

DOMESTIC WORKERS: NEGLECTED PART OF LABOUR LAWS IN INDIA**¹Dr. Pratibha G. Chavan ²Prof. Sarika P. Shinde**¹Shree Shivaji Law College, Parbhani²Sinhgad Law College, Pune**Abstract:**

This article intends to spread awareness among society towards human rights violations of domestic workers. Authors have used non-doctrinal research method for the purpose of understanding the problems of these workers. They have indicate how these workers came under unorganized workers and kept separate as well as not getting protection of other labour laws.

Authors have divided this article in some part such as introduction of the topic; then under the concept of domestic workers who are included, social status of these workers, how these workers came under unorganized workers etc. are discussed. Afterwards at the ending, conclusion is given.

Keywords: Domestic workers, Labour laws, wages, hours, gender

Introduction

Domestic work has given many women access to the labor market and benefited from economic autonomy. However, this did not convert into gender equality. Worldwide, domestic responsibilities and unpaid care work are bringing significant barriers to market participation in the female labor market. On many occasions, the ILO has called for a change in the idea that caring must first develop a sense of social, cooperative responsibility towards the redistribution of responsibilities between the home, the market and the state, which in turn leads to social change. A specific private household responsibility for women that assumes full responsibility for the labor reproduction process and another responsibility for redistributing reproductive work or unpaid maintenance work between men and women in light of changes already made in the productive (payable) context. We need to develop alternative models of childbirth, paternity and to keep the notion that single women should balance productive work with family and caring responsibilities.¹

Domestic Workers

Domestic worker are which that works with the employer's home who provides a variety of services for an individual or family, including household work as well as taking care of the elderly, dependents, cleaning washing etc. They also perform other responsibilities such as cooking, utensils, washing clothes and making laundry, and the need to provide in-house services is increasing due to social and employment trends. In this trend, most women work outside the home. An extended family requires the support of any caregiver and helper. Affordable domestic workers allow other women to work outside the home. There are many reasons that

¹ Available at <http://in.one.un.org/page/rights-for-domestic-workers/> visited on 05/05/2017

force women to do household chores. Women from poor or disadvantaged communities often have very few employment opportunities and may face discrimination on the basis of gender, race or ethnicity or class. Low levels of education and some marketing skills were also major reasons for domestic work. Hygiene, cooking, and caring for children and the elderly is a wonder for most women, so men are rarely seen in this work. Domestic workers are facing many problems. Most of them are from insecure communities like tribals, dalits or landless OBCs etc. Most of them are migrant workers and especially women. Many of them choose domestic work due to lack of employment opportunities in agriculture and manufacturing sector and factories. This work has no reputation. Many domestic workers have to get up at 4 in the morning to manage the house and bring the children to school.

Domestic workers have some insecure and crowded low paid jobs and the rest are left men. The dominance of women in the informal sector or secondary labor market is explained in the job discrimination. Under mature capitalism advanced technology makes skill films. By specifying that job training and experience work the productivity of work, companies need to invest a stable workforce to get returns. They fill these jobs because the male labor force is more attached to a particular pub. Job training and experience are filled by minorities and women (the interdependence of women in the labor market and at home or in the family is interrelated and is part of the overall social system in which women are subordinate. One of these critical issues is the definition of domestic work. Domestic work is a domestic worker or conflict of interest still exists and various interests persist. Domestic work may include cleaning, washing, cooking, general housework and ironing, caring for children, capacity of persons or care of elderly persons.

Social status of domestic workers

Most women are going out for jobs and the need for domestic workers is increasing. But nowadays domestic workers are one of the main problems, among them very low wages, many days, they have not allowed resting every week and sometimes there are fears of physical, mental and sexual abuse or restriction of freedom of movement. Domestic workers can be partially credited with in the National Labor and Employment Act, and are discriminated against on the grounds that gender-based. Discussion, a relatively modern term, was adopted of house (domestic worker), especially according to the status of workers in any other occupation. This particular time (pay scale, maternity benefit and retirement) - for the next specific demands (basically the demands of the working class) must be self-aware consistent with the organization's charter. There was also a deliberate attempt to break the stereotypes associated with the business of benefits such as gratuity and pension.² According to the International Labor Organization (ILO), billions of domestic workers around the world are deprived of the protection of other workers.³ They are subject to unorganized workers but there are no independent labor laws to protect them or to determine their terms of service. Lacking organization, they are left at

² Kiran Moghe, 'Organizing Domestic Workers in Pune City, Workers at others homes', by Neetha N. p. 216

³ Available at <http://ssrn.com/abstract>, visited on 12/03/2017

the mercy of employers, there are no laws to fix their salaries, and they have no basic or human rights, no facilities or crooked security, no vacation or paid vacation like any other nook. They have been denied health care, education, justice, human dignity and respect for all unorganized workers.

The issue of domestic workers 'wages' are complex and sensitive for a number of reasons, such as differences in the categories of domestic workers, especially between part-time domestic workers and live-in domestic workers. Second, the salary is not determined by the vaccine, such as its appearance, skills required, how much work has been done, how much time has been spent on work. Wages vary and are discriminated against in many places according to social characteristics such as caste, religion, and tribal status. Sometimes salaries are paid and their conversion into financial value is difficult. Some states like Bihar, Karnataka, Kerala, Andhra Pradesh, Tamil Nadu and Rajasthan have fixed minimum wage rates for domestic work. When there, domestic workers were given official status as workers within the legal framework, the fixed wages were not sufficient to meet the needs of domestic workers and their families. Some of the social problems of domestic workers are as follows.

Domestic workers are working long hours due to uncertainty over the number of jobs. They don't even get extra pay for overtime work. This practice is at home because they have to be present at work and when the employer calls her there is no employer agreement as to whether it should be a day or not but not about regular salary increase or payment to regular workers and employees. In the study of the domestic workers, almost all the workers are working on the minimum wage and without any fixed annual increase in wages. Any increase in wages depends mainly on the relationship between the worker and the employer. Workers feel it is more difficult to survive on existing and rising food prices. No question takes any precaution to solve their problem. Domestic workers, in the field of study, complain that most employers terminate jobs without notice or by paying a monthly salary.

Excessive supply of domestic workers is the reason why employers are not deterred from adopting such malpractices. This actually puts domestic workers in a very vulnerable position - the biggest difficulty for domestic workers in getting a job or growing up in self-employed jobs is that their limited access to human and physical resources means their opportunity cost is almost zero. Most of the time, social protection systems not only act as protectors but also as productive factors. Workers need income security to make long-term plans for themselves and their families. Social security is needed to meet disasters such as unemployment, illness, injury, childbirth, illegality, aging, death and emergency expenses. Neither the state, nor NGOs, nor employers care about social security measures. Workers have no job security, no subsistence funds or income guarantees. During a long illness or childbirth (birth of a child) they become unemployed and their family has to face many difficulties to survive.⁴

Data collected by the author provides that nearly 40 percent of respondents had a sudden job termination. But six respondents said they were ending the job themselves. The demand for

⁴ Seepana Prakasam, 'Domestic women-workers in India', (2012) p. 124, 125

higher salaries has often been cited as a reason for this. Rima, who works as a housemaid in the Shastrinagarh area of Siliguri, said that ‘when we join a house, we don't usually go on leave’.⁵

As for masculinity, at home, there is a need to restructure the financial support taken care of by the cut model that relies on women and domestic workers so that the provision of good quality full-day child can be done through such measures. In particular, low-income populations and the development of effective policies can easily meet the demands of unemployed workers (e.g., leave policies and working hours policies). Large supply of domestic workers in India means shifting work responsibilities among women. Houses employed mainly women and specifically invisible domestic workers. This in itself does not challenge widespread structural gender inequality. The demand for decent work for domestic workers is first and foremost a matter of recognizing the rights of domestic workers for the right conditions of employment which are not favorable compared to other workers, secondly, it requires active participation. Recognize the existence of inequality of function and structure that does not recognize the full weight of the work done carefully.

Status of Unorganized sector

Unorganized sector is an enterprise owned by independent or self-employed workers and engaged in the production or sale of goods or in providing any kind of service and where organized sector does not mean unorganized sector. The term always carries some rights and benefits but unorganized workers often have to deal with working conditions. Their productivity is lower than in the formal sector. Their working conditions are poor and they are underpaid. Employee consolidation status is low and human capital base is also poor. Most of the employment of unorganized workers is seasonal, so social security measures are also absent. Many workers in the unorganized sector are illiterate even though they have no skills. Unorganized workers have to take part in redundant jobs depending on the availability of employment and have to move to other jobs as the duration of the job is usually temporary. Labor laws are inadequate to protect their interests⁶

Women are paid less than men. Women in the unorganized sector are global, including agriculture and not protected by the 1945 minimum wage that protects workers in other industries. While changes are being considered for the treatment of workers in the unorganized sector, their legislation has not yet been enacted. Working Women Most of the women in Rajasthan are engaged in agricultural labor, mining and quarrying, road construction and other unskilled jobs. They work in extremely exploitative conditions without any security or legal protection. Many women workers are invisible, there are national statistics because they work from home and their work is considered a part of domestic work. Other domestic work is considered less than other workers.

Domestic workers are paid less than other work as work. Domestic workers lack skill development. We should consider technical discoveries on their livelihood. Most of the work in

⁵ Hemantika Basu, ‘Women in Care Work’, ‘Working in Others Homes’ by Neetha N. p. 130

⁶ Seepana Prakasam’, Domestic women-workers in India’, 2012, p. 135

the bed type of domestic workers requires less skill and includes mechanical work, such as washing dishes or clothes, cleaning and dusting, ironing, etc. Domestic Indian workers often face abuse in the workplace. People at this level, in general, are less aware of the rights and remedies available to them - domestic workers have little interaction with people other than the employer and the employer has a family and needs to rely on them. Domestic workers are more likely to face and tolerate harassment from the employer or the employer's family, such as living arrangements, food and basic financial surety, and this makes them extremely vulnerable to the absence of legal protection.

The Minimum Wage Act enables appropriate governments to determine the number of hours, which will become a normal working day or specified interval, provide for overtime homework. Give one day of rest for each of the seven days. Pay for the rest of the day, if not less than the deficit of the overtime rate, the minimum wage for domestic workers, specifically or otherwise, is defined as a maximum of eight hours at a normal angle for one day. In Rajasthan and Kerala, eight hours is directly mentioned as a normal working day, while in other states, rates are offered for eight-hours week programs.

Some domestic workers are afraid of being lined up with jobs or contracts that are not directly or indirectly threatened by agents or their employers who engage in forced prostitution. According to Anti-Slavery, they are given international housework so that they can get many diseases and infections. In addition, they do not receive any health care compensation from their employers. Domestic workers often live in unsafe and unhealthy places. In most places they sleep in the kitchen or in a room with adult males which cause a safety problem to them. Domestic workers are also excluded from the health care of worker compensation schemes and ultimately remain at the mercy of the employer. This proves that domestic workers are not even guaranteed constitutional rights and that is why they are on the ILOT's decent work agenda. Inadequate provision of benefits does not give them special benefits like other workers. There is no provision for special benefits for them as there is no separate law. There are some provisions under other laws but these are inadequate for them as they are neglected part by other workers due to occupational health and safety issues they are facing a lot of health problems due to the nature of work. As we have already seen in the previous chapter, domestic workers have long working hours and they are beyond their capacity. They are losing weight as a result of hard work. They also feel weak. Many of them suffer from headaches as well as limb aches and pains in the limbs of workers and traffickers.

Conclusion

Many employers have imposed restrictions and conditions on domestic workers, forcing them to work, and Human Rights Watch has found that domestic workers have been locked out and denied pay only to prevent them from leaving work.⁷After discussion on domestic workers, it is concluded that these workers are suffering from human rights violations. There is need to

⁷ Neetha N., 'Mirroring Devalued Housework', 'Working at Others Homes', p. 292

pass any special law for them. In India, there are many laws for the protection of labour group but domestic workers are neglected group from labours.