

Panel Discussion on Protecting and promoting rights of domestic workers in India

Date: 22nd June 2018

Venue: Oxford Bookstore, Connaught Place, New Delhi

Martha Farrell Foundation, in collaboration with PRIA, launched the campaign #DignityofMyLabour in the month of June 2018, as a part of its intervention 'Ending Sexual Harassment: Making Institutions Accountable towards Women Workers in the Informal Sector'.

Domestic Workers in India, as compared to the other informal sector workers are more informal and vulnerable. 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. Due to the informality attached to the sector, there is no proper data available on the number of domestic workers in the country and globally. The informality of this sector is more serious as they are not covered under any state law or policy. Since they do not receive any benefits or protection from the state, it does not maintain any accurate records of their existence, family status, employment status or standard of living.

The vulnerability of domestic workers is further exacerbated due to their extreme working conditions. They are also not paid minimum wages and treated as unskilled workers





#DignityofMyLabour is an endeavor to dialogue with different stakeholders in the Domestic Work sector. Through the campaign, we are reaching out to the employers, policy makers, unionists and domestic workers to facilitate a convergent dialogue on the rights of domestic workers and generate action and accountability from all stakeholders. One of the events in the series was panel discussion at the Oxford bookstore, in collaboration with Apne Aap Women Worldwide, titled as 'Protecting and Promoting Rights of Domestic Workers in India'.



The three panelists consisted of Ms. Khadija, Mr. Alok Kumar and Mr. Subhash Bhatnagar. Ms Khadija is a Domestic Worker and the leader of Ekta Collective in Harijan Basti, Gurgaon. She is played an instrumental role in collectivizing domestic workers in the area and believes in the need to change the status of the workers.

Mr. Alok Kumar is a Trade Union activist, independent researcher and an executive committee member of the Gharelu Kaamgar Union, Gurgaon.

Mr. Subhash Bhatnagar is the Chief Functionary of Nirmana and Convener of National Domestic Workers Platform, a coalition of different organisations working with domestic workers in India. He has more than 30 years of experience of working with informal sector workers, especially construction and domestic workers.

The discussion was moderated by Ms Nandita Pradhan Bhatt, Director Martha Farrell Foundation. Ms Nandita is active in the sector as gender mainstreaming expert and master trainer for the past 10 years.

The panel discussion focused upon how domestic workers can be collectivized to lobby and advocate with the government for a



comprehensive legislation to protect their rights. The main focus areas were:

- Challenges to collectivization
- Issues related to sexual harassment at workplace
- Status of the policy and law for domestic workers in India
- What are some of the urgent actions that are needed for realizing the rights of domestic workers

The discussion was based upon the experiences and understanding of the panelists. In the discussion they shared their thoughts about the work and the environment for the workers to get their rights as workers.

Mr. Subhash Bhatnagar started the discussion by introducing himself. He has been working in this sector from more than 30 years and supported the struggle for getting a comprehensive law for construction workers which was passed by the parliament in 1996. He has also played an instrumental role in forming a cooperative called Nirmala Niketan, which helps tribal women workers in getting decent work.

Ms. Khadija spoke about her journey from a small town of Murshidabad in West Bengal to Gurgaon, about her work and the struggles attached to her work. She also added that with Ekta collective she is collectivizing the domestic workers on the issue of sexual harassment at workplace.

Mr. Alok Kumar shared that he is working with the factory workers in Gurgaon for the last 20 years. Since 2016, he has been working with the domestic workers union in Gurgaon, Faridabad and Delhi. He mentioned that the domestic workers are not covered under any of the state policies or measures; and therefore it becomes even more important to work with them and collectivize them.

The panelists stressed that the path to the collectivization of domestic workers is not that easy. The fragmented and the scattered nature of the domestic workers is the biggest impediment in their collectivization. They have different workplaces and multiple employers. They also receive different remunerations and perform different types of tasks. Since there is no shared workplace or a readily identifiable zone of employment, paid domestic workers can only be approached at the sites of their residences. Ms. Khadija, while speaking about her own experience of collectivizing domestic workers brought to attention, that even if domestic workers are collectivized at their residences, the window is very small. They work for nearly 7-8 hours a day and when they come back, they also have other household responsibilities like cooking, cleaning and washing. It becomes very difficult for them to spare time for collectivization activities and they also lose interest very soon.

The governments are also not serious about the unorganized migrant workers, especially the domestic workers. As shared by one of the panelists, paid domestic work is on the schedule list of work of the labour department in Haryana but the department is not working at all for the workers. So it is necessary that workers should be collectivized to create some pressure at the ground level for their rights to get a dignified employment to bring change in their current conditions. The panelists also discussed the strategy designed by National Platform for the Domestic Workers which is a national level coalition of organizations working with Domestic Workers. The National platform had submitted a bill in parliament in 2017 which talks about formulation of Tri-partite board which will include participation of employers, workers and government (Labour department). The structure created through this Tri partite board will help in



formalizing the sector to some extent. Workers will be registered for this Tri-partite board and this process will automatically collectivize the workers.

The panelists also brought to attention that domestic work sector is very different from other informal work because the nature of this work is more individualized and privatized, unlike other informal sector work where the workers are already are in a group at their workplaces. Last year in Noida, and this year in Gurgaon, cases of domestic workers being assaulted by their employers have come out in the media. The employers and RWAs are not ready for any kind of dialogue with the workers. Agency lies with the employers and not the individual workers who work in the households for a meager wage. These incidents have created unrest among the workers but the lack of bargaining power and lack of a common workplace affects the process of collectivization.

In 2013, Indian parliament passed the Sexual Harassment of Women at Workplace (Prevention, prohibition and Redressal) Act, which recognizes domestic workers as employees. The law mandates the formation district level prevention and redressal mechanism called Local Committees (LCs), which is responsible for dealing with cases of sexual harassment of women workers in the informal sector. Ms. Nandita Pradhan Bhatt shared the findings of the RTI study conducted by Martha Farrell Foundation in the year 2017. Out of 712 districts of India , 371 districts did not reply ; 191 have set up LCs, out of these only 18% have conducted orientation programmes for members, 97% did not respond about SC/ST membership, 4 districts, 1 each in Jharkhand, Uttarakhand and Punjab have male chairpersons, 11 districts have no NGO representatives and 20 districts and 103 replied to say that they are yet to establish an LC.





The above data shows the status of the law in our country. Panelists also shared that domestic workers regularly face sexual harassment at their workplaces, but they have to mostly ignore, suppress or try to

normalize these situations. The panelists said that many times workers experience sexual harassment at the workplace, in the house where they work, in the compound of the residential complex and on the route to their workplace. As per the law, the employers are responsible for the safety of the worker and they have to ensure the same for the worker entering their houses.

The panel discussion concluded with a call for action to bring together different organisations working with domestic workers in India and advocate for the enactment of National level legislation for domestic workers which includes social security, better work conditions and most importantly safe and dignified work spaces for the domestic workers.

