Chapter-III

CONCEPTUALIZING DOMESTIC WORKS AND WORKERS
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Domestic work refers to unpaid work carried out by household members for themselves and for one another. This can include both routine work (such as cooking, cleaning, and washing) and routine work (such as gardening, do-it-yourself tasks, and car maintenance). However, the term ‘domestic work’ is generally used to denote domestic routine unpaid work carried out by women for their families. The activities commonly associated with domestic work are found in all societies, with a major share of the tasks being assigned to women, in pre-industrial societies, however, although a strict gender division of tasks may exist, productive and reproductive tasks are not separated in time or space. Consequently, women's domestic activities count as work. It is only in industrial societies, where the place of employment is separated from the household, that women's household activities have not been defined traditionally as work. Indeed, the concept of domestic labour was originally developed within women’s studies and the feminists movement in the 1960s and 1970s in North America and Europe as part of a strategy to emphasize both the practical significance of women’s work in the home to the smooth functioning of society and the economy and, more importantly, the
theoretical significance of women’s responsibility for this ‘work’ in explaining their ‘oppression’ (Routledge, 2000).

The methodological problems relating to the study of domestic work concern how to measure and evaluate the value and quantity of this work and how to discover the nature and extent of the gender division of domestic labour. A principal source of such information is the data produced by the large-scale time-budget studies carried out sporadically in a number of European and North American countries, for example Britain, France, the US and Canada (Gershuny and Jones, 1986). A time-budget study is a technique for data collection whereby the research participants complete diaries chronicling the number of minutes spent on a range of activities. From these diaries, it is possible to calculate the time spent on domestic work. Similar results have been found in all the countries concerned. Two main results have come from the time-budget studies. First, these studies have found that at least as much time as is spent on domestic work as is spent on employment. This testifies to the fact that the family has not lost its productive functions under capitalism. Second, the studies have found that women continue to spend much more time engaged in domestic work than men do, even when they also spend long hours in employment. Even when a broad definition of domestic labour is used (encompassing traditionally masculine tasks), employed women still spend roughly twice as much time on domestic tasks as employed men. Time-
budget studies have shown that the gender division of domestic work is far from equal. When it comes to understanding women's and men’s differing relationships to domestic work, however, measurements in time of this kind have a number of shortcomings, which obscure the true extent of the domestic labour burden for women.

First, time-budget studies often do not take into account the possibility that an individual will carry out two tasks simultaneously. Undertaking multiple activities is a characteristic of women’s domestic work (for example, a woman may be recorded as at leisure, even though she is minding the children while watching television). Second, time-budget studies can measure an individual’s commitment in time only to a concrete activity. They cannot capture the time and effort involved in planning, organizing, and managing one’s own and others’ activities. This work often falls on the shoulders of women. Third, women’s domestic work cannot be measured in time in the same way that employment can because a woman's relationship to her family is not the same as an employee’s relationship to her employer. Employees are financially compensated for specific tasks completed or for a specific amount of time spent ‘at work’. In contrast, women must be permanently available to their families and must fit their activities around their families’ needs. For a woman, even time not actually spent in the service of the family may still be a constrained time. Fourth, women’s caring and emotional work
undertaken for the benefit of husbands and children cannot be calculated in time alone.

Given the vast amounts of time devoted to domestic labour, it is not surprising that the absence of any reference to this activity, (and thus to the majority of women’s work) in the models for national accounting has been questioned by women researchers. In some Third World countries, there have been attempts to calculate the importance of ‘self-provisioning’ work, which cross-cuts women’s domestic labour, but in the industrialized nations, only one study conducted in France in the 1980s by Chadeau and Fouquet (1981) has made a serious attempt to evaluate domestic work in terms of money. More recent literature has taken up the call for domestic work to be valued in this way (James, 1994; Luxton, 1997). Chadeau and Fouquet tested three methods of calculation which they applied to time-budget data collected in France for 1975. Two methods are based on a principle called Tack of necessity to spend’ and calculate what households would have to pay a third party if they substituted paid goods and services for their own domestic labour. The first method applies the salary paid to a domestic servant to the time spent on all domestic work, regardless of their nature, while the second applies the salary rates of different types of workers depending on specific activities undertaken. The third method uses the ‘opportunity costs’ model to calculate what household members
could earn if they spent the time that they spent on domestic labour in paid employment instead.

Although more time was spent on domestic work in 1975 in France than was spent on employment, when evaluated in monetary terms, domestic labour or work was worth only one half of the gross national product (GNP) according to the first and third methods (which use women’s wage rates as a basis of calculation) and two-thirds of the GNP according to the second method (which uses wage rates current for men as well as women). One major problem occurs in all of these methods of calculation: By using equivalent values borrowed from the formal labour market to assess the 'worth' of domestic work, such calculations reflect the lowly status of women in the labour market and the low value placed on their routine domestic activities in society at large.

Until the early 1970s, in North America and Europe, not only was the economic importance of domestic work ignored, but the relationship between women and domestic work was deemed natural within mainstream of sociology. The dominant view of the family was that of Talcott Parsons (1955), in which women’s role as homemakers was seen as functional and thus indispensable to the stability of society. From the 1970s onward, the validity of conceiving of the family in this way came under fire, especially in feminist circles. From then on, it was argued that understanding why women maintain the relationship they do to domestic
work was a key to understanding women’s oppression. In the late 20th century, the major debates surrounding domestic work have focused on explaining why women have come to be responsible for it and what role domestic work plays in the functioning of the society and the economy (Rutledge, 2000).

**Domestic Work: Productive or Unproductive**

With the arrival of the feminist movement in the late 1960s and early 1970s, Marxist-inspired feminist theories began to question the lack of concern within orthodox Marxism for women’s oppression and the inability of Marxism to explain women’s relationship to domestic work. The principal work on women in capitalism until that time was Engels’ analysis of the family (1972, originally 1884). Engels contended that the family was an anachronism that was marginal to the survival of capitalism because it was a part of the social superstructure and, therefore, had no material justification. Marxist feminists set out to explain that women’s oppression within capitalism does indeed have a material and not merely an ideological basis. That material basis is domestic work. Indeed, the study of domestic work in the early 1970s was very much a part of the feminists struggle to find an identity apart from socialism and Marxist structuralism analysis, which had sidelined women’s particular concerns and problems. Marxist feminists argued that capital depends for its survival on the unpaid work performed within the family by women, because the
role of women as reproducers of the workforce and as a reserve army of labour’ is essential and not marginal to the extraction of surplus value. Women’s domestic work is productive of certain goods and services that are necessary for the maintenance and reproduction of labour power, that is, the clothing and feeding of the current generation of workers for capital and the procreation and education of the next generation.

Within Marxist feminism, however, there was a debate that took up much time and energy during the 1970, concerning whether women’s domestic work was unproductive or productive in a Marxist sense. Some argued that domestic work is unproductive because, to be productive in the original Marxist sense, an activity must fulfill both of two criteria: First, it must be exchanged on the market against a wage; second, it must work directly with capital’s means of production to produce commodities that have calculable exchange value from which surplus value is directly extracted. Domestic labour fulfils neither of these criteria. It produces only ‘use values’ for consumption in the home, not ‘exchange values or surplus value.’ Because housewives are not employed by capital, their contribution to profit, though necessary, is not direct. Women’s production of use values is outside the exchange of labour for wages, although it is economically part of the creation of surplus value (Barker and Allen, 1978).
Other Marxist feminists realized, however, that labelling domestic labour ‘unproductive’ relegated it to a place of secondary importance behind wage labour and consequently, once again made women’s oppression a side issue of the class struggle. These women argued that domestic work was indeed productive. The initiators of the ‘productive labour thesis’ were Delia Costa and James (1972), who contended that the main product of domestic labour, the human being, is no different in nature from any other commodity. Women’s domestic labour produces something that is sold’ to capitalists, namely, labour power — even if women have no legal ownership of it. Domestic labour is, therefore, productive.

**Women as Domestic Workers**

Other theoretical perspectives have questioned Marxism further by asking whether domestic labour serves capitalism or patriarchy, or a combination of the two, and whether in fact domestic labour is a part of the capitalist mode of production, the ‘patriarchal’ mode of production, or both (Walby, 1986).

Not all socialist women argue that domestic labour is first and foremost functional to capital, nor do all agree that there is only one mode of production - the capitalist mode. In the middle to late 1970 a school of thought developed that could be described as feminist - Marxist, and it challenged Marxist feminist analysis to explain why it is women and not men who undertake domestic work. Marxist feminist analysis tells us only
that domestic labour is essential to capitalism, not why women should carry out that domestic labour or domestic work. The feminist Marxist’s answer to this question is that women’s oppression and gender division of labour are situated at a point of interaction between patriarchy and capitalism.

For this type of feminism, the fact that domestic labour does not fit into the criteria set out to describe wage labour and thus constitutes reproduction as opposed to production indicates that women’s domestic responsibilities need to be examined as part of the patriarchal system. In this school of thought, the benefits derived from women’s unpaid work in the home by men as well as by capitalism are a proper cause for concern. In this analysis, women (and their domestic labour) belong to men first and capital second. Women’s confinement to the domestic role puts them in their specifically disadvantaged position. Women’s responsibility for domestic labour means that they are not free to sell their labour power in the market. Taken to its logical conclusion, capitalism would have freed women from the home in order to put men’s and women’s labour power into complete competition. This did not happen because capitalism had to accommodate the patriarchal social structure that predated it, for example, by paying ‘family wages’ and by introducing regulations regarding child and female labour and laws preventing wives from seeking employment without their husband’s consent (Hartman, 1981; Kuhn and Wolpe, 1978).
Many of these propositions are not questioned by a further school of thought that can be described as social constructionist radical feminism. Its major exponent is the French theorist-Christine Delphy (1984). Delphy’s theoretical position derives from her political perspective, which seeks to cast women’s Struggle against patriarchy as independent of the proletarian struggle against capitalism. For her domestic labour is not a mode of reproduction within the capitalist system, nor is patriarchy a historic concept that has influenced the structure of capitalism. Instead, patriarchy develops historically, having like capitalism, a mode or production. Delphy calls this the domestic mode of production, in which women’s unpaid labour for the family is exploited by men. The domestic mode of production is embodied in the social institution of marriage. It is through marriage that men appropriate women’s domestic labour. The mechanism by which this appropriation takes place is very different from that which exists within the capitalist mode of production, in that the wife’s time is appropriated as a whole by her husband. In return, the wife is ‘kept’. She is not given a set sum per hour for her domestic labour, as an employee would be given for his or her wage labour.

**Women’s Responsibility for Domestic Work:**

**Neo-classical Explanation**

Neo-classicists reject the view that domestic labour is the material basis of women’s oppression. Instead they see women’s responsibility for
domestic labour in terms of ‘rational choices made under constraint’ by couples who are attempting to maximize their ‘utility’.

G.S. Becker (1981) first developed a neo-classical conceptualization of women’s responsibility for domestic labour. Before Becker’s new home economics theory, the microeconomic model of the offer of labour had been based on the idea that an individual chooses between more work and more leisure. Thus, the seeking of employment by woman in increasing numbers could be explained by macroeconomists only as a change of preference for work as opposed to leisure. This seemed to contradict the social values of the time. To explain this phenomenon, Becker introduced the factor of ‘household production’ to his analysis. The combination of market goods and household time is ‘household production’. Consequently, gender roles within the couple could be theorized as a division of labour and a choice between market production or domestic production. Applying Becker’s model, micro economists analyse how couples choose rationally (or intentionally) to divide their combined time between professional work and domestic work according to the economic circumstances in which they find themselves and their own abilities and preferences. Becker asserts that women specialize in domestic work when their ‘opportunity costs’ of working in the market are too great, that is, when the cost of paying for market alternatives to their domestic production is not adequately covered by what they could earn in a job. Husbands and wives specialize in professional and domestic labour, respectively, when the husband can earn more on the market than his wife
and when the wife cannot cover the costs of running the home with her potential salary. It should be emphasized that in this model, it is assumed that men and women have a common utility function, in other words, they have common interests to which end they specialize in different forms of activity and exchange their specialized skills. All the while, they attempt to maximize the satisfaction derived from their effort by mobilizing their forces in market and domestic production in the most efficient way possible.

**Biological Reproduction and Domestic Work**

The extent to which progress can occur in women’s situation with regard to domestic work depends on one’s assessment of the significance of women’s childbearing role in determining their responsibility for domestic labour and, ultimately, their social and economic status. Neo-classicists do not attempt to eliminate the physiological factor of having children in explaining women’s position. They see women as having an absolute advantage over men in specializing in domestic labour because of their childbearing role.

The various types of feminist analysis have sought to explain women’s relationship to the family as being purely socioeconomic rather than biological, but not all these theories actually manage to ‘erase’ women’s identity as a biological group in order to replace it with a socioeconomic identity. One of the basic difficulties with which Marxist feminists have struggled is that it is easy enough to explain the vital importance of the reproduction of the labour force to capitalism and the
logic of carrying out this work within the family, but how does one explain why capital needs women and not men to perform this labour? The implicit answer is that reproduction is compatible with the biological role of childbearing. It is implied that biological differences led to the exclusion of women from production and their confinement in the role of reproducers of the workforce in the first place.

Feminist Marxists acknowledge that women constitute a group economically exploited by men as well as by capitalism, but their analyses of women’s situation with regard to domestic labour still contain some biological undertones. They base their theories on the possibility of differentiating between those tasks and social relations relevant to the production of goods and services and those that concern the reproduction of human beings. As opposed to production, reproduction consists of those tasks and social relations that are the prolongation of childbearing.

Perhaps it is inevitable that despite the considerable progress made in understanding the social relations of gender, ‘women’ are first and foremost still perceived as a biological category and the explanation of gender difference and gender division of domestic labour cannot escape this cultural assumption. However, Delphy’s (1984) radical feminism perhaps comes nearest to escaping it. Delphy argues that women’s difference must be discussed in the material, historical, and political contexts. Then, the difference is exposed as synonymous with women’s oppression. This is a theory of women’s oppression based on the notion of ‘sex classes’ with men as a class benefiting from the oppression of women.
as a class. Delphy refuses to describe the situation of women as being based on their exclusion from the market and production because this would imply that women are something other than a socially constructed category, that is, a product of a certain set of social relations. Just as the social class of the proletariat does not exist outside its relationship to the means of production, neither does the gender class of women exist outside its place in the patriarchal mode of production. Delphy rejects the dichotomy of production and reproduction, conceptualizing society instead as being composed of two separate modes of production.

**Changing Division of Domestic Work**

A crucial question of the contemporary period is to what extent women's increased participation in the labour force and whether the relative financial power that this participation has given them within nuclear matrimonial unit has led to a more equal gender division of domestic labour. It is clear that men’s involvement in domestic labour has not increased to match women’s involvement in the labour market. However, some argue that the small changes recorded in men’s domestic activities are evidence of a lagged adaptation of the gender division of domestic labour to women’s role in employment (Gershuny, Godwin, and Jones, 1994). This argument suggests that adjustment to work roles takes place, not through short-term redistribution of responsibilities, but through an extended process of household negotiation (and perhaps reconstitution) extending over many years and, indeed, across generations. Others argue that the continued unequal division of domestic labour is a
sign that patriarchy is now located more than ever in the private Sphere of the family. If patriarchy is viewed as a set of social relations in which men dominate women, then one way for patriarchy to adapt to women’s new found independence in the employment market is to ensure that patriarchal relations persist within the home (Delphy and Leonard, 1992).

It is this perspective of ‘double shift’ work for women in paid employment outside the home that has given rise to the concept of ‘domestic worker’. A domestic worker is also a paid employee, but she works within the home. Women, whether working inside the home or outside it, do need help in domestic work. Even though time-saving electrical gadgets and other specialized services are there nowadays, they have not been able to replace a woman’s series of agonizing domestic chores, hence the need for the ‘domestic worker’.

**Understanding Domestic Workers**

Domestic workers (part-time and full-time) are an example of women at the lowest rung of the informal sector. This is because of the patriarchal mode of production, the sexual division of labour in society, and the segmentation of the labour market. Related to the class variation in women’s domestic work is the sector of domestic service as wage labour, which, in most of the countries, particularly the Third World, constitutes a major sector of low-wage, female work. The middle-class women’s load of house-work is inversely correlated with the incidence of poor women
working as maids. Domestic work is thus a sector of ultra exploited wage labour as well as a sector of strenuous use value production in the absence of better employment, (Bardhan, 1989-90).

This ‘double burden’ has adverse consequences on women’s health, on the education of their daughters, on the female-calorie balance, and on the productive utilization of female labour in the economic growth process. The upwardly mobile (middle) classes have withdrawn women from wage labour for status enhancement and are educating their daughters. For domestic chores, they use the poor female and juvenile population as domestic help. The landless and unskilled become inputs in the form of domestic help for the upward mobility strategies of those with material and educational assets (ibid.).

These women are disadvantaged, not merely with regard to lower wages and unfair terms and conditions, but also by their poorer access to education and training and by the lower level of their political and organizational participation. Domestic work is class divided between low-paid maids belonging to poor classes and their middle-class women employers. This consumption of labour of the women of poor classes allow the middle class women time to pursue higher-income jobs and professions, to engage in politics and social work. The withdrawal of these women from menial chores leads to high-status work like taking up salaried jobs and producing ‘quality children’.
In India, no comprehensive data exists on the size of the domestic labour force, the gender composition of domestic service, who employs domestic servants, and under what conditions. In the earlier days, Indian society, stratified by caste and class, organized personal services, including domestic help, through the Jajmani system (Wiser, 1936, 1958). The personality character of the master-servant relationship has continued with little transformation. But there has been a decline in long-term, full-time, part-time, servants in the urban areas and an increase in ‘part-time’ servants who work in different homes every day because of their availability and low-wage rates.

Domestic service has become more ‘feminized’ over time. According to the National Sample Survey Organization (NSSO, 1987-88), there were 16.8 lakh female domestic workers as against 6.2 lakh male domestic workers (Shram Shakti, 1988). A study conducted by the Catholic Bishops Conference of India also came to similar conclusions. As such as 78 percent of domestics in 12 cities were female (Pereira, 1984). According to the report of the National Commission on Self-employed Women and Women in the Informal Sector. “Of all the services in India, this is the most unregulated and disorganized and often the most denigrating and humiliating. These workers do the most menial, arduous tasks, have impossibly long hours with no benefits of social security, security of employment, wage raises, paid leave, or medical facilities.
Ironically, those who work part-time in many houses are better off now than those who work full-time in a single house. The latter are even worse off if they live on the premises as they are then on call at all times of the day and lose most of their independence due to their lack of any other shelter” (Shram Shakti, 1988).

There is a pressing need for domestic workers to be recognized as a productive force in the labour market to ensure them dignity of work and to secure for them a stronger position through organizations and provisions of effective legislations. In response to a growing concern for domestic workers, in September 1957, a National Consultation for Domestic Workers was held in Delhi where a draft bill was tabled for discussion.

An understanding of macro processes affecting domestic workers has to be seen in the context of the 'political economy of housework’. The Indian home is also a site for much production a domestic workers help in this production. Just as the nature of housework changes with economic, technological, and social changes, so does the demand for domestic workers. Technologies which assist in domestic work (washing machines, mixers and grinders, vacuum cleaners, etc.) could mean a shrinking market for domestic workers. What, however, increases demand is when the urban woman goes out to work. Middle-class households might not be able to afford full-time help, but part-time help has become a necessity. Thus,
increase in the number of working women and the nuclearization of the family has increased the demand for domestic help.

“A domestic worker is a person who is employed to do household chores on a temporary or permanent basis, on a part-time, or full-time basis, for hire or reward, whether terms of employment be expressed or implied. It does not involve work like gardening, driving, dairy, or poultry work” (Pereira, 1984). There are five broad categories of the type of work they do: washing and cleaning utensils, washing clothes, sweeping and cleaning the house, marketing, arranging for meals, running errands, cooking, and taking care of babies.

A National Survey on Domestic Workers, conducted by the Labour Commission of the Catholic Bishops Conference of India in 1980, found that domestic workers are one of the most neglected and vulnerable sections of society. They come from very poor family backgrounds, are illiterate or semi-literate, mostly migrants to the city with no legal protection and no such forum to protect their rights.

Urbanization has led to further marginalization of women’s work because occupations that women were traditionally engaged in, such as agriculture and crafts, are being replaced by unskilled domestic and other kinds of manual services. Women in cities take up domestic work to support their unemployed or casually employed husbands. Low wages, recurrent droughts, deforestation, macro development projects, and
accumulating debts drive them away from their villages (Singh and D’Souza, 1977; Dighe and Choudhary, 1985). Domestic workers live in unsanitary conditions in the slums. Generally, the age at which these workers begin to work is ten years or so. Workers are seen to be working in three to four homes at a time. They face many problems at home as well as at work. They do domestic chores at home and at the workplace. Their wages are not regulated, which makes them insecure. The conditions of work are primitive. It involves long hours of work, low pay, no holidays, and no job security. The issue of domestic work by workers involves increase in the quality and quantity of work, ill treatment, sexual harassment, cuts in pay, and inhuman treatment. Domestic work is perceived as non-economic, non-productive, and unskilled. Domestic workers hardly earn any benefits over and above their low wages; they have an endless day with increasing responsibilities. Their work is monotonous and isolated and they have little scope for self-expression and improvement. Domestic workers are subject to the dictates of the employer and are physically and sexually abused at home and at work.

**Domestic Workers: Violence and Sexual Harassment**

Domestic workers undergo different forms of physical and psychological abuse at the hands of their employers, ranging from ill treatment to extreme exploitation, sexual harassment is a problem women face in every occupation. Sexual harassment ranges from verbal sexual
comments, gestures, unwanted physical contact (touching, pushing, and pinching) by the employer to molestation and rape. Most domestic workers do not protest due to the unequal power relationship. Protesting would result in losing their job.

**Occupational Health Problems**

Women in domestic service have health problems. This is generally due to their low economic status and because of the nature of their occupation. Poverty and malnutrition make these women anaemic. They have multiple pregnancies, complications with contraception, and often face mental trauma.

Domestic workers face occupation-related health problems, too. These include back problems (related to posture at work), tiredness, and problems with hands and feet as a result of them being constantly wet and because of the use of hazardous washing detergents. Occupational health is an important factor to be considered while organizing these women.

**Legal Protection**

Domestic workers are a section of the working class. Yet, they are not recognized as workers. There is no dignity of labour and domestic work has the lowest status. Therefore, the legislative measures that are enacted in favour of domestic service should highlight social and humanitarian values in such a way as to acknowledge the domestic worker as a human being.

**The House Workers Bill**
The Domestic Workers (Condition of Service) Bill was introduced in the Indian Parliament on August 21, 1959. But it was allowed to lapse. In the same year, the All Indian Domestic Worker’s Union, Delhi, made a representation to the Prime Minister, demanding protection under the Payment of Wages Act and the Minimum Wages Act. After this, the next historical step was the provision of legal protection to the unorganized domestic worker through The House Worker (Condition of Service) Bill, 1989.

The House Worker Bill defines the house-worker as a person employed on a full or part-time basis, to do housework, for wages. This definition includes an ‘ayah’, but does not include a gardener or a chauffeur. The Bill states that a minor “is somebody who has not completed fourteen years of age”. Chief inspectors and inspectors will be appointed under this Bill. The government may appoint an advisory board consisting of not more than five social welfare workers (out of which at least two should be women) to advise and assist them. The function of the chief inspector and inspector is to conduct complete verification of the employee, and collect all the information from the employer.

The Bill defines certain terms that could be used during the tenure of service. A ‘week’ means a period of seven days beginning at midnight of Saturday. A ‘day’ means a period of twenty four hours beginning at midnight. The Bill also specifics working hours, including holidays and leave. A worker is not allowed to work for more than ten hours or more
than 54 hours in any week. Anyone working for an excess hour is privileged to overtime wages, i.e. twice the ordinary wages.

Another service condition is that the working hours plus the overtime should not exceed twelve hours in a day, in an aggregate sixty hours in any week. It is clear that a house-worker will work only for five hours continuously and should get half an hour break for rest. Every house worker will be entitled to one day's holiday in a week, and for that holiday, the house worker would be paid a rate equal to the daily average of her wages. After the completion of a year, even worker would be entitled to get one month's leave with wages equal to the daily average of the wages. Minimum rates of pay for the part-time house worker will be calculated by the hours of work or part-time by piece work. The accommodation provided should have privacy and security. Compensation will be paid by the employer, if a permanent house worker is terminated without valid reasons. The Bill lays emphasis on a letter of appointment which includes name and address of the employer and employee, the date of appointment, whether the applicant is on a permanent or temporary basis, the fixed salary per month, and other conditions of service like holidays, leave, medical care, etc. A state government can constitute a registration agency/board, which will maintain a register of the house worker and an employer will apply only after registering with the agency, and informing the relevant details of the house worker, and he should also agree to pay a
stipulated annual levy per house worker employed for the House Workers Welfare fund.

If any employer contravenes any provisions of the Act, he/she will be punishable with a fine, which may extend to Rs. 5,000. The Bill will fall within the jurisdiction of a metropolitan magistrate or a magistrate of the first class. A court will not take cognizance of the offences under this Bill unless the complaint is made within six months of the date in which the offence is alleged to have been committed. The various laws that will be applicable to domestic workers are the Workmen's Compensation Act, 1923, the Provision of Minimum Wages Act 1948, the Payment of Wages Act, 1936, the Maternity Benefit Act, 1961, the Equal Remuneration Act, 1976, and the Weekly Holiday Act, 1942.

However, till date, the Bill has not become an Act and the domestic workers are still managing to overcome their helplessness by safeguarding their own rights and interests through their collective strength.

The 1989 Bill seems to have been formulated for the employers and not for the protection of the employees, as it very clearly states that all information regarding the domestic worker is to be furnished by the employer. It is quite obvious that the employer will have an upper hand because of being from the richer class, educated and exposed to more situations, and acquainted with the urban milieu. These factors place the
employer in a better position, which means he/she can provide information according to his/her convenience.

The Bill seems to possess gender biases which are seen in instances like the membership of the advisory board, where men outnumber women. Then again, no separate section is allotted to deal specifically with problems relating to the sexual abuses that are faced particularly by women.

There is no clarity in the Bill regarding accommodation. It is important that the Bill should emphasize this aspect. However, the accommodation should not lead to exploitation in terms of working hours. Most of the women who live in the employers’ residence are known to be working at odd hours. Living in leads to the availability of the house worker at all times because she is called upon at any moment for service. This means that many house workers do not get proper rest; besides, they exceed the fixed hours for work.

The Bill refers to minimum wages, but nothing has been said about how, when, and what salary will be paid. One should keep in mind that most domestic workers are uneducated and, therefore, the employers have a patronizing relationship with them. There have been instances where house workers are paid inadequate salaries, denied payment for months on the pretext that it is being saved in the bank, paid in kind and the cash is deducted. One important aspect that is omitted in the Bill is the
compensation that should be paid *on* the event of illness, accidents and deaths of domestic workers.

The Bill has been formulated without taking important facets, especially the gender factor, into consideration. These omissions are seen as benefits, class factors, and gender issues. However, the Bill is to be appreciated as it is one firm step towards an attempt to improve the situation of domestic workers in the Indian context.

**Domestic Workers: The Global Scenario**

The global scene is equally dismal. In the industrialized countries and in Latin America, most domestic workers are female. In many regions of the US, there is a notable resurgence of domestic work and Latinas - both foreign and native born have largely replaced Black women, who have moved into other occupations (Heyzer, Lycklama, and Weera Koon, 1994; Roger and Colen, 1990; Martens and Mitter, 1994; Chancy and Castro, 1989; Hondagneu, 1997, 2001).

In large metros, women often join household workers associations or unions. But household workers are difficult to organize; they lack a common workplace, a common management with which to bargain and the same day off. If they work part-time and live out, they have to devote their free time to their own families.

Yet, on a global plane, from South Africa to Hong Kong, from Los Angeles to New York City, and among immigrants to various European
countries, household workers are trying and organizing themselves. In some cases, they have been struggling to organize themselves for decades (Romero. 1992; Martens and Mitter. 1994; Chaney and Castro, 1989).

In Latin America, household worker unions first appeared in Mexico, Chile, and Bolivia. Initiatives in Mexico began in the early 1920s. By 1940, syndicates (unions) existed in eight cities (Goldsmith. 1992). Sadly, these have all disappeared. In Chile, the first union was founded in 1926 during the period of fervent organizing fostered by ‘labour priests’, inspired by the encyclicals of Leo XIII and Pius XI. The first Chilean union disappeared, reinvented itself, and reappeared again as the Union of Household Workers in Private Homes; it has had a continuous life since 1943.

In Bolivia, a feisty union of workers existed from 1935 to 1958. There are national federations in Argentina, Bolivia, and Brazil. As yet, few organizations exist in the United States, but there are more positive initiatives on the east and west coasts (Hondagneu and Riegos, 1997).

In 1988, household workers from 12 countries, meeting in Bogota, Columbia, founded the Confederation of Latin American and Caribbean household Workers. The conference has held several congresses, has sponsored many training workshops, publishes a newsletter, and funds the studies of household workers in seven countries in Latin America; members of the associations do most of the work. The conference
sponsored a session during the NGO (nongovernmental organization) FORUM, 1995, in Beijing and made plans with household workers organizations from Asia, Africa, and Europe to form an international network.

**Domestic Workers and the Informal Sector**

The informal sector is an outcome of governmental policies. It depicts the evolutionary development from pre-capitalism to capitalism or the capitalistic mode of production. It is associated with developing economies. In developing economies, it is women who are ‘forced’ to join ‘paid work’ in order to survive. It is these women who take up part-time work or get involved in ‘home-based production’ to supplement the family income. In her article, “Modernization and Marginalization”, Nirmala Banerjee (1985) discusses at length how these women are the worst affected by the New Economic Policy (NIT) of 1991 governmental programmes, the Structural Adjustment Programme (SAP), liberalization, and the globalization of the economy. These policies and programmes affect the wages and working conditions of these women workers. She has put forth a detailed description of each aspect of workers in the unorganized sector. She has given utmost importance to the 912 Code workers, implying domestic servants, or ‘jhee’ as per the Indian National Code, 1971.
Feminist economists have also examined the informal sector for their study. Notable among them are the works of Kalpagam (1994, 1999, 2001), where she goes on to discuss the effect of globalization and liberalization on women workers. How these macroeconomic processes tend to further marginalize the already marginalized women is a subject of concern for her.

Bina Agarwal (1988, 1989) discusses the relationship between rural women, their poverty, and utilization of natural resources. How these interlinked issues force women to struggle for the survival of their families as well as their own selves is the theme around which her works revolve.

Jayati Ghosh (1990, 2001) has discussed at length macroeconomic trends and their impact on female employment. She has discussed how macroeconomic trends marginalize urban Indian women.

Ela R. Bhatt (1987, 2001) has recently published a report on the unorganized sector. In her report, she prefers to follow a totally distinct and different approach to development. She terms it ‘people-centred development’. Here, the unorganized workers are empowered both by way of training and skill development and by way of access to credit to provide financial stability and save these women from the clutches of money-lenders.

There are divergent views on the evolution of the informal sector in the Third World countries, including India. Each of these views has strong
ideological and political implications. One group sees the evolution of this sector as arising largely out of excessive controls in the formal sector, attributable to the policies of the government. In fact, one of the defining features is ease of entry, implying thereby that entry in the formal sector is controlled. The other view sees the evolution of the informal sector as structural that is, the outcome of an incomplete transition to capitalist development and as the outcome of its articulation with extant pre-capitalist forms of production. The reasons for this incomplete transition vary according to contexts. In some cases, it is factors internal to a particular society (such as the limited size of the home market) that narrows the base of industrialization and hence the formal sector, the extension of monopoly capital, the relative labour surplus, and so on. It is also recognized that while structural factors contribute to the evolution and perpetuation of the informal sector, it is further exacerbated by the policy measures of the government (Kalpagam, 1994). After having discussed the evolution of the informal sector in a macro socioeconomic perspective, the next question that comes to mind is who are these women engaged in the unorganized sector? According to *Shram Shakti* - Report of the National Commission on Self-employed Women and Women in the Informal Sector, the women in the unorganized sector are the ‘weakest link in labour statistics’. The conventional classification of workers and their contribution to the economy reduces the poor labouring women to
marginal workers. It hardly recognizes their contribution to the national economy. This group includes those who are outside the pale of the organized sector. Thus, the informal sector includes all those women who are engaged as home-based producers, including artisans piece-rate workers; paid and unpaid voluntary laborers; petty vendors and hawkers, who do not hire labour, but take the assistance of family members, who are self-employed and wage employed; contract labour and sub-contract/casual labour, providers of services like washerwomen, scavengers, and domestic helpers; those doing manual work like construction labour, and those working in agriculture and other primary sectors.

The proportion of women in the female workforce engaged in the unorganized sector is estimated to be 90 percent (Poornima Mohan, 2000). The workers in these occupations suffer from a high incidence of casualization. Thus, the incidence of casual wage workers, and agricultural and construction workers among women ranges from 75 per cent to 96 percent of the total female wage earners.

According to an ILO report, “The informal sector comprises units producing very small-scale goods and services, involving little or no capital, using a low level of productivity, and generally yielding very low and irregular incomes. These units are mostly unregistered and the workers receive little or no legal protection. But the sector is marked by a continuous growth.”
Mohan feels that the major constraints observed in the informal sector are low wages, low capital, use of crude tools, lack of access to credit and other inputs, technology, training, inadequate access to markets, lack of skills; basic poverty, and lack of social legislations; lack of access to basic amenities such as housing, water, sanitation, and social security. Harassing social conditions (desertion and alcoholism by men), indebtedness, poor health conditions, and absence of regular wages; exploitation and harassment by middlemen, and lack of organization are some of the problems associated with workers in the informal sector. The constraints women suffer in these sectors often stem from their caste, class, and gender roles. Their social affiliations define their mobility, social space, and cultural norms.

The 43rd round of NSSO (National Sample Survey Organization, 1987-88) states that jobs which are likely to be offered to women who enter the labour market could be described as being non-permanent in status. They could be temporary, casual, or contract jobs; since these jobs are non-permanent, it implies that they would be irregular and intermittent and would create insecurity of incomes; women would have no control their working conditions or their wages or the pace of work as all the factors would be controlled by others like employers, jobbers, or contractors, and these jobs would no only lie outside the purview of labour community, or caste, which women would get as helpers or unpaid family workers in agricultural or artisan households. The emerging labour market indicates clearly that women working there in would be victims of
discrimination and unfair labour practice to a greater extent than in the past. But despite the precariousness of the work with its instability, insecurity, and social and economic vulnerability, the women would have very little option but to tolerate exploitation given their poverty and lack of skills. The meagre incomes they get would be precious for their own and for their family’s survival since they form substantial proportion of their equally low family/household income (ibid).

One of the major reasons for women’s work becoming increasingly limited to the unorganized sector is that women lack the opportunity to acquire skills and training, which could facilitate occupational shifts. This is related to the prevailing social relations between men and women as well as the structure of the economy. Since women have to bear the major burden of domestic chores, which, in a poor household, is time-consuming and labour-intensive, they do not have the time and opportunity to acquire the skills and training for better jobs. Low-skill attainment among women perpetuated by their unequal access to technology relegates them to jobs that are labour-intensive, time-consuming, and arduous.

In the unorganized sector, since none of the protecting labour laws such as the Maternity Benefit act 1961, the Employee State Insurance Act. 1948, the Factories Act, 1948, the Equal Remuneration Act, 1976, the Shops and Establishment Act, 1984, the Plantation Act, 1951, the Mines Act, 1951 and the Child Labour (Prohibition and Regulation) Act. 1976, are applicable, women and girls are mercilessly exploited.
This section of the working women are deprived of land and water resources, fuel, fodder, toilets, space, easy access to raw materials, market credit, licensing, identity cards, safe transport, housing, creches, ration cards, and health and safety provisions. Workers have to work for very long hours and quite often, they are harassed by their employers. There is low productivity in this sector and there are very few labour organizations to facilitate the mobilization of women workers and knit them into a conscious workforce (Mishra, 2002).

Domestic workers bear all the characteristics of labour in the informal sector. They face all the constraints faced by workers in the informal sector. Hence, they fall within the purview of the informal sector.

References

Bardhan, Kalpana, ‘Women’s Work in Relation to Family Strategies in South and South-East Asia’, Samya Shakti, Vols. 4-5.


Hosmer Martens, Margaret Hosmer, 'Migrant Women as Domestic Workers', in Women in Trade Unions; Organizing the Unorganized,


Wiser, William II., *The Hindu Jajmani System*, Lucknow, India: