# **Understanding Domestic Work: Exploring Issues, Literature, and Policy Perspectives**

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# ABSTRACT

The paper delves into the critical domain of domestic work, exploring its intricate issues, existing literature, and pertinent policies. Domestic work, largely characterized by informality and invisibility, encompasses a wide array of tasks performed within private households, often by marginalized and vulnerable individuals. The abstract provides an overview of the obstacles plaguing domestic workers, including labour exploitation, lack of recognition, and limited access to social protection. It highlights the gendered dimensions of domestic work, shedding light on its impact on women's empowerment and well-being. Additionally, the abstract delves into the existing literature, discussing key research findings and gaps in understanding domestic work dynamics. The paper concludes with an analysis of prevailing policies and legal frameworks governing domestic work, addressing their effectiveness and potential areas for improvement. Through this we aim to foster meaningful dialogue and drive evidence-based policy discussions to empower domestic workers and ensure their rights and dignity in the workforce.

KEYWORDS: Domestic work, Issues, Literature, Policies, Labour exploitation, Lack of recognition, Social protection, Marginalized individuals, Empowerment, Rights, Well-being

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#### INTRODUCTION

With the advent of industrialization and capitalist mode of production a unique class of social group started to be witnessed who sell their labour for wages and are highly dependent on it for their livelihood and survival. The way they earn their money and their role in the production of goods and services made them distinct from the upper class (who own the means of production) and the middle class. The emergence of this working class as a distinct social group with unique features was a significant outcome of the transition to capitalist economies in various societies. As a result of it formal and informal economic sectors was witnessed. Workers engaged in these sectors came to be identified as formal and informal workers, who were further categorised on the basis of qualifications, education, knowledge, and skills, legal and social protection. Informal sector constitute an important component in the world's economy and major source of livelihood, income and survival. "The Ministry of Labour of the Government of India has classified the unorganized workforce into four categories: kind of employment, occupation, especially vulnerable groups, and service-oriented classes." Domestic workers are one among the populations who work in the service sector of this informal economy. Domestic workers have always been an intrinsic part of society. In India, doing household tasks or jobs has always considered as less important and undervalued by others. As compared to the other workers they are highly neglected invisible, and unprotected. Domestic servants in India are significant in that they are widespread but remain unnoticed. Urbanization, rise in the income of middle class, increase in nuclear family, migration from village to city areas, and other sociological changes, lack of employment opportunities and inequality are the main factors that contributed to the demand and supply of domestic workers over time. Many middleclass families require domestic workers, while in

wealthy upper-class homes, employing domestic workers is seen as a symbol of affluence, luxury, and social status. The domestic workers play a critical role in the household functioning and the overall economy which cannot be understated. contribution to social reproduction, economic sustainability, and support for families make it a vital component of the global labour force. However, despite its importance, domestic work often faces challenges related to informalization, inequalities, and lack of legal protections. Recognizing and addressing these issues is crucial for promoting social justice and labour equality for domestic workers. This paper aims to provide an overview of the literature related to issues, the nature of domestic work, analysing laws and policies and the importance of regulating and protecting domestic workers.

## Methodology

This paper aims to understand the gaps in the laws that are supposed to protect and keep domestic workers safe in India. The researchers used different sources like reports from the government and the International labour Organization (ILO) as primary sources. Researcher also used various research papers and publications as secondary sources. The article highlights issues, constitutional provisions and many existing laws do not adequately give domestic workers the rights they deserve.

# Domestic servants in India have an extensive heritage:

Domestic work possesses an extended and convoluted past that has affected its current form and significance in communities around the world (Anderson, 2000). We may learn a lot about the evolution of domestic labour practises by looking at its historical foundations. Historically, domestic work was performed mostly by individuals within families, including family members and servants (Lutz, 2008). The social stratification of society into four varnas created hierarchy of work where people in the upper caste or strata were assigned higher order work and lower order work for people in the lower strata which is present even today's modern India. (Khanderia 1947). Colonialism and slavery had a significant impact on domestic labour practices. People who were enslaved were forced into domestic service throughout the colonial era, performing domestic tasks for their masters (Parreas, 2001). The legacy of historical exploitation continues to have an impact on present domestic work challenges, notably in terms of gender and social inequities (Anderson, 2000). The nature of household employment changed as societies progressed. As more women began working outside the home as a result of industrialisation and

urbanisation, there was an increased demand for domestic workers to perform household services (Roit & Weicht, 2013). Even now, despite shifting economic scenarios, we continue to witness servitude in the form of domestic employment, which is quite appropriately marked "modern slavery, under globalisation" (McGovern 2003).

### **DEFINITION OF DOMESTIC WORKERS:**

"A bill presented in RajyaSabha, entitled 'The Housemaids and Domestic Servants (Conditions of Services and Welfare) Bill, 2004', has defined domestic worker as (a) "domestic servant means any person who earns his livelihood by working in household of his employer and doing household chores", and (b) "housemaid means a woman servant who performs household chores for wages" (GOI, 2004)."

"The International Labour Organisation (ILO) broadly defines a domestic worker as "someone who carries out household work in private households in return for wages" (Kundu, 2007)."

"Unorganised Non-Agricultural Workers' Conditions of Work and Social Security Bill, 2007, have included the domestic servants into the category of wage workers."

"According to the bill "Wage worker means a person employed for a remuneration as an unorganised nonagricultural worker, directly by an employer or through any agency or contractor, exclusively for one employer or more employers, whether simultaneously or otherwise, whether in cash and/or in kind, whether as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers" (GOI, 2007a). On the basis of above definitions, it can be concluded that a domestic worker is one who carries out the household chores (like cleaning utensils, washing clothes, sweeping and cleaning the floor, cooking or assisting the employer in the kitchen, look after the small children or accompany them to school, etc.) on part-time or full-time basis for one or the more employer for nominal wages."

# **Unravelling the Tapestry of Domestic Work:**

Domestic work is very important in society and has a big impact on different aspects of life. It has social, economic, and cultural aspects that influence how it is seen and its significance (ILO, 2013). Understanding these different aspects helps us understand why domestic work is complex and why it matters in many ways.

#### **Social Dimensions**

In society, domestic work has a big impact on how men and women are seen and treated. Usually, it is thought of as a job for women, which can lead to unfair beliefs and treatment. The "Second Shift" phenomenon were women often have to juggle both paid work and household tasks, which shows how gender norms affect their lives. Also, the way domestic workers are treated can reveal society's attitudes towards certain groups, like migrant workers or people with fewer opportunities (Hochschild, 2003; Gornick & Meyers, 2003; Anderson, 2000).

#### **Economic Dimensions:**

Domestic work is essential for the economy and families in two ways. Firstly, many domestic workers work in jobs that are not part of the regular job market and don't have legal protections or benefits like social security (Chen et al., 2005). This can lead to them being paid less and not treated fairly, making economic inequalities worse (Folbre, 2006). Secondly, domestic work helps families by providing care and support. This allows other family members to work in regular jobs, which helps the overall economy (ILO, 2013).

#### **Cultural Dimensions:**

Cultural beliefs and practices regarding domestic work are deeply rooted in society. It reflects what people expect based on gender roles, family setups, and social hierarchies (Esping-Andersen, 2002). In some communities, hiring domestic helpers is seen as a symbol of wealth and high social status (Ambrosini, 2013). These cultural views can affect how domestic workers are seen and treated, influencing their social standing and rights (Parreas, 2001). This can also shape how society perceives and treats domestic workers.

#### **Issues of Domestic workers:**

These works are frequently assigned to those people who represent the disadvantage section of the society. This suggests the existence of a social hierarchy and the prevalence of caste-based occupational roles, with domestic work being associated with individuals from lower castes, which depicts the influence of historical and social factors even in this age adding to the vulnerability. The influence of caste hierarchy and the prevailing social system restricts them from vertical mobility by denying them to access the needed education and skills.(Katara & Sharma, 2023). This in turn leads them to migrations for the fulfilment of basic needs of their family members and also results in human- trafficking. The social contexts in which we observe these domestic workers are usually gender-segregated were men and women are kept apart, and have limited access to education, employment options and social interaction. This reinforces gender stereotypes leading to gender

inequality acting as a serious barrier towards advocating gender equality and inclusivity which is crucial in building equitable society. (Elizabeth, 2021). Female domestic maids are high in number in this occupation. Marital status and family issues are one among the reasons that influences them to choose this occupation. Death of spouse, divorce and family issues compel them to undertake this work as this is easy to access regarding employment and earning. Since caste orientations, lack of education and required skill leaves them with no option rather than to work on terms, conditions, compulsion of the house owner for low wages, long working hours, subjected to abuse, exploitations, delays in payments of wages etc. Policy paralysis on part of the Government to bring them under the preview of legal and social protection adds to the factors creating an environment of vulnerability to workers.(Mangilal, 2021). Domestic workers face various challenges in their working conditions and treatment, including inadequate wages, unfavourable working conditions, workplace harassment, lack of welfare measures, and exploitation by placement agencies. Moreover, when it comes to addressing their grievances, they often encounter difficulties in accessing labour courts for resolution. (Agarwal.P, 2022).

## The Data Accuracy issues:

Over time, several estimates of the domestic workforce in India have been made. The numbers range from 6.7 million in the 2001 Census, 4.2 million (3.02 million were women in urban areas) in the 2004–2005 National Sample Survey, and 3.9 million out of which 2.6 million were women in a government news release based on the "NSSO 68th round 2011–12," according to various sources. The actual total is still unknown, although estimates range from the Union Minister of State for Labour and Employment's estimate of 15 million to considerably higher figures of over 90 million cited by various media sources. It was also estimated that around 12.6 million are below the age of 18 years, 25 % are below 14 years and 86 % were girls. The National Domestic Workers Movement (NDWM) estimated 20 million domestic workers. According to the Labour Bureau's Employment and Unemployment Report 2009-2010, domestic workers account for 2.7 % of all employed persons in India, making up more than 1 Cr. (Eluri and Singh 2013). This issue is sensitive due to the contrasting estimates and challenges involved with counting domestic workers for framing policies to address the problems of these workers. (Sinha 2020), (NDWM n.d.) (UFDWRs 2010).

# International labour standards and conventions and India:

The Domestic Workers Convention (C 189) makes it necessary for governments to ensure that domestic workers receive the same fundamental labour rights as other workers. Additionally, it aims to safeguard domestic workers from violence and abuse, regulate private employment agencies involved in hiring domestic workers, and put measures in place to prevent child labour in domestic work. The United Nations Labour Organization's Domestic Workers Convention No. 189 and its added Recommendation No. 201 seek to address this enduring inequity by defining a broad, international legal framework that acknowledges domestic workers' right to decent employment and living conditions. In 2011, India signed the International Labour Organisation's (ILO) Convention 189, which aims to ensure fair working conditions. Still, India has not yet approved the agreement, avoiding a formal commitment to implement its measures or report regularly on its progress.

# National Policy for Domestic Workers and its Critical Analysis:

In 2011, an investigative committee of the government's Ministry of Labour and Employment compiled a study on domestic workers. The study proposed an outline of the national policy for cabinet approval. This policy aims to include domestic workers in existing labour laws and also establish specific laws for their protection. It provides domestic workers the right to register themselves as workers with the Ministry of Labour, giving them access to benefits and legal remedies in case of disputes with employers. The policy also grants the right to form or join trade unions and ensures decent working conditions, minimum wages, and social security benefits for domestic workers. It proposes the regulation of placement agencies and establishment of a grievance redressal cell. Additionally, it calls for skill development programs for domestic workers and awareness campaigns for better working and living conditions.

The government's goal of protecting domestic workers through a rights-based approach faces challenges in implementing the National Policy. Inspecting working conditions is difficult without the owner's consent due to the private nature of the workplace. Involving Resident Welfare Associations (RWAs) and employers in awareness campaigns may not be feasible as they might not support workers' rights or skill development. Reaching all domestic workers is challenging for trade unions and NGOs, especially in small towns. Ensuring accessible skill-building and grievance redressal centers for domestic

workers is also a significant hurdle. Monitoring placement agencies is complicated due to the involvement of multiple agents in domestic worker migration.

Contrary to other workplaces, "private households" are not recognised by the mandated definitions of domestic labour as places of employment covered by laws. It is critical to acknowledge that the workplace of a domestic worker is extremely scattered. In a single working day, the majority of part-time Workers switch between different households. Even within a single household, domestic employees frequently do tasks (such buying groceries) that are physically outside the scope of their employers' private households. Domestic employees' labour in private homes, for example, is not considered as "work" under labour regulations such as the Industry Disputes Act of 1947, the Employee's Provident Fund Act of 1952, or the Factories Act of 1948.

The common attribute of the informal sector is that there is no fixed hour of work. There in absence of uniformity of working hours. Various labour and industry regulations in India set limits on the working hours for adult workers. Since long working hours are prevalent in the unorganized sector in India. Implementations of these laws may be difficult as domestic worker may be working as part time, full time or as a live in work.

The Factories Act stipulates workers to work eight hours per day, six days a week, with safe working conditions and facilities like restrooms, canteens, and medical amenities. Workers must take at least 30 minutes of relaxation after every four hours of work, and they should receive extra pay for working overtime. The law ensures that workers receive double wages for working overtime and guarantees one paid day off per week. It also requires employers to provide pay to workers on national holidays and specific other holidays. The implementation and monitoring and regulating is impossible as they are dependable on the wish of employer and the worker.

Minimum Wages act 1938: The application of Minimum wages Act 1938 to domestic workers is challenging. As the wages are fixed between the household owners and domestic worker, regulating the wage rates becomes difficult. Just ten of the 31 states along with one union territory have included them in the act. There is no uniformity in the fixing of minimum wages among the states, in Karnataka it is between Rs 12,241 to Rs 14,711. It varies between  $\neq$  8,005 to  $\neq$  9,418 in Tamil Nadu. Workers in these areas may experience difficulties obtaining an adequate salary since they must juggle various domestic jobs to make ends meet. The issue

underlines the potential variances between the government's minimum wage and the real requirements of domestic work, which may result in low compensation and increasing workloads for these workers. (D H Web Desk, 2022)

# Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:

The act is mainly concerned toward protecting the workers or employee from sexual harassment in their workplace. However, this is challenging in case of domestic workers as they are ignorant about the act. The act has many flaws and ineffective provisions. Even the existing provisions have not been properly implemented, making it unable to have any significant impact on the lives of domestic workers. (Singh. N, 2016). The constraints faced in providing legal guarantees and protections to workers, specifically in sectors which include domestic employment with isolated and less supervised work environments, expose workers to vulnerabilities and leave them with limited assistance in workplace-related concerns. (Polanki P, 2012)

Domestic workers in India lack legal protection as there is no specific law for them, and only a few states have included them under the Minimum Wages Act. This vulnerability leaves them open to various abuses, and without a dedicated law, police may not take their cases seriously. Inclusion in legislation would provide a much-needed boost for domestic workers, encouraging them to report abuses and ensuring their protection.

**Employee** State **Insurance** Act As an experimental initiative, this act was extended to domestic employees in Delhi and Hyderabad in 2016. However, this extension provided limited benefits to domestic workers, mainly medical benefits, and excluded other important benefits like sickness and maternity benefits. Moreover, the scheme requires contributions from the workers themselves, which can be challenging given their low wages. The extension of the Act to domestic workers raises concerns about the lack of protection for their rights and the undervaluation of their work. The existing labour legislation is primarily designed for the organized sector and cannot adequately address the specific needs of domestic workers without significant changes. It has been criticised as a haphazard effort to guarantee protection by modifying statutes meant for formalized labourers to be applicable to the informal sector. (N. Neetha, 2017).

### The Industrial Dispute Act 1947

The exemption of domestic workers from employment laws, particularly the Industrial Dispute Act, leads to unfair consequences and increased

vulnerability to exploitation in India. The study investigates the challenges faced by informal workers, including domestic workers, in accessing legal protection and stresses the importance of inclusive labour laws. It sheds light on the unpleasant conditions at work and their limited access to official dispute resolution mechanism. The research emphasizes the impact of the absence of dispute resolution mechanisms on their ability to seek justice for workplace grievances. Furthermore, the study examines the power dynamics between domestic workers and their employers, highlighting the necessity of legal recognition to address this issue. (Kaur& Verma ,2019). (Sharma & Mishra, 2020). (Rani & Singh ,2018). (Raju & Kumari, 2019). (Choudhury & Chatterjee, 2021). (Verma & Sengupta, 2017).

# "The Unorganized Workers' Social Security Act, 2008":

It was passed in order to extend social safety nets to India's informal and unorganized economy. The legislation aimed to protect millions of workers engaged in various informal occupations, including domestic workers, street sellers, agricultural labourers, and construction workers. The intent was to safeguard these employees along with their spouses and children with social security coverage, ensuring access to vital benefits such as healthcare, old-age benefits, disability support, and benefits related to maternity. However, it faced several limitations in its implementation. One major drawback is the lack of comprehensive coverage, leaving many vulnerable workers excluded from its benefits (Deshingkar & Sharma, 2013). The Act's reliance on state-level schemes led to inconsistencies and disparities in the provision of benefits across regions (Dutta & Natarajan, 2015). Moreover, the Act's fragmented approach through different welfare schemes made it challenging for workers to navigate (Bhattacharya, 2011). The reliance on voluntary contributions raised concerns about the adequacy and sustainability of the benefits (NCEUS, 2009). Additionally, the Act lacked adequate provisions for enforcement and monitoring, hindering implementation its effective (Chandrasekhar & Ghosh, 2012).

### **Conclusion:**

In conclusion, the paper highlights the urgency of addressing the challenges faced by domestic workers in India. Meaningful dialogue and evidence-based policy discussions are essential to empower domestic workers, protect their rights, and ensure their dignity in the workforce. Ratifying international labour conventions, amending existing labour laws, and implementing comprehensive policies are crucial

steps towards creating a more just and equitable environment for domestic workers in India.

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