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The need of proper implementation of legislation in domestic workers

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ABSTRACT

There is a need for implementation of legislation in paid women domestic workers. Though there are many laws for the unorganized sector but no implementation of the law for this paid women workers. The proper implementation of legislation in women domestic workers is very necessary through the International Labour Office (ILO) convention 189 defines the “domestic worker” as old who works in or for a household and there is an employment relationship.

Keywords: Women, Domestic, Worker

1. INTROODUCTION

There is a need for implementation of legislation in paid women domestic workers. Though there are many laws for the unorganized sector but no implementation of the law for this paid women workers. The proper implementation of legislation in women domestic workers is very necessary through the International Labour Office (ILO) convention 189 defines the “domestic worker” as old who works in or for a household and there is an employment relationship.

These workers can be local migrants, working in one or many homes, on a daily basis or only for certain days in a week, but regularly for the livelihood. “The convention recognizes that domestic workers have rights like all other workers-the right to collectively bargain, for minimum wages and social protection and also that they are protected under other convention such as freedom from forced labor, child labor and the elimination of all forms of discrimination”¹.

As per the statistics of the National Sample Survey Organization (2004-2005), there are 4.75 million paid women domestic workers in India, from which 3 million are women who work in urban areas only. A report of the National Commission for Enterprises in the unorganized sector (NCEUS) of 2007 observed that overwhelming 54% women workers regularly worked in the unorganized sector are concentrated in work in households that are in domestic services. It has been claimed that these figures underestimate the extent and magnitude of women domestic worker in the country. They also bring the challenges of enumeration and estimation of workers in the sector which is characterized by notions of shame and stigma which is also connected to caste. These deepen the vulnerabilities of working in the private space of someone’s home.

Basu Alaka Malwade and Gayatri Brij Koolwal (2005), have proposed that empowerment, as freedom, should reflect women's abilities to look after themselves as much as their enhanced abilities to contribute to household welfare. This requires some measure of self-indulgence and the freedom to do relatively unproductive things such as the freedom to listen to the radio, to visit friends and relatives, to be against domestic violence under any circumstances and to set aside money for personal use which can be used as proxies for unproductive autonomy. The study distinguished between outcomes that reflected self-indulgence and those reflecting responsibility.

Manikaramerkar (1995) in his book on “Socio-economic conditions of women workers” describes that as parts of the research programmed of labor burden a field enquiry was to study working, economic and living conditions of women workers as also to the extent of welfare available to them vies-a-vies the labor laws with a view to identifying the problem being faced by them in these various fields. These findings are recommendations were related to employment size, a method of recruitment, employment status, length of service, marital status, impact of labor-saving devices, wage rate absenteeism, working conditions and welfare amenities, living conditions, the demographic and socio-economic status of the female workers of the mines.

As this topic is about the proper implementation of legislation for paid women domestic workers to confer rights to domestic workers is significantly not only to accord recognition as “workers” to this largely invisible class of workers but also pertinent from the perspective of shifting a discourse of work.

The growth of women domestic worker is from the livelihood of the urban poor family which is connecting to large ongoing economic changes in the country. "As various studies have noted that women domestic workers remain one of the activities in which women migrants are concentrated as workers"². Their work is organized in the part-time agreement which gives them a choice to spend a fraction of a day doing their work or rest or doing their household work. It is deemed to household work that women are already familiar and no need to having any type of specific skill.

This type of domestic work has a low status in the society which becomes apparent when one looks at the overwhelming participation of socially marginal group. Although women remain in a vulnerable group and domestic work includes more vulnerable. Women from in Scheduled Castes and Scheduled Tribes are the poorest regions in India. According to historian Leonore Davidoff, the low status of women domestic workers is reaffirmed when it is left only for the socially vulnerable groups. In the interaction with women domestic worker, we can know several articulations of the low and stigmatized status of their work. Several upper class and lower class women who are poor have no option to do this type of household work.

Protection of women from Domestic Violence Act 2006 (PWDVA): The protection of women from Domestic Violence Act 2006 (PWDVA) was introduced after years of advocacy by women's groups. However, "over a decade since its enactment, the PWDVA is yet to see strong implementation; women continue to struggle with delays in judicial proceedings, inadequate court orders and a lack of other mechanisms envisaged under the law"³.

Worker's Social Security Act, 2008: Women domestic workers are included in the Act, which provides social security benefits to workers of the unorganized sector. "There has been a systematic denial of any rights whatsoever. Laws like the National Rural Employment Guarantee Act (NREGA), 2006 and the Unorganized workers' Social Security Act, 2008 (UWSSA) have been enacted in the last decade, laws that claim to give rights to unorganized sector workers"⁴.

The draft proposed by the National Campaign Commission of Unorganized Sector Workers, i.e., the Domestic compensation of Workers Employment, Conditions of work, social Security Welfare Bill 2008, defines domestic workers established various Bill but not the jobs under domestic work. According to the domestic worker, "it means a person between the ages of years working in any domestic employment, directly to any agency or contractor whether exclusively for one in a group or otherwise and includes a casual or temporary worker"⁵.

The 37th Indian Labour Conference was held on May 18 and 19, 2001 at Delhi. The agenda for the conference included four items of which Social Security for workers was one. Women domestic workers face several problems in their personal and occupational life. They work for long hours and are poorly paid. They don't have job security. If they take leave even for genuine reasons, they may lose their job. Some of them work in more than two houses and they become sick women domestic workers have health problems like respiratory disease, body ache, and skin disease, due to their occupational life.

A law for women domestic worker may or may not change the material realities in their workplace in a straightforward way. Labor law should enforce so they should struggle for minimum wages, working condition, social security etc. A comprehensive National level legislation can possibly offer something more than just a set of protective measures. A legislation specifically catering to this class of workers is pertinent to induce a law. The reluctant of the state to acknowledge women domestic worker as a worker and its passive stance on the demand for a specific legislation foreground a dominant social bias against this group of the worker. The state cannot wait for a popular discourse to materialize rather it must go beyond the dominant discourse to bring about the law which is completely absent in the context of women domestic worker in our country. The implication of the law can change the working condition of a domestic worker.

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