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**RIGHTS OF DOMESTIC WORKERS  
IN INDIA WITH RESPECT TO INTERNATIONAL  
LEVEL**

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## **ABSTRACT**

In India, family unit work has consistently been considered as underneath somebody's nobility. It has consistently been the 'obligation' of the lady: spouse, mother, girl or sister to do the family unit assignments and anticipate no compensation. No big surprise in regards to that the household specialist is so purposely came up short on. Cooking, cleaning, thinking about youngsters, these are for the most part talented occupations yet they fall under the disorderly division, with no law to secure rights, no wellbeing spread and no benefits. It implies that in the event of a debate with the business, the specialist can't go to a work court, as she isn't in fact perceived as a 'worker'. Laborers run from full-time to low maintenance laborers, talented and untalented specialists. The issues, for example, no conventional agreements guaranteeing a business worker relationship, sloppiness, poor dealing power, no administrative security, and deficient government assistance measures with no arrangement for week by week occasions, maternity leave and medical advantages should be tended to. The present study addresses the issues and tries to find the status of the domestic help workers in India with respect to international level.

## **INTRODUCTION**

Domestic work is one of the oldest and most important occupations for millions of women and girls, even men and boys around the world. It is rooted in the global history of slavery, colonialism and other forms of servitude. The demand of workers has been on the rise from past two decades. Today, domestic workers make up a large population of the workforce, especially in developing countries, and their numbers have been increasing<sup>1</sup>. According to the recent survey the numbers of domestic workers in India ranges from official estimates of 4.2 million to unofficial estimates of more than 50 million<sup>2</sup>.

They differ in their range of work, there are skilled or unskilled workers, workers for part-time or full-time are also there. In 2000, the UN Human Rights Commission declared domestic work as a

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<sup>1</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG.,2019)

<sup>2</sup> THE STATE OF DOMESTIC WORKERS IN INDIA, <http://ndwm.org/domestic-workers/>

form of contemporary slavery<sup>3</sup>. They clean, cook, look after the children of their masters. They perform several other works as well. Despite, their important role they are exploited and abused by their employers or their masters. People think they are working so; they don't have their own rights. They are not treated as humans. Sometimes the place where they work, their children's don't respect them. Instead of calling aunty to their maids at home they call them "BAI", why?

If they will call them aunty or if they will give a little respect to such people, are they going to lose their own respect? This all depends on parents of such children's. They learn what they see and they see that their parents are abusing insulting the servants, so, even they do the same thing with them. They work because they are in need of money to look after house, to look after their children and education. If they are not able to fulfil the demands or still after doing work, they need more money, they even send their children's to work. From here starts the child labour. Instead of books in their hands, they do other kind of work which steal their innocent childhood such as working in dhabas, working in grocery shops, working in factories which make fire-crackers or beedis, although this is banned but still there are some people who carry this activity illegally and hire small children's especially for this because their small hands make perfect beedis. We see several shows on television, or we read news, the conditions of such domestic workers is far worse than this, what is all shown or what all we read. We cannot relate to this because we have clothes to wear, food to eat, whatever we need we tell our parents to fulfil our demands.

But what about domestic workers and their children's? Do we have ever thought about this?

Village areas where people are in need of work, some agent or an employer comes from the city to village and promises these poor people to provide work and a good wage. They take them to city with them, but after reaching their the harsh reality comes, they are exploited not only mentally but also physically tortured and abused by the employer or agent but even by their master's under whom they are employed to do work. They cannot even go back because they don't know in which place they are working. They don't even get wages, because the employer or agent already sold them to the persons in return of money. For a little amount of money they play with the life of such innocent people. Especially, the young girls and women are sold in the sexual activities work.

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<sup>3</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG., 2019)

Parent's wait in villages but the child doesn't returns. They don't even have knowledge about the place where the child has gone because of which they can't even register the case.

Why people treat domestic workers as their slaves?

They can clean our home but cannot sit on bed or sofa; they can clean our toilets but cannot use them, why?

While working if something misses from house, directly people blame them without even going to deep investigation for the same.

From ancient time onwards there has been exploitation of workers but now when we are in 21<sup>st</sup> century, this should be stopped. Till when these people are going to suffer. Many a times these people are rescued by police officials, or they themselves come out of the trap of it. We should keep ourselves in their places and then think about this. How difficult it is for them to deal with it. They don't even get an off on Sunday, why?

Because if they will not come their salary of that day will be cut. We need an off on Saturdays and Sundays to fresh-n-up our mind, to take rest, because the whole week we work and gets tired. We are humans not machines to work for the whole time. So, aren't they humans? People treat them as a machine. They want that they should continuously work without taking rest, because they are paying for it. Such a harsh reality of our society.

We complain that our Constitution has given a special privilege or a percent of quota in certain exams and jobs to those who belongs to SC, ST, and OBC category. We say it is biased. But then what people do with them, isn't biased? Dr. B.R. Ambedkar, saw the future of country earlier only and made those articles to support such people because he must had seen the conditions of these people that they are badly discriminated by the society so, they should get some special status or reservation in society. Instead, of many laws, discrimination of domestic workers has not stopped.

Even after working a lot they get only 4000-5000 rupees a month. They even do extra hours of work but don't get extra bonus. Even on special occasions of Diwali or Holi, people think several times to provide them a saree or shirt. They don't get time to eat their lunch also, why?

They are treated as machines, even it needs oiling to work properly all the time, but people think domestic workers don't even need rest from their work.

Although there have been certain cases where domestic workers have murdered their masters for money, but all are not same. Just because of some incidents occurred, we see all domestic workers from different eyesight, which is not correct. They have their own emotions, feelings. Because of one person's mistake, the whole lot of community suffers and those who are really in need of work don't get work.

People eat good food, but give remained or stale food to domestic workers. Why cannot they give fresh food to them?

They cannot give good clothes to them, but give which is torn or no longer they use. All this is because they are poor?

## **ISSUES/ PROBLEMS FACED BY THE DOMESTIC WORKERS**

1. **Insecurity of Employment**<sup>4</sup>- It is an important part of the experience of domestic workers. They may be asked to leave work at any time without any prior notice. Many a times if the domestic worker is not well or hospitalized and unable to go to work then usually we see new maids or servants are hired and they lose their jobs.
- 1) **Domestic Workers Face Abuse**- They are abused by the employer and agent and even from their masters under whom they work. It includes sexual harassment of young girls and women, who have been trafficked to work at these places. Evidence has shown instances when women and young girls have been beaten up and raped. The abuse of domestic work is wide-ranging. It varies from denial of dignity to beating, taunting, caste abuse, accusing of theft and so on<sup>5</sup>. [Wealthy families in India](#) physically abuse and mistreat

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<sup>4</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG., 2019)

<sup>5</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG., 2019)

young women employed as domestic workers in metropolitan areas of India<sup>6</sup>. It is becoming more common now-a-days, the study has revealed.

- 2) **Domestic Workers Receives Low Wages**- They often receives very low wages, cuts in wages and deceit in wage calculations. By and large, the wages of domestic workers are far below minimum wages. Arbitrary cuts in wages for leave taken and even when employers are out of town<sup>7</sup> and there is no work for the domestic workers are some of the reported cases. Domestic workers weak bargaining power in the home and the low incidence of representative domestic workers organizations also make them subject to low wages. Gender-based pay discrimination in domestic work may also be compounded with other forms of discrimination. For example, the worker's ethnic or social origin, or nationality may determine the level of remuneration<sup>8</sup>.
- 3) **Working For Long Hours**- Domestic work in itself often comes with a heavy load. Domestic work often involves long hours of work. For full-time domestic workers, who live at the employer's home, there seems to be no limit of working hours. They are often on 24-hour duty. If there are unexpected guests in the middle of the night, if the master is coming home later or late at night, the domestic worker has to be on call till late. Long working hours is a common problem faced by domestic workers<sup>9</sup>. Instead of working for long hours they don't get extra wages or bonus for it. Live-out workers may work full time for one household, reporting for work in the morning and returning to their home in the evening, or may work for different households for two, three or more hours each time per day, per week or per month<sup>10</sup>.

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<sup>6</sup> MURALI KRISHNAN, INDIA'S DOMESTIC WORKERS FACE ABUSE WITHOUT LEGAL PROTECTION,(OCT.,31,2017,12:56 IST), <https://www.thenewsminute.com/article/indias-domestic-workers-face-abuse-without-legal-protection-70827>

<sup>7</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG., 2019)

<sup>8</sup> WHY DOMESTIC WORKER'S WAGES ARE OFTEN VERY LOW, [https://www.ilo.org/global/topics/wages/minimum-wages/domestic-workers/WCMS\\_438267/lang--en/index.htm](https://www.ilo.org/global/topics/wages/minimum-wages/domestic-workers/WCMS_438267/lang--en/index.htm)

<sup>9</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG., 2019)

<sup>10</sup> CONDITIONS OF WORK AND EMPLOYEMNT PROGRAMME-ADVANCING DECENT WORK FOR DOMESTIC WORKERS, DOMESTIC WORK POLICY BRIEF, INTERNATIONAL LABOUR OFFICE.

- 4) **Limited Access To Specialized Skill Development**- This results in career stagnation and no significant increase of wages and well-being of the worker<sup>11</sup>. Promote skill building of domestic workers and professionalizing domestic work by providing a definite career path to them. This can be seen as one of the tools to promote decent work as skill building can help promote better wages and the working conditions and an improved environment to both the employees and the employers<sup>12</sup>.
  
- 5) **Become Victims Of Trafficking Agencies**- Increase in “trafficking agencies” have become a very significant factor in encouraging internal migration. In the arena of domestic work, organized trafficking is taking place as villagers living in the cities are returning to their native places to bring more women, girls, and children into this labor sector. Once, the young girls or women arrive in the cities, their wages are typically locked or they go unpaid in order to pay the traffickers a fee for securing employment<sup>13</sup>. Sometimes the girls or women are even sold to neighboring countries of India, such as to Bangladesh, Myanmar, Nepal etc. How can easily they sold these innocent people, without even thinking a once, for them it is a little amount of money which gives them happiness but for these people it is a problem for lifetime. They suffer till their last breath. Even young men and boys suffer from bonded labor.

### **WORKER’S CONCERNS-**

- 1) **Recognition, Status And Respect**- Worker’s demanded that their work should be respected and they must be recognized as a worker who makes socio-economic contributions. Domestic workers are an intrinsic and indispensable part of society. Maids and nannies nurse our children, maintain our homes and institutions and keep the wheels of everyday life functioning with ease. For the role they play in the smooth running of society, they deserve respect and proper treatment. As a workforce, they form an admirable

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<sup>11</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG.,2019)

<sup>12</sup> DECENT WORK FOR DOMESTIC WORKER’S, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcm\\_041954.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcm_041954.pdf)

<sup>13</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG.,2019)

powerhouse of industry and finance<sup>14</sup>. We will not lose our respect by respecting domestic workers. Domestic workers have become an important part of many families now-a-days. In our culture it is there to give respect to everyone, but then why not to domestic worker? As a society, it is time to set higher standards for ourselves. We should stand up for domestic workers' rights because our culture and values are at stake<sup>15</sup>.

- 2) **Legal Recognition Of Domestic Workers As Workers-** Domestic workers in all five jurisdictions demanded legal recognition as workers, equal to other workers. As elaborated below, this is of greatest concern in India, where labour laws exclude domestic workers. In India, the legal definitions of “workman,” “employer,” “establishment,” “factory” and “industry” do not include domestic workers, who are employed in private households, thus excluding them from the scope of various labour laws. However, a few central statutes that govern specific issues, such as sexual harassment and social security, expressly include domestic workers. Also some states have established minimum wages for domestic workers<sup>16</sup>. Domestic workers have therefore called for comprehensive central legislation to govern all aspects of domestic work. They want a legal recognition because after hiring them some people don't pay their wages to them. So, it is better to get properly registered before taking up the work if in case the master don't want to pay the wage, some action can be taken up by these poor workers. Why people want to take the bread out of their mouth?
  
- 3) **Formal Employment Contracts-** Domestic workers in India demanded formal employment contracts to enable them to know and understand the terms and conditions of their employment. Without written contracts, domestic workers are vulnerable to unilateral changes such as the unilateral imposition of additional tasks, or reduction of their wages.

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<sup>14</sup> NATIONAL EDITORIAL,(FEB.,18,2018), <https://www.thenational.ae/opinion/editorial/domestic-workers-should-be-treated-with-proper-respect-1.705708>

<sup>15</sup> TEO YOU YENN, MODELING GOOD VALUES BY TREATING DOMESTIC WORKERS WITH RESPECT,(MAR.,18,2014), <https://www.aware.org.sg/2014/03/modeling-good-values-by-treating-domestic-workers-with-respect/>

<sup>16</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018), Pg-1 <http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

Workers in India demanded that a model employment contract to be developed to guide employers and domestic workers. In India, the absence of contracts is the result of the absence of a legal obligation to provide domestic workers with a written contract<sup>17</sup>. Even for a small duration of work proper contract should be made because it gives us the confirmation of the wages that at least this much they are going to get from their masters under whom they are working. In today's world it is very necessary and important to prepare contract for each and everything because we cannot trust someone so, easily. People now-a-days are more trust breaking rather than trust making. "Don't depend too much on anyone in this world because even your own shadow leaves you when you are in darkness."- 'Ibn Taymiyyah'. If we cannot trust our own shadow, then how can we trust other people?

- 4) **Grievance Mechanisms To Domestic Workers-** A grievance refers to problems and issues that employees experience over the course of their employment. Grievances can cover a broad range of concerns, from potentially illegal actions such as unethical recruitment, workplace discrimination, sexual harassment or victimization, to concerns about wages, how a poor relationship between two employees has been managed, a complaint about the quality of food in the canteen or a disagreement over holiday arrangements<sup>18</sup>. Domestic workers in India demanded appropriate grievance mechanisms for the sector. They also demanded that the labour inspector should conduct inspections in their workplaces to enforce compliance with the applicable legislation. In India, the Department of Labour does not monitor private households<sup>19</sup>, why?

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<sup>17</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018), Pg-1

<http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

<sup>18</sup> EMPLOYEE GRIEVANCE MECHANISM-GUIDANCE NOTE,EBRD-PR 2(DEC., 2017),

[https://webcache.googleusercontent.com/search?q=cache:Qk6wBQilo\\_IJ:https://www.ebrd.com/documents/admin/employee-grievance-mechanism.pdf%3Fblobnocache%3Dtrue+&cd=11&hl=en&ct=clnk&gl=in](https://webcache.googleusercontent.com/search?q=cache:Qk6wBQilo_IJ:https://www.ebrd.com/documents/admin/employee-grievance-mechanism.pdf%3Fblobnocache%3Dtrue+&cd=11&hl=en&ct=clnk&gl=in)

<sup>19</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018),Pg-1

<http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

All workers should have access to this grievance mechanism be it a domestic worker also. This grievance mechanism should allow them to raise their voice without any fear of punishment, in case if anything wrong is done to them.

- 5) **Certification Of Workers**- Certificate of service to domestic workers must be given for safety of both employer and employee. No one can do fraud with one another. It is properly registered through the Ministry of Labour and Employment.
  
- 6) **Accomodation**- Domestic workers demanded decent accommodation that affords them adequate privacy. They also demanded that employers must provide them with adequate, good quality food. In India, workers demanded that women’s hostels accommodate live-out domestic workers as well as live-in domestic workers on their day off. Labour laws do not specify the standards for accommodation that must be provided to domestic workers. This leaves domestic workers at the whims of their employers<sup>20</sup>. Even they need privacy like we need, and especially when they are residing with their family to look after the whole work, be it is of outside or inside.
  
- 7) **Notice Before Termination Of Service**- Workers in India demanded that they must be given an adequate notice of termination of employment<sup>21</sup>. People directly terminate them and then it gets difficult for such poor domestic workers to get work quickly. They have family, children to look after. Terminated from one work means they will not get food to eat one time a day. This is such a severe condition of our country. It is a harsh reality. We cannot turn faces from it. Proper notice must be given before terminating domestic workers. Why to steal bread from such poor people’s mouth. If the worker met with an accident and got severely injured so, their employer don’t even ask them about any help if they need in terms of money or anything, they just directly without giving notice fire them from the

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<sup>20</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018), Pg-1

<http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

<sup>21</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018),Pg-1

<http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

work. How can they do this? What if they met with an accident and their boss also fire them from a job, from an MNC? Then? We should understand by keeping ourselves at other's places. Termination of employment of a domestic worker could be in good or bad faith, however, what is essential is that the employer still needs to comply with the laid down procedure and the implicit provisions, due to the uniqueness of the occupation of domestic workers and the work they do. Whatever the reason or reasons for misbehavior or misconducts the employers need to strictly adhere to the law considering the vulnerability of domestic workers in the workplaces. More importantly, the wrongfully terminated or dismissed domestic worker has ample recourse to seek appropriate remedy at the court of law and institutions set up to assist them to seek redress for arbitrary termination of employment<sup>22</sup>.

### **PROTECTION GIVEN TO DOMESTIC WORKERS-**

- 1) **Protection Against Discrimination, Harassment And Violence-** Domestic workers reported that they were vulnerable to discrimination, harassment (including sexual harassment) and violence by their employers. Domestic workers in India highlighted the need to address discrimination on the grounds of class, gender, caste, religion, etc. These workers also reported that police always consider them as suspects when a crime occurs in the household without even properly investigating. Furthermore, they reported that employers regularly prohibit domestic workers from using their toilets during working hours<sup>23</sup>. The same toilet which is cleaned by these poor domestic workers, they are prohibited from using it. Even if they have emergency they have to go outside, find any public toilet and use it. Why?

This same issue was raised in the conference which I attended on the same issue, Pune's domestic worker's association main head Kusum Bhosale, said the same thing that if they

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<sup>22</sup> KOLA O.ODEKU, TERMINATION OF DOMESTIC WORKER'S EMPLOYMENT:UNFAIR LABOUR PRACTICE RE-VISITED,VOL.5, MSCER,Pg-672,

<https://pdfs.semanticscholar.org/d094/a5aa5413bb0e69b0424becf75949ddb2f524.pdf>

<sup>23</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018),Pg-1

<http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

want to use washroom they have separate toilets made for them. They can't use the washroom of their employer's. Another Activist from Stree Jagruti Samiti, Bengaluru, Geeta Menon, correctly said- "WE ARE NOT SLAVES, WE ARE WORKERS, WE ARE NOT MACHINES, WE ARE HUMANS".

- 2) **Health And Safety**- Domestic workers in India demanded that measures be taken to ensure their protection in relation to their health and safety. Employer's neglect the health and safety of worker's. They don't even care especially in factories, mines whether these workers's are living or dying. Indian domestic workers are not covered by this legislation, which covers workplaces such as factories, plantations and mines. The workers highlighted the risks that cleaning and washing detergents and harmful chemicals pose to them<sup>24</sup>. Sad and painful truth it is, not easy to grasp it.
  
- 3) **Social Protection**- Domestic worker's demanded social protection to cover maternity leave, unemployment, old age, and compensation for occupational injuries and diseases<sup>25</sup>. However, these acts are made by the government but I don't think they include domestic worker's also in it. These are for those who work in MNC's, or in small companies. But this is not correct, as even domestic workers are humans like us; even they have family and the women also gets pregnant then why they cannot get the maternity leave like other? But it excludes domestic workers from its scope. Consultations with domestic workers in India showed that domestic workers have limited access to social security for maternity, invalidity and retirement. This is despite the existence of the Unorganized Sector Workers Social Security Act of 2008, which includes domestic workers. This Act created a framework for the establishment of sectoral and state boards to establish welfare schemes for workers. This suggests that there are challenges in the implementation of the Act. The Maharashtra Domestic Workers Welfare Board provides social security for injuries,

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<sup>24</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018),Pg-1

<http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

<sup>25</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018),Pg-1

<http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

medical expenses, maternity and children's fees, which appears to be the exception rather than the rule<sup>26</sup>.

- 4) **Protection Of Child-Domestic Workers, Migrant Domestic Workers-** The Indian Constitution ensures the right of all children (5-14) years for free and compulsory education, it also prohibits child labour. Article 24<sup>27</sup> of the Indian constitution clearly states that, "No child below the age of fourteen years shall be employed to work in any factory or mine or employed in any hazardous employment, it also protects them from exploitation". Government even enacted the Act for their protection- the Child Labour (Prohibition and Regulation) Act, 1986, amended in 2016 ("CLPR Act"). It is a cognizable criminal offence to employ a child for any work (5-14) years.

In India, migrant workers are vulnerable and are at risk of trafficking for labour exploitation or forced labour. Besides being a site for inter-state trafficking, India is a source and transit country for trafficking women and girls to the Middle East for domestic work and for sexual activities. They are sold to neighboring countries of India.

## **GOVERNMENT OF INDIA'S STANCE WITH RESPECT TO INTERNATIONAL LAW**<sup>28</sup>.

The International Labour Conference of the International Labour Organization adopted the Convention concerning decent work for domestic workers, also referred to as the Domestic Workers Convention, 2011 on 16<sup>th</sup> JUNE, 2011. It lays down basic rights and principles, and requires States to take a series of measures with a view of making decent work a reality for

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<sup>26</sup> PAMHIDZAI H. BAMU-CHIPUNZA,PROMOTING DECENT WORK FOR DOMESTIC WORKERS:LESSONS FROM FIVE COUNTRIES, WIEGO, (MAR., 2018),Pg-1

<http://www.wiego.org/sites/default/files/publications/files/Bamu-Chipunza-Promoting-Domestic-Workers-in-Five-Countries-Resource-Document.pdf>

<sup>27</sup> DD BASU, INTRODUCTION TO THE CONSTITUTION OF INDIA, Pg- 130, 22<sup>nd</sup> EDITION

<sup>28</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG., 2019)

domestic workers. The said Convention has not been ratified by the Government of India (GOI) yet. GOI had expressed its reservations towards a Domestic Workers Convention in the 99<sup>th</sup> Session titled, ‘Decent work for domestic workers’, in the International Labour Conference by ILO held in Geneva in 2010. GOI, in its arguments stated ‘that there are many countries with no law regulating and safeguarding the working conditions of domestic workers, a convention might be difficult to ratify and would not have the desired impact. A “Recommendation”, however, would enable member states to develop feasible and practical standards and policies, and the ILO could assist member states in developing strategies.

## **LEGISLATIVE/POLICY FRAMEWORK FOR DOMESTIC WORKERS IN INDIA<sup>29</sup>-**

The subject of labour is enlisted in the Concurrent list of the Indian Constitution and can be framed by both the Centre and the State. The Unorganized Workers Social Security Act (UWSSA), 2008 passed by the Centre, mandates creation of welfare schemes in the areas of life and disability, maternity benefits, old age protection, etc. (including domestic workers).

## **CONCLUSION-**

Domestic work is fastest growing sector of employment in urban areas of India. The situations that domestic workers experience or faces, such as physical, mental, sexual abuse, unwanted suspicion, etc., are violating their human rights. There should be suitable amendments done to the existing labour legislations/schemes, and besides this there must be formulation of new laws and schemes for the domestic workers to enjoy their human rights. They are exploited at their working place and in some cases, even at their own homes by their own husbands or in-laws. It is necessary to make them aware about the exploitation and inspire them to organize themselves for protecting their rights and also to work for implementation of laws by the government. Then only, they can

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<sup>29</sup> REGIONAL CONFERENCE ON HUMAN RIGHTS OF DOMESTIC WORKERS: ISSUES AND CHALLENGES (ILS LAW COLLEGE,PUNE),(30<sup>TH</sup> AUG., 2019)

live with status and dignity equal to that of other members of the society. Even they are normal human beings like us so; treat them in a good way. They are compelled to do the work because they are in need of money, we should help them instead of behaving badly with them. The importance of the domestic workers and the need to treat them with respect is the consistent message (Geeta Menon 2010)<sup>30</sup>. Even domestic workers are an important part of our life and we must respect them, they do have feelings. We should show at least a little bit of concern to them and their work which they do for us.

Therefore, every 1<sup>st</sup> MAY is celebrated as International Labour Day, to celebrate achievements of the working class.

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<sup>30</sup> [https://shodhganga.inflibnet.ac.in/bitstream/10603/30220/13/13\\_chapter%207.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/30220/13/13_chapter%207.pdf)