

Original Article

Protection of Domestic Workers in India and Beyond: Emerging Socio-Legal Discourses

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Abstract

India has experienced high GDP growth in the last decades. This has enabled sections of the population, particularly in urban areas, to benefit from the growth around them. However, much of the jobs generated in this period of accelerated GDP growth were in the unorganized sector. Today, over 86 per cent of workers are in the unorganized sector and as such the contribution this sector makes to the current growth cannot be ignored. A profession that is supporting the growth in more ways than one is domestic work [1]. Yes, millions of women, men and children—India's large force of domestic workers, or 'servants', as most people call them remain unseen, undervalued and denied rights that all workers deserve [2]. Human rights of domestic workers a topic we have to ponder upon or contemplate on. Several steps have been taken by the government and several steps suggested, but the humanity continues to wail within the four walls of our homes. What lacks is a change in the attitude of the employers, an outright denial of the fact that they are also human beings, they too need and want the basic creature comforts. What lacks is the basic respect for a fellow human being!

Enactment of laws is never sufficient to solve the problem, to soothe the plight of the domestic workers. A change in attitude cannot be legislated. However, apt laws can coerce the employers, and provide the workers with courage to protest. Most labor laws face the challenge of implementation but amongst the most difficult must surely be the ones linked to domestic work [3].

Moreover, the available data portrays that the overwhelming majority of the workers in India are women and girls. There has been considerable documentation of the harassment they go through at the hands of their employers. Again, an estimated 20% of domestic workers are children below 14 years of age. Things can and will change only if those who employ domestics accept that these workers are first of all "workers" and not "servants".

The present paper sketch the reality about the plight of the domestic workers in Indian households, Through the paper the author try to suggest some legislative measures, some model legislation that would aid the domestic workers to combat the exploitation they are subject to, after critically analyzing the existing laws of the country with reference to international laws.

Introduction

According to the International Labor Organization (ILO), "A domestic worker is someone who carries out household work in a private household in return for wages." 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. It has been referred to as "care work", "reproductive work", "labor of love" and for the most part it is the women of the household who have performed the bulk of it as unpaid household work, often forfeiting the opportunity to pursue paid work outside the house. Today, paid domestic work is the fastest growing sector of employment for urban women. It is the availability of paid (and unpaid) domestic work that enables households to run smoothly thereby allowing them to engage in the labor market and the tap the developments around them [1]. The domestic workers are classified into three categories:

- Live-in domestic workers,
- Part-time (Live-out) domestic workers,
- Migrant domestic workers: Inter-country domestic workers and Foreign migrant domestic workers.

Historical Perspective

Domestic service, or the employment of people for wages in their employer's residence, traces back its origin to time immemorial. It evolved into a hierarchical system in various countries at various times.

Prior to the labor reforms of the 20th century, servants, and workers in general, had no protection in law. Domestic servants usually lived with the employing family, performing a multitude of household tasks (such as laundry, ironing, cooking, cleaning, and serving) in exchange for a modest wage plus room and board [2]. Also, service was an apprentice system; there was room for advancement through the ranks.

In Britain this system peaked towards the close of the Victorian era, perhaps reaching its most complicated and rigidly structured state during the Edwardian period, which reflected the limited social mobility of the time. The equivalent in the United States was the Gilded Age.

In this context we might also give the term 'slave' a thought. It would be considered quite a harsh term for many of the employers, but the truth is that in many of the homes today the workers, especially who work full time, are in an almost same footing as the slaves as they have to work for generations for the employer to whom they owe a debt.

Live-in workers are often treated as 24-hour slaves. Many employers do not let them even step out of the house. Part-time domestic workers are in a slightly better position. They are not on duty 24 hours a day, have access to their own families and friends, and can quit work when employers become abusive. However, there is a growing demand for live-in workers who can double up as 'ayahs' or nurse-cum-companions for the elderly. To meet this demand, young girls and boys are often trafficked from the poorer districts of many States [3].

Domestic Workers and Their Conditions of Work

- Nearly 90% of domestic workers are women, girls or children, ranging from ages 12 to 75 and it is estimated that 25% are below the age of 14.
- Mostly women who leave their own homes to look after other people's homes.
- The majority of domestic workers are illiterate.
- Domestic Workers are engaged in such tasks as cooking, washing, and cleaning, which are traditionally seen as women's work and are therefore looked down upon and treated as less than humans.
- In India, the stigma for domestic work is heightened by the caste system, as tasks such as cleaning and sweeping are associated with low castes.
- Domestic Workers are referred to as 'servants' and 'maids' which has resulted in their feelings of insecurity and inferiority. This has further led to the indignity inflicted upon them and their work.
- Domestic Workers are highly exploited and denied just and humane wages. Domestic workers are paid well below the minimum wage for unskilled and semi-skilled workers.
- Labor laws do not cover Domestic Workers. They are not recognized as workers hence, do not enjoy legal protection, rights and dignity.
- The working hours of Domestic Workers can go up to 8 to 18 hours a day. Wage, leave facilities,

medical benefits and rest time depend totally on the employer.

- Domestic Workers are victims of suspicion. If anything is missing in the house, they are the first to be accused with threats, physical violence, police conviction and even dismissal.

A great number of live-in Domestic Workers are recruited from villages or tribal areas. They have to adapt to an alien environment, culture, and language. Domestic Workers experience a tremendous sense of loneliness because of the solitary nature of the work. This loneliness is compounded by the fact that most have no or very little time off and because they are unable to communicate with distant friends and relatives due to illiteracy. The basic problem the community of domestic worker faces is the harassment. The types of harassment that the "domestic workers" have to face can be very broadly and generally classified into the following:

- *Physical:* For petty offences, for unavoidable delays and at times for no significant cause, domestic workers are subject to physical torment at the hands of their employers. Unjustified beatings are very common. Refusing to provide the worker with food is another example of physical harassment. When the worker population overwhelmingly consists of women and girls, it is quite presumable that sexual violence is a common form of physical abuse.
- *Psychological:* No self-respecting human aspires to be a 'servant'. When the profession is humiliating enough, these helpless people are taunted and teased at the workplace. Threats of deducting wages when they fall sick, besides the already existing financial crisis, results in mental trauma.
- *Economical:* They are forced to do menial jobs only due to their adverse financial position. Yet there are situations when their positions can be equated with that of slaves. When they incur a debt to their employers, they have to work their whole lives to pay off the debt. Then, generations work to pay off the debt. And it never really ever gets paid off. They are on call 24 hours of the day, 365 days in the year. And they can never ever dream of freeing themselves from such bondage.
- *Social:* Without them our families stop running smoothly, yet they occupy the lower strata of the society. Their children are ridiculed due to their parents' 'profession'. And again, who is the first suspect when an elderly couple is murdered? Whom does the needle of suspicion immediately

point to when a gold chain or a ten-rupee note goes missing from the house? In all the above cases, the domestic help is presumed guilty until proven otherwise. The pattern of investigation by the police and the urban middle-class mindset is geared to suspect the domestic worker in every instance of crime [4].

Domestic workers suffer from lack of decent wages, ill working conditions, undefined working time, no weekly offs, loneliness (separated from family and friends, and children), no career growth, no skill development, victimization at the hands of traffickers/placement agencies and even violence, abuse and sexual harassment at workplace. The public perception of domestic work is often that it is undignified work, and the workers in this sector should be pitied as they are not qualified for anything else. Such sentiments are evident in news articles reporting criminal activities by domestic workers. Little is recognized about their role in improving the quality of life for their employers [5].

Man and woman, child and elderly—the population working as domestic help is vast and varied. Quite obviously, they belong to the lower income strata of the society. This sector is growing very fast indeed, yet domestic work is slow to receive recognition as professional work or a skilled occupation. The ILO estimates that worldwide, domestic work is the largest employment category for girls under the age of 16. Yet despite the extent of this form of labor, there are no international standards to regulate the conditions of work or the wages of domestic workers.

Also, a recent study states that there is an increasing demand for girls in the 10–12 age groups since women find them easier to mould. An estimated 20% of domestic workers are children below 14 years of age. Under child labor laws, these children should not be employed. Yet those who do employ them get around the law by claiming that they are "looking after" these children when in fact it is the children who look after them, usually with little or no pay. Such child workers slip between the cracks of labor laws as most laws cover workers over the age of 18.

It is almost impossible to calculate how many people in India are employed to work as household help. According to a study, "Invisible Servitude: An in-depth study of domestic workers in the world", by an organization called Social Alert, there are an estimated 20 million women, children and men in domestic work in India. Of these, 92 per cent are women, girls and children, 20 per cent are under 14 years of age and 25 per cent are between the ages of 15 to 20. In Mumbai alone, this study (released in March 2000) estimated that there were six lakh

domestic workers of whom 80,000 are full-time. This is likely to be an underestimate but it does give some idea of the extent to which this "industry" provides employment, particularly to rural migrants coming into the city [6].

No one opts to be a domestic help by choice; mere destiny or sheer helplessness forces them to be a domestic worker. Every day, changes in the economy and developmental policies are pushing more people into domestic work. Poverty is a major cause behind choosing this source of income, and education is too expensive. Also, obligation to pay off parental debt compels them to opt for this profession. With extended families being replaced by nuclear families, there is increasing demand for domestic workers. This ought to push up wages. But simultaneously, the increasing number of infrastructure projects and industries are displacing millions of people, particularly from tribal areas. These are the women, especially, who are now joining the growing force of domestic workers in our cities. Because of the large gap between urban and rural incomes, and the lack of employment opportunities in the countryside, even an ordinary middle class urban family can afford to employ a full-time live-in servant. Migration to urban areas since agriculture is no more a lucrative option, and the lack of other alternatives, also add to the number of domestic workers in urban areas.

Again, there is another side to this coin. Some feel that this profession has certain positive aspects. They argue that it provides for a source of income in the poorest families, and some even venture to suggest that this job might help in inculcating new skills, especially in the case of female child domestic workers.

With a decline in employment in the agricultural and industrial sector, almost all new employment is opening only in the service sector. Due to globalization, for the vulnerable sections of women from poorer backgrounds and poorer economies domestic work seems to be the last resort, globally as well. This fact reinforces sexual division of labor within the world of work and of race, caste, class, poorer economies apart from gender as well [7].

Again, reasons behind taking up domestic work as profession might include the prospect of earning from non-marketable skills, and the flexible working hours. This is commonly considered as 'work in safe environment'.

The issue of Migrant Domestic Workers

Many women migrate from their villages to work as domestic workers. This migration takes two forms:

- Rural to urban, and
- From India to a labor-receiving foreign country.

Whether the domestic worker remains in India or travels to the Middle East or Southeast Asia, she finds herself in a foreign environment, away from her family and adjusting to new languages, food, and cultures. Migrants are typically live-in domestic workers and are thus most vulnerable to physical and sexual abuse, excessively long working hours, and deprivation. Many of them are from tribal regions and the traditional discrimination they face as women and as live in domestic workers is compounded by their ethnicity.

Despite these problems, poor women continue to migrate to cities and foreign countries as a way to supplement their families' meager incomes.

Migration within the country

Migration from rural areas to big cities typically occurs due to debt bondage, poverty, sudden death in the family, rural and male unemployment. The glamour of city life acts as a further "pull" factor inducing young girls and women to migrate. Working in cities is seen as a solution to poverty and villagers are unaware of the difficult working conditions and poor remuneration of domestic workers. Additionally, a large number of domestic workers come from areas, which have been subjected to natural disasters and man-made crisis situations (such as insurgency) and as such are from displaced communities.

Migration Outside of India

Richer industrializing countries are increasingly demanding cheap, menial and domestic labor from poorer, less developed countries such as India. Because the job of a domestic worker does not require experience, thousands of Indian women travel to countries in the Middle East, South East Asia, and sometimes Europe and North America in search of jobs paying higher wages. However, these women earn the lowest salary for a foreign worker, despite the fact that they may be earning more than they would in India for the same job.

Many women travel abroad to send money back home in an effort to improve their quality of life in India. However, in travelling abroad, they become vulnerable to corrupt recruitment practices, lack of work contracts, withheld salaries, physical, sexual, and emotional abuse at the workplace and the inability to return home.

In India, the procedure for migrating abroad for work is much unregulated. Unlike countries, such as Sri Lanka, the Indian government has not implemented a pre-migration program aimed at educating migrants of their rights. In order to travel abroad, migrants are forced to borrow large sums of money, often with exorbitant interest rates, to pay fees to brokers.

Many times, the migrants, who are often illiterate and naïve to the potential risks of entrusting large sums of money with strangers, are the victims of scams of the fly-by-night brokers. These con artists do not secure the promised job abroad, give them false tickets, or do not secure the appropriate paperwork so that the women can legally work as domestic workers. Thus, many women find themselves in a foreign country without the necessary papers. They are especially vulnerable to not being paid the promised salary and being held in conditions of slavery without the ability to complain to the police. In many cases, the employer holds on to the domestic worker's passport, preventing her from leaving or contacting the Indian embassy to file complaints.

Working Conditions of Foreign Migrant Domestic Workers

Once they migrate, the domestic workers have little or no contact with their families at home. They cannot write letters as they are typically illiterate and they are not allowed access to the telephone. Since they are not typically given leave, migrant domestic workers do not have the opportunity to travel to their villages and visit their family. Because these migrants live with their employers, their free time is severely restricted. Often, they are unable to meet with friends and relatives from their village who are also working in the same city.

They often need to learn a new language in order to communicate with their employers, so they are more prone than other domestic workers to misunderstanding instructions and consequently making mistakes. Many of these girls have very limited skills. They are unable to use appliances and many have limited cooking skills. They are vulnerable to harsh reprisals, beatings and other forms of

punishment, for breaking household items or making mistakes.

In countries like Kuwait, Qatar, Oman, Saudi Arabia, the UAE and Yemen, there is a dearth of protective laws for domestic workers. Migrant domestic workers are frequently subjected to harsh verbal and physical abuse. Some are sexually harassed. They face racial discrimination in the country where they work and when they return home. They are discriminated against because other migrants in the area had been sexually abused and/or impregnated. Particularly in the Middle East, migrant workers are forced to very restrictive cultural norms such as the *pardah* system, preventing them from leaving the house.

Steps to curb international migration

- Pre-departure manuals have been disseminated to increase awareness of the risks and challenges of migration.
- The plights of migrated domestic workers abroad have been documented.
- Active advocacy and lobbying is carried out.
- Crisis interventions are carried out to victimized individuals.
- Networks are established with other NGOs that work on international migration.

Trafficking is closely linked to forced migration. It has been most often linked to prostitution but trafficking takes considerable magnitude for forced labor, especially domestic work. Trafficking of children-girls-women for domestic work is one of the fastest growing areas in inter-country and intra-country trafficking. Children, girls and women are predominantly trafficked from rural, tribal areas or drought and cyclone ridden areas into cities of India. Many of them are even trafficked to foreign countries. There are numerous cases of abuse and exploitation of trafficked girls and women. Most of the women, children and their families do not realize what they are getting themselves into. The problem gains more magnitude because our existing legislations are not able to deal with the issues. The Prevention of Immoral Trafficking Act, 1956 talks only of trafficking for immoral purposes and not for forced or bonded labor. Similarly the Inter-state Migrant Workmen's Act, 1979 do not protect the migrant or trafficked domestic workers. Further, the children, girls and women are sometimes brought to the cities secretly and are sometimes inaccessible. In foreign countries many domestic workers are undocumented or illegal

immigrants. Trafficking agents are plenty. In Delhi alone there are over and above hundreds of agencies which sell domestic workers. NDWM has also discovered that sometimes other domestic workers and close relatives become agents of trafficking. It points to the well-organized nature of the entire racket. Once the girls arrive in the cities, their wages are typically locked or they go unpaid in order to pay the traffickers a fee for securing employment.

Thus, to sum up the factors that drive them into this labor can be pointed out as follows:

Push factors

- Deepening Poverty, failure of government programs to make an impact on poverty reduction and the adverse impact of globalization has further impoverished the poor.
- Family problems: rural and male unemployment, disputes, ill-treatment, loss of parent/s.
- Natural Calamities and poor rehabilitation of victims who are displaced due to natural disasters like earthquake, floods, drought, etc.
- Biased religious and cultural practices that go against women and children.
- Porous borders and weak law enforcement in the border areas due to inefficient or corrupt policing.
- Ever increasing debt burden due to failing crops.
- Often Domestic Workers are single parents, widowed, estranged or with alcoholic husbands. They work for the survival of their children.

Pull factors

- Demand for cheap labor in growing market economies.
- Increasing number of working couples, residing as nuclear family units; create a larger need for more Domestic Workers.
- The preference of children in domestic work as they are powerless, docile and less likely to organize against abuse.
- Women's unequal status and commoditization of women with patriarchal structures
- Glamour of city life
- Rising consumerism and lack of access to education
- False image of security and a stable, healthy environment in the home of the employer
- Debt bondage

- Inaccessibility to education—every child outside school and at work is child labor.

It has been perceived throughout the world that most domestic workers are from the same country in which they work. They may live at home, though they are usually “live-in” domestics, i.e., they receive room and board as part of their salaries. The abuse of women and children transcends geographical boundaries as well as economic, cultural, religious, political, and social divisions.⁸ The work performed by the domestic workers does not correspond to what is generally thought of as the labor market. This is because domestic work does not take place in a factory or an office, but in the home. It typically reflects the otherwise unpaid labor in the household traditionally performed by women, which requires no formal skill training. Because of this female character of household work, the ‘paid’ domestic work also remains hidden, undervalued [9].

International perspective

The majority of domestic workers in China, Mexico, India, and other populous developing countries, are people from the rural areas who are employed by urban families.

‘In Guatemala, it is estimated that eight percent of all women work as domestic workers. They hardly have any legal protection. According to Guatemalan labor law, domestic work is “subject neither to a working time statute nor to regulations on the maximum number of working hours in a day”. Legally, domestic helpers are only entitled to ten hours of free time in 24 hours, and one day off per week. But very often, these minimal employment laws are disregarded, and so are basic civil liberties’ [10].

In Brazil, domestic workers must be hired under a registered contract and have most of the rights of any other workers, which includes a minimum wage, remunerated vacations and a remunerated weekly day off. It is not uncommon, however, to hire servants without registering them. Since servants come almost always from the lower, uneducated classes, they are sometimes ignorant of their rights, especially in the rural zone. Nevertheless, domestics employed without a proper contract sometimes sue their employers to get compensation from abuses.

In the United States, domestic workers are excluded from many of the legal protections afforded to other classes of worker, including the provisions of the National Labor Relations Act [11]. Traditionally domestic workers have mostly been women and are likely to be immigrants [12].

ILO international labor standards relevant to domestic workers: Basic human right.

Freedom of association

Title	Aim of standard	Comment
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	The right, freely exercised, of workers and employers, without distinction, to organize for furthering and defending their interests.	Applicable to domestic workers. Art. 2. Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned to join organizations of their own choosing without previous authorization.
(§) Right to Organize and Collective Bargaining Convention, 1949 (No.98)	Protection of workers who are exercising the right to organize; noninterference between workers' and Employers' organizations; promotion of voluntary collective bargaining.	Applicable to domestic workers Art. 1.1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their Employment.
Rural Workers' Organizations Convention, 1975 (No. 141), and Recommendation (No. 149)	Freedom of association for rural workers; encouragement of their organizations; their participation in economic and social development	Applicable domestic workers in Rural areas. Art. 1. This Convention applies to all types of organizations of rural workers, including organizations not restricted to but representative of rural workers

Forced labor

Title	Aim of Standard	Comment
(§) Forced Labor Convention, 1930 (No. 29)	Suppression of forced labor.	Applicable to domestic workers
(§) Abolition of Forced Labor Convention, 1957 (No. 105)	Prohibition of the recourse to forced or compulsory labor in any form for Certain purposes.	Applicable to domestic workers.

Employment

Employment services and fee-charging employment Agencies

Title	Aim of standard	Comment
Private Employment Agencies Convention, 1997 (No. 181), and Recommendation (No. 188)	To allow the operation of private employment agencies as well as the protection of the workers using their services, within the framework of its Provisions.	Up-to-date instrument on this subject. Applicable to domestic workers, but Allows implicit exclusion of them. Art. 2.2. This Convention applies to all categories of workers and all branches of economic activity... 4. After consulting the most representative organizations of employers and workers concerned, a Member may: ... (b) exclude, under specific circumstances, workers in certain branches of economic activity, or parts thereof, from the scope of the Convention or from certain of its provisions, provided that adequate protection is otherwise assured for the workers concerned
Employment Service Convention, 1948 (No. 88)	Free public employment service.	Applicable to domestic workers.
Employment Service Recommendation, 1948 (No. 83)		Explicitly applicable to domestic Workers. I.4. Measures should be taken in appropriate cases to develop, within the general framework of the employment services: (a) separate employment offices specializing in meeting the needs of employers and workers belonging to particular industries or occupations such as ... domestic service, wherever the character or importance of the industry or occupation or other special factors justify the maintenance of such Separate offices.
Fee-Charging Employment Agency Convention (Revised), 1949 (No. 96)	Progressive abolition of fee-charging employment agencies and regulation of other employment agencies, or (as the ratifying State shall elect) the regulation of fee-charging employment Agencies.	Applicable to domestic workers.

Employment security

Termination of Employment Convention, 1982 (No. 158), and Recommendation (No. 166)	Protection against termination of Employment without valid reason.	Applicable to domestic workers, but Allows implicit exclusion of them. Art. 2. 1. This Convention applies to all branches of economic activity and to All employed persons. 5. In so far as necessary, measures may be taken by the competent authority ... to exclude from the application of this Convention or certain provisions thereof other limited categories of employed persons in respect of which special problems of a substantial nature arise in the light of the particular conditions of employment of the workers concerned or the size of the undertaking that employs them.
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Social policy

Social Policy (Basic Aims and Standards) Convention, 1962 (No.117)	All policies shall be primarily directed to the well-being and development of the population and to the promotion of its desire for social progress.	Applicable to domestic workers
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Labour inspection

Protocol of 1995 to the Labor Inspection Convention, 1947 (No. 81)	To secure, by regular inspections of workplaces that are not considered as industrial or commercial, the enforcement of legal provisions for the Protection of workers.	Applicable to domestic workers. Art.1. 3. This Protocol applies to all workplaces that do not already fall Within the scope of the Convention.
Labor Inspection (Agriculture) Convention, 1969 (No. 129), and Recommendation (No. 133)	To secure, by regular inspections of workplaces, the enforcement of legal provisions for the protection of workers.	Applicable to domestic workers in Rural areas. Art. 1. 2. Where necessary, the competent authority shall ... define the line which separates agriculture from industry and commerce in such a manner as not to exclude any agricultural undertaking from the national system of labor inspection. 3. In any case in which it is doubtful whether an undertaking or part of an undertaking is one to which this Convention applies, the question shall be settled by the competent authority

Labor administration (General)

Labor Administration Convention, 1978 (No. 150), and Recommendation (No. 158)	The establishment of an effective labor administration with the participation of employers, workers and their organizations.	Applicable to domestic workers
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Labor inspection

Protocol of 1995 to the Labor Inspection Convention, 1947 (No. 81)	To secure, by regular inspections of workplaces that are not considered as industrial or commercial, the enforcement of legal provisions for the protection of workers.	Applicable to domestic workers. Art.1. 3. This Protocol applies to all workplaces that do not already fall within the scope of the Convention.
Labor Inspection (Agriculture) Convention, 1969 (No. 129), and Recommendation (No. 133)	To secure, by regular inspections of workplaces, the enforcement of legal provisions for the protection of workers.	Applicable to domestic workers in Rural areas. Art. 1. 2. Where necessary, the competent authority shall ... define the line which separates agriculture from industry and commerce in such a manner as not to exclude any agricultural undertaking from the national system of labor inspection. 3. In any case in which it is doubtful whether an undertaking or part of an undertaking is one to which this Convention applies, the question shall be settled by the competent authority.

Industrial relations

Collective Bargaining Convention, 1981 (No. 154), and Recommendation (No. 163)	To promote free and voluntary collective bargaining.	Applicable to domestic workers. Art. 1. 1. This Convention applies to all branches of economic activity.
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Conditions of work

Wages

Minimum Wage Fixing Convention, 1970 (No. 131), and Recommendation (No. 135)	Protection against excessively low wages.	Up-to-date instrument on this subject. Applicable to domestic workers, but allows implicit exclusion of them. Art. 1.1. Each Member of the International Labor Organization which ratifies this Convention undertakes to establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate. 2. The competent authority in each country shall ... determine the groups of wage earners to be covered.
Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), and Recommendation (No. 30)	To create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exists for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.	Applicable to domestic workers. Art. 1. 1. Each Member of the International Labor Organization which ratifies this Convention undertakes to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exists for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low. Art. 2. Each Member which ratifies this Convention shall be free to decide ... in which trades or parts of trades, and in particular in which home working trades or parts of such trades, the minimum wage-fixing machinery referred to in Article 1 shall be applied
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)	To create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations.	Applicable to domestic workers in rural areas, but allows implicit exclusion of them. Art. 1.1. Each Member of the International Labor Organization which ratifies this Convention undertakes to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations. 2. Each Member which ratifies this Convention shall be free to determine ... to which undertakings, occupations and categories of persons the minimum wage fixing machinery referred to in the preceding paragraph shall be applied. 3. The competent authority may exclude from the application of all or any of the provisions of this Convention categories of persons whose conditions of employment render such provisions inapplicable to them, such as members of the farmer's family employed by him.
Protection of Wages Convention, 1949 (No. 95) and Recommendation (No.85)	Full and prompt payment of wages in a manner which provides protection against abuse.	Applicable to domestic workers, but allows implicit exclusion of them. Art. 2.1. This Convention applies to all persons to whom wages are paid or payable. 2. The Competent authority may, after consultation ... exclude from the application of all or any of the provisions of the Convention categories of persons: employed in domestic service or work similar to these.
Protection of Workers Claims (Employers Insolvency) Convention, 1992 (No. 173), and Recommendation (No. 180)	Protection of workers' claims in the event of the insolvency of their employer.	Applicable to domestic workers, but allows implicit exclusion of Domestic workers.

Art. 4.1. Subject to the exceptions provided for in paragraph 2 below, and to any limitations specified in accordance with Article 3, paragraph 3, this Convention shall apply to all employees and to all branches of economic activity.

2. The competent authority ... may exclude from Part II, Part III or both Parts of this Convention specific categories of workers.

Art. 3.3. A member which accepts the obligation of both Parts of this Convention may ... limit the application of Part III to certain categories of workers and to certain branches of economic activity. Such limitations shall be specified in the declaration of acceptance.

General conditions of employment

Reduction of Hours of Work Recommendation, 1962 (No. 116)

Progressive reduction of normal hours of work, when appropriate, with a view to attaining the standard of the 42-hour week without any reduction in the wages of the workers as at the time hours of work are reduced

Up-to-date instrument on this subject. **Applicable to domestic workers.**
I.1 Each Member should formulate and pursue a national policy designed to promote by methods appropriate to national conditions and practice and to conditions in each industry the adoption of the principle of the progressive reduction of normal hours of work.

Applicable to domestic workers

Forty-Hour Week Convention, 1935 (No. 47)

The principle of a 40-hour week applied in such a manner that the standard of living of workers is not reduced in consequence.

Night Work Convention, 1990 (No.171), and Recommendation (No. 178)

Adoption of specific measures required by the nature of night work shall be taken for night workers in order to protect their health, assist them to meet their family and social Responsibilities, provide opportunities for occupational advancement, and compensate them appropriately.

Applicable to domestic workers, but allows implicit exclusion of them.

Art. 2.1. This Convention applies to all employed persons except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation.

2. A Member which ratifies this Convention may ... exclude wholly or partly from its scope limited categories of workers when the application of the Convention to them would raise special problems of a substantial nature.

Holiday with Pay Convention (Revised), 1970 (No.132)

Annual paid holiday of three weeks or more.

Applicable to domestic workers, but Allows implicit exclusion of them.

Art. 2.1. This Convention applies to all employed persons, with the exception of seafarers.

2. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country ... to exclude from the application of this Convention limited categories of employed persons in respect of whose employment special problems of a substantial nature, relating to enforcement or to legislative or constitutional matters, arises.

Paid Educational Leave Convention, 1974 (No. 140), and Recommendation (No. 148)
Part-Time Work Convention, 1994 (No. 175), and Recommendation (No.182)

To promote education and training working hours, with financial entitlements.

Part-time workers shall be accorded the same protection than comparable full time workers.

Applicable to domestic workers.

Applicable to domestic workers but, allows implicit exclusion of part-time domestic workers.

Art. 3.1. This Convention applies to all part-time workers, it being understood that a Member may ... exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

Protection in the various social security branches

Medical Care and Sickness Benefits Convention, 1969 (No. 130), and Recommendation (No. 134)	To secure to the persons protected, subject to prescribed conditions, medical care of a curative or preventive nature, and incapacity for work resulting from sickness and involving suspension of earnings.	Applicable to domestic workers, but allows implicit exclusion of certain categories of employees at the discretion of the Government.
Invalidity, Old-Age and Survivors Benefits Convention, 1967 (No. 128), and Recommendation (No. 131)	To secure to the persons protected the provision of invalidity, old-age and survivors benefits.	<p>Applicable to domestic workers, but allows implicit exclusion of them.</p> <p>Art. 9.1. The persons protected shall comprise:</p> <p>(a) all employees, including apprentices, or</p> <p>(b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or less than 75 per cent of the whole economically active population; or</p> <p>(c) all residents, or residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 28.</p> <p>2. Where a declaration made in virtue of Article 4 is in force, the persons protected shall comprise:</p> <p>(a) prescribed classes of employees, constituting not less than 25 per cent of all employees;</p> <p>(b) prescribed classes of employees in industrial undertakings, constituting not less than 50 per cent of all employees in industrial undertakings.</p>
Employment Injury Benefits Convention, 1964 (No. 121) [Schedule I amended 1980], and Recommendation (No. 121)	To ensure that national legislation concerning employment injury benefits protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.	<p>Applicable to domestic workers, but allows implicit exclusion of them.</p> <p>Art. 4.1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.</p> <p>2. Any Member may make such exceptions as it deems necessary in respect of:</p> <p>(d) other categories of employees, which shall not exceed in number 10 per cent of all employees other than those excluded under clauses (a) to (c).</p> <p>Art. 5. Where a declaration provided for in Article 2 is in force, the application of national legislation concerning employment injury benefits may be limited to prescribed categories of employees, which shall total in number not less than 75 per cent of all employees in industrial undertakings, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.</p>
Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) and Recommendation (No. 176)	States shall co-ordinate the system of protection against unemployment and their employment policy. To ensure that its system of protection against unemployment, and in particular the methods of providing unemployment benefit, contribute to the promotion of full, productive and freely chosen employment, and are not such as to discourage employers from offering and workers from seeking productive employment.	<p>Applicable to domestic workers, but allows implicit exclusion of them.</p> <p>Art. 11.1. The persons protected shall comprise prescribed classes of employees, constituting not less than 85 per cent. of all employees ...</p> <p>3. Where a declaration made in virtue of Article 5 is in force, the persons protected shall comprise:</p> <p>(a) prescribed classes of employees constituting not less than 50 per cent. of all employees; or</p> <p>(b) where specifically justified by the level of development, prescribed classes of employees constituting not less than 50 per cent of all employees in industrial workplaces employing 20 persons or more.</p>

Older Workers Recommendation, 1980 (No. 162)	To promote equality of opportunity and treatment for workers, whatever their age and to improve working conditions and the working environment at all stages of working life.	Applicable to domestic workers. I.1 (1) This Recommendation applies to all workers who are liable to encounter difficulties in employment and occupation because of advancement in age.
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The Indian Position

National Domestic Workers' Movement

The *National Domestic Workers' Movement* was established in 1985 in Mumbai, (Maharashtra) in India by Dr. (Sr.) Jeanne Devos. Sr. Jeanne is a Belgian missionary who first started work with domestic workers back in 1966 in the state of Tamil Nadu, India. From a small establishment in Mumbai, the Movement has spread into 23 states, organizing domestic workers, building their capacity for efficiency of work and awareness of rights and providing a platform to voice their struggles and demand for dignity of labor and proper legislations that will benefit their workforce.

Whatever may be the factors that lead the women to the job, it is the age-old patriarchal and societal systems in India that regard the work as menial and downgrade. As a result of which, it draws the poorest of remuneration. These workers have no benefits of work contracts, social security, and security of employment, wage raises, paid leave or medical facilities. As a result many of the women are subjected to humiliation, abuse (physical, verbal and sexual) and exploitation. This situation of work has lowered the self-esteem of the women, making them insecure and submissive.

The Work of the Movement

The Movement seeks to ascertain the dignity of the women in domestic work and to have society recognize the contribution of the women to the quality of life of individuals and to the economy of the country.

The Movement adopts a rights-based approach when working with domestic workers. We believe that the empowerment of the women is of utmost importance to help bring about dignity of domestic work and to advocate policies that will provide social security. To this end, domestic workers in the different states of India are organized into groups and a strong solidarity is created, where, together, the women can stand up for justice and rights of domestic work.

Regular meetings and training sessions are conducted to help build the confidence of the women not only in the work but also in them. Leaders are drawn out from these groups to help carry the work of the Movement deeper into their areas, further organizing women of the trade. The collaboration is effective when demands for domestic workers' legislations and social security/welfare schemes have to be made before the governments (both state and central). The women are also equipped to handle civic and social issues that arise in their communities. The solidarity is especially a great strength in times of abuse and threat. Domestic workers have also helped in several crisis interventions of fellow workers (rescue, rehabilitation and repatriation).

Along the journey of the Movement in the past years, other issues and concerns has offshoot from the work for rights of domestic work. These included:

- Trafficking for forced labor and domestic work,
- Children in domestic work and the Worst forms of child labor,
- Globalization and its effect on Women Domestic Workers,
- Human rights and domestic work.

The Movement condemns trafficking for domestic work. Trafficking rural and tribal children, young girls and women is rampant in the poorer districts of states. The Movement has established its presence in these areas (referred to as the source areas) and network with their counterparts in the urban areas (destination areas) where the women are taken. Village vigilant committees and strong ties with police force have been set up to monitor the activities of menacing trafficking agents and to check the movement of the women.

After years of creating awareness about children in domestic work, the Indian government has amended the Children's Act on Child Labor to include children in domestic work. However, active campaigns still continue to enforce the law as children are still victims of trafficking for forced labor and domestic work and are invisible—hidden behind the closed doors of the households.

When no Labor laws cover Domestic Workers and they are not recognized as workers, they do not enjoy

legal protection, rights and dignity. Hence domestic work is reduced to nothing but a contemporary form of slavery. The United Nations and the International Labor Organization have endorsed this issue as a concern for action. From 1996, the Movement has linked with Migrant Forum of Asia, Antislavery International, International Labor Organization, UN Human rights, GAATW and UNIFEM and UNICEF. Together we experiences and collaborate in joint efforts towards establishing a decent work environment and recognition of labor for all domestic workers.

Legislations for domestic workers in India through active advocacy and campaign by the National Domestic Workers' Movement

Domestic workers are especially disadvantaged since they are not covered by laws such as the Industrial Disputes Act, the Equal Remuneration Act, or even the Minimum Wages Act. The Central government has been shying away from enacting any specific legislation for this group. A Domestic Workers (conditions of service) Bill was drafted as early as 1959 but was never enacted. The House Workers (conditions of service) Bill, 1989, was not enacted either.

In 2003, the Human Rights Law Network filed a petition in the Supreme Court on behalf of the NDWM, pointing out that legislation to protect domestic workers had been stalled time and again. According to lawyer Vipin Mathew Benjamin, the government had told the court that domestic workers would be covered by the forthcoming Unorganized Sector Workers' Bill, 2004. "The Supreme Court passed an order saying that all suggestions and demands could be put before a tripartite committee to deliberate on the draft of the Bill. Consultations with all stakeholders were to be held at the Central and State levels. We don't have a problem if this bill is comprehensive," he said.

The order, passed on April 7, had directed the proposed tripartite committee to meet within three months but so far there has been no sign of such a meeting, nor have any suggestions been invited.

The Centre claims that the Unorganized Sector Workers' Bill would ensure their 'safety, social security, health and welfare' but already there are protests from various quarters. According to Bhatnagar, who is also coordinating the National Campaign Committee for Unorganized Sector Workers, there are no fewer than five versions of the draft Bill. The one put up by the Union Labor Ministry has come in for heavy criticism. In a letter to the Prime

Minister, Justice V.R. Krishna Iyer, former Judge of the Supreme Court, called it a 'a half-baked law' and said that rushing it through Parliament would be 'a gross betrayal'.

Meanwhile, domestic workers are organizing themselves. As a result, the Domestic Workers (Protection of Rights) Bill, 2003, has been tabled in the Maharashtra Assembly, while Karnataka has been persuaded to extend the Minimum Wages Act to domestic work. Legal provisions exist to ensure that a child under 14 can be made to work for only two hours on school days and up to seven hours on non-school days. The law implies that the child must be at school at any rate, working or not.

- The Tamil Nadu Government, State of Tamil Nadu, India, included Employment in Domestic Work in the schedule of the Tamil Nadu Manual Labor Act 1982 on the 1st June 1999. The Tamil Nadu Domestic Workers Welfare Board was constituted on the 22nd January 2007. The preliminary notification for the Minimum Wage Act for Domestic Workers was passed in August 2007.
- The Central government amended the Central Civil Service Conduct rules to prohibit any government official/civil servants from employing children below the age of 14 years as domestic workers.
- Indian law prohibits the employment of children below 14 years age, in certain occupations in accordance to the Child Labor (Prohibition & Regulation) Act 1986. By 10th October 2006, the ban on child labor included employment of children in domestic work.
- The Karnataka government passed the Minimum Wage Act for Domestic workers on 1st April 2004
- The Kerala government has included Domestic Workers into the Schedule of employment. The final notification for the Minimum Wage Act for Domestic Workers came through on 23rd May 2005. The government has introduced Domestic Workers as members to the Kerala Artisan and Skilled Workers' Welfare Fund, thereby allowing Domestic Workers to avail of Social Security Schemes. The Kerala arm of the National Domestic Workers' Movement has been appointed to issue Labor Certificates for the Fund to the Domestic Workers. The Kerala government has also registered the domestic workers of the Kerala Domestic Workers; Movement as a Trade union on November 2008.
- The Andhra Pradesh Government has issued on 10th December 2007, the final notification for the

fixing of the Minimum Wages in the employment of Domestic Workers in Part-I of the Schedule of the Minimum Wages Act, 1948.

- Preliminary notification for Minimum Wage Act for Domestic Workers were passed in the following State governments: Rajasthan (4th July 2007) and Bihar (2006)
- The Unorganized Sector Workers' Social Security Bill, 2007 has been passed on 8th January 2008. This Bill also includes domestic workers in the unorganized sector of workers.
- Domestic Workers have been guided to avail of several welfare and social security options like life insurance, health/medical insurance, ration cards and pension plans.

Salient features of the Unorganized Workers' Social Security Act, 2008

Domestic workers' (Registration social security and welfare) Act 2008 in the statement of objects and reasons of the Act the issue of exploitation of women and children domestic workers is discussed. It is also a known fact that many women and children are trafficked and exploited by the placement agencies, which operate openly without any form of restrictions and regulations. Absence of any legal protection, has led to severe exploitation women and children which include depriving domestic workers from their entire salary average more than 16-18 hours of work per day, absence of proper food and living/sleeping condition, forced and total cut off from their family members, bounded labor, sexual exploitation by agent during transit, at the office of agency and at the work place in houses of employers, The list of exploitation is endless and frequently reported upon by the media The legislations such the recent notification on prohibition of child labor in domestic work under Child Labor (Prohibitions & Regulation) Act, 1986 cannot be implemented in the absence of any implementation mechanism in this Act. Recently few State Govt. have taken different initiative such as including domestic workers under minimum wage notification but in the absence of a central legislation capable of reaching all domestic workers none of these state level measures can really benefit the domestic workers That only a Comprehensive Central Legislation specifically designed to meet the working condition of the domestic workers including registration, who are an important segment of service sector of Indian economy and who have an Multiplier impact on the economy by enabling the women in particular to work by sharing the family burden, can ensure the end of the exploitation of these domestic

workers. That in the public interest that the domestic workers, employing, as it does, a very large number of women and whose conditions of work and living need amelioration and to whom regularity of employment must be assured, Placement agencies must be regulated so that the Directive Principles of the Constitution more particularly the relevant provisions Article 39, 41, 42, 43, and 43-A of the Constitution are given effect to by a law made by Parliament with reference to entries 22, 23 and 24 of List III in the 7th Schedule in the Constitution.

Social Security Schemes

The Act has mentioned that the government would periodically notify schemes related to life and disability cover, health and maternity benefits, old age protection and any other benefit as may be determined by the central government. It has also mentioned ten schemes in the schedule which includes *Aam Admi Bima Yojana; Rashtriya Swasthya Bima Yojana; Janshree Bima Yojana; Janani Suraksha Yojana; Old Age Pension, Family Benefit* and schemes related to weavers, artisans and master crafts persons. None of these schemes are new and are mostly applicable only for BPL families. Most of the urban unorganized workers may not fall under the BPL category. The BPL income of Rs 500 is too less even for bare existence in urban areas. Moreover, most of these schemes are insurance schemes which are to be sourced from workers and operated by insurance companies. The only possibility is that the central and state governments may subsidize contributions from BPL workers at a ratio of 75:25. Beyond this, there appears to be no plan for the government to fund the entire social security schemes.

The state governments have been given a free hand to design their own schemes related to provident fund, employment injury benefit, housing, education, skill up gradation, funeral assistance and old age homes. It can be noted that none of them are mandatory on any government.

'Smart' Registration

The function of registration of workers, the 'biggest' advantage of the entire Act, is left to the state governments to be performed through the bureaucracy at district level. Any unorganized worker of above 14 years of age can register himself/herself with the worker facilitation centre by giving a self-declaration. By getting a unique identification number and smart card that are portable, the worker will be eligible for suitable social security schemes if he/she would pay the prescribed contribution.

Floor Level Schemes

What is really good about this legislation, as recommended by the NCEUS and NAC, is an enforceable 'floor scheme' that creates in each unorganized sector worker beneficiary a legal entitlement of governmental protection within a specified time frame. For instance, the National Rural Employment Guarantee Act, 2004 ["NREG Act"], that was enacted under the auspices of the present UPA government, creates a legal entitlement of 100 days of work for a specified minimum wage with penalties accruing to its denial. The NREG Act is both successful and unsuccessful, depending equally on the political will behind its implementation as the legal content of its provisions.

The Act mandates the provision of Implementing Authorities i.e., Central Advisory Committee under Section 4. There is also the provision of Domestic Workers Welfare Fund which mandates that: There shall be formed a Fund, to be called the Domestic workers Welfare Fund, and there shall be credited thereto:

- (a) Any grants made to the Fund by the Central Government,
- (b) Any money received by the beneficiaries,
- (c) All amounts from the District Boards received as registration and other fees,
- (d) Any income from investment of the amounts in the Fund.
- (e) All fines collected The Fund shall be administered and applied by the State Board to meet the expenditure incurred in connection with measures and facilities which, in the its opinion is necessary or expedient to promote the welfare of domestic workers; and, in particular:
 - (a) To defray the cost of such welfare measures or facilities for the benefit of domestic workers / beneficiaries as may be decided by the Board,
 - (b) To sanction any money in aid of any scheme for the welfare of the domestic - workers including family welfare, family planning, education ,Insurance and other welfare measures,
 - (c) To meet the allowances, if any, of the members of the Committees and the State /District Board and WFC under this Act and the salaries and allowances, if any, of persons appointed under section,
 - (e) Any other expenditure which the Board may direct to be defrayed from the Fund.

Conclusion

The laws are defied within the four walls of our households, hindering protection. There is little accurate data on the number of domestic workers and the extent of exploitation. A survey was conducted by the researchers in the college campus. It has revealed the domestic workers' dissatisfaction, their expectations which include a hike in the pay in consideration to the rising price of necessary commodities and a day off, weekly. But they are apprehensive to protest against their employer, the fear of losing the job looms large.

It is important to have an overview of the existing regulations and legal provision for domestic workers in our country to strategies and move forward. The ILO is coming up with a convention, 'Decent work for Domestic Workers', to set labor standards for domestic/household workers at the International Labor Conference in 2010.

The national commission for women along with a sub-committee of trade unions and NGOs working with domestic workers has undertaken to formulate legislation for domestic workers. The court demanded that the state government collaborate with civil society to frame guidelines for regulating the agencies.

Also what is suggested is that the government makes a provision for police to keep a regular check on the placement agencies that have been given licenses and ensure that there are no illegal issues involved viz., their functioning. There should be a special officer appointed to deal with these cases.

The initiative of ILO: Decent Work for Domestic Workers campaign

The Decent Work for Domestic Workers campaign is grounded in the four principles of the Decent Work Agenda:

1. Fundamental Principles and Rights at Work–To promote and realize fundamental principles and rights at work for all workers,
2. Broad social protection – Enhance the coverage and effectiveness of social protection for all ,
3. Access to decent and productive jobs–Create greater opportunities for women and men to secure decent employment and income,
4. Voice and representation at work–Strengthen the organization of workers and employers and promote social dialogue.

The strategic means of promoting Decent Work for Domestic Work are

Recognize Domestic Work as "Real Work"

- Enhance the visibility of domestic work by raising awareness of the extent of domestic workers and of the nature of their working lives.
- National law and legislation that recognizes domestic work as employment, worthy of regulation and labor law protection, both for Domestic Workers and for their employers.
- Statistical visibility through regular systematic data collection.

Reach out, Organize, Represent

- Spread awareness amongst the household employers, resident welfare associations and domestic workers of their rights and need to have a voice of their own with the help of media.
- Efforts towards facilitating the organization of domestic workers to improve their collective strength, voice and representation.
- Collective negotiation with the employers' associations, RWAs and with the state for protection.
- Bring together actors working on domestic workers to agree on a common "minimum floor" of benefits to domestic workers.
- Produce practical tools to support the work of constituents and civil society in promoting decent work for domestic work.

Recent initiatives of the ILO are towards a more concerted effort at spreading awareness about the rights of the domestic workers, dialoguing with the key constituents (the Government, the Employers' Organizations and the Trade Unions), involving civil society organizations, Resident Welfare Associations, the domestic workers themselves, the youth and the public at a large. The Standard Setting Process at International Labor Conference (ILC) also provides an opportunity for ILO to work with the Government and other stakeholders in organizing, developing and promoting draft national legislations for broader debate and consensus.

There is an urgent need to either include domestic servants into preexisting laws or to devise new laws which would provide them with provisions to cater to their basic rights and needs. They need legal safeguards to protect their salaries, their treatment

at the hands of both the placement agencies/agents and the employers and from immoral trafficking [1].

Anti-trafficking Committees should be set up to disrupt the supply of female and child domestic workers, and the recruiters should be barred in these cases. The police should be urged to enforce the existing laws.

Domestic workers pervade the homes of all the middle class and upper class people. These are the very people who make laws and implement them. One step in order to begin to deal with these obstacles is to empower domestic workers at least in some pockets, so that they begin to take the leadership of the national level alliance and begin to deal with obstacles that direct or indirect, conscious or unconscious vested interests pose in the consolidation of these organizations and alliances.

In case of the approach of the organizations that work for the domestic workers, one major difference lies in whether the organization works for domestic workers or with domestic workers and then, with what perspective. What is important is an organization that builds a perspective of active participation and control by domestic workers. This includes the recognition of their different needs in the informal economy vis-a-vis the union and the also the aspect of fluidity of identity of women in this sector.

But apart from the physical aspects of domestic work—the long hours, the absence of off-days, the low pay—what about the other messages that are passed down to future generations? This is a complex issue, tied up with questions of employment and surplus labor. But it is also a simple issue—one of attitudes, of how we value another human life. It is a question of recognizing all human beings, regardless of the nature of their work, as precisely that. It is a question of ensuring that we don't bring up our children with values that perpetuate slavery and servitude.

References

1. Decent Work for Domestic Workers, ILO, available at www.oit.org
2. Kalpana Sharma, *Domestic Workers in India no better than Slaves*, published on Feb. 17, 2009, c.f. www.indiatogether.com.
3. *Ibid.*
4. Decent Work for Domestic Workers, ILO, available at www.oit.org
5. Graff, Daniel A. (N.D.). "Domestic Work and Workers"

6. Annie Zaidi, *Domestic Slaves*, *Frontline*, Volume 23, Issue 15: Jul. 29-Aug. 11, 2006.
 7. Available at <http://www.sichrem.org/popup.php?ArtifactID=827>
 8. *Decent Work for Domestic Workers*, ILO, available at www.oit.org
 9. Available at <http://www.indiatogether.org/2003/sep/ksh-domestic.htm>
 10. Sujata Gothoskar , *New initiatives in organizing strategy in the informal economy — Case study of domestic workers' organizing— Executive summary* , available at <http://www.wiego.org/publications/Gothoskar%20%20New%20initiatives%20in%20organizing%20strategy%20in%20the%20informal%20economy%20Summary.pdf>.
 11. Available at www.routledgelaw.com/.../Criminal-Abuse-of-Women-and-Children.
 12. *Decent Work for Domestic Workers*, ILO, available at www.oit.org
 13. Verfürth, Eva-Maria (N.D.). "Hard work new opportunities"
 14. UN Human Rights Committee's report, "Domestic Workers' Rights in the United States."
 15. Graff, Daniel A. (N.D.). "Domestic Work and Workers"
 16. *Domestic worker in a hostile world; Anisha Mitra & Karelia Rajagopal* available at, <http://www.combatlaw.org/DOMESTIC%20WORKERS.htm>
 17. Sujata Gothoskar , *New initiatives in organizing strategy in the informal economy — Case study of domestic workers' organizing— Executive summary* , available at <http://www.wiego.org/publications/Gothoskar%20%20New%20initiatives%20in%20organizing%20strategy%20in%20the%20informal%20economy%20Summary.pdf>.
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