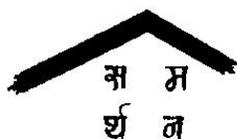


# Reimagining the world of work for Domestic Workers: Covid and Beyond

Keeping the Voices of Domestic Workers: Front and Centre

16<sup>th</sup> June 2020



Domestic Workers  
Action Network,  
MFF

Domestic  
Workers  
Network

Gharelu  
Kamgar  
Panchayat  
Sangam

Gharelu Kamgar  
Mahila Mandal  
Chhattisgarh

We ease the employer's burden considerably, doing all kinds of household chores from cooking, cleaning, to looking after children and the elders of the house. Lending unequivocal support, our work enables employers to go to office and pursue their career.

Our work, however, doesn't receive the same recognition it deserves. The effects of the pandemic, such as, not receiving our salaries since March have placed us in very difficult situations, compelling us back into the vicious cycle of poverty and violence.

We fear that our employers will not take us back after the lockdown ends, as we neither received any calls from them nor did they answer our calls.

Our relationship with our employers is more intimate and personal than other employer-employee relationships, as we live and work in their homes with their families. We go above and beyond in taking care of the families we work for. However, this crisis has been a rude shock for many of us as we have received no support from our employers whatsoever.

During the lockdown, our employers did not call us to find out how we are doing, let alone send us money.

Many of us survived the lockdown on food offered in nearby schools and ration delivered by NGOs.

We were unable to deal with the humiliation of having to stand in long lines every day for just a plate of food. Many of us slept on empty stomachs and substituted one meal with a sugarless cup of tea.

We hope we can resume our work soon. But that seems a dim reality for us now, as our employers are not calling us back and RWAs have restricted our entry.

During times of distress such as the present pandemic, we are more vulnerable than ever before.

Due to the lack of jobs and money in our pockets, we are unable to feed ourselves and our families or pay rent. Many of us are compelled to leave the city, or at least try to go back to our villages.

But **we stayed back**, hoping that we can begin working again soon.

## **Every individual deserves to work with dignity**

1. Domestic workers account for 4.2 million of the working population in India, according to official statistics, while unofficially the numbers are said to be estimated at 50 million. Women make up a substantial number of them. Most domestic workers are the sole bread-earners in their families and the lockdown has created debilitating economic challenges and job insecurities for them.
2. India has witnessed large-scale migration over the last two decades of girls from tribal areas of Assam, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa. These girls come with relatives or through private recruiting agents, or other organizations to be employed as 'maids' in urban households. With increasing migration of tribal girls to cities across the country, several are now also coming in independently. All migration is not safe as girls are vulnerable to physical, psychological and sexual abuse by agents.
3. At their workplace, they are subjected to multiple forms of exploitation such as non-payment of wages, extra hours of work including physical/psychological/verbal/sexual harassment. Most migrants are primarily engaged in domestic work in either "live-in" or 'part-time' working conditions.
4. They live in formal and informal settlements within cities that are often congested and lack basic amenities such as access to water and sanitation facilities.
5. Both these kinds of domestic workers are not recognised as 'worker' in India, as they are not included in any labour legislation. Only recently the Unorganized Workers Social Security Act 2008 and the Sexual Harassment of Women at Workplace (Prevention Prohibition & Redressal), 2013 have included domestic workers in their purview.
6. The first version of Labour Code on Social Security had also covered Domestic Workers but the 3<sup>rd</sup> version has again excluded the Domestic Worker like most of the Labour Legislations
7. Domestic work is a major employer of women and is therefore an important area of social focus.
8. Given that it is performed in a peculiar employment relationship, where work is fragmented and the location of work in the private sphere of the home of the employer restricts external monitoring and regulation, domestic workers face exclusion from several beneficial labour legislations.

## **Our Demands:**

### **Adherence to international frameworks laid down by ILO Conventions 189 and 190 for equal labour rights and in case of harassment at the workplace for domestic workers**

1. Ratify the ILO Convention 189 to protect the rights of domestic workers: ILO Convention 189 lays down measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions such as a minimum wage, accommodation, occupational health and safety, and recourse in case of discrimination or child labour.
2. Ratify the ILO Convention 190 to protect the rights of domestic workers: ILO Convention 190 defines violence and harassment at the workplace as sexual, verbal, physical, psychological and causing economic harm; broadens the scope beyond contractual employers to all “persons in the world of work,” lays down remedies and principles for employers and organisations to address these concerns.
3. To renew the fight for workplace safety and health, and prepare for a better future of Work post-lockdown, it is important to build a robust infrastructure to maximise and ensure health safety of workers, in terms of access to welfare provisions, maternity leaves, proper gear, washrooms, clean drinking water, changing facilities - with special considerations for women workers

### **Bringing domestic workers within the ambit of Labour Laws and employment regulations in India:**

1. Consideration of domestic workers as unorganized workers by the Central Government and facilitation of Government benefits to the domestic workers as provided to the unorganised worker.
2. There should be a common act for placement agencies (domestic workers) at national level and inter-state registration of the agencies
3. Provision of centralised database management (agencies, workers & job location) and dedicated 24x7 helpline number for the domestic workers
4. Legal provisions for Pension and post retirement age security & benefits for domestic workers. (i.e. EPF contribution etc.- strengthening of existing system and policies in place)
5. The formation of a social security organisation to oversee and implement social security measures for domestic workers, similar to the manner in which building and construction workers are provided benefits under the Building and other Construction Workers' Welfare Cess Act, 1996. The body may fund such schemes from employee and employer contributions and a cess - a percentage of property tax for instance - collected by the Government towards this end. (As also demanded by NPDW)
6. Specifically, creating clearly defined conditions of work for domestic workers:

- Extend the applicability of provident fund,
- Provisions of Paid leaves for domestic workers
- Employee state insurance: Formal insurance of domestic workers by the Governments (ex. C.G. govt. pays insurance premium Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY) to provide life and disability coverage to the unorganised workers. Domestic workers are receiving these benefits as they are considering them as unorganised workers through the C.G. labour dept.
- Making the Payment of Gratuity Act, 1972 applicable to domestic workers legislation, thereby having an element of social security for the workers as well as providing a sense of dignity attached to their labour
- Making Maternity Benefits (Amendment) Act 2017 applicable to the domestic workers legislation and employees' compensation to domestic workers as a class
- Formalization of agreement between house owner, domestic worker and agent/agency- **A common agreement should be prepared/designed by the state Rules**
- Defining scope of employment relationships between domestic workers and employers
- Laying down duties and responsibilities of household employers towards workers in their homes
- Laying down strict penalties for punishing any form of abuse by the employer towards the worker
- Creating time bound redressal mechanisms for addressing gender based violence against domestic workers
- Forming specific health and safety provisions for protecting domestic workers
- Taking steps to ensure the enactment of a comprehensive Central legislation for domestic workers on the basis of the Model Bill submitted by the National Platform of Domestic Workers.

### **Interstate migration and Government collaboration**

- Strong monitoring of inter- state migration and trafficking and implementation of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979 and Trafficking of Persons (Prevention, Protection, Rehabilitation) Bill 2018
- Interstate coordination between policy makers
- Common MoUs and database sharing between source and destination state Governments
- Coordination between policy makers and law enforcement agencies along with active judicial intervention where necessary

- Linkages of Aadhar Card etc. and transparency in employment of domestic workers through public portals
- City/state level federation or govt. agency and membership of domestic workers for employability

### **Domestic Workers stuck in foreign countries**

- Support Domestic workers from India who are stranded abroad to come back home safely. Many have been thrown out of their houses and others are unable to do so because of the costs. The Indian Community Welfare Fund can be used to fund the travel for domestic workers.

### **Wage Payments and Financials**

- Standardized wage calculation for domestic workers: Ensure that the Domestic Workers are paid Minimum Wages on par with other workers without any discrimination. Under the current circumstances, the government must transfer Rs. 5000 to every domestic worker in order for them to survive the pandemic.

### **Health and Safety**

- Ensure domestic workers' children are properly looked after during work hours: Convert ICDS centres into full-time daycare centres for domestic workers' children.
- Protect domestic workers from increased risk of infection at their workplaces: With domestic workers sanitising households, they will experience increased exposure to infections. There must be a framework ensuring their safety at the workplace, just as there is one for frontline health workers and sanitation workers.
- Extend coverage of Occupational Health and Safety Code to include domestic workers: In 2019, the central government proposed to streamline over 40 labour laws by codifying and converging them to just 4 broad laws. The Union Cabinet recently approved the Code on Occupational Safety, Health and Working Conditions Bill merging 13 central labour laws into a single "code." This is particularly detrimental to domestic workers, as the private and personal nature of their employment further removes them from the definition and rights of informal workers who work for a firm or a contractor. It is crucial that coverage of this code is extended to domestic workers, and their unique challenges are represented by labour laws.
- Ensure domestic workers' health and social security: To ensure that they are not engulfed by a food crisis, the Public Distribution System (PDS) must be efficiently implemented. Provide ration to domestic workers (without ration cards) for free, at least for the next 3-4 months.

## **Stigma and Discrimination**

- Ensure that domestic workers are not socially stigmatised and discriminated against as potential 'carriers' of COVID-19.

### **When we resume work:**

- We expect that our employers will treat us well, with dignity and not like "Corona carriers".
- We expect them to provide us with the same professional and safe environment that they would expect from their workplace.
- It is imperative for employers to review their working relationships with domestic workers.
- Workplace harassment and job insecurities are ever-present for us. The insecurity is intensified because of the absence of regulatory structures, redressal mechanisms and labour laws to protect us and our work.
- It is also essential that domestic workers have the same recourse to time-bound justice in cases of sexual harassment at the workplace through Local Committees as other workers do.
- Employers must create working environments which provide a sense of security and confidence for their domestic worker.
- Our work must be given due recognition
- Our concerns understood as serious
- Working conditions should facilitate better pay, social security and psychological support.
- As important stakeholders, we expect from RWAs that they should notify an order to the employers of each household to give the balance payment of all the domestic workers working in their society.
- Demand to the State Government to constitute an institution of mechanization for domestic workers through the proper registration of employers and domestic workers.

## FOR EMPLOYERS

DO's	DON'TS
<p><b>Your home is your domestic workers workplace.</b> Remember the following constitute sexual harassment:</p> <ul style="list-style-type: none"> <li>• Requests for sexual favors, which can include threats, implied conditions of employment, etc.</li> <li>• Pressure for unwanted sexual activities</li> <li>• Verbal harassment or abuse which could be in the form of sexual comments</li> <li>• Unnecessary or unwanted physical touch</li> <li>• Displays of lewd image</li> </ul>	<p><b>Do not create a hostile work environment for your domestic worker.</b></p> <ul style="list-style-type: none"> <li>• Desist from performing favours for your domestic worker, expecting something in return (quid pro quo)</li> <li>• Don't be overly familiar with your domestic worker (physical gestures like hugging) or use phrases that objectify women.</li> </ul>

Hygiene and safety	
DO's	DON'TS
<ul style="list-style-type: none"> <li>• Wear masks when your domestic worker is in the house</li> <li>• Keep all your waste in the dustbin</li> <li>• Ensure that your domestic worker is equipped with health and safety gear such as masks, sanitisers, soaps and gloves, especially if they are cleaning dustbins and toilets</li> <li>• Respect that health and safety norms are the same for all - maintain physical distance from your domestic worker while they are working</li> <li>• Ensure domestic worker's access to drinking water and encourage her to fill bottles of water to carry home if she lacks access to clean drinking water</li> </ul>	<ul style="list-style-type: none"> <li>• Do not stigmatise/label your domestic worker as “Corona-Spreaders”</li> <li>• Do not flout physical distancing norms within the apartment complex, lifts, and departmental stores in your society.</li> <li>• Do not crowd around her, especially when she is working in the kitchen</li> </ul>

- Ensure your domestic worker has access to washroom. If there is a common washroom for domestic workers in your building, make sure it is clean, has running water and soap

### Salaries:

DO's	DON'TS
<ul style="list-style-type: none"> <li>• Pay your domestic worker her full salary; treat the lockdown as paid leave <b>as a special case under this pandemic time.</b></li> <li>• Instead of paying your domestic worker their full dues at the end of the lockdown, divide the amount by giving them a proportion of it beforehand.</li> <li>• Ask your domestic worker if they need salary in cash or by direct bank transfer</li> </ul>	<ul style="list-style-type: none"> <li>• Do not deduct salaries if your domestic worker is unable to come to work due to illness since most domestic workers are sole earners in their families</li> <li>• Even if you have asked your domestic worker to come in for a limited number of days in the week because of RWA guidelines, please continue to pay her the full salary</li> </ul>

### Professionalism and Timing:

DO's	DON'TS
<ul style="list-style-type: none"> <li>• Extend the same levels of professionalism to your domestic worker as you would expect from your workplace</li> <li>• Ensure that your domestic worker has enough time to reach home before the government-mandated curfew</li> <li>• Give your domestic worker a specific time to report to work so they can leave and go to their other workplaces on time</li> <li>• Ensure that your building/complex has a space for domestic workers to rest in between jobs so that they</li> </ul>	<ul style="list-style-type: none"> <li>• Do not make your domestic worker defy government-mandated guidelines</li> <li>• Do not make your domestic worker work overtime unless you compensate them for it</li> <li>• Do not make your domestic worker wait for you in the park or stand outside your door/in the stairwell for extended periods of time. Open the door as soon as she rings the bell</li> <li>• Don't force your domestic worker to come to work if you have been placed under home quarantine (until</li> </ul>

don't have to leave and enter multiple times.

your quarantine period is over)

### Support

#### DO's

- Educate yourself and your domestic worker about symptoms of COVID-19 and precautionary measures
- Support your domestic worker to apply for ration cards, e-coupons online
- If your domestic worker is unwell or has visible COVID-19 symptoms, advise them to access medical help
- Offer to pay the fees for a medical examination and required testing
- Keep a list of helplines handy for providing medical and psychological help
- If your domestic worker is facing domestic violence at home and sexual harassment at her other workplaces, follow the below-mentioned steps -
  - Listen to them carefully and patiently
  - Keep helpline numbers handy with you
  - Help them get access to domestic violence helplines
  - Offer to support them with legal assistance, in filing a complaint or for any other matter.
  - Help your domestic worker access time-bound justice through Local Committees in case of SHW

#### DON'TS

- Do not ignore your domestic worker's call. She might be in a difficult situation and calling you for support
- Do not force your domestic worker to report to work if they are unwell
- Do not withhold identification documents of your domestic worker