharashtra

Innovative Mobile Payments Platform to Facilitate Financial Inclusion, Pune (from [N. Jeyaseelan](#), *Hand in Hand, Chennai*)

Nokia, Yes Bank and Obopay India have launched a Mobile Payment Service enabling transfer of money using the mobile device in a secure manner. This unique service will enable consumers to transfer money to other individuals, pay utility bills as well as recharge prepaid SIM cards (top-ups), by using their mobile devices.

Gujarat and Madhya Pradesh

Identity for the Migrants, Jhabua, Ratlam, Dahod and Panchmahal (from [Jaya Patel](#), *Tata Power, Ranchi*)

Gramin Vikas Trust has launched the Migrant Labour Support Program (MLSP). Through this initiative, GVT has established Migrant Support Centers for generating awareness and information of employment and networking with contractors and unions. Moreover, the MSCs issues the photo identity cards for the migrant labourers. These cards also includes the help line numbers of centers and NGOs that can be contacted by the migrants at their destinations. [Read more](#)

Multiple States

No Frills Mini Savings Account going Mobile (from [N. Srinivasan](#), *Consultant, Pune*)

State Bank of India has appointed Eko Aspire Foundation as its Business Correspondent. On 23 February 2009, Eko with State Bank of India has launched the SBI Mini Savings Bank Account. The account holders can deposit and withdraw from their accounts through their mobile phones at various SBI Eko Customer Service Points. Moreover, the initial deposit amount required is Rs. 100 and minimum average balance for these accounts is kept at Zero.

Microfinance Services through Special Bank Branches (from [N. Jeyaseelan](#), *Hand in Hand, Tamil Nadu*)

In May 2005, Indian Bank has opened an exclusive microfinance branch - 'Microsate Branch' in Chetpet, Chennai. It is a one stop shop for the urban poor by providing all the financial services. Based on the positive response, during 2007-2008, bank has opened 11 more branches in the various cities. So far, Rs. 136.14 crores has been disbursed to more than 25000 SHGs/ JLGs through these branches. [Read more](#)

International

Kenya

Financial Inclusion through Mobile Phone Banking (from [N. Jeyaseelan](#), *Hand in Hand, Tamil Nadu*)

Safaricom, the leading mobile communications provider in Kenya has launched M-PESA, developed by Vodafone. It is an innovative mobile payment solution, enabling customers to complete simple financial transactions by mobile phone. It targets mobile customers who do not have a bank account. The registered customers can avail banking facilities (deposit/withdrawal, etc) using SMS. [Read more](#)

Related Resources

Recommended Documentation

From [Kris Dev](#), Life Line to Business, Chennai

Experts Debate on UID and Rights

Article; Deccan Herald; Bangalore; 16 April 2010

Available at <http://www.deccanherald.com/content/64312/experts-debate-uid-rights.html>

Shares the details of a debate on 'UID and Fundamental Rights' organized by city-based organizations discussing social, ethical issues, economic and legal issues in UID.

How the UID can Make Growth Inclusive

Article; by Nandan Nilekani; Skoch Media Private Limited; Gurgaon

Available

at

http://www.inclusion.in/index.php?option=com_content&view=article&id=473&Itemid=118

Shares the possible role of the Unique Identity Number (UID) for enabling the poor to access important resources and services.

UID has Aadhaar for New Name, Logo

Article; The Economic Times; New Delhi; 27 April 2010

Available at <http://economictimes.indiatimes.com/infotech/software/UID-has-Aadhaar-for-new-name-logo/articleshow/5861627.cms>

Shares that through UID, people living below the poverty line will get Rs. 100 each as they are allotted the unique number.

Report of The Committee on Financial Inclusion (from [N. P. Mohapatra](#), National Bank for Agriculture and Rural Development (NABARD), Mumbai)

Report; by C. Rangarajan; National Bank for Agriculture and Rural Development; Mumbai; January 2008

Available at http://www.nabard.org/pdf/report_financial/Full%20Report.pdf (PDF; Size: 1.41 MB)

Makes recommendations on ensuring financial inclusion to empower vulnerable groups by providing credit and savings services, insurance and remittance facilities.

From [Harish Chotani](#), Resource Consultant - Microfinance and Livelihoods Promotion, Gurgaon

RBI - Circular on Financial Inclusion

Circular; Reserve Bank of India; Mumbai; 13 December 2005

Available at <http://rbidocs.rbi.org.in/rdocs/Notification/PDFs/67669.pdf> (PDF; Size: 55.6 KB)

Shares that to achieve the objective of greater financial inclusion, all banks are advised to make available a basic banking no frills account with nil or low minimum balances.

Know Your Customer' (KYC) Guidelines – Anti Money Laundering Standards

Circular; Reserve Bank of India; Mumbai; 21 February 2005

Available at <http://rbidocs.rbi.org.in/rdocs/Notification/PDFs/61153.pdf> (PDF; 38 KB)

It shares the customer identification procedure for opening of accounts and monitoring transactions.

Recommended Organizations and Programmes

Unique Identification Authority of India (UIDAI), New Delhi (from [Kris Dev](#), Life Line to Business, Chennai)

Planning Commission, Government of India (GoI), III Floor, Tower II, Jeevan Bharati Building, Connaught Circus, New Delhi - 110001; webadmin-uidai@nic.in; <http://uidai.gov.in/>

Aims to develop and implement the necessary institutional, technical and legal infrastructure to issue unique identity numbers to Indian residents.

State Bank of India (SBI), Mumbai (from [N. Srinivasan](#), Consultant, Pune)

Tulsini Chamber, Ist Floor, West Wing, 212 free Press Journal Marg, Nariman Point, Mumbai – 400021; Tel: 91-22-22820427; Fax: 91-22-22820411; crpd@sbi.co.in; <http://www.statebankofindia.com/>

A nationalized public sector bank lending to NGOs, SHGs and Federations on selective basis for provision of microfinance services to Self Help Groups.

Eko India Financial Services Private Limited, New Delhi (from [N. Srinivasan](#), Consultant, Pune)

547 Mandakini Enclave Alaknanda, New Delhi 110019; Tel: 91-11-26278267; Fax: 91-11-40533092; mugdha@eko.co.in; <http://eko.co.in/index.php>

Aims to build low cost financial services infrastructure to increase the reach of financial institutions to the un-banked areas both in urban as well as rural areas.

From [Jaya Patel](#), Tata Power Company Limited, Ranchi

DISHA, Gujarat

9-Mangaldeep Flats, Gandhi Ashram, Ahmedabad- 380027; Tel: 91-79-27559842; Fax: 91-79-27556782; contact@disha-india.org; <http://www.disha-india.org/index.htm>

Works with socially marginalized communities, primarily tribal societies and other landless labourers

Gramin Vikas Trust, Uttar Pradesh

KRIBHCO Bhawan, 5th Floor, Sector 1A-10 NOIDA, Distt Gautam Budha Nagar, Uttar Pradesh - 210301; Tel: 91-120-2535619; Fax: 91-120-2535619; info@gvtindia.org, honoida@gvtindia.org; <http://www.gvtindia.org/content/page/1-home.html>

Aims at developing innovative solutions for the livelihoods security of poor and marginalised.

From [N. Jeyaseelan](#), Hand in Hand, Tamil Nadu

Safaricom Limited, Kenya

P. O. Box 46350, 00100 Nairobi, Kenya; Tel: 254-20-427-3272; <http://www.safaricom.co.ke/index.php?id=745>

It has launched a service - M Pesa, a new mobile payment solution that enables customers to complete simple financial transactions by mobile phone.

Indian Bank, Chennai

PB No.1384, 66, Rajaji Salai, Chennai 600001; Tel: 91-44-25233231; Fax: 91-44-25231278; <http://www.indianbank.in/profile.php>

Public sector bank, opened exclusive microfinance branch - Microstat for enabling urban poor to access financial services.

Responses in Full

Hemantha Kumar Pamorthy, Hand in Hand Micro Finance Limited, Chennai

Chotani ji is a stalwart and would certainly have many answers for these few queries. However, here are my two cents of contribution, please.

Question - 1: Are the RBI criterion/guidelines for no frill accounts for the socially disadvantaged people adequate to open savings account and provide microfinance services by the banks? If not, what can be suggested to RBI to strengthen implementation of financial inclusion in urban areas?

My feeling is that the criterion / guidelines need not even be elaborate, but just a clarion call, to include all through No-Frill Accounts, should have been sufficient. But in our country many of us need to be pushed into things. Probably RBI should push all Banks into doing this compulsorily.

Question-2: What processes can be adopted to engage banks to be proactive and cooperative in providing microfinance, especially savings services to disadvantaged people particularly in urban areas?

Currently many of the excluded are across the remote, rural and semi urban areas. Many of the banks in these areas work with skeleton staff where the manager has to multi-task in mobilizing deposits, extend credit, control delinquency, undertake Govt. related disbursements/collections and what not. So, many of the managers naturally give, or forced to give, the inclusion of the poor man, through No-Frill accounts, the last seat. In my opinion, these managers should be motivated through –

- Proper training to empathize with the poor
- Incentivise opening and activating the No-Frill Accounts and
- May be make it a mandatory aspect a la CRR?!

Question-3: What are the existing experiments and possible mechanisms to creating awareness amongst the people about their rights to banking services in context of RBI guidelines?

A banker might be able to answer better about the existing mechanisms but in my opinion, for sometime till all are included into the system, a good amount of financial evangelism should take place.

Kris Dev, Life Line to Business, Chennai (response 1)

I would like to thank Harish for initiating the discussion on Financial Inclusion of Urban Poor and Issues Related to Identification. It is rightly timed as there have been a lot of discussions on the privacy issues and ethics of collecting personal identity information, some of them are mentioned as follows:

The Centre for Internet and Society - Bulletin - April 2010

News Updates:

Worries voiced over ID Project: The Government of India's Unique Identification (UID) Project came under flak at a workshop organised jointly by the Citizen Action Forum (CAF), the People's Union of Civil Liberties - Karnataka, the Alternative Law Forum and the Centre for Internet and Society - An article in The Hindu - 17th April. Available at: <http://cis-india.org/news/worries-voiced-over-id-project>

UID: A debate on the Fundamental Rights: UID: A debate on the Fundamental Rights - was jointly organized by the Citizen Action Forum, People's Union for Civil Liberties - Karnataka, Alternative Law Forum and the Centre for Internet and Society on April 16th at IAT, Queens Road, Bangalore - An article in the Prajavani news paper - April 17th. Available at: <http://cis-india.org/news/uid-a-debate-on-fundamental-rights>

UID is an invasion of Privacy: Experts: The Nandan Nilekani headed Unique Identification Authority of India (UIDAI) came in for much criticism at the first of a series of debates on the issue organised in the city on Friday - Deccan Chronicle, April 17th. Available at: <http://cis-india.org/news/uid-is-an-invasion-of-privacy-experts>

Experts debate on UID and rights: Bangalore, Apr 16, DHNS: A debate on 'UID and Fundamental Rights' organised by several city-based organisations, discussed the social, ethical issues, economic and legal issues that accompanies the UID. For more information, please visit: <http://cis-india.org/news/experts-debate-on-uid-and-rights>

I draw your attention and that of the other members of Microfinance Community, Solution Exchange to the following article in Inclusion - How the UID can make growth inclusive - Nandan Nilekani, for more information, please visit: http://www.inclusion.in/index.php?option=com_content&view=article&id=473&Itemid=118

My comments are as follows:

There is no doubt that Unique ID can be the panacea for most evils of our modern day society, if implemented correctly. It can help the government to save thousands of crores of tax payers' money year after year lost on account of leakages in the system and take people out of the perpetuating poverty by creating a level playing field and unique opportunities for inclusive growth hitherto unknown.

But many citizens have expressed concerns about the lack of clarity of the UID project and possible misuse of information from privacy angle.

As Manthan Awardee for Establishing Unique Biometric Identification & Tracking in 2006 and UID Consultant who established the Proof of Concept for the ongoing e-Sakthi Project of Government of Bihar (Unique ID for about 25 million poorest of the poor for NREGP in Bihar), I have been time and again raising my concerns in many forums.

The Unique ID and use of Biometric Smart Card for validating all transactions is a good idea, provided sufficient security standards are built around the application. The UID must be a random encrypted number and the biometric data must be an encrypted data stored in the database and smart card and not accessible to any one except by a court order.

For this, it is best, UID is implemented by an independent agency similar to Internet Corporation for Assigned Names and Numbers (ICANN), (a not-for-profit public-benefit corporation for internet) and not by any Government or private agency.

ICANN has participants from all over the world and is dedicated to keeping the Internet secure, stable and interoperable. ICANN doesn't control content on the Internet. But through its coordination role of the Internet's naming system, it does have an important impact on the expansion and evolution of the Internet.

So also we need an Independent Unique Identification Authority to implement UID. Laws must be established for strict compliance to privacy issues before taking up UID activity.

The independent Unique Identity Authority of India (UIDAI) should ensure compliance with International Data Security Standards and be vested with the responsibility of registering every citizen and resident in India and issuing Biometric Smart Card with multi modal biometric (finger prints, iris, facial, palm vein and DNA).

All transactions of all individuals and organizations must be mandated through the use of the Biometric Smart Card.

This can help to plug all the loop holes in the system and ensure transparency and accountability, creation of level playing field and Inclusive growth opportunities for the marginalized.

Ajaya Mohapatra, We The People, New Delhi

My responses to the questions are as follows:

Question - 1: Are the RBI criterion/guidelines for no frill accounts for the socially disadvantaged people adequate to open savings account and provide microfinance services by the banks? If not, what can be suggested to RBI to strengthen implementation of financial inclusion in urban areas?

The biggest challenge for opening of no frill accounts of the poor is due to lack of valid proof of local identity where they live for their livelihoods, as it has been rightly pointed out by Mr. Chotani that the Ration Card or Voter Identity Card is not recognized by the Banks as a valid identity proof. This problem not only persists with the poor but with the young educated who migrates from different parts of the country to metropolitan cities in search of livelihoods without any local proof of identity. For months, they are also deprived of not having a bank account until and unless they get a job in the public or private sector. Moreover, it is the whims and fancies of the bank officials to accept or reject the application request of the organization who introduced its employees to open the bank account along with the proof of identity of their origin/ place of domicile.

This has happened with our colleagues when 'We The People' has recommended a few staff along with the proof of identity (voter ID of the place of their origin), to open the bank account in one of the nationalized banks where we are having our current account since last three years but the bank official refused to open, in spite of the recommendation.

Just last week, even one my friends working in a large private sector company shared similar experience with me where he had bitter experience with the bank officials who denied to open bank account of his domestic help and driver in spite of his credentials in the bank.

No matter whatever excellent policy the government makes, ultimately it has to be implemented by the officials of that particular Bank. Therefore, it all depends on these officials and their mindset as well as commitment and willingness to go extra mile to assist the poor. However, working in the MF sector since last 5 years, we have also witnessed a few bank officials who are committed and traveled that extra mile to assist the poor as a 'service to the people' rather than a just doing their regular duty.

Therefore, it is extremely pivotal to change the mindset of the officials by creating role models within the banks by rewarding and recognizing those officials who are doing hard work with passion and commitment.

Moreover, recommendations from organizations/ institutions/ especially MSMEs (who have current account operational for at least two years in the bank) for the unskilled or semiskilled workforce working with them should be accepted to open the 'no-frill' account of the poor.

Hopefully many of the problems with regard to proof of identity can be resolved with issues of national unique identification number (NUID).

Question-2: What processes can be adopted to engage banks to be proactive and cooperative in providing microfinance, especially savings services to disadvantaged people particularly in urban areas?

Each Bank should be given specified quarterly targets to be monitored on a regular basis. Moreover, guidelines for opening of 'no frill' accounts should be published in a prominent place of the bank (like the bank interest rate) either in Hindi or in any regional language and also presented pictorially by hiring professional ad agency to do so to create awareness amongst the poor and neo-literates.

Either a toll free number or name of a designated officer or both can be displayed in each bank for grievance redressal of the poor people who have denied access to opening of 'no frill account'.

A register should also be maintained at the Bank for reporting the issues related to 'no frill account', which needs to be verified by the higher authority for further follow-up.

The MFIs need to play a pro active role in facilitating the opening of no frill account by creating awareness amongst the poor people and providing handholding support to them. For any grievances, MFIs should immediately bring to the notice of designated officials for further follow-up. If the issues are not resolved by the designated officials, it needs to be taken-up with higher authorities.

Question-3: What are the existing experiments and possible mechanisms to creating awareness amongst the people about their rights to banking services in context of RBI guidelines?

Just creating awareness is not sufficient, it has to be supplemented with pro active engagement and handholding support of the civil society institutions to enable the poor to have access to their basic financial rights.

Banks are not doing any favor to the poor by opening the 'no frill account' but certainly poor are doing a favor to the bank by giving a business, which has already been proved that poor are bankable. As World's renowned Guru, Dr. C K Prahalad, who passed away recently, wrote in his bestseller book 'Fortune at the Bottom of the Pyramid' that poor should be considered as the customer, not as the beneficiary.

N. Srinivasan, Consultant, Pune

My views are as follow:

- Are the RBI criterion/guidelines for no frill accounts for the socially disadvantaged people adequate to open savings account and provide microfinance services by the banks? If not, what can be suggested to RBI to strengthen implementation of financial inclusion in urban areas?

I believe that willingness of banks and sensitization of banks staff are priority requirements rather than any guideline or instruction by RBI. We have positive stories of bank staff providing services to very poor and helping them overcome the lack of documents of identity. We also have many negative stories of bank staff declining services to people with sufficient documents of proof of identity and residence on other flimsy grounds. The incremental workload and the consequent costs seem to be weighing in the minds of banks. If compelled through a fiat, then the accounts would be opened, but there might be hardly any transactions as is presently the case in more than 80% of no frills accounts.

- What processes can be adopted to engage banks to be proactive and cooperative in providing microfinance, especially savings services to disadvantaged people particularly in urban areas?

Whether for urban or rural areas, banks require specialized customer acquisition teams that focus on linking the excluded people and their performance monitored on the basis of the inclusion achieved. The costs of customer enrolment from the excluded segment should be underwritten from Financial Inclusion Fund; this would make it easier for banks to allocate exclusive resources that prioritize such customers. The postal savings schemes operate through agents in urban areas- there is an example for banks to follow.

Mobile phone based technologies seem to offer significant cost advantages which should be pursued (the mobile banking pilot of SBI in partnership with EKO in Delhi and Bihar is scaling up impressively).

- What are the existing experiments and possible mechanisms to creating awareness amongst the people about their rights to banking services in context of RBI guidelines?

Access to Financial services cannot be a right. It stems from a contractual arrangement. The parties to the contract choose each other. If regulation comes in the way of smooth contracting, then it has to be reviewed - which is what has been happening over the last four years. Financial literacy and handholding of excluded people would prepare them better with required documents to convince banks to open accounts. Supporting banks with some cost reimbursement would incentivizes them.

The bank-board level concerns on inclusion seems absent in the field level. The reasons for this disconnect have to identified and comprehensively addressed. Sensitizing bank staff holds the key to inclusion.

Some other issues

UID is not a magic potion that would solve problems in financial access. It is an identity document. Even now other identity documents exist that are disregarded by banks. UID would identify a person - not his/her residence. Know Your Customer (KYC) demands residence proof as well. Most migrant (and even other) people in the urban locations do not have residence documents. The residence proof knot has to be unraveled.

Product and process fit for the excluded customers is a continuing problem. The vanilla savings accounts may not best fit the customers on account of transaction time and cost involved. An agent driven process, that harvests savings daily or weekly would be a better alternative for many who cannot trust themselves with surplus cash on the wage payment day.

The exclusion of cooperative societies, MFIs and even Post Office from the inclusion framework requires a review. Banks in spite of their best efforts are unlikely to provide comprehensive

transaction ability to their small account holders. The other institutions with a large number of customers from this segment would provide width and depth in financial services.

Some of these (and more) issues are discussed in the chapter on financial inclusion in the State of the Sector Report, Microfinance India 2009 brought out by Access Development Services.

Kris Dev, Life Line to Business, Chennai (*response 2*)

The answer to the issues raised by Ajaya may be found in the following statement of Unique Identification Authority of India (UIDAI) on the renaming of the project as 'Aadhaar' which could be the beginning for genuine financial inclusion, if implemented properly. However, it may be pertinent to point out, the issue of privacy concerns and prevention of misuse / abuse of personal data looms large in the minds of citizens.

Mr. Nilekani has mentioned that we are going to have 800 million people in our workforce by 2020. Moreover, to ensure that they are a source of valuable human capital, we must connect them effectively to the services they need in health, education and employment.

People living below the poverty line will get Rs 100 each as they are allotted the Aadhar number. The Finance Commission has made a grant of about Rs 2,980 crores for the incentive for getting registered in the Aadhar scheme for people who might forgo a day's income to travel and get them enrolled.

UIDAI is interacting with banks to make sure that the Rs 100 is directly credited to people's bank accounts. This way, people who are not financially included will also be allotted a bank account number. For more information, please visit: <http://economictimes.indiatimes.com/infotech/software/UID-has-Aadhaar-for-new-name-logo/articleshow/5861627.cms>

Baladeb Sen, Consultant, Chennai

Right from the days of "Garibi Hathao" of Indira Gandhi, we have read and heard so much about banking for the poor and the masses. No one disagrees with the fact that the whole banking scenario had undergone a change over the past few decades and banking services have opened up to large segments of the population in both urban/semi-urban/rural areas that were left untouched. Notwithstanding many deficiencies in service, the banks were able to reach millions of people and maintained good progress in terms of business volume and growth in profit and profitability. In this, the RBI did play a very positive role particularly in extending need-based credit to many deserving segments irrespective of income levels or socio-economic strata.

From the nineties onward Banks and the financial system generally including the Central Banking and Regulatory system, in line with global trends and against the relentless attack of global capitalism gradually started focusing more and more on one single agenda of growth with profit. The cry for social control on financial system fast receded as bad dream of earlier social thinkers and planners. This inevitably led to the banks turning away sharply from the socio-economically backward and neglected segments of population. Further it was claimed that the cost of providing financial services to the less affluent, offers much lower business and it is uneconomical and the service is unviable. A simple example will prove this. Till the eighties I know of many public sector Bank branches opening no-cheque facility Savings Bank A/Cs with a balance of a mere Rs 100 (earlier in the sixties and seventies it was as low as Rs. 5). Bank employees generally were non-discriminatory in their service to the customers.

RBI's much publicized no-frills account is in reality a non-starter and like many such pious and progressive policy announcements (this time this is combined with the slogan of inclusive growth) is not going to make any mark. Bank management will always have their way in the corridors of RBI and the MOF. The employees will always find out some odd little excuse for refusing to open such accounts/adequately service such accounts with the tacit support from their management. Why they will be at all concerned with such non-remunerative accounts being perpetually under pressure to bring and take care of only the "creamy" top 5% of their customers.

It is true that without a total involvement of the Banking system with its unlimited resources, network and expertise, this herculean task of "inclusive growth" will remain elusive. Unfortunately, having seen and experienced the growth and evolution of Indian banking over the last four decades in the largest Bank of the country, I for one, cannot cherish high hope on this score. More so, as the present RBI guidelines like all similar guidelines on customer service and selection, will remain in paper unless some strict penalty provisions are stipulated for non-observances in the cases of violation of CRR/SLR/CD ratio etc. As long as the banks are not obliged under "the Law", the guidelines like those on Banks' Code of Conduct" will remain mere guidelines only.

Harish Chotani, Resource Consultant - Microfinance and Livelihoods Promotion , Gurgaon

Thank you for taking time out to respond to the query. I believe that to give a conclusive way forward to this query is essential so that the solution worked out of this, really help those who are currently not part of mainstream with the formal financial sector. Having a bank account is a vital stepping stone to encourage people save to build their safety nets besides showing their eligibility of score of other financial services. In this spirit, the query has been posted. Here I am attempting to share few more thoughts aimed at finding clarifications and solutions from our RBI.

Urban growth in India is now at 7% per annum and the major share in this growth is coming from the low income people from Indian states seeking alternative employment opportunities in the formal and informal industry.

RBI notification of **RBI/2005-06/233RPCD.RF.BC.54/07.38.01/2005-06** (for details, please click [here](#)) clearly states that "to achieve the objective of greater financial inclusion, all banks are advised to make available a **basic banking 'no-frills' account** either with '**nil**' or **very low minimum balances** as well as charges that would make such accounts accessible to vast sections of population". It is further stated in this notification that the number of no frill accounts opened may be reported to RBI's Regional Office for regular monitoring.

In terms of guidelines issued by the RBI on November 2004 on Anti Money Laundry (AML) under the Prevention of Money Laundry Act of 2002, RBI has advised the banks to maintain certain standards and also collect the following three documents under the KYC guidelines:

1. Photograph
2. Proof of identity
3. Proof of address

The purpose of above procedure is to ensure that the account is identifiable with the genuine client. In this respect the documents considered authentic are those issued by the government of India in the form of PAN, Passport, driving license, and election card, with photo identity, address and signature.

All the above procedures pertaining to KYC are as much needful as the urban poor need bank account. The reality is that poor from different states of India are forced to migrate in search of livelihood as their local livelihood opportunities are not adequate to balance the demand and supply of resources. We also know the fact that temporary migration much related to agricultural seasonality in the villages is prevailing to fill the deficit in the food basket of the household. But the long term migration develops when the demand from small and big cities is expressed by the two key consumers which are various forms of industries and the domestic market for want of household help.

In view of the long term migration, the demand for banking services is necessary to allow the people save from their earning to build the foundation of their social security. The banking sector including RBI would need to provide clarification on the realistic identity status of the urban poor on the following:

- Those having the election card or any other valid identity issued by the Government of India that has got a photo and signature of the bearer but issued at the village or town other than where she/he is residing. Is this identity valid for outstation?
- Those who have got the valid identity but live in temporary housing and such housing is a forced living due to unaffordable prices of housing in the formal market. Are they eligible to open no frill bank account and satisfy the KYC?
- Can the owner of the business having income tax ID identifies the worker or the owner of the household with valid identity number where the domestic worker is providing services, provide the support identity for fulfilling address obligation?

We need to find the solution that protects our law of the land yet ensure that its interpretation and application does not bind us so stringently that the legitimate user of the services are not denied of their entitlements. In this regard, clear and feasible guidelines and enforcement mechanisms from RBI to our banking fraternity would be essential. The NGOs/MFIs and the media at large should ensure that people at large understand this and poor especially are able to access the services at will. The banks should also display these guidelines for no frill accounts in each branch, both in English and the regional language.

Jaya Patel, Tata Power Company Limited, Ranchi

I am concerned and completely agree with the fact that the migrants face a lot of problems due to identity. Migrant laborers face the problem of identity every day when they go for work in unorganized sector.

I have experienced that how this issue of identity becomes so crucial for the laborers at their work places. Migrant Labor Support Program (MLSP) was rolled out by Gramin Vikas Trust in Jhabua and Ratlam districts of Madhya Pradesh and Dahod and Panchmahal districts of Gujarat. Maximum tribal laborers used to go for farm and off farm work seasonally in the urban and city area of Gujarat and Rajasthan. So many times when they could not find job and shelters, they were bound to stay on bus stands, railway stations and somewhere near parks and footpaths. In the initial days of project, lot of stories came up in light that how vulnerable they are in absence of an identity. Whenever they were caught by policemen the labourers and their families were abused and they could not do much and there was no voice to save their female counter parts from the exploitations. So many cases came in observation in the first year of project that police used to wake up them and arrest them without any reason and proof of crime. This was like a trend, although they use to protest against the allegations but in absence of their identity proof their explanations and view were never heard. They were always caught in the trap of police without any reasons. In this context project has taken following steps for these interstate seasonal migrants.

- Established Migrant Support Centers (MSCs) for awareness and information of employment, networking with contractors and unions
- Registration of Migrant laborers at MSCs
- Issuing the ID Cards with Photo identity as migrant laborers,
- Networking with likeminded NGOs Like DISHA in Gujarau and Haduti in Rajasthan
- Networking and Sensitization with district officials where maximum laborers visit and interact with the officials regarding work and availing PDS facilities

This ID cards were printed by GVT and it also mentioned help line numbers of centers and NGOs who can help them any time at their destinations.

After one year of awareness and tie up with DISHA for Gujarat and Haduti in Rajasthan to take up the issues of migrant labors at their respective states, results were beyond the expectations. Many laborers were able to save themselves from the clutches of policemen and raised their voices against the false allegations on them and with the help of identity they were able to prove that they were present in that place with a specific purpose but not for crime or robbery. In this way if we are thinking to link them with the remittance or right to bank services we should think for basically three categories of Migrants as under:

- Laborers who, belongs to village can open the saving account at their respective areas as they can avail the benefits of core banking solutions and ATM services for their requirements
- Laborers who belong to Classified Slums - residents of these slums have identity, bankers cannot deny to give their services.
- Laborers who, belongs to Unclassified Slums- these type of labors if they have any rural background they should be motivated to use that identity for bank account, otherwise their voter card is valid for identity or we can think about the ward members of Palikas to issue some identity for them because so many times they don't have good and healthy relations with their employers where ever they work, for example as domestic help etc.

Although RBI has given the clear instructions for no frills accounts but banks are not very enthusiastic about it. I feel that there is a need to create a cell (Volunteer/NGO) for these types of groups who can take up the issues of this section. Further, there is a need to campaign about the circular of RBI and there should be punishment for Bank Managers if she/he denies opening a no frill account in his/her branch. Further I feel that the formalities should be relaxed with poor who only want to open saving account rather than taking loans or other benefits.

Anup Ghoshal, Ideal Invent Technologies Private Limited, Bangalore

We have a good product which suffices to the problems raised by Ms. Jaya. Although, this product is developed keeping rural and remote population in mind but the same will fit in for the people who are migrant laborers, slum dwellers etc.

The product is primarily designed for Microfinance Institutions, who will carry a Bio-metric cum Point of Sale (POS) device which is not heavier than a kilogram. This device has a camera, Bio-metric screen to capture fingerprints, alpha-numeric keys for keying in information and a small printer. Data can be captured on the spot and then transferred to an encrypted plastic card where pictures of individuals can be printed. NGOs, Self Help Groups (SHG), MFIs, Co-operative Banks and Public/Private Sector Banks can use this device for various financial inclusion programs.

While NGOs can use this device to capture individual's details and create an identity. SHGs and MFIs can use this device along with our concept called Banking Software as a Service (BSaaS),

which is extremely economic, with negligible implementation cost and is on Cloud Computing platform (no hassles of data maintenance/storage for the user). Post data capturing, MFI transaction activities (primarily lending) can start in no time through our platform.

Public/Private sector Banks and Co-operative Banks can also use this product to take banking to remote areas without any brick-n-mortar establishments. Hence GoI's keen interest on Financial Inclusion can be reality in no time.

Please feel free to contact me if any of the members have any queries, interest and or any question regarding this. I would be glad to answer and participate.

Aditya Misra, Small Industries Development Bank of India (SIDBI), Jaipur

Though all of us understand the problem of identity of the migrant labour, but I have found that most of the labors migrating from some village usually go to the same destination every year. Those who works in Punjab go to Punjab every year/season, to the same hirer and those who go to Mumbai, go there every year/season. Hence, with a little bit of confidence, systems in place and the personal relationship which a MFI develops with its client over the years, it would not be difficult to identify them. Most of the migrant laborers move along with their kin that belongs to the same family and village, so they know each other quite well. So, peer pressure can work in their case also, only if there is no indiscriminate lending by the MFI. And it can be very handy if the MFI has a small branch/contact person in the originating village of the laborers because it will not only help them in providing money transfer, which is a very useful product for MFIs working with the migrant laborers but it will also enable the MFI to keep track of the family and origin of the migrant laborer.

Sarbeswara Sahoo, Mahatma Gandhi Labour Institute, Ahmedabad

I am working with Mahatma Gandhi Labour Institute and focusing on the livelihood and social security issues of the unorganized workers. I have involved the officials from the Department of Rural Planning and Credit (RPCD) of RBI, Ahmedabad. Primarily the focus has been to generate awareness in the disadvantaged communities about various issues related to financial literacy and inclusion in some of our training programmes.

While discussing with the participants belonging to the construction workers, brick kiln workers, rag pickers, vegetable vendors, sewerage and sanitation workers, we found that the level of educational literacy is very low. Still many people use thumb for putting their signature and this is the main reason why they are not coming for opening an account even though it is free. Most of the workers do not perceive that to have an account is useful although it is important for bringing financial inclusion and it is an important ingredient of an inclusive society. Many are interested but they do not have the knowledge about No Frills Account and hence it is essential to generate awareness in the urban poor about the concept to have 100% bank accounts.

Identity is the biggest problem especially for the migrant workers, but that can be solved. NGOs and Unions can be empowered to identify the workers and they can do it. Similarly, there are number of Government Corporation and Boards where these workers are registered. For example in Gujarat State urban poor are registered under the Unorganized Sector Welfare Boards (except agriculture) and Construction Workers Welfare Board and hence the identity cards issued for them can be used as an identity proof. Further, Unions like SEWA have thousands of members and the identity cards issued by them can also be used. Last but not the least the nationalized banks have to create or generate demand among the workers to come forward to have an

account without falling back to the excuses. They have to be easily accessible by the workers and provide all sorts of information to open a no frills account.

N. P. Mohapatra, National Bank for Agriculture and Rural Development (NABARD), Mumbai

As per the recommendation No. 104 of the report of the Committee on Financial Inclusion by Dr. C Rangarajan - "At present, NABARD is permitted, as per its Act and Mandate, to support microfinance activities in rural and semi-urban areas only. An enabling provision is made in the NABARD Act, 1981, permitting NABARD to provide micro finance services to the urban poor."

As on date, NABARD has mandate for rural areas only. However, the issues related to migration needs to be addressed. This recommendation needs to be examined further.

Teki Surayya, Adikavi Nannaya University, Andhra Pradesh

I work as Professor with Department of Management Studies, Adikavi Nannaya University, Rajahmundry, Andhra Pradesh. My core research area is microfinance and I am currently authoring a book on microfinance and financial inclusion, which is likely to come out soon. Yes, lack of awareness about no frills bank account is great hindrance for financial inclusion. Apart from identify proof, the very first thing is the lack of awareness amongst the poor about these accounts. Hence, the Government of India should come up with vivid publicity campaign using TV and print media and also hoardings. This should be taken up at a large scale. Secondly, the mind set of the bank's staff (especially those involved in operations) should be changed. Rather, they should be given some targets for opening no frills account. Unless force is used, things may not get materialized.

N. Jeyaseelan, Hand in Hand, Tamil Nadu

I would like to share my views on financial inclusion.

With regard to Know Your Customer (KYC) norms, RBI has already relaxed the KYC norms for No Frills Account. It is an account, wherein the balance should not exceed Rs.50,000 and total credit summation should not exceed Rs.1 lakh per year. Any public authority can introduce the person to the bank (Panchayat official, BDO, School Head master, PHC Doctor or a full KYC complaint client with 6 months of banking history with a bank branch). Hence, the relaxed guideline would be helpful for a migrant laborer to open an account with a bank even in urban area with facilitation support / assistance from a NGO

A study by College of Agricultural Banking (CAB - RBI), Pune and Institute for Financial Management and Research (IFMR), Chennai in 2008 in Cuddalore district (which was declared as 100% Financial inclusion achieved district), has revealed that 25% of households remain out of banking system. Only 15% of the No frills account opened are really operated and rest of the accounts remain dormant.

The main reasons for not operating the No frills account are:

- Distance to the bank branch is 15 to 20 kms
- Lack of financial literacy - assumption of the client that opening of a no frill account is for routing some Government loan later and not for day to day savings and withdrawal operations
- Lack of incentive to Branch managers, whose performance is judged by the bank in parameters other than their achievements in social performance like financial inclusion

Hence, to achieve the financial inclusion the following needs to be taken up.

- Delivery units within 5 kms radius of client's place
- Providing financial literacy to people highlighting savings, debt, investment and insurance products
- Giving incentives and promotions to Branch managers who achieve milestones in Financial inclusion initiatives
- Appointing Business Correspondents (BCs) in remote locations and broad basing the persons / institutions to become BCs
- Making the BC model a viable one, by increasing the fee structure to BCs
- Banks starting the special outfits (Indian Bank's "Microsate" Branches – Branches exclusively dedicated for SHGs in both rural urban and metros have done exceedingly well in achieving financial inclusion as the Branch is headed by a dedicated official, who is passionate in lending to the poor and vulnerable.)
- Expanding the mobile banking pilot by Nokia and Yes Bank in Pune to other areas and later mainstreaming as a regular product / service

I have seen in Kenya that M-Pesa program of Safaricom has done a great thing in Financial Inclusion outreach by covering 9 million, 25% of country population. The success of the program is due to the reasons like:

- Registration with M-Pesa is simple and free
- More than 17000 retail outlets, and easy accessibility to the clients
- Simple cash in cash out transaction through mobile at an affordable rates
- Real time transfers
- Agents of other established dealer network/retail network infrastructure used in M-Pesa
- Used by MFI clients for taking out disbursement money and remitting repayment
- Payment of utility bills
- Link to all banks ATM.

Hence, for achieving financial inclusion in letter and spirit, we should focus on the replication of special outfits like "Microsate" approach of Indian Bank, Technology enabled M-Pesa experience and increasing BC model coverage as being done in Brazil and changing the mindset of bankers and giving them incentives.

Arbind Singh, NIDAN, New Delhi

I feel that financial services are the most important need for the urban poor as there is lot of drain of income due to lack of them. The urban poor earn less because of complex web/layers of exploitation which do not allow them to earn freely and each step in their earning leads to some drain. However, even what is left after all this drain is at various risks and badly kept or invested. Thus the utmost need is to keep their earning safe. Bank accounts are secured and safe methods. All the people I know who have almost moved up the ladder or are better placed than before in terms of moving up the ladder have used banks to put their income and even more. So no frill accounts are the best beginning for the poor for availing financial services. Fortunately, bank account also act as address proofs and adds to other avenues of access for the urban poor. However, the RBI must take this forward and have reforms like it did help middle class through the financial sector reforms since 1991. Imagine getting a housing loan or a car loan few years back, one would laugh how stringent it was. The same is needed for the poor too as the financial sector reform has created a funny situation, you can get a car loan easily but it is difficult to get a rickshaw loan.

We need to move from account to range of financial services for the poor. Every bank branch must have one staff dedicated for this purpose. MFIs have demonstrated how poor can be good

clients. The moment we move out of subsidy mode and loan is given on merit and not on trickery dealings, I think every branch can easily do much business so as to afford a dedicated staff for this purpose. If we look at the informal sources of providing the financial services to poor, the situation is not that great. There is no dearth of money lenders in cities, the number of dubious deposit schemes and not to mention thousands of courier services providing remittance services to the migrants.

If banks are pro-poor and helpful poor will definitely use their services. As of now not many Bankers encourage the poor and the poor in most cases distrust the mainstream institutions. The mainstream institutions like banks have to play a major role in creating confidence in the minds of the poor. No amount of awareness can be compared to Bankers changing their system and behavior towards the poor.



Poverty



Work and Employment Community

Solution Exchange for the Work and Employment Community Consolidated Reply

Query: Engaging with the Placement Agencies for the Domestic Workers – Experiences; Advice

Compiled by [Warisha Yunus](#), Research Associate

Issue Date: 5 April 2011

From [Jince Michael Mathew](#), Domestic Workers Forum (DWF) and Chetnalaya, New Delhi

Posted 18 February 2011

Dear Members,

Domestic Workers Forum (www.domesticworkersforum.org) - an initiative promoted by [Chetanalaya](#) - is an organization for domestic workers by domestic workers. One of its objectives is to organize the women domestic workers in Delhi and the National Capital Region (NCR) to enable them to negotiate for their rights.

Domestic workers are of two types:

- Part time domestic workers who live in slums/colonies of Delhi and go from house to house to work everyday and
- Full time domestic workers who stay with their employers through out the day.

It is still easy for NGO workers to meet the part time domestic workers. However, when they try to meet the full time domestic workers, their employers refuse. The NGO workers are told to contact the placement agency directly as the agencies and the employer engage in a contract. Therefore, the **placement agencies play an important role in ensuring the well being of the domestic workers**. In Delhi alone, there are about 2000 plus placement agencies, of which only 100 are registered under the Delhi Shops and Commercial Establishment Act. Many of these **agencies charge very high amounts of money** as their service charge/commission.

In this context, it becomes necessary to engage with the registered as well as unregistered placement agencies that are working with the domestic workers. 'Dignity of Labour' as a concept can not be achieved if there are no ground breaking partnerships with these groups of stakeholders.

Given the importance of placement agencies, Domestic Workers Forum and Chetanalaya would like to receive your inputs and experiences on the following:

- How to engage with the placement agencies that are working with the domestic workers?

- How to advocate and negotiate for the rights of domestic workers with these placement agencies?
- What are the lessons learned working with such or similar placement agencies?
- Is there a mechanism through which the unregistered placement agencies can be regulated?

Responses were received, with thanks, from

1. [P. S. M. Rao](#), Independent Consultant, Hyderabad
2. [Laxmi Rani Dasika](#), International Advisor - Ministry of Labour, Social Affairs, Martyrs and Disabled, Islamic Republic of Afghanistan
3. [Ratna M. Sudarshan](#), Institute of Social Studies Trust (ISST), New Delhi
4. [Nalini Nayak](#), SEWA, New Delhi
5. [Kalika Mohapatra](#), Independent Consultant, Bhubaneswar
6. [B. K. Mitra](#), Independent Consultant, New Delhi
7. [Pradosh Ranjan Jena](#), GOI-UNDP Disaster Risk Management Programme, Balangir, Orissa
8. [Veronica George](#), Independent Consultant, New Delhi
9. [Ranjita](#), Domestic Workers Forum (DWF), New Delhi
10. [Bharti Sharma](#), Domestic Workers Rights Campaign (DWRC), New Delhi
11. [Meena Patel](#), Domestic Worker Rights Campaign (DWRC), Ahmedabad
12. [Subhash Bhatnagar](#), National Campaign Committee for Unorganized Sector Workers (NCCUSW), New Delhi
13. [Neetha N.](#), Centre for Women's Development Studies (CWDS), New Delhi
14. [Shambhu Ghatak](#), Inclusive Media for Change, New Delhi
15. [Ashok Sharma](#), Himalayan Institute for Environment, Ecology and Development, Tehri Garhwal, Uttaranchal*
16. [S. J. Amalan](#), Regional Director of Apprenticeship Training (RDAT), Kolkata*
17. [Ramesh K. Verma](#), Aarkay CompuSoft Private Limited, New Delhi*

**Offline Contributions*

Further contributions are welcome!

[Summary of Responses](#) [Comparative Experiences](#) [Related Resources](#) [Responses in Full](#)

Summary of Responses

Responding to the query **Engaging with the Placement Agencies for the Domestic Workers**, members shared their experiences of hiring domestic workers through placement agencies. They also gave suggestions for regulating the placement agencies and improving the well being of the domestic workers.

The need for engaging with the placement agencies arises as many of the placement agencies are functioning illegally. It is difficult to trace such agencies in the event of an exigency or complaint of a domestic worker. The young girls are exploited economically as well as sexually by these agencies; hence the need for regulation and call for accountability of these agencies.

Further, since the placement agencies are not legal, they cannot be regulated. For regulation, they need to be brought under the jurisdiction of the Labour Department. However, in order to do that, it is important to bring in **legislation** to protect the rights and dignity of the domestic workers as done in [Orissa](#), members emphasized. Only after a law is put in place that sets up a Tripartite Board (as proposed by the [draft legislation](#) of the National Commission for Women) that registers all employers, placement agencies as well as domestic workers and requires mandatory submission of placement records from all the placement agencies can things improve for the domestic workers, noted the members. Mere registration may not help in regulating these agencies.

Discussants further noted that one cannot advocate or negotiate for the rights of domestic workers with the unregistered placement agencies. Once they register, they can be regulated through the appropriate Government mechanism as the **regulation and administration of such agencies is a function of the Government** and not of the civil society organizations (CSOs), shared the members.

However, the **CSOs can advocate and negotiate** for the rights of domestic workers by mobilizing the domestic workers and engaging on their behalf with the civil society as well as the Government for bringing in the legislation for protection of their rights. Once legislation is put in place, the **CSOs can act as a watch dog** to ensure the law's enforcement on the ground, members noted.

The CSOs can also work to support the domestic workers and build their capacities so they are able to fight the exploitation through the **Group Approach**. They can organize them into Self Help Groups (SHGs) and federate them at the zonal level. Members suggested that the **SHG federations could also function as the placement agencies themselves**. It would create competition for the placement agencies and put pressure on them to play by the rules.

Another approach that members recommended is to work at the **Source** area from where the domestic workers are procured. They suggested conducting training and awareness generation activities with them so they are able to locate and access various facilities in the alien, urban environment. Members also suggested **training them and providing them certification** under the Modular Employable Skills (MES) programme of the Government of India (GoI), as another approach that can be followed. Members also suggested working with the employers for their sensitization.

The most **important lesson** is that one cannot work with illegal bodies. Appropriate mechanisms need to be put in place to ensure they operate within Government set norms and procedures. Members also emphasized the need to look at this problem as a '**labour**' issue. They suggested involving labour/trade unions in the discussion of this issue so they can raise it with their respective State Governments/Labour Departments.

Some of the other suggestions given by members are:

- Publicizing the recognized agencies
- Initiating an awareness drive so recognized placement agencies are used for employing domestic workers
- Having periodic tenant and servant verification drives

Members also added a caveat saying that more research is required for analyzing the different types of placement agencies and the employers and their inter dependence. Formulating policy interventions required more nuanced data from a broader base and not just metro cities, members noted.

One way through which the **placement agencies can be regulated** is to bring them under the jurisdiction of [Contract Labour](#) and [Inter State Migrant Workers' Act](#), shared the members. Additionally, the [Unorganized Workers Social Security Act 2008](#) also provides for social security of the domestic workers, however it requires placement agencies to be registered. Domestic workers placed through unregistered agencies therefore, fall outside its purview.

To conclude, there is an urgent need to bring a law for protection of the rights of domestic workers to save them from exploitative agencies as well as employers. Without a law, it is difficult to deal with the agencies and almost impossible to regulate them.

Comparative Experiences

Orissa

Government Intervention Helps in Making the Condition of Domestic Workers Better,
(from [Kalika Mohapatra](#), Independent Consultant, Bhubaneswar)

In order to make the condition of domestic workers better, the State Government has raised the minimum wages of the domestic workers. It has also entitled them to receive a special allowance. They also have a six day work week and get double wages for overtime. So now they get a basic wage of Rs. 2340 per month and Rs. 20 extra per day from the date of fixation of wages for a period of two years. This has helped the case of domestic workers immensely.

Related Resources

Recommended Documentation

Key Findings from Case Studies of Live In Domestic Workers in NCT of Delhi (from [Ratna M. Sudarshan](#))

Report; by Institute of Social Studies Trust (ISST)

Available at <ftp://ftp.solutionexchange.net.in/public/emp/cr/res18021101.pdf> (PDF 144 KB)

Presents key findings from the study of 66 live-in domestic workers and seven placement agencies in Delhi and National Capital Region (NCR).

The Unorganized Workers' Social Security Act, 2008 (from [Kalika Mohapatra](#), Independent Consultant, Independent Consultant, Bhubaneswar and [Subhash Bhatnagar](#), National Campaign Committee for Unorganized Sector Workers)

Act; by Ministry of Law and Justice; Government of India; 31 December 2008

Available at <http://labour.nic.in/act/acts/Unorganised-workers-social-security-act-2008.pdf> (PDF 375 MB)

Provides for social security and welfare of unorganised workers; includes domestic workers under the purview of unorganised sector workers.

From [Meena Patel](#). Domestic Worker Rights Campaign (DWRC), Ahmedabad

Inter-state Migrant Workmen (Regulation of Employment and Conditions of Work) Act, 1979

Act; by Government of India

Available at http://hrlabour.org/docs/labourActpdfdocs/Inter_State_Migrant_Act.pdf (PDF 171 KB)

Regulates the employment of inter-state migrant workmen and provides for their conditions of service; does not prove effective in the case of domestic workers.

The Contract Labour (Regulation and Abolition) Act 1970

Act; by Government of India

Available

at

http://pblabour.gov.in/pdf/acts_rules/contract_labour_regulation_and_abolition_act_1970.pdf

(PDF 126 KB)

Regulates the employment of contract labour in certain establishment and also provides for its abolition in certain circumstances.

Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill, 2010

Draft Bill by National Commission for Women (NCW)

Available at <ftp://ftp.solutionexchange.net.in/public/emp/cr/res18021101.doc> (DOC 137 KB)

Promotes and protects the rights of domestic workers; provides for security of tenure, bargaining power over wages and regulation of working hours etc.

Beware of 'Work Less, Fleece More' Domestic Helps (from [Shambhu Ghatak](#), Inclusive Media for Change, New Delhi)

Article; by Karan Choudhury; Hindustan Times; 27th February 2011

Available at <http://www.hindustantimes.com/Beware-of-work-less-fleece-more-domestic-helps/Article1-667328.aspx>

Reports on the negative experiences of people after hiring domestic helps from the unregistered placement agencies.

Recommended Organizations and Programmes

From [P. S. M. Rao](#), Independent Consultant, Hyderabad

Save the Children Alliance, Delhi

14-15 Farm Bhawan, Nehru Place, New Delhi 110019; Tel: 91-11-42294990; info@savethechildren.in;

http://www.savethechildren.net/alliance/what_we_do/child_protection/index.html

Works to protect the rights of children to live a safe and protected life including the children who work as domestic workers.

Women's Voice, Karnataka

47 St Mark's Road, Bangalore 560001; Tel: 91-80-22214478

A network of organizations working for the socio-economic well being of women, including domestic workers.

National Domestic Workers Movement (NDWM), Maharashtra

A-104, St. Mary's Apartments, Nesbit Road, Mazagaon, Mumbai 400010; Tel: 91-22-23780903;

Fax: 91-22-23771131; <http://www.ndwm.org/about-dw/default.asp>

Works for the recognition and protection of domestic workers rights, it has organized domestic workers in 69 major cities and towns in 23 states of the country.

Institute of Social Studies Trust (ISST), Delhi (from [Ratna M. Sudarshan](#))

India Habitat Centre, UG Floor, Core 6 A, Lodhi Road, New Delhi 110003; Tel: 91-11-47682222;

Fax: 91-11-47682220; isstdel@isst-india.org; http://www.isst-india.org/completed_proj.html

Conducts studies and surveys of domestic workers in slums and Jhuggi Jhopdi (JJ) clusters in Delhi and NCR.

Ministry of Labour and Organization (MoLE), Delhi (from [Nalini Nayak](#), SEWA, New Delhi)
Directorate General of Employment & Training (DGE&T), Shram Shakti Bhawan, 2 & 4, Rafi Marg, New Delhi 110001

Works on issues of Labour and Employment; has instructed all State Governments to ensure that all placement agencies for domestic workers are registered.

Department of Labour and Employment (DoLE), Orissa (from [Kalika Mohapatra](#), Independent Consultant, Bhubaneswar)

Commissioner-cum-Secretary to Government, Labour and Employment Department, Government of Orissa; Tel: 91-674-2536770; Fax: 91-674-2394981; labsec@ori.nic.in; <http://218.248.11.70/olc/LabourDirector/Aboutus.aspx?Ink=2>

Works on the issues of Labour and Employment in Orissa; placement agencies must be registered and report to the DoLE on regular intervals.

National Skill Development Mission (NSDM), Delhi (from [Veronica George](#), Independent Consultant, New Delhi)

<http://pib.nic.in/newsite/erelease.aspx?relid=64862>

Institutions created under NSDM are National Council on Skill Development, National Skill Development Coordination Board & National Skill Development Coordination.

Domestic Workers Rights Campaign (DWRC), Gujarat (from [Bharti Sharma](#))

C/o. A/2, Krupali Apartments, Gulabi Tekra, Ahmedabad 380015; Tel: 91-79-2643185; dwrc.legislation@gmail.com

Advocates for the rights of domestic workers, it is part of the team preparing the draft legislation for protection of the rights of domestic workers.

National Commission for Women (NCW), Delhi (from [Meena Patel](#), Domestic Worker Rights Campaign (DWRC), Ahmedabad)

4, Deen Dayal Upadhyaya Marg, New Delhi 110002 Tel: 91-11-23237166; ncw@nic.in; <http://ncw.nic.in/frnAboutUS.aspx>

Works for protecting the rights of women, it has formulated the Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill, 2010.

From [Subhash Bhatnagar](#), National Campaign Committee for Unorganized Sector Workers (NCCUSW), New Delhi)

Domestic Workers Forum (DWF), Delhi

Chetanalaya, 9-10 Bhai Veersing Marg, New Delhi 110001; Tel: 91-11-23347506; Fax: 91-11-23747293

Works for protection of the rights of domestic workers through mobilizing them inter alia; it is also part of the team preparing the draft legislation for domestic workers.

Nirmala Niketan, Maharashtra

Nirmala Sundharam Memorial - Apna Nirman Mazdoor Co-operative Society Ltd., Flat No. 484, Millennium Apartment, Block – C, Sector-18, Rohini, Delhi 110085; Tel: 91-11-27859158; domesticworkersindia@gmail.com

A cooperative society of domestic workers, works for the welfare of domestic workers and campaigns against trafficking of tribal girls for domestic work.

Delhi Domestic Workers Union (DWU), Delhi

C/o Flat No-231, Pocket-A, Sector-13, Ph-II, Dwarka, New Delhi 110075; Tel: 91-11-28031792;
delhidss@gmail.com

Supports demand of domestic workers to accept domestic work as 'Work', domestic worker as 'Workers' and lend it the dignity and reorganization of labour.

From [S. J. Amalan](#), Regional Director of Apprenticeship Training (RDAT), Kolkata

National Council for Vocational Training (NCVT), Delhi

Directorate General of Employment & Training (DGE&T), Shram Shakti Bhawan, 2 & 4, Rafi Marg, New Delhi 110001

Institutes providing vocational and skill development training get affiliated with NCVT to be able to impart their training programmes.

Related Consolidated Replies

Social Security for Unorganized Workers, from S. Mahendra Dev, CESS, Hyderabad (Experiences). Solution Exchange - Work and Employment Community, India,

Issued 27 December 2005. Available [here](#).

Shares initiatives in public and non-public sectors in providing social security to unorganized workers, and to improve their conditions of work

Protection of Rights and Promotion of Decent Work for Women, from N. Hamsa, WomenPowerConnect (WPC), New Delhi (FOR COMMENTS). Work and Employment Community and Gender Community, India,

Issued 28/April/2010. Available [here](#). <ftp://ftp.solutionexchange.net.in/public/emp/cr/cr-se-emp-gen-23120901.pdf>

Seeks comments to help formulate recommendations for protection of the rights of the domestic workers for inclusion in the National Bill on Domestic Workers.

Responses in Full

P. S. M. Rao, Independent Consultant, Hyderabad

This arrangement of placement agencies for domestic workers seems to be unfair. The agencies, working for profit, seek commission from the poor living in the slums. This situation results in either loosing of whatever small assets these poor have or pawning their future earnings to garner money for their placement; or some kind of bondage to the prospective employers if not to the placement agencies.

Doing business by exploiting the poor should be discouraged by the civil society. What is imperative is to put in place some alternative mechanism to reduce the power of the placement agencies. One option can be advocating for organizing the domestic workers into Self Help Groups (SHGs) and their federations at different levels. The SHGs formed with the membership of some 20 or so in the neighborhoods can be federated at Zonal (municipal zone or such other subdivision) levels.

The federations and SHGs can themselves act as the placement agencies. Once these structures are put in place, they themselves can frame the rules for placement. And these rules, for sure will be non-exploitative. Besides finding employment, the group approach will facilitate the protection of the rights of the domestic workers through their increased awareness and collectivism.

This parallel mechanism can make a dent on the placement agencies - the competition can make them accept a rule based approach, eventually. In the absence of a threat of such competition, I think, any amount of persuasion with the profit oriented agencies will be of little impact.

Laxmi Rani Dasika, International Advisor - Ministry of Labour, Social Affairs, Martyrs and Disabled, Islamic Republic of Afghanistan

While I was managing the National Child Domestic Workers Project of Save the Children Alliance (2002-05), we had partnered with the National Domestic Workers Movement (NDWM). They are a nationwide network with chapters in all the 30 states of the country. Their head office is in Mumbai. They were the first group to file Public Interest Litigation (PIL) against children working as domestic workers.

Similarly, there is a network by the name of Women's Voice in Karnataka led by Ms. Ruth Manorama. I remember that more than 15 years ago, they had advocated for six day work in a week for domestic workers.

Although there are many networks and groups, these two agencies have succeeded in making difference in the lives of domestic workers.

There needs to be in place a monitoring system to check the performance of placement agencies. It needs to be ensured that children are not brought and placed. Also, the placement agencies should not disturb the workers who are placed in homes for at least 11-12 months as per the contract. They pull them out of one home and place in the other, all too often as they get commission for placing the worker in new homes.

[Ratna M. Sudarshan](#), Institute of Social Studies Trust (ISST), New Delhi

Please find [attached](#) a brief summary of a small study of live in domestic workers in Delhi and their experiences with agencies. In our view, placement agencies could play a very important role in connecting employers and workers, and as mediators.

However in order to do so they need to be genuinely concerned with worker's well being and not motivated just by quick profits. A clear system of registration and regulation of placement agencies would help; and placing more information in the public domain so as to encourage voluntary compliance with standards to which all parties are committed.

[Nalini Nayak](#), SEWA New Delhi

The issue of the placement agencies is a major one for the domestic workers. The Ministry of Labour and Employment (MoLE) has recently instructed all state governments to ensure that placement agencies are registered and that they also register under the Shops and Establishment Act. This does not take care of the problem as such and hence the questions raised in the query from a domestic worker's point of view, are still crucial.

While the issue of placement agencies in this case relates to domestic workers, I think that those of us who are interested in worker's issues have to see this in the light of the larger sector of unorganized workers. There are all kinds of labour contractors and they have to be brought under the law. But as things stand today, neither the labour department nor the trade unions for that matter have a perspective on how these intermediaries can be brought under the law.

There is need for labour unions to first discuss this among themselves and then to raise the debate with the state labour department. The Task Force created by the MoLE is developing a Policy for Domestic workers. Once the draft is finalized it will be out in the public domain and the labour organizations should send in their suggestions. The Policy envisages the registration of the placement agencies, workers and employers through tripartite welfare boards which will then be able to regulate work and social security for the workers.

[Kalika Mohapatra](#), Independent Consultant, Bhubaneswar

It is a burning issue in all cities. The Orissa government has raised the minimum wages for the domestic workers. The minimum wage of such workers has been fixed at the same level as for the unskilled workers. So a domestic help will be entitled to get a basic wage of Rs. 2340 per month.

Besides, they will be entitled to a special allowance (variable dearness allowance) from the date of fixation of minimum wages at the rate of Rs. 20 per day for a block period of two years. It will be applicable for the domestic workers engaged in cleaning of vessels, washing of clothes, sweeping and swabbing floor, care of old and infirm persons, grocery shopping, taking children to school among others. For implementation of this decision, employment of domestic workers has been made a part of the schedule of the minimum wages act, 1948.

They will have a six days week and an off day and will be paid seven days wages for the six working days. If they work on any weekly off day, they will be paid double the daily wage. On the other hand, the owners who employ domestic workers will pay 20 percent less if they provide three meals a day (breakfast, lunch and dinner). The owners can't deduct any amount from their wages for providing accommodation, water and electricity. The Department of Labour and Employment, Orissa Government has regulated the wage of domestic help since 2009.

Similarly, some agencies have already started employment of domestic help in Orissa. They have registered and provided necessary training to the people before being employed. They also keep track on their work and well being. I think all agencies who are basically involved in providing placement to domestic workers should first get registered and provide necessary information / report to the Department of Labour and Employment from time to time. Unorganized Workers' Social Security Act 2008 requires placement agencies to be registered. It also provides for social security for the domestic workers.

B. K. Mitra, Independent Consultant, New Delhi

I am of the opinion that all placement agencies should be registered and regulated with a set of norms. Yes, I agree that there should be competition amongst placement agencies taking into consideration the measure of service being provided not only to customer who are hiring domestic workers through them but also the welfare and safety of workers who come through these agencies.

Pradosh Ranjan Jena, GOI-UNDP Disaster Risk Management Programme, Balangir, Orissa

As all we know that domestic workers are unorganized that it is difficult for them to fight for their entitlements. Moreover they hardly get Rs. 1500 in a month. What is observed is that by getting Rs. 300 to Rs. 600 they work in 1-3 households in a day and manage to get Rs.1000 - 1500. Domestic labour is more in demand amongst middle class families where both husband and wife are working. So getting the right payment for the domestic workers is difficult as the middle class cannot afford to spend too much money on domestic help.

Veronica George, Independent Consultant, New Delhi

Placement services are used mostly for those domestic workers who live with their employers. As one of the middle class who is periodically looking for a live-in maid (for myself or others), I have seen placement agency's rates skyrocket from about Rs. 5000-6000 about three years ago to almost 20,000 now. And this is for just providing a family with a maid for a period of 11 months. There is a sliding scale of course - maids with no experience are cheaper than those with experience. The agency promises a replacement if the arrangements with the maid and the family doesn't work out within a month. At the end of the 11 months, when the maid has completed her 'term' with the family, the agency charges fee from the family again to place a maid. Also, it requires quite a bit of negotiating to ensure that the maid's salary is paid to her directly and not through the placement agency.

The placement agency's strength (if I may call it that) is its ability to find and bring young girls/women from rural areas that are willing to work in the city. Many of these young women come with others from their village who are experienced. In fact some of the experienced maids work as procurers themselves - either for a placement agency or for prospective employers. Of late, I have heard of reports from Jharkhand when a senior/experienced maid returning to Delhi accompanied by new candidates was detained by the police at the railway station on suspicion of trafficking. In one instance I know the matter was resolved by paying-off someone at the police station.

Frankly, most employers' interest and engagement with their domestic help depends on how well their domestic arrangements work out. To begin, as an employer I am looking for the cheapest, most honest, hardworking and experienced maid. Depending on my situation I'd be willing to compromise on the experience and hard work, can manage the honesty bit to a degree but most

likely will not budge on the cheapness factor! If I was assured that I could get a well trained maid, with proper identification papers I may be willing to take some more interest in ensuring that her work and living situation is good - because it then makes my life easier.

It might help to some extent if, as with any other kinds of employment some guidelines regarding minimum wages are made including a job description with hours of work, leave entitlements etc. A daily maid most often manages to negotiate this herself. It helps that in enclosed housing complexes, the security regulations lead to the setting of norms regarding payment for specific chores etc.). It is tough for the maid who lives-in. She is dependent on her employer for pretty much everything and given the context she is likely to come from, fears making demands or even asking for anything.

It would be interesting to know how Filipina and Sri Lankan maids in Singapore, Hong Kong, the Gulf and other places are sourced and managed and how they negotiate these spaces.

Negotiating and advocating for the rights of domestic workers requires a two pronged strategy - with employers and with the workers themselves; at the location where prospective domestic workers are identified i.e. live or where they come from and at the place of employment.

Periodic tenant and servant verification drives in cities help in a small way with regulation. But a system needs to be put in place at the catchment area - whether it's through the Below Poverty Line (BPL) cards/ration cards - through which a person relocating for household employment finds it easy to do things and be part of the formal system, like opening a bank account for instance or applying for housing under the Economically Weaker Sections (EWS) Schemes.

The demand for efficient and honest household way outstrips the supply. It's very easy for any interested person (scrupulous or not) to set up shop. An awareness drive - for ensuring that recognized placement agencies are used for employing household help; for ensuring that every household help - live-in or daily has the proper identification papers - might help. Publicizing the recognized agencies is another ploy. Given the current national focus on youth employability (the National Skills Development Mission) - including household-level housekeeping training and placement among the sectors might help in bringing this large body of workers closer into the formal economy.

Ranjita, Domestic Workers Forum (DWF), New Delhi

The Domestic Workers' Forum (DWF) is working with the domestic workers in Delhi and organizing them, with the following objectives:

- Getting recognition of domestic work as work
- Providing dignity to the domestic workers
- Working for ensuring justice to the domestic workers and
- Working for empowerment of the domestic workers

Many agencies are illegally functioning in different parts of Delhi and have no physical identity as such. Therefore, whenever we get complaint from the domestic workers it becomes very difficult to trace the agencies involved. Very often it is seen that the young women and young girls are lured with the promises of a good job, good money etc and are then trafficked and placed as domestic workers against their will. Before their placement, they are sexually abused at placement agencies. Once they are placed their monthly salaries are being collected by the agencies. They are not given a day off or monthly/yearly holidays.

You can visit areas like Punjabi Bagh, Lal Quarter, Saraswati Vihar, Raghuveer Nagar, Kotla Mubarakpur, Taimur Nagar, Dayanand Colony etc.

[Bharti Sharma](#), Domestic Workers Rights Campaign (DWRC), New Delhi

The query has four questions in the matter of “placement agencies”. Before each question is addressed, I would suggest one studies the proposed legislation prepared under the banner of Domestic Worker Rights Campaign (DWRC). As known to most, the proposed legislation titled “Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill, 2010” is an encompassing document which has absorbed in itself voices of domestic workers from across the country. This document addresses the matter of placement agencies as well. However, I would forward my views on the posed queries.

- Administration and regulation of entities and bodies are the functions of government keeping in view larger interest of its people. Therefore, it is the role of the government to engage with these entities including the placement agencies. The civil society organizations, to my understanding, have no *locus standi* to take away this role of governance in its hands.
- However, the role of the civil society organizations is to advocate and engage with the civil society and the government along with the vulnerable domestic workers about whatever exploitative, abusive situations vulnerable population is exposed to at the hands of culprits. It should also act as think tank to suggest possible effective measures to end the malice and further the development of the vulnerable population i.e. domestic workers.
- While one endeavours to do the above, very importantly, empowering and organizing the domestic workers should go hand in hand. Bringing the perpetrators to books is a no small affair. It is here that the civil society organizations can support and strengthen the victim domestic workers.
- Work towards legislation to provide dignity and respect the rights of domestic workers; a legislation that not just provides social security as bait but takes full care of the work conditions of domestic workers **as workers**; a legislation that puts equal onus on the government for its regulation.
- The second phase of civil society organizations after the legislation is to be watch dog to see the implementation of the legislation and much more.

[Meena Patel](#), Domestic Worker Rights Campaign (DWRC), Ahmedabad

I would like to begin by briefly introducing the Domestic Worker Rights Campaign (DWRC) initiated in January 2009 post the National Meeting convened by the National Commission for Women (NCW) in March 2008 to discuss the [draft legislation](#) for Domestic Workers.

As we all know, women in domestic work are probably the second largest workforce in the informal economy. Lack of organized strength has rendered them voiceless when it comes to legislative protection. The Bill floated by the NCW needed many amendments and also a change in focus and direction. After the NCW consultation, there was an agreement that one should not allow Domestic workers to be lost in a haze of Government initiative and parallel efforts are needed to be initiated to ensure participation and incorporate the voices of Domestic Workers first hand. Given the fact that more than 90% of the workforce is women, it was imperative that women leadership be at the core of the process of legislative formulation.

The immediate focus of the DWRC was to open up the discussion on the proposed legislation in front of the workers. And secondly to incorporate their views within the proposed draft legislation. Seven nationwide - regional consultations with over 500 workers involving 75 unions and organizations working only with Domestic Workers were held resulting in a legislation being drafted and submitted to the NCW. The proposed legislation submitted by DWRC is enclosed for wider circulation along with this response.

The highlights of the legislation ***Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Act*** are:

1. Recognition as Workers and to be defined as such. Lend domestic work the same dignity and respect as all other work;
2. Regulation of Employment –
 - Registration of workers at source
 - Registration of employer
 - Registration of employing agent / agency at source area and work area
 - Issuing of identity cards
 - Define the nature and type of work (part time, full time, stay-in etc)
3. Regulation of Work –
 - Working hours
 - Wages / Payment of wages
 - Conditions of work (recess, living quarters, amenities etc.)
 - Right to inspection of work and living areas by competent authority
4. Right to Social Security and Regulation –
 - Provident Fund / Old age pension
 - Bonus / festival allowance
 - Gratuity / retirement benefits
 - Medical care and benefits / Insurance
 - Life Insurance
 - Child care and access to it
 - Education facilities and access to it
 - Maternity leave / benefits
5. Protection from Accidents and compensation –
 - Occupational Health care
 - Leave and travel allowance
6. Penalties –

All violations of our rights should be punishable under the provisions as in the Indian Penal Code (IPC) and the regulatory bodies responsible for implementing the Domestic Workers Bill should be equipped with all de-facto powers of prosecuting and penalizing the offenders as given to the Labour courts and the Prosecuting courts.

Responding to the query under discussion:

- It be noted that Chetnalaya and Delhi Domestic Workers Forum are very much part of DWRC and also the larger National Domestic Workers Movement (also founder of DWRC) at the forefront in campaigning for an ILO Convention.
- Mention also needs to be made about **"Live-in"** and **"piece rate workers"**.
- We need to get out of the NGO mode and re-establish our focus on this being a **"labour"** issue and that too involving **"women workers"**. And therefore, we need to talk about Trade Unions being involved in organizing them and not endorse the role of NGO's beyond ensuring social security measures for the workers. It is sad and disheartening to note that the discussion and debate on Domestic workers and legislative protection is increasingly becoming Delhi and NGO centric which is sanctioning a mere social security protection for workers!!

- The problem of placement agencies - in other words a form of contractor, is limited to metro CITIES SO FAR. If we accept that placement agencies are necessarily another form of contractor, **than one can not rely on them to ensure well being and welfare of workers!** One can not ever consider them stakeholders and partner with them for a simple reason that they are partners in crime as far as the workers are concerned and perpetrators of exploitation! Unfortunately, many NGO's, specifically in Delhi, have themselves turned into **"unregistered and unregulated placement agents"**. So any discussion / debate on placement agencies should necessarily open up a discussion on the same.
- We simply have to demand that placement agencies/agents, both registered and un-registered, either involved in placement of domestic workers implicitly or explicitly be brought under the jurisdiction of the **Contract Labour and Inter-State Migrant Workers Act**.
- We need to accept the reality that the workplace of a Domestic worker is a **"HOME"** and thereby a legislation to set labour standards for them must be sensitive to this issue. One has to ensure Regulation of Employment and Working Conditions or else we might as well exclude them from being part of the workforce!
- The Sexual Harassment Bill under debate has to also take note of the fact that if the Bill is to truly protect **"women workers"** than one can not selectively exclude Domestic Workers just because we all, partners of Civil Society also employ them!
- One does not engage with Placements agencies of Domestic workers or advocate and negotiate before/with them for the rights of Domestic workers! We need to bring the placement agencies under the jurisdiction of the Labour department like any other Contractor by advocating before the government for a Comprehensive legislation to protect Domestic Workers and negotiate with the Employer for the rights of Domestic Workers through a standard setting mechanism.

Subhash Bhatnagar, National Campaign Committee for Unorganized Sector Workers (NCCUSW), New Delhi

In 2007, The National Commission for Women (NCW) had called a meeting on, **"How to Regulate Placement Agencies?"** At the first meeting itself we, from Nirmala Niketan pointed out categorically that the placement agencies do not have any identity and therefore they cannot be regulated. We had not confined ourselves to this negative reply even in the first meeting. We had clearly pointed out that **unless the "entire domestic work is regulated"**, starting with the **compulsory registration of employer** - the only definite and visible 'identity' - the exploitation and prevailing indignity cannot be ended. As an outcome of this meeting, a **sub-committee** was constituted in 2007 to draft a comprehensive legislation comprising of Mrs. Malini Bhattacharya – Member of NCW, Law Officer of NCW, Dr. Bharti Sharma, Sister Leona of Domestic Workers' Forum (DWF), Subhash Bhatnagar of Nirmala Niketan, and Ramender of Domestic Workers Union (DWU).

After the proposal was drafted, it was widely circulated by the NCW. A National Consultation was organized in March, 2008 in which about 100 participants from 16 States endorsed the proposal of comprehensive Bill with slight modifications and fine-tuning. This Bill was revised and was to be taken up towards enactment by the Parliament. The Bill proposed by NCW is capable of dealing with all existing problems, generating resources for implementation of Law, ensuring dignity of work and human conditions of work and ending the exploitation by these placement agencies, sexual harassment at work place, exploitation of employers and domestic workers. These agencies are earning crores of rupees from tribal girls every year.

Now, we will come to answers to the specific questions raised in the query:

- The **so called placement** agencies functioning in Delhi **are** in-fact not placement agencies but illegal bodies engaged in trafficking, physical and sexual exploitation of tribal girls,

misappropriation of the entire salary of tribal domestic workers and exploiting employers and so on. [Ms. Veronica George](#) has rightly pointed out that the main strength of these placement agencies (if it may be called that) is their ability to find and bring young girls/women from tribal areas. It is more appropriate to say that **'they have succeeded in creating a structure which ensures 'regular trafficking' of girls, including 40% of the girls below the age of 14 years, who can be forced to work in Delhi and whose family members can be kept away from tracing their daughters.** Ms. George has rightly pointed that the 'experienced maids' work as procurer. The reason being non availability of domestic work to married girls and their subsequent dependence on younger tribal girls to get into domestic work. This is a very similar situation to the situation of Child Sex Workers (CSWs). These so called placement agencies are not placement agencies and therefore **there is no need to deal with them in the interest of Domestic Workers.** If at all we have to deal with them, then we have to deal with them as unlawful agencies, engaged in illegal and criminal activities. There are only few organizations, which are involved in 'commercial or social placement' with whom we can deal to reach **a larger number of domestic workers to participate in the petition to Parliament to enact comprehensive law for domestic workers.**

- There is no possibility of advocating or negotiating for the rights of domestic workers with most of the placement agencies.
- Above two expressions are based on the lessons learned from working with such agencies during last eight years in Delhi.
- The proposal legislation drafted by NCW has designed a fool proof mechanism through which the unregistered placement agencies can be successfully regulated.

There is no law in the Country which can register the placement agencies. The recent direction of the "on line registration" under Delhi Shop and Establishment Act, 1954 is worst then the weight-ticket you can obtain from a weighing machine on a railway platform where at least you have to insert a coin. In 'online registration' you get the certificate of registration free of any cost. The crux of the NCW proposal is **the formation of a Tripartite Board, the compulsory registration of all employers by the board and the registration of all the domestic workers by the Board, compulsory submission of each and every placement record by the placement agency to the Board, the generation of funds for the Tripartite Board to provide the required social securities and labour welfare provisions.**

I want to add a word of caution here on 'multiple' proposals that exist for protecting the rights of Domestic Workers as that will result in a "bogus" law like the Unorganized Workers Social Security Act, 2008. Only a united approach, like that of the Construction Worker Campaign can ensure enactment of a really Comprehensive Legislation for domestic workers.

[Neetha N.](#), Centre for Women's Development Studies (CWDS), New Delhi

The existing understanding on domestic work and issues of domestic workers are based on studies undertaken in metros and the situation vis-à-vis smaller cities and towns are yet to be documented. Even in the case of metros, the existing scholarship is inadequate and lop-sided. The available studies (either academic or purely from mobilization point of view) have clearly revealed the exploitative practices of placement agencies. However, exploitation by placement agencies is an issue only in few metros and Delhi happens to be one with maximum number of such agencies. Critical research work that analyze multiple forms of placement agencies/service providers, the workers and employers' reliance on placement agencies and their preferences for particular types of agencies (if any) are crucial in formulating any policy interventions.

There is a need to acknowledge the diversity that exists in terms of objectives and nature of placement agencies. A small proportion of placement agencies are organized by NGOs, other civil society organizations, or trade unions - as opposed to a large number of profit driven, business oriented agencies. There is a problem with both these broad categories from the point of view of workers rights. The former group is often caught in conflict of interests. For the other group, business interest is apparent and hence to advocate for and to negotiate the rights of domestic workers with these agencies is unrealistic and impractical.

The ultimate struggle should be to recognize domestic workers as 'workers' and not as mere beneficiaries of social welfare programmes. Here, the role of trade unions is critical. What we need is legislation to ensure regulation of employment and working conditions which would bring dignity to domestic work and thus would improve the status of workers. This should go hand in hand with empowering and organizing domestic workers. Collectivity would certainly improve the bargaining power of domestic workers vis-à-vis employers and placement agencies. And, in the long run, it will be much more effective than any legislation that regulates the placement agencies.

This is not to suggest that placement agencies or labour contractors should go unregulated. They need to be regulated and this is an important issue - not only in the context of domestic workers but also in the cases of most of the unorganized sector occupations. Shops and Establishments Act, 1954, Contract Labour (Regulation and Abolition) Act, 1970, Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 are some of the existing legislation - which, if properly implemented, could address many of the immediate concerns related to regulating placement agencies in domestic work.

Shambhu Ghatak, Inclusive Media for Change, New Delhi

I would like to share with you the following news reports on domestic help:

Beware of 'work less, fleece more' domestic helps by Karan Choudhury, 27 February, 2011, <http://www.hindustantimes.com/Beware-of-work-less-fleece-more-domestic-helps/Article1-667328.aspx>

Three held for duping people, IANS, 21 February, 2011, <http://www.sify.com/news/three-held-for-duping-people-news-national-lcvwugggaba.html>

Desperate people, desperate choices by Vandana Vasudevan, Live Mint, <http://www.livemint.com/2011/02/17215245/Desperate-people-desperate-ch.html>

Newly hired domestic help is prime suspect in GK robbery, The Indian Express, 23 February, 2011, <http://www.indianexpress.com/news/Newly-hired-domestic-help-is-prime-suspect-in-GK-robbery/753580/>

Ashok Sharma, Himalayan Institute for Environment, Ecology and Development (HIEED), Tehri Garhwal, Uttaranchal*

I feel every 50 or 100 residents of any colony must form Residents Welfare Association (RWA) and such suppliers of Domestic workers must first register with the RWA Association. The RWAs, when satisfied of Domestic Workers Supply Company Credentials can approach the local police station for information and registration. Primary responsibility must lie with RWA than anyone else.

[S. J. Amalan](#), Regional Director of Apprenticeship Training (RDAT), Kolkata*

Organizing domestic workers should start by training and certifying them. Government of India (GoI) issues National Council for Vocational Training (NCVT) certificates under the Modular Employable Skills (MES) programme for domestic workers. It would be more appropriate to start organizing them, mapping them and assisting them by Certifying them, and if needed training them. We have standards and GoI India funds there Training and Certification. You may write to me for further details if required. I would facilitate and help to do this in the Eastern Region for the start. The training can be done by NGOs and certification by NCVT, GoI after due assessment by Industry Bodies.

[Ramesh K. Verma](#), Aarkay CompuSoft Private Limited, New Delhi*

I am seriously looking to address this issue on a large scale. I want to organize the unorganized domestic workers and the agencies/NGOs, under the National Skills Development Initiative. For a reality check I would appreciate a list of recognized and registered "GOOD" agencies to understand their modus operandi and good practices. Next I will look at the sourcing aspect. Need to target a million plus beneficiaries. I would appreciate any such lists or references.



Poverty



Work and Employment Community

Solution Exchange for the Work and Employment Community Consolidated Reply

Query: Ensuring Well Being of Domestic Workers through Skill Development – Referrals; Advice

Compiled by [Warisha Yunus](#)

Issue Date: 30 September 2011

From [Manab Chakraborty and Vivek Kaushik, Partners in Prosperity \(PnP\), New Delhi](#)

Posted 4 May 2011

Partners in Prosperity (www.pnpindia.in) is a Delhi based NGO which has been engaged in providing vocational training and social protection services to households in the informal sector. Our work with ultra poor households has convinced us of the necessity of skill enhancement, job placement, personal counselling and building institutional structures which promote greater social equality.

We are planning to enhance skills, organize placement and provide social protection to Domestic Workers (DWs) in Delhi and later in other metros. We have just concluded a survey of employers and DWs which clearly shows that **employers are willing to pay more for trained housemaids**. Our understanding is that the menace of unregistered placement agency, low wages, and violation of basic rights of DWs can be tackled by following a multi-pronged approach. Private placement agencies have to be regulated. The phenomenon of low wages can be countered by skilling maids, and helping them negotiate at the time of the placement. Overcoming exploitation and rights violation requires self-organisation into Self Help Groups (SHGs).

We have taken a hybrid approach partly market based to generate revenue from training and placement, community organization in mobilizing maids into SHGs, and collaborating with larger civil society and local administration in enforcement of regulations. We believe we have a scalable and sustainable business model. We shall roll out our first batch of trainees in May. We have to operate in backward districts of Jharkhand and Orissa in order to plug exploitative practices in recruitment and placement of maids. We propose to work with local partners in these states to augment our efforts.

Given the context, we would be grateful to members of the community, if they can

- Help in identifying institutions/projects which are working to increase the well being of domestic workers, especially in Jharkhand, Orissa and West Bengal.

- Suggest funding agencies, government institutions, individuals and academicians who can help with our project.
- Link with resource agencies which can help with training, and advisory services.
- Point towards a suitable web-based management information system (MIS) to maintain and update database of housemaids and their employers.
- Provide insights on dos and don'ts in trying to mobilize domestic workers.

Your inputs will help us in finalizing and implementing strategies to ensure the well being of DWs.

Responses were received, with thanks, from

1. [Rajen Varada](#), LabourNet, Bangalore
2. [Arvind Prakash](#), Aide et Action, Jaipur
3. [Jince Mathew Michael](#), A4E, India
4. [Nalini Nayak](#), Protsahan, Trivandrum, Kerala
5. [Smita Premchander](#), Sampark, Bangalore
6. [T. Prabhakara Reddy](#), Satavahana Development Society (SDS), Hyderabad
7. [Sarbeswar Sahoo](#), Mahatma Gandhi Labour Institute (MGLI), Ahmedabad
8. [Leena Zaveri](#), Independent Consultant, New Delhi
9. [Purushothaman P.](#), Periyar Maniammai University (PMU), Vallam, Thanjavur, Tamil Nadu
10. [Abhishek Gupta](#), Basix Academy for Building Employability, New Delhi
11. [Anima Sharma](#), Independent Consultant, New Delhi *
12. [Sudhir Deore](#), Internet Bhauddeshiya Education Shanthas, Dhule, Maharashtra *

**Offline Contributions*

Further contributions are welcome!

[Summary of Responses](#) [Comparative Experiences](#) [Related Resources](#) [Responses in Full](#)

Summary of Responses

Members gave a handful of suggestions and inputs on the query Ensuring Well Being of Domestic Workers through Skill Development. They helped **in identifying institutions/projects which are working to increase the well being of domestic workers** in various parts of the country. The list of organizations working to increase the wellbeing of domestic workers and are also resource agencies that can help with training and advisory services are given below:

Karnataka:

- [Labournet](#) – Based in Bangalore, it works for financial inclusion and access to welfare services for the unorganized and informal sector workers. It also works to develop assessment and training tools which are designed to identify the gaps in skills of the domestic workers and aimed at providing training for enhancing the quality of skills of domestic workers. Its **Worker Facilitation Centres (WFCs)** model has been taken up by the Construction Workers' Welfare Board (CWWB) of Haryana and other agencies and the

Hub and Spoke model has developed partners across different geographical locations creating a network of interlinked partnerships to provide services both at source and destination

- [Bangalore Gruha Karmikara Sangha](#) – It organizes the unorganised domestic workers and works to safeguard their rights to liberate them from exploitation. It is registered as a trade union.
- [Save the Children](#) – It works to remove children from exploitative working conditions including as a domestic help and rehabilitate them and support their education.
- [Vimochana](#) - It works with women in distress including domestic workers through offering emotional and legal support, direct intervention and facilitating negotiated settlements.

Kerala:

- [Sewa Kerala](#) – It provides training to domestic workers

Andhra Pradesh:

- [Satavahana Development Society \(SDS\)](#) – Conducts policy/research studies on unorganized sector workers including domestic workers.

Delhi:

- [International Labour Organization \(ILO\)](#) - It has prepared a training module for skill development of domestic workers. It also provided Training of Trainers (ToTs) to Vocational Training Providers (VTPs) registered under Regional Directorate of Apprenticeship Training (RDAT). The Trained VTPs provided training to 500 domestic workers.
- [National Labour Institute \(NLI\)](#) – It is involved in research, training, education, publication and consultancy on labour related issues.
- [Basix Academy for Building Employability](#) – It works to build the skills and capacities of the under-educated and under-privileged youth.

Members also **suggested funding agencies which directly or indirectly support initiatives** for skill development of domestic workers. They are as follows:

- [National Skill Development Corporation \(NSDC\)](#) - It has funds (grants as well as loans) available for training. It has also created the Skill Sector Council for domestic workers.
- [National Bank for Agriculture and Rural Development \(NABARD\)](#) - It provides funds for skill development.
- [Indian Overseas Bank \(IOB\)](#) - This bank also provides funds for skill development which can be tapped into.

Additionally, members gave information about **suitable web-based management information system (MIS)** to maintain and update database of housemaids and their employers. Members shared about the **LabourNet Identity Management System** based on a knowledge tracking system which is a comprehensive identity management and tracking package. LabourNet would be happy to provide assessment and other tracking/ analysis tools provided by this package specially developed to address the needs pertaining to registration and tracking of workers. LabourNet also provides space for NGOs to use the **LabNet** package for their needs. It is an efficient mechanism for identity management, tracking, placement and follow up of workers.

Members also suggested in favor of **using a simple and cheap system** in the initial years. They also advised in favor of **having a data system that the workers and employers could themselves fill and maintain.**

Respondents gave the following **inputs/insights on dos and don'ts in trying to mobilize domestic workers.**

- Taking care of the local dynamic factors while mobilising domestic workers.
 - Taking care of these three dimensions - sourcing of domestic workers, training and continuous learning and placement and welfare administration.
 - Making sure it is an informed choice of the candidate to take up domestic work.
 - Helping the candidates understand domestic work as a profession and the importance of training as well as avenues of growth.
 - Sourcing members who have the basic identification details like birth certificates, school certificates, voter id cards etc.
 - Involving community structures like the panchayat/gram sabha involved in the sourcing process.
 - Training Self Help Group (SHG) federations to play the role of placement agency that can also work to enhance the skills of domestic workers as happened in [Andhra Pradesh](#).
 - Organizing meetings/training according to the time suitable for them so they don't miss their work and daily wage.
 - Taking care that the trainings are not very long in duration.
 - Having monitoring mechanism to take care of concerns like minimum wages, timely payment, periodic offs, good living conditions, health and safety concerns, social security benefits etc.
 - Having a complaint redressal mechanism which should be accessible to all the stakeholders.
 - Following a rights based approach.
-

Comparative Experiences

Andhra Pradesh

SHG Federations Instrumental in Uniting Domestic Workers, Hyderabad (from [I. Prabhakara Reddy](#), *Satavahana Development Society (SDS), Hyderabad*)

The SHG movement has been able to contribute towards ensuring well being of domestic workers. It has united the domestic workers and also made them aware of various issues pertaining to their work and pay. The SHGs have formed informal associations and improved their bargaining capacity. As a result, they have become the beneficiaries of Indiramma houses and many other government programmes in urban Andhra Pradesh.

Related Resources

Recommended Documentation

India Labour Report 2009 (from [Warisha Yunus](#))

Report; by Team Lease and IIJT

Available at http://www.teamlease.com/images/reports/TeamLease_LabourReport2009.pdf (PDF 2040 KB)

Documents the existing skill gaps in the labour market and gives suggestions for the Government to prepare a road map to achieve the target of skill development, inter alia.

Skill Development Initiative (SDI) Scheme

Implementation Manual; by Directorate General of Employment and Training (DGE&T); September 2010

Available at <http://dget.nic.in/mes/Downloads/SDIManual1Oct.pdf> (PDF 3001 KB)

Provides overview of the vocational training infrastructure in the country and contains guidelines for implementation of the SDI scheme.

Domestic Worker or Paid Slave? Plight of Domestic Workers in Bangalore City

Article; by Sindhu Menon

Available at <http://www.labourfile.org/PrintDocument.aspx?ID=134>

Describes the difficult experiences and life of Domestic Workers in Bangalore city and their coming together to form a trade union to end the exploitation.

Recommended Contacts and Experts

Ruth Manorama, Women's Voice, Karnataka (from [Smita Premchander](#), Sampark, Bangalore)

No. 47, St. Marks Road, Bangalore 560001; Tel: 91-80-6642053; Fax: 91-80-6630262

She is a champion of protecting the rights of the marginalized women especially Dalits including the domestic workers.

Recommended Organizations and Programmes

LabourNet, Karnataka (from [Rajen Varada](#) and [Nalini Nayak](#), Protsahan, Trivandrum, Kerala)

25/1-4, 9th Cross, J. P. Nagar, 2nd Phase, Bangalore 560076; Tel: 91-80-45504550; Fax: 91-80-45504550; rvarada@labournet.in; www.labournet.in; Contact Rajen Varada; Chief Executive Officer; rajen@tftpeople.org

Provides financial inclusion and access to welfare services for the workers in the informal and unorganized sector including domestic workers.

From [Nalini Nayak](#), Protsahan, Trivandrum, Kerala

National Skill Development Corporation (NSDC), Delhi

D-4, Clarion Collection, (Qutab Hotel), Shaheed Jeet Singh Marg, New Delhi 110016; Tel: 91-11-46560414; Fax: 91-11-46560417; proposals@nsdcindia.org; <http://www.nsdcindia.org/about-us/organization-profile.aspx>

A public-private-partnership in India, it works to promote skill development by facilitating creation of for-profit vocational institutions on a large scale.

International Labour Organization (ILO), Delhi

Theatre Court Core 4B, 3rd Floor, India Habitat Centre, New Delhi 110003; Tel: 91-11-4602101; Fax: 91-11-4602111; DELHI@ilo.org; <http://www.ilo.org/newdelhi/lang--en/index.htm>

Tripartite UN agency that works with Governments, employers and workers to promote decent work; works for inclusive growth and well being of informal economy workers.

SEWA Kerala, Kerala

Krad – 51 Murli, Kuctiravamani Road, Kunnumpuram, Trivendram; Tel: 91-471-2470167; sewakerela@sify.com

SEWA Kerala was formed in order to help the women of marginalized communities in the state find some sort of livelihood to sustain their families financially.

V. V. Giri National Labour Institute (NLI), Uttar Pradesh

Sector - 24, Gautam Budh Nagar, Noida 201301 Tel: 91-120-2411533; Fax: 91-120-2411536; vvgnli@vsnl.com; http://www.vvgnli.org/train_edu/certificate_course1.htm

A premier national institution that is involved with research, training, education, publication and consultancy on labour related issues.

Indian Overseas Bank (IOB), Tamil Nadu

763 Anna Salai, Chennai- 600002; Tel : 91-44-28524212; <http://www.iob.in/reachus.aspx>;
<http://www.iob.in/sakthi.aspx>;

Provides funds for skill development which can be utilized by organizations which are working for training and capacity building of domestic workers.

National Bank for Agriculture and Rural Development (NABARD), Maharashtra

Plot No. C-24, "G" Block, Bandra-Kurla Complex, P. B. No 8121, Bandra (E), Mumbai 400051; Tel: 91-22-26539244; Fax: 91-22-26528141; nabmcid@vsnl.com;
<http://www.nabard.org/roles/microfinance/index.htm>.

Apex institution providing loan funds for microfinance services in the form of revolving fund assistance to NGO-MFIs, SHG Federations and NGOs to lend to SHGs.

From [Smita Premchander](#), Sampark, Bangalore

Vimochana, Karnataka

33/1-9, Thyagraj Layout, Jaibharath Nagar, Bangalore 560033; Tel: 91-80-25492781; Fax: 91-80-25492782; vimochana79@gmail.com; <http://www.vimochana.in/about.html>

Works for improving the quality of life of the domestic workers through creating alternative spaces and fora for public debate to bring changes in the society.

Save the Children, Delhi

Bal Raksha Bharat, 3rd Floor, Vardhaman Trade Centre, 9-10-11 Nehru Place, New Delhi 110019; Tel: 91-11-42294900; Fax: 91-11-42294990; info@savethechildren.in;
<http://www.savethechildren.in/index.php>

Works on the child protection projects and has a lot of experience in saving children from labour work including domestic work.

Satavahana Development Society (SDS), Andhra Pradesh (from [T. Prabhakara Reddy](#))

#204, Shubham Classic, Street 6, Karthikeyanagar, Nacharam, Secunderabad 500076; Tel: 9989143854

Conducts policy/research studies in Andhra Pradesh and other parts of India including on domestic workers.

Modular Employable Scheme (MES), Delhi (from [Sarbeswar Sahoo](#), Mahatma Gandhi Labour Institute (MGLI), Ahmedabad)

Skill Development Initiative (SDI) Scheme, Directorate General of Employment & Training (DGE&T), Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, 2 & 4, Rafi Marg, New Delhi 110001

Works with the objective of improving the employability of existing workers, school drop outs, Industrial Training Institutes (ITIs) etc. by providing vocational training.

Basix Academy for Building Employability (B-ABLE), Delhi (from [Abhishek Gupta](#))

315/274, 2nd Floor, Above "Bibs n Cribbs", Garden of Five Senses Road, Behind Saket Metro Station, Saidulajab, New Delhi 110030; Tel: 91-11-64658480; info@b-able.in

Works to enhance the educational and skills level of youth from marginalized communities including domestic workers.

From [Warisha Yunus](#)

Ministry of Labour and Employment (MoLE), Delhi

Directorate General of Employment & Training (DGE&T), Shram Shakti Bhawan, 2 & 4, Rafi Marg, New Delhi 110001

The Ministry has various departments and units that focus of skill development and employment of the poor and the marginalized men and women.

Ministry of Human Resource Development (MoHRD), Delhi

Ground Floor, D-Wing, Shastri Bhawan, New Delhi 11000

Responsible for the development of the human resources, it can play an active role for promotion of skill development of domestic workers across the country.

Ministry of Rural Development (MoRD), Delhi

Krishi Bhawan, New Delhi 110001; Tel: 91-11-23782373; Fax: 91-11-23385876; <http://www.rural.nic.in>

Promotes schemes as well as public private partnerships for imparting vocational skill training programmes to marginalized youth including domestic workers.

National Council for Vocational Training (NCVT), Delhi

Directorate General of Employment & Training (DGE&T), Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, 2 & 4, Rafi Marg, New Delhi 110001

Institutes providing vocational and skill development training get affiliated with NCVT to be able to impart their training programmes.

Related Consolidated Replies**Protection of Rights and Promotion of Decent Work for Women, from N. Hamsa, WomenPowerConnect (WPC), New Delhi (FOR COMMENTS). Work and Employment Community and Gender Community, India,**

Issued 28/April/2010. Available [here](#) (PDF,221)

Seeks comments to help formulate recommendations for protection of the rights of the domestic workers for inclusion in the National Bill on Domestic Workers.

Engaging with the Placement Agencies for the Domestic Workers from Jince Michael Mathew, Domestic Workers Forum (DWF) and Chetnalaya, New Delhi (Experiences; Advice). Work and Employment Community, India,

Issued 5/April/2011. Available [here](#) (PDF,100 KB)

Seeks advice on how to deal with the exploitative, unregistered placement agencies for domestic workers and members' experiences on the same.

Responses in Full**[Rajen Varada](#), LabourNet, Bangalore**

LabourNet is a Bangalore based NGO providing **Financial Inclusion** and **Access to Welfare Services** for the unorganized and informal sector. LabourNet has also been engaged with developing **assessment and training tools**. The assessment tools are designed to identify the gaps in skills of the domestic workers and aimed at providing training for enhancing the quality of skill of domestic workers. LabourNet believes that enhanced skills add to the self esteem and further provide the basis for workers to negotiate for better wages. LabourNet has been developing similar tools for other trades in the construction industry.

LabourNet has been working with a number of partners to deliver these services to workers. LabourNet sets up **Worker Facilitation Centres (WFCs)** in different locations directly and through NGO and government partnerships. The WFC model has been taken up by the Construction Workers' Welfare Board (CWWB) of Haryana and other agencies. The **Hub and Spoke** model of LabourNet has developed partners across different geographical locations creating a network of interlinked partnerships to provide services both at source and destination.

In response to your specific query - LabourNet welcomes collaborations and can provide technical and other inputs for the following:

- Help in identifying institutions/projects which are working to increase the well being of domestic workers, especially in Jharkhand, Orissa and West Bengal

You can contact us at the address below for taking any discussions further:

Rajen Varada
CEO, Labournet
25/1-4, 9th Cross, J.P. Nagar,
2nd Phase, Bangalore 560076, India
Tel: +91-80-45504550
Email: rvarada@labournet.in
Website: www.labournet.in

- Link with resource agencies which can help with training, and advisory services

Labournet can provide the access to its assessment and training tools and explore collaborations which will enhance service delivery.

- Point towards a suitable web-based management information system (MIS) to maintain and update database of housemaids and their employers.

The Labournet Identity Management System based on a knowledge tracking system is a comprehensive identity management and tracking package developed by LabourNet through its learnings of over 25 years of working with the informal sector and its in house knowledge of Information and Communication Technologies (ICT). We will be happy to provide access and other tracking/ analysis tools provided by this package specially developed to address the needs pertaining to registration and tracking of workers.

LabourNet also provides space for NGOs to use the **LabNet** package for their needs. It reduces the cost of reinventing the wheel and provides an efficient mechanism for identity management, tracking, placement and follow up of workers. We will be happy to provide a demo of its capabilities whenever required.

- Provide insights on dos and don'ts in trying to mobilize domestic workers.

There are a lot of local dynamic factors which need to be taken into consideration while mobilising domestic workers. I will look forward to the inputs of my fellow members and colleagues working in this sector who will have many grounded inputs to address the pitfalls in this sector.

Arvind Prakash, Aide et Action, Jaipur

The idea of skill training of the Domestic Workers is very good which needs to be addressed in a feasible manner. However, I want to draw attention towards a bigger challenge - the working age youth – both male and female hesitate to come for training under normal circumstances as it hampers the opportunity of earning wages during the day time. Attending training means loss of wages.

If we want to organize these training as per their suitable time then it may be an advantage for them. Another concern is the duration of the training. That needs to be discussed with the domestic workers.

Jince Mathew Michael, A4E, India

In the attempts to professionalize domestic work, there are three dimensions to be considered:

- Sourcing of domestic workers
- Training and continuous learning
- Placement and welfare administration

Any programme targeting the domestic workers should be touching these three dimensions. The important points to be kept in mind are:

Sourcing

Domestic work is still regarded as a barrier free job option which needs little skills. Mainly people, especially women (because it is a female function) from economically and socially disadvantaged groups fill the supply to job market. Migration and at times human trafficking is involved in the existing sourcing practices. Credentials of the candidates are seldom verified and validated. The important things to be taken care of while sourcing the candidates are:

- It should be an informed choice - the candidates should know and understand that they are going to take up domestic work.
- The candidates should also understand domestic work as a profession and should appreciate the importance of training and the avenues of growth.
- Candidates should possess basic identification details like birth certificates, school certificates, voter ID cards, passport or any other documents which would help in identifying these people. Once they leave their place of origin, they seldom have the opportunities to avail these documents.
- Community structures like the panchayat/gram sabha etc. should be involved in the sourcing process.

Training and Continuous Learning

The placement agencies can play a pro-active role in ensuring that the candidates are trained and appropriately assessed and certified. These trainings often take place before placement in a household. However, there should be opportunities for continuous learning. Upward career movement should be made possible by offering personalized career counseling and training opportunities. While signing the contracts, employers also should be made to understand the value of domestic work as a profession. Ensuring these would be an extra financial burden to the placement agency, but in the changing social and cultural condition of the Indian metropolis, the employers are willing to pay that extra money if the candidates are better skilled.

Welfare Administration

There should be some ideal mechanisms to ensure the welfare of the domestic workers. Concerns like minimum wages, timely payment, periodic offs, good living conditions, health and safety concerns, social security benefits like the Rashtriya Swasthya Bima Yojana (RSBY) etc. are to be monitored through some mechanisms. There should be a complaint redressal mechanism also which should be accessible to all the stakeholders.

Nalini Nayak, Protsahan, Trivandrum, Kerala

The skill development of domestic workers (DW) is a topical issue. The National Skill Development Corporation (NSDC) recently organized a meeting to highlight the creation of a Skill Sector Council for DW.

The International Labour Organization (ILO) Delhi has worked out a training module for skill development of domestic workers. This is a very sophisticated module and trains DW for upper class homes. Other organizations are providing training of different kinds of training and catering to different needs. Some of them that I know are SEWA-Kerala - sewakerala@gmail.com, Empower in Delhi - rajiv.sharma@empower.net.in and Labour Net in Bangalore - rvarada@labournet.in

The NSDC has funds available for training partly grant and partly loan. It is also possible that the ILO can be approached for a large programme as well as the National Labour Institute (NLI). Banks like the Indian Overseas Bank (IOB) and National Bank for Agriculture and Rural Development (NABARD) have also funds for Skill Development.

Smita Premchander, Sampark, Bangalore

Congratulations for working in this very important area, and realizing that there is a market demand that can be translated into opportunities for women and men.

I have engaged through Sampark (www.sampark.org) and as an individual consultant with many United Nations agencies including International Labour Organization (ILO) and other projects on child and bonded labor, in India, Bangladesh and Nepal. I would share the following insights with you about do's and don'ts.

- **Learn from the child labor, bonded labor and child protection projects and agencies:** There is a lot of experience of working with domestic labor. It would be good to get that on board. Individuals like Ruth Manorama and her organization carry years of learning that could be taken on board; so do organizations like Vimochana, Save the Children. They have each tried different things - informal education of children, a learning and counseling space, working with parents/employers to change attitudes, informing all stakeholders about the laws, all these strategies have been used and these agencies can share what worked, and what the costs were.
- **Providing social protection:** Many parents cannot do without the earning of their children, and in such cases social protection has to be provided. When working with families like this, Sampark makes a provision for a stipend so that the child really has the option to study/learn a skill. Without this, you would miss out on the poorest. Only the market logic does not work. When you work in Orissa for instance, with extreme poor families, find a donor that will agree to give at least six months, in some cases stipends for upto two years per adolescent/adult girl/boy.

- **Changing attitudes of parents:** Many parents can afford to send a child to learn, and do not depend on the earning of the child, or adolescent/ adult son or daughter. In these cases, it is possible to provide the training free, but take some commitment in any case, or a nominal fee to ensure respect for the benefit you give, else it will be wasted.
- **Ensure high quality training, for a long period:** To my knowledge, even though many agencies have started entering this field, at least in Koppal district of Karnataka where Sampark works in 50 villages, I have not seen any good skill training organization. The skill development mission has not yet reached the ground level at least in that area with any significant work or partnerships. When you find a good donor or make a partnership, ensure that the trainee is covered with training, counseling and placement support and follow up, as needed, for at least two years.
- **Employer attitudes:** These have been the biggest barriers. Often, employers do not trust an external agency; do not want their domestic help to go out independently, to relate to others, for fear/ protection of the worker. Some of these fears can be addressed through educating workers and employers. Many employers are scared that when a DW learns a new skill, (s)he will ask for a pay hike or leave for a better job. These work as disincentives to invest in a DWs capacity building..... if you have the money, it is best tackled through creating an image, through the media, of a "good employer" of DWs. It is one area where you will achieve the awareness creation and reach out very widely and will motivate employers to change, and DWs to demand the change.
- **Prioritize reduction of verbal, physical and sexual abuse:** I cannot emphasize this more. Employers tend to scold, ridicule their domestic help, with really deep scars on the DWs self esteem. Laws against physical and sexual abuse have to be widely informed, and link with the help agencies and hotlines.
- **Think of a large scale project right from the beginning:** Most projects are small and therefore become insignificant. You can start with a small action learning project, but very soon, in a year or two, work on raising funds and do a very large project.
- **MIS.** Many agencies will come forward to offer you software development, and surely you will need this. But initially, just make a simple and cheap system and work with it for two years. And only then make large investments. The pilot will help you focus on **what you want to use the data for.** Accordingly, you can decide which information points you absolutely need, else one ends up designing a system for "everything"; every data that you may ever need, and this then means that it never gets collected or fed into the system. Secondly, as much as possible, have a data system that workers and employers can themselves fill and maintain. I have seen agencies investing so much time in designing data systems that then none fills, or uses.

Finally, DWs are a largely disenfranchised group, and it would be really important that you take a rights based approach to your work. Prioritize the workers over employers. Build worker associations. A totally impartial approach achieves very little. If you stand strongly on the side of the DW, you will achieve a lot, even though it may be difficult. So even as you sense and serve a market need, offer it empowered workers.

T. Prabhakara Reddy, Satavahana Development Society (SDS), Hyderabad

While emphasizing the views that domestic workers need annual wage increment and legal protection to their job etc., it is equally important to understand the rights and responsibilities and related aspects.

As a matter of fact, the domestic workers are reasonably paid in many parts of the city of Hyderabad and they are also provided tea/tiffin/meals every day. They are also given one/two days leave in a month while in some cases once a week. Annual wage increment has become an in-built mechanism for which they bargain at the time of joining itself. In some cases they are

also given pair of clothes once a year. Apart from this, some are helped in getting their children educated, married etc. We have looked into this issue in a cursory manner and planning now to conduct a detailed study in the near future.

However, they are working in unorganized sector which does not provide benefits like protection of their job, insurance, and other benefits. Therefore, there should be a mechanism by which their employment and income should be ensured.

Ensuring the well being of domestic workers through skill development is an excellent idea provided some agency takes the responsibility of training them and providing them placement. This can be done by Self Help Group (SHG) federations which are capable of doing it. Further, SHGs may be given training in order to manage the agency which can play the role of placement agency that can enhance the skills of domestic workers is an option left before us.

Further, I would like to add that the SHG movement in Andhra Pradesh particularly in urban areas has really given fillip to the domestic workers as they are united and aware of many issues pertaining to their work and pay. We have seen some of the SHGs from Warangal, Andhra Pradesh which are very active. They have formed an association though informally and improved their bargaining capacity. As a result, they have become the beneficiaries of Indiramma houses and many other government programmes in urban Andhra Pradesh.

Further, it is very essential to stress that the social security mechanisms by the State governments in line with the measures taken up by the Kerala and AP Governments such as setting up of welfare boards, provision of insurance, co-contributory pension etc., for the welfare of domestic workers would go a long way in improving their standard of living.

Further, our agency Satavahana Development Society (SDS) would be able to help you out in conducting the policy/research studies in Andhra Pradesh. We would like to extend cooperation in ensuring the well being of domestic workers in any part of India.

Sarbeswar Sahoo, Mahatma Gandhi Labour Institute (MGLI), Ahmedabad

I am involved in organizing training and awareness programmes for the informal sector workers for the last couple of years. I have realized that skill development of the workers is needed to improve their work life as well as quality of life. Here however I would like to inform members about the improvement in the quality of life of the domestic workers through skill development though not in their work life. I think that they should be trained to explore alternative livelihood.

Because it has been found that in the informal sector many existing livelihood became redundant due to onslaught of globalization; for example the *Beedi* workers involved in this trade for a long time period are now finding it difficult to survive due to advent of Guthka - a byproduct of globalization. Similarly due to global economic recession during 2007-10 many diamond workers rendered jobless and without skill they found difficult to employ themselves in alternative livelihood.

The Modular Employable Scheme (MES) available at the website of Directorate General of Employment and Training (DGET) (<http://www.dget.nic.in/mes/index.htm>) speaks about a number of alternative employment as well as training programmes along with duration and fees. The informal workers including the Domestic workers may not be in a position to explore the typology of the schemes as well as the patience to go through the process of obtaining training programmes. The training organization may provide them training in alternative livelihoods.

Any skill related to the Food, Clothing, Electricity sector will help in improving the livelihood and quality of life of the workers and help the DW live a life of better self esteem and dignity. As most of the domestic workers live in the urban areas they will not find any demand problem.

[Leena Zaveri](#), Independent Consultant, New Delhi

We are running an institute for teaching poor children and economically weaker sections of the society. We train children and young people willing to learn and understand English as an empowerment tool so as to make them gel with civil society. In our endeavor, we are willing to take in and train any Domestic Workers (DWs) as well whoever wishes to be educated informally. Though we are conscious of the difficulties faced by the DWs in taking out the time for enhancement of language skills, we put our best to make them learn in the shortest time possible. Our services are free of cost.

[Purushothaman P.](#), Periyar Maniammai University (PMU), Vallam, Thanjavur, Tamil Nadu

The info on National Skill Development Corporation (NSDC), International Labour Organization (ILO) and Indian Overseas Bank (IOB) given by [Nalini Nayak](#) on funding opportunity and the sophisticated training modules are very interesting.

I have been thinking of developing a training module for building repairs and maintenance. Although, earlier I had contacted NSDC on my model training program and they were more looking at private investments, the idea didn't work. I was looking for next step forward, may be this would be helpful.

[Abhishek Gupta](#), Basix Academy for Building Employability, New Delhi

You could get in touch with us for training and MIS purposes.

[Anima Sharma](#), Independent Consultant, New Delhi *

I have recently finished an evaluation study on Skill Development and based on my experiences I would like to mention that though much is being thought about the Domestic workers but in practice very little is being done. During my fieldwork I have seen in few slums that few NGOs are running educational and skill development programmes for the slum dwellers, among whom quite a considerable number of females also work as domestic workers, at micro level. I have also seen that the young girls and women between 25-35 years of age show much interest while older women are mostly reluctant, quite understandably. Similarly males, under the economic burden, also show lack of interest in such programmes. Hence, my summation is that we should think of few activities which may be useful for these categories of people too.

[Sudhir Deore](#), Internet Bhauddeshiya Education Shanthas, Dhule, Maharashtra*

Please find the checklist for the SDI Scheme [here](#).



Gender

Gender Community



Poverty

Work and Employment Community

Solution Exchange for the Gender Community **Solution Exchange for the Work and Employment Community** **Consolidated Reply**

Query: *Best Practices for Domestic Workers – Examples; Experiences*

Compiled by [Malika Basu](#), Resource Person, [Warisha Yunus](#) (on behalf of Work and Employment Community) with additional inputs from [Simrit Kaur](#) (Consultant, ILO)

Issue Date: 25 January 2012

From [Anil Swarup](#), Director General, Labour Welfare & Joint Secretary, Ministry of Labour and Employment (MoLE), Government of India (GoI), New Delhi

Posted 18 November 2011

Domestic work sector is one of the largest sectors of work in urban areas and majority of the workers are women. The sector is growing rapidly in urban areas and it is an important source of employment for migrant workers who come in search of livelihood opportunities. Despite its growing size and importance both for workers and families who benefit from their labour, domestic work remains unregulated and workers are unprotected by labour laws.

In view of the vulnerabilities of the domestic workers, the Ministry of Labour and Employment (MOLE), Government of India (GoI), under the office of Director General Labour Welfare has drafted a **National Policy on Domestic Work**. This was done by forming an inter-ministerial task force to deliberate on issues related to welfare and regulatory measures for promoting decent work for domestic workers. The ILO provided technical assistance and the task force was expanded to include representatives from trade unions, civil society organizations' working for domestic workers.

The task force held meetings under the chairmanship of Director General (Labour Welfare), MoLE. The key recommendations and action points that emerged and were accepted include:

- a) Extension of welfare schemes to Domestic Workers (Rashtriya Swasthya Bima Yojna has been extended to domestic workers)
- b) Fixation and enforcement of minimum wages
- c) Regulation of placement agencies
- d) Scaling and replication of skills and re-skill training program
- e) Registration of domestic workers as workers

The Draft Policy is available on the website of the MoLE. Please access the document at <http://labour.nic.in/dglw/FinalReportTaskForceDomesticWorkers.pdf>.

In view of the above initiative and the ongoing work on the Draft Policy, I would like to request the members to contribute as follows:

- Please identify and share some “good practices” that are on-going in the efforts to promote decent work to domestic workers at the **State level**. Please also mention under which Act/s, the efforts have been promoted
- Please also share the specific steps, the processes, the stakeholders involved, and the challenges encountered in undertaking the task of promoting decent work to domestic workers

It would be particularly helpful if members could **also share the steps undertaken and bottlenecks identified on extending Rashtriya Swasthya Bima Yojna (RBSY) to domestic workers** at state level.

In order for any Policy to be effective, assistance is required to know “how” to implement the Policy. Good practice guides that highlight innovative measures from around India would be an important resource material in facilitating the understanding of “how”. Therefore, this discussion would assist the Ministry in enhancing knowledge and sharing of it for effective implementation of the policy.

Responses were received, with thanks, from

1. [Chitra Shrivastava](#), Pragati-A Society for Human Development, Jabalpur, Madhya Pradesh
2. [Sudhir Katiyar](#), Prayas Centre for Labor Research and Action (PCLRA), Udaipur, Rajasthan
3. [Subhadra Channa](#), University of Delhi, Delhi
4. [Vivek Kaushik](#), Partners in Prosperity (PnP), New Delhi
5. [Gitali Thakur](#), Purbanchal Maitri Development Society (PMDS), Guwahati, Assam
6. [Shivani Bhardwaj](#), Sathi All For Partnerships (SAFP), New Delhi
7. [Sr. M. Josephine Amala Valarmathi](#), National Domestic Workers Movement (NDWM), Tamil Nadu
8. [Anu Aga](#), Thermax Limited, Mumbai, Maharashtra
9. [Claire Noronha](#), Collaborative Research and Dissemination (CORD), New Delhi
10. [Subhendu Pratihari](#), Larsen and Toubro (L and T) Finance, Mumbai, Maharashtra
11. [Sandhya A. S.](#), Human Rights Law Network (HRLN), Thiruvananthapuram, Kerala

12. [Asheema Singh](#), National Institute of Open Schooling (NIOS), Lucknow, Uttar Pradesh
13. [Vikram Srivastava](#), Independent Thought, Noida, Uttar Pradesh
14. [Malti Jain](#), PHD Chamber of Commerce and Industry, Jaipur, Rajasthan
15. [Sujata Goswami](#), Sarba Shanto Ayog (SSA), Kolkata, West Bengal
16. [Gitanjali Prasad](#), Confederation of Indian Industry (CII), Gurgaon, Haryana
17. [Anita Sharma](#), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), New Delhi
18. [Sarbeswar Sahoo](#), Mahatma Gandhi Labour Institute (MGLI), Ahmedabad, Gujarat
19. [Fr. Chandran Chetan](#), National Domestic Workers Movement (NDWM), Jharkhand
20. [Salil Basu](#), Foundation for Research and Development of Underprivileged Groups (FRDU), New Delhi
21. [Krishna Roy and Anchita Ghatak](#), Parichiti - A Society for Empowerment of Women, Kolkata, West Bengal
22. [Sr. G. Leema Rose](#), National Domestic Workers Movement (NDWM), Patna, Bihar
23. [Augustine Veliath](#), Independent Consultant, New Delhi
24. [R. Savithri](#), Ministry of Women and Child Development (MWCD), Government of India (GoI), New Delhi
25. [Suneeta Dhar](#), JAGORI, New Delhi
26. [Geeta Menon](#), Domestic Workers Rights Union, Supported by Association for Promotion of Social Action (APSA) and Stree Jagruti Samiti (SJS), Karnataka
27. [Sr. Christin Mary](#), National Domestic Workers Movement (NDWM), Maharashtra
28. [Rajib K. Halder](#), Child In Need Institute (CINI), West Bengal

Further contributions are welcome!

[Summary of Responses](#)
[Comparative Experiences](#)
[Related Resources](#)
[Responses in Full](#)

Summary of Responses

Domestic workers (DWs) are subject to a range of human rights violations. Their numbers are large yet they, majority being girls and women, mostly remain invisible workforce. Their work such as cleaning, cooking, washing, caring for children and elderly members of the family, etc, though essential for their employers' households is not considered formal employment because of its private nature; it also carries the low value of women's unpaid care work. Domestic workers are overworked, underpaid, and unprotected by labour laws.

As the most invisible sector, domestic work has uniformly been given a low status on the hierarchy of work, by governments and society. However, in recent years, partly due to international pressure by the [International Labour Organization's Convention Concerning Decent Work for Domestic workers](#), partly due to media, and largely due to the awakening and rights based work of the DW unions, issues surrounding DWs are being discussed at various levels.

Some Practices to Promote Decent Work for Domestic Workers (DWs)

Domestic workers often come from vulnerable communities and backward areas; most of them are illiterate and unskilled. Recognizing the risks of exploitation that DWs face, [many governments](#) including India have adopted positive practices to protect the rights of domestic workers, which range from legal protection and contracts; wages and working hours; educating employers and workers; monitoring and enforcement; and protection for [migrant workers](#).

In India, some states like [Bihar](#), [Jharkhand](#), [Karnataka](#), [Tamil Nadu](#) have passed notification and brought the domestic workers under the purview of the Minimum Wages Act, 1948. The Government of [Maharashtra](#) and [Tamil Nadu](#) has also set up a separate welfare board for the DWs, where the domestic workers are registered and avail the welfare schemes like education and marriage benefits, accident benefits, death insurance, etc.

While its full fledged implementation is yet to take off, the Government of India has recently extended the [Rashtriya Swasthya Bima Yojana](#) (RSBY) to provide health insurance cover to DWs. The [National Domestic Workers Movement](#) (NDWM) in states like Jharkhand has helped collect data of DWs in the prescribed RSBY format. Also worth noting is the District Administration in **Mandla's** (Madhya Pradesh) [website](#), which maintains a list of DWs as information.

Besides the Government efforts, the Non Government Organizations (NGOs) particularly the [NDWM](#) through its state branches have taken up different methods (e.g. poster campaign, leaf let campaign, public rally, distribution of the copy of notification, group meetings etc) to create awareness regarding rights and security of DWs as well as bring awareness on the plight of child domestic workers.

NGOs such as [Maitri](#) ([Assam](#)), [SAATH](#) ([Gujarat](#)), SEWA ([Kerala](#)) have in particular focused on skill development and training of DWs. Some NGOs like [Parichiti](#) ([West Bengal](#)) have started *Bishram Ghar*; while others like [CODP](#) ([Karnataka](#)) provide financial assistance to DWs in times of need. In some instances, the Resident Welfare Associations (e.g. [Delhi](#)) have played an instrumental role. There have also been few instances of Public-Private Partnerships (e.g. [Andhra Pradesh](#)). Some organizations (e.g. Domestic Workers Rights Union, [Jagori](#), [GIZ](#)) through their research studies on issues surrounding DWs have tried to put forth concrete policy recommendations, some of which are mentioned below.

Internationally too, organizations and unions have been active (e.g. in [Jamaica](#), [Jordan](#), [Kenya](#), [Philippines](#) and [South Africa](#)) to promote the cause of DWs. There are lessons to be learnt from such experiences.

Challenges in Promoting Decent Work for DWs

Multiple challenges confront those working to advocate and lobby for domestic workers rights. Some commonly identified ones include:

- Little or no support from the Government
- Difficulties in tracking live-in maids (who might be victims of harassment and exploitation)
- Employers are not willing to pay the notified minimum wages and domestic workers continue to be exploited
- Issue of children of domestic workers (who are also migrant workers) have not got any attention
- Lack of strict enforcement of laws (e.g. Child Labour (Prohibition and Regulation) Act; Unorganized Workers Social Security Act, 2008)
- The process of setting up Welfare Board by the Government is slow
- No earmarked training available to domestic workers; also no pension or other old age benefit for domestic workers

- Lack of registration and regulation of placement agencies ([Shops & Establishment Act](#) may be inadequate in this regard)

Suggestions to Address Domestic Workers Issues

A comprehensive intervention with programme components inter alia provision for skill improvement, information centre, minimum wage rate along with social security is suggested while reiterating the need to recognize domestic workers as workers with dignity, rights and responsibilities. Some specific suggestions to address DW issues include:

- Need for regulation of domestic work through registration of both the domestic workers, employers, and placement agencies
- Detailed registration and creation of data base of people working in domestic sector including domestic help, cook, washermen, gardener, etc. (the Labor Department needs to fulfill its responsibility of registering domestic workers)
- Create opportunities for skill development/certification of existing skills (also through distance and continuing education via recognized institutes like [NIOS](#), [IGNOU](#))
- Create grievance redressal mechanisms (for both service providers and service takers)
- Crèche or childcare facilities for mothers of young children
- Promote mutual support groups to obtain social security and protection: health care (including for those with HIV/Aids), legal advice, psychological counseling, and basic financial services (remittances and savings-linked pensions)
- Use existing Residents Welfare Association (RWAs) to register, manage, and train DWs
- Design a mutually agreed **Ethical Code of Conduct**

Rashtriya Swasthya Bima Yojna (RSBY) to DWs

Regarding the RSBY scheme in particular, the State Governments have to undertake the implementation. So far however, there is no or minimal action to implement the scheme to domestic workers. In Tamil Nadu, there is plan, though already opposed by DW unions, to merge it into some other scheme. The contention is if the Government is not separately implementing the RSBY scheme, many domestic workers cannot benefit from it.

It is contended that the RSBY scheme if implemented, will enable DWs to get their benefits not as welfare but as a right. There are perceived bottlenecks with reference to the effective utilization of RSBY (e.g. most of the beneficiary are poor and have little knowledge and understand about health insurance policies). Thus, the suggestion is also to look into other health insurance schemes such as [Mahatma Gandhi Bunkar Bima Yojana](#) implemented by the Ministry of Textile for the hand loom weavers and learn from its experiences.

In conclusion, while suggestions from some corners such as domestic work must be abolished (and equating it with manual scavenging) is Gandhian and interesting; at the moment, the need is to abolish glaring injustices and giving domestic workers their rights and respectability. Domestic workers ought to be protected from exploitation and be able to avail of medical benefits, life insurance, crèche facilities, old age benefits, etc; similarly, employers must also be able to rely on competent and reliable help that will deliver services of acceptable standards whether it is with regards to chores like dusting, cooking, ironing, or in more sensitive and critical areas such as child care and elder care.

No law/policy can be enforced in letter and spirit unless the target group is empowered to protect their rights within the ambit of their duties and responsibilities. Any policy for domestic workers must therefore provide for better service conditions to domestic help; also check their exploitation. There is also an urgent need to sensitize the wider society regarding their attitude towards 'servant-Master' relationship and change it into a respectable 'employee – employer' work culture. Change in attitudes is also likely to facilitate the implementation and operationalisation of the National Policy on Domestic Work.

Specific Comments on the Draft National Policy for Domestic Workers

Specific comments on the Draft Policy focus on some key issues such as:

Budget

- Clause 7.1 of the draft policy places the onus of financial responsibility equally on all stakeholders including workers' organizations. This is untenable; unless adequate budgetary provisions are made by Government's line ministries (e.g. labour and employment, women and child development, health and family welfare) it becomes difficult to operationalize policy and legislation

Affordable Housing and Safe, Affordable Travel

- National housing policy/guidelines for domestic workers may be considered to ensure affordable and accessible housing close to workplaces. This will cut down commuting and time costs

Bonus and Accident Benefit

- It is recommended that employers take on responsibilities to provide adequate compensation to domestic workers, in case of any kind of mishaps/accidents at the workplace; (also entitlements to bonuses needs to be considered)

Skill Development

- Most women domestic workers come from very poor sections of society and lack formal education. The government should ensure that domestic workers are able to access adult literacy programmes. Literacy will ensure that domestic workers are able to access entitlements, report grievances and exercise greater control over their lives.

Decent Working Conditions

- All domestic workers, regardless of their social and economic status should have access to decent working conditions, including humane workload and work hours, safe and healthy work environment, adequate salaries and compensation, and sufficient leisure time and annual leave (as has been substantiated in the draft national policy)
- Social security mechanisms such as old-age pension, widow pension, ration cards and voter ID cards be made available to domestic workers in states where they work so they can access benefits from that state
- In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice
- Ensure that domestic workers enjoy freedom of association and the effective recognition of their right to collective bargaining

Migrant Domestic Workers

- Provision for a public outreach service to inform migrant domestic workers, in languages understood by them, of their rights, relevant laws and regulations, etc
- Additional measures to ensure the effective protection of intra and inter-state migrant domestic workers such as developing a network of emergency housing and access to help lines and support services

Childcare Facilities

- The policy must recognize the need for childcare facilities and the concerned Ministry should be tasked with the responsibility of building and maintaining such childcare centres; (there must also be focus on education of children)

Placement Agencies

- Register all placement agencies with the government

Stop Criminalization of Women DWs

- The National Policy for Domestic Workers needs to protect domestic workers especially women from criminalization (by the police)

Comparative Experiences

National

Andhra Pradesh

Need for Public Private Partnership to Promote Domestic Workers Issues (from [Subhendu Pratiharj](#), *Larsen and Toubro (L & T) Finance, Mumbai, Maharashtra*)

During 2010, Andhra Pradesh Urban Finance and Infrastructure Development Corporation Limited (APUFIDC), Government of Andhra Pradesh (AP) tried to implement a program aimed at addressing 50000 domestic sector workers: domestic help, cook, gardener and washer men. The program was planned as a Public Private Partnership (PPP) wherein multiple agencies like Dr Reddy's Foundation, CHF International, Labour Net and others were to be involved. The outcome of such PPP is however not known; though such partnerships are highly recommended.

Assam

Sahayika – a Caregivers Programme for DomestiC Workers (from [Gitali Thakur](#), *Purbanchal Maitri Development Society (PMDs), Guwahati, Assam*)

Maitri, a NGO based in Guwahati, has launched a flagship programme, *Sahayika*, which is a unique caregivers' programme primarily focusing on domestic workers and their development. It puts maximum emphasis on skill up gradation and so far has trained and placed more than 100 *Sahayikas* in Guwahati city itself. Maitri has also designed a set of Ethical Code of Conduct for both the *Sahayika* and the employer. Read [more](#)

Bihar

Domestic Workers included under Minimum Wages Act ([Sr. G. Leema Rose](#), *National Domestic Workers Movement (NDWM), Patna, Bihar*)

The Government of Bihar included the domestic work under the Minimum Wages Act, 1948 in 2007. The Department of Labour is said to be reviewing the wages annually. The present minimum wage reviewed Oct 2011 is Rs.4.30 per hour/per month and Rs.3433 per month for eight hours of work, excluding the over time work, according to the notification No.5/M.W-401/07 L&R-2782; and this payment includes the Variable Dearness Allowance (VDA).

Delhi

Resident Welfare Associations (RWAs) can Play an Instrumental Role (from [Salil Basu](#), *Foundation for Research and Development of Underprivileged Groups (FRDU), New Delhi*)

The Apex RWAs are working for the welfare of domestic workers in South Delhi. They are providing training to migrant workers who mostly come from West Bengal in search of employment. They also impart training to security guards, who also collect necessary information about domestic workers and submit it to the police for verification purposes.

Gujarat

Skill Upgradation Helpful for Domestic Workers (from [Subhendu Pratihari](#), *Larsen and Toubro (L & T) Finance, Mumbai, Maharashtra*)

To improve the condition of women living in urban slums, SAATH, a NGO mobilized them. It initiated two programs - Home Manager and House Keeping Program. Women who worked as domestic workers were provided training in using household appliances, time management etc. They have now formed an organization which negotiates on their behalf, provides placement as well as life insurance to the members. Read [more](#)

Jharkhand

Minimum Wages for Domestic Workers ([Fr. Chandran Chetan](#), *National Domestic Workers Movement (NDWM), Jharkhand*)

Domestic Workers have been brought under the Schedule of Minimum Wages Act, 1948; and minimum rates of wage for Domestic Workers has been fixed by the Department of Labour and Employment, Government of Jharkhand (GoJ) on 1st April 2011 (by notification No-2/MW-2065/2010 L & E – 1000). Accordingly, Rs.16.85 per hour, 133.00 per eight hours, and Rs.3505.00 for eight hours per day per month has been fixed. This includes the Variable Dearness Allowance. The Government has announced for the registration of Domestic Workers under Rashtriya Swasthya Bima Yojna (RSBY) in November 2011.

Karnataka

Government Initiatives for Domestic Workers (from [Geeta Menon](#), *Domestic Workers Rights Union, Supported by APSA and Stree Jagruti Samiti*)

Domestic Workers (DWs) in Bangalore city alone are an estimated 6 lakhs. While the government is slow in its efforts; nevertheless, some efforts on minimum wages, as well as setting up the unorganised workers social security and welfare board are slowly emerging in the state of Karnataka. The Government has brought DWs under Minimum Wages Act and the process of implementation of RSBY launched. In this regard, few organizations working with DWs have got together as Joint Action committee, collected data of 7000 workers to share with the Government.

Assistance to Domestic Workers to Help Develop Themselves

CODP, a Mangalore based organization, while giving domestic workers various opportunities to develop themselves, also extends a helping hand to the most miserable of them by providing financial assistance for marriage, education, medical, house repair, etc. CODP has also helped domestic workers to form an association. It has a membership of 450 and 12 self help groups; the members meet regularly to discuss and to plan their future. Read [more](#)

Kerala

Organizing and Training Domestic Workers (from [Sandhya A. S.](#), *Human Rights Law Network (HRLN), Thiruvananthapuram, Kerala*)

In Kerala, the experience of SEWA is worth noting. SEWA for long has been organizing and training domestic workers. It has helped to professionalize the service for which women are very grateful. Since it is an organized service, work is regulated, the workers are also respected, and employers as clients also pay towards their social security.

Maharashtra

Welfare Board for Domestic Workers (from [Sr. Christin Mary](#), *National Domestic Workers Movement (NDWM), Maharashtra*)

The Government of Maharashtra passed a resolution in 1995 that the contribution of domestic workers (DWs) is to be recognized and made an appeal to the employers to take responsible for decent wage. A remarkable step taken by the Government is to promote the welfare of the domestic workers, by enacting the Domestic Workers Welfare Board Act, 2008. The Act promises a welfare board for DWs, registration of DWs, and social security provisions such as life insurance, health insurance (RSBY); educational assistance to the children of DWs; maternity benefit; accident benefit; and funeral expense for the DWs.

Tamil Nadu

Giving Recognition to Domestic Workers (from [Sr. M. Josephine Amala Valarmathi](#), *National Domestic Workers Movement (NDWM), Tamil Nadu*)

The Government of Tamil Nadu has included the Domestic Workers (DWs) under the Manual Workers (Regulation of Employment and Conditions of Work) Act and provided separate Welfare Board for the Domestic Workers where the domestic workers are registered and avail the welfare schemes like education benefit, marriage benefit, death insurance, accident benefit etc. The Government has also included the Domestic Work under Minimum wage Act 1948 and notification has been passed. Such efforts give DWs recognition and dignity as workers.

West Bengal

Creating 'Bishram Ghar' for Domestic Workers (from [Krishan Roy](#) and [Anchita Ghatak](#), *Parichiti - A Society for Empowerment of Women, Kolkata, West Bengal*)

An organization has set up a 'drop-in' centre or Bishram Ghar to help domestic workers. The centre works as a place to relax, use toilet, rest and talk. This is where they exchange information about prospective jobs, education of children, negotiating with employers etc. They use this space to strengthen their process of organizing. The centre also organizes games, workshops and excursions to help them enjoy. Read [more](#)

International

From [Malika Basu](#), *Resource Person*

Jamaica

Paving the Path for Jamaican Women Domestic Workers

A former domestic worker for more than 20 years, founding member and President of Jamaica Household Workers' Association (JHWA) Shirley Pryce has taken great strides to advocate for the rights of women domestic workers. Through JHWA she has supported essential services, such as seminars that educate domestic workers and employers on their rights and responsibilities, and has partnered with the Government of Jamaica's Human Employment and Resource Training Trust (HEART) and the National Training Authority to provide skills training with a view on transitioning into higher-paying professions.

Jordan

Registration of Recruitment Agencies helps Monitor Violation of Workers' Rights

Jordan amended a law concerning registration of recruitment agencies, which allows the Ministry of Labor to monitor these agencies and take serious actions if they violate the regulations

protecting migrant workers. In 2003, Jordan also endorsed a "Special Working Contract for Non-Jordanian Domestic Workers", which guarantees workers' rights to life insurance, medical care, rest days, and repatriation when their contracts expire. Other Middle Eastern countries like Bahrain have also announced a national plan to assist abused foreign workers that includes temporary shelters and a help hotline.

Kenya

Kenyan Union Makes Domestic Worker Rights a Strategic Priority

The Kenyan Union of Domestic, Hotel, Educational Institutions, Hospitals, and Allied Workers (KUDHEIHA) have made organizing domestic workers a strategic priority. In March 2009, with the help of the Solidarity Center, KUDHEIHA-supported domestic worker committees in Nairobi and Kisumu launched an awareness campaign, conducted trainings, and convened public discussion forums on worker rights. To date, more than 3,000 domestic workers have joined KUDHEIHA through these committees. Read [more](#)

South Africa

Empowering Domestic Workers through Targeted Services

SADSAWU provides valuable services to South African domestic workers such as job training and workshops, legal advocacy, mediation, and counseling concerning domestic workers' rights and legal provisions. SADSAWU's role is to empower domestic workers and enlighten employers, and strengthen the relationship between them. SADSAWU is hard at work rectifying a racialized and gendered profession whose contribution to the national and global economy remains invisible. Read [more](#)

Related Resources

Recommended Documentation

Final Report of the Task Force on Domestic Workers (from [Anil Swarup](#), Director General, Labour Welfare and Joint Secretary, Ministry of Labour and Employment (MoLE))

Report; by MoLE, 12 September 2011

Available at <http://labour.nic.in/dglw/FinalReportTaskForceDomesticWorkers.pdf> (PDF; Size: 2.30 MB)

Recommends inter alia extension of welfare schemes to domestic workers, fixation and enforcement of minimum wages, regulation of placement agencies

Domestic Workers Public Hearing (from [Geeta Menon](#), Domestic Workers Rights Union (DWRU), Karnataka)

Report; by Stree Jagruthi Samithi and SICHREM, 2010

Available at <ftp://ftp.solutionexchange.net.in/public/gen/cr/res09121101.pdf> (PDF File size)

Documents the first public hearing held on the invisible sector of domestic workers in the country

The Shops and Establishments Act (from [Gitli Thakur](#), Purbanchal Maitri Development Society (PMDS), Guwahati, Assam)

Act; Government of India, 1953

Information available at http://dcmsme.gov.in/policies/lab_pol.htm

Meant to safeguard the interests of those working primarily in the unorganized sector by ensuring that employers provided comfortable working conditions

From [Sr. M. Josephine Amala Valamarthi](#), National Domestic Workers Movement (NDWM), Tamil Nadu

Minimum Wage Act for Domestic Workers in Karnataka

Act; by Government of India, 1948

Available at <http://labour.kar.nic.in/labour/minimumwages-1948.htm>

Provides for fixing minimum rates of wages in certain employments, these are fixed in Karnataka on the advice of the State Level Minimum Wages Advisory Board

Establishment of Tamil Nadu Domestic Workers Welfare Board

Notification; by Labour and Employment Department, Government of Tamil Nadu; 2007

Available at http://www.tn.gov.in/gorders/labour/labemp_e_12_2007.htm

Notifies the formation of the Tamil Nadu Domestic Workers Welfare Board and inclusion of domestic work under Tamil Nadu Manual Workers Act

Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act

Act; by Government of Tamil Nadu, 1982

Information available at http://www.tn.gov.in/gosdb/gorders/labour/labemp_e_39_2011.pdf

Bringing under its purview millions of people in 54 occupations newly notified under the Manual

Convention Concerning Decent Work for Domestic Workers

Convention; ILO, 2011

Available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_157836.pdf (PDF; Size: 1.59 MB)

International standards aimed at improving the working conditions of tens of millions of domestic workers worldwide

From [Vikram Srivastava](#), Independent Thought, Noida

Child Labour (Prohibition and Regulation) Act

Act; by Government of India, 1986

Available at <http://nrcw.nic.in/shared/sublinkimages/28.htm>

Prohibits the engagement of children in certain employments and to regulate the conditions of work of children, suggested that this be applied in case of domestic work

Juvenile Justice (Care And Protection of Children) Amendment Act

Act; by Government of India, 22 August 2006

Available at http://www.commonlii.org/in/legis/num_act/jjapocaa2006519/

Declares a child as a person who has not attained the age of 18 years, it is suggested for implementation to prevent domestic child labour.

Bonded Labour System (Abolition) Act

Act; by Government of India, 1976

Available at http://pblabour.gov.in/pdf/acts_rules/bonded_labour_system_abolition_act_1976.pdf

Provides for the abolition of bonded labour system, to prevent the economic and physical exploitation of the weaker sections of the people

From [Fr. Chandran Chetan](#), National Domestic Workers Movement (NDWM), Jharkhand

Minimum Wages Act

Act; by Government of India, 1948

Available at http://pblabour.gov.in/pdf/acts_rules/minimum_wages_act_1948.pdf (PDF; Size:80 KB)

Regulates the payment of wages of certain classes of employed persons; suggested for setting decent work conditions for domestic workers as done in Jharkhand

The Unorganized Workers' Social Security Act

Act; by Ministry of Law and Justice, Government of India; 31 December 2008

Available at <http://labour.nic.in/act/acts/Unorganised-workers-social-security-act-2008.pdf> (PDF 375 MB)

Provides for social security and welfare of unorganised workers; includes domestic workers under the purview of unorganised sector workers

From [Suneeta Dhar](#), JAGORI, New Delhi

Protection of Women against Sexual Harassment at Workplace Bill, 2010

Bill; Government of India, 2010

<http://pib.nic.in/newsite/erelease.aspx?relid=66781>

The proposed Bill, if enacted, will ensure that women are protected against sexual harassment at all the work places, inclusion of DWs recommended in the Bill

From [Malika Basu](#), Resource Person

Swept Under the Rug – Abuses against Domestic Workers around the World

Report; by Human Rights Watch, 2006

Available at <http://www.hrw.org/sites/default/files/reports/wrd0706webwcover.pdf>

Covers stories of abuse told by domestic workers around the globe, demonstrates the profound human cost of the negligence and discrimination they experience

Decent Work for Domestic Workers: The Case for Global Labor Standards - Human Rights Abuses, Best Practices, and Recommendations for an ILO Convention

Brochure; Human Rights Watch, 2007

Available at

http://www.hrw.org/sites/default/files/related_material/HRW_ILO_brochure_lores.pdf

Highlights examples of best government practices, and outlines recommendations for essential elements to a proposed international convention on domestic work

Compendium of Best Practices - On Anti Human Trafficking by Non Governmental Organizations

Report; by UNODC, 2008

Available at

<http://www.unodc.org/pdf/india/publications/CompendiumBestPracticesHumanTrafficking.pdf>

Highlights some successful initiatives in combating trafficking, also includes examples of ensuring safe migration of domestic workers

Manual for Domestic Workers – Organizing for a Better Life

Manual; by Committee for Asian Women, Thailand, 2009

Available at http://www.cawinfo.org/wordpress/wp-content/uploads/2009/05/domestic-workers-manual-caw_final-layout-for-web.pdf

Aims to assist the leaders of domestic worker groups to come out of a powerless situation by embracing the strength of the domestic worker organization (DWO) or union

The Right to Unite: A Handbook on Domestic Worker Rights across Asia

Handbook; by Asia Pacific Forum on Women, Law and Development (APWLD), 2010

Available at <http://www.apwld.org/pdf/Advance%20Domestic%20Workers%20Rights%2065-85.pdf>

Captures the contexts of ten countries including India in relation to domestic worker rights

From [Warisha Yunus](#)

Key Findings From Survey of Live-out Domestic Workers in NCT of Delhi

Note; by Institute of Social Studies Trust (ISST); New Delhi; 2009

Available [here](#)

Highlights the status of domestic workers working in Delhi from a survey of over 1400 domestic workers

Inter-state Migrant Workmen (Regulation of Employment and Conditions of Work) Act, 1979

Act; by Government of India

Available at http://hrlabour.org/docs/labourActpdfdocs/Inter_State_Migrant_Act.pdf (PDF 171 KB)

Regulates the employment of inter-state migrant workmen and provides for their conditions of service; does not prove effective in the case of domestic workers

The Contract Labour (Regulation and Abolition) Act 1970

Act; by Government of India

Available

at

http://pblabour.gov.in/pdf/acts_rules/contract_labour_regulation_and_abolition_act_1970.pdf (PDF 126 KB)

Regulates the employment of contract labour in certain establishment and also provides for its abolition in certain circumstances

Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill

Draft Bill; by National Commission for Women (NCW), 2010

Available at <ftp://ftp.solutionexchange.net.in/public/emp/cr/res18021101.doc> (DOC 137 KB)

Promotes and protects the rights of domestic workers; provides for security of tenure, bargaining power over wages and regulation of working hours etc

Recommended Organizations and Programmes

From [Anil Swarup](#), Director General, labour Welfare and Joint Secretary, Ministry of Labour and Employment (MoLE), Government of India

Rashtriya Swasthya Bima Yojna (RSBY)

<http://www.rsby.gov.in/>

Launched by MoLE, Government of India to provide health insurance coverage for Below Poverty Line (BPL) families, extended also to domestic workers

Ministry of Labour and Organization (MoLE), Government of India

Directorate General of Employment & Training (DGE&T), Shram Shakti Bhawan, 2 & 4, Rafi Marg, New Delhi 110001, India; <http://labour.nic.in/>

Works on issues of Labour and Employment; has drafted a National Policy on Domestic Work to safeguard the interests of domestic workers

International Labour Organization (ILO)

Theatre Court Core 4B, 3rd Floor, India Habitat Centre, New Delhi 110003; Tel: 91-11-4602101; Fax: 91-11-4602111; DELHI@ilo.org; <http://www.ilo.org/newdelhi/lang-en/index.htm>

Tripartite UN agency that works with Governments, employers and workers to promote decent work; works for inclusive growth and well being of informal economy workers

Partners in Prosperity (PnP) (from [Vivek Kaushik](#), New Delhi)

C6/6048, Vasant Kunj, New Delhi-110070, India; pd@pnpindia.in; www.pnpindia.in

Works to help poor communities achieve self-reliance and facilitating their movement from the periphery to mainstream of development process

Maitri (from [Gitali Thakur](#), Guwahati, Assam)

House No. 14, Natun Path, Off Hatigaon Main Road, Near Hatigaon High School, Guwahati 781006, Assam, India; Tel: 91-9854012044; maitrithengo@gmail.com; <http://www.mymaitri.org/XAHAYIKA.html>

Focuses on enhancing employability of women from vulnerable backgrounds including domestic workers through skill development trainings

From [Subhendu Pratihari](#), Larsen and Toubro (L&T) Finance, Mumbai, Maharashtra

SAATH

Initiatives for Equity in Development, O/102 Nandanvan V, Near Prerana Tirth Dehrasar, Jodhpur, Ahmedabad 380015; Tel: 91-79-26929827; Fax: 91-79-26929821; mail@saath.org;

http://64.85.174.112/~saath/saath/index.php?option=com_content&view=frontpage&Itemid=1

Provides integrated services to over 100,000 slum dwellers in Ahmedabad; it also organizes women living in the slums and skills them to work as domestic workers

Andhra Pradesh Urban Finance and Infrastructure Development Corporation Limited (APUFIDC)

2nd Floor, E-N-C Public Health, Office Complex, AC Guards, Masab Tank, Hyderabad; Tel: 91-40-23435500; Fax: 91-40-23301025; apufidc@yahoo.com; <http://www.apufidc.gov.in/>

Implemented, inter alia a program that aimed at addressing 50,000 domestic workers in a public-private-partnership mode

Mission for Elimination of Poverty in Municipal Areas (MEMPA)

3rd Floor, E-N-C (PH) Office Complex, 640, A.C. Guards, Opposite PTI Building, Hyderabad 500004; Tel: 91-40-23379044; Fax: 91-40-23378955; mepma@ap.gov.in;

http://apmaud.gov.in/index.php?option=com_content&view=article&id=95&Itemid=72

Works for poverty eradication of the weaker sections of the society; also partnered with PANI-SMS to facilitate placement of domestic workers

Dr. Reddy's Foundation (DRF)

6-3-655/12, Somajiguda, Hyderabad-500082, Andhra Pradesh, India; Tel: 91-40-65343424, 23304199; Fax: 91-40-23301085; info@drreddysfoundation.org;

<http://www.drreddysfoundation.org/>

Engages in a process of innovation, adaptation and learning to cover large groups of disadvantaged people, focuses primarily on livelihoods and education

CHF International

8601 Georgia Avenue, Suite 800, Silver Spring, MD 20910, USA; Tel: 1-301-5874700; Fax: 1-301-5877315; <http://www.chfinternational.org/contactus>; <http://www.chfinternationalindia.org/>

CHF mission is to be a catalyst for long-lasting positive change in communities around the world, helping them to improve their social, economic and environmental conditions

Labour Net

24/1-4, 9th Cross, Marenahallipalya, J.P. Nagar II Phase, Bangalore-560078, Karnataka, India; Tel: 91-80-44504450, 91-94483 95259; info@labournet.in; <http://labnet.in/web/>

A social enterprise that creates sustainable livelihoods for workers in the informal sector by offering them a platform to avail services

Andhra Pradesh Industrial and Technical Consultancy Organization (APITCO)

APITCO Limited, 8th Floor, Parisrama Bhavanam, Basheerbagh, Hyderabad – 500004, Andhra Pradesh, India; Tel: 91-40-23237333, 23237981; Fax: 91-40-23298945; hyd1_apitco@bsnl.in
<http://www.apitco.org/>

Offers a wide range of consulting services both generic and niche-area, all aimed at catalyzing progress; could be explored for addressing issues of domestic sector workers

PANI-SMS

Survey # 11/32, Plot #1024, Madhapur, Hyderabad - 500 081, Andhra Pradesh, India; Tel: 91-40-64647264; info@panisms.in; <http://www.panisms.in/>

Aims to change lives of rural/urban under-privileged by information empowerment through digital revolution; partnered with MEMPA to facilitate placement of DWs

From [Asheema Singh](#), National Institute of Open Schooling (NIOS), Lucknow, Uttar Pradesh

National Institute of Open Schooling (NIOS)

A-24/25, Institutional Area, Sector 62, Noida, Gautam Budh Nagar, Uttar Pradesh 201309; Tel: 91-120-2403173; Fax: 91-120-2403174; lsc@nios.ac.in; <http://www.nios.ac.in/>

Provides distance learning option for the needy; can be explored for education of the women employed as domestic workers

Indira Gandhi National Open University (IGNOU)

IGNOU, Maidan Garhi, New Delhi-110068, India; Tel:91-11-29571000; <http://www.ignou.ac.in/>

Provides distance learning options; recommended that it can be explored for education of women employed as domestic workers

ChildFund India (from [Augustine Veliath](#), Independent Consultant, New Delhi)

Post Box No. 5054, 22, Museum Road, Bangalore 560001, Karnataka, India; Tel: 1-800-425-9969; office@childfundindia.org;

http://www.childfundindia.org/index.php?option=com_content&task=view&id=50&Itemid=64

Works for the welfare and upliftment of children and youth through inter alia hosting and harvesting sessions which can be used for domestic workers also

Jagori (from [Suneeta Dhar](#), New Delhi)

B-114, Shivalik, Malviya Nagar, New Delhi - 110017, India; Tel:91-11-26691219, 26691220; Fax: 91-11-26691221; jagori@jagori.org; <http://jagori.org/about-jagori>

Advocates for the rights of women, also undertook a study on Domestic workers

Parichiti- A Society for Empowerment of Women (from [Krishan Roy](#) and [Anchita Ghatak](#), Kolkata, West Bengal)

28/15, Dhakuria Station Road, Kolkata - 700031, West Bengal, India; Tel: 91-98310038183; parichiti@gmail.com

Works with women who are domestic workers to give them a better world by helping them raise their voices for their rights

From [Sarbeswar Sahoo](#), Mahatma Gandhi Labour Institute (MGLI), Ahmedabad, Gujarat

Life Insurance Corporation of India

"Jeevan Bharati", 124 Connaught Circus, P.B.NO-630, New Delhi - 110001, India; Tel: 91-11-23762681; co_pgs@licindia.com; http://www.licindia.in/about_us.htm

Provides life insurance policies that can be provided to domestic workers as well across the country

Mahatma Gandhi Bunkar Bima Yojana

Programme; Government of India, 2005/2006

http://www.textiles.kar.nic.in/gandhi_bunkarbima_yojan.htm

Provides insurance cover to the handloom weavers in the case of natural as well as accidental death, recommended that lessons be drawn from this to implement RSBY

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (from [Geeta Menon](#), Domestic Workers' Rights Union (DWRU), Karnataka)

<http://www.giz.de/en/meta/contact.html>

Works inter alia in collaboration with the Labour Ministry in undertaking pilot for Karnataka for improving condition of unorganized sector workers

From [Malika Basu](#), Resource Person

Jeyem Foundation

#75-BBC Complex, 150- Kilokri, Ring Road, Maharani Bagh, New Delhi-110014, India; Tel: 91-9873494567; mail@jeyemfoundation.org; <http://jeyemfoundation.org/domestichelps.html>

Offers domestic help placement services in Delhi and NCR, promotes domestic work as a decent employment opportunity, also offers skills development training to domestic work

WORKSAFE Organisation

#86,15th Main, 3rd Stage, 4th Block, NHCS Layout, Basaveshwarnagar, Bangalore – 560079, Karnataka; India; info@worksafe.org.in; www.worksafe.org.in

Promote occupational health and safety at workplaces to minimize occupational diseases and injury especially in Unorganized sector workers

Canara Organisation for Development and Peace (CODP)

#Kadri Hills, Nanthoor, Bejai P.O-575 004, Mangalore, Karnataka, India; Tel: 91-824-221580; codpeace@sancharnet.in; <http://www.codpindia.com/dwa.htm>

CODP works with Women and children of the weaker sections, and also domestic Workers (DWs), helped DWs form an association

Visayan Forum Foundation

#18 12th Avenue, Socorro, 1109 Cubao, Quezon City, Philippines; Tel: 63-2-7090711, 7090573; Fax :63-2-4219423; <http://www.visayanforum.org/portal/>

Works for the welfare of marginalized migrants, those working in the invisible and informal sectors; also works in issues of domestic work, child labor and human trafficking

South African Domestic and Allied Workers Union (SADSAWU)

SADSAWU, Community House No. 41, Salt River Road, Salt River, Cape Town 7925, South Africa; Tel: 21-4480045 Fax: 21-4480047; hesterstephens@gmail.com; <http://www.sadsawu.org/>

Empowers domestic workers by informing them of their rights and supporting them through targeted services

Kenya Union of Domestic, Hotel, Educational Institutions, Hospitals, and Allied Workers (KUDHEIHA)

Moi Avenue, Nairobi, P.O. Box 41763-00100,Telefax: 254-20-211840; ndungulucy2003@yahoo.com; <http://circle.winrock.org/ngo/ke/KUDHEDHAW.cfm>

Represents the workers to improve their terms and conditions of employment through collective bargaining

Domestic Workers Untied (DWU)

1201 Broadway, Suite 907-908, New York, NY 10001, USA; Tel: 1-212-4815747; dwuinfo@domesticworkersunited.org;

Organization of Caribbean, Latina, African nannies, housekeepers, elderly caregivers in New York, organizing for power, respect, fair labor standards

Recommended Portals and Information Bases

From [Malika Basu](#), Resource Person

Respect and Rights for Domestic Workers

<http://www.domesticworkerrights.org/?q=node/13>

Covers a range of information and worldwide news on domestic workers

National Domestic Workers Alliance

<http://www.domesticworkers.org/>

Latest Updates, Reports and Analysis on domestic workers

Official Website, District Administration, Mandla

http://mandla.nic.in/house_hold/house_hold_main.htm

Has a page dedicated to Domestic Workers, provides list of names of domestic workers as well as employers

Recommended Communities and Networks

National Domestic Workers Movement (NDWM) (from [Sr. M. Josephine Amala Valarmathi](#), Tamil Nadu)

A – 104, St. Mary's Apts, Nesbit Road, Mazegoan, Mumbai 400 010, Maharashtra, India; Tel: 91-22-23702498, 23780903; Fax: 91-22-23771131; info@ndwm.org; <http://ndwm.org/>

Movement and a non-governmental organization working with domestic workers, child domestic workers, and migrant workers

Asian Domestic Workers Network (ADWN) (from [Malika Basu](#), Resource Person)

C/o: Committee for Asian Women (CAW), 386/58, Ratchadaphisek 42, Ratchadaphisek Road, Jakasam, Chatujak, Bangkok, 10900, Thailand; Tele: 66-29305634; Fax: 66-29305633; adwn_asia@yahoo.com; <http://www.cawinfo.org/asian-domestic-workers-network-adwn/>

First Asian-based network that links up local adult Domestic Workers' (DW) organizations

Related Consolidated Replies

Protection of Rights and Promotion of Decent Work for Women, from N Hamsa, WomenPowerConnect (WPC), New Delhi (FOR COMMENTS); Work and Employment Community and Gender Community, India. Issued 28 April 2012.

Available at <ftp://ftp.solutionexchange.net.in/public/emp/cr/cr-se-emp-gen-23120901.pdf>
<ftp://ftp.solutionexchange.net.in/public/emp/cr/cr-se-emp-gen-23120901.pdf>

Comments to help formulate recommendations for protection of the rights of the domestic workers for inclusion in the National Bill on Domestic Workers

Engaging with the Placement Agencies for the Domestic Workers, from Jince Michael Mathew, Domestic Workers Forum (DWF) and Chetnalaya, New Delhi (Experiences, Advice); Work and Employment Community, India. Issued 5 April 2011.

Available at <ftp://ftp.solutionexchange.net.in/public/emp/cr/cr-se-emp-18021101.pdf>

Provides suggestions on how to deal with the exploitative, unregistered placement agencies for domestic workers and shares members' experiences

Ensuring Well Being of Domestic Workers through Skill Development, from Manab Chakraborty and Vivek Kaushik, *Partners in Prosperity (PnP)*, New Delhi (Referrals, Advice); Work and Employment Community, Solution Exchange, India. Issued 30 September 2011.

Available at <ftp://ftp.solutionexchange.net.in/public/emp/cr/cr-se-emp-04051101.pdf>

Seeks help in identifying institutions/projects which are working to increase the well being of domestic workers - training agencies, donor organizations and agencies providing IT services.

Responses in Full

Chitra Shrivastava, Pragati-A Society for Human Development, Jabalpur, Madhya Pradesh

It is really nice that Government is thinking about the unorganized sector especially the domestic help.

This is a long awaited step as majority of domestic workers are women; many of them also are the sole bread earners of their family. I agree that minimum wages should be fixed, they should get the benefit of insurance policy, and other issues mentioned in the draft. However, I would also like to draw attention to the following, which could be considered unimportant by the policy makers but nevertheless needs consideration.

In my view, domestic workers are a great service (help) to 'middle class' women undertaking the responsibility of domestic chores (in such families, if the male member helps 'the lady of the house' it is nice but there is no compulsion). My point is, high income group have enough money to engage full time male/female servants; however, middle class families hire domestic help on work/need basis. Hence, while deciding domestic workers wages and other service conditions, policy makers must consider those house wives as well for whom these domestic workers are working. It is a fact if the wages for domestic workers get out of the budget of middle class families, these housewives/homemakers would be forced to work on their own. This will not only tax them physically but would also reduce the quality time they give to their family, particularly children.

From my personal experience, as most of the women in the middle class families are educated; they hold the responsibility of teaching their children and helping them in various activities including projects etc. included in the school curriculum. Actually, they are the ones who are 'grooming our future'. If they do not get domestic help it is likely to have its multiple effects.

In middle class families, domestic help are mostly considered as a family member; often, housewives and domestic worker discuss so many things together and help each other in solving many problems (if problems are not solved, at least they get shared).

As the world is becoming materialistic, money has much more importance then required. However, the emotional and social factor should also be considered. Overall, there should be balance and the policy must give better service conditions to domestic help; also check the exploitation of women.

Sudhir Katiyar, Prayas Centre for Labor Research and Action (PCLRA), Udaipur, Rajasthan

I have serious reservations with the draft policy. The policy look at domestic work in a labor rights framework. It recognizes domestic work as an important economic activity. I believe that

domestic work is by nature dehumanizing and demeaning. It is an option of the last resort. It is like manual scavenging. Nobody in his right sense will talk about manual scavenging in a labor rights framework. This principle should be applicable to domestic work as well. Every healthy individual must be expected to clean his own immediate surroundings and wash his own utensils in his home. So any policy framework must adopt abolition of domestic work as its primary objective. The labor rights framework should follow only as a stop gap arrangement till the primary objective is reached.

There is also a caste and a gender issue also attached with domestic work as with manual scavenging. Most domestic workers are dalits and often female. The upper castes / classes want dalit women to do their dirty work. So abolition has to be the primary aim. Else the policy document becomes a very reactionary document and will be opposed by the dalit masses and intelligentsia.

Subhadra Channa, University of Delhi, Delhi

In my opinion, the following points should be highlighted if any policy/policies are under consideration for domestic workers.

- Strict regulatory laws for protecting young female workers from sexual exploitation and harassment which is very prevalent in some parts of India and are in fact almost a world wide practice. The female workers who come to work are seen as easy and vulnerable targets by men in the household.
 - Some kind of crèche or childcare facilities for mothers of young children; while the mothers are away or working, the young children may be left alone. Even if the mother carries them to the place of work, they may not be cared for. Quite often even sick children cannot be tended to by the mothers as the domestic employers are intolerant of leave taking.
 - Some kind of regulation for leave entitlement and some regulation as to how many days a worker can take leave with pay. These should be included in the wage packet.
 - Child labour laws should be strictly enforced as children are often made to work in the domestic sphere because of lack of visibility. They are made to work long hours with little money and compensation.
 - Some kind of health and hazard safety regulations (e.g. not making workers work with cold water in the chill of winter or undertake work that may lead to ill health or disability) as there are no facilities for charging the employers if the worker suffers only mild yet debilitating health conditions like recurrent fever, cough and cold.
-

Vivek Kaushik, Partners in Prosperity (PnP), New Delhi

After extensive primary research, and consultation with experts, Partners in Prosperity (www.pnpindia.in) recommends a pragmatic, skill based approach to address the needs of Domestic Workers:

- To fulfill the growing need in India for skilled manpower across domestic work sector and narrow the existing gap between the demand and supply of skills.
- Recognizing domestic workers as workers with dignity, rights and responsibilities
- Imparting right skills to equip them for their job and command a premium over the prevailing market wages for similar work
- Place trained workers in jobs that guarantee decent conditions of work, including limitations on working hours, rest periods, paid holidays, sick leave, and a living wage

- Foster mutual support groups to obtain social security and protection: health care (including for those with HIV/Aids), legal advice, psychological counseling, and basic financial services such as remittances and savings-linked contributory pensions
 - Facilitate freedom of movement, to change employer, from harassment, from physical and psychological abuse and sexual exploitation
 - There is also an urgent need to sensitize the wider society regarding their attitude towards 'Servant-Master' relationship and change it into a respectable 'Employee – Employer' work culture.
-

Gitali Thakur, Purbanchal Maitri Development Society (PMDS), Guwahati, Assam

Maitri is a start up NGO based in Guwahati. Our flagship programme **Sahayika** is a unique caregivers' programme that primarily focuses on domestic workers and their development. Our strategy is market driven and hence we put the maximum emphasis on skill up gradation and thereby increasing their income significantly. Though we are not even one year into operation, we have already trained and placed more than 100 Sahayikas in Guwahati city itself. Our model is essentially local where we source Sahayikas from local areas and place them in households in Guwahati city only thereby encouraging only minimum migration. The process includes:

- Mobilization meetings and awareness generation on decent work, human trafficking etc.
- Verification of identity, address and family counselling
- Training in 3 modules: Empowerment, Technical Training and Value Based Work Ethics
- Police Entry
- Health Check up
- Employer Verification and Contract
- Placement
- Monthly Monitoring
- Formation of Solidarity Groups
- Financial Literacy Training

We have designed a set of Ethical Code of Conduct for both the Sahayika and the employer which we very strictly reinforce. All our members open bank account with Axis Bank Krishi Account. We are also exploring the possibility of forming their association so that they can access their rights and entitlements in a more effective way. This association will grow to be an independent institution owned and managed by the Sahayikas while Maitri will play the key role in their capacity building. Our experiment has been very exciting till now. Demand is huge for such service and we have been able to make our Sahayikas earn a salary which is much higher than what she would otherwise earn in Guwahati. I also want to take this opportunity to highlight a few challenges that we are facing and some shortcomings of the Act.

- There is very **little or no support from Government** in working for the cause of domestic workers. Even for other donors, it is a new subject and yet to catch attention and gain importance in their strategy
- It is almost **impossible to trace or access live-in maids** who might be victims of harassment and exploitation. Since they are almost invisible (the nature of their work), it is very difficult to get them under the ambit of any development strategy.
- Many women migrate to cities to take up domestic work leaving behind young children. The **issue of children of domestic workers who are also migrant workers** have not got any attention. Any developmental scheme aimed at domestic workers by the government or private donors should have a holistic strategy to include children of domestic workers as well.

Many of these young children often end up dropping out from school, growing up without proper love and attention and fall victims of trafficking and drug /alcohol abuse.

- Trafficking in the belts where Maitri works is one of the highest in the country. Many young girls go missing from these belts. Local agents lure them and their families with money and usually take these girls outside to big cities like Delhi, Mumbai and some are exported to Nepal through the Siliguri corridor. There must be **strictest anti-trafficking laws and enforcement** and all placement agencies must be regulated. In this context I feel that mere Registration of the firm under the Shops & Establishment Act is not enough as there is risk in the entire chain and ethical sourcing and post placement support is most crucial for their well being. Since agents have linkages in multiple states, it is difficult to govern them under one law.
- Promotion of association of organisations working on this issue should be promoted so that a mutually agreed Ethical Code of Conduct can be designed and implemented by all. It would be then easy to implement the Act as well through this association.

[Shivani Bhardwaj](#), Sathi All For Partnerships (SAFP), New Delhi

I agree with Sudhirji. The dehumanization of women as domestic workers has become a situation to salvage and to learn from.

The Ministry of Labor and Employment (MoLE) should move beyond the current framework of providing insurance and regularization of domestic workers with registration. What is needed is regulation of workers in terms of their self management through their own organizations. In case of domestic workers the migrants and non migrants do not have a place to meet and to anchor.

A migrant workers' centre run by women domestic workers union in each middle and upper class Residents Welfare Association (RWA) will be an ideal infrastructure with a budget that can help self regulation, training and support of workers for each residential area. This will facilitate policy that MoLE states. Without infrastructural and budgetary support women workers empowerment is like a foundation stone that washes away each time it is laid.

Domestic workers need to be involved in management of services in an area to be able to confront the violations they face.

[Sr. M. Josephine Amala Valarmathi](#), National Domestic Workers Movement (NDWM), Tamil Nadu

Greetings from the **NDWM**, Tamil Nadu!

We are happy to know that the Government of India (GoI) has come up with National Policy for the Domestic Workers. I am sharing some of the **good practices** that are followed in the State of **Tamil Nadu**.

- The Tamil Nadu Government has included the Domestic Workers under **the Manual Workers (Regulation of Employment and Conditions of Work) Act** and given them recognition and dignity as workers
- The Tamil Nadu Government has also provided **separate Welfare Board for the Domestic Workers** where the domestic workers are registered and avail the welfare schemes like education benefit, marriage benefit, death insurance, accident benefit etc
- The Government has included the Domestic Work under **Minimum wage Act 1948** and notification has been passed

It may be added that the previous Government constituted a committee to fix Minimum wage for the Domestic Workers. The committee studied the situation of the Domestic workers and submitted a report to the previous Government to fix Minimum wage; with the change of Government it is pending (without any further action). Also, I would like to share that as a movement and trade union in Tamil Nadu, working for the Domestic Workers - it was a challenging task for us to advocate and lobby with the Government for domestic workers rights.

Regarding the **RSBY scheme** in particular, we have approached the State Government for its implementation. So far no action has been taken to implement the scheme. There is plan to merge it into the Chief Minister (prevention) schemes. Our contention is if the Government is not separately implementing the RSBY scheme, many domestic workers cannot benefit from it. So we urge the State Government to implement it separately and not merge it under any scheme.

We know that 99% of domestic workers are women. It is important that the State Government makes serious efforts to fix minimum wage. The New Government is yet to take any action to fix the minimum wage for the domestic workers.

Additional points

- Skill training for the domestic workers is very important
- National Legislation for the domestic workers will ensure their rights

As a movement, we organize/provide for 'empowerment oriented trainings' to domestic workers that helps them realize their rights. They can voice their rights. There are domestic workers who have learnt to bargain and negotiate with their employers for their salary, bonus, day off and holidays. They have also become registered members in the Movement.

Via this forum too, we urge the Government of Tamil Nadu to take a proper stand to improve the standard of the Domestic Workers' lives by fixing minimum wage, supporting the ILO convention ratification, approving the National policy and including the Domestic Workers in the bill to prevent sexual harassment.

Anu Aga, Thermax Limited, Mumbai

In my view, I would like the domestic workers to be **entitled to as many welfare schemes** as possible. I also feel that there has to be a **minimum wage**. Right now, there is no **training** available to domestic workers and I am all for training them. In addition, I think domestic workers should be **registered**.

Having answered all these questions, my biggest concern is how will the Government implement all these provisions?

While I would like the standard of domestic workers to go up substantially, how can we prevent the union from being militant and being antagonistic towards the employers? I do not have any answer to this concern but I do think we need to think through especially about the implementation.

Claire Noronha, Collaborative Research and Dissemination (CORD), New Delhi

Domestic workers are certainly one of the most exploited segments of our workforce perhaps often in line with casual labour. So a movement to bring in dignity and rights is long overdue. This should cover at least the following:

- Minimum wages according to skills and experience
- Opportunities for skill development/certification of existing skills. One of these opportunities is the opportunity for continuing education.
- Regulation of working hours, holiday benefits etc.
- Pension, Sickness, Maternal, Death benefits

There should be some way in which employers also contribute to benefits. I am not sure whether the residents Welfare Associations (RWAs) will provide a safe venue for registration and meeting as suggested in one response but a suitable venue does need some thought. Certainly, the mobile is a powerful tool of communication and should be used.

The suggestion that domestic work should be abolished and equating it with manual scavenging is Gandhian and interesting but at the moment let's focus on at least abolishing glaring injustices like child labour, and giving domestic workers rights and respectability.

Subhendu Pratihari, Larsen and Toubro (L & T) Finance, Mumbai, Maharashtra

This is really heartening to know the proposed policy for people Domestic Workers by Government of India (GoI). Before I provide best practices, I would like to highlight the problem associated with people engaged in domestic sector and possible development options:

The domestic work sector is characterized by low wages, short term/ casual nature of job, exploitation in terms of pay, inadequate skill levels of the workers and sometimes poor quality of services, etc. Some study and action research by some urban based NGOs reveals that there has been huge gap between demand for and supply of the people engaged in this sector. The supply side is affected by the following below characteristics:

- Insecure employment: The present nature of jobs does not have any binding on the employer w.r.t. work hour, regularity of job, wage rate, payment, etc. Moreover the services still regarded as casual.
- Long distance workplace: This depends on city to city. However often a domestic worker spends long hour in travelling to work place. This is due to inadequate mechanism available for her to know about job availability in the near vicinity, except information comes from close networks/ co workers.
- Poor living conditions and quality of life: Domestic workers are mostly from slum area in an urban centre. The surrounding areas are unhygienic and often have problem related to health. This affects their regularity of services.
- Inadequate skill: Most domestic workers are not aware of using modern domestic/ household equipments. This also affects their negotiation capacity with employer for better and higher price for services.

Considering the above, it is therefore suggested that a comprehensive intervention which will have programme components such as: provision for skill improvement, information centre, provision of skill improvement and finally minimum wage rate along with social security.

Some of the suggested development options, which will facilitate implementation of the program meant for empowerment of domestic workers:

- Detailed registration and creation of data base of people working in domestic sector, specifically domestic help, cook, washer men, gardener etc.
- Training and skill up gradation on use of modern appliances.
- Testing by reputed training organizations and certification by national level educational institutions such as IGNOU.
- Placement coordination.

- Grievance redressal (both service providers and service takers). Setting up of Ombudsman.

There are many replicable models/ best practices on domestic worker. The below is brief note on one of such example:

- SAATH - Home Manager and House Keeping Program: SAATH an NGO works in Gujarat initiated organising women members from slums in Ahmedabad city. Later on it initiated two programs - Home Manager Program and House Keeping Program. Women from urban slums, who normally go to do household work, were trained with improved skills for using modern household appliances, time management. An organization got registered which took up activities such as employment negotiation, placement, and also ensured life insurance of the members.
- During 2010, Andhra Pradesh Urban Finance and Infrastructure Development Corporation Limited (APUFIDC), Government of Andhra Pradesh (A.P.), tried to implement a program which aimed at addressing 50000 domestic sector workers: domestic help, cook, gardener and washer men. The program was planned to be implemented as a Public Private Partnership. It made dialogue with agencies namely, Dr. Reddy Foundation, CHF International, Labour Net, Andhra Pradesh Industrial and Technical Consultancy Organization (APITCO) and other such agencies for joint implementation of the program.
- Similarly, Mission for Elimination of Poverty in Municipal Areas (MEMPA), Government of Andhra Pradesh also made partnership with PANI-SMS to facilitate placement of domestic sector people.

Sandhya A. S., Human Rights Law Network (HRLN), Thiruvananthapuram, Kerala

I am Sandhya, a lawyer practicing in Trivandrum (Thiruvananthapuram) Court; I have the following impressions on the Policy.

I find it is realistic allowing progressive states to move ahead with legislation to regulate work, provide social protection, and provide channels for grievance redressal.

Here, in Kerala, we have the experience of SEWA - Kerala, which for long has been organizing and training domestic workers and hence has professionalized the service for which we women are very grateful. Since it is an organized service, work is regulated, the workers are also respected, and as clients we also pay towards their social security.

I notice in the Policy that there is **no mention of the registration of the employers** and contributions of the employers to the social security. I think all employers should register and thereby make their social security payments. Use of a smart card will facilitate this. The Rashtriya Swasthya Bima Yojna (RSBY) card is a good example. In this way, the workers will get their benefits not as welfare but as a right. The proposed institutional mechanism should take care of this.

Asheema Singh, National Institute of Open Schooling (NIOS), Lucknow, Uttar Pradesh

I congratulate the Ministry and the Task Force for the very comprehensive document. However, keeping in view the tremendous amount of workload on law enforcers, it often becomes difficult to enforce the many laws that are drafted.

Hence, the time has arrived when we need to provide opportunities of access to education and skill up gradation and life skills enhancement to domestic workers to ensure better wages and employment. The minimum wages may be linked to the kind of skill certificate they possess for example, cooking, geriatric care, child care, housekeeping, etc.

Since it will not be possible for the target group to take off from work due to economic compulsions, the avenue of open and distance learning like NIOS and IGNOU may be explored. Appropriate skill development programmes can be specially developed for this sector. These certificates may be considered valid for registering at employment agencies.

No law can be enforced in letter and spirit unless the target group is empowered to protect their rights within the ambit of their duties and responsibilities.

Vikram Srivastava, Independent Thought, Noida

While going through the **National Policy on Domestic Work**, the Child has been defined as per the Child Labour (Prohibition and Regulation) Act (CLPRA), 1986, meaning to be those till the age of 14 years. I would like to bring to the notice the judgment of the Hon'ble Delhi High Court dated July 15, 2009 in WP(C) No. 9767/09, WP(CrI)2069/05, W.P.(C) Nos.15090/06, 4125/07, 4161/08; pages 18 and 19; where a plea on similar lines was raised by the Labour Department concerning rescue of children between the age of 14-18 years, which was struck down stating the Laws, **Juvenile Justice (Care and Protection of Children) Act, 2000 as well as Bonded Labour System (Abolition) Act, 1976, which covers Children upto age of 18 years.**

While this being a High Court judgment will have jurisdictional value within Delhi but as the legal point concerning definition of children, logically it should apply nationally. Further the High Court also took help of the National Commission for Protection of Child Rights, making a fit case for its application nationally.

I have pasted the relevant portions below for everyone's reference.

Subsequent to the filing of the aforesaid Action Plan, the Labour Department of Government of NCT of Delhi has raised some issues. According to the Labour Department, CLPRA, 1986 prohibits employment of children only in certain scheduled occupations and processes. Consequently, according to the Labour Department, child workers employed in non-hazardous jobs cannot be rescued. The Labour Department has further urged that in the Action Plan (of NCPCR submitted to the Hon'ble Delhi High Court) it has been stipulated that all children between the age of 14 to 18 years have to be liberated and handed over to the police, even though CLPRA, 1986, defines child as a person who has not completed 14 years of age. 20. On a perusal of CLPRA, 1986, we are of the view that under the said Act, only child workers employed in scheduled occupation and processes can be liberated and children employed above the age of 14 years cannot be rescued.

*However, in our view, the **Juvenile Justice (Care and Protection of Children) Act, 2000, would apply to children between the age of 14 and 18 years as well as to those children employed below the age of 14 years in non-scheduled occupation and processes. Consequently, the said children would be governed by the Juvenile Justice (Care and Protection of Children) Act, 2000 as well as Bonded Labour System (Abolition) Act, 1976, if applicable and not by CLPRA, 1986, as stipulated in the Delhi Action Plan prepared by the National Commission.** Moreover, at the request of Labour Department, we direct that the responsibility of lodging a police complaint against an employer employing child labour would lie with the Delhi Police and not the Labour Department as directed in the Delhi Action Plan. We further clarify that the authority to take action under the Bonded Labour System Abolition Act, 1976, would be the Deputy Commissioner of District concerned and not the Labour Department. Accordingly, paras (e) and (f) of para 7.7.2 of the Delhi Action Plan are amended. It is further clarified that the recovery of fine of Rs.20,000/- as stipulated by the Supreme Court in M.C. Mehta's case will not have to await a conviction order of the offending employer. The said amount would be recovered as arrears of land revenue and the said amount*

would be utilized for the educational needs of the rescued child even if the child has subsequently crossed the age of 14 years.

Hope the insertion will assist the Ministry in strengthening and effectively implementing the policy in the Best Interest of Children.

Malti Jain, PHD Chamber of Commerce and Industry, Jaipur, Rajasthan

The issue of domestic workers has become a pertinent one in the wake of ill treatment/exploitation that domestic workers are subjected to at some places. Indeed, like any other category of labour, this sector needs all the benefits of labour laws etc. However, the following also needs to be kept in mind:

This particular form of labour is mostly part time for only 2-4 hours a day except for live-in domestic workers where each labour shall be working in several establishments per day - actually as many as the worker can garner! It shall thus become necessary to regulate the maximum numbers of establishments one worker can take on as over work is more due to the number of houses the worker takes on rather than over work at one place.

The **present form of unions** that have been formed on behalf of these workers are themselves exploitative in nature - as they pocket almost 30% of wages as union fee that leaves the actual worker impoverished. For example, if an establishment pays the union/agency Rs. 4000 per month for a worker, the worker actually gets paid only Rs. 2500.

Of course, their rights and security issues need to be addressed. However, these should go along with guarantees for quality of work, regularized absenteeism, etc. like in any other unskilled job.

Sujata Goswami, Sarba Shanto Ayog (SSA), Kolkata, West Bengal

Also, there are issues of child labour, forced labour and other malpractices that are rampant in this sector. Registration, Minimum wages and entitlement to welfare schemes can deal with these to a large extent. Also, training them would provide better opportunities. If there can be training for working in beauty salons, why not training for them.

Gitanjali Prasad, Confederation of Indian Industry (CII), Gurgaon, Haryana

I liked the response by Anu Agha (Mumbai). It is in every one's interest that on the one hand, domestic workers are protected from exploitation and are able to avail of medical benefits, life insurance, crèche facilities, old age benefits, etc., on the other hand, employers should be able to rely on competent and reliable help that will deliver services of acceptable standards whether this is with regards to chores like dusting, cooking, ironing, or in more sensitive and critical areas such as child care and elder care. In addition, employers should be assured of security from robbery, murder, or even sudden disappearance because of external factors.

My suggestions, some of which have been mentioned by others including Anu Agha are as follows:

- Identification and registration of help (after UID) - this should be easier. A ready telephone number of the appropriate police station in case something is amiss. Also a number of closest kin in case of medical emergency that the employee may be affected by
- A registration of potential help with a special employment exchange wherein profiles, areas of competence and interest as also salary expectations are clearly mentioned to enable a good matching of employee and employer

- A training programme that could entail some commitment and perhaps training cost to be borne by potential employer in return for some commitment from employee about the time that he/she will serve
- An awareness and sensitization programme for employers. (employers have been guilty of strange practices such as locking up young girls in the house with a lock on the front door while they go out, sometimes for the whole day, not providing a proper room, bed, bathroom etc; I believe an awareness and sensitization programme for employers must thus be launched)

Government Guidelines that could help:

- One can see bigger bungalows and apartments that are being constructed at the present time have smaller servant's quarters than those built earlier. One could consider having legislation about minimum size of domestic help's room which is aligned to size of house or apartment
- As requirements in the domestic space is fairly employer specific there are some advantages to long term relationship between the two. Some questions we could look into are: How could retired people keep pace with constantly rising market salaries. Would it be possible for them to enter into some financial schemes that would enable this to be done in the long term in a way that is fair to both employer and employee? What other benefits could reward loyalty?

The problems in this space for 'fair and equitable solutions' that will benefit domestic help and employers are immense; however we should still attempt to find solutions!

Anita Sharma, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), New Delhi

The domestic workers fall in the most unorganized part of the unorganized sector. They work all seven days a week and 30 days a month. I have also seen many employers who refuse to pay these workers for the days the employer is not available. There surely is a strong need to create support systems for these domestic workers.

One way I propose is to use the **existing Residents Welfare Association (RWAs) to register and manage these workers** to ensure that each of them has a Rashtriya Swasthya Bima Yojana (RSYB) card, they get the payment defined for the said work, and that they get at least one day off in a week. Living in Gurgaon, I have seen many of the maids fear leaving their home early morning - they do not get support from any of the public departments for the complaints they lodge. Rather, they are harassed and cheated by these public officers. I propose that many more NGOs should come in to support these maids - by training them, by being the mediator for these people and helping them get access to the benefits due to them, providing crèche facilities and schooling to their children while these workers are out for duty, etc.

I have been informed by many of these workers that the neighborhood grocery and kirana shops charge these people more money for the same products. And there is no provision of rations to these people. Almost all of these domestic workers in Gurgaon have come from West Bengal and as and when required, they rush back home so as to ensure that their rights in their villages are not lost. This dual life makes it extremely difficult for the family to settle down, especially when their children are attending schools. There should be some provision for such cases.

Lastly, most of the hospitals, built on public land, do not extend any discounts or rebates to these BPL families; rather they are easily cheated by the best and most educated of their staffs.

Such exploitation and deprivation specially while living in places where the workplaces have families who are affluent and filthy rich, highlighting the poor and rich divide, somehow shows the incapability of the system to provide for itself and sustain over longer period.

Sarbeswar Sahoo, Mahatma Gandhi Labour Institute (MGLI), Ahmedabad, Gujarat

I would like to focus on the perceived bottlenecks with reference to the effective utilization of Rashtriya Swasthya Bima Yojna (RSBY).

This has emanated from my experience while evaluating one similar type of health insurance known as Mahatma Gandhi Bunkar Bima Yojana implemented by the Ministry of Textile for the hand loom weavers. The insurance cover is provided by the Life Insurance Corporation of India and ICICI Lombard. Governments pay the required premium to these companies on behalf of the beneficiary.

Participants have shared that so far as obtaining the insurance policy is concerned it is easier and the company processes the documents easily and issues the smart cards. However, the real problem arises when the beneficiary tries to take the benefits mentioned in the policy in case he or she faces health problem. Most of the beneficiary are poor and have little knowledge and understand about health insurance policies. The terms and conditions laid down in the insurance policy are so cumbersome that even an educated person faces difficulty to follow. Further, the process to get the benefits is much difficult compared to getting enrolled for the policy. In brief, the transaction cost for obtaining the benefits is higher compared to the benefits and hence this made the health insurance policy less popular. This also may hold true for accessing benefits laid down in the RSBY for the domestic workers.

Most of the domestic workers like the hand loom weavers have little education to understand the terms and conditions of the health insurance policy and that leads to a conflict between the insurance providers, treatment providers and the beneficiary. As there is profit motive in this insurance policy there will be a mismatch between the objectives of the beneficiary (to maximize benefits out of the policy) and the insurer (whose motive would be to see that less number of people avail such benefits). There will be problem of moral hazard. Further, in Indian context health gets a lesser priority for household where livelihood and survival take the first seat.

Last but not the least, RSBY targets the BPL household and if we take the recent criteria to consider a person having an income of Rs.32.00 per day as BPL then many of the domestic workers and their family members will remain out of the ambit of the RSBY scheme. At such a juncture, the task-force should re-prioritize the needs of the domestic workers on the basis of their importance and keep the issue of health insurance next to the issue of implementation of minimum wages, skill development for livelihood improvement and alternative livelihood, financial literacy, subsidized transport, old age pension, weekly leave, maternity benefits, educational loans for higher education of the children of domestic workers, etc.

Fr. Chandran Chetan, National Domestic Workers Movement (NDWM), Jharkhand

I would like to share the following on the query focusing on best practices for domestic workers.

Ongoing “good practices” in the efforts to promote decent work to domestic workers at the State level:

- Domestic Workers have been brought under the Schedule of Minimum Wages Act, 1948; and minimum rates of wage for Domestic Workers has been fixed by the Department of Labour and Employment (MoLE), Government of Jharkhand (GoJ) on 1st April 2011 (by notification

No-2/MW-2065/2010 L & E – 1000). Accordingly, Rs.16.85 per hour, 133.00 per eight hours, and Rs.3505.00 for eight hours per day per month has been fixed. This includes the VDA.

- The MoLE, GoJ announced for the registration of Domestic Workers under Rashtriya Swasthya Bima Yojna (RSBY) in the last week of November 2011. Previously, the National Domestic Workers Movement (NDWM) - Jharkhand presented the data of 4444 domestic workers from Ranchi and 285 data from Dhanbad to the District's Labour Department in the prescribed RSBY format in soft copy.

Specific Steps, Processes, Stakeholders involved; and Challenges Encountered in Undertaking the Task of Promoting Decent Work to Domestic Workers:

- After the fixation of minimum rates of wages for domestic workers, the NDWM took up different methods through which it tried to create awareness on Domestic Workers and employers on the notified minimum wages. It held a press conference, poster campaign, street announcement, cable TV add, leaf let campaign, public rally, distribution of the copy of the notification, group meetings etc. to create awareness on this issue.
- The MoLE, GoJ conducted a few seminars/workshops on RSBY for representatives of Government and NGOs as well as employers separately.
- NDWM-Jharkhand has been gathering a few hundreds of domestic workers everyday from 28th Nov. 2011 at the Labour office, Ranchi and they are being registered and verified by the Government officials.
- Employers are not willing to pay the notified minimum wages and domestic workers continue to be exploited. There is need to educate the employers on their duty to pay minimum wages and it needs to be monitored and enforced strictly.
- Placement agencies need to be strictly registered and monitored.
- The 'State Social Security Board' in Jharkhand under the 'Unorganized Workers Social Security Act, 2008' has to be constituted at the earliest in order to extend welfare schemes to Domestic Workers. This is most urgent in Jharkhand.

I hope I have been able to respond to the queries. I appreciate and thank the Ministry for its concern for domestic workers.

Salil Basu, Foundation for Research & Development of Underprivileged Groups (FRDU), New Delhi

I wish to thank the members for sharing useful information, observations, and experiences on **Best Practices for Domestic Workers**. These can enrich us to move forward and take up issues pertaining to implementation and operationalisation of the National Policy on Domestic Work.

I am sharing with you our experiences in Chittaranjan Park (South Delhi) where I have been staying for more than 32 years. Existing activities of welfare schemes are carried out through EPDP Association (Delhi) which works as Apex Resident Welfare Association (RWA) and as Nodal Agency along with active support from Block Resident Welfare Associations (A-K blocks + pockets).

The activities of the Apex RWAs relate to matters concerning welfare schemes, civic amenities and infrastructural development work. To improve the status of domestic workers attempts have been initiated with respect to health, education, empowerment i.e. vocational training, to train various categories of migrants coming from different parts of West Bengal in search of employment. The welfare schemes have been planned to operate crèche, old age homes, with trained manpower. Training is also imparted to develop security guards for various RWAs. These **trained guards also visit various residential blocks to collect detail information of the**

domestic workers with the help of prepared Performa, which are ultimately deposited in police station for necessary verification.

The **awareness of the National Policy is very much needed** as I discussed the matter with some block residents. The policy will clarify their doubts like minimum wage, sexual exploitation, scaling and replication of skills and re-skill training program, extension of welfare schemes to Domestic Workers (e.g. Rashtriya Swasthya Bima Yojna extended to domestic workers).

The Association, at an appropriate time, may associate itself with the confederation of RWAs of Delhi for espousing the common cause of the residents. Its objective is to undertake benevolent and charitable activities such as (i) assistance to economically backward meritorious students for proficiency in literature and arts and music, sports, science and technology etc. (ii) help the poor, distressed and the needy (iii) run Homeopathic and other types of medical services etc. Any collection received through grants/donations/gifts (in cash/kind) and subscriptions from individuals/institutions are utilized for the fulfillment of these objectives.

Krishna Roy and Anchita Ghatak, Parichiti - A Society for Empowerment of Women, Kolkata, West Bengal

Parichiti -A Society for Empowerment of Women, works to establish the rights of women domestic workers in Kolkata and West Bengal. We welcome the Draft National Policy for Domestic Workers and would like it to address the following questions:

Budget

- Clause 7.1 of the draft policy places the onus of financial responsibility equally on all stakeholders including workers' organizations. This is untenable. Line Ministries like the Ministry of Labour and Employment (MoLE), Ministry of Women and Child Development (MoWCD), Ministry of Health and Family Welfare (MoHFW), Ministry of Social Welfare (MoSW) etc. have to make adequate financial provision to establish and protect the rights of domestic workers. Unless adequate budgetary provisions are made it becomes difficult to operationalize policy and legislation.

Childcare Facilities

- Parichiti works with many women domestic workers (WDWs) who commute everyday from their villages to Kolkata. Childcare is a problem for WDWs, whether they are commuting to the city from villages or even if they live in the city. They are worried about their children's safety and security. The policy must recognize the need for childcare facilities and the concerned Ministry should be tasked with the responsibility of building and maintaining such childcare centres.

Education of Children

- The national policy should give direction to concerned ministries to take proper steps so that the children of domestic workers at least complete their school education. This is very important to stop the practice of child labour and minor marriages.

Affordable Housing and Safe, Affordable Travel

- Evictions of marginalized people constitute an integral part of contemporary development activities. Many women domestic workers living in the heart of Kolkata were evicted and these women were forced to move to areas far away from where they work. It is important that such women get affordable housing close to their place of work and also travel concessions.

Bonus and Accident Benefit

- The National Policy should ensure right to bonus and right to accident benefit of Domestic Workers.

Skill Development

- Domestic workers are perceived as 'unskilled' workers because housework is not seen as 'work'. Policies should not disregard the experience and skills that working class women have which they are using to make a living
- Most women domestic workers come from very poor sections of society and lack formal education. The government should ensure that domestic workers are able to access adult literacy programmes. Literacy will ensure that domestic workers are able to access entitlements, report grievances and exercise greater control over their lives.

Placement Agencies

- All placement agencies have to be registered with the government. It is almost impossible to monitor unregistered bodies.

Stop Criminalization of WDWs

- In many cities in India, the government urges employers to register their domestic workers with the police. This is done with the idea of protecting employers from potential criminals i.e. the domestic worker. The National Policy for Domestic Workers needs to protect domestic workers from criminalization. Experience shows that it is the domestic worker who often needs protection in the employer's home from injustice, discrimination and abuse.

Some Best Practices:

Samadhan is an organization of women domestic workers that has been set up with Parichiti's support. The members of Samadhan have drawn up a list of demands as follows:

- We need a weekly holiday
- We demand an annual increase in wages
- Sick leave is essential
- We demand maternity leave and benefits
- Domestic workers cannot be sacked without notice
- A festival allowance / bonus amounting to at least a month's salary should be paid to every domestic worker who has been working for the employer for a minimum of six months
- Extra remuneration must be paid for extra work
- If we have an accident at our workplace, we must be provided adequate medical care.

Parichiti runs a **drop-in centre or Bishram Ghar (BG)** - *room to rest* for women domestic workers (WDWs) at its office. WDWs come here between jobs to relax, use the toilet, rest and talk. Toilet facilities are a problem for many WDWs because most employers are unwilling to let WDWs use their (employer's) toilets. There are also very few public toilets in Kolkata. At the Bishram Ghar (BG), WDWs 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. The BG is a place where WDWs can drop in at will and use this space to strengthen their process of organizing. Games, workshops and excursions are organized. These activities enable WDWs to get to know one another better, sharpen their powers of analysis and also have fun.

[Sr. G. Leema Rose](#), National Domestic Workers Movement (NDWM), Patna, Bihar

I would like to share the following from Bihar with regards to the query on Best Practices for Domestic Workers.

Good Practices to Promote Decent Work to Domestic Workers at the State Level

- The domestic work in Bihar state has been included in the Minimum Wages Act-1948 from the year 2007. The Ministry of Labour reviews the wages annually. The present minimum wage review from Oct-1st 2011 is Rs. 4.30 per hour per month and Rs.3433 per month for eight hours of work, excluding the over time work (according to the notification No.5/M.W-401/07 L&R-2782) and this payment includes the Variable Dearness Allowance (VDA).

Specific Steps, Processes, Stakeholders and the Challenges Encountered in Undertaking the Task of Promoting Decent Work to Domestic Workers

- The fixed and reviewed minimum wages payment is left to the mercy of the employers and so we the Bihar region of National Domestic Workers Movement (NDWM) - Bihar brought awareness among the public and the employers through domestic workers' rights campaign, public meeting and rally, pamphlet distribution, auto advertisement, wall writing and booklet distribution and through employers' meeting
- We have conducted seminar and workshop on the rights of children to bring awareness on the plight of child domestic workers
- We work along with the Ministry of Labour for the rescue of child domestic work; also, the department for Scheduled Caste and Scheduled Tribe helped us to get the wages of the domestic workers who were not paid and chased away after the work
- There needs to be regulation of domestic work through registration of both the domestic workers, employers and placement agencies
- The need of the hour is to bring national policy through which the base would build to get the rights of domestic workers- who are mainly women, young girls and children
- Also, we propose to include domestic workers under the Protection of Women against Sexual Harassment at Workplace Bill, 2010

Thank you so much for taking up the cause of the domestic workers through the Gender Community Knowledge Platform.

Augustine Veliath, Independent Consultant, New Delhi

The Government being Government has thought about regulation and protection. Both are good and necessary words; hence, no quarrel on that! The Draft Policy therefore is most welcome.

We however need to go beyond to **set up some new mechanisms**. In the mid 1990s, the Government said women and children are not “welfare”, they are human resources. So we created the Department of Women and Child Development, which is now a ministry. We are yet to grow into that vision.

The same is true of domestic workers. They need protection. The world around them needs to be regulated. But they are also resources, enormous resources. We need to invest in them with that perspective. We need a national community of practitioners of people who now function as support groups and mentors for domestic workers.

We also need to listen to domestic workers. Their conversations need to be hosted, harvested and disseminated. They can speak about the communities they left behind (what uproots people from their own a Communities?); they can speak about communities they live in (contours of urban poverty); they can also speak about the communities they serve (the other affluent half).

There are **two models to follow** in hosting and harvesting conversations. One comes from ChildFund India which uses hosting and harvesting sessions with children through well trained field workers. The other comes from DFID funded SPACS programme. SPACS recently used hosting and harvesting methodologies with their partners in seven states. I suggest that MoLE

sets up a mechanism to hear the domestic workers regularly so that the policy can be a dynamic one that can respond to them in their needs.

Domestic workers can be our best foot soldiers and resident experts in two areas (1) Mother and Child Care (2) Care of the Elderly. We need a people friendly training mechanism on both these subjects. There is no harm in the average domestic worker being a little more knowledgeable on these subjects than the "*mem sahib*". This will shame the society into more knowledge and better action. Regularly trained and updated domestic workers could be the foundation of a new resurgent India. That is why I suggest a national community of practitioners and mentors partnering with MoLE and MWCD.

[R. Savithri](#), Ministry of Women and Child Development (MWCD), Government of India, New Delhi

My **views here are totally personal** and based on my own and my friends' experiences.

While appreciating the move to bring out a policy to improve the lot of domestic workers, I would like to mention here that any policy should look at both sides of the coin!

We all know due to break down of the joint family system, the working women are entirely at the mercy of domestic workers who often take advantage of their position. Women like us leave the children and the house in their hands. And I have come across so many cases where the children are not taken proper care of and the food meant for them is taken home by the domestic worker to feed her own children even though they are highly paid.

Then there are cases of thefts. They take leave when you need them the most and that too without prior information. Regarding wages- cash and in kind would surely far exceed the minimum wages. There are many such issues which we are all very well aware of.

To summarize, on the one hand are cases of rich households where the domestic workers are humiliated and exploited; and on the other hand, are the cases where the domestic workers harass the working women. Hence the policy should look at this side of the story as well and prescribe punishments for their misbehavior.

[Suneeta Dhar](#), JAGORI, New Delhi

JAGORI would like to make the following **policy recommendations**:

- We endorse that all domestic workers, regardless of their social and economic status should have access to decent working conditions, including humane workload and work hours, safe and healthy work environment, adequate salaries and compensation, and sufficient leisure time and annual leave as has been substantiated in the draft national policy.
- The exclusion of domestic workers in the Protection of Women against Sexual Harassment at Workplace Bill, 2010 is an issue that needs to be further addressed.
- Jagori's study on part-time domestic workers in Delhi (2010) highlighted that health rights of domestic workers need to be realized. For instance, no domestic worker should be forced to undertake HIV or pregnancy testing, or to disclose HIV or pregnancy status.
- While it has already been recognized in the draft policy that domestic workers need rest and breaks, it is recommended that the fixed day of weekly rest be determined by agreement of the parties, in accordance with national laws, regulations or collective agreements, taking into account work exigencies and specific socio-cultural contexts of the domestic workers.
- It is also recommended that social security mechanisms such as old-age pension, widow pension, ration cards and voter ID cards be made available to domestic workers in states where they work so they can access benefits from that state.

- National housing policy/guidelines for domestic workers may be considered to ensure affordable and accessible housing close to workplaces. This will cut down commuting and time costs.
- It is further recommended that employers take on responsibilities to provide adequate compensation to domestic workers, in case of any kind of mishaps/accidents at the workplace.
- In the event of termination of employment at the initiative of the employer, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period (three months) of notice and time off during that period to enable them to seek new employment and accommodation.
- Additional measures should be considered to ensure the effective protection of intra and inter-state migrant domestic workers such as: developing a network of emergency housing and access to help lines and support services.
- Labour inspection should be ensured of all workplaces that employ migrant domestic workers, in order to effectively monitor their working conditions and supervise compliance with employment contracts. It is also crucial to secure access of domestic workers to complaint mechanisms and their ability to pursue legal civil and criminal remedies, both during and after employment, irrespective of departure from the country concerned.
- There should be provision for a public outreach service to inform migrant domestic workers, in languages understood by them, of their rights, relevant laws and regulations, available complaint mechanisms and legal remedies, concerning both employment and immigration law, and legal protection against crimes such as violence, trafficking in persons and deprivation of liberty, and to provide any other pertinent information they may require. Legislative and administrative measures aimed at preventing harassment or violence in the workplace, restriction of movement, debt bondage, and forced labour should also be instituted by all states.
- States should ensure that employers of migrant domestic workers are effectively prohibited from engaging in abusive practices, including holding the passports/identity documents of migrant workers, denying migrant workers the right to freedom of movement, and illegally confining workers in inadequate and abusive living conditions.
- We support that it should be ensured that domestic workers enjoy freedom of association and the effective recognition of their right to collective bargaining. This understanding of collective bargaining power can bring about change as there has to be a sense of solidarity among them to challenge ill treatment or unfair wages. The onus thus lies on the state to protect domestic workers by law and enable them to join collectives. These rights must be publicized and supported by the state by ensuring that employers are aware of their workers' rights so that there is a change in the nature of domestic work from that of class hierarchy, gender and caste to a professional contract between domestic workers and their employers.

[Geeta Menon](#), Domestic Workers Rights Union, Supported by APSA and Stree Jagruti Samiti, Karnataka

Domestic Workers (DWs) in Bangalore city alone are an estimated 6 lakhs with the numbers increasing due to the process of migration, as well as inflation in the economy, making the demand and supply factors continuously wavering. As the most invisible sector, domestic work has uniformly been given a low status on the hierarchy of work, by governments and society. However, in recent years, partly due to the International pressure by the ILOs Convention on Domestic workers, partly due to media and largely due to the awakening and rights based work of the unions, domestic workers and their issues are being discussed at various levels of the government.

While the government pleads helplessness about the working conditions, about mechanisms of protection, on regulation of these workers, some efforts on minimum wages, as well as setting up the unorganised workers social security and welfare board are slowly emerging in the state of Karnataka. I would be very cautious about calling these good practices as implementation is the key and full justice - the objective.

Let's say its encouraging that Karnataka was one of the few states to bring about the Minimum Wage Notification in 2004. However, the process has been tardy, and the wage computed very low, unfair for the kind of tasks allotted. Many domestic workers are getting far above the wages by the government. But in cases they are getting lower, there has been no easy process set up of getting justice.

The IEC propaganda for the employers about strict action, if the wage norms are violated, has been very minimal. The union very recently put up the case of no wages, paid to a fulltime domestic worker -and this too by a wealthy industrialist! The matter went at a slow pace, the industrialist never came, the lawyer pushed through compensation, and the arrears were fixed of the wages. Seeing the slow process and the very minimum the girl will get with a full length case, which will go on for years, we decided on a settlement before the court. However, there was no pressure for more compensation and it was a meagre settlement.

My question is how does the Labour department monitor the payment of wages? What are the mechanisms to be set up for wage settlements of domestic workers?

The union in this situation, dissatisfied with the wages set up in 2005 did a study on the actual living wages, for Domestic workers, which took into consideration, the consumption expenditure, and living standards needed for a household. This became our guideline for setting wages in individual agreements or in bargaining meetings with the employers. Many a times it has been the workers themselves who set the wages and conditions at the time of recruitment; for some time though, the union did set up a placement cell so that women as a group decide who gets recruited where, and we can draw up contracts. We did it for a year but with no resources, no personnel, had to discontinue. Now informally the practice continues.

Following from the above, the union conducted a study of the placement agencies as well, and the kind of exploitation of the migrant domestic workers. We were happy when MOLE, and Anil Swaroopji, took a strict view, based on the High Court order, for regulation of placement agencies. However, our Labour department surprisingly submitted a nil report. Anguished at this, we submitted the report, and offered our help to the department in the investigation of these placement agencies. We are still waiting for a response, and its two months already.

In order to build up a database of the migrant workers at least in the big apartment complexes, we have been approaching the Resident Welfare Associations (RWAs) to allow this entry. Our idea is to set up a grievance redressal forum, inside so that both employers and employees have a meeting point. We have also asked the Labour department, if they can give us a letter or the authority, we can collect information on migrant workers and other; it will make things easier. The Labour department in its last meeting did agree! May be this will turn out to be a good practice with the backing of the Labour Department to arrive both at protection and database of the migrant workers and other workers and put the insecurities of the employers to rest. The ILO should think of supporting the union in this.

The Karnataka Government has been slow in setting up the mandated social security board; efforts started from 2009. The Board has been meeting every year and we had to fight for inclusion of domestic workers on this board. Only this August, following the pressure of the union and the ILO convention, domestic workers have been included on the board for social security.

However, setting up framework of functioning and the financial contribution issues are still missing. The meetings seem to be talking of workers contribution. We urgently need to focus and move the Centre and states contributions. The employers' contribution is an important responsibility and urgent measures need to be taken up to include this in the Act. We suggested that the labour department sit with the Municipal Corporation to talk of a levy or tax to be imposed on the employers of domestic workers. For instance, at source tax for all those who own or live in houses more than 1000sq ft area; or like education cess or beggary cess is collected. It's not fair to let the employer free just because we don't have the mechanism to collect his money!! However, the labour ministry seems to be doing some measures but have to strengthen the Workers Facilitation Centres and follow up on the pilot being undertaken in collaboration with GIZ in Karnataka. Finances is a crucial issue, and we can learn from states like Tamilnadu, Kerala, Gujarat, where the political will exists to find the money, for these vulnerable sectors!!

Rashtriya Swasthya Bima Yojna (RSBY) is much needed and much talked about scheme of medical insurance, launched very visibly in Karnataka. It must be stated that the scheme appears to have great value added benefits, and has included domestic workers, street vendors. The union has been over the past three months, collecting the data, on the template provided. As the numbers crunch was being mentioned all the time, few organizations working with DWs got together as Joint Action Committee and collected data of 7000 workers. When we went to submit the soft copy, we were told to wait till January end before the actual process of registration and identification will start. This is because in the census survey, identification of BPL categories of families for RSBY has started. In that list mainly of the district towns - some DWs have been identified. So we were asked to wait till that process was completed. But the new Labour Commissioner appears serious about the RSBY implementation process. The union did get some calls from employers to register their workers under RSBY, as we were covered in the media. We request this process be speeded up, as many of the workers are asking when the scheme is going to be implemented.

The union is hopeful that as promised by the labour department, the process of registration under the Board takes place quickly. We have objected to the process of police verification, and registration of our domestic workers. The police cannot criminalise these workers, by fingerprinting, biometrics, etc. The Labour Department has to fulfil its responsibility of registering the domestic workers.

WE as a union have been all the time engaged in innovative actions for bonus, for fair wages, settling the workers issues with bargaining power; we also had some skill trainings. In all these attempts, we have been very small, low key, due to lack of resources. The other is lack of a visible form of support from the authorities. If the union, or the support group, can get a labour certificate or a letter of authority from the ILO or the government we could handle cases, negotiations, could get the RWAs to be pro active, get recognition for our work by the society. It seems in Kerala, the government has issued some form of Labour Certificate to the domestic workers movement representatives.

Please also access a report of the first public hearing on the invisible sector of domestic workers at <ftp://ftp.solutionexchange.net.in/public/gen/cr/res09121101.pdf>.

Sr. Christin Mary, National Domestic Workers Movement (NDWM), Maharashtra

Hereby, I share the information related to the domestic workers from the State of Maharashtra.

Good Practices at the State level

In 1990 the government of Maharashtra initiated a study on the working and living condition of the domestic workers (DWs). As an impact, the Government passed a resolution in 1995 that the contribution of domestic workers is to be recognized and made an appeal to the employers to take responsible for decent wage.

A remarkable step taken by the Government of Maharashtra, to promote the welfare of the domestic workers, is enacting the Domestic Workers Welfare Board Act, 2008. The Act promises a Welfare Board for DWs, registration of DWs, and social security provisions such as Life Insurance; health insurance (RSBY); educational assistance to the children of DWs; maternity benefit; accident benefit; and funeral expense for the DWs.

Challenges Encountered in Undertaking the Task of Promoting Decent Work to DWs

The implementing process of the Welfare Board Act by the government was slow. NDWM had launched constant campaign and intense advocacy with the Labour department, Labour Ministry, MLAs and other executives. Signature and post card campaigns were initiated. Domestic workers sent resolutions to the Chief Minister, Labour Minister and the Speaker of the Assembly. Rallies and Demonstrations were held to address the issues of domestic workers.

The Welfare Board is registering the domestic workers till 58 years old age. Lakhs of domestic workers above 60 years are working. Government has not announced any pension or other old age benefit to the domestic workers. It is a big challenge that the NDWM is facing.

The government is indifferent to the demands of NDWM to include the domestic workers under the Minimum Wage Act, 1948. The GO by the Central Government was submitted to the labor department. However there is no positive move from the Ministry.

Exclusion of domestic workers from the purview of the Bill to protect Women against Sexual Harassment in the Working Place is the immediate issue to be addressed soon.

Also, there is no law to register the placement agencies in Maharashtra

Rajib K. Haldar, Child In Need Institute (CINI), West Bengal

I am very pleased to read [Augustine Veliath's](#) comments and visionary statements, particularly Domestic Workers are human resources.

I support his suggestions of creating mechanisms to listen to the voices of domestic workers and engage them in the national development process. CINI has such experiences of working with Child Domestic Workers and their families in South 24 Parganas, of the high supply districts in the country in the Sundarban Islands.

Given the opportunities of Right to Education and community based child protection system and benefits of SGSY Scheme/NREGA to the Self Help Groups with the active cooperation of PRIs, the situation can be changed, converting them as the 'Supreme Assets' as we fondly refer to in the UNCRC and the Constitution of India.
