

Application of Existing Labour Laws to the Invisible Domestic Workers in India: A Study

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Introduction.

“Domestic workers must be awarded fundamental rights like minimum wages, weekly offs etc. that are given for working individuals in other sectors.”
- Amod Kanth,³

Domestic work in India is a highly feminised informal sector of work, seeing a phenomenal increase in the numbers and proportions of women. Women workers play a vital role in the domestic sphere of both rural and urban economy. Historical perception about the role of women workers supported the pre-conceived notion of their situation and preferences leads to occupational choice based on sex in these domestic work sector. The informal sector workforce over dominates the Indian economy. That part of the informal sector which has not yet received due recognition by the law is the domestic work sector. Domestic work sector mostly comprises of women and girl child below the age of fifteen years. However, there is the participation of men in specific jobs such as gardening, taking care of pets etc. The women folk hailing from the rural background, due to seasonal employment in the agricultural activities, and to meet the household exigencies enter these jobs to secure their family. The feminist thinkers are of the view that the choice of women to seek employment in the informal sector employment and particularly concerning domestic work is because they require no skill and educational qualification to gain entry to such employment.⁴

The planet of domestic workers has primarily remained at the periphery without protection against abuses and exploitation. Domestic work is notified as a job that was once performed by women as unpaid work at their own homes. Women workers quickly gain entry into this form of informal nature of employment as casual or inferior jobs that are often devalued by most of us considering the same as a low profile job initially undertaken by women as an unpaid job. Women's paid domestic work is marked as a marginal and supplementary form of labour as it is associated with inferior status.

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⁴ Samita Sen, *Women and Labour in Late Colonial India: The Bengal Jute Industry*, Cambridge University Press, 1999, pg 10.

Presently paid domestic workers are the opted choice by most of the households. Even the middle class, upper-middle and lower-middle-class family household opt for domestic workers for some of the other reasons.⁵ Upper educated class opt domestic workers so that they can rush towards career development; middle-class family lookout for domestic workers as a passion and need of sophisticated environment; others feel it is a necessity to hire domestic workers to ease their household chores. Exclusion and discrimination against domestic workers is not only a part of India's landscape, but it is also prevalent in many other countries. Framing a protective and sustainable labour union is not an easy task for domestic workers.

Objectives of the Study:-

The objectives set forth by the researcher in the present paper is:

- a) To study the nature and profile of domestic workers in India.
- b) To identify the gaps in the national labour laws to address the rights of domestic workers in India.
- c) To explore the strategies addressing the protection of domestic workers in India.

Hypothesis –

- ❖ The existing framework of labour laws ensuring protection to labour class is not adequately addressing the issue relating to the protection of the rights of domestic workers in India.
- ❖ The inbuilt constraints in the existing labour laws are the major blocks for the inclusion of domestic worker within the scope of labour legislation.

Research Methodology –

The researcher has adopted doctrinal methodology and case study to study existing labour laws and finding the gaps to fit in the domestic workers into the Act. For this, the researcher has looked into report briefs of ILO, State and Central enactments, various textbooks such as legal texts, law journals, reported and unreported judgments; articles by legal academicians, papers presented during conference and seminars, discussions at legal workshop and media reportage.

Profile of Domestic Workers in India

Currently, domestic workers make up a large portion of the workforce, especially in developing countries, and their number has been increasing even in the industrialised world.⁶ This domestic workforce has become an essential element in the social life of a community contributing to the general health and welfare⁷ At the present scenario, domestic workers stand as a readily available livelihood option for millions of individuals across the globe. The International Labour Organization (ILO) estimates that a large number of people are engaged in the

⁵ Upper-middle-class elite chooses paid domestic workers for entering the formal sector employment; the middle-class women choose domestic works as a matter of passion and the others as a matter of status and to enjoy their life.

⁶ D.E Roberts: "Spiritual and Menial housework," - in Yale Journal of Law and Feminism (1997), Vol 9, No 57.

⁷ Prof. Uma Joshi & Ms Neena Thakar, Domestic Workers in India: The Major force of Unorganised Sectors, Indian Journal of Research, Vol 2; issue 3/ Mar 2013, Paripex, Pg 179-181.

profession of 'domestic work', with a significant fraction of them being women. Domestic workers, particularly women are continually growing and form an essential part of every middle class, rich Indian setup. The domestic workers, especially women, are the ignored lot with no fixed wages and working hours. Hired domestic workers relieve the burden of individual households by undertaking household chores in return for remuneration. The task includes the care of children and elderly, cooking, driving, cleaning, washing clothes, grocery shopping, taking care of pets, particularly in urban areas. Without them, many urban homes would fall into complete disarray. As per the employment-unemployment survey of the National Sample Survey Organization (NSSO), the estimated number of domestic workers in our country was 41.3 lakhs during 2011-12 of which majority 27.9 lakhs are women⁸ Further many women prefer domestic work to other option in the informal employment, as they can work closer to their habitat. Due to flexibility and relaxed distribution of working hours, it would rather be convenient for these workers to balance both their personal and professional life.

The recent International Labour Organization (ILO) estimate based on National survey and census of about 117 countries, place the number of domestic workers at around 67 million.⁹ It is been stated by the ILO report that 85 per cent of domestic workers are women and many are migrant workers and been estimated that globally¹⁰, at least 10 million children work as domestic workers¹¹ The growing importance of domestic work in paid employment in India makes it all the more imperative to ensure that such work is recognised with dignity and provide decent work with adequate pay.

Domestic workers and Non-domestic workers:-

Currently, the domestic workers substitute the unpaid housework of the educated and professional women so that they can avail the jobs outside their homes and contribute to the economic development of the nation and women empowerment. These domestic workers form a class of workers who are in the informal sector employment denied of any legal protection and are excluded from the protection of labour laws that are formulated by the government for the protection of the labourers. The Indian economy has a significant chunk of its labour force employed in the informal nature of employment whereas only a meagre 6 per cent are engaged in the formal sector.¹² The workers falling under the category of the formal sector, being regulated by governmental control and policies are termed as non-domestic workers. There is a substantial difference between domestics and non-domestics because the rights such as freedom of association, right to organise to bargain collectively, freedom

⁸ Law to regulate working condition of Domestic workers demanded, The Indian Express, Dec 1, 2016.,PTI, New Delhi.

⁹ Report of ILO- 'Domestic workers across the world –Global and Regional Statistics and the extent of Legal Protection/ILO-Geneva-2013.

¹⁰ Ibid.

¹¹ Ibid.

¹² National Sample Survey Organization (NSSO), 2004-2005, 61st round, survey on employment-unemployment, NCEUS reports on Definitional and Statistical Issues relating to Informal Economy, 2008.

from forced and bonded labour, the abolition of child labour and freedom from discrimination, which is available to non-domestic workers, are not available to domestic workers in India.¹³

The domestic women workers who are very important for us today are the most neglected and vulnerable because all of us consider their work as a menial and a shallow profile job¹⁴. The existing national labour laws uncover them due to the inbuilt blocks within the act. To know about the profile and working conditions of domestic workers few case studies have been done by the researcher in and around Bangalore city, and the outcome of the survey is below stated as follows-

Case studies- I

For understanding the nature and profile of domestic workers, a case study of about fifty identified domestic workers in and around Bangalore from Vibhuthipura, Nandhini Layout, New Thippasandra and Indiranagar was conducted and analysed by the researcher.

A case of Mamatha, 36 years old lady hails from Harihara, Davanagere, came to Bangalore with an empty hand. She is married to Manjunath (unemployed) and is having two daughters. She chose to do the job as a cook at an Ashram for making a living. Out of dire necessity, at present, she works as a cook in three houses to earn for her livelihood. During her free time, she does sari falls and tailoring to make a living. She experiences a different kind of treatment in different places. Employers demand work from her, and at each house, she receives 3000 per month. She is not happy with the payment and no benefits she receives from the employer side. However, she will be pleased to receive as a gift a saree or money once in a year as a bonus. She is not aware of any of the labour laws and social security provisions available to them. To take leave, she has to think twice because the employer will deduct her salary for offs. She survives at the mercy of her employers and has no voice against injustice prevailing on her. Anyone of them does not feel her importance. When enquired about her rights, she is unaware of the rights and does not know that there exists an association of domestic workers in Bangalore.

From the above observation, it is systematically true that the domestic workers have not been recognised as workers in the real sense of the term. Due to the specificity of domestic work, the workplace, the employment relationship between workers and employers-, the domestic work sector, are excluded from the purview of national labour laws. The studies of domestic work in India have noted that women from marginalised castes form a substantive group of domestic workers¹⁵

¹³ Except for the Child Labour (Prohibition and Regulation) Act, 1986, amended in 2006, Unorganized Social Security Act, 2008, which does apply to domestic workers in India.

¹⁴ Geethika Sachdeva, Stuti Arora, Working and Living Conditions of Domestic Workers: Indispensable yet Unprotected, International Journal of Humanities and Social Science Research, Vol 4, Issue 1, Jan 2018, Pg 41-44.

¹⁵ Kaur.R, Migrating for Work: Rewriting Gender Relations in Sadhna Arya and Anupama Roy (ed), Poverty Gender and Migrating: Women Migration in Asia, SAGE Publication, New Delhi, 2006.

Existing Labour Laws and Domestic Workers.

Law is an instrument of social change. The Indian Parliament has enacted labour laws that are being attributed to securing social and economic justice to all the workers employed in the various economic activities in the labour market. The labour laws promote permanency of employment, social security benefits, health benefits, retirement benefits, and other protections relating to the working class. To promote social justice and ensure liberal protection to women workers to improve their working conditions and prevent exploitation by employers were the primary objectives of the labour laws across the globe.¹⁶ The Central labour laws in India¹⁷ that are forty-four in numbers have been exclusively passed for regulating and protecting the formal sector workforce, whereas some labour legislation is also applicable to workers in the informal sector.¹⁸ However, some primary labour legislation such as the Factories Act, 1948; Industrial Disputes Act, 1947; Employees State Insurance Act, 1948; Workmen Compensation Act, 1923 etc. the Maternity Benefits Act, 1961; the Minimum Wages Act, 1948 and so on are not made applicable to the informal sector enterprises or occupation. The exclusion of the informal sector workforce from the labour laws is due to the absence of employer and employee relationship supported with inbuilt blocks and gaps that uncover them from legal protection against violation of rights. Various problems and situation that have been faced by the domestic workers in their respective workplaces (whether live-in and live-out domestic worker); in the hands of their employers and the intermediaries (placement agencies); necessitates the need for adopting an exclusive specific legislation for the amelioration and betterment of the domestic workers in India by upholding their labour rights and the dignity of their work.

Some of the labour laws that are identified by the researcher are as follows-

1. The Maternity Benefit Act, 1961.
2. Minimum Wages Act, 1948,
3. The Factories Act, 1948.
4. Industrial Disputes Act, 1947
5. The Trade Union Act 1926,
6. Employees State Insurance Act, 1948

The above-stated labour legislation, are examined and critically analysed to understand the gaps that prohibit or restrict the application of the labour protection to the class of domestic workers, who are the dominant stress relievers, who substitute the work of unpaid household members who secure outside their homes. These

¹⁶ A.M Sharma., Aspects of Labour Welfare and Social Security, Himalaya Publishing House, fourth edition, 1991, @ pg 170.

¹⁷ The subject 'Labour' that falls in the Concurrent list of the union allows both the Central and State to draft laws for workers protection to achieve social justice as promulgated in the Indian Constitution.

¹⁸ Beedi and, the Plantation Labour Act, Construction work act etc. are relevant to some of the informal sector enterprises only.

activities comprise of those disadvantaged groups who require special attention rather than exclusion. In India, only 6% of the formal sector workforces are being protected under the minimum standards of social security provisions.¹⁹

a) **The Maternity Benefits Act, 1961.**

Pregnancy, a natural phenomenon unique to women workers is well protected internationally by the International labour standards and domestically in India through the Maternity Benefits Act of 1961. Pregnancy, childbirth and the post-natal period are the three critical phases during women's reproduction life that anticipates special protection from workplace hazards and risks. The MBA, 1961 reflects an objective that has been set forth under Article 42 of the Indian Constitution for protecting the women workers during her pre-natal and post-natal pregnancy stage, so that she can ultimately carry on both her reproductive and productive role without any hurdles.²⁰ But the said Act does not apply to the domestic workers, predominantly women, part of the informal sector employment. The research gap here is to analyse the application of maternity benefits to the class of domestic women workers who are employed in the informal nature of employment to whom the law never applies due to inbuilt constraints. The Act has been amended several times to make it more appropriate and beneficial for the women workers. Globally around 15.6 million women domestic workers (36 per cent) are not legally entitled to Maternity leave.²¹ Domestic workers, mostly women workers must be granted the maternity benefits so that she can enjoy the natural An effort for inclusion of domestic workers is yet not accomplished.

b) **The Factories Act of 1948.**

The Factories Act, 1948 is enacted to promote the interest and welfare of all the workers who are being employed in a factory or an establishment. The factories act applies to those units with the employment of either 20 or more persons working without the aid of power or were 10 or more persons employed with the support of power. The act protects the safety and welfare of the workers about working hours, working conditions, toilets, crèches, leave facilities, welfare, health and safety conditions etc. The act excludes from its purview all those units that are not covered within the definition of the term 'factory.' Domestic workers are also not adequately protected under the said act due to their non- exclusion from the preview of the Act.

¹⁹ The Principal Social security laws enacted in India are Employee State Insurance Act, Workmen Compensation Act, Maternity Benefit Act, Payment of Gratuity Act, Employee Provident Fund Act, and Minimum Wages Act and so on.

²⁰ Dr G.B Reddy., Women and the Law, GOGIA Law Agency, 5th edition, 2004@ pg 119

²¹ "Meeting the needs of my family too," Maternity Protection and Work- Family Measures for Domestic Workers, ILO Domestic Workers Policy Brief 6, Conditions of Work and Employment Branch, 2006.

c) **The Industrial Disputes Act, 1947.**

The Industrial Disputes act enacted with an object to provide a mechanism for resolving disputes arising between the 'workman' and 'employer' in an industry. The two vague definitions covered under this act are that of the term 'Industry' and 'Workman.' There are conflicting views on whether to include domestic workers, part of the informal sector occupation within the ambit and scope of the act. Various judicial decisions created ambiguity as to the definition of the term 'industry,' which was finally resolved in *Bangalore water supply case*.²² In this case, the triple test formula was laid down that is to be followed to determine whether a particular establishment or unit is an 'Industry' or not. The triple test adopted were a) systematic activity b) organised by co-operation between employer and employee and c) the production or distribution of goods and services for the community. In the instant case, domestic work has been expressly excluded from the definition of the term 'industry'.²³

Therefore it is understood that in the case of the domestic work sector, the work does occur in a private home or household of an employer that is performed by domestic women worker for payment of wages. The 'home,' an unconventional place of work of domestic worker, is considered neither as a 'factory,' 'industry' shop nor an establishment. The private household owner is not an entrepreneur or business owner, as the domestic work or tasks performed by the domestic worker, do not result in the production of any commodity nor involves any profit or loss to the employer. It is a personalised service that happens behind the closed doors, and the employer is at discretion to pay any amount as wages for the work taken by him. As a result, the employer tends to exploit his domestic worker without any of form social security and arbitrarily exercises the hours of work, payment of wages and the enforcement of labour rights. Domestic workers are denied any retirement and termination benefits. The study also reveals that the labour dispute in domestic work arises between the employer and domestic women worker due to inadequate or delayed wages and denial of paid leaves to domestic workers.²⁴

d) **Minimum Wages Act, 1948.**

The domestic workers are seldom not paid minimum wages as per the Minimum wages Act, 1948.²⁵ The nature of the task performed, hours of work, availability of the workers, the workplace is entirely out of the screening while employers fix the wages for the work performed by domestic workers. The hours of work of domestic workers are proportionately more than 12 hours per day in a few states like Delhi, Karnataka, and Maharashtra whereas less than 12 hours in Kerala.²⁶ Only a few States have brought domestic workers within the

²² Bangalore Water Supply and Sewerages Board Vs A. Rajappa and others, (1978, LIC SC 548)

²³ Justice Krishna Iyer has said that the domestic work that happens in a personalised nature must not be included within the definition of the term Industry in the said B.W.S.S.B case.

²⁴ The Weekly Holiday Act 1942, does not apply to domestic worker.- Bagyashree S, Domestic Workers Caught in the Informal Economy Trap, The Hindu, Dec 15, 2014.

²⁵ Domestic work, by not falling in the list of scheduled employment at the central Government Level, has been a subject of legislation at the State level.

²⁶ Udaya Mahadevan., Plight of Domestic Workers in India, in R.K Sapru's Women and Development, Ashish publishing house, New Delhi, 2002, @ pg 128.

ambit of minimum wages by notifying minimum wages by the particular State government.²⁷ The wages (salaries) are like engines that build the parameters for the upholding the dignity of any class of labourers. Either the wages paid to domestic workers in the form of cash or kind is at the discretion of the employers. The payments levied on these workers must be a livable wage. The wages should be able to provide for coping up the needs and demands of the domestic workers in society. Those workers who have worked for more than three years with the same employer are yet not received any kind incentives or increment in salary. lyThe nature of domestic work is such that it is classified either as full-time/part-time or live-in or live out. Depending on the hours of work or the specific task performed wages are fixed by the employers without ascertaining the fact that whether it is enough to meet the necessity of their life. The basis for the wage fixation should be the survival of the individual workman in the urban economy.²⁸ The Supreme court of India has further held that while fixing wage as per the "*Need-based formula*' set by the 15th Labour Conference, recommended by the second National Labour Commission in 2002, other criteria should be borne in mind while calculating wages such as children education, medical needs, provision for old ages, minimum recreation for festival etc.²⁹

e) Trade Union Act, 1926-

The trade unions play a significant part in upholding the welfare and rights of workers in the Indian labour market. The domestic work sector is carved with 'voicelessness' because they being part of the informal sector employment are not represented wisely in the trade unions. Trade unions are an association of workers organised for enabling them to unionise to bargain and raise their voices of concern for wages and conditions of work. The invisible domestic workers are unable to form a union of their own, as the employers may not permit and most of the workers being women; they find it difficult to organise. The alibi of the formal relationship between employer and employee does disallow the domestic workers to form an association of their own. Most of the domestic women workers are unaccounted in any of the statistics maintained by the government.

f) Employee State Insurance Act, 1948.

The act falling under the special social security protection laws has been framed for the protection of labourers in both formal and informal sector economy. This Act ensures essential health, medical benefits to the workers when they suffer from sickness and other health issues. Employee state insurance Act was amended in the year 2014 and included 14 benefits, including unemployment and sickness benefit. The category of Domestic

²⁷ State of Andhra Pradesh, Bihar, Karnataka, Rajasthan, Jharkhand, Kerala, Orissa, Tamil Nadu and Maharashtra.

²⁸ At the same time, the capacity of the employer to pay and the basic needs of the worker are to borne in mind for fixation of wage by the appropriate government to the domestic workers.

²⁹ Shrayana Bhattacharya ISST & Shalini Sinha WIEGO India Law Project., Domestic Workers in India: Background and Issues, Paper submitted to ILO, 2009, pg 13

workers has been excluded under the said act. Government is initiating a proposal on how to incorporate them under the said provisions of the statute.³⁰

Under the regulations of the ESIC fold, both the employers and employees have to contribute to receive the benefits. In reality, it is not possible in case of domestic workers to contribute as they come from a poor and marginalised section of the society. Looking at these issues, the question raised by the researcher is -

- i) How is an employer influenced to contribute for the welfare towards the domestic workers?
- ii) When there are a multiplicity of employers, who needs to contribute and how much of contribution is a complicated issue to be answered.

Extension of ESIC to domestic workers

The domestic work sector is an activity that attracts workers from the low-income family or the poorer section of the society. The domestic workers are either employed as a full time (live-in) or part-time (live-out) in the furtherance of the task to be performed at the employers home. The question of difficulty arises when there is more than one employer and who is to contribute towards the worker. If the part-time domestic worker is employed in more than one household, each employer can be asked to contribute a particular amount as employees insurance. But the employer's unwillingness to participate in the contribution is a significant bottleneck situation that can be resolved only by providing certain impetus to the employers like incentive or tax exemption or deduction. Through these initiatives, employers will be influenced directly or indirectly to contribute to the welfare of domestic workers. Such schemes and incentives will drive the employers from the denial mode to the acceptance mode that will lift the domestic work sector from the informal nature to the formal nature of employment.

Exclusion from existing Labour Laws:-

From the above observation, the domestic workers have been explicitly excluded from the preview of significant labour and employment laws and standards of fair treatment of labour. The absence of labour rights and protection leaves the domestic workers in the nightmare and are highly susceptible to abuses and exploitation at the hands of the employers. The faith of the live-in workers is worst than those of live-out domestic workers. The domestic women workers with low profile enter this labour market, that is dominated by women but mostly undocumented. These workers who have not been registered under any of the systems are at the mercy of the employers and the placement agencies, who secure paid employment for them. Due to poverty and indebtedness, many poor women, men and children are being trapped in such employment entangled with exploitative labour arrangements that are informal and unprotected. By reviewing the above labour laws, it has been understood that

³⁰ Domestic Workers to be brought under the ESIC fold- Oct, 29th, 2016, Economic Times- retrieved from <http://economic.times.indiatimes.com/wealth/> on 26th Jan 2017.

domestic work is not recognised as work under most of the national labour laws. This perception leaves the domestic worker subject to the employer demands and is vulnerable when a violation occurs.

There is a huge demand for domestic workers both within and outside the country. Migration of workers from India to other countries, take place because women choosing domestic work as their livelihood for financially securing their life is common in a marginal and more impoverished section of the society. Domestic work, an informal activity is viewed as a work that is of low profile, stigmatised by caste and other factors, endowed with the unskilled and illiterate class of workers and the sector lacks any social security or welfare benefits.

Conclusion and Suggestions

From the survey conducted by (Y. Narayana Chetty, 2015),³¹ it has been observed that 99 per cent of domestic workers in Bangalore are women. At present domestic work in the contemporary global economy, therefore, poses a significant challenge for national regulators. The domestic workers are an essential category that tends to be de-jure or de- facto unprotected. Ensuring fundamental rights for domestic workers is based on their social and political mobilisation, which affect the labour market conditions. However, it also requires a significant change in the attitudes and behaviour of the employers, who constitute not just the wealthy elite groups in the country but also a growing number of middle-class beneficiaries of the economic growth process. Focusing on and addressing the multifaceted abuses and the protection strategies for domestic workers in the Indian context is an arduous task. The unconventional place of work like factories, construction site is considered as open space, for the chief inspector to visit and inspect the place of work, but domestic workers employer does not allow their workers to be approached by any of the inspectors at their places of work, a private home. The kind of dependency between the proprietor of physical labour and the proprietor of capital, land and other resources must be duly recognised and respected. The labour laws enacted by the central government for the formal sector workers are not adequately been addressed to the informal sector workforces.³²

The invisibility of domestic workers in India manifests itself in several ways. Not included in the broader notion of 'worker', they lack the fundamental right to claim certain benefits such as social security and welfare claims. In the line of the international labour standard principles and existing national legislation, the women domestic workers should be treated with equality along with men domestic workers. Domestic women workers are not allowed for accessing legal protection about certain fundamental conditions of work such as minimum wages, living conditions, rest and leave period due to conceptual hurdle.

Several attempts have been made to include domestic workers in the national law since 1959. The legislation such as the Unorganized Workers Social Security Act, 2008, the Sexual Harassment against women at the

³¹ Survey of Domestic Workers conducted by Y. Narayana Chetty, Director of Alampalli Venkataram Chair on Labour Research, Bangalore University, The Hindu, Jan 10, 2015.

³² G. Varandini., Child Labour and Women Workers, Ashish Publishing house, New Delhi, 1994. Pg 46

Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Minimum wages schedules,³³ have been notified in various States refers to conferring minimum wages and protection to the domestic workers. But still there remains an absence of comprehensive, uniformly applicable national legislation that guarantees fair terms of employment and decent working conditions. From the observation made the following hypothesis framed by the researcher has been proved in this research paper.

Suggestions

- i) Recognition of Domestic workers as workers is vital for the protection of dignity and worth of a human being.
- ii) Domestic worker to be treated with respect and dignity of work they perform.
- iii) Organising domestic workers is key to their empowerment, to raise voice against struggles and provide a mechanism for effectively representing their interests.
- iv) Suitable amendments shall be made to all the relevant labour legislation in such a way to include the domestic workers as workers explicitly and enable their effective implementation.
- v) Ensure protection to domestic workers as provided to other workers through standard labour contract and ensure the protection of freedom to form an association, right to organise and allow them to organise through a union of their own. Do allow multiple workplaces to be included within the purview of collective bargaining processes.
- vi) Provide for complaint mechanism to domestic workers, who shall be allowed to complain about their respective employers before the labour inspector for violation of their labour rights.
- vii) The employer, while terminating domestic worker from employment should follow the rules relating to termination. The employer must give a work certificate to the employee after the termination of his service.
- viii) Employers must provide medical assistance to workers at the time of illness or injuries that occurs during employment.
- ix) The contract of employment must be in writing and in the language or dialect that can be understandable by the domestic worker.
- x) A dynamic approach has been required towards ensuring minimum wages, rest period, provisions of leaves, health insurance for domestic workers.
- xi) A new law is to be legislated to address the specificity of the domestic worker's issue concerning the legal and policy framework.
- xii) The working conditions, including specified working hours, leave, paid holidays, and protection against harassment, social security and access to benefits, are to be guaranteed to domestic workers.

³³ Notification for Domestic Workers are passed in the following States-Kerala (23rd May2005); Andhra Pradesh (24th April 2007) and Rajasthan(4th July 2007).

- xiii) The government should strictly control and regulate the recruitment and placement agencies. For this, we should decide to do away with the placement agencies and in that place substitute the employment governing agencies of the government so that the trained domestic workers can be registered and gain employment in the private household who require them. By this adoption, there will be less exploitation by the intermediaries.
- xiv) Universal social security code system should be made mandatory in the national system so that all kind of labourers (whether formal or informal) will be brought within the ambit and scope of social security coverage.
- xv) Establish and revive memorandum of understanding, bilateral and multilateral agreements with other countries to protect the domestic worker's rights.
- xvi) If the concerned authorities do not duly furnish the rights of domestic workers or entitlements, appointed for that purpose, then the authorities should be subject to penalties under the amended labour law for domestic workers.
- xvii) The Placement agencies are to be examined and regulated for the protection of domestic women workers.

Ultimately the mindset of the employers, stakeholders, Non-Governmental organisation and others is to change to bring a change. Change is mandatory for recognising domestic workers as a real worker.

