

# Translating Vulnerability to Social Security: An Initiative to organize Domestic Workers in Lucknow District

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## Abstract

Despite constituting a hefty workforce, domestic workers remain absent from legal landscape. The critical nature of work, employer-employee relationship and intimidating environment of work constitute some of the key factors denying them the statutory benefits. In absence of statutory safeguards workers remain vulnerable and exploited at the employers. The labour laws fail to imbibe them as 'worker' under employment related laws. Though the policies are in the offing to improve the conditions of the workers, they fall short of conferring claimable interest upon domestic workers. Until an obligatory mechanism is put in place it will not deter the oppressive system from exploiting them. The paper unravels the discriminatory and vulnerable condition of domestic workers as illustrated by a survey conducted by Janwadi Mahila Samiti (JMS), one of the largest women's organisation across the country. It elaborates the initiatives taken by them to put pressure on government apparatus to bring the domestic workers under the umbrella of labour laws demanding Accidental benefits, Educational assistance for their children, Medical expenses for domestic workers and their dependents and Maternity benefit. There is a need to make paradigm shift in legal approach from welfare-based to right-based in order to ensure adequate protection to a large constituents of the workforce who are making significant contribution in economic growth of the country.

**Keywords:** Domestic Worker, Minimum wages, the Domestic Workers Welfare Bill 2016

## Introduction

A workforce as large as 50 million has suffered the plight of oppression universally. In India, according to the Employment-Unemployment Survey conducted by the NSSO, out of the estimated 41.3 lakh people employed as domestic workers in 2011-12, 68% were women. However, there are massive discrepancies between the official and unofficial estimates, with the latter showing up to 9 crore domestic workers in total (ILO2013). This invisible population has been abysmally living suffering the apathy of the civilized people. Despite several inclusion initiatives their plight still remains to be in exclusion. One of the most feminized sectors of work-domestic workers has not only phenomenally increased in their workforce statistics but also in exploitation at the hands of those who employ them. On one hand extreme poverty, illiteracy, humiliating mindsets of the employers, meagre wages and on the other hand lack of any national policy to address their oppression and sufferings make them vulnerable beyond the limits.

Though the recent act of sexual harassment at workplace considers them under its ambit to address their grievances yet in a glaring contradiction domestic workers fail to fit in the definition of workmen under social security laws. Perhaps it is this contradiction that leads to absence of regulatory measures across the industry.

Domestic workers seldom have an organised mechanism of redressal. Recently several organisations across India have put in efforts to organize them and voice their issues on policy level. For example, the National Domestic Workers Movement, Vidarbha Molarkin Sangathana, Mahila Kaamgar Sangathana and Gharelu Kamgar Mahila Sanghathan. All these organisations are putting in efforts to organize domestic workers in different states and cities to absolve their struggle for wages, dignified livelihood and recognition as workers.

## The Study

The present paper is based on the survey conducted by one of India's largest women Organisation Janwadi Mahila Samiti (JMS) in Lucknow. The organisation has a membership of over 9 million and has a presence in 23 states across country. Founded in 1981, the organisation has put in sustained efforts to uplift and mainstream the poor and marginalized section of the society.

Keeping an eagle's eye on the exploitation of these underprivileged women of the society JMS is trying to wage a war of justice from government. It has been due to its efforts along with other organisations that an Act was passed by the Maharashtra State Assembly in 2008 entitled Domestic Workers Welfare Act, Maharashtra. It's an "Act to provide for the Constitution of Boards for promoting welfare of Domestic Workers in the state of Maharashtra and to create funds for granting various financial benefits and for matters connected therewith on incidental thereto." It was passed by the Maharashtra State Assembly on 27 December 2008. It includes a

definition of domestic work in terms of sweeping, swabbing, cleaning pots and pans, washing clothes, cooking and other domestic work mutually decided upon by the employer and domestic worker and in the nature of manual labour. In a similar manner JMS is trying to seek a holistic legal recourse to address the plight of these women in Lucknow.

### **Domestic Workers, Living and Working Conditions**

The workforce engaged in household chore such as cleaning utensils, washing clothes, sweeping, baby sitting and other such clean and unclean professions without any specific skills based on their natural gender based work providing them livelihood are commonly referred to as domestic workers. Reported statistics in India approximate to around 4.75 million, though extremely under reported, actual numbers estimate to between 20 million to 80 million workers. Despite such a huge work force they stand invisible unable to procure even minimum wage, working for extremely long hours without any rightful weekly off. Domestic workers form a substantial part of the unorganised sector. Alike other states domestic workers of UP, being one of the largest states in terms of population has a large number of domestic work force, working at an average for eight to 11 hours a day earning merely 2000 to 3500 a month, amounting an average income of Rs 8 to Rs 14.50 per hour. A women washing utensils for a house fetches a meagre amount averaging to Rs 400-500 per month; while for cleaning and swabbing it rates around Rs 500-700 per month a four room house. Swabbing a two storeyed flat she gets Rs. 800-1000 per month. The survey accounts that their wages have not been enhanced in the last two years. Though, this difference in earning hardly makes any difference to their situation making them work under inhuman conditions with below minimum work wages. They cannot claim for any paid holidays and their absence from work results in pay cuts. Even the festivals do not mean an off to them. Only two percent of the women reported that they got four or five paid holidays in a month.

These unhygienic conditions of work impact not only their health but also life of the women and their families. Nearly 98 percent of the women suffer anemia, low blood pressure, malnutrition, regular headache and other types of illnesses. In absence of being included in registered labour they are denied government health schemes and have to resort to private health care which is beyond their capacity to afford. Also if they go to a government hospital they lose their day's wages while if they visit a private person they have to pay exorbitant money. Further, very few of them have their own hutment thus are living either in slums or in rented dwellings. Despite such an abysmal condition the survey reports that only 20% have a BPL card while rest have only APL ration cards. Half of the surveyed had no ration cards at all making their living all the more miserable. From the entire sample 65 percent of the widowed women get no widow pension; only two women were availing widow pension. It was only after taking the membership of JMS 108 could be included in Laxmibai pension scheme. It can be easily inferred that domestic work is performed leads to penury, denied of the basic facilities.

The survey well elucidated that the process of relocation, as many are migrant from villages nearby has led to problems of earning a sustained livelihood, let go off education and health. Such conditions push the women to edge. It further surfaced that in the areas of their resettlement, which are mostly slums they spend a lot of their time in fetching water for entire family and access of toilets. Most of the slums have a single handpump looming the water crisis in summers. They also leave their children alone when they go to work due to absence of any form of childcare services.

### **Social Discrimination and Domestic Work**

Their vulnerability not only ends with the harsh living conditions but further they also suffer discriminatory verbal abuse. The condition is all the more worsened since they are not allowed access the basic facilities like water and bathrooms at the workplace. Several women said that they leave their house for work early morning but they are not allowed to use bathrooms at workplace which makes it difficult for them to manage. The survey report shows that more than half the women workers are not allowed to use the bathrooms at their place of work. Many women revealed that since they belonged to lower caste the employers consider them untouchable. Although they mop and clean the house they are not allowed to touch the sofa in the house. The sufferings are furthered with instances of obscene gestures. The entire situation makes it mandatory to draft and implement such policies which must recognise home as workplace so that these women may be taken under the ambit of labour and other relevant laws and may be provided a dignified and human just conditions of work.

### **Invisibility of their work**

How meager and invisible their work is considered can be easily made out that despite working for 20 to 30 years neither their wages have gone up nor have they got any increment. Yet other instance as revealed from the survey stated that the domestic workers got a salary raise of only Rs 100 to 200 in three years.

These experiences also confirmed that the mean wage of the domestic worker lower than the designated legal minimum wage for persons in the unorganised sector. the nature of class differentiation between the employers and the domestic workers reveals unabated exploitation and sufferings of these marginalised women.

The survey reveals that there is a dire need for fighting for the recognition of domestic workers as 'workers' as this would facilitate their access to basic services and minimum wages. Also 'home' where they work needs to be recognised as a legitimate place of work as it would enable women to come under the purview of other labour laws. In the absence of any regulatory mechanism for determining the minimum standards for wage determination their sufferings get compounded.

### **The Initiatives initiated**

On the pretext of such sufferings and exploitation in line with the fight for domestic workers right across the globe JMS has been organizing the Domestic Workers in Lucknow over a decade. It has been continuously organizing campaigns and protests to uplift these women and take legal recourse to address their plight. In a follow up campaign after meeting on Monday Aug, 17, 2009 200 women working as domestic worker assembled under the banner of JMS and formed an Association demanding status of "Domestic workers" as given in Maharashtra where government has enacted Domestic Workers Act to address the problem faced by these household.

Thousands of women who work as domestic helps in the district hailing from Dalit or Backward Castes have migrated from villages with families in search of livelihood. They face untouchability, humiliation and exploitation but continue to slog for the sake of their children.

In order to make this unseen population visible and heard JMS initiated to constitute a 'Domestic Worker Welfare Board'. It organized a meet of such Domestic worker at Kalyan Mandap located in Chitwapur Pajawa. The Act has provision of weekly holidays and registers maids as workers availing pension benefits, life and medical insurance, maternity benefits etc. A Domestic workers commission has been constituted to ensure implementation of the new Law. Though there are weaknesses in the Act but still it would be strong act towards the welfare of house maids.

In a similar manner to that of Government of Maharashtra JMS Lucknow has also initiated to organize the domestic workers. The Act was passed by the Maharashtra State Assembly in 2008 entitled Domestic Workers Welfare Act, Maharashtra. It's an "Act to provide for the Constitution of Boards for promoting welfare of Domestic Workers in the state of Maharashtra and to create funds for granting various financial benefits and for matters connected therewith on incidental thereto." It was passed by the Maharashtra State Assembly on 27 December 2008. It includes a definition of domestic work in terms of sweeping, swabbing, cleaning pots and pans, washing clothes, cooking and other domestic work mutually decided upon by the employer and domestic worker and in the nature of manual labour.

The state government is to constitute Boards with representation of domestic workers, employers and the state government. The proportion of representatives of domestic workers and employers will be equal, and the representatives of the state government will be equal to one-third of the total representation of domestic workers and employers.

With a sustained motive to organize the domestic workers across the city, JMS has constituted their committee and got them registered at Labour Office in the name of 'Gharelu Mahila Kamgar Sangathan'. It has a membership of over 1500 working women hailing from different castes and religion. The organisation has been continuously protesting not only in Lucknow but in other states of its presence to give impetus to the initiate and bring in the act to shelter these women.

In the times of pandemics when these women are worst hit grappling with loss of work on one hand and suffering violence at the other in their homes JMS has initiated a Postcard campaign to fuel their efforts and hastened the government to bring in the Act. The Organisation across the state as well as the domestic workers are sending post cards to the government to consider these women under the labour laws and provide them with a financial assistance to make their survival possible in the grim times of pandemic.

### **In the Pipeline**

It indeed comes as a disappointment that the government fails to have any database to account for the exact numbers of those who undertake domestic work, despite their precarious nature of work and in actual need of help. A press release issued by the government on January 7, 2020 read, "No such data is maintained at the Central level. According to National Sample Survey (NSSO Statistics-2011-2012, 68th round), an estimated 39 lakhs people are employed as domestic workers by private households, of which 26 lakhs are female domestic workers". A draft policy has been under consideration which includes: the Domestic Workers in the existing legislations to enable them to access their rights, right to form their own associations/unions; right to minimum wages and access to social security; right to enhance their skills; protection of domestic workers from abuse and exploitation; access to courts, tribunals for grievance redressal; establishment of a mechanism for regulation of private placement agencies and establishment of a grievance redressal system for domestic workers.

Recently there have been efforts by state to introduce a Private Bill, the Domestic Workers Welfare Bill 2016 in Parliament and the drafting of the National Policy for Domestic Workers by the Ministry of Labour and Employment. There have been sustained effort in context to the domestic worker's movement, demanding for a specific legislation for protecting their issues and address their grievances. Amidst the struggle, in the last Parliament session, the Wage Code Bill and Code on Health and Occupational Safety was tabled. Such legislative frameworks advocate considering all kinds of workers including domestic workers. It is still a matter of concern and speculation how these codes will be enforced so as to cover in its purview the workplaces of domestic workers. Till these legislative measure remains impending the plight of domestic workers continues to be looming.

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