

The Plight of Domestic Workers in India

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As a working woman in a family that can afford to hire some persons to help in domestic activities, I know just how fortunate I am. It would be next to impossible for me to engage in the various professional activities that I am involved in, or to fulfil these roles with even a modicum of success and lack of stress, without the quiet and often unseen assistance of those who provide various essential services for me and my household.

This is not simply true of myself. For many professional and upper middle class women in India, the ability to engage in outside paid employment on approximately equal terms with men is crucially conditioned by this ability. And even the relatively small increase in the numbers of professional women in India has been heavily facilitated by the possibilities of hiring domestic workers for the many household tasks that are still (unfortunately!) seen as the basic responsibility of women.

Of course this is not simply a women's issue, though women do tend to be more conscious of this and are the ones dominantly doing domestic work, whether paid or unpaid. It is striking how many "economically active" men from all classes of society do not even consider the essential work that constitutes social reproduction as something worth thinking about, but simply take it for granted that such domestic work will be performed by others. Nevertheless, it is certainly likely that the increasing affluence of some sections of the urban middle class in particular has contributed to the expansion of demand for paid domestic work, in both full-time and part-time manifestations.

But growing demand from professional and middle class households is only part of the reason for the massive expansion in domestic work as a source of employment in India over the past decade. A more significant cause comes from the supply side, the result of the inability of the economic growth process to generate adequate productive employment opportunities for the growing numbers of people in the labour force. It is also testimony to the growing inequality in income distribution across the country, which enables some families to pay for such work to be done for them while other families are effectively forced through sheer material necessity to send their members out to do this paid work.

Estimates from the National Sample Survey of 2009-10 suggest that in that year there were around 2.52 million workers engaged in domestic work as their usual principal activity, up from 1.62 million in 1999-2000 – an increase of more than 150 per cent over the decade. This makes it one of the most "dynamic" sources of employment in the country as a whole, growing even faster than construction which emerged as the major employer for men workers.

Of total domestic workers in the country in 2009-10, more than two-thirds lived in urban India and 57 per cent of them were women. This is a lower rate of female involvement in this type of employment than in many other countries, and reflects the combination of several forces: the long history in India of the affluent employing domestic servants, which created aspirations of such hiring patterns also among the newly affluent; low employment generation in other activities as well as uncertain

household income generation prospects that have increased the supply of such workers; and changes in income distribution and GDP growth patterns that have created a new middle class that is able to afford to demand such workers.

However, while overall female share of such work is not as high as in some other countries, the rate of feminisation of such work has been increasing, especially in urban India. Over the decade of the 2000s, 75 per cent of the increase in the total number of domestic workers was accounted for by women. Domestic work also became more important in the total employment of women, especially in urban India. Of the total increase in the number of women workers in the entire decade, nearly 15 per cent was accounted for by domestic work.

This suggests that more remunerative and desirable work is simply not available even for women who wish to enter the labour force, and they are forced to seek this employment as the only alternative. The continuing perception is that such work, especially when performed by women, essentially adds to family incomes rather than is the main source. This further operates to reduce the reservation for women workers and reduce the potential for increased wages and better working conditions.

The growing significance of domestic work in paid employment in India makes it all the more imperative to ensure that such work is given dignity and occurs under decent conditions with adequate pay. At the moment, because of the personalised nature of such work, the informality of most contracts and the difficulty of monitoring conditions, as well as the generally adverse labour market conditions, most such work takes place under extremely difficult and oppressive conditions, with low pay, little or no limits on working hours, lack of autonomy and respect for the workers, and almost nothing in the form of worker protection or social security.

There are occasional horror stories in the media about the poor treatment meted out to domestic workers, but given the unequal power characterising the relationship and the lack of other work options in many places, these may well be the tip of the iceberg. The sheer difficulty of monitoring what is essentially an informal arrangement makes matter much worse. It is unfortunately the case that as long as overall productive employment generation remains so sluggish, there will be continuing pressures on both male and female workers that can force them to accept working conditions that are poor and even sometimes degrading.

However, both public policy and labour mobilisation can play roles in improving such conditions even when the overall employment scenario is bleak. At present, domestic workers are unprotected by almost all labour legislation. None of the main national labour laws are applicable to them, although they have recently been included in the Unorganised Workers' Social Security Act, 2008.

Admitting domestic work under the provisions of Minimum Wages legislation can play some role in improving the remuneration of these workers. It is true that such minimum wage legislation is more honoured in the breach in India, where the conditions of excess labour supply and poor generation of decent work opportunities have combined to create desperation on the part of those engaging in such work. Even so, coverage under the minimum wage laws increases the bargaining power of domestic workers and can begin to contribute the improvement in their working conditions.

Mostly such legislation and even official recognition of domestic work as economic activity that should be subject to labour regulation and provide some degree of labour protection has not come on its own as a “gift” from officialdom, but has resulted from prolonged efforts at mobilisation of workers and lobbying the government. In India, minimum wages are determined by state governments, and there is wide variation in both coverage and level of wages across states.

In the Indian state of Tamil Nadu, employment in domestic work was included in the schedule of the Tamil Nadu Manual Labour Act 1982 only in June 1999, after prolonged demands by associations of such workers, NGOs and others. Nearly a decade later in January 2007, the Tamil Nadu Domestic Workers’ Welfare Board was constituted, and a few months later there was a preliminary notification for a Minimum Wage Act for domestic workers, which also specified wages for particular tasks and working hours. A number of other states, such as Karnataka, Kerala and Rajasthan, have also included domestic workers in the minimum wage laws, but implementation is patchy at best.

In some states, such as Kerala, the specified minimum wages have been set relatively low and are well below the actual market wages (because of the role played by outward migration and remittances in affecting labour demand in Kerala). However, the state government has also included domestic workers as members of the Kerala Artisan and Skilled Workers’ Welfare Fund, which has the important implication of allowing them to avail of social security schemes. This has linked with the movements for association of such workers: the Kerala arm of the National Domestic Workers’ Movement has been registered as a trade union in Kerala from 2008, and it has been appointed to issue labour certificates for the social security fund to its members. Obviously implementation remains a problem, but this is aided by the attempts at unionisation of such workers and related collective action, as have occurred in Kerala, Mumbai and elsewhere.

What is required is also some sort of formalising of the labour contracts, professionalising the relations between employer and employee, which can only be done through a combination of organisation, legislation and institution-building.

Another serious problem is the use of child labour in domestic work, in both paid and unpaid forms (and even, in extreme cases, as bonded or unfree labour). While Indian law prohibits the employment of children below 14 years age in certain (usually “hazardous”) occupations through the Child Labour (Prohibition & Regulation) Act 1986, the ban was only extended to domestic work in 2006. But there is hardly any monitoring or attempt to implement this law, and empirical studies suggest that the use of child labour in domestic work remains significant. Some recent media reports of ill-treatment of children (usually migrants from poor rural families with little autonomy or ability to seek redressal) engaged in domestic work in middle class urban households have highlighted the extent to which such practices remain rife.

The ILO Convention on Domestic Work was passed by the International Labour Congress in 2010, but the Government of India has still not ratified it. This Convention clearly outlines the basic rights of domestic workers, and provides guidelines on terms and conditions of employment, wages, working hours, occupational safety and health, social security and the avoidance of child labour. Ratification is obviously just a first step in a longer process, but it is still likely to be

an important step in ensuring the dignity of all workers in the country. The delay in simply ratifying such an obviously desirable convention suggests that there is not sufficient seriousness about the matter in official policy circles in India.

Ultimately, ensuring basic rights for domestic workers obviously has to be based on their social and political mobilisation, which can affect the labour market conditions. But it also requires a significant change in the attitudes and behaviour of their employers, who constitute not just the rich elite groups in the country but also a growing number of middle class beneficiaries of the economic growth process.

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