CHAPTER – I

INTRODUCTION

“Domestic work is work. Domestic workers are, like other workers, entitled to decent work” - Domestic Workers Convention 2011 (No.189)

1.1 Introduction

Domestic workers are very important occupational group in informal economy. These workers are illiterate poor and lack special skills required for the employment in other sectors. Domestic work consisting of wide range of activities from cleaning, washing, sweeping, cooking, taking care of children and elderly in urban areas, driving, security guards, gardening etc. Domestic work is growing occupational group worldwide. These workers perform a wide range of activities and also provide a flexible chain for the operation of the labour market and smooth running of economy all over the developed and developing countries. These domestic workers help the other workers to go and work outside and in their absence they do the needed what is required for their household like washing clothes, cleaning utensils, sweeping floor, cooking food and range of other household activities on very low wages.

The gender based discrimination is clearly visible among this section of working poor in the informal economy as majority of the women are domestic workers and performs various works mainly the like cooking, cleaning, washing, sweeping etc, and on the contrary works like gardening, driving, security are done by the male workers. It is also evident that women are paid less as compared to men in the categories of domestic workers. Many of the workers to earn extra work on part time basis, involving different employers. Among the segment of domestic workers, the main proportion is of women workers including underage girls, children and migrants. Among the domestic workers women are over representing. According to the ILO estimates, domestic workers account for 4 to 10 percent of the total workforce in the developing countries and 1 to 1.5 percent of the total workforce in developed countries (ILO, 2010). A part form this 5.5 percent of the urban work force in Latin America are represented by domestic workers (Tokman, 2010).
Due to structural adjustment programmes, devastation in agriculture sector and effect of economic crises has increased rural poverty in many countries and as a result of this many women and girls are pushed into the domestic labour market (Human Rights Watch, 2006). Many people from rural areas migrate to urban areas in search of 32 jobs but due to non availability of jobs in formal sector which in fact requires some sought of specialization and education left these poor, with only option to work in informal sector as of domestic workers. The domestic workers mainly work in the homes of their employers and that’s why they are dependent on the employers. The people who migrate from developing countries to developed countries especially women’s are earning their livelihood by working as domestic helps. It is commonly believed that working in others houses needs lesser skills as compared to other jobs that’s why the wage rate is less as compared to other jobs. Due to lack of social protection, proper working space and unregulated legal framework make these workers more vulnerable. As women and girls are more involved in various kinds of activities e.g. providing domestic services but they can be subjected to gender discrimination, sexual, verbal and physical abuse by the employer. Most of the activities falling under the regime of domestic work are thought as women’s work and thus valued as low in status. More over people from the low social economic background tend to find jobs in domestic work arena without any secure contracts, legal protection, unhealthy working conditions, long working hours and lack of many other benefits which are monopoly of formal sector workers. The rights of these workers are not regulated or protected under any specific laws.

The emphasis of ILO on providing various guidelines with regard to “decent work” and working conditions is useless as these are not followed in letter and spirit in developed or developing nations. Just because these workers are not organized and mainly work in others homes for long hours and they lack power to bargain with employers about wages, terms and conditions of work. The condition of domestic workers is not decent and they need to be recognized, protected and regulated under legal framework so that the conditions of exploitation and vulnerability can be reduced to some degree.
1.2 History of Domestic Labour in India

In the 20th century, which was witnessing rapid industrialization, urbanization and growth of cities, it has become a necessity for both wife and husband to take up employment and supplement the family income. Majority of the women in urban centers, who take up employment outside the family find minimum time to attend to their domestic chores. Therefore, they have to depend on some form of paid help to get their domestic work done, which led to the emergence of a wage earning group called ‘domestic servants’. There is a reason to believe that domestic servants existed in ancient and medieval India. The Greek, Megasthenes in his account on India in 6th and 7th century B.C remarked that “no slaves were to be found in any Indian home”. Yet domestic servants were quite common and there is ample evidence that domestic servants were abundantly employed in the palaces and harems of kings.

If we further trace the existence of domestic servants, in medieval India it was a customary procedure of the Zamindari families to send dasis or domestic servants as dowry, along with their married daughters and these servants performed all domestic duties and also provided necessary psychological support to the brides in the early days of marriage. Thus throughout the past ages both in urban and rural areas domestic service has always existed in one form or other. Their problems are many even today and so is the magnitude, but yes, the understanding and the perspective has changed- whether for good or worse is not the core but whether towards humanity or away from it is where the concern lies.

The stigma attached to domestic work has long been ingrained in the mindset of the Indian society. Domestic work is seen as menial and impure occupation traditionally performed by people, mostly women and children, whose lives are still dominated by a caste system that assigned people their place in the society. Domestic work has a long history in India with both men and women working in others homes as servants. The affluent had servants; mostly men with loyalty, obligation and patronage which bring the salient aspects of this relationship. Caste defined the hierarchy – lower castes performed the dirty work of cleaning while higher caste men cooked. Though domestic work is not a new phenomenon in India, it cannot simply be viewed as an extension of historical feudal culture where the affluent employed ‘servants’. Both in the urban and rural contexts, the
nature of work and workers have been rapidly changing. The sector now primarily comprises women domestic workers who are not recognized as workers while their work is undervalued. This is primarily due to the gendered notion of housework; value is not ascribed to women’s work in homes, and by extension, even paid work in others’ homes is not given any value or regarded as work. It is also undervalued because it is often performed by poor, migrant women from lower castes. All these contribute to the inferior status of their work, both in their own minds and in society.

Slavery has been abolished but the women domestic worker is almost like a slave. Year in and year out she struggles with the daily grind of existence, performing the lowest paid and most menial tasks which would not be taken up by any other person. She is unprotected by any sort of labour laws and has no resort to any justice from exploitation.

1.3 The Place of Domestic Labour in the Vedic Period.

History books have mentioned that the Vedic Period had two castes dominating the society – the Dasas and the Aryans. The Dasas were the dark-skinned people who were classed as servants and slaves and were asked to serve the regenerate class of the Aryans. This phase was generally characterized as having Dasas as status symbol, for no money was paid to them. They only won favours of their masters in case of good news or festivities in the master’s house. The Dasas were maltreated and apart from the Dasa himself his entire family served as Dasas to the master and his family.

This class, during the Varna System got merged with the Shudras and were further looked down upon as nothing else but the “. They had all sorts of atrocities showered down on them. The system continued in its wildest form till the era of awakening when with the slogan of Independence the bonded labour got released and the entire family were no longer Dasas of their former masters.

Dasa-Pratha today is replaced by the culture of the Domestic Worker. But some differences are seen between these two forms. The Domestic Workers unlike the Dasas of the past are paid for their services, though it’s only the Domestic Worker, and not his entire family, worker in the household of the employer. They are no longer treated as
property and no longer is an employer or master’s wealth determined by the number of Domestic Workers or Dasas he has.

Time has changed but for Dasas or Domestic Workers little has changed apart from the category they were slotted into what they are referred to as, today.

1.4 The Unorganized Sector in India

An overwhelming majority of India’s workforce is in the unorganized sector. Notwithstanding the great social and national significance of these sectors as the mainstay of the people, it has been a conceptual conundrum. This is partly because of the vastness, complexity, and diversity of this sector which renders conceptual definitions of it difficult, and partly because of lack of legal provisions to regulate it and offer safety-nets to the workers engaged in it.

Barbara Harriss-White and Nandini Gooptu in 2009 in their book titled ‘Mapping India’s World of Unorganized Labour’, say that ‘the massive unorganized sector, which contributes some 60 percent of GDP beyond the regulative and protective reach of the state, is one of the four most distinctive features of Indian capitalism. An audit of Indian labour must focus on the workers in this sector. A second feature is the unskilled nature of much work, with employers relying on casual labour and flexible employment practices, so attaching little importance to training and the development of skills. A third distinctive feature is the absolute poverty of workers. While organized workers receive a third of all wages and incomes, 36 percent of the population survives on incomes below the stingy, nutrition-based official poverty line, a number far in excess of the official estimates of those un- or under-employed’.

The term ‘unorganised labour’ has been defined as those workers who have not been able to organise themselves in pursuit of their common interests due to certain constraints like casual nature of employment, ignorance and illiteracy, small and scattered size of establishments, etc. The unorganized sector includes a variety of workers such as construction workers, casual labourers, labourers employed in small scale industry, handloom/power loom workers, beedi workers, employees in shops and commercial establishments, sweepers and scavengers, workers in tanneries, tribal labourers, and other unprotected labourers.
The unorganised sector workers suffer from cycles of excessive seasonality of employment, no formal employer-employee relationship and lack of social security protection. Several legislations like the Workmen’s Compensation Act, 1923, the Minimum Wages Act, 1948, and the Maternity Benefit Act, 1961, the Contract Labour (Abolition and Prohibition) Act, 1970, the Building and Other Construction Workers Welfare Cess Act, 1996 etc. are directly or indirectly applicable to the workers in the unorganised sector also.

One recent estimate is that 56 percent of all Indian workers are ‘self employed’ in this guise, 29 percent are casual wage labourers and just 15 percent are in any kind of regular waged or ‘salaried’ employment whether organized or not. Being unorganized, this sector is susceptible to a variety of exploitative practices. The Royal Commission on Labour in 1932 observed that workers in the unorganized sector could not be identified by a definition but could be described as those who have not been able to organize in pursuit of a common objective, because of constraints such as the causal nature of employment, ignorance and illiteracy and the superior strength of the employer, operating singly or in combination (Damodar 1999). The unorganized sector is generally characterized by lack of formal working contracts, irregular employment, uncertain earnings, uncertain hours, lack of permanent employment and legal protection. Absence of anti-exploitation in this sector had led to insecurity. This, in turn, has given rise to ‘casulisation’ of labour.

The 1988 report of the National Commission on Self-Employed Women and Women in the Informal Sector, set up in 1987 under the chairpersonship of Ela R. Bhatt, characterized the unorganized sector as one in which women do arduous work as wage earners, piece-rate workers, casual labourers or paid and unpaid family labourers, and termed the economic and social conditions of these women as dismal. The report also cited a high incidence of casual labourers mostly doing intermittent jobs at extremely low wages, doing work on their own account at very economic returns, lack of job security and social security benefits and the high degree of exploitation, resulting in long hours of work, unsatisfactory work conditions, and occupational health hazards.
The 2002 report of the Second National Commission of Labour set up in 1999, under the chairmanship of Ravindra Varma, dealt in details with the definition, problems of classification and ground-level conditions of the unorganized sector workers. It noted the grim reality of this section of workers remaining deprived of any sort of legislative protection and social security benefits and stressed the need for an umbrella legislation to ensure minimum level of protection and a humane livelihood for them.

According to the definition of Unorganised Sector Worker Bill, 2005, a worker in the unorganized sector is defined as a person who works for wages or income; directly or through an agency or contractor; or who works on his own or her own account or is self-employed; in any place of work including his or her home, field or any public place; and who is not availing of benefits under the ESIC Act and the P.F. Act, individual insurance and pension schemes of LIC, private insurance companies, or other benefits as decided by the authority from time to time. Descriptions of unorganized sector as unorganised or legally unregulated often with no clear-cut or clearly delineated employer-employee relations have already pushed domestic work to a non-existent limbo.

The 55th round of the National Sample Survey Organisation says that employment in the informal sector as per the new definition is about 85.77 per cent of the total employment; and women workers in the informal sector constituted about 91.38 per cent of the total women workers. Similarly, among rural workers, about 92 percent are in the informal sector. Such large numbers have also led to further complexity and any protective measure has not been able to effectively address the needs of the entire sector.

In the above context of unorganized labour, one has to look into the reality of women in the social and economic system of developing economies like India. Household work has never been considered as work in India. It has always been the ‘duty’ of the woman; wife, mother, daughter, or sister to do the work and expect no pay. Any wonder that the domestic worker is so blatantly underpaid. Cooking, cleaning, caring for children, these are all skilled jobs but they fall under the unorganized sector; with no law to protect rights, no health cover and pension. The absence of a targeted law for domestic workers also means that in the case of abuse or exploitation they have no recourse to justice with regard to their rights in household work.
In most of the South Asian countries the status of women is low and their social and economic conditions are much depressed. In India, the entry of women of all social classes into professional occupations has been speeded up since independence. The constitutional and legal status of women is equal to men in all respects, but in reality they suffer in all spheres of social and economic life. Low earning, low level of literacy, low level of skills, limited access to factors of production, malnutrition, poor standard of health and greater exposure to domestic violence are the reasons for their deprived conditions.

The increasing economic necessity and rising cost of living forced majority of women in urban areas to take up employment outside. With the breakup of joint family system, more and more Indian women are hard pressed to fulfill their dual role as a mother and a working woman.

Women aim for utilizing their professional training, and they desire for uninterrupted work in spite of their child care crèches, nurseries and balwadis on very extensive scale, they mainly depend on assistance to look after their family and children. Hence they employ a form of paid helpers to get their domestic work done. The domestic servants can be styled as a “wage earning group” - because they are the part-time and full-time labourers. The part-time domestic servants are employed in one or more houses, to do definite duties, and they do not reside in the employer’s house like the full-time domestic helpers who perform whatever work is assigned to them.

A domestic worker is someone who works within the employer’s household. Domestic workers perform a variety of household services for an individual or a family, from providing care for children, elderly dependents to cleaning and household maintenance, known as housekeeping. Responsibilities may also include cooking, doing laundry and ironing, food shopping and other household errands. Some domestic works live within the household where they work.

Domestic service, or the employment of people for wages in their employer’s residence, was sometimes simply called “service”. It evolved into a hierarchical system in various countries at various times. Prior to the labour reforms of the 20th century, servants and workers in general, had no protection in law.
The only real advantage is that service provided was the provision of meals and accommodation, and sometimes clothes, in addition to the modest wage. In Britain this system peaked towards the close of the Victorian era, its equivalent in the United States being the Gilded Age.

In the course of twentieth-century movements for labour rights, women’s rights and immigrant rights, the conditions faced by domestic workers and the problems specific to their class of employment have come to the force. Domestic work is gaining importance as a source of occupation today. While domestic work was not insignificant in India before independence, the demand for domestic workers has drastically increased in India since independence. In pre-modern times, domestic workers were mostly associated with rich aristocracy like kings and land lords in the colonial era. But in independence India, despite the era of kings and land lords coming to an end, the domestic workers are increasing. This increase is mainly due to increased demand from the middle class in India.

1.5 Current Situation across the World

Throughout the world, most domestic workers are from the same country in which they work. They may live at home, though they are usually “live-in” domestics, meaning they receive room and board as part of their salaries. Because of the large gap between urban and rural incomes, and the lack of employment opportunity in the countryside, even an ordinary middle class urban family can afford to employ a full-time live-in servant. The total number of domestic workers in Asia and the Pacific is hard to estimate, though it is believed their labours account for as much as 2.5 percent of total employment in developed countries, and as much as 10 percent in some developing countries. In China the number of domestic workers is estimated to be around 20 million, in Thailand around 7,00,000 lakhs domestic workers. National domestic workers Movement India report showed up to 90 percent of domestic workers are female domestic workers in India. So the number of female domestic workers are not low in India, rather has risen day after day. The vast majority are women - mainly under the age of 40 and in too many cases, children are still found working in the homes as domestic workers.
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 labour 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.

In Brazil, domestic workers must be hired under a registered contract and have most of the rights of any other workers, which include 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, domestic employments without a proper contract, sometimes sue their employers to get compensation from abuses.

Many countries import domestic workers from abroad, usually poorer countries, through recruitment agencies and brokers because their own nationals are no longer obliged or inclined to do domestic work. This includes most Middle Eastern countries, Hong Kong, Singapore, Malaysia and Taiwan. For most of these countries, the numbers of domestic workers run into hundreds of thousands. There are at least one million domestic workers in Saudi Arabia. Major sources of domestic workers include the Philippines Thailand, Indonesia, India, Bangladesh, Pakistan, Sri Lanka, and Ethiopia. Taiwan also imports domestic workers from Vietnam and Mongolia. In the United States, domestic workers are excluded from many of the legal protections afforded to other classes of workers, including the provisions of the National Labour Relations Act. Traditionally domestic workers have mostly been women and are likely to be immigrants.

ILO report titled "Moving towards Decent Work for Domestic Workers" [D’souza, 2010] cites the fact that many countries either explicitly exclude domestic work from the ambit of labour legislation or make very little provisions to address the needs of domestic workers. The report also highlights the fact that in the case of the relationship between employer and the domestic worker there is an intrinsic difference
when compared to other occupations. The main characteristic differences between domestic work and other similar low skilled informal occupations are the following [D’souza, 2010] i) the employment relationship is invisible or in other words it is often undeclared and has no written contract involved; ii) there is an unequal balance of power between employer and employee; iii) lack of precise job description and iv) the expectation on the part of the employer to be available at all times. With regard to India, almost two to three percent of India’s workforce is involved in domestic work especially groups which are considered vulnerable such as tribal or Adivasi. These groups are classified as Schedule Tribes and Schedule Castes by the constitution of India. Furthermore India has not yet ratified the ILO’s Domestic Workers Convention, 2011 (No.189) which came into force in 2013. This convention which became a binding international law from September 5th 2013 extends basic labour rights to domestic workers around the globe.

1.6 Condition of Domestic Workers

Domestic workers have no job security and can be fired at the whim of their employers. They are constantly vulnerable to verbal, physical and sexual harassment and have nowhere to turn to complain of ill treatment. Part-time workers are unable to leave positions in which they are harassed due to a constant fear of eviction from their houses in slums or on the pavements and the need to support their families. Most face domestic violence at the hands of abusive, alcoholic husbands.

Domestic workers are stigmatized because their work is viewed as low, dirty, and menial. Unquestioning obedience is expected and in the case of full time workers, they are unable to refuse work. Nearly all part-timers work seven days a week, with no day off in the year. Wages greatly vary from a low of Rs.150 to a high of Rs.2000 a month (Approximately from 3 to 40 USD). Domestic workers do not receive medical benefits. ‘Domestic’ in general, connotes hidden, undervalued and unprotected, and perceived as unimportant. The situation of domestic workers is also marked by distress, disadvantage and deprivation. In Chennai, where this study was carried out, the number of women domestic workers approaching service organizations like crisis-intervention clinics, hospitals, and all-women police stations seeking justice and solace has risen steeply in recent years. Homelessness, sickness, injuries, malnutrition, fear and anxiety, grief,
resentment and an overall feeling of emptiness were common among these domestic workers seeking help.

It required examination whether these problems were isolated stray causes or formed a wider pattern. Possible underlying socio-cultural causes for these problems also needed to be examined. Poverty, unemployment, gender inequality, urbanization, industrialization, overcrowding, crime and delinquency in the context of globalization seemed to have direct linkages with the movement of women towards domestic work, stagnation in the occupation and their continued marginalization and oppression by the dominant social structures.

Domestic workers as a distinct entity society have taken on a social movement in different regions. They have gained momentum with measure like the declaration of national domestic workers’ day and forming trade unions of domestic workers. Leaders of the movement have been vocal in their emphasis on ending human trafficking, implementation of service rules and conditions, separate legislation for domestic workers, declaring and implementing minimum wages, double wages for work on holidays, identity cards and social security. There has also been an awakening that the problems of domestic workers need to be examined in a wider context of their lack of organization and assertion of rights as workers. In recent times, numbers of the domestic workers’ movement have stepped up their demand for being included as part of the list of over sixty occupations officially listed in the unorganized sector.

Domestic workers have the onerous situation of facing all the inherent difficulties of workers in the unorganized sector, besides putting up with peculiar sufferings that are part of working in the home of others, such as being isolate, uprooted and being subjected to torture in privacy. While the need for domestic workers is not questioned, there is hardly any question raised on the need for their humane treatment by employers. Tension exists between employers and their domestic workers. In their relations the ugly, exploitative, double-faced character of India’s privileged classes is most manifest. To thrive in a consumerist culture the privileged sectors seek out docile women willing to work for a pittance and in exploitative conditions. Women who can be hired on a casual, seasonal basis are preferred. The employers do not want the workers to come up in life and all their claims of help end up merely as lip-service. Merely paying subsistence
wages and making workers accept hand-me-down goods is an injustice. Instead of viewing the service of domestic worker as of a complementary role, she is excluded from the society of the other family members. Vicious images of the worker plotting to steal or corrupt the children are prevalent among the employers. The employers tend to assume a monitor-regulator position, often blaming the domestic worker and threatening to sack her from service. The stark treatment of domestic workers as part of the unorganized sector assumes greater significance when seen against the Supreme Court directive passed in November 2005 for the Draft Bill on Unorganized workers to be modified to include domestic workers.

A major initiative towards the inclusion of domestic workers under the label of unorganised sector was taken by the National Domestic Workers Movement in Mumbai. In 1985, a Belgian nun, Sister Jeanne Devos, established this movement, which is not active in 21 Indian states covering 28 languages. The movement originated in Chennai due to its large slums serving as refuge to the unskilled women entering into domestic work in large numbers. The Tamil Nadu domestic Workers Sangam (TDWS) has also been campaigning for inclusion of domestic workers under the Unorganised Workers’ Act. Most domestic workers in the state are not aware of their basic rights. Pennuriyamaikal Iyakkam is striving to enlighten the majority of domestic workers that they are eligible for benefits under the Tamil Nadu government’s Social Security Scheme for Manual Workers. If they become members of the scheme by paying Rs.100, they get money for their children’s education and marriage.

It is likely that domestic labour in one form or another has existed in all societies from time immemorial, depending upon the family systems and the nature of division of labour in society. Engaging persons from outside for domestic work has always been the prerogative of the dominant classes in society not only as part of exploitative social and economic relations but also as a status symbol. Some scholars trace the origin of domestic work to the early days of civilization, where group conquests created inferior classes like slaves or serfs. In Babylon, Rome and Greece, such slavery existed. Prisoners of war were purchased by the victors for absorbing into their households in the role of domestic workers, paid or unpaid. Domestic work in European countries, including England, was performed by household slaves and free wage labourers until the
emancipation of slaves. In East Asian countries like China, there existed a system of ‘slave girls’ called Nuitsai, meaning ‘Little Sister’ or ‘Slave’. Unwanted children were sold by destitute parents and were brought up as domestic slaves (Britto 1997)

In feudal societies, while the men bonded to the landlords worked in the fields, their women and children were used for routine household work. They were not strictly considered as workers but as ‘dependants of the family’. While the traditional rights of the landlord over the employees and their families have ceased with the abolition of bonded labour, a vestige of ‘master-servant’ relationship is still evident in the case of domestic work (Tellis – Nayak and Telis – Nayak 1984). In feudal times, domestic servants were called upon to perform several household chores, apart from the role of surrogate mother, which, nevertheless was not confined to the feudal-colonial period (Banerjee 2004 : 2-3; Ray 200:3). Today, domestic work generally includes washing, cleaning, sweeping, swabbing, baby sitting, caring for the aged, running errands, etc. (CBCI 1980). Cooking is said to have a minor role (CBCI 1978). Thus, domestic work is not just a role but a role set and is liable to be interpreted differently depending upon the socio-cultural ecology in which it is found.

Several studies (e.g., Singh 1997; Croll 1986) indicate the increasing demand for domestic labour in modern times. Trade liberalization, which is associated with globalization all over the world, is destroying native industries and causing widespread unemployment. All domestic workers emanate from poverty-stricken, less educated and socially backward families. Even at the time of entry into domestic work a woman usually bears the debilitating effects of social exclusion and persistent deprivation. After joining the domestic workforce too, their customs and practices are contemned, ridiculed and admonished against. Habits like taking frequent loans, making unsafe savings and sale of domestic articles and assets subject them to further infamy and tagging by employers.

Currently, urban prosperity, dual-career family and rapid rise of the middle class along with rise in income and wealth, spread of consumerism and the related culture of domestic comforts, growth of nuclear households, rise in literacy and educational levels, etc., have been raising the demand for domestic labour. Upwardly mobile households tend to outsource house-related work to paid workers. The unskilled workforce of less
developed nations also feeds the needs for domestic workers of advanced nations. South-East Asia is currently home to several of the world’s largest labour-surplus nations including India, Indonesia and the Philippines. Two large labour-receiving countries are Singapore and Malaysia. Indonesia and the Philippines are among the world’s largest exporters of overseas workers, among which “unskilled” female overseas contract (domestic) workers (OCWs) comprise a significant component.

A multi-country study by the International Labour Organisation found three important factors responsible for the exploitative conditions of domestic workers: (i) the abundant supply of exploitable labour, (ii) power of social norms to control the behaviour of employee, and (iii) the unregulated nature of the labour market. Continued expansion of any unregulated market is likely to facilitate exploitation. Regarding paid domestic work there is political and social unease pertaining both to those who buy and sell them as workers.

1.7 Domestic Labour in India

Primarily, a lack of definition of domestic labour poses a challenge to researchers. It has been difficult to define and identify domestic work with any single primary criterion or characteristic. Thus, a conclusive definition evades consensus. Domestic labour cannot be described on the basis of the nature of the work they do, because they are of diverse types. It cannot be based on the level of organization because some of the households may have many workers. Even these workers may be working in a dispersed manner with hardly any organizational link or interaction with each other, sometimes because of the nature of the work, and sometimes because of the geographic or location-based dispersal of the workers pursuing the same vocation. The 15th International Conference of Labour Statisticians (ICLS) was of the view that paid domestic workers should, by definition, be treated as employees engaged by the household for non-market production.

Further to defining such labour, a combination of lack of contract, poverty, illiteracy, casteism, exploitation and gender-based biases confront domestic labour in India. The national survey conducted by the schools of social work revealed that women constituted 87.09 percent of domestic workers in Karnataka, 82.38 percent in Ranchi, 75 percent in Kerala and 90.78 percent in Andhra Pradesh. The survey also revealed that in
Calcutta 6 percent of the workers had made some contract with the employers, and in other regions, a mere 1-2 percent. The contract was made with a third party or an agent and so the exploitation ran beyond the employer-employee relationship. The employers considered rest to the workers as luxury and this problem and serious consequences for the health of female domestic workers. Though the houses of work were regularized in Kerala, 76 percent of the domestic workers did not have holidays.

In a similar vein, a national survey on domestic workers conducted by the labour commissions of the Catholic Bishops’ Conference of India (CBCI) in 1980 indicated that domestic workers were one of the most neglected and vulnerable groups. They came from very poor family backgrounds and were illiterate or semi-literate. As migrants to the city with no legal protection and no trade union to protect their rights, they were not recognized as workers and hence were unprotected by the legal system and had nowhere to go to seek redress. As a result, they remained a dehumanized group, bonded to their employers by the very nature of their economic and employment situation. As the nature of their employment situation made them invisible, it was very difficult to know their exact numbers.

A vast number of domestic workers are migrant labourers. Domestic work entails migration and cultural adaptation. Return migration to their places of origin also warrants often painful cultural readjustment. Having to adapt to an environment and culture which is totally alien is the first difficult phase in a domestic worker’s life. The differences between a domestic worker and her employers might be not only in matters of wealth or income but also in terms of education, lifestyle, social status, values and power. Being in seclusion from other working women of the same stratum of society most of the time is the second major challenge that a woman in domestic work experiences soon after beginning her work in a house. Loneliness sets in due mainly to separation of their workplaces from one another and being away from their family. They lose any form of supportive network. This may result in coping and adjustment problems.

Women who migrate from rural to urban areas often find themselves in a quandary over reintegration with their original rural or tribal ways of life. Shifting back to their villages would mean subjecting themselves to rigid social controls of a village milieu. They would have to reconcile themselves to a life without the facilities of their
employer’s household, which they would have got used to. Moreover, the prevailing social mores disapprove the stay of women in strangers’ homes in faraway cities.

The part-time worker has the dual ordeal of managing her own home with meager resources and managing to work for another family as well. Women in such situations find themselves sandwiched between an insensitive spouse and an exploitative employer. Irrespective of their status, the years spent on domestic work render the women mostly unemployable elsewhere, as they have little opportunity to hone their skills and make themselves fit for skilled jobs in the organized sector. Even where domestic workers are paid a fair wage, they have to struggle to maintain their dignity of labour. In India, domestic workers are named as ayahs, bais, and so on; these terms are interpreted to be low, dirty, menial and often typecasting. Women workers are even viewed on par with materials and property when an employer proudly proclaims the number of workers he or she has at his/her disposal.

Domestic workers are not able to enforce most of this inalienable right legally as the legal sphere is unfavorable to them. They have no route to escape if the abuses take place in the employer’s home. Women who face violence at their natal or marital homes tend to view their workplace violence as something to be borne without any protest. Minimum wage is a right that the worker often forgoes. She may also compromise on the quality of her working conditions. Absence of protection and promotion in the form of social security to enable her to face income losses arising from sickness, maternity, employment injury, unemployment, disability, old age and death of family members, compounds her problems. If she is dismissed from employment the agency that referred her seldom stands by her or espouses her cause before the employer or law enforcement authorities. There are more than four million domestic workers in India as per the latest official statistics (NSS2011). Domestic household workers are one of the few occupational groups not yet covered by national minimum wage law in India despite a lot of debate regarding the same at the national level. Despite resistance domestic services is slowly being accepted as an important informal source of employment worldwide. In 2011, the ILO passed a convention on decent work for domestic workers but India has not yet ratified this convention. In India one of the primary reasons for the non inclusion of domestic services sector under the National Minimum wage act of 1948 has been the
fact that it is a very personalized (informal) service within a private household. However, after renewed struggle by the domestic workers and their unions, some states in India (given below) have included the domestic services under their list of sectors covered by minimum wage laws over the past few years. We conduct an impact evaluation of the minimum wage law legislation for domestic workers introduced in four states in India over the period of 2004-2012. Four states in India, namely Andhra Pradesh (AP), Bihar, Karnataka and Rajasthan, instituted minimum wage legislation for domestic workers between 2004 and 2009. Using four rounds of the national sample survey (NSS), combining the matching and difference-in-difference estimation strategy we analyze the impact of the minimum wage law in both short-run and in long-run. We find positive impact of the legislation on real wages in the short-run, while this impact seems to attenuate by 2012. There seems to be no impact of the legislation at the extensive margin on the employment opportunities or on the probability of being employed as a domestic sector worker in both short and long-run. Even in the short run, the magnitude of impact on real wages seems to be rather small. We attribute the reason for this small and short-lived impact on poor law enforcement and weak monitoring mechanism that accompanied the law. Hence, the key policy message of our study is that domestic sector workers need a lot more than just minimum wage legislation (to make any real positive impact on their livelihood and well being as determined by their wages). The state governments of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Kerala, Maharashtra, Odisha, Rajasthan and Tamil Nadu have taken several steps to improve the working conditions of domestic workers and to provide access to social security schemes. Seven states including Andhra Pradesh, Bihar, Jharkhand, Karnataka, Kerala, Odisha and Rajasthan have introduced minimum wages for domestic workers. The state governments of Kerala, Maharashtra, and Tamil Nadu have constituted welfare boards for domestic workers who are able to avail of welfare benefits by registering with these boards. However, despite these efforts, a large majority of domestic workers remain outside the purview of labour laws even today. To our knowledge, this is the first study in Thoothukudi district to empirically determine the impact of socio-economic conditions on domestic workers in India.
1.8 Women Domestic Workers

It is common knowledge that domestic work is predominantly feminine. Among the foremost reasons for women entering domestic work is the restriction of occupational choice to women. While men are allowed to take up any avocation of their preference, women are coaxed into avoiding work that includes moving to a distant land, or having large-scale contact with strangers and occupations that are risky. Cultural taboos also prevent women from engaging in independent trading to earn their livelihood until they reach a certain age.

Men are traditionally viewed as family bread-winners and are preferred over women in higher wage-yielding jobs. Women’s earnings are viewed by a patriarchal mindset as supplementary or complementary, and therefore subordinate, to their husbands’ earnings. Women are often asked to take up tasks from which they can be withdrawn easily. They are often reminded of their physiological functions and are advised to confine their workplaces to those that supposedly offer the security and comfort of a home; that domestic work is one of the safest options to earn for their families. Their biological functions of pregnancy, childbirth and childcare are advanced to make them take up any kind of caring responsibilities. Docility, co-cooperativeness, patience and physical dexterity are qualities that have come to be associated with their gender. The swelling in the proportion of women as domestic workers may also be a ripple effect; that hiring women for domestic work has acquired the status of a social convention.

Whether domestic labour has been feminine from the outset or whether there has been a gender shift is difficult to say. But in a context of patriarchal relations and division of labour with “man to the field; woman to the kitchen” situation and natural proclivities of women for childbearing, child rearing and household care, women are utilized more than men for household chores. Domestic chores are less ‘valued’ within the families and are considered low paid when hired women perform them. There is a vicious nexus and vicious circle involving women and domestic labour. Since women members of the employer’s family usually supervise the domestic workers, they tend to choose women as domestic workers than men. Availability of women at lesser wage rates has also added to the feminization of the domestic workforce. The popular perception that women are
unlikely to organize themselves into unions or that they would be more amenable to hiring and firing, has also contributed to the feminisation of domestic work.

Feminization of the domestic workforce in India is prominently visible from statistical studies. According to the statistics provided by the National Informatics Centre of India (2006) the nation has 397 million workers, of which 123.9 millions are women. Of these, 18million are in urban areas and 106 million are in rural areas. Only 7 percent of India’s labour force is in the organized sector, and 93 percent is in the unorganized informal sector. It may be noted that 96 percent of the women workers in India are in the unorganized sector. A study by the National Institute of Urban Affairs (NIUA 1990) conducted in six cities in India found that the percentage of women involved in domestic work is nearly equivalent to that involved in production and related activities.

1.9 Different types of Domestic Work
The following are the different types of work being done by the domestic workers

☐ A female house cleaner servant
☐ Chauffeur (Personal driver)
☐ Cook
☐ Dog walker
☐ Gardener
☐ Governess
☐ Handyman (household repairs)
☐ House trainer
☐ Housekeeper, a senior employee, usually female
☐ Maid
☐ Masseur / Masseuse
☐ Nanny (once known as a nurse)
☐ Nursemaid
☐ Personal trainer (fitness, swimming, sports)
☐ Secretary (social or corresponding)
☐ Security guard
☐ Valet or gentleman’s gentleman.

With this general background, the researcher begins the analysis by giving the research methodology in the next chapter