

Multi-Stakeholder Consultation on Policy Options for Domestic Work in the Context of India's Care Economy

Organized by Institute for
Human Development
and International Labour
Organization



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CONCEPT NOTE



Concept Note

Women domestic workers is one category of work that is growing with larger numbers of women taking up this activity of paid employment. The increasing demand for domestic workers with the rising middle classes in urban areas is noticeable over the last few decades. This is a labour market activity which is largely informal and its distinction as a work category stems from the personalized nature of the contract and work execution within employer households. Since the women domestic workers largely belong to the poorer, migrant households the power equation between the employers and employees disfavours the latter. The vulnerability of workers and their need for the income support can serve as a ripe circumstance for exploitation. The need for regulating and protecting domestic workers has been debated and the ILO Convention 189 on Decent Work for Domestic Workers is one of the first ever International Labour Standard adopted by International Labour Organisation in 2011.

The ILO sponsored a research study on the perspectives of employers of domestic workers in two metropolitan cities of Delhi and Mumbai which was undertaken by IHD Delhi along with CDRA, Mumbai. This is part of the work in freedom programme, a UK funded multi-stakeholder initiative to reduce vulnerability to forced labour with a special focus on domestic work. The growing demand for domestic workers among the middle and higher income households and their approach to such work and workers rights was examined through rigorous field surveys using quantitative and qualitative methods. Care work within the domestic spheres is largely the responsibility of women whether as members of the households or as hired hands for carrying out these essential daily tasks. Domestic workers among urban middle classes and better off sections have always served as critical contributors and help facilitate women of the household to contribute to the economy in some cases.

The low presence of state provisioning of care services and social protection measures, amidst the diminishing fiscal spaces for public health, education and other social benefits influence the demand for alternative cheaper avenues of private care provisioning. Privatisation, eroding capacity of State and traditional institutions to manage care work, extend social protection and the ability to respond to the demands of the changing demographics of population, increasing migration to urban centres, with specific patterns of class and/or caste relationships is the milieu within which there is a growing demand for cheap and flexible labour.

More women are supplying their labour for domestic work given the ease of entry into this sector. This helps match up with the rising demands among urban middle and high income households especially with the additional specificities of need for care for children and elderly which is not provided for by the State and hence shifts the employers dependence on privately accessed domestic services. With little or no protection of the workers rights ensured by the legal and State provisions, women workers have to bargain and fight for their rights to the extent feasible. Some changes are observed over time with most part timers now trying to legitimately take the weekly offs for at least 2-3 days every month, for example.

Workers are getting vocal about it also and specifying these as terms and conditions while negotiating the working conditions and verbal contracts of employment.

Processes of formalization are far from attaining in this sector, given the highly personalized nature of this segmented and gender segregated job market. A complex set of demand and supply factors together influence the work conditions, contract and remuneration. The need to recognize these domestic activities as work undertaken by these women workers and aim for reasonable wages and working conditions is gradually witnessed in pockets around the two metropolitan cities surveyed in this project. However, bulk of the employers do not view such work as employment, since it engages the women domestic for a short period of time and specific tasks which are completed within a brief time span. With increasing demand for such tasks and more and more women entering the labour market for domestics, it may be assumed that there will be a gradual shift towards ensuring basic rights of these workers too. Some efforts in this direction are already visible.

The themes of the workshop focus upon these dimensions in three sessions post the inaugural session. The first session after the inaugural session presents the main findings of the research study which looks into the employers perspectives regarding domestic work, women workers, wage returns, hiring mechanisms, preferences, and so on encapsulating the demand side scenario. The first panel after this draws upon the supply side dimensions based on earlier studies in urban milieu. The second panel focusses on the policy considerations, bringing in the institutional and organizational efforts that have been going on. The final concluding session will bring together different stakeholders to highlight the learnings for the days discussions with a focus on central points for action, what needs to be done for ensuring dignity and decent work for women domestic workers.

SESSION PROCEEDINGS



A multi-stakeholder consultation on Policy Options for Domestic Work in the context of India's Care Economy was organized on 4th April 2016 by the Institute for Human Development (IHD) and the International Labour Organization (ILO). This Consultation was a part of a series of meetings with unions and organizations working on the issue of the rights of domestic workers organized by ILO. The purpose of this consultation was to share the findings of the completed research study on perspectives of employers' of domestic workers and reflect on the issues and concerns which could assist in the formulation of a policy for recognition of domestic workers' and their rights. The research study on the Employers of Domestic Workers was undertaken by IHD in collaboration with Centre for Development Research and Action (CDRA), Mumbai. This one-day meeting included the presentation of the findings of the research study followed by the panel of experts who commented on the various dimensions of the study. Two panel discussions were held in the post-lunch session, one on domestic workers and another on the policy implications. The concluding session reflected on the way forward.

Perspectives of employers' of domestic workers reflect on the issues and concerns which could assist in the formulation of a policy for recognition of domestic workers' and their rights.

Session I: Inaugural Session

Mr. Igor Bosc, Chief Technical Adviser, Work in Freedom Programme, ILO Decent Work Team for South Asia and Country Office for India, and Prof. Alakh N. Sharma, Director IHD welcomed the audience and presented the purpose of the consultation.

Mr. Igor Bosc mentioned domestic workers were an integral part of ILO's work, particularly their Decent Work Programme. He contextualized the consultation with the Work in Freedom programme wherein a special focus is being laid on two sectors – those of domestic workers and garment workers. The partnership with IHD had been fruitful in understanding the demand-side dimensions for domestic workers. The key issues in this context were those of recognizing and valuing the work undertaken by women domestic workers. Although wages have been experiencing increases in some cases, the concern of minimum wages still remains a big challenge. Several studies have examined supply side dimensions as well as socio-economic factors, but few have adequately explored the demand side aspects. He hoped this consultation would reflect on the issues of current trends in the organization of domestic workers and on whether this has led to



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Igor Bosc
Chief Technical Adviser
Work in Freedom
Programme, ILO



the recognition of domestic workers. He also raised several other questions: Is there a demarcation across tasks and what is their relative valuation? Is it leading to stratification in rural and urban areas? Is there a demand for skilled domestic workers and are employers willing to pay more for them? If not, why? How are employers hiring workers - through word-of-mouth or through recruitment agencies? Are working conditions improving for domestic workers and if not, how can we improve them?



With more women now migrating, and with families now moving into cities, women of the working class households add to the supply of domestic workers.

A N Sharma
Director, IHD

Prof. Alakh Sharma, Director, IHD, welcomed the participants and highlighted the issue of the growing numbers of women domestic workers even amidst the overall decline in the work participation of women being experienced in the country. He said that the work participation of women, especially among the relatively economically better off sections, is often associated with their dependence on domestic women workers. There have been several changes taking place in the arrangements of domestic workers. With more women now migrating, unlike the earlier male-only migration, and with families now moving into cities, women of the working class households add to the supply of domestic workers. These issues have been receiving the attention of state governments and the work done by ILO is noteworthy in this respect. IHD also has been working on labour and migration issues; however knowledge and understanding of the demand side factors of domestic work have not been examined as much as supply side dimensions. Therefore, this opportunity for looking into employers' perspectives was a welcome one for IHD. There have been substantial changes in the functioning of labour markets with involvement of agencies in recruiting women

workers, especially tribal girls and women. He spoke about the challenges and difficulties faced in interviewing employers during the field work undertaken for this study and, complimented Prof. Preet Rustagi and Ritu Dewan for successfully completing this extremely difficult survey. He reiterated that recognition, better treatment, protective legislation and social protection is required for domestic workers, and that hopefully, this study would be useful in promoting and integrating these concerns within policy formulation.

Mr. Manish Gupta, Joint Secretary, Ministry of Labour and Employment, pointed out that domestic workers constituted a huge segment of the workforce, especially in developing countries, where a large segment of women workers found a livelihood. It is also work an important source of employment for migrant workers. Domestic workers largely remain unrecognized and are often not seen as workers; they are largely unnoticed or taken for granted. Thus, identification and registration of domestic workers is an important issue for unorganized sector workers. A large number of women are mobilized for work from rural and tribal pockets through middlemen; however, they generally receive low wages, face very high risk of sexual exploitation, and are often not trained in the work they will be required to do. Another key issue is the need to create awareness among workers about their rights and minimum entitlements. Employers have to understand that it is skilled work and deserves sufficient wages. ILO has adopted convention C189 on this issue and India has supported it. He also added that the Ministry of Labour and Employment has been working on this issue even prior to the adoption of the convention and has taken several measures to ensure that domestic workers are entitled to minimum wages. In states like Bihar, West Bengal and Andhra Pradesh, domestic workers are provided benefits through various programmes. Where placement agencies are involved, they become important players in regulating work. Regulating work of these agencies also poses another challenge. For the future, it is imperative to strengthen and provide legal protection for domestic workers, facilitate their registration for enabling their recognition, promote their rights to organize, promoting skill development that would lead to wage increase, setting up a system for protecting workers working abroad, create public awareness and establish a household code of regulation to ensure standard working conditions at homes.

While delivering the vote of thanks, Prof. Preet Rustagi said the findings of this study conducted from the demand perspective would hopefully be enriching as the two cities – Delhi and Mumbai – are noted for their large domestic worker population and have



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Manish Gupta
Joint Secretary, Ministry of Labour and Employment, GOI

witnessed major changes in work and working conditions. She encouraged speakers to talk about the interface between demand and supply, and focus on policy implications. The earlier two days had witnessed discussions with trade unions with an aim to look at what could be some of the possible requirements for domestic workers, as this category of workers are very different from other industrial workers because of different working conditions, issues and demands, and so need specific policies which would focus on their specific requirements. She said that what struck them most was the difference between part-time, full-time and live-in workers – with the problems like those of wages and exploitation, depending on their terms of work. She commented that workers are keener to work for non-Indians as they clearly define the task of work as opposed to Indian employers who exploit the domestic workers and make them work all the time. This is different from the case of part-time workers who seems to make up a more organized market that is gradually beginning to reflect some ability to bargain and recognizing the dependence of employers on it. Thus there is a need for a different kind of attention and a different sort of law. However, if other provisions exist like the Employees State Insurance Act or the Unorganized Sector Social Security and Welfare Act then tweaking the old laws instead of replacing them with newer laws may suffice. Thus the distinct types of domestic workers have to be looked at differently. The study would try to outline the way forward for future policy measures through these discussions.

Session II: Domestic Workers: Work Conditions, Recruitment, and Employers' Perspectives

This session was chaired by Dr. A. K. Shiva Kumar, Advisor, UNICEF. Presentations were made by Prof. Preet Rustagi, IHD and Prof. Ritu Dewan, Director, CDRA. The discussants included Ms. Reiko Tsushima, Senior Gender Specialist, ILO, Dr. Sasi Kumar, V.V.Giri National Labour Institute and Prof. Aasha Kapur Mehta, Indian Institute for Public Administration.

Prof. Rustagi presented the key findings from the study titled “Persisting Servitude and Gradual Shifts towards Recognition and Dignity of Labour: A Study of Employers of Domestic Workers in Two Metropolitan Cities of Delhi and Mumbai”, which focuses specifically on the demand for domestic work in Delhi and Mumbai. The aspects inquired into included the type of women workers being hired (part time, full-time live-outs or live-ins), the method of recruitment and hiring, employers' preferences, number of hours worked, wages paid, working conditions, employers' perceptions about domestic work and workers' rights. The literature largely focused on the supply side, their working conditions and related issues; but there was very little focus on employers and the demand side. Domestic work as informal work was highly and also peculiarly personalized; as it was demanded by an individual household, and the workplace was within the personal confines of employers' homes, especially in the case of full-time and live-in workers who had limited opportunities to interact with other workers.

Over the past decades, National Sample Survey (NSS) data reported a rise in the regular urban workforce of women, and a substantial portion of these are domestic workers (DWs). This is an outcome of several factors – available disposable income, aversion to undertake certain tasks, time paucity among working women, and vacation of care spaces which creates demand for hiring other women to undertake these chores, presence of young children, ill or aged persons in the household, and changing lifestyle patterns. These are all likely reasons for employers hiring domestic workers. It is important to understand who the employers of these labour supplies are, and how the labour market is functioning, what mechanisms of hiring are adopted, how wages are fixed, what rights, if any, women domestic workers have, whether there is a legal provision and employers are aware of these. In the current milieu, wherein campaigns and movements for



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On an average, a part-time DW earns Rs. 1,500 (INR) per month, while a full-time live-out or live-in earns about INR 5,000 per month. The practice of advance payments against wages was reported from Mumbai.

An increasing trust deficit among employers leads to a preference for short duration part-timers.

Hiring multiple workers is an outcome of segmentation.

The employers were reporting the worker traits more than the social attributes.

Preet Rustagi
Professor, IHD



ensuring workers' rights for the domestic workers are gaining momentum, understanding the viewpoints of employers can be interesting and pertinent to the process.

The definition of an employer of domestic worker used by the study is: any household that hires a domestic worker for their household chores such as washing utensils, cleaning the house, sweeping and swabbing floors, washing clothes, cooking, taking care of children, or the ill and elderly is treated as an employer, irrespective of the terms and conditions of such work, payment modalities or hiring mechanisms. Mixed methods of both a quantitative survey and qualitative interviews of different kinds of employer categories were used. Pilot qualitative case studies or interviews of employers across different socio-economic strata were also conducted. Interviews of placement agencies and agents - wherever they cooperated - and a few organizations working for DWs were also conducted. Area selection was based on city stratification into districts/wards/localities to survey households in upper and middle class localities. The property tax classification list was used in Delhi; while the 2011 Census based ward-wise information on total population and slum population together with socio-economic characteristics of the localities were used in Mumbai. The study covered 25 wards from all the 9 districts in Delhi, while 12 of the 24 wards that constitute the two districts in the city in Mumbai were selected. Totally 33 localities were covered in Delhi and 64 locations in Mumbai. Huge difficulties (such as non-permission, security issues, disinterest, lack of time, outright refusal, locked houses, dropouts etc.) in the two cities meant that almost three to four times more households/areas were covered in order to actually get 4000+ respondents in Delhi and close to 2000 in Mumbai. A total of 1000 employer households of women domestic workers have been surveyed with a sample of 500 in Mumbai and Delhi each, based on multi-stage stratified sampling (city stratification, locality/colony selection, household listing, and identification of sample DW employer households). The sample was selected based on three subgroups formed after identification of a DW employer household from each locality based on whether the employer hired a live-in, full-time live-out or part-time women worker. Final sampling was done using the circular systematic sample method.

The field survey suggests that average employer household has four or five members and 56 per cent of all households listed employed women domestic workers. There is a much higher rate of employers of DWs in Mumbai, reflecting the higher incidence of richer, affluent, better-off sections. The bulk of the DWs are part-timers – 90 per cent, the remaining are full-timers or live-ins (5 per cent each). The DWs are hired for multiple tasks and employers reported the majority of the DWs for washing utensils, cleaning houses (more than 70 per cent); washing clothes (33 per cent); cooking (17 per cent) and all other tasks (3 or < 3 per cent). Apart from cooking, the other tasks for which DWs are hired by employers are child care, care for the sick and elderly. These workers generally tend to be different from the larger pool of women domestic workers who undertake the tasks of washing utensils and sweeping. Since different employer households have specific requirements in terms of tasks of work to be done at designated times during the day, this needs to be matched with the available labour supply of domestic workers together with their willingness to undertake these tasks as demanded by the employers. Employers emphasized the importance of time punctuality and satisfactoriness of work, as workers could get easily replaced if they did not meet these requirements.

Other instances of segmentation and segregation, apart from task and work profiles, include those who demand English speaking, better education, multi-skilled workers, and employer-imposed informal barriers where resident associations or apartment blocks specify that a certain pool of DWs work only for their society, or undertake identity checks and control labour supply, workers supplied by placement agencies who are only hired at a certain rate and commission, more security checks, contracts, replacements, piece-rated work, and new forms of DW adopted by younger employers. An increasing trust deficit among employers leads to a preference for short duration part-timers; the bulk of live-in or full-timers are among richer employer households. Other demand and supply side factors involved notions of purity-impurity with employers who are not willing to have the cleaners do the cooking, which can be seen as remnants of untouchability. Hiring multiple workers is an outcome of segmentation. Workers may not be willing to take up certain kinds of work, either due to time paucity and stress or other priorities, or due to social constraints. The differences across the two metropolises were with regard to caste and religion, with a lot more employers in Delhi not aware of the caste of their domestic worker compared to Mumbai. Interestingly the employers were reporting the worker traits more than the social attributes, though caste and religion kind of factors did come up in the context of certain types of DWs such as cooks, toilet cleaners, and so on. There was more multi-tasking in Mumbai compared to Delhi, and labour markets for domestic workers are gradually getting formed in Delhi more than in Mumbai. Further, employers stated that the DWs prefer to work for different employers rather than restrict themselves to one employer household where they can do more tasks and earn more.

There is a predominant preference for tidy, clean and neat DWs, who are competent, trustworthy, reliable, and dependable. A reasonable wage rate was also a criterion for several. Further, most of the employers hire only one DW, predominantly part-time. Workers are generally hired through largely informal channels like neighbours (51 per cent), relatives (9 per cent), and friends (9 per cent), and other domestic workers (21 per cent) especially watchmen (7 per cent). Recruitment

through placement agencies or agents – whether regulated and registered or not- remains very minuscule, with hardly any instances in Mumbai and Delhi both together reporting just 19 cases (less than two per cent overall). DWs are almost always hired on verbal contracts, except when it is through a placement agency, when in most cases a written contract is signed and terms and conditions agreed upon by the employers. However, such cases are very few – only less than three per cent of the employers stated that there was a formal contract, and these were much more in Delhi than Mumbai. Hiring is based on mutual negotiation and prevailing norms in the locality, nature of work, number of work hours, maximum permissible leave and wages. Prof. Rustagi observed that placement agencies can perform the role of a clearing house – matching the demand for domestic workers (with all specifications and preferences) with the available labour supply. They also follow some basic norms of recruitment—such as employer checks, agreement on basic terms and conditions of work, such as wages, time for work and rest, weekly offs/annual leave, clothes to be given annually, some checks against abuse by maintaining links and relations with the DW and also provide some basic initial training for undertaking domestic work-related chores. She also discussed the example of Nirmala Niketan which aspired to turn into a model placement agency, but was facing problems.

On the issue of wages, Prof. Rustagi said the study shows that on an average, a part-time DW earns Rs. 1,500 (INR) per month, while a full-time live-out or live-in earns about INR 5,000 per month. Wages are fixed based on locally prevailing rates for tasks or taking into consideration relevant factors. Examining changes was not the focus of this study, but employers who had workers who had been with them for longer durations tended to pay lower rates compared to the younger more recent employers (new employers), and women DWs who were hired over the last 3-5 years reported higher wages. Mumbai reported the practice of advance payments against wages, whereas this was not specifically mentioned in Delhi. Further, Delhi was moving towards a more market-oriented practice wherein the women workers are able to bargain for their wages which were based on a number of factors such as the neighbourhood, tasks, time spent, household size, the going rates as well as at times the knowledge of employer's nature or temperament from others in the neighbourhood.

Thus, the labour market for domestic workers is getting more work-oriented with employers only interested in the tidiness or appearance, competence, honesty, sincerity, age, wages, experience and training of the domestic worker, compared to factors like her caste, religion, marital status, region of origin, or even education. It is the former attributes which employers checked out before hiring the women domestics. Hardly any worker among the part-timers reported having to accept extra work without compensation for it. The live-ins and full-timers tended to be vulnerable and have to accept such work without prior consent. Several issues were raised: Which category of employers has trouble in retaining employees? Do women domestic workers shy away from nagging, fussy employers or those who make excessive demands for additional work which they feel obliged to do and cannot refuse? Are some employers too demanding and do they find it difficult to accept domestic workers who are not vulnerable and subservient? The study also provided some key recommendations including the need for due recognition of domestic workers, regulating hiring practices, ensuring minimum wages, specification of work-related basic conditions, regulation of domestic workers beyond mere registration, monitoring mechanisms or involvement of other parties,



stringent mechanisms to prevent unscrupulous practices, need for a non-criminalized and work-oriented approach, ensuring dignity and rights of the domestic worker, introduction of skill development and training which can also facilitate mobility, appropriate mechanisms for grievance-redressal, right to organize themselves and collective bargaining, greater role of different stakeholders, and working towards some kind of clearing house. With this study a beginning has been made on examining the demand side issues, paving the way for further systematic studies on the employers' perspectives.

Prof. Ritu Dewan, CDRA, began her presentation on a conceptual and fundamental note, emphasizing that the work of the domestic worker breaches the threshold between the public and private domain as the private household becomes the workplace for the worker. The work of DWs clearly lies in the domain of paid work and is therefore a legitimate labour market activity, and it cannot and should not be limited to the care economy, although its primary character may be perceived to be that. Quoting the Task Force on DWs she emphasized the need for creating public awareness regarding employers' obligations under the law in order to realize decent work for domestic workers through a rights-based approach. Given the nature of the work, it is important to focus on organizing domestic workers as a crucial part of the unorganized workforce.

She linked the aspects of the character of a city including its architecture and pattern of urbanization with the labour patterns of especially domestic workers, stressing on the economic ethos and design of the city of Mumbai and the pattern of its housing structures and income inequalities wherein 82 per cent reside in one-room tenements. The lack of space in the context of massive rises in real estate prices compels the poor to live in cramped houses, with no space for a domestic worker to live-in. Consequently, a domestic worker comes in for an hour or so to complete her work before members of the household leave for their daily work; thus to the Mumbai domestic workers' market the aspects and



Work of the domestic worker breaches the threshold between the public and private domain as the private household becomes the workplace for the worker.

Local residents work as part timers, while migrants are preferred as non part timers so that employers have complete control over the woman's labour. Using the term 'trafficking' while dealing with issues related to domestic workers in relation to migration, forced or otherwise is extremely problematic. The need for a code of ethics for domestic work is absolutely essential.

There is a need for creating public awareness regarding employers' obligations under the law in order to realize decent work for domestic workers through a rights-based approach.

Ritu Dewan
Director
CDRA, Mumbai

characteristics of punctuality, speed and economy of work are crucial. This automatically also links to the preference for informal placement channels, as employers would prefer DWs from nearby locations, with dependence on existing and reliable social capital and known sources.

She highlighted the distinction between migrants who largely work as full-timers or live-ins, while the local residents work much more as part-timers. Migrants are preferred as non part-timers because the employers thereby have complete access to and control over a woman's labour for all the 24 hours. This has also to be perceived in the context of a typical patron-client relationship that emerges with the implicit 'free' housing component in the scarce space of Mumbai. This leads to the reinforcement of dependency levels since food is also provided by the employer in case of live-ins. There is also some preference for unmarried and single women since "there is no one to take leave for", as these migrants belong to other districts and states. In this context Prof. Dewan raised the issue of using the term 'trafficking' while dealing with issues related to domestic workers in relation to migration, forced or otherwise. The loose extension of this phrase to women who are employed as domestic workers is extremely problematic particularly as the implication applies to commercial sex workers. This term in fact had met with a lot of resistance when discussed with respondents in interviews conducted in the study in the city of Mumbai.

In terms of religion and caste, some patterns are noticeable – while the Christians and Parsis employed all workers irrespective of caste and religious affiliations, Muslim households generally, though not always, hired those from within their own community, a few sometimes hiring Hindu domestic workers. On the other hand, the Hindus largely hired from within their own religion and community, although the caste was less important. There was some preference noticeable for tribals versus non-tribals, especially in the case of full-timers and live-ins. Prof. Dewan gave an illustration of rising caste consciousness among some employers who were not in favour of hiring Dalit women who they termed as being confident enough to argue back, aware of their rights, and 'over' empowered – referring to these women as "Ambedkar women".

The need for a code of ethics for domestic work is absolutely essential. She illustrated this with instances of how DWs are duped or cheated, especially by foreigners and short term temporary employers, with no recourse to any redressal when they are not paid wages. There are several instances from Mumbai where



specific housing complexes have instituted certain measures with regard to identity cards, registration of workers, fixed supply of DWs for a specified location, fixed wages for defined tasks, fixed leave on specified days every month, provision of certain amenities, crèches and *anganwadis* (childcare centres; literally 'courtyard shelter' for care of children, provided by the government), skill upgradation and training, security for elderly, single person households, mediation of disputes and also creating awareness. This study is important because it has thrown up these instances from the field which also provided a feasible and possible basis for the systematic introduction of such work-related ethics and a code of regulation.

Discussants' Comments

Ms. Reiko Tsushima compared the situation of domestic workers in foreign cities like Budapest where she was posted, where she was paying more than minimum wage based on a formal contract, unlike the situation in India. She stressed the importance for opportunities to be provided in India for domestic workers so that their services become much more professionalized, especially in terms of wages and conditions of work.

The employers' perspectives are the least researched and debated and given that, this research is very welcome. She discussed ways in which the findings of this study could be used to advance the situation of domestic workers, fulfil goals such as getting employers registered, issuing formal contracts and involving them to become part of this social dialogue. She also mentioned that a quantitative survey is perhaps not effective in eliciting preferences; biases of



IHD study reveals a definite shift from a family orientation to a more formal market contract approach to domestic work. If the right models of agencies exist, they can be of significant support in greater formalization, and modernization and moving towards a more labour market oriented approach.

Reiko Tsushima
Senior Gender Specialist
ILO

employers across different sections came through more strongly from the qualitative survey.

Ms. Tsushima noted that the study reveals a definite shift from a family orientation to a more formal market contract approach to domestic work. This is an important trend, which is differentiated and more pronounced among workers of a higher category like those involved in child care, but it is also important to note that it is not present in the category of work like washing and cleaning. The latter also gets less advantage in the labour market. The findings revealed that the informal and feudal relationship exists, but it is not as abusive as it used to be.

Also revealed is the potential of role of the placement agency and church-based groups, which in some cases have worked towards ensuring that the workers get a weekly off. If the right models of these agencies exist, they can be of significant support in greater formalization, and modernization and moving towards a more labour market oriented approach.

She noted that the degree of formality and modernity was more in Delhi than in Mumbai, which was surprising given that the latter has significant female labour participation and also has the largest number of domestic workers, and given also its stronger culture of unionization, and movements such as National Domestic Workers Movement that help formalize domestic workers. It was also believed that as the culture of living in vertical apartments would enhance mobility and interaction of domestic workers that would lead to more agency building, Maharashtra would spearhead the workers' movement. As the study reveals otherwise, it is important to explore this aspect more, to understand the factors that could explain it. It is important to understand the role of younger couples that employ the workers taking into consideration factors like both partners working, what the tasks of the domestic workers are, whether they have contracts and what the awareness levels of workers are. While these issues are beyond the terms of reference of this project, they are important questions and need exploration in order to understand the drivers of change.

Despite these signs of modernization and formalization, there is still a preference among employers to pay less for tasks like cleaning, swabbing, etc. which is a somewhat confusing and contradictory finding, and needs to be better contextualized. Thus it is clear from this study that this type of modernization and formalization does not necessarily lead to higher wages. Although the weekly days off have increased, which means the working conditions may have improved, the wages remain the same. Amidst a few gradual positive changes, there are other negative aspects which indicate contradictory findings, like employers not sharing bathroom space, providing leftover food, and inadequate private spaces for live-ins. Thus cultural factors appear to be important.

The question of registration of employers remains difficult. The employment relationships between employers and domestic workers and employers and other workers who provide other services need to be probed further. The aspect of payments being demanded for each task and the modern tools and machinery demanded for performing them also needs to be explored in terms of its impact on the negotiating power of the DWs, in terms of the transformation of the work into a micro enterprise and the worker into an entrepreneur, on the lines of other workers such as tailors who use sewing machines to stitch clothes.

A significant recommendation that emerged from the findings was the importance of the contracts and the fact that they are being increasingly used among employers, though the

question regarding the terms of the contracts and whether they favour the employers or the workers remains.

Dr. S. K. Sasikumar shared some of his experiences in the area of migration to draw connections with the study. He observed that in research in the last 50-60 years on the various categories of labour such as migrant labour, child labour, etc, there is a predominance of study of the supply side, and this has led to a strong policy influence in the area of supply side factors. This has happened in the sector of domestic workers too, where policy discourse has focused on the vulnerabilities, insecurities and mediation system, all of which stem from the supply side. This is where this study offers the much needed departure both in terms of theory and policy by focusing on the demand side dimensions.

In the case of migration study, he said that research suggests migration to be a micro-decision model, which leads the surveys to be designed at the household level. But since the eighties, there has been a departure both in terms of research and policy, and the need to study the demand side has been recognized. It has been increasingly realized that there is a consistent demand in the urban labour markets for certain categories of labour, and institutions and agencies, both formal and informal, respond to it on a continuous basis. Unless these roles and linkages of institutions and agencies are understood, it will be difficult to understand policy. He appreciated the fact that the IHD study undertook this research in spite of its difficulties to deliberate on the employers perspectives to bridge these gaps.

He speculated on the issue of regulation, whether tinkering with pre-existing labour regulations would suffice or new regulations were required. The provisions of the Immigration Act for instance, try to regulate domestic workers, particularly women domestic workers. The response of the state over a period of time is that this is a difficult domain to deal with since this particular sector of work is informal and individualized. The present regulatory framework thus aims to put in various restrictions on this work. However, it is essential to understand how these regulations function in an informal manner, and the role of the informal structures and institutions that are involved. Further research studies could explore these aspects.

He brought up the context of international migration and cited the examples of other countries such as Philippines and Sri Lanka that have put together excellent institutional safeguards for protecting migrant domestic workers. He focused the pre-departure orientation which entails the training of the domestic worker in Philippines to respond to a new city and situations, and the provision of phone



Countries such as Philippines and Sri Lanka have put together excellent institutional safeguards for protecting migrant domestic workers – pre departure orientation training, access to numbers of other domestic workers and grievance redressal mechanism.

S K Sasikumar
Fellow, V.V.Giri National
Labour Institute

numbers of domestic workers working in the neighbourhood, which proved to be very helpful as it served as a grievance redressal mechanism.

He also highlighted the important role of agency structures, referring to the international context and the need to licence the agency as per some rules and regulations, with the licence being cancelled if any of these are flouted. Although this exists in India as well, there are problems associated with it like the emergence of sub-agents who work informally and do not come under the structure of regulations, leading to exploitation, and difficulty in tracking them and ensuring accountability because they are not registered.

Prof. Aasha Kapur Mehta focused on persistence of poverty and vulnerability as well as lack of education, skills, employment and opportunities for decent work. She referred to Prof. Rustagi's three points on which negotiations of verbal and personalized contracts occurred – wages, hours of work, and weekly and monthly offs. Other points of negotiation were of extra work during Sundays or other days, and the demand for extra money for it. She agreed that identity checks of workers should not be done in police stations, and that these are normally not done, since it is rare the domestic worker will be asked to go to the police station to get registered. Identity checks should be done by the labour department or RWA, or with an association of domestic workers, which would be more easy and ethical.

Prof. Kapur Mehta also said that the dependence of the DW on the employer noted in the study is mutual, especially if there is a small child within the family, or someone who is sick or old. Thus the vulnerability is also mutual, as soon as one enters someone's house, one is vulnerable to various things: abuse, low wages, discrimination, etc. However, the employer is also vulnerable as she has let someone into her house. Sometimes the worker takes leave without notice, or takes large loans without the guarantee of returning them. The employer is also responsible in many ways for the worker, and finds herself in situations where she might have to help the worker who faces domestic abuse, or severe illness, or for the wellbeing of her children. In this case, the employer becomes the back-up for providing social security to domestic workers, which is actually the responsibility of the government. The employer then becomes the support system. She also pointed out the problems faced by the employer, such as difficulty in replacing a worker, as the worker feels the employer household should be hiring only her services, or the DW going on leave without providing a substitute, as she feels she might get



Dependence of the domestic workers and employers is mutual and so is the vulnerability.

Aasha Kapur Mehta
Professor, IIPA

replaced. Most domestic workers have strong networks within their village, and the constant need to protect and sustain these networks leads them to going there often on various pretexts.

Prof. Kapur Mehta did not agree that workers do not get opportunities to interact with each other, as things are changing with the availability of cheap mobile phones, which have provided access to communications and making connections. She also said that the agencies eat into the workers' share. She questioned the finding that domestic workers were poorly paid as they are women, as many men are involved in domestic work and are also poorly paid. She thus felt that the question went beyond the issue of men and women and focused on the nature of work itself being drudgery and no one wanting to do it.

The contrast between the Mumbai and Delhi study is on the factors of punctuality, work ethics, and pride in the quality of work: In Delhi, it is more a survival method, while in Mumbai it is more about work ethic.

Prof. A. K. Shiva Kumar raised a fundamental question which emerged from the discussions, that the expectation was that the work of domestic workers would continue perpetually in the years to come. He questioned whether such work where one set of human beings serve another set should be considered as something we need to free ourselves from as a society. Given the educational quality with poor levels of learning, we are ensuring that there will be a segment of our population who will continue to supply their services and therefore were unlikely to eliminate such indecent work forms.

Issues raised/ Discussion from the floor

Prof. Dev Nathan, Visiting Professor, University of Manchester pointed out a gap in the analysis. He referred to his research experiences in Dhaka, which is a poorer country than India, as well as in Bangkok, which had a lot of industrial employment for women who are not well educated. When one has five million jobs in garment factories that are available, the wages of domestic workers go up so high that middle class households in Dhaka could hardly afford to hire them. In Bangkok, there is a similar situation, and there is no 'pampered' middle class that thrives on cheap domestic labour. Thus, there is a need to look at the demand side. Dr. Devesh Vijay, History professor at Zakir Hussain College said that in his experience, the reason many women were pushed into becoming domestic workers was the growing problem of alcoholism and hard drugs. He also focused on the importance of better paid alternate employment and quality education, the lack of which results in a



Should society eventually free itself from such domestic work - wherein one set of human beings serve another set?

A K Shiva Kumar
Advisor, UNICEF



The place of work of the domestic worker should be viewed as a factory and a place of work and not a home.

Geeta Menon
Secretary, DWRU

large low skilled work force. However, infrastructure creation in rural areas can go a long way. Ms. Sudeshna from Mobile Crèches asked about the findings on maternity entitlements in the course of this survey, and whether *Anganwadi* centres were available for the domestic workers. She also asked about the calculation of wages in the study as the respondents were employers. Ms. Geeta Menon, Domestic Workers Rights Union spoke about her study on employers. She said that the place of work of the domestic worker should be viewed as a factory and a place of work and not a home. In her study, there were some contradictions, while some employers felt that there should be no intervention in the home especially on the rights perspectives, others felt that there should be non state organizations. Some employers felt that as long as they treated a worker well, they did not intervene in cases where employers treated the same worker badly. She pointed out the harassment by the police in cases of alleged theft, and how these panned out in this particular study. Prof. Mala Shankardass, Delhi University discussed changes in how care is looked at, in terms of the nuclearization of families leading to new demands like care for children and the elderly, and increasing health consciousness of the employer making the health of the worker an important factor and leading them to provide better diet, care and leave to the worker. These new mind-sets and changes should be incorporated.

Dr. Savita Singh from School of Gender Studies, Indira Gandhi National Open University (IGNOU), pointed out the importance of the context of the mode of production and its impact on work. Second generation domestic workers have more opportunities now. Dr. Marjorie Fernandes, Janki Devi Memorial College, Delhi University (retired) said that the definition of wages needs to be explored, as workers choose employers based on wages as well as non-monetary benefits as well as whether families or single persons were employing them. She also noted that rates varied greatly, eg. the rates in Delhi and Gurgaon are very different. She pointed out that the agencies exploit both the worker and the employer. Father Chetan from National Domestic Workers Movement raised the issue of regularization and the employer's attitude towards this: do they take this well and do they want to participate in the union or not. Also are there changes in the work arrangements of the employer and the differences in attitudes of men and women, younger and older employers. The question of quantifying the care economy and gender differences within the employers themselves was also raised. Dr. Manjeet Bhatia, Women's Studies Development Centre, DU asked whether or

not employers wanted to legalize this work and the changes that come along with it. Dr. Mala Khullar from Asian Centre for Women's Studies in Korea spoke about the trap of domestic work and asked whether there was skill development within the sector, like training to use electronics, which could increase their potential to earn. Prof. Indu Agnihotri, Centre for Women's Development Studies (CWDS) spoke about the importance of political economy and the way the workers and employers are embedded in it, where it is felt that formal production is valued over production within the care economy. Women's experiences are seen as isolated from the larger structures of the political economy. She spoke about the need to go beyond individualized experiences and analyze it from the lens of the larger structures. The issue of caste was raised, and its importance in work such as cooking, and also as the reason for the presence of child labour. Some participants questioned the accuracy of the low proportion of recruitments through agencies and agents.

In response, Prof. Rustagi said that this study was a beginning which would provide further leads to help explore the demand side perspectives in the context of domestic work and workers better. She acknowledged that the issue of contrasting findings is very important as was pointed out by several participants, and she viewed these as a reflection of the contradictions prevalent in the context of modernization and gradual changes being witnessed. This was reflected in high levels of education, yet adherence to notions of caste, and not sharing spaces and utensils due to notions of purity and pollution. Thus progressive and regressive aspects are noticed in this sphere even in metropolitan cities. What the findings of this study highlight are the gradual changes that are happening, and not necessarily the bigger picture. For example, 50 per cent of the respondents still had caste-based restrictions, but it is the apparent shifts that were highlighted. There are similar other interesting instances such as the family dynamics of the employer households, the daughter-in-law not revealing to the mother-in-law about the Muslim domestic worker's religious identity, or cases where younger couples requested that the worker not reveal their caste as the older people in the family would not agree. Thus, contradictions are inherent in these findings, and reveal the complexity of changes over the generations.

On the employers' perceptions regarding regulation, the study found employers to be comfortable with changes that suited their interests, but those changes that didn't were opposed. Thus regulation of employers was not appreciated. However, there was a recognition that this is needed, and so the employers reluctantly agreed to some



The importance of political economy and the way the workers and employers are embedded in it, wherein it is felt that formal production is valued over production within the care economy.

Prof. Indu Agnihotri
Director, CWDS

extent on the need for regulation to ensure professional work. Intergenerational mobility is a reality, but those who get into this work, find it difficult to move out. In terms of skill development, there were examples of this in higher income groups and embassy households, but this was not the case in most households, although some NGOs were helping in this regard. The evolution and change in domestic work and how it is viewed has been examined in the context of West Bengal for instance; these stories of other towns are very interesting and provide a comparative context.

Prof. Ritu Dewan addressed the issue of the next generation of domestic workers. Earlier, younger girls were often seen accompanying their mothers to help in her work and also get trained in the process, but this is not the case anymore, with most of the young girls being in school. However, due to lack of other alternate employment, it gets difficult to move out of this work.

She addressed the question of women from female-headed households ending up as low paid domestic workers. She also raised the issue of women being compelled to work in low paying jobs due to the process of de-industrialization in Mumbai which has resulted in under employment for men, many of whom do not accept less paying jobs due to the patriarchal structure, thus pushing women into low paying jobs in order to provide sustenance to the family. Thus the patriarchal context is very strong. In Mumbai, a new trend has emerged, where male migrants hire a room and offer domestic services and get paid higher wages. However, this study does not look at male workers.

She did not agree with the issue of mutual dependency that Ms. Mehta had raised. She said that the relationship between an employer and an employee is that between capital and labour and is hence always unequal and inequitable. The dependence on the worker exists, but it cannot be of the same nature due to the basic inequality. If an employer fires a domestic worker, she can get three more in her place, but the worker loses credibility and a job. The situation therefore has to be perceived in the context of the play out of demand and supply forces in a fundamentally inequitable labour market. In the absence of State-led regulation, trade unions and workers' initiatives have emerged and she said that it is important to encourage these. Lastly, she addressed the role of the State and how it needs to take responsibility. The artificial dichotomy between paid economy and the care economy, and that of the formal and informal needs to be relooked by the State so as to be more accountable.

Panel 1: About Domestic Workers

This session was chaired by Dr. Rajindar Dhar, Additional Labour Commissioner, Department of Labour, Government of NCT of Delhi. The panelists were Ms. Bandana Pattnaik, Global Alliance Against Traffic in Women (GAATW); Dr. Deepita Chakravarty, Chairperson, Centre for Women's Studies, Santiniketan; Dr. Neetha N., Centre for Women's Development Studies and Father Chetan, National Domestic Workers Movement.

Dr. Rajindar Dhar spoke of the few initiatives taken in the last 4-5 years including the proposed draft bill. He said there were about seven or eight states who were waiting to see "*dilli wale kya karte hain*" (what will be Delhi's response to the Bill). He placed the focus on the plight of domestic workers, with employers on one side, the supply chain on another side, and the touts and middle men who are outside the placement agencies on third side.

Ms. Bandana Pattnaik discussed the context of changes occurring in the world of work at large, wage inequalities and the increasing migration occurring among those who earn higher levels of income. Contrasting the discussions held so far in the earlier session with the ones occurring in the context of anti-trafficking discourses, she mentioned that the latter tend to be confusing and lack clarity regarding the demand for these services and for what it is for—whether it is for commercial sex or paid sex work. This confusion does not help either the trafficked person or the migrants. She also stated that the real context of a woman domestic worker is one who is strong, with several attributes which are not discussed, since the focus generally tends to be upon vulnerability, poverty, and various deprivations. While the latter may be issues, she highlighted the need to shift away from this approach as this vulnerability is not congenital to certain groups of people and nobody is biologically vulnerable in the way this tends to be discussed. In fact the women domestic workers in several cases are strong, risk-taking and upwardly mobile. There is a need to focus on groups of workers, consider them as rights holders, and understand that their rights have to be protected. The dilemma facing those formulating policies is often about how to protect workers' rights without getting into a situation where the rights are further curtailed, as witnessed in the anti-trafficking discussions. The anti-trafficking policies are at present becoming anti people's rights to movement. Therefore the challenge for those who believe and are fighting for workers' rights, is how to reconcile and ensure that policy advocacy does not end



The anti-trafficking policies are at present becoming anti people's rights to movement.

Ms. Bandana Pattnaik
International Coordinator,
GAATW



up in policies that curtail mobility and rights of various workers groups, including of domestic workers.

Dr. Rajindar enquired how the term 'domestic workers' is being used, when there are no labour laws made so far. As a professional of labour law, he admitted that nothing has been done so far on this matter although seven or eight states have set a monthly minimum wage, though he questioned the state of its implementation, as not a single challan had been filed in any households in any of these states, because the domestic work sector as such had not been brought under the purview of the Minimum Wages Act of 1948. On the contrary, these states were not doing well as far as the minimum wages notified by the government were concerned. Thus there was a need to consider whether what was needed was a law on paper prepared by the government or something to be done at the grassroots-level.

Dr. Deepita Chakraborty presented her own work on the theme of domestic workers, focusing on the issue of agency. Listing a number of media reports and news clips, she presented a series of cases of exploitation, abuse and inhuman treatment of young girls working as child labourers. A twelve year old girl working as a domestic maid was found hanging in her employer's residence, similar was the case of an 11 year old girl who was dropped on the road by her employer. Some of them were more fortunate to run away and some were found with beating and burn marks. The incidence of violations of the rights of girl children is quite high. Based on NSS data analysis she presented the numbers of young girls working across states of India, to highlight the position of



A study by Save the Children in West Bengal revealed that there were a large number of girl children working as full-time domestic workers and live-ins.

Deepita Chakravarty
Chairperson, CWS
Santiniketan

West Bengal as the topmost in terms of work participation rates among young girls. In spite of the decline among the below nine year age group, among the ten to fourteen year group, the work participation remains high compared to other states. The girl children work in domestic service, which contributes to almost one fourth of all urban occupations in which women are involved. Her presentation focused on the supply side dimensions, while recognizing the importance of demand side dimensions.

When a girl child decides to work it is not her decision but the family's decision. It is understandable that from the lowest income category, we may expect that there is substantial interaction and the family sends the adult women and the girl child to the labour market. A study by Save the Children in West Bengal revealed that there were a large number of girl children working as full-time domestic workers and live-ins. Eliciting such information was possible earlier before 2006, before respondents were aware of the legal provisions. Even parents tended to report their children as not being at work, since they reported them as being in school. According to her, employers' perspectives may be limited in some respects, hence getting to the root of where the children who work in this sector were coming from was required. She referred to the various sources of information about migration, and trafficking of girl children by known contractors who have political affiliations. The early age at marriage, girls being brought back home after puberty, the low fertility rates and other indicators were discussed to illustrate the choices available to them.

Dr. Neetha highlighted some important issues by locating the growth of domestic work and workers alongside the larger changes happening in the economy where a fall in women's work participation rate could be seen. It is important to highlight what is domestic work and how it has changed. She discussed the importance of recognizing domestic work, especially the transition from the feudal servant-master relationships to that of a worker and employer, and several other changes noted since 2004. The tasks have become divided and specialized and there is still a large component of the usual domestic work of cleaning. There are specialized segments in domestic work too. The system of part-time work hasn't lost its importance, though there are live-in workers; part-time work is still dominant in domestic work in all cities where these studies have taken place. We need to distinguish between the part-time domestic workers and other informal contractual workers. Domestic tasks undertaken by these workers were not so specialized, over time one is witnessing some elements of specialization. Although part-time



The system of part-time work hasn't lost its importance, though there are live-in workers; part-time work is still dominant in domestic work in all cities where these studies have taken place.

Neetha N
Senior Fellow, CWDS

work continues to be important, it is necessary to differentiate between a part-time domestic worker in comparison to other part-time workers, especially in the context of addressing the regulatory frameworks, implementing labour laws for DWs and the absence of proper secondary data availability.

If we look at the available secondary data on workers, there are segregations in terms of age. Women in the age category of 31-40 years are the largest segment, followed by the 41-50 years category. It is the middle-aged or the older women who are in this sector as compared to the young and child workers. If we look at the marital status, this segment has a large segment of divorced single women - more than 30 per cent. Some of the issues highlighted in the earlier session are in terms of employment relationships, as having a personalized system operating alongside the market system is a mix of the personalized feudal and market systems, which make the system complex so it doesn't define a wage rate easily. She expressed her concern regarding attempting to understand the relationships entirely from the labour markets perspective, given that they had some personalized component. She also felt the need to engage with some of these personal elements in regulations. The docility in these relations where the employer wanted them to be docile and also trustworthy was an important feature. On organizing domestic workers, she mentioned the important role played by large sets of organizations which had brought about a lot of change in the sector, including the shift in terminology from servants to workers. Yet several challenges remained. The rights issues have been coming up recently with the ILO intervention and discussions at the international level, and the workers' rights perspective has not been a subject of interest or intervention in the early phase of the struggles. Employment aspects, wages and working conditions did not receive priority in those phases but the transition from servant to worker is something that we need to acknowledge. Looking at the regulatory framework extending laws to domestic workers is very important, even though some of the labour laws are not implemented properly. Recognizing them as workers is an important step to start with.



The Unorganized Workers Social Security Act explicitly says that domestic worker is a worker.

Father Chetan
National Domestic
Workers Movement

Father Chetan was invited as a panelist to share his views. Based on the close association with domestic workers, their issues and organizing them, he began by reiterating the point on the confusion created due to lack of clear data and numbers of how many domestic workers there are in the country. Census 2001 said there are 6.1 million domestic workers in the country while NSS 2004-05 says that there are 7.1 million. However, there is a rapid increase

of domestic workers in the country. Based on the estimate which claims that two percent of the urban workforce is domestic workers, of the total 500 million, there ought to be no less than ten million of them. All this leads to confusion and contradictory findings while comparing different sources of information.

He also discussed wages and contested the reference to the use of the term domestic workers since there are no legal provisions. He highlighted that domestic workers have been brought under some legislations in at least ten or twelve states. The Unorganized Workers Social Security Act explicitly says that domestic worker is a worker. Wherever wages are fixed, they are fixed at INR 6,000 rupees for more than eight hours work. In states like Tamil Nadu however, wages have not been fixed. At least 50 per cent of the workers work for less than three hours, which means that they are earning less than INR 2,000 rupees. They have the burden of looking after their family. Further, the government does not feel that it is its duty and responsibility to ensure social security for domestic workers. Only 13 states have set up the social security boards under the Social Security Act. Most of the schemes are already existing schemes of the central government. Referring to housing, which is the most important social security measure for domestic workers, he questioned where domestic workers could make houses when they have no place of their own in the slums. Further, full-timers probably face more abuse than the part-timers as activists have no access to them, and it is known that their living conditions are pretty bad. He also felt that the numbers on trafficking for domestic work or for forced labour have not reduced as per perception, but have increased. The traffickers have become smart and are aware of how and through which routes the workers are to be taken. Most people have domestic workers today but a study from demand side may not reveal information on these dimensions. He concluded saying that right to association is a right and today we know that a number of workers' organizations have been registered under the trade union act though they may face a lot of problems.

During the discussions on the presentations, Mr. Igor Bosc said that though the panel was about the supply of workers to metropolitan cities like Delhi and Mumbai, the issues that arose from the supply side factors such as the source of origin of domestic workers had not been discussed, particularly in terms of migration, demographic shifts, conflicts, domestic violence, and in terms dynamics of poverty that basically affect migration and affect the workers' bargaining power at the work place. While the agents have become smarter and there is exploitation, it may be important to question whether there is a role that the NGOs can play so that DWs' recruitment can be regulated.



It was the market which demanded cheaper labour, and the employers thought they have the right to employ children.

Geeta Menon
Secretary, Domestic Workers
Rights Union

Ms. Menon observed that talk about migration and of children in domestic work, talking about the demand side was like discussions about sex-trafficking and poverty and illiteracy. It was the market which demanded cheaper labour, and the employers thought they have the right to employ children. When the employers are questioned when these cases come to light and the children are rescued, it appears that the children are hired as they can be made to work in situations akin to bonded labour.

The Chair lamented the Interstate Migrant Act which had some mandate in the country to perform but has become almost defunct. He narrated a true story shared by a Police Joint Commissioner about the mechanisms employed by middlemen in a case where he got information that a group was coming to Delhi with child labour. A trap was laid based on this information, but it got leaked and the relative of the children changed the route and reached some other destination. Police in civil dress were deployed, but one person said that he was a relative of the children and had brought them to Delhi for sightseeing. The police could not do anything in such a situation. Identification of domestic work needs to be defined by the government in a more detailed manner. Laws should be customized keeping in view the workers. In the case of state governments who have registered their workers, the status of the workers once they migrate needs to be considered. The domestic worker sector is a big challenge as the right of privacy is vested in the people. There should be legally enforceable inspections. He also presented the highlights of the planned bill that focused on effective regulation of placement agencies, targeting illegal and unplanned devious placement agencies.

Panel 2: Policy Implications

Prof. Kamala Sankaran from the faculty of Law, University of Delhi chaired the next session. The panelists were Ms. Ruth Manorama, a Dalit activist who spoke about discrimination against domestic workers; Ms. Kiran Moghe, Indian Association of Women's Studies (IAWS) and All India Democratic Women's Association (AIDWA) who spoke about her experiences in organizing domestic workers; Prof. Jayati Ghosh from Jawaharlal Nehru University (JNU) who spoke about policies shaping the care economy; Ms. Suneeta Elluri and Ms. Bharti Birla both from ILO, who discussed the challenges and issues in working towards policies and organizing DWs and the rights of the domestic workers to skill development respectively; and Ms. Amarjeet Kaur from the All India Trade Union Congress who spoke about the voice and organization of domestic workers.

Prof. Kamala Sankaran said regarding domestic work, the statement 'work like any other, but work like no other' captures the aspect that the person working as a domestic worker requires protection of workers' rights. There is a sectoral disadvantage for the people who work in this household sector because of the personal nature of work, a throwback from the old feudal structure when a person was taken as a menial servant and kept within the confines of the four walls of that home. This is associated with the fact that domestic work was excluded when the entire transition to contractual employment took place, as several studies showed that when the contract labour alterations were being made, the law gave collective bargaining to the industrial worker but the domestic worker was left out. It is necessary to bring the domestic worker at par. However, there were questions about how it could be done, and whether the right of privacy of the home owner should be privileged in place of the workers, since the work is inside home. Delhi did not have a rich legislation of labour laws like other states and sectors: For example, under the Beedi Worker's Act and the Handloom Act, the inspector could go inside the dwelling and check whether the work performed is on par with the Act. Andhra Pradesh permits this law for labour. She also observed that care work was a bit of an oxymoron as care was about love and work is associated with wages, but said that we had moved forward to a care economy where dignity and the right of the worker had to be centre-staged, and the burden was on the state to fulfill the constitutional right to dignity and livelihood, not on the activists and the workers. This is why in the Bachpan Bachao Andolan (Save Childhood Movement) case, Justice Sikri directed the government to discharge its duties.



Delhi did not have a rich legislation of labour laws like other states and sectors: For example, under the Beedi Worker's Act and the Handloom Act, the inspector could go inside the dwelling and check whether the work performed is on par with the Act.

Kamala Sankaran
Professor, Faculty of Law
University of Delhi



Since women domestic workers live in slums and generally belong to the lower caste groups, they tend to be typecast in various ways, leading to discrimination. One of the common forms of typecasting experienced by domestic workers is being accused of theft.

Intersectionality of class, caste and gender maximizes the chances of vulnerability and minimizes freedom and justice.

Ruth Manorama
AIFDW, Bangalore

Ms. Ruth Manorama – linked the issue of discrimination to the earlier discussions and her own work with trade unions. Referring to her experiences in the early 1980s, she mentioned how even the leading trade unionists enquired how women can organize trade unions, how can they demand minimum wages, why women need to be organized, and so on. With efforts they were able to break the attitude and perception of many of the leading trade unionists because they were convinced that women need to be organized. Similarly it is the attitude and perceptions among the trade unions and organizations, which view the domestic workers as servants. There are still discussions about what the domestic workers need to be called. Since women domestic workers live in slums and generally belong to the lower caste groups, they tend to be typecast in various ways, leading to discrimination. One of the common forms of typecasting experienced by domestic workers is being accused of theft. The class, caste and gender nexus operates very strongly. People's perception regarding the wages to be paid are influenced by notions that the wage rates for work undertaken in the place of origin tend to be much lower, so whatever they are paying is much higher and therefore good enough. Intersectionality of class, caste and gender maximizes the chances of vulnerability and minimizes freedom and justice. State discrimination is also prevalent. Sharing the common occurrence in several employer households on how the domestic workers face discrimination she mentioned how even the dog in the house has a big basket to lie in but the domestic worker is made to sleep near the stairs, often without proper bedding. Society is still patriarchal and a feudal system still exists. Middle class women employers are often seen talking about their domestic workers

and criticizing them on several counts. She concluded by saying that these organizations should pressurize the government to look into the recommendations against discrimination against women as workers and women from marginalized social groups.

Ms. Kiran Moghe said that the major concern for everyone was the wider economic context where we all live and work which is that of a neoliberal state and its policies are leading to greater poverty, unemployment and inflation. The supply of domestic workers is coming from unemployment and migration. This should be contextualized. Second, we are functioning in the context of a state which is moving very rapidly towards dismantling the labour law legislation framework. As domestic workers who are struggling to become formalized, there is a situation where most workers are becoming informalized in one way or the other. Laws, protective legislation and minimum conditions of work and social security need a legal framework without which not much can be achieved. The state is waiting to dismantle these laws and bring in labour codes, and the latest drafts on national policy also don't talk about the labour legislative framework. The suggestion that all organizations and trade unions should be converted into placement agencies and every domestic worker should become a member of a placement agency is quite dangerous. Under the aegis of the ILO, the convention 189 concerning decent work for domestic workers was adopted, but it cannot be ratified because the Government of India has not put the requisite laws in place. Further, the nature of domestic work is changing. This is a large country with regional variations. The metropolitan situation is different from that of towns. As a policy or a mandate, it would be critical to set up a mechanism of registering the domestic worker. Even in terms of actual implementation, this registration is a necessity. One should be clear that there is nothing like a readymade domestic worker, despite a situation of steady supply of domestic workers. There is a range of employers in the bigger cities who expect a kind of professional work, but in the same cities there are people with a very feudal mindset who look upon the domestic workers as servants. The kind of discrimination that these workers face is not only about caste and class but also of denying them use of lifts and making them use back gates. These aspects also need to be considered. Representatives and officials of the states are also employers, and the perception of the employers as well as officials tends to be influenced by notions prevalent in society, which must be understood while discussing the subject of domestic workers, though local trade unions and other activists who advocate for domestic workers rights may have different opinions



Neoliberal state and its policies are leading to greater poverty, unemployment and inflation. The supply of domestic workers is coming from unemployment and migration.

Kiran Moghe
AIDWA



Improvement in the condition of DWs is significantly related to the recognition, reduction and redistribution of unpaid care work.

The quality and high skills required that are learnt on the job currently can be imparted through training and is currently absent in public policy discourse.

Jayati Ghosh
Professor, JNU

which influence policies. Lastly, there are existing legislations that are not being made applicable for domestic workers. She reiterated the importance of creating awareness about the laws both among the women workers as well as their employers.

Prof. Jayati Ghosh spoke about care work and the unpaid to paid continuum: There is no clear dividing line and this has many implications as it affects social attitudes and policy attitudes. A lot of this work is socially undervalued and invisible. There is a problem in terms of the nature of care work, of which paid domestic workers, are a significant part. Thus the improvement in the condition of DWs is significantly related to the recognition, reduction and redistribution of unpaid care work. Domestic workers too have to go back home and perform the same activities which are unpaid. Further we need to consider the forces which lead DWs to take up this work along with rural domestic work, as official data shows that increase in the number of domestic workers is from rural areas, though it may be difficult it is necessary to persuade governments to realize the significance of domestic workers and the need to establish legal provisions for them. Domestic workers are not recognized and barely get minimum wages, as there is a real lack of recognition of the quality and skill level required. Everyone considers this as unskilled work, though care of children, old and sick is a clearly skilled activity. The recognition that the quality and high skills required that are learnt on the job currently can be imparted through training and is currently absent in public policy discourse and needs to be brought in. Clearly a basic and fundamental issue is to ensure contracts and registrations. A contract should specify the working conditions - this is a basic minimum which must be demanded. Though a private informal home setting makes it difficult to enforce anything, there are a number of developing countries who have gone a long way in increasing social security. She said that a lot of domestic work is supplied in a context of destitution due to the absence of public provision of basic public services that forces the burden of care of the sick on the households, which is passed on to the domestic workers. She highlighted the need to recognize that many of these works can be distributed to public service providers with proper quality under public employment. She also pointed out that domestic workers are not only women, 30 per cent are men.

Ms. Amarjeet Kaur focused on the policy framework and the need to look at these workers as workers: She said that many trade unions have started working with DWs and have enhanced

their work, but it started in full force when ILO ultimately decided to discuss the convention. The Indian government then appointed a task force that reported they had initiated this work, work was done in two or three years and it was decided that state government would add these workers into the schedule of employment in the Minimum Wages Act. As a trade unionist, she emphasized the need to recognize this as a rights issue and not approach it as provision of welfare. Whatever laws are addressing the issues should be applicable to the domestic workers as well as soon as they are recognized. She said trade unions had been addressing them as workers for the more than twenty years, and have become more serious since 2009. There are organized unions in 12 states and the government has taken it up in ten states. Speaking about policy interventions, she stated that policies alone have no meaning unless there are legislative provisions as well. Apart from all the labour laws which should become applicable for domestic workers, she said a national labour law on domestic workers was also needed to guarantee welfare measures to them. Only Kerala and Tamil Nadu have legislation for construction workers. Though this movement began all over India, only when there is a law can every state be compelled to have welfare boards. Trade unions have been organizing and succeeded in raiding units under the Industrial Disputes Act and succeeded in having settlements as well in a few states. The issue of minimum wages however was a very tough issue. Diversity of employers and employees and diversity of working hours made calculation of minimum wages difficult, and the government should be urged to have a state as a pilot region for this purpose. The first step for organizing them was registration; however the right of registration could not be given to placement agencies, as experience had been very bad on this front and many trafficked women and girls had been rescued from them. There are however certain placement agencies who work with missionaries which have been working very well. The domestic workers said that there should not be imposition of rules but they should be given space and freedom to negotiate.

Ms. Suneeta Elluri talked about the size and contribution of this sector, although calculations of national incomes may be a different method. She said the sector as a whole was not clear and often only the benefits were considered and leaving out other considerations. Welfare depended on the benevolence of the state. Kerala, Tamil Nadu and Maharashtra have welfare boards which distribute some amount of benefits but there is no regulation on the working conditions. Registration of welfare still happens through paper



Policies alone have no meaning unless there are legislative provisions as well. A national labour law on domestic workers was needed to guarantee welfare measures to them.

Diversity of employers and employees and diversity of working hours made calculation of minimum wages difficult.

Amarjeet Kaur
National Secretary, AITUC



The Rashtriya Swasthya Bima Yojana (RSBY – State Health Insurance Plan) is one of the policies which has been extended to the domestic workers; with INR 30,000 paid as health insurance.

Suneeta Elluri
Project Coordinator, ILO

work in Maharashtra, with the associated difficulties of no mechanism for that, and no one to facilitate that kind of access to the benefits. The Rashtriya Swasthya Bima Yojana (RSBY – State Health Insurance Plan) is one of the policies which has been extended to the domestic workers; with INR 30,000 paid health insurance. This is significant as it is the first policy which has extended some health insurance to domestic workers based on their occupation. Three states -Kerala, Jharkhand and Chhattisgarh – were studied to assess how RSBY is catering to domestic workers. In Jharkhand there is a good understanding between the domestic workers and the labour department. In Chhattisgarh there is a lack of awareness; one person said that he got the smart card of RSBY which he hangs in front of the house since he does not know what it means. In 2008, the National Commission for Women (NCW) brought out a domestic workers' registration in social security welfare act, and in 2010, NCW bought domestic workers welfare and social security act, with the registration part missing in the second one. The government is extending Employee's State Insurance (ESI) to domestic workers. However, a regulatory framework is needed for comprehensive legislation and policy, which includes domestic workers in the occupation category. While all stakeholders appear interested in ensuring workers' rights for domestic workers, be it the government, activists, academicians, it is unclear why is it not being enacted. A regulatory policy where welfare and social security is possible is needed.

Ms. Bharti Birla said employers do not appreciate skills and do not take this as work and are therefore not ready to pay. The demand



and supply gap for DWs is quite wide. There is a lack of jobs and even where jobs exist, they are of low quality and some people find that they only work for a few hours. There are no rights or collective voice to represent the workers. On the supply side, there is low level of skills and training.

Skill is a human capital and people need both hard and soft skills to help them succeed in the labour market. There should be a focus on education which should be linked to training, and entry into labour market, as skills are not only an integral part of the employment strategies but also raise the status of domestic work. Skill development is a shared responsibility of the government. However, skills are fundamental but are not sufficient to get entry into decent jobs. Equal opportunities should be given to those who are employed in unskilled work. There should be growth into more and better jobs. After years of effort, a Domestic Work Sector Skill Council has been established in 2015. Skilling programs should enhance the skills of the domestic workers to enable their mobility into specialized jobs and sectors of hospitality.



Employers do not appreciate skills and do not take this as work and are therefore not ready to pay.

Skill is a human capital and people need both hard and soft skills to help them succeed in the labour market.

Bharti Birla
National Project Coordinator
Work in Freedom Programme
ILO

Panel 3: Summing Up and Concluding Session

The Chairperson for this session was Mr. Amod Kanth, Chairperson and CEO, Domestic Workers Sector Skill Council. Panelists in this session included Mr. Igor Bosc, ILO, Dr. (Ms) Kiron Wadehra, Member, Board of Governors, ACORDASIA Co-founder & Director, Koreth Consulting (P) Limited, Prof. Preet Rustagi, IHD, and Prof. Ritu Dewan, CDRA. This session aimed to outline the key takeaways from the day's discussion and to highlight some key actions that should be taken in future as a way forward.



The establishment of the Domestic Workers Sector Skill Council marks the first attempt to constitute a body for this kind of work. The Council hopes to train 2.5 million women in a couple of years through government funding and through money generated from external sources. The biggest problem in the formation of this council for domestic workers was the absence of any links to any industry.

Amod Kanth
Chairperson and CEO
Domestic Workers Sector
Skill Council

Mr. Kanth started the session by stating that he was the right person for this discussion because he would be at the receiving end of the demands for domestic workers given his position in the Council. His association started with some pilot projects on this issue in 2009-10, when he was the Founding Secretary of PRAYAS, an organization which operates in nine states and runs several skill development programs across the country. At that time PRAYAS trained 200 domestic workers who were trained and well placed; after a gap of four or five years, he had an opportunity to interact with them and was pleasantly surprised to find that in these years their earnings had doubled. It could be a natural progression but it also could be because of the intervention of ILO and its projects and so he complimented ILO for the work undertaken by it and more for creation of the Domestic Workers Sector Skill Council. PRAYAS, given its work and its presence nationally, was invited for the setting up of this forum as one of the consortium members. They had a series of discussions and national seminars on this subject but the Council was not coming through until ILO took it upon itself and worked for its formation and operation, and submitted a proposal to National Skill Development Council, who did not recognize the role of ILO to get the body registered. It is at this point that PRAYAS took upon the responsibility. There were many factors that created obstacles and he felt that it was necessary to understand domestic work is not an occupation or a profession and is an amorphous situation where the exact nature and terms of work are difficult to identify, as it happens within a household and the government cannot interfere in it. These workers do not have policies addressed to them, they are not skilled labourers and they are not under the scope of the variety of laws and regulations established for the organized or unorganized labour. In 2008-9 the policy on national skill development led to the formation of the



National Skill Development Commission. However this body itself does not constitute any weight as because there is now a Ministry of Skill, and power percolates down to the National Skill Development Corporations who receive the major funding and in turn create different sector skill councils. Sector skill councils are supposed to act as hands of the government in different sectors, as they receive funding directly from the government. The sector skill councils are supposed to carry out various functions – conduct thorough studies across the country about the labour market situation; connect prospective employees to employers; teach skills to workers so that workers become better at their work and get better wages; create national occupation standards and qualification packages and job rows and create national skill qualification programs to enable skilling.

The biggest problem in the formation of this council for domestic workers was the absence of any links to any industry. Almost 20 million people in this country are working as domestic workers. The majority of domestic workers are in rural areas, even the low-income groups hire the absolute poor as domestic workers. Thus, domestic workers constitute the largest share of workers – including the care workers, cooks, maids, etc. The government argued that such a council is not feasible as there is no industry to support this work. Trade unions, voluntary organizations, international organizations and some service providers (excluding the placement agencies who had a different motive and became sources of trafficking etc.) came together to figure out how can this work can be converted into a profession, with a skilled group with better wages and working conditions. The establishment of the Domestic Workers Sector Skill Council marks the first attempt to constitute a body for this kind of work. The Council hopes to train 2.5 million women in a couple of years through government funding and through money generated from external sources as unfortunately its partners do not have money as the workers are poor and unions etc do not have much funds. There are a couple of policies on domestic workers in various states, Delhi had an executive order for placement agencies but there is no one specific law for domestic workers. There is a need for a social legislation that can protect these workers from others and not simply regulate the



There is a need to develop trust among employers and workers in order to respect every individual with dignity and justice.

With a demand and supply and different wage rates, domestic work needs to be recognised as a labour market activity.

Skills become important but one has to also find the necessary appetite for it especially among employers of domestic workers, that is from the demand side.

Preet Rustagi
Professor, IHD

workers. They participated in a committee formed in Jharkhand where they worked to add domestic workers to a bill on placement agencies. The bill is now called the Placement Agencies and Domestic Workers Regulation Bill 2016 but there is opposition to a grievance redressal mechanism for domestic workers. They want to create a system in which placement agencies can be checked and where most of the demands of domestic workers can be met. These broad issues are connected to the issue of domestic workers in India, it is important to convert this work into a profession to make it something worthwhile and dignified. Hopefully in the future, the question of domestic workers becomes a part of national policies and the case studies of Jharkhand become a model for other states to follow. We have a long journey forward in terms of recognition of work, skilling and wages of domestic workers.

After the Chairperson's address, Prof. Rustagi raised a clarification on the role of the Council. She asked if the council is expected to act as a middleman and act as a clearance body and is the Council going to gradually skill them and place them properly; is it going to take on the role of a placement agency. If so, how will that be achieved given that employers are not keen on skilling the workers as they might have to pay them more?

Dr.Kiron Wadehra felt that a multi-stakeholder consultation should have all stakeholders affected by domestic workers and she questioned the absence of workers, employers and government representatives in the audience. She felt that the issue of domestic workers is too complicated and it will not be resolved in many years to come; if one aspect is resolved, another issue will develop. She felt that one has to acknowledge that there is a human element involved in this issue as there is a culture of employing younger girls even among the educated and professional women who defend their choice saying that they sometimes teach these girls. The other argument is that if they don't employ them, someone else will. So there is a need for sensitivity. Also, she added that many times the workers also exploit their employers – especially if they are old and sick; so she argued that one should not take only a one-sided stance as it is a socio-cultural issue and not simply a legal issue. Thus there is a need for multiple interactions among various stakeholders to establish mutual trust. The RWAs in various areas are registering workers. In her residential area, there is standard wage rate depending on nature and type of work and there is an informal trade union working which makes hiring workers difficult if one

has already fired one. She agreed with Ms. Amarjeet Kaur's point of giving freedom to negotiate. She felt that the human nature is such that if anyone is in a position to exploit, they will do so, which one needs to keep in mind.

In response, Prof. Rustagi agreed that there is widespread trust deficit in most sectors and there is a need to develop trust among employers and workers in order to respect every individual with dignity and justice.

Mr. Igor Bosc said that the issue that emerges strongest through all deliberations is that although the focus of the study was two metros – Mumbai and Delhi - the numbers in the labour markets and domestic workers are increasing from 4.6 million to 6.1 million to 10 million, and now as was mentioned, they have increased to 20 million domestic workers. Given the situation, what is really needed is a study on the demand for domestic workers across the country. ILO is also concerned with other aspects of work like unacceptable forms of work – forced labour, child labour and discrimination – and to look for possibilities of collective bargaining which are the core conventions of ILO. In the context of domestic workers, some things have appeared could not be comprehended earlier – the first aspect being that of recruitment where workers are hired through word of mouth or other sources which operate outside the scope of placement agencies. Although placement agencies do operate, they deal mostly with full-timers and first-time workers who form a very small portion of total domestic workers in any locality. This then means that if recruitment agencies are not as important as they are said to be for example in the anti-trafficking discourse, then there should be a different way for analyzing these agencies. Secondly, the question of skills was discussed in great detail – the demand for skills is absent but it is a very important issue as it introduces the question of rights into the discussion and moves the discourse of the employers in a way that allows domestic workers to advocate for themselves. Thirdly, he argued that there exists a lot of literature on the question of safe migration especially in order to prevent trafficking and forced labour. However, in the case of domestic workers, if we are to promote better working conditions and decent work and promote migration into domestic work, then efforts should be made to ensure that employers are actually capable of doing something about it and that proper laws are in place, because otherwise if migration into domestic work is allowed then that would create unacceptable forms of work in the future. Finally, he spoke of provision of services, as argued by Prof. Jayati Ghosh, and said that it was very important for domestic workers



If we are to promote better working conditions and decent work and promote migration into domestic work, then efforts should be made to ensure that employers are actually capable of doing something about it and that proper laws are in place.

There is need for reducing unfavourable working conditions like forced labour rather than trying to promote safe migration.

Igor Bosc
Chief Technical Adviser
Work in Freedom
Programme, ILO



It is imperative to take out domestic work from the care framework and place it in the market framework as located in the issues of organized/unorganized and formal/informal structures and relations.

If the law can enter bedrooms and criminalize homosexuality, then there is no reason why the law cannot enter and help regulate domestic work.

Ritu Dewan
Director
CDRA, Mumbai

and employers for these services to be available, in both rural and urban areas, and that workers are in a better position to demand their rights, bargain for better wages and improve their conditions of work. He concluded by saying that the issue of domestic workers is very complicated and there are many new avenues for research. He welcomed the possibilities of future collaborative work on this subject and said that ILO will continue to work with the government to better address the rights of domestic workers.

In response to Mr. Bosc's address, the Chairperson commented that it is not a question of promoting safe migration, as it will always be there. He pointed out that as per the NSS Report of 2008, there are approximately 3.5 million workers who migrated as domestic workers. Since migration is inevitable, there is a need to promote safe conditions of work for the migrants – thus there is no specific intention of promoting safe migration, but it takes place as a result of other policies and measures like the need for creating safety nets, particularly for women. Mr. Bosc responded by saying that he was talking of the need for reducing unfavourable working conditions like forced labour rather than trying to promote safe migration. So he put forward the idea of mobility by choice to reduce vulnerability and not get stuck in a paradigm that promotes it inadvertently.

Prof. Ritu Dewan responded to several of the issues raised – and those not raised – by the panelists and discussants. For one, since there are multiple stakeholders, the solutions to the problem also have to be arrived at multiple levels. Secondly, she pointed out that study specifically looks at the demand side but the analysis cannot be isolated from the supply side. Thus, there is a need to understand the issue not just from the economic side but also from the socio-cultural side and the notion of work. She reiterated that it is imperative to take out domestic work from the care framework and place it in the market framework as located in the issues of organized/unorganized and formal/informal structures and relations. She thus expressed her concern over trivializing domestic work by restricting it to only the care framework which then marginalizes this work and the workers. She also commented on the question raised on the scope for legislation and whether or not the state can set rules on domestic work which would then mean entering into the homes and personalized spaces of the citizens (employers). In response to these questions, she argued that if domestic work is considered to be work then the solution to these problems should also be at the level of the market. She also criticized the notion that domestic work entails a personal

relationship between employer and employee and the notion of equality which clearly is non-existent. Thus, in essence the issue is not simply one of a demand-supply pattern or of an employer-employee relation but is in fact a class issue; so if all workers are treated in the same manner as per legislations, then domestic workers should also be treated the same way. She further added that the study clearly points out that just like the need for registration of workers, there is also a need for a code of ethics for employers where the employers' details should also be with the worker because there have been many cases of employers not giving the wages on time. On the question of trust-deficit in work relationships, she said that just like in any other industry, if an employer fails to pay wages to the workers, similar reprimands should also be imposed on the employers of domestic workers. The confusion lies in the threshold between care work, paid and unpaid work and the eternal notion of a household relationship between the employer and worker and that the law cannot enter the personal space. She observed that if the law can enter the bedrooms and criminalize homosexuality, then there is no reason why the law cannot enter and regulate these issues within the household.

In response, the Chairperson said that the idea of sector skill councils is borrowed from United Kingdom (UK) which has 22 councils, while India has approximately 40 councils. UK, like many other countries, has housekeepers, cooks, childcare providers, elderly care providers, disabled care providers, among others. The issue is that there are several regulations with regard to these workers but what needs to be acknowledged is that the relationship between the domestic workers and the employer is decidedly not personal, it is a professional relationship. Thus, he argued that one has to get over the master-servant relationship and realize that it is an impersonal relationship connected to work and the efficiency (or lack of it) of workers, wages, services. Thus the sector should be aspirational and diversification is important, which can be achieved through skilling. He further argued that the term 'domestic work' and 'domestic servant' gives rise to a problem of mindsets.

Prof. Preet Rustagi concluded pointing out that the placement agencies in India have not been efficient and so she wondered if the sector skill councils were to work in a similar direction, then how they could be effective. With regard to wages, she pointed out that some states like Rajasthan do have hourly rates defined by number of tasks, number of individuals etc; so it is possible to define hourly rates by these yardsticks and explore the possibilities of defining possible wages for different kind of tasks, which could be done in



The sector skill councils will conduct thorough studies about the labour market situation; connect prospective employees to employers; teach skills to workers so that workers become better at their work and get better wages; create national occupation standards and qualification packages and create national skill qualification programs to enable skilling.

The biggest problem in the formation of this council for domestic workers was the absence of any links to any industry.

What needs to be acknowledged is that the relationship between the domestic workers and the employer is decidedly not personal, it is a professional relationship.

Amod Kanth
Chairperson and CEO
Domestic Workers Sector
Skill Council

some states as a pilot study. So as in the past when certain work was not recognized, like agricultural work which has now come to be recognized, for domestic work, there is a need to evaluate this sector and give it its due recognition by understanding the growth of this sector from its feudal context to its present form. She added that one has to accept that it is a labour market activity, with a demand and supply and different wage rates under which it operates, as a labour market activity it needs to be recognized, regulated, negotiated and studied in that context. In this regard, skills become important but one has to also find the necessary appetite for it and given the fact that it is not an industry, effort has to be made to convert it into an industry and generate sufficient funds. If the government invests funds in this regard then it would be most useful. The session concluded with a vote of thanks by Prof. Rustagi on behalf of IHD to ILO for co-organizing this workshop and to all the participants of the workshop for enriching the discussions and for making the workshop successful.

PROGRAMME SCHEDULE



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9:00- 9:15 A.M.	Registration and Tea
9:15 A.M. – 10.30 A.M.	Inaugural Session Welcome and Introduction to the Workshop Mr. Igor Bosc Chief Technical Adviser, Work in Freedom Programme International Labour Organisation (ILO), New Delhi Prof. Alakh N Sharma Director, Institute for Human Development (IHD), New Delhi Inaugural Address Mr. Manish Gupta Joint Secretary, Ministry of Labour and Employment Government of India Vote of Thanks Prof. Preet Rustagi Professor, Institute for Human Development (IHD) New Delhi
10:30 A.M – 11.00 A.M.	Tea/Coffee Break
11:00 A.M – 1:00 P.M.	PRESENTATION BASED ON THE RESEARCH STUDY FINDINGS Domestic Workers: Work Conditions, Recruitment, and Employers Perspectives Prof. Preet Rustagi and team Institute for Human Development (IHD) and Prof. Ritu Dewan and team Centre for Development Research and Action (CDRA) Mumbai Chair: Prof. A.K. Shiva Kumar Advisor, United Nations Children’s Fund (UNICEF) Discussants: Ms. Reiko Tsushima Senior Gender Specialist, International Labour Organization (ILO), New Delhi

Dr. S.K. Sasikumar

Fellow, V.V. Giri National Labour Institute, Noida

Prof. Aasha Kapur Mehta

Indian Institute for Public Administration, New Delhi

Questions and Answers

11:00 A.M – 1:00 P.M.

Lunch

2.00 PM – 3.00 P.M.

PANEL 1: ABOUT DOMESTIC WORKERS

Chair:

Dr. Rajindar Dhar

Additional Labour Commissioner, Department of Labour
Government of NCT of Delhi

Panelists:

Ms. Bandana Pattnaik

International Coordinator, Global Alliance Against Traffic in
Women (GAATW)

Dr. Deepita Chakravarty

Chairperson, Centre for Women's Studies, Santiniketan

Dr. Neetha N

Senior Fellow, Centre for Women's Development Studies
(CWDS), New Delhi

Questions and Answers

2.00 PM – 3.00 P.M.

Tea/Coffee Break

3:15 P.M. – 4.15 P.M.

PANEL 2: POLICY IMPLICATIONS

Chair:

Prof. Kamala Sankaran

Professor, Faculty of Law, Delhi University

Panelists:

Prof. Jayati Ghosh

Professor, Centre for Economic Studies and Planning
Jawaharlal Nehru University (JNU), New Delhi

Ms. Kiran Moghe

Vice President, Indian Association for Women's Studies (IAWS) and All India Democratic Women's Association (AIDWA)

Ms. Suneetha Eluri

Project Coordinator, International Labour Organization (ILO)
New Delhi

Ms. Amarjeet Kaur

National Secretary, All India Trade Union Congress

Ms. Ruth Manorama

Dalit Activist

Ms. Bharti Birla

National Project Coordinator, International Labour Organization (ILO), New Delhi

Questions and Answers

3:15 P.M. – 4.15 P.M.

PANEL 3: SUMMING UP AND CONCLUDING SESSION

Chair:

Mr. Amod Kanth

Chairperson and CEO, Domestic Workers Sector Skills Council

Panelists:

Mr. Igor Bosc

Chief Technical Adviser, Work in Freedom Programme
International Labour Organisation (ILO), New Delhi

Dr. (Ms) Kiron Wadehra

Member – Board of Governors, ACORDASIA
Co-founder & Director, Koreth Consulting (P) Limited

Prof. Ritu Dewan

Centre for Development Research and Action (CDRA)
Mumbai

Prof. Preet Rustagi

Professor, Institute for Human Development (IHD)
New Delhi

LIST OF PARTICIPANTS



List of Participants

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Aarushi Khanna	ICRW
Aasha Kapur Mehta	Indian Institute of Public Administration
Abha Mishra	Ajeevika Bureau
Akhilesh Kumar Sharma	Institute for Human Development (IHD)
Alakh N Sharma	Institute for Human Development (IHD)
Amarjeet Kaur	Secretary, All India Trade Union Congress
Amod Kanth	Domestic Workers Sector Skill Council
Amy Gregowski	ICRW
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Ena Singh	UNFPA
Geeta Menon	Domestic Workers Rights Union
Harishwar Dayal	Director, Eastern Regional Centre, IHD
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Kiran Moghe	Vice President, Indian Association for Women's Studies (IAWS) and All India Democratic Women's Association
Kiran Wadehra	ACORD Asia
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Mala Khullar	Asian Centre for Womens Studies
Malvika Upadhyaya	JNU

Manish Gupta	Joint Secretary, Ministry of Labour and Employment
Manjeet Bhatia	WSDC, Delhi University
Marjorie Fernandes	Janki Devi Memorial College, DU
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Preet Rustagi	Institute for Human Development (IHD)
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Ramendra Kumar	TUCC
Razia Khan	Jamia Millia Islamia
Reiko Tsushima	Senior Gender Specialist, International Labour Organisation (ILO)
Rhea Chatterjee	

Ridhima Tewari	Womens Studies Development Centre, Delhi University
Ritu Dewan	Centre for Development Research and Action (CDRA) Mumbai
Ritu Wadhwa	Consultant
Ruchika Chaudhary	International Labour Organisation (ILO)
Ruth Manorama	AIFDW, Bangalore
S.K. Sasikumar	Fellow, VV Giri National Labour Institute, NOIDA
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Sonia Rani	SEWA
Subhash Bhatnagar	NCC - USW
Sudeshna Sengupta	Mobile Creches
Sudha Shrotia	CAT Bar Room
Sujata M	Delhi Union of Journalists
Suneetha Eluri	International Labour Organisation (ILO)
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