Protection of Domestic Workers in India

Why in news?

In recent times, the violence against domestic workers have increased drastically.

Who are domestic workers?

- **Domestic workers -** According to International Labour Organisation, domestic workers are those workers who perform work in or for a private household or households.
- They provide direct and indirect care services, and as such are key members of the care economy
- **Domestic work -** According to ILO, domestic work refers to housework such as sweeping, cleaning utensils, washing clothes, cooking, caring of children and such other work which is carried out for an employer for remuneration.
- **Status of domestic workers in India** - As of *2012*, *39 lakh people* were employed as domestic workers, of which at least 26 lakh were women
- A Bengaluru-based study in 2016 found 75% of domestic workers were from Scheduled Castes, 15% from OBCs and 8% from Scheduled Tribes.
- More than 12.6 million domestic workers in the country are minors, with 86% of them being girls.
- Moreover, 25% of underage domestic workers were below 14 years.

What are the issues faced by domestic workers?

- Informal in nature
- Unpaid and underpaid
- Have no legal contract
- Have ill-defined work hours
- Face discrimination and violence, sexual harassment, and exploitation
- Face discrimination at the hands of placement agencies (agencies recruiting domestic workers) and/or traffickers
- Violence against domestic workers
- Ambiguity over domestic worker's data

What are the international measures to protect domestic worker?

- **Domestic Workers Convention (No. 189)** - ILO enacted Domestic Workers Convention (No. 189) in 2011 to protect domestic workers.
- **International Domestic Workers Day** - *June 16th*, celebrating the 2011 passage of the International Labor Organization Convention 189 for Decent Work for Domestic Workers.
- **Your Work Is Important** - ILO has launched a campaign *"Your Work Is Important"*

to generate public awarenes

The ILO Forced Labour Convention, 1930 defines forced labour as work which is "exacted from any person under the menace of any penalty" and which is "not offered voluntarily".

What are the measures taken by Indian government?

- There is *no dedicated law or policy* to regulate people working in the domestic work sector.
- **Unorganized Sector Social Security Act, 2008** – The Act provided the *first legal recognition* meant to provide social welfare to workers—including domestic workers.
- **Code on Social Security, 2020** – The code replaced the Unorganized Sector Social Security Act, 2008 and is yet to take effect.
- **Child Labour Act, 1986** - The Indian government prohibited *minors* from entering domestic housework in 2006, listing it as a form of "hazardous child labour".
- **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** - *Includes domestic workers* as a specific category of workers – with the house as a designated workplace.
- **Minimum Wages Act, 1948** – Only certain States such as Andhra Pradesh, Jharkhand, Karnataka, Tamil nadu and Tripura have included domestic workers in the schedule of Minimum Wages Act.
- **Domestic Workers (Registration, Social Security and Welfare) Bill in 2008** - The *National Commission of Women* proposed the bill.
- **Domestic Workers' Welfare Bill 2016** - Recognised a private household as a workplace, and broader definition of "wages".
- Both the 2008 and 2016 bill have not been passed yet.
- **National Domestic Worker Policy** - Proposed by the Labour Ministry in 2019 to regulate placement agencies and include domestic workers under existing laws.
- India is a ***signatory to ILO's 189th convention***, known as ***Convention on the Domestic Workers*** but has not ratified it yet.

What is the need of the hour?

- The placement agencies need to be regulated.
- The government need to link up with social workers for protecting the domestic.
- The domestic workers protection act need to be passed.
- There is a need for authentic data for domestic workers.

References

1. The Hindu| Are domestic workers legally protected in India?
2. PIB | National Policy for Domestic Workers



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