

# EMPOWERING THE WOMEN WORKFORCE: A STUDY ON WOMEN DOMESTICWORKERS

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*To call women the weaker sex is libel; it is man's injustice to women. If by strength is meant moral power, then women are immeasurably man's superior.*

*-Mahatma Gandhi*

## Abstract

*Domestic work is a work performed in or for more than one household. In India, household works are always considered to fall within the ambit or sphere of women. While it has become indispensable for both the male and female members of a family to earn for a better life the need to engage a female worker to take care of all the household chores has increased. These domestic workers form a part of unorganized workforce in the Indian population and their conditions of work are often undervalued, unprotected and unregulated. The current pandemic situation on one hand highlighted the need to keep our houses and surroundings clean and on the other hand the need to acknowledge the existence and skills of the domestic workers. They do not receive minimum pay or safe working conditions. In this backdrop this paper tries to discuss their difficulties, working conditions and to highlight on their rights to be protected.*

**Keywords:** *Domestic Workers, Human rights, working conditions, unorganized, protection.*

## INTRODUCTION

For more than millions of women worldwide, domestic labor is one of the oldest types of informal employment. It remains as a highly personalized and an important area of work, especially for women workers. Domestic workers are often identified with socially and economically weaker sections of people, for whom this becomes the main source of income. In India, household works are always considered to fall within the ambit or sphere of women. And it has constantly been viewed as the 'duty' of women; be it mother, sister, wife or daughter. In the present set-up of the so called globalized working era, it becomes indispensable for both the male and female members of a family to earn for a better and a demanding life. So, it has become very casual to engage a female worker to look after or take care of all the household chores. There is a high need for domestic staff due to the strong preference for nuclear households. Women tend to perform household duties because

they have few other alternatives and lack access to education, the economy, and other possibilities.

These female domestic workers form a part of unorganized workforce of the Indian population and there has been a constant growth in the number of such women domestic labors. The nature of work can be manifold like cooking, washing & cleaning, taking care of children and so on. Though the works seem to require skillful effort, it only falls under unorganized sector. These workers are very much dependent on their masters and if there arises a dispute between such workers and the masters, they tend to lose their jobs instantly. The situation is worse if the domestic worker stays in the employer's house as they are sexually abused. Therefore, these become the main reason for the vulnerabilities and exploitations against them.

### **OBJECTIVES AND SCOPE OF THE STUDY**

The core objectives of the study are as follows:

- To study the work nature, responsibilities and the hardships of women domestic workers
- To study the working, living and their socio-economic conditions
- To study the various employment related issues such as working hours, leave, pay and other facilities available to them
- To discuss and find out their awareness on social security measures and other legal protection.

Laws are available only for formal or organized sectors. And this work has remained in grey area as the place of work being a 'household'. The duration of these works can be part-time or full-time and the time of work is also fixed at the convenience of the person employing them. There neither exist employment nor welfare measures and legal protection in case of any violations. Lack of regulation has in fact led to innumerable human rights violations of domestic workers.


### **REVIEW OF LITERATURE**

The very purpose of review of literature is to have a thorough understanding of the present research area by selecting and analyzing the available sources like formal documents, articles and study data. UN Report (2013) stated, millions of domestic workers around the world are not protected under the general labor laws and are highly vulnerable to exploitation which calls on countries to extend social protection to them. At their employers' homes, domestic employees suffer from torture, assault, and exploitation. Little choices are accessible to them. These are the underrepresented, unseen employees who have little union representation and negotiating strength (Khan, 2011).

Human rights are largely normative principles, according to Mantouvalou Virginia (2012), who also argued that some labour rights constitute human rights. The ILO is working at several levels to help domestic workers' organisation, access to social protection, and enforcement of their legal worker rights (D'Souza, 2010).

### **CONCEPT OF DOMESTIC WORKERS**

In different countries the domestic workers are called by different terms like, servants, maids, helpers and so on and these terms fail to acknowledge their efforts and skills. In the present day, the demand for paid workers is growing and some of the



main trends towards this growth could be because of increase in women employment and need for dual-earning families, changes in the population trends like increased life expectancy, delay in child bearing leading to low fertility rates and changes to economic policies of the country. It can be called as 'domestic service' too as the nature of work covers wide range of tasks like cooking, cleaning, washing, taking care of kids (nannies), driving for the family and also providing medical care to the elders, aged and sick at home. This remains more of a personalized service and their terms of employment, nature of work, salary, hours of work, benefits available to them everything can vary from one household to other depending on the needs of the person employing the workers. Despite the fact that the employers extract extreme work from these domestic workers least hospitality is denied too and they suffer in the hands of the employers.

It is also pertinent to look back the causes that have led to the increase in the domestic labors. In India, the fall of the agrarian produce and the security threats in the rural areas compelled the migration of rural population towards urban areas for their mere life subsistence. The literate population or skilled workers could manage to be employed in their respective spheres leaving the illiterates with no option but to take up domestic services. Household work is viewed as unskilled since women are typically seen as having the aptitude to carry out these tasks. Also, the majority of domestic employees are migrants from rural areas, although their living circumstances in urban slums are unjustified.

### **Working Conditions Of Domestic Workers**

Domestic employees are denied benefits such as minimum pay, safe working conditions, and healthy work schedules. There are no trade unions or state intervention to support the domestic workers. When one compares the wage level of domestic workers it is much less than their male counterparts. There are no limitations to the works given to them and no extra pays or wages are made for the extra workload. They may also be ordered to perform jobs from time to time that have nothing to do with their normal responsibilities. Highly exploited domestic employees are not given fair salaries or decent working conditions. As their works are unskilled or semi-skilled in nature, they are paid less than the minimum wages. The lonely nature of the profession causes the domestic workers to feel lonely as they move from rural to metropolitan locations in search of employment prospects. They are exposed to a wide range of problems like no leave or breaks, low wages, long hours of work, humiliations, lack of rest, harassments, sometimes even sexual exploited. Low bargaining power and forced labor makes their condition weaker and vulnerable.

The employers generally treat the female domestic employees with respect, but they might be reprimanded when there is a delay or error in the task. They are prohibited from developing friendly ties with their neighbors. Due to power dynamics, they find it extremely hard to report sexual harassment at work and are obliged to keep quiet out of concern for being discriminated against or fired. Domestic worker-employer connections are very individualized and dependent on the parties involved. The number of women employed as domestic help has slightly increased in India. It is often believed that the employer-employee relationship is one of dominance, dependence, and inequity.

### **Living Conditions Of Domestic Workers**

The living conditions of the domestic workers are also not good. Because of their economically weaker position and just for the sake of employment their living conditions are also compromised. Even if they choose to live away from their place of employment, their living circumstances in urban slums are insecure since they are not provided with enough and hygienic living space. They chose places that just satisfy their stay at night and live in a very bad condition not wanting to spend much on housing. They are not allowed to speak to the neighbours are not allowed to have an amicable relation. The owners or the employment provider often think that the domestic workers carry information from the house to other neighbors and it is for this reason that they are not allowed to socialize with others. Domestic servants are exposed to abuse and endure horrible living and working circumstances. When people are mistreated, abused, and humiliated over an extended period of time, their self-esteem is severely damaged. They feel weak, helpless, and unworthy. They are not given the chance to speak up or seek recourse before the appropriate organisations.

The male family members work for a living and provide the family with the necessary funds. The family's female members handle household duties and fulfill their reproductive roles. In their homes, women perform domestic labor that is never acknowledged as a contribution to societal production. Also, domestic employees do socially reproductive duties that would often fall within the purview of the family's female members as a matter of course. The generalization of the private domain as one of the justifications rather than autonomy, and sacrifice, responsibility, and emotion has a significant negative impact on domestic helpers' rights as well.

### **International Status**

On a global set-up there have been times when the issues of domestic workers have gained too much of attention. However, it has remained with the discretion and priorities of the States to formulate and legislate to secure their rights. The Convention on Domestic Workers, formally the Convention concerning Decent Work for Domestic Workers is a convention setting labor standards for domestic workers. It is the 189th ILO convention and was adopted during the 100th session of the International Labor Organization. It entered into force on 5 September 2013. It deals with the rights given to the domestic workers as decent work, daily and weekly rest hours, and minimum wages and to choose their place to live or spend their vacation and so on.

### **National Status:**

In India, domestic workers are not completely recognized as 'workers' and their work s have not been treated as 'productive labor' which makes it to experience the pitfall and in turn the labor legislations do not cater to address the domestic workers. However, there was an attempt to bring about a specific legislation meant for the Domestic Workers Welfare and Social Security Act, 2010 and the bill was never passed and yet again, the Domestic Worker's Welfare Bill, 2016 was introduced which was never executed and thus it still remains as 'no statute or no legislation' scenario to voice their issues. The Supreme Court has strongly urged state governments to begin domestic worker registration, and it has ordered the federal government to stop providing subsidies to those states that have not done so. It is notable at this instance

that some states like Rajasthan, Karnataka, Tamil Nadu have fixed a minimum wages for these workers. Though, it can be said to be a right direction mere fixing wages might not help to solve the real time violations.

### **Labor Legislations and Domestic Workers:**

The domestic workers fall very much under the category of Unorganised sector. They do not have a pay protection, maternity benefit, insurance or old-age pension supports. They are also not in a position to save for their old-age. The main reason is they are not formally employed and therefore are not covered under the labour laws of the Country. They are merely at the desire and mercy of the people employing them. When the domestic workers are migrants they have to face even more problems as they are totally cut from their native places, their family members and friends. They are not in a position to avail leave to attend any events happening back at their natives. They do not get regularized wages that ensure at least a minimum wage. There is now no system in place to guarantee domestic employees minimum salaries and paid leave, and the employment is not regularised. For those who are responsible for vital home and care services, there is a concurrent need to offer them a minimal level of legal protection and social security. Legislation supporting minimum pay for domestic employees must be drafted. It is important to encourage domestic workers to join organizations or unions so they may speak out for their rights and increase their negotiating power.

The domestic workers are also exposed to harassment and tortures in the hands of the powerful employers and these instances go invisible or often unnoticed. Lack of legal instruments for protecting their rights is the main reason behind such sufferings. Thus, they face multiple inconveniences and sufferings despite their productive works. Absence of regulations or specific legislation can be identified as the main causative towards the exploitative and multi-facet abuses experienced by the domestic workers in India.

### **CONCLUSION AND WAY FORWARD**

The Domestic workers; particularly the women workers' position is very disheartening. They should be enabled to work with respect and dignity, should be remunerated with decent wages, enabled to balance their family and work and should get opportunities for self-development. It is therefore no doubt the responsibility of the Central and the State Government to make provisions and implement strong efforts to incorporate the domestic workers under the labor legislations. The domestic workers need to get proper protection and fairness in treatment without any kind of discrimination. It is pertinent to either bring these domestic workers under the existing labor legislations or should enact separate legislations to protect, secure and guard this unnoticed, unprivileged sector of workforce and recognize their support. In the wake of the pandemic situation, the positions of the domestic workers are felt deeply and the pandemic has caused a crisis situation by loss of employment.

The rights of domestic workers in India would therefore be strengthened and protected through well-thought-out legislation, an efficient administrative apparatus for the correct execution of the statutory requirements, and strong civil society engagement. Also, an act to provide minimum salary or fix a minimum wage, mandate weekly off are some of the dire need of the hour. The domestic workers are socially

and economically vulnerable and they deserve proper care and protection. Empowering this sector would go in a greater way contributing towards the country's growth. Support from the civil society and the awareness among the masses would strongly enable and empower the condition of domestic workers.

Let us empower this unprivileged, unrecognized and invisible workforce to rise for their rightful and legitimate right and value their Human Rights.

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