

# **New initiatives in organizing strategy in the informal economy**

**– Case study of domestic workers’  
organizing**

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**New initiatives in organizing strategy in the informal economy**  
**-- Case study of domestic workers' organizing-- *Executive summary***

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**1. Introduction: Domestic work— strands in the debate:** The women's movement internationally has underlined the struggle against the invisibility of women ; women's work, sexuality, needs, power, capacities and abilities, autonomy and much more. An important aspect of this was the critique of housework or domestic labour and the almost complete equation of women to domestic labour. The conflict between the employer and the employee of domestic work is in the public sphere of employment relations; the conflict regarding the gender division of labour is in the private sphere.

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

**2. General scenario of women workers in the context of globalization:**

There is a much greater acceleration in processes of informalisation of work in last two decades. Women are the majority of workers in the informalised economy. Some of the **issues of serious concern** both to the women's movement and to the labour movement are: Quantity, quality and lack of employment; issues of the working poor; Pauperization and vulnerability; Migration, trafficking and sex work; Increase in the service sector and of women in this sector; Impact of political, ethnic and other conflicts on women; Privatization and loss of control over natural resources; Globalization of cultural practices through consumerism; Organizational strategies and new alternatives.

**3. Women Domestic Workers In India:** In India, in ancient times, domestic work was largely performed by serfs belonging to the so-called lower castes who were denied access to education (especially denied to women), the shudras. **Statistical profile:** Any reliable data about domestic workers in India is not available. According to the 1991 census, there were 5.76 lakh women (58% of the total workers in this sector ) engaged in the domestic services industry. An important invisible aspect of domestic workforce is child labour. Education: Most domestic workers are illiterate or semi-literate. A survey in Pune found that most of them above the age of 30 were illiterate. **Reasons for taking up domestic work:** These have been outlined as follows: Economic; Single earner families; It is considered work in safe environment; Non-marketable skills; Flexible working hours. **Law:** In 1959 a bill entitled the Domestic Workers (Condition of Services) Bill was introduced but it is yet to take the shape of an Act. The domestic workers have no legal status.

**4. Organizations working with Domestic Workers – a brief sketch**

Attempts at organizing domestic workers going on for several decades now involve: Forming trade unions; Providing services; Running employment schemes; Attempts at legislative provisions and rights and Combining some of the above functions. The type of organizations involved in the effort have been: 1. Church-related organizations, 2. Other NGOs, 3. Existing Trade unions, both national and local and 4. Women's organisations. **Legal efforts** by domestic workers' organizations: Despite repeated incidents of abuse of various types coming to public notice, a legislation has been scuttled for several decades. In the year 1994, several trade unions and NGOs in Maharashtra came together to campaign for and demand legislative protection. **Issues for organizing** domestic workers in several parts of the world have been: Union issues; formation of co-operatives; credit and savings groups. Vocational training; Social

activities; Employment exchanges; support services; A place to congregate; Crèche; Legal and general advice; Support in disputes with employers and in familial disputes.

**5. Pune Shahar Molkarin Sanghatana, (Pune City Domestic Workers' Organization):** Pune is the second largest city in the state of Maharashtra and also a well-developed industrial city. There has been an increase over the years of educated women occupying jobs in these industries and services. These same development processes give rise to increased joblessness, migration, displacement of entire households, communities, villages and also increase the number and proportion of women coming into informal employment. In Pune city (population 3.5 million), number of domestic workers is estimated to be in the region of 60,000 out of these 45000 work in main city as per the 2001 census.

**The Domestic Workers Movement in Pune: Establishment of the organization:** In 1980, one long-time domestic worker was terminated by her employer on the basis of absence due to illness and some domestic problems. The action of the employer infuriated the other domestic workers in the area. They went on a spontaneous strike against the dismissal. Lack of any improvement in wages even when inflation was raging had already raised their tempers and the above incident added fuel to the fire. After striking work, activists who were part of the left-oriented trade union and women's organizations helped them to get organized into a team and then into a trade union. Thus was born the Pune Shahar Molkarin Sanghatana.

In the initial phases of the strike and organizing, women domestic workers would have meetings every day. Often 500 – 600 women came for the meetings. The Pune Shahar Molkarin Sanghatana raised demands that were immediately important for women. Marches were organized highlighting these demands. Wage increase of 30-40% for all, and the demand for one month's pay as bonus once a year was realized in most cases.

In subsequent years there were strikes of domestic workers in various parts of the city. Strikes took place from 1980 to 1996, almost every year in different parts of the city. A great deal of progress could be secured due to these collective actions. Rate cards delineating different rates for different types of work were agreed upon with employers. In addition, the organization led marches and gave memorandums to Government officials and leaders. The Pune Shahar Molkarin Sanghatana joined hands with a large organization of unorganized workers and now have been involved in campaigning and movements on a massive scale at the state as well as at the national level.

### **Other Achievements of the Movement**

**Survival and vibrancy:** The survival and vibrancy of the domestic workers organization itself is a very major achievement. One of the reasons for the relatively few ebbs in the movement has been the novel strategies adopted by the Sanghatana. It is an entirely membership based organization, with all the resources coming from the domestic workers alone. The membership of the Sanghatana is over 3,000 and its reach is about 20,000 people. The membership fee is Rs. 10/- per year.

**Establishment of the Toiling Women's Front:** The Sanghatana has been of the firm view that it is only the toiling sections of women who can carry the true message of women's liberation. It is through their participation that the Sanghatana has been able to run a women's counseling centre in Pune, which has so far handled over 15,000 cases of problems within the family. This strategy is important, as while workplace issues may be pressing at times, they may not be so all the time. The organization then has different rationale for different times and often they can be mutually reinforcing.

**Fight against Slumlords:** Similarly, housing is an important issue and one in which there can be a great deal of exploitation from the landlord or the local mafia. In the early seventies, the domestic workers led a glorious and successful struggle against the power of the slumlords.

**6. Strategies of the Pune Shahar Molkarin Sanghatana:** Crucial strategies include:

- Strategy of Organizing
- Building solidarity among the domestic workers
- Solidarity with other movements
- Negotiation strategy, both individual and collective
- Assertion of rights and dignity at different levels - attempt to give agency to women in other aspects of their lives.
- Reaching out strategy – harnessing community support
- Media strategy
- Federating
- Networking
- Participating in the wider movement for social change
- Deepening understanding of the activists
- Advocacy and Lobbying
- Connecting with the women's movement, in urban and rural areas

**7. Some Conclusions: some glimpses into the future:**

**1. Replicability and Sustainability: Particular Circumstances:** These include the general political turmoil and radicalization nationally and internationally.

**Combination of factors:** This combination of factors seems extremely crucial in the sustenance of this movement. These include **affiliation to larger organizations as well as the perspective of the leading organization.**

**2. 'For' or 'With':** One major difference lies in whether the organization works for domestic workers or with domestic workers. And then, with what perspective. What is important is an organization that builds a perspective of active participation and control by domestic workers. This includes the recognition of the different needs of women in the informal economy vis-a-vis the union and the aspect of fluidity of identity of women in this sector.

**3. Some future directions:**

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

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# **New initiatives in organizing strategy in the informal economy**

## **– Case study of domestic workers' organizing**

### **Chapter 1**

#### **Introduction**

##### **Domestic work— strands in the debate:**

The women's movement internationally has underlined the struggle against the invisibility of women – women's work, women's sexuality, women's needs, women's power, women's capacities and abilities, women's autonomy and much more. Different phases of the women's movement over the last centuries can be marked as underlining some of these invisibilities and devising strategies to expose and counter them.

Women's work, women's sexuality and women's autonomy have been important hallmarks of the current phase of the women's movement that began in the 1960s and 1970s the world over. An important aspect of this was the critique of housework or domestic labour and the almost complete equation of women to domestic labour. Domestic labour, in a sense, is one of the links between the personal and the political in the lives of most women.

Domestic work has been a major issue of debate in the women's movement right from its inception. How does one evaluate domestic work? Is domestic work productive or unproductive? Does domestic work produce surplus value? What is the bargaining power of women when they are involved in domestic work? Is the slogan or demand of 'wages for housework' politically correct? Does it give value to domestic work? Or does it merely confine women to domestic work and strengthen the sexual division of labour? Or does it give tools into the hands of women to change their conditions of work and life?<sup>1</sup>

In capitalist society, where productive work is defined as work that creates value, and where labour power is also bought and sold, work that is not in the direct loop of the commodity market, is a gray area. There is no doubt that work that creates human beings on a daily basis as well as on a generational basis, as in the case of 'reproductive' work, is absolutely essential for social and capitalist reproduction. Yet there is no social recognition of such work in any of the

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<sup>1</sup> Mainardi, P, *The Politics of Housework* in R Morgan (Ed.) *Sisterhood Is Powerful*, Vintage Books, 1970; Fairbairns, Zoe, *Wages for Housework*, new internationalist, issue 181 - March 1988; *Black Women for Wages for Housework*, leaflet, 1980; Banaji, Rohini, *The housework debate*, Feminist Network, Bombay, 1979.

national or economic indices. How does one 'value' such work and workers who are involved in such work?

Also how does one incorporate the situation that this social labour in the guise of domestic work and its nexus to the economy are lost in the system of individualized, privatized and isolated nature of the activity? In the bargain, domestic work itself is rendered invisible and conveniently projected as a 'labour of love', a natural attribute of women, an intrinsic need and aspiration emanating from the very depths of the female being<sup>2</sup>. Because it is 'natural' to do this work and because no social labour is spent on training the workers of domestic work and because it is women who do it, it is undervalued or not valued at all. How does one insist on evaluating it? How does one insist that women who do it are recognized and at the same time give women the option not to do it? How does one point out to the immense skills needed in the execution of domestic work? How does one value the skills involved in the work?

What about men doing 'women's work' in their paid employment, like relatively better-paid chefs? And what about the work typecast as 'women's work' also being generally low-paid? What strategies would bring out these contradictions and the gendered discrimination that women face in their work – paid and unpaid?

These are some of the debates that raged in the women's movement in the late 1970s and early 1980s. Several points of view emerged in these debates and very little consensus emerged in terms of strategies for recognizing domestic work and liberating women from it.

**Nature of domestic work:**

Domestic work is, in many senses, residue work. This is especially so in post-colonial countries, where resources and employment opportunities have been limited. When resources are limited, women are deprived of those by the family and by society. The post-colonial structure of politics and the economy also puts constraints on the social spending that needs to be put into health, education, other basic facilities and social infrastructure. This, together with the pre-existing hierarchies and political structures of caste and patriarchy create a situation where, on the one hand, are large numbers of women who are forced to consider marriage as a 'career' and life option. The control over women's sexuality and labour are the twin pillars on which marriage and the family exist and sustain themselves in much of human history, as we know it. Both these are often achieved by confining women to their homes and putting the responsibility of the entire household labour or domestic work on women.

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<sup>2</sup> D'Cunha Jean, 'Politics of housework', Domestic workers, Domestic workers' Society, 1990, in 'Domestic workers', Verbatim, Centre for Development and Women's Studies (CDaWS), Madras, April-May 1995.



Women of poorer households and 'lower' castes have never been confined to their homes. The family cannot afford that. However, their sexuality, mobility and labour is controlled by the limited options they have for working outside. These options are limited by the resources spent on them which confines them to occupations and work that is supposed to be 'women's occupations', the skill for which is not acquired by spending social or family resources, but by her own body at the expense of her own time and free labour. Women 'acquire' these skills whether they want to or not, by merely possessing women's bodies and due to the way femininity is constructed in patriarchal society. This is the reality of domestic work, whether done outside one's home or inside it. Besides, domestic work can be picked up later in a woman's life-cycle when other choices become even dimmer.

Revati came with her parents from Osmanabad, a drought-prone region of Maharashtra, during the 1971 drought, when she was very small. She worked as a construction worker for 22 years from the time when she was 14 up to the time she was 36. In between she had been married off, had had 3 children and one surgery. This left her very weak. She could not work as a construction worker any more. Her husband had abandoned her and her children somewhere down the line. She had no option but to work as a domestic worker in the flats close to her bustee (shanty town). 'What else could I have done?' she asks.

Savitri is a Mahadev Koli, a scheduled tribe from Talasari, a predominantly tribal, underdeveloped region in Maharashtra. She was never sent to school. She was married off to a carpenter when she was 15. He used to drink a lot and died when she was 25 and had had 4 children. She had already started working in a few houses when he was alive, as he would not bring in enough money. After he died she increased the number of houses she worked in from 2 to 9. 'What other option did I have?' she mumbles. Domestic work is a residue occupation in several senses. However, whatever the sense, the implications for women are very similar.

Another point of contention has been the positionality of the woman vis-à-vis housework. Women who are involved in domestic work in their homes are likely to value it differently from those who employ other women to do the work.

Women from middle and upper class and in the context of India, upper caste, are the ones who employ women from the more disadvantaged class and caste to do the work in their own homes. These women who employ other women from relatively more disadvantaged backgrounds, have a more complex attitude to domestic work itself.

At one level, domestic work has been defined as an exclusive female domain of work. In fact domesticity has been the arena in which certain sections of women have been confined for a long time historically. In fact, control over women's mobility and women's sexuality was imposed through twin controls – firstly, through control over women's access to work outside and secondly through the work inside the house being defined as her exclusive terrain.

In the context of India, till just half a century ago, the sign of being upper caste was the exclusion of women from paid work. In fact, when lower caste or class men aspired to a higher position, one of the first initiatives was withdrawing women from outside or paid work. The women from the so-called lower castes and class were not so excluded, because the households could not afford to survive without the participation of all the members in economic activity. Here too however, the work in the house, domestic work was almost the exclusive responsibility and burden of the woman.

It was only in the 20<sup>th</sup> century, due partly to the initiative of social reformers and partly due to the British policy of wanting middle-level functionaries in the administration and to the gearing of education to that end, that women mainly from the upper castes and classes began to be involved in education and then in paid middle-class jobs. This was also the period of increase in industrialization. More and more women were gradually getting involved in paid outside work without men in the upper classes and castes sharing in the work inside the home. Thus began the proliferation of the category of domestic workers. Earlier, this was a small section in the employ of the nobility and the British.

**Contradictions within domestic work:**

The conflict between the employer and the employee of domestic work has several strands. At one level, the work that the domestic worker performs is not for the woman of the household, but for the entire household itself. However, as within the household the man is not considered responsible for the housework and only the woman is supposed to be doing it and is responsible for it, it seems as if the contradiction and the conflict is between two women.

While the contradiction and conflict between the woman employer and the woman employee or domestic worker is in the public sphere in the realm of employment relations, the potential or real conflict regarding the gender division of labour in the house is between the man and the woman. And this is often in the realm of the private.

However, the implications of the private contradiction play themselves out in the public sphere as well. By and large, this so-called private conflict structures work in the public sphere as mainly a male domain. Women who enter it enter male spaces and have to pay for that transgression. Every new sphere is defined as a male or female sphere, depending upon the nature of the work, its closeness to domestic or women's work and the skill levels needed for that work.

Whatever work women are engaged in, in the public sphere, the sphere of domestic labour is hers alone. She may reduce the burden of it by hiring the labour of another woman or do it herself. That is the autonomy she has. This is the arena where the domestic worker enters the world of the household and the gender division of labour within in.

**The modern context:**

At this conjunction, another aspect emerges in the scenario. Several cities and towns in India have seen a deceleration of industries in the last two decades. The share of industries in the GNP has declined from 28 to 26 percent in the 1990s. The share of agriculture also fell somewhat from 31 per cent in 1990 to 28 percent in 2000.<sup>3</sup> The share of employment in the industrial sector has also declined. At the same time, the ubiquitous 'service sector' has been increasing all over the world. In India, services grew from 41 per cent to 46 per cent.<sup>4</sup> The service sector comprises a wide-range of activities from computer-related work to entertainment, prostitution and domestic work. And much much more.

With a decline in employment in the agricultural and industrial sector, with large numbers of large, medium, small and tiny industrial units facing closures, almost all new employment is opening only in the service sector. One section of this service sector comprises of work that entails relatively higher levels of education and training or at least a class / caste background that enables access to the English language.

The second set of jobs is in the fast growing entertainment industry – tourism, bars and hotels etc. Here, an almost blanket requirement is of young girls. This sector seems to be absorbing young girls who have just a few years ago, sought employment in the small and medium scale industries. So again the residue sector is that of domestic workers, mostly poor, disadvantaged, often relatively elderly women from the lower castes and classes. With increasing incidence of loss of other livelihood options due to globalization, this section is even more vulnerable. Domestic work seems to be the last resort of this section of women, globally as well.

Entire economies like Europe, where over the decades, paid domestic work was on the wane till a decade ago, the trend seems to be reversing. Women immigrants from Eastern Europe and other poorer economies seem to be available at lower rates and paid domestic workers are slated to be once again a visible category in the not so distant future in most parts of the world.

This global demand for domestic workers who are mostly women from poorer backgrounds and poorer economies, implies at one level a strengthening or reinforcing of the sexual division of labour within the world of work. There is also a reinforcing of other divisions and hierarchies as well – race, caste, class, poorer economies apart from gender.

The hierarchy between manual and intellectual or at least non-manual labour is also reiterated. The employers of domestic workers are largely involved in some level of non-manual work. They are paid better and they insist on paying the domestic workers less. There is also an implicit rejection of the skill levels

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<sup>3</sup> Guruswamy, Mohan, Kaul, Abhishek and Handa, Vishal, Is India really shining? The Hindu, 13/12/2003, Madras

<sup>4</sup> Guruswamy, Mohan, Kaul, Abhishek and Handa, Vishal, Is India really shining? The Hindu, 13/12/2003, Madras

involved in domestic work. On the contrary, there seems to be another reinforcing – that this low wage of the domestic worker and the lack of benefits and facilities that she has to accept as part of her work, are due to the fact that her work is unskilled.

In the last 2 decades, most Governments have attempted to shrug their responsibilities in terms of the social sector. The withdrawal of the State from the social sector has meant that it is the most underprivileged sections of society in terms of class, caste, race and gender who pay for it by foregoing much needed services or working harder so that their households can avail of those, for example, health care, care of the ill, of children or of the physically or mentally challenged. This implies a trend towards privatisation of the social sector through domestic workers, who without exception belong to the most underprivileged sections of society.

In this paper we will look at domestic workers and their struggles in the context of India. We will in the first section look at the general scenario of women in the context of globalization. In the second section we look at the situation of domestic women workers in India. In the third section we will go into the attempts at organizing domestic workers. The fourth section will go into the evolution of one organization in the city of Pune in Maharashtra in India and their activities. The fifth section will look at the strategies adopted, their achievements, the lessons that may be drawn from those, the challenges faced by this organization and their attempts to cope with those challenges. The sixth and final section will draw broader conclusions from the entire struggle and similar attempts elsewhere.

### **Methodology:**

This paper has been the outcome of my involvement in the issue of domestic workers for several years. I have participated in meetings as well as demonstrations with several domestic workers' organizations, including the Pune Shahar Molkarin Sanghatana for many years. Two years ago, I was one of the panelists on the day-long meeting sponsored by the National Commission on Women on domestic workers with the Pune Shahar Molkarin Sanghatana. This participation is the backdrop of the paper.

More recently, I interviewed women activists as well as the domestic worker activists of the Pune Shahar Molkarin Sanghatana, with the help of a broad interview schedule and also a group discussion with seven of the domestic worker activists. I went through all the material, including reports, leaflets and pamphlets brought out by the Sanghatana. The main issue while doing this paper was the time factor. The activists of the Sanghatana have been very busy and had to really squeeze in time to meet me and spend time with me. The time I was with them in the office was also a time that the counseling centre was open. The office was full of women and men and a great deal of vibrancy as well.

The first draft of the paper was given to the activists for their comments, which were then discussed and integrated into the paper.

**Acknowledgements:**

I would take this opportunity to thank all those who helped me come up with this paper. Firstly, the women who gave me so much of their time and allowed me to tinker not only with their valuable time, but also with their memories and thought processes. They did that so very willingly! Or so I would like to believe. The union activists of the Pune Molkarin Sanghatana and the Shramik Mahila Mukti Morcha were also very welcoming and I would thank them for that. My special thanks to Chandrabhagatai Sakpal, Kusumtai Bhonsle, Sulochanatai Nagare, Shalantai Patarde, Indutai Bane, Vandanatai Vanage, Padmatai Sutar, Medha Thatte and Mukta Manohar. And also to Leelatai Bhonsle, who has been an important inspiration behind the Sanghatana. Her undaunted efforts right from the beginning of the movement and the Sanghatana have resulted in the self-confidence of the organization and the activists.

Lastly, my friends and colleagues in the Committee for Asian Women, Bangkok were very persuasive and helpful with their comments and suggestions. Vijay Kanhere gave detailed comments on several drafts of the paper and helped to shape it up. The workshops organized by the Committee for Asian Women and the Korean Women Workers Associations United in Korea and the inputs in those workshops were a great help in putting some of these concerns into perspective. The usual disclaimers apply. However, I look at this paper as a beginning of a dialogue. The critical comments come with a very conscious acknowledgment of my very limited experience and also of the vast amount of work and love that has gone into building this very powerful organization, the Pune Shahar Molkarin Sanghatana. Hats off to such brave and consistent attempts and efforts.

## **Chapter 2**

### **General scenario of women workers in the context of globalization**

The last two decades have seen unprecedented changes in the social, political and economic scenario the world over. The scenario is complicated and nuanced and is getting more so with the rapidity of changes in almost all aspects of life. This is all the more so of the sections of people who have a much lesser say in governance issues, women being an important such section.

There has been much debate over what women have gained and what we have lost in the current phase of globalization that has lasted for a decade and a half now. This has been the concern of the women's movement as well of the labour movement nationally as well as internationally. More work needs to be done to tease out some of the issues that the labour movement and the women's movement have raised in the present context of violence of globalization and the globalization of violence.

The decade of the 1990s is said to have pushed more people into informal employment, especially in countries lacking extensive unemployment insurance systems. The ILO estimates that the number of unemployed grew by 20 million since the beginning of 2001 to reach about 180 million at the end of 2002. This increase was most severe among women, who tend to be in sectors that are particularly vulnerable to economic shocks.<sup>5</sup>

One of the few things that there seems to be agreement on is that there has been a much greater acceleration in processes of informalisation of work and the majority of workers in the informalised economy have been women all over the world. In some industries, areas and countries there seems to be a process of rapid shift from formalized work relationships to informalisation as well as casualisation. Women seem to have paid a very heavy price in this process. There have been a great many issues of serious concern both to the women's movement and to the labour movement.

A few of these have been:

1. Quantity of women's employment
2. Quality of women's employment, which includes the nature of women's employment as well as the conditions of women's employment – wages, security and other conditions
3. Unemployment
4. The issues around the working poor
5. Pauperization of people dependent on agriculture and allied activities due to unfair competition in global markets
6. Vulnerability of sections of women in terms of life and livelihood
7. Migration, trafficking and sex work
8. Increase in the service sector and of women in this sector
9. Displacement due to `development projects` and processes and their impact upon women workers
10. Impact of political, ethnic and other conflicts on women
11. The issues around the assertion of identity in the context of a globalized world
12. Curtailment in the social sector and its impact on women
13. Increase in women's unpaid labour
14. Privatization and control over natural resources and impact upon women
15. Withdrawal of Government and strengthening of State

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<sup>5</sup> ILO, Global Employment Trends – 2003, ILO, Geneva, 2003.

16. Tremendous increase in the power of multinational corporations
17. Increasing globalization of cultural practices through consumerism:
18. Organizational strategies and emergence of new alternatives.

It is not possible to go into all these aspects in this short paper. We will only look at a few aspects that impinge directly on the issue of domestic work, domestic workers and their organizing attempts. The aspects that we touch upon here are:

1. Quantity of women's employment
2. Quality of women's employment, which includes the nature of women's employment as well as the conditions of women's employment – wages, security and other conditions
3. Unemployment
4. The issues around the working poor
5. Increase in the service sector and of women in this sector
6. Vulnerability of sections of women in terms of life and livelihood
7. Migration, trafficking and sex work.
8. Organizational strategies and emergence of new alternatives

The issues raised in the context of women's employment especially in the present scenario are related to social, political and economic processes that have far reaching consequences. My own research and activism in the women's movement, labour movement and the left movement tells me that they relate not just to the economy and economic processes, but to the family that makes women's access to education, training, property and capital more difficult. They relate to the hard choices women make regarding their work, their concept of autonomy and their sexuality, which has implications in terms of how society views these.

In this paper I look at the situation of women workers in the present context. The present context is a combination of several situations. One is the obvious context of the globalized economy, polity and society. Secondly are tendencies that have exacerbated due to globalization, but those that have existed even prior to the current phase of globalized capitalism. Thirdly are the patriarchal and hierarchical tendencies in society that have kept sections of people, especially women disadvantaged and have taken on new garbs in the current context.

### **1. Quantity of women's employment:**

According to the World Employment Report, 2004 of the ILO, 'more women work today than ever before. In 2003, 1.1 billion of the world's 2.8 billion workers, or 40 per cent, were women, representing a worldwide increase of nearly 200 million women in employment in the past 10 years. However, women still face higher unemployment rates. They receive lower wages than men and represent 60 per cent of the world's 550 million working-poor.'<sup>6</sup>

By analyzing seven labour market indicators, the Global Employment Trends for Women 2004 finds that the explosive growth in the female workforce has not

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<sup>6</sup> ILO, World Employment Report, 2004, ILO, Geneva, 2004.

been accompanied by true socio-economic empowerment for women. Nor has it led to equal pay for equal work nor balanced other benefits keeping women unequal to men across nearly all occupations. In short, true equality in the world of work is still out of reach.

In the context of the Indian society and economy, these processes have been discerned as well. There is a great deal of research and a substantial body of material on women's employment and women's work and some of the latest trends. There are however several gray areas as well. Even in what seem very obvious areas of research and information, there are several debates.

According to information of factory returns, women's proportion of employment in the state of Maharashtra seems to have increased in the period of the 1990s from less than 10% to about 16% of total employment in factories submitting returns. The proportion of very young women workers, adolescent females, increased from 77% to over 85% of the total adolescent working in factories submitting returns.

According to the all India Census too, the proportion of women increased from 26% in 1981 to 28.56% in 1991 to 31.57% in 2001. The more detailed analysis of the 2001 in terms of main workers and marginal workers was not available. However, comparing the 1981 and 1991 data about marginal workers, it seems that while in 1981, women constituted more than 84% of marginal workers, in 1991, they had increased to over 90%. This seems to indicate a global trend of increasing numbers and proportion of women being marginal workers. In fact, women's proportion to the total workforce seems to have increased in almost all categories, some dramatically, some less so.

The research by Bishwanath Goldar for the ILO, titled, 'Trade liberalization and manufacturing employment: the case of India by, ILO 2002, Employment paper 2002/34' is based on Annual Survey of Industries (ASI) data. According to Goldar, 'ASI provides very little data on the distribution of employment by sex. The study covers the period up to 1995-96 and not the later period of the 1990s.'<sup>7</sup>

Goldar's study indicates that 'at the aggregate manufacturing level, the proportion of female workers was 14.2 per cent in 1989-90 and 11.5 per cent in 1995-96. Thus, the available figures indicate that in the post-economic-reforms period, there has been a fall in the proportion of women workers employed in organized manufacturing. Looking at the proportion of women in different industry groups, this increased in export-oriented industries from 9.9 per cent in 1989-90 to 13.2 percent in 1995-96. But in non-trading industries and in 'food, beverages and tobacco products' industries there was a fall (as also in import-competing industries). In the case of 'food, beverages and tobacco products'

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<sup>7</sup> Goldar, Bishwanath 'Trade liberalization and manufacturing employment: the case of India by', ILO 2002, Employment paper 2002/34



industries, the proportion of women employed fell from 33.7 per cent in 1989-90 to 25.6 per cent in 1995-96.<sup>8</sup>

According to Goldar's study, 'in a number of industries that employ a relatively large number of women, the proportion of women workers fell between 1989-90 and 1995-96. These include processing edible nuts, coffee curing, roasting and grinding, tobacco stemming and re-drying, manufacture of bidis, canning and preservation of fruits and vegetables, and their processing and canning and preservation of fish. The average ratio of women workers to all directly employed workers fell in these industries from 70 per cent in 1989-90 to 50 per cent in 1995-96.' The reason for 'the decline in women workers is not clear, but one possibility could be the introduction of more sophisticated techniques of production and processing.'<sup>9</sup> This has been an earlier critique by the women's movement that the more technical and technology-oriented work and jobs that are often less arduous and more forward-looking in terms of prospects are taken away from women and go to men. This also relates to the question of quality of women's employment.

Though the **unorganized manufacturing sector** accounts for about four-fifths of manufacturing employment in India, very little data is available on it. Goldar has made some rough estimates of employment in the unorganized manufacturing sector by using the results of 'employment and unemployment' surveys of the National Sample Survey Organization (NSSO), together with Annual Survey of Industries (ASI) data. The NSS survey results provide an estimate of employment for aggregate manufacturing, and by subtracting employment estimates for organized manufacturing, as given in ASI, the unorganized component may be derived.

Available data on growth rates of employment in organized, unorganized and total manufacturing in various sub-periods during 1973-74 to 1999-2000 shows that employment in the unorganized manufacturing sector grew rapidly during the 1970s and 1980s. However, the growth rate decreased significantly in the 1990s, while employment in organized manufacturing accelerated. The deceleration in employment growth in unorganized manufacturing brought down the growth rate of aggregate employment in manufacturing.

It was not possible to get the gender-disaggregated data with regard to the employment in the unorganized manufacturing sector. However, given the fact that employment in the unorganized manufacturing sector is much less secure and less paid, it is likely that there were a large number of women in the unorganized manufacturing sector, who may be home-based workers or vendors or domestic workers now. There seems to be a need for much more sensitive data on these aspects of employment and industry.

This is also the place to discuss the possible implications of processes like the Multi Fibre Agreement (MFA) phase out and its implications on women workers.

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<sup>8</sup> Goldar, 2002

<sup>9</sup> Goldar, 2002

It has been estimated that in countries like Bangladesh and Sri Lanka, the process has already begun of enormous job losses for entire sections of garment and allied workers, most of them women. For example, after quotas on brassieres disappeared, China's exports to the USA rose 232 per cent; after quotas on baby clothes vanished, China's exports surged 826 per cent while those from Bangladesh and the Philippines fell 18 and 17 per cent respectively.<sup>10</sup> The situation is very much fluid right now and needs to be monitored, as the processes unleashed implies basically a downward spiral to the bottom for both the quality and quantity of jobs to the mass of women that constitute the majority of young workers in large parts of Asia. This again relates to the question of quality of women worker's employment and life.

These are issues that relate to processes of globalization and the absorption of lack of it into the labour market. The less sections of women are integrated into these labour markets, the greater is their numbers in informal work segments like domestic work and other service sector work, depressing their conditions even further.

## **2. Quality of women's employment:**

This has been a long-standing concern of the women's movement. There have been innumerable studies over the last few decades indicating the different types of discriminations faced by women in work and employment. This relates to protracted processes of women constituting a labour force. This includes the lack of access to education and training as compared to men, the perception of the family, society, economy and employers towards women as workers.

There has been much debate on several of these issues. Elson and Pearson put it about 20 years ago: 'To a large extent, women do not do 'unskilled' jobs because they are the bearers of inferior labour; rather the jobs they do are 'unskilled' because women enter them already determined as inferior bearers of labour.'<sup>11</sup> Recent studies have also indicated that it is women's lack of access to 'education in general and technical education in particular that makes a woman less endowed and bars her entry into the industrial labour market.'<sup>12</sup>

India's labour force generally is said to be largely low skilled. In 1999-2000, more than 42 per cent of those in the labour force had no education at all, and an average labour force participant had only 3.9 years of education. The average skill level of the female labour force is much lower than that of the male labour force. Sixty-nine per cent of the female workers have no schooling and an

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<sup>10</sup> Jo Foo, Lora and Fortunato Bas, Nikki Asian Labour Update, issue 52, July-September 2004, Hong Kong.

<sup>11</sup> Elson, Diane and Pearson, Ruth, 'Third world manufacturing', in Waged Work—a reader, edited by Feminist Review, Virago, London, 1986.

<sup>12</sup> Chakravarty, Deepita, 'Expansion of markets and women workers: case study of garment manufacturing in India', Economic and Political Weekly, Mumbai, November 6-12, 2004.

average female worker has only 1.9 years of education; the comparable figures for male workers are 33 per cent and 4.6 years of education.<sup>13</sup>

The impact of the roles and responsibilities of the family on women's ability to perform in the labour market is an important issue that the women's movement has tried to grapple with. This includes what Kabeer terms as the issue of women's constrained utility maximization from her outside job.<sup>14</sup> This includes women being paid lesser wages than men, women's insecure job tenure, less access to jobs of greater responsibilities and control. This is all the more relevant in the context of globalized industry, where less skilled and routine jobs are less likely to proliferate as compared to more specialized and skilled jobs. One study indicates that while there has been an increased demand for unskilled or low-skilled labour, it has had little impact on its real wages because of excess supply conditions. On the other hand, the demand for skilled labour has continued to rise and has given a boost to the wages of this category of workers. In the Information and Communication Technology industry too, women constitute a bare 21 per cent of the employees and here it is mainly the educated and relatively better-off section that is employed.<sup>15</sup>

Women's employment conditions are worse than men's in several respects. The average quality of women's employment is worse than that of men. The share of regular employees in the total employed is much lower for women (9.2 per cent) than for men (18 per cent). On the other hand, the share of casual wage-labourers in total employed is much higher for women (42.5 per cent) than for men (31.1 per cent). Also, women's employment is much more concentrated in agriculture than men's – nearly 74 per cent of employed women work in agriculture compared to 54 per cent of employed men. Underemployment too is significantly higher for women in all sectors. Several research studies have pointed out the different ways in which the quality of women's employment is worse than that of men's.<sup>16</sup>

A few micro studies, mainly unpublished, have been attempted, again mainly by activists in the women's movement and the labour movement. A few of these were on the industrial estates that house some of the units that comprise the

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<sup>13</sup> Ghose, Ajit, 'The Employment Challenge in India', Economic and Political Weekly, Mumbai, November 27 – December 3, 2004.

<sup>14</sup> Kabeer, Naila, Bangladesh women workers and labour market decisions: the power to choose, Vistaar publications, New Delhi, 2001.

<sup>15</sup> Basant, Rakesh and Rani, Uma, 'Labour market deepening in India's IT: an exploratory analysis', Economic and Political Weekly, Mumbai, December 11, 2004.

<sup>16</sup> Ghose, Ajit, 'The Employment Challenge in India', Economic and Political Weekly, Mumbai, November 27 – December 3, 2004; Sundaram, K, Tendular, Suresh, 'The poor in Indian Labour Force, scenario in the 1990s', Economic and Political Weekly, Mumbai, November 27 – December 3, 2004.

unorganized manufacturing sector.<sup>17</sup> These studies reconfirm a great deal of research about women not even being paid the minimum wage, women in insecure and 'unskilled' jobs, women not being able to access even basic facilities like the Employees' State Insurance Scheme. Another observation that has been made that has important ramifications for women and for the women's movement is that the wage rates in the unorganized manufacturing sector are so low, especially for women, that there are serious implications on their autonomy. The wages are so low that they do not in reality contribute the entire costs of reproduction of labour power itself. This means that women working in the unorganized manufacturing sector have to be often 'subsidized' by the family. It is not possible for them to afford rent and crucial elements of independent living and have often to live at the mercy of the family and the community, often caste community and their dictates. Industrial employment and an independent income, the crucial hallmark of potential autonomy for women, does not seem to give that to them. Whom the women can talk to and associate with, what time they have to come home and where they may go and where they may not, is often decided by the father, mother or brothers. The choice of friendships and life partners is often not the woman's at all. The control of the family over the woman is almost total.

However, there is also evidence of how women seem to be relatively better off working in factories than in totally informal work. For example, in Bangladesh, female workers in the garment factories earned several times more than they did in the informal sector, and about three times as much as in the non-garment factories. In the Maquiladora industries of Mexico, which employ more than a million female workers, the average daily earning in 1998 was nearly three times as high as the minimum wage.<sup>18</sup> Several studies have shown that when women earn cash income, their status and bargaining power in the family improves. This is also said to change, albeit slightly the sexual division of labour in the household as well. In a quasi-experimental survey in Ecuador, it was found that the male heads of households spent 63 minutes on housework per day if their wives worked, mostly in the export flower industry. This was twice as much as the time spent by male heads of households if their wives worked, mostly in traditional type work. This was said to be the result of the 'bargaining effect'. However, women working in the flower industry continued to assume the primary responsibility for housework, spending five times as much time as married men did.<sup>19</sup>

At another level, the impact of a large number of garment women workers on the streets of Dhaka at all odd hours has had a wider social impact that has not even been acknowledged. It is almost the first time that women have inhabited public spaces during hours that were hitherto reserved for men.<sup>20</sup>

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<sup>17</sup> Workers' Solidarity Centre, 'Men and women workers in industrial estates in Mumbai', 1999, Mumbai.

<sup>18</sup> Swamy, Gurushri, 'International trade and women', Economic and Political Weekly, November 6 – 12, 2004.

<sup>19</sup> Swamy, 2004.

<sup>20</sup> Personal interviews

### **3. Unemployment**

The changes in the international economy have affected national and international labour markets. The most significant change is the increase in open unemployment rates across the world. By the turn of the century, unemployment rates in most industrial countries were higher than they had been at any time since the Great Depression of the 1930s. But even significantly, open unemployment was very high in developing countries, and has continued to grow thereafter.

This marks a change, because developing countries have typically had lower open unemployment rates simply because of the lack of social security and unemployment benefits in most such societies, which usually ensures that people undertake some economic activity, however low paying, and usually in the form of self employment. Therefore disguised unemployment or underemployment has generally been the more prevalent phenomenon in developing societies. The recent experience of high open unemployment rates therefore suggests that the problem of finding jobs has become so acute that it is now captured even in such data, and may also herald substantial social changes in the developing world.

According to Global Employment Trends, 2003 by the ILO, Latin America and the Caribbean was the area most affected by the 2001 global economic slowdown in terms of output growth. Unemployment increased in almost all of Latin America and the Caribbean between 2001 and 2002, bringing unemployment rate close to 10 per cent in 2002, despite fewer people joining the labour force. Youth unemployment went up to 16% in 2001, up from 12% in 1997. Nearly all the new jobs for young people were in the informal economy. Unemployment was more widespread among women in countries like Argentina, Colombia, Peru and Uruguay.<sup>21</sup>

In the Southeast Asian region, there seems to be some unevenness. Countries like Indonesia, Malaysia, the Philippines, Singapore and Thailand that depend heavily on trade, suffered from the global economic trends. However, countries like Cambodia, Lao PDR and Vietnam sustained relatively high growth rates.<sup>22</sup>

According to the World Employment Report, 2004-5, in recent years increasing global unemployment has hit young people the hardest and today's youth are faced with high levels of economic and social uncertainty. All too often, their full potential is not realized because they do not have access to productive and protected jobs.

Compared to adults, the youth of today are more than three times as likely to be unemployed. Yet open unemployment is but the tip of the iceberg. In both

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<sup>21</sup> ILO, Global Employment Trends – 2003, ILO, Geneva, 2003.

<sup>22</sup> ILO, Global Employment Trends, 2003.

industrialized and developing economies, young people are more likely to find themselves working longer hours under informal employment, intermittent (temporary, part-time, casual) work and insecure arrangements, which tend to be characterized by low productivity, low wages and limited labour protection. There can be no doubt that there is a link between youth unemployment and vulnerability; an inability to find a job creates a sense of exclusion and uselessness among youths and can heighten the attraction of engaging in illegal activities. In addition, an individual's previous unemployment experience has been proven to have implications for his future employment chances. There are over 88 million unemployed youth around the world, together comprising nearly half of the world's total unemployment. The problem is especially pronounced in developing regions, where young people are over 4 times more likely to find themselves unemployed when compared with older workers. Women still face higher unemployment rates, receive lower wages than men and represent 60 per cent of the world's 550 million working poor. Countries in fragile financial situations and those experiencing armed conflict and violence have also seen rising unemployment and poverty.<sup>23</sup>

There also seems to be a reciprocal relationship between rising unemployment and internal conflict within countries, including so-called ethnic or political conflict.

#### **4. Issues around the concept of the working poor:**

According to ILO's paper on Employment Analysis, Poverty, income and working poor, the concept of working poor in the developing world adds a new dimension to the study of labour markets: it integrates employment into poverty. In fact, the majority of the poor of working age are not idle, but work. However, their income from work is below the poverty line and they usually do not benefit from the other items that define decent work: social protection and representation rights or voice. Current estimates show that in developing countries in 1997 around 534 million persons can be considered working poor. Thus, in 1997 around 25% of the employed labour force in developing countries were working poor, the great majority of whom were living in low-income countries.

During the 1990s, the share of middle income countries in the working poor has declined from 12% to 5%, while that of low income countries like India has increased from 88 to 95%. The South Asian region is said to have the highest concentration of the working poor, with over 223 million workers belonging to poor households. In fact, India has the region's highest share of working poor in the labour force at over 45%, i.e., 185 million people.<sup>24</sup>

There has been a great deal of work on this aspect in the Indian context. The category of working poor in India is essentially composed of casual wage

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<sup>23</sup> ILO, World Employment Report, 2004, ILO, Geneva, 2004.

<sup>24</sup> Majid, Nomaan, 'The size of the working poor in developing countries', Employment sector, Employment strategy Department, May 2001, ILO, Geneva.

labourers and the self-employed.<sup>25</sup> This implies that security of employment and low asset-base creates a vicious cycle that leads to the perpetuation and persistence of the working poor.

It is a well-known fact that women constitute a disproportionately large proportion of the working poor population. One reason for this is their low level of access to different types of resources, including capital, education, technical and other training. Secondly, women's time and labour are historically the least valued by families, by society, by planners and by capital. These various factors have been challenged by the women's movement and there has been systematic analysis of the concepts of feminization of poverty and women being represented in large proportions in the category of the working poor.

The proposed National Rural Employment Guarantee Act, 2004 is seen as an important way to address some of these issues, including long-term measures to address the issues of the working poor and the creation of a skilled workforce of women, if planned with that perspective.<sup>26</sup>

##### **5. Vulnerability of sections of women in terms of life and livelihood:**

There seems to be very little data available on women belonging to different sections of what could broadly be called 'the minority' or 'the marginalized' in different senses or contexts. These comprise of women belonging to the so-called scheduled castes, the denotified tribes, Muslim women, women who are termed as belonging to the sexuality minority, like gays, lesbian women, transgender. There are a few observations and anecdotal evidences about the role of women from these sections in industry. While there has been some discussion on the 'backwardness' of certain practices within the community, what has not been discussed is the systematic exclusion that is practiced vis-à-vis especially the women from these communities.

There has been some data regarding discrimination against entire 'minority' communities. For example, some data compiled by Rafiq Zakaria from different reports show how in most categories of employment, the proportion of Muslims is in single digit figures, though they constitute about 12% of the population. The figures for women in these communities were not accessible. But experience indicates that they would be an absolute and relative miniscule proportion.<sup>27</sup>

Seema Kazi, in an article says, 'In a study of 39 districts in 1981 - where the population of Muslims ranged from 20 per cent to 95 per cent (which could be considered a fairly representative sample of the Muslims in India) - the literacy

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<sup>25</sup> Ghose, 2004

<sup>26</sup> Hirway, Indira, 'Providing Employment guarantee in India: some critical issues, Economic and Political Weekly, Mumbai, November 27 – December 3, 2004.

<sup>27</sup> Zakaria, Rafiq, 'Indian Muslims – where did they go wrong?' Popular Prakashan, Mumbai, 2004.

rate of Muslim women was found to be 21.91 per cent, which was lower than the average of 24.82 per cent for the whole country. Muslims' share in public employment in All-India and Central Services is less than 3 per cent. Within this picture of poor overall employment statistics, it is a predictable certainty that the corresponding figures for Muslim women are lower still'.<sup>28</sup>

Recently, there have been some discussions on the economic boycott that has been imposed in certain states against people of these communities. There has been extensive documentation of this boycott vis-à-vis the Muslim community in Gujarat.<sup>29</sup> Activists belonging to these communities have extensively documented instances and processes of this exclusion. Globalization opens up new possibilities in this arena as well. It provides wider avenues for organizing both for as well as against these trends. There needs to be much greater cognizance of these processes by both the labour movement and the women's movement. This is also because in the context of globalization, these sections have been systematically deprived of the skill levels needed for any engagement in the emerging labour market, while the earlier sources of livelihood of these sections of women have been seriously eroded. The widening digital divide is but one face of this systematic exclusion and needs to be addressed urgently.

In a 2001 paper by Smita Narula and Martin Macwan, 'according to government statistics, an estimated one million Dalits are manual scavengers (a majority of them women), who clear faeces from public and private latrines and dispose of dead animals; unofficial estimates are much higher.' They quote an activist from Andhra Pradesh, who reports that: Private cleaners receive Rs. 5 – 10 a month for each house they clean. They clean up to ten or fifteen houses per day, many of which have 6 or more family members. .... There are no health benefits, no gloves, no masks, no utensils. The majority is made up of women'.<sup>30</sup>

The situation of adivasi women and women belonging to denotified tribes is much worse, as has been described in several autobiographical books written by men of the denotified tribes.<sup>31</sup> Here, it is a question of both their primary entry into a recognized labour force as well as imaginative ways in which their late entry into the competitive world can be addressed.

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<sup>28</sup> Kazi, Seema, Muslim women in India, MRG publications, 'Muslim Women Situations and Rights' 29-31 August 1997, IMDUP, Lucknow, organized by Oxfam [India] Trust, Lucknow.

<sup>29</sup> International Initiatives for Justice – Gujarat, 'Threatened Existence', Mumbai, 2003.

<sup>30</sup> Narula, Smita and Macwan, Martin, 'Untouchability: the economic exclusion of Dalits in India', The International Council on Human Rights Policy in India, 2001, Geneva.

<sup>31</sup> Mane, Laxman, Upa; Gaikwad, Laxman, Uchalya (both in Marathi language).



This relates to the emergence of for example, a pattern in terms of what category of workers are involved in the worst types of employment and also in the informal economy. From the available data, it is clear that there are wider connections between the educational levels of workers and their employment status, also between the educational level of workers and their wage rates and poverty levels.

At the same time, the educational levels of workers are correlated with the opportunity levels of sections of workers, their class, caste, community and other determinants. These determinants are often considered to be social issues and not connected with so-called economic phenomenon like employment, wage levels, poverty etc. This view needs to be seriously challenged. It has increasingly become clearer that social oppression of entire communities or sections is deeply connected to their economic exclusion and marginalisation as well. This results in a vicious circle of deprivation, poverty, exclusion, that has social, economic, cultural and political dimensions in several ways.

Within the labour force at almost all levels, women earn significantly lower wages than men. On average a female regular employee earns 92 per cent of the wage earned by a male regular employee in rural areas and 89 per cent in urban areas. However, a female casual labourer earns, on an average, only 65 per cent of the wage earned by a male casual labourer in rural areas and 60 per cent in urban areas.

The wage gap between regular employees and casual labourers is very large. For a day's work, an average casual labourer earns only 32 per cent of what an average regular employee earns in rural areas and 34 per cent of that in urban areas. This wage gap, moreover, is much larger for women than for men. An average female casual labourer earns only 25 per cent of what an average female regular employee earns in both rural and urban areas; the corresponding figure for males is 35 per cent in rural areas and 37 per cent in urban areas.

Comprehensive data on sexuality minorities has not even begun to be compiled, as there has not been social recognition of these categories of women. Their issues are a challenge that needs to be addressed by the women's movement as well as by the labour movement.

## **6. Increase in the service sector and of women in this sector:**

Up until a few decades ago, large sections of the labour force as well as the GDP of most of the Asian countries comprised of agriculture. Gradually, the 1960s saw the emergence of manufacturing in Asia. However, the 1980s and especially the 1990s seems to be the beginning of the tertiarisation of Asian economies. Women have played an important role in the service sector. The service sector is in a sense a residual category and seems to include very diverse services and 'products' right from information technology based and computer related services to domestic work, care work and sex work, in some cases.

What the implications of this tertiarisation of the economy are and are likely to be is yet an issue of debate. In countries where women have been largely marginal to manufacturing like countries of South Asia, this may imply a boost to women's employment. However, tertiarisation of the economy has also gone side by side with de-unionisation of the work force and precarious employment in services is an important issue that the women's movement and the labour movement have to deal with.

The experience of unionists trying to organize workers including women workers in IT-enabled services has been that there is a lack of willingness to identify themselves as workers and to acknowledge the need for organizing, leave alone unionizing.

### **7. Migration, trafficking and sex work:**

This has been a very tricky issue. On the one hand, trafficking needs to be condemned unequivocally and has been so condemned by the women's movement globally. However, the agenda for condemning trafficking also often ends by criminalizing migration and migrants, driving them underground and making them all the more vulnerable. It is urgent to differentiate between the two and 'voluntary' migration needs to be protected and fought for. The globalization of capital, finance, commodities and markets has taken place unhindered. Globalization of labour is a right we need to fight for.

As the UN Special Rapporteur on violence against women puts it: 'The lack of rights afforded to women serves as a primary causative factor at the root of both women's migration and trafficking. The failure of the existing economic, political and social structures to provide equal and just opportunities for women to work has contributed to the feminisation of poverty, which has led to the feminisation of migration, as women leave their homes in search of viable economic options. Further, political instability, militarism, civil unrest, internal armed conflicts and natural disasters also exacerbate women's vulnerabilities and may result in an increase in trafficking'.<sup>32</sup> Case studies from different countries, especially Burma, indicate that in fact, restrictions on women traveling render them more vulnerable to traffickers.

A great deal of female migration – from rural to urban areas and from one country or region to another – is taking place, where women are getting into various aspects of the service industry. There is also a great deal of anecdotal evidence that indicates that women who have been retrenched from work are getting into the entertainment industry, often into sex work directly – either fulltime or part-time. Women who have been displaced from their livelihood sources in the villages are migrating to the cities or are being trafficked for

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<sup>32</sup> Coomaraswamy, Radhika, Economic and Social Council, Commission of Human Rights, Fifty-sixth session, agenda item 12(a) of the provisional agenda, 'Integration of the human rights of women and the gender perspective: Violence against women', Report of the Special Rapporteur on violence against women, its causes and consequences, 2000, UNHCR, Geneva.

domestic work. There has been anecdotal evidence also of increasing numbers of women domestic workers and construction workers working as part time sex workers. The women's movement needs to discuss the issues that propel increasing numbers of women into sex work globally and at the same time devise strategies to protect women's rights in their existing work.

Several of these issues are inter-related and need comprehensive strategies. Work that was hitherto unrecognized like domestic work, sex work and work in other service sectors seems to have increased nationally and globally with increasing globalization. The skills as well as the resources of tribal and underprivileged women have been rendered inadequate with the same processes. These represent the largest proportion of the working poor and the quantity and quality of their work is being threatened. There needs to be greater documentation of these phenomena as well as concerted organizing to deal with these and newer issues that keep cropping up with the increasing complexity of changes taking place in the economy and society at large.

## **8. Organizational strategies and emergence of new alternatives:**

It has increasingly been recognized that almost all new jobs are being created in the informal economy. The formal economy, its workers and their trade unions are under severe stress. Over the last 2 – 3 decades, and more so in the last decade new organizations are being attempted by women workers in the informal economy.

Trade unions of hitherto unorganized workers are being formed. Other types of organizations and combination of organizations and strategies have also been attempted. When organizations design strategies for workers in the informal economy, they do identify the challenges for and alliances of women workers in the informal economy in terms of institutions and other sections.

The last decade has seen the emergence of different sectoral level organization, networks and alliances. Alliances like Homenet, Streetnet, Kalayan, Sex workers' organizations have emerged at local, national, regional and international levels. Each of these alliances bear the distinct mark of the sectors they organize or cater to. Often, the initial initiative is taken by women's organizations, trade unions or NGOs, but the dynamism of the network or the organization has a very different momentum depending upon the type of work that the workers in that sector are involved in. It has been observed that there in the context of South Asia for example, there is a great deal of self-organizing among street vendors and in some regions among sex workers. However, in the case of sub-contracting home-based workers and to some extent domestic workers, the initiative remains outside the women workers themselves. This often relates to the confidence that work in that particular sector lends to women workers as individuals and as a collective, the relationship they have or build

with the arms of the state, with their clients or customers or employers and so on.<sup>33</sup>

This aspect is also relevant when we talk about alliances across sectors, when we are talking about a broad informal sector network or networks. Each sector and the women in that sector are likely to bring in this confidence or lack of it into organizing and networking and advocacy attempts.

There has been an awareness that, while there are over 1.1 billion women workers in the global economy, these processes of organizing have reached only a miniscule minority. Much more concentrated work needs to be put into these efforts. Some of these would need to draw from the existing efforts and analyzing and presenting these in a form that may reach larger sections of women. One aspect of these organizational strategies has been the attempt to visibilise sections of informal workers. This includes research, legislative visibility, social security coverage for these sections and grounded advocacy for these.

#### **Grounded Advocacy:**

At the level of getting new legislation at the level of the State, it is necessary to link up with other citizens at local levels. For example in case of hawkers we see a running battle between the local administration and collectives (formal or informal) of hawkers. Some groups have taken cudgels against hawkers for reasons of having clear pathways for motors and pedestrians. This demand also serves interests of the bigger sellers in the formal economy. The fact that hawkers serve a need especially of poorer buyers (citizens) remains unrecorded. The sections for whom the hawkers are useful mostly do not have a say in the process of 'opinion making' - they are not media savvy and are already bogged down in struggle to survive. It will be more helpful for ground level and State level of advocacy to link up with these sections of citizens-they themselves must be mostly informal economy workers.

#### **Social security and women workers:**

With regards to the demand for social security too, these differences and commonalities need to be looked at. Social security may mean some things to all women workers and yet some things may be differently perceived and needed. One example is that of Health and Safety.

What needs to be consciously built into this framework is the fact that the norm of **One woman – one occupation** may be a norm relevant to some extent in the formal economy, but is not so in the informal economy, especially for women.<sup>34</sup>

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<sup>33</sup> Gothoskar, Sujata, 'Women in the informal economy – strategies for change', paper presented at the Asian Institute of Technology, Bangkok, 2004.

<sup>34</sup> Gothoskar, Sujata, 'Women in the informal economy – strategies for change', paper presented at the Asian Institute of Technology, Bangkok, 2004.

Women at one level are involved in a whole lot of care work for no remuneration. That is true of women in the formal economy as well; though much more relevant and to a much larger extent to the women workers in the informal economy.

Increasing research, most of it micro level research and several public hearings of women workers in the informal economy have indicated that women workers in the informal economy cannot afford to work in one sector alone. Women construction workers, when there is not enough work, or are too ill to work as construction workers are often known to work as domestic workers or home-based workers. Home-based workers are increasingly taking to domestic work as part time work, when the market is down. Women in domestic work as well as construction workers are known to work as part time sex workers in many regions. Similarly, retrenched workers or sub-contract workers are also known to work as part-time sex workers in times of economic stress.<sup>35</sup> Agricultural workers in the Asian and African context have rarely been full-time, round-the-year agricultural workers, because there is no work for several months in the year.

There is also a trend at the global level of women in the Informal Economy broadly defined, organizing themselves into micro-credit and multi-purpose organizations. This section is a real challenge for women's organizations and trade unions as they are on an increase in terms of their numbers, their proportion as well as power, social, economic and political. Several studies have shown the pro-active role these women have played in their own communities. However, there are also attempts by the corporate sector, Governments and bodies like the World Bank to co-opt these organizational attempts and their energies.

This also means that the situation of women workers in the informal economy is much more fluid than what had been estimated or imagined. We need to factor in these aspects of women workers in the informal economy when we talk about legislation, health and safety, social security provisions and about strategies of organizing women workers in the informal economy.

### **Chapter 3**

## **SITUATION OF WOMEN DOMESTIC WORKERS IN INDIA**

### **Historical overview**

In India, in ancient times, domestic work was largely performed by serfs of landlords. These domestic workers were mostly from the so-called lower castes, the shudras. These were deprived of any means of production they could call

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<sup>35</sup> Svati Shah, forthcoming; Jagori, Notes of the pilot study on women and migration, 2003.

their own. They lived by and were supposed to live by the sweat of their brow. The Varna system ensured that they served those who were higher in caste as compared to their own status.

Later, as Indian society stratified by caste and class, it organized personal services including domestic help through the Jajmani system.<sup>36</sup> It was a common practice for royalty to buy domestic workers. The Peshwas for example, the erstwhile rulers of Maharashtra, who were eventually defeated by the British, bought Kunbi women to wash their clothes and do other household work.<sup>37</sup>

One description of the situation of domestic workers in ancient India goes as follows: 'They were served inferior food, subjected to corporal punishment and were thrown out when they were old and could work no longer'.<sup>38</sup>

The advent of industrialization and urbanization began to bring about changes in the economic, social and political structure of society. This also entailed changes in the lifestyles of people, including changes in the gender relations and roles. Women, especially of the upper castes and middle and upper classes began to get into education in a big way and also into outside employment. This however did not change the sexual division of labour within the home.

At the same time, emerged a section of people, including women, who had less and less access to any means of production or survival. These were largely people from the lower castes and also class. They had no access to education or training that could open the doors to the type of employment opportunities that were available especially in the post-colonial newly industrializing economy.

Thus the access to men and also to a small section of women of upper castes / class of educational and employment opportunities and the denial to men and especially women of lower castes / classes, creates an ideal situation whereby the women and some men from the lower castes / classes are available for work at the homes of the upper castes /classes. This is ideal also because then there is some postponement of addressing the entire question of the sexual division of labour at least in these homes.

After the constituting of the colonial state and structuring the education and employment situation as per its needs, began the processes of industrialization and urbanization. Close to these processes followed the Green Revolution. The hallmarks of the Green Revolution were new production techniques and the

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<sup>36</sup> Widge Anjali, 'Women in the informal sector', Indian Social Institute, 1990, New Delhi.

<sup>37</sup> Pawar Amarja, 'Organization of the unorganized', Manushi, March-April 1994, New Delhi.

<sup>38</sup> Indian Social Institute, 'The Tribal Domestic worker at the cross-roads – a search for alternatives', A Report on the status of tribal Delhi Domestic Working Women Programme for Women's Development, New Delhi.

quantum leap in agricultural production. This benefited only the owner-cultivators at the expense of the small farmers, sharecroppers, tenant farmers, the poor landless workers and women. The tenancy laws that were enacted freed the richer tenants, the Marathas in the case of Maharashtra, to become capitalist farmers. The poorer tenants were not able to fully exercise their rights. Combined with modern commercial agriculture, these changes progressively ruined the living conditions of the poorer sections dependent on agriculture, with a consequent loss in land rights.<sup>39</sup> These changes also resulted in increasing mechanization and a reduction in the need for agricultural workers. For example, a case study of Tamil domestic workers showed that the majority were agricultural workers. Low wages, recurrent droughts and accumulating debts drove them from their villages as work was available for only a few months a year. All the women domestic workers who had small holdings had sold or mortgaged them to pay for the train fare to Delhi.<sup>40</sup>

With the advent of market forces, traditional communities like adivasis and nomadic tribes have been alienated from their forests, lands and commons. The capitalist economy disrupts indigenous patterns of living, compelling migration. Tribal women, responsible for providing food, fuel, fodder and water are displaced and no longer have access to these natural resources. They are then forced to shift to urban centres where their lack of exposure to urban life and lack of access to skills and education force them into paid domestic work. Often they are preferred as domestic workers, as a contractor put it: 'They are docile and more dependable'.<sup>41</sup> In Patna, the majority of domestic workers are girls from the Santhal, Munda, Oreon and Khadia tribes.<sup>42</sup>

Besides gender, caste and class, language also plays a role in the demand for domestic workers from the weaker sections of society. For example, an employer in Delhi in the North, when interviewed about her preference for Tamil migrants from the South stated that: 'a Tamil domestic worker, with her limited vocabulary and lack of fluency in Hindi or English, is less likely to answer back or argue for long'.<sup>43</sup>

A significant proportion of this female work force comprises of single women. The low social and economic status of the occupation adversely affects their marital prospects. Women who return to their villages after working in cities as

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<sup>39</sup> D'Souza Alwyn, 'Society and Dominant Culture in the Context of the House Workers' Movement', House workers, Domestic Workers' Society, 1990 (D'souza, 1990).

<sup>40</sup> Rani and Kaur, 'For two meals a day', a report on Tamil Domestic maids, Manushi, No. 35, 1986, New Delhi.

<sup>41</sup> Sinha and Pande, 1975.

<sup>42</sup> Richard, V., 'Plight of Tribal Domestic Workers call for attention', The herald, November 12 – 18, 1993.

<sup>43</sup> Rani and Kaur, 1986.

domestic workers report that they are looked at with suspicion and marriage proposals are turned down.<sup>44</sup>

The 1980 CBCI survey found that Maharashtra had the highest number of single women – 76.9%, due to the high percentage (5%) of young (below 20 years) domestic workers in the workforce. The same trend was seen in some other states as well – Karnataka, Kerala and Andhra Pradesh. According to the survey, in Tamil Nadu 29.26% of domestic workers were widows, widowers, separated or divorced. This is partly due to the patriarchal structure of society that imposes serious restrictions on women's mobility and autonomy. This is especially true of young single women. Domestic work in private homes enables them to earn for supporting parents and siblings or save for a dowry in an occupation that is supposedly in controlled conditions.

Domestic labour is the only avenue of employment because unlike men, women do not have friends who can inform them of vacancies and vouch for them. Nor are they in a position to introduce other women to other professions. Nor do they have the knowledge or means to register at employment exchanges like male members of the family.<sup>45</sup>

Precisely because domestic workers are employed in the 'private sphere' of the household, and due to the fact that their work is deemed subservient, there is a resistance to recognizing the domestic work relationship and appropriately regulating it. The cumulative result is that these workers experience a degree of vulnerability that is almost unparalleled to that of most other workers.<sup>46</sup>

Interestingly, up until a few decades ago, domestic work in the urban areas used to be the domain of the male workers. In Maharashtra, they were called Ramagadi. Men were supposedly preferred, since they could work both inside and outside the house. They could also be utilized for accompanying the family members [usually young girls] to outside-the-house visits. Women's mobility was much more restricted then. However, the influence of city life and the opening of some avenues for men in formal employment, led to preference for non-domestic work by male workers. New employment avenues due to ongoing development activities also raised the level of wages being demanded by the male workers. Consequently, the preference for female workers who were not only more submissive, but were also willing to work at lower wages. The male counter part [either husband or father or brother] did not object to payment of lower wages since it was seen as additional income and more decent than working at the construction site. The increase in cases of crimes also went against male domestic workers. A national survey of the city of Mumbai show

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<sup>44</sup> Thomas Gracious, 'Status of female Domestic workers', Social Welfare, May 1992.

<sup>45</sup> Rani and Kaur, 1986.

<sup>46</sup> Blackett, Adelle, 'Making domestic workers visible: the case for specific regulation', International Labour Office, 1998, Geneva.



that in Mumbai almost 90 percent of the domestic workers are female. In the case of Delhi the share of female workers is currently at 54 percent.<sup>47</sup>

### **Statistical profile:**

There does not seem to be any reliable data on the extent and situation of domestic workers in India. According to the 1991 census, as per the NIC-87 classification, there were 5.76 lakh women enumerated as engaged in the domestic services industry, making up 58% of the total workers employed in this sector. The National Classification of Occupations (NCO – 1968) puts the number of female domestic servants at 4.6 lakhs for 1991 as against 4.4 lakh as per the 1981 census. The proportion of women has increased from 55.76% of the total persons employed in this category in 1981 to 65.8% in 1991.<sup>48</sup> The absence of any comparable data from the 2001 census makes it difficult to ascertain the changes in the last decade, which also coincides with the period when zero employment growth of the Indian economy had already set in. According to later figures, in 2001, there are 12,48,473 domestic workers in India and constitute 1.48 per cent of the workforce.<sup>49</sup> According to the Pune Shahar Molkarin Sanghatana, there are about 6,00,000 domestic workers in Maharashtra and about 60,000 in the city of Pune.

### **Types of Domestic Workers:**

**Full-Time:** The full time domestic worker may either be living with the employer in his/her dwelling or may be there for the day and returning to his/her house after the days work, usually of 10 hours. Under both cases the domestic worker is asked to undertake multiple jobs, both inside and outside the house. Those staying with the employer are considered to be on call for 24 hours a day. Only in rare cases are the family members of domestic worker allowed to live-in.

**Part-Time:** The part-time domestic workers are engaged for either specific jobs or are employed for multiple jobs for specific time. Such domestic workers have more than two household employers at a time. Normally after completing the morning shift they return to their houses to take care of their own domestic affairs. Thereafter they return to work for the evening shift. Meals are not part of the deal but could be offered at times.

**Single or multi Functions:** The domestic worker could be engaged for a single job, e.g. cooking, house cleaning, dish washing, attending to babies / old persons, etc. Part-time domestic workers are usually single function workers while the full-time are multiple functions workers.

More often than not, though the part-time as well as single / multiple function domestic workers may not work full time with one employer, their work day is such that in terms of the time and their effort, they actually work full-time.

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<sup>47</sup> Sinha, Pravin 'Employed by all recognised by none', InfoChange, 2004.

<sup>48</sup> Majumdar and Swaminathan, 2003.

<sup>49</sup> Sinha, 2004.

**Child labour:**

An important invisible aspect of domestic workforce is child labour. The CBCI survey revealed that overall one-sixth of workers was children, with Karnataka having the highest percentage – 30.48%. In Mangalore alone, 43% of male domestics were boys below 15 years. The 1997 Government of Maharashtra survey estimated that 10% of the domestic workers in Maharashtra comprised of children.<sup>50</sup> A 1994 survey of 200 domestics in Anna Nagar in Chennai found little girls doing the work.<sup>51</sup> Another study revealed that in Delhi, a 10-year-old girl begins domestic work independently and by the age of fourteen is working in at least 4 homes.<sup>52</sup> The age of a child makes her / him completely dependent on the employer as they also lack support structures outside the workplace as they are often surrendered by parents to agents and employers, for whom they offer obedient, uncomplaining service. In return, they are subject to abuse and harassment and denied wages on the specious claim that they have been 'adopted' by the employer concerned.

**Socio-economic status of domestic workers:**

According to the survey by the Catholic Bishops' Conference of India (CBCI), 57.83% of the domestic workers surveyed 'chose' to become domestic workers due to poverty and most of them were from 'backward' communities, tribal villages or scheduled caste communities, who have been traditionally cast into a role of subordination and inferiority in the given situation of caste, class and gender hierarchies. A recent study in Pune of 128 employers of domestic workers indicated that of the domestic workers employed not a single one was from the upper caste, while the majority were from Other Backward Castes.<sup>53</sup>

A Human Rights Trust's interviews with 295 workers in Delhi revealed that the vast majority were tribal women from the Jharkhand region in Bihar and the remaining were migrants from West Bengal, Uttar Pradesh, Tamil Nadu, Madhya Pradesh, Orissa and Nepal, who had left their villages in search of paid work.<sup>54</sup> In Indore, Madhya Pradesh, 98% of the 200 domestic workers surveyed belonged to the backward castes.<sup>55</sup>

**Education:**

The background of deprivation and their generally low position in terms of caste and class means that domestic workers are illiterate or semi-literate. In poorer

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<sup>50</sup> Government of Maharashtra (GOM), 'Domestic workers: Problems and Recommendations – A Report', 1998, Mumbai.

<sup>51</sup> Mrunalini, FX, 'The contemporary status of Domestic workers' House Workers, Domestic Workers' Society, 1990.

<sup>52</sup> Widge, 1990.

<sup>53</sup> Phadke, Sandhya, 'Survey of relationships between employers and domestic workers – from the point of view of employers', Krantijyoti Savitribai Phule Women's Studies Centre, Pune University, Pune, 2005.

<sup>54</sup> Ahuja TS and Markose KJ, 'The plight of domestic workers in Delhi', Legal News and Views, press release.

<sup>55</sup> Thomas, 1992.

families, where resources are scarce, girls are less likely to be educated. It has been the general experience that even where there has been some marginal literacy, the domestic workers tend to regress into illiteracy due to lack of opportunities to keep up the levels of already gained literacy.

A survey by the Pune Molkarin Sanghatana of female domestic workers in the prosperous localities of Pune found that most of them above the age of 30 were illiterate. A handful of the, who had studied up to class three were out of touch with reading and writing and hence illiterate for all practical purposes.<sup>56</sup>

In 1996, the Sanghatana again surveyed the situation of the women domestic workers in Pune. According to this survey, 54.36% of the women were illiterate. This means that there has been some improvement over the earlier years. The women in the younger age-group are the most literate, while those above 25 are less so.

Ninety-two per cent of the 200 Indore domestic workers were illiterate primarily because being from the backward castes, their access to education was restricted. Migration from rural to urban centres deny access to children of families due to unfamiliarity with the medium of instruction and inherent prejudice of the system. For example, one of the domestic workers in Delhi stated that her son had refused to go to school because of the hostility of the teachers and classmates.<sup>57</sup>

### **Reasons for taking up domestic work:**

**Economic Reasons:** Poverty has been cited as one of the primary reasons for domestic workers to enter the labour market. This is even truer of women. The poor economic condition of the family is often exacerbated by chronic or contingent reasons – unemployed adult members, alcoholic father or brother, sickness, death of earning member etc. Since the income of the family insufficient to meet its basic needs, other members of family enter the labour market to supplement the family income. Consequently, one finds that most of the domestic workers are female members of casual factory workers, rickshaw-pullers, street vendors, drives, gardeners, mechanics, lower class employees of the government, etc. In an environment of increasing cost of living, they find their stagnant income grossly insufficient to pay for even most essential needs of the family.

**Single Earner Family:** Many of the domestic workers come from single earner family. They are often the main and only bread earner of their family. Widows, the divorcees, deserted women constitute a large section of domestic workers.

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<sup>56</sup> Pawar, 1994.

<sup>57</sup> Rani and Kaur, 1986.

**Safe Work Environment:** The domestic is perceived to be one of the relatively safest work environment for a woman. This is often not true. In most of the families the male members leave the house in the morning for work and return late in the evening. Thus it is women who are in the house for a major part of the day. The work too is said to be less hazardous and strenuous as compared to the other options available – loading and unloading, construction site work, etc.

**Non-marketable skills:** Almost all the workers entering the domestic work labour market have not had the opportunity to train themselves or educate themselves or possess any skill other than the ones they were doing while staying in their houses. The household work thus is an area where women find they can handle. It is also an area where women may feel more confident of, having the capacity to improve her skills, as it is something she knows and is familiar with.

**Flexible working hours:** Domestic work is relatively more flexibility in terms of working hours. This enables the worker to remain in control of her own household responsibilities. It also enables her to meet the basic education and other needs of her children as also social responsibilities of her own family, as that is an area that is her responsibility alone.

**Conditions of work: Issues at the workplace:**

Some of the issues that the domestic workers face in the course of their work are as follows:

**Extreme insecurity of employment:** She may be asked to leave work at any time without any prior notice. Often, when domestic workers fall ill are facing some crisis and cannot go to work for a few days, that is the time, they are informed that they no longer have their jobs. This is the precise time they need their work and the wages very badly.

**Insecure existence:** Their work, their place of residence, proof of either work or place of residence is often all connected and that makes their very existence precarious and insecure.

**Sexual harassment or vulnerability:** It is often said that domestic work is safe work. It can and has turned the exact opposite of that for many women, especially young girls. The workspace of the domestic worker is somebody's home. It is in his / her total control and free whim to do what he / she wants. There have been several instances when women and young girls have been beaten up, raped and even murdered.

**Abuse:** The abuse of domestic workers is wide-ranging. It varies from denial of dignity, as the Pune and other domestic workers have articulated, to beating to taunting, caste abuse, accusing of theft and so on. This has often taken very serious proportions, especially when the domestic workers are socially vulnerable too, as in the case of migrants of young or single women.

**Very low wages:** By and large, the wages of domestic workers are far below minimum wages. There is a tendency to not increase wage levels for years together. Inflation eats into the wages of the women, effectively reducing her real wages. Most of the studies point out that domestic workers live below the poverty line.

**Cuts in wages:** Arbitrary cuts in wages for leave taken and even when employers are out of town and there is no work for the domestic workers are some of the reported complaints. For the part timers this is also a big issue.

**Deceits in wage calculation:** “They did not pay me last month and claimed that they have paid,” said Sally. As a rule, there are no records for the work done or the remuneration given to informal economy workers at least in most countries of Asia. In the calculations of advances taken and wage cuts in lieu of advance, deceit is commonly reported. In case of migrant domestic workers, deceit by agents who arrange work in other countries is also reported.

**Heavy workloads:** Domestic work is looked at as something that comes naturally for women and more domestic work seems to be no problem for the giver. Several buckets of clothes to wash, often quite unnecessary, are a common complaint. ‘They just love to make us work hard, real hard’, says one domestic worker.

**Increasing workloads:** There is also the tendency to continuously increase the workloads of domestic workers. When the informal agreement takes place, one set of work tasks is agreed upon and as time goes by, the employers continue to ply new tasks on the women domestic workers. Extracting maximum work seems to be a universal employer instinct!

**Long hours of work:** For full-time domestic workers, who live at the employers’ home, there seems to be no limit to working hours. They are often on 24-hour duty. If there are unexpected guests in the middle of the night, if the employer is coming home late or is used to late-nights, the domestic worker has to be on call till late. And the day begins as usual, early, as there are often others who need her services in the morning as well. For half-time domestic workers, the wage rates are so low, that they have to work in several houses to make both ends meet. Either way long working hours is a common problem faced by domestic workers.

**No leave:** The leave that the Pune domestic workers were able to get was after several years of struggle and after resorting to the dreaded weapon of strike. Otherwise leave is something that the best of employers grudgingly give domestic workers. Paid leave is an even tough proposition.

**No holidays:** This is one work where even national holidays cannot be enjoyed. In fact, during festival season, when the rest of the world enjoys themselves, domestic workers have more work to do – helping with the cleaning and swabbing, special cleaning etc.

**Occupational health problems:** The Encyclopedia of Occupational Safety and Health by the ILO (1987)<sup>58</sup> has the following to say about occupational health problems and accidents of domestic workers: “The following sketch of problems of accidents in domestic work is drawn from data from hospital records and detoxication centers, mortality statistics and report from safety councils, public health departments, police and fire departments, insurance companies and general practitioners. “The types of work leading to domestic-work-accidents are: Manual and mechanical tasks, indoor and outdoor duties, taking care of persons, goods, household linen, furniture and other things, cleaning of premises and utensils, kitchen work and commuting in out door duties.” Seventy five percent of all fatal domestic accidents are caused by falls, fire and poisoning. The Table of the health problems faced by domestic workers is in the Appendix.

**Occupational diseases:** Skin diseases, particularly eczema, are reported among cleaning women. Rheumatic complaints due to repeated immersion of hands in water or working in hot work areas, tenosynovitis such as housemaid’s knee; lumbago, backaches are relatively common. There is a possibility of infection from affected employers or their family members and visitors.<sup>59</sup>

**Improper and irregular time for lunch and dinner:** Intake of food for the domestic worker is often possible only after the employer’s lunch and / or dinner has leisurely finished. This is a common problem faced by stay-in domestic servants.

**No sickness benefits:** These health problems have to be dealt with by the domestic workers on their own as there are no medical or sickness benefits. This results in domestic workers paying a large part of their wages on health related expenses or alternatively they tend to totally neglect their ailments, often resulting in major illness or even early onset of old age or even death.

**No retirement benefits:** domestic workers have to continue to work till as late as they can manage. The wages are so low that savings are just not possible. And there is no provision for any benefits that they can access once they can no longer work.

**Sandwiched between authorities:** In almost all the houses there are more than one centres of power, be it husband and wife, or one male against other or daughter-in-law and mother-in-law or between sisters-in-law, etc. The brunt of these power relationships is often borne by the domestic workers as not only is she regarded as a channel of communication, but is also a media to express anger against the other member (s) of the family. The push and pull power game makes the job of the domestic worker difficult and delicate.

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<sup>58</sup> ILO, Encyclopaedia of Occupational Health and Safety, (pages 29, 30 and 661), 1983, Geneva.

<sup>59</sup> Athavale, Ranjana, ‘Women Domestic Workers’ Committee for Asian Women, 2004.

**Contradictory relationships with some employers:** As almost all domestic workers come from a caste and class where their peers – relatives, friends and colleagues – also share the same or similar vulnerability, there are often no back-up mechanisms or structures when they are in crisis. When there is an emergency like an illness or a sudden death, there is only the employer she can borrow from, if she does not want to land up in the clutches of the exploitative moneylender. So despite the tension in terms of the work relationship between the employer and the domestic worker, there is also a relationship of dependence at different levels. This often complicates the simple model of the employer-employee relationship that is often assumed to exist between the domestic workers and their employers.

**Impact of increasing use of machines and gadgets:** This often has different impacts for different domestic workers in different situations. In some cases, domestic workers lose their jobs because new machines like washing machines or vacuum cleaners are brought into the households where they used to work. In some cases, women domestic workers have to learn to wield these machines and take extra care that they are not damaged. This is often said to be a big burden to the women domestic workers. According to one domestic worker: ‘These days houses have plastic emulsion paint on their walls. So the employers make us wash and wipe walls almost every second day. You have no idea how our hands and shoulders pain after washing and wiping these walls.’

**Lack of recognition as workers in the legal and administrative framework:** This denies domestic workers even basic rights, like approaching courts for their grievances. No labour laws apply to this category of workers, as we shall deal with in detail a little later in this section itself.

**Vulnerability of domestic workers:**

To sum up the above discussion, domestic workers are one of the most vulnerable sections of women workers in most countries. This vulnerability is related to several factors, all of which contribute to further increase their precarious position at work and in society. It is necessary to examine the different strands of vulnerability in order to strategize more effectively. The domestic workers comprise mainly women workers and form a section that:

- a. Works in the house of their employers and face the entire household of the employer all alone and all at once;
- b. Has no other marketable skills;
- c. Has no social recognition for the skills they possess;
- d. Has a rather competitive relationship with other domestic workers;
- e. Often has a contradictory relationship with employer;
- f. The employer may be the only source of support and more importantly cheap access to credit, at no or low rates of interest and at any time;
- g. Often has no respect for the work or the profession itself and that is likely to reflect all the more on the level of confidence;
- h. Is open to sexual assault, due to the site of the work;
- i. Is open to charges of theft, also due to the site of the work;

- j. Is socially vulnerable, also in the sense that the State machinery and society in general tend towards not believing her as opposed to her employer.

### **Domestic workers and the law:**

The need for granting legal protection to domestic workers was felt as early as in 1959 when a bill entitled the Domestic Workers (Condition of Services) Bill was introduced but it is yet to take the shape of an Act. The domestic workers have no legal status in the eyes of the law. They do not come under the purview of the Industrial Dispute Act nor are eligible for securing benefits under the Maternity benefits Act, the Workmen Compensation Act, the Equal Remuneration Act. They are not covered even by the Minimum Wage Act as domestic work is not a schedule employment. As such the employers are not bound by any minimum requirements for employing a domestic worker. Consequently, there is no fixed timing nor is there any fixed rate of wages. It differs with time and geographical location.

A judgment by Supreme Court delivered on September 30, 2002 has declared that the domestic workers are not "workmen". The immediate ramification of this judgment is that a domestic worker cannot approach a Labour Court to seek justice against excesses of his/her employer.<sup>60</sup>

In fact, domestic workers do not fall within the purview of the following legislations:

- The Factories Act, 1948
- The Workmen's Compensation Act, 1936
- Weekly Holiday Act, 1942
- Minimum Wages Act, 1948
- Maternity Benefits Act, 1961
- Personal Injury Compensation Act, 1963
- Gratuity Act, 1978

Child domestic workers are excluded from:

- The Child Labour (Prohibition and Regulation) Act, 1986

The most recent proposed legislation on Health and Safety explicitly excludes domestic workers and only domestic workers from the new legislative provision.

### **Globalization and domestic work:**

By and large, however, the present situation as well as the future of domestic work and workers is linked to such related processes of globalization and the globalization of technology – washing machines, automated kitchens, food

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<sup>60</sup> Sinha, 2004.



processors, more availability of ready-made food, different types of utensils and soaps and detergents used. Some of these new changes are likely to reduce the demand for domestic workers. Some of these changes are likely to demand a different skill-set of domestic workers.

Even demographic changes like greater proportion of aging population would mean a change in the extent and type of domestic workers that may be needed.

Then there is also the pressure to keep time and be punctual. Mere working is no longer enough. The work has to be of a certain quality, standard and time-management is an important aspect of it.

Together with these changes, are changes in the employment scenario. As employment opportunities for this section of women are reduced elsewhere, due to closure of factories or demand for a different type of skill-set, the supply into the domestic worker labour market is likely to increase, further affecting the condition of the labour market and the conditions in those.

Similarly, the demand for domestic workers will fluctuate at the global level too. Immigration legislation is an important aspect of this labour-market. However, the demand for domestic workers nationally and globally will be there for a long time to come, so long as there is international migration of better-off families as well as migration – international and national of poorer people, and so long as the wage rates in developed countries remain higher than those in less developed ones.

## Chapter 4

### Organizations working with Domestic Workers – a brief sketch

Attempts at organizing domestic workers have been going on for several decades now. There were several types of organizations who were involved in these attempts. Given the fact that domestic workers are objectively extremely vulnerable, work in isolation and are almost completely unorganized, various organizations have tried to evolve methods of catering to their needs in different ways. Discussing these organizations and their activities may not be a very systematic exercise, as there are in deed a great many ups and downs and that all the organizations as well as other efforts at campaigns and networking have gone through. Neat categorization may need some more time and effort than was possible for this paper. Here we will try and discuss some efforts and describe as many organizations we could get information about. This is but a smattering, and does not claim to be exhaustive in any sense.

The main types of organizing efforts involve:

- Forming trade unions
- Providing services
- Running employment schemes
- Attempts at legislative provisions and rights
- Combining some of the above functions

#### **Church-related organizations:**

One of the oldest and an important type of effort in helping domestic workers has been attempted by Church-related organizations. The Church seems to have taken a keen interest in the issues that relate to domestic workers. This also relates to their concern of working with the most downtrodden sections of society, people who have much less voice and representation than most other sections.

In the Indian context, the Church has worked with dalits (the so-called lower castes and erstwhile untouchables) and adivasis (indigenous people). In Indian society, where caste and class are by and large synonymous and where the most downtrodden sections are the lower caste and lower class, domestic workers have been found to belong precisely to these sections. One of the early surveys of domestic workers was conducted by the Catholic Bishops' Conference of India

in the year 1980. There have been several studies and surveys since then, most of them at local or state levels.

In Tamil Nadu, the southern state of India, there are various Catholic organizations facilitating social action programs involving domestic workers. The Commission for labour at the Catholic Centre Madras is one such group engaged in active work. The Commission has brought out a Code of Conduct for employers and domestic workers. The Commission has also organized National level Consultation on Domestic workers in 1981 at Delhi. Besides these social action programs, there are some centres that conduct rehabilitation / training programs for women domestic workers.

The Salvation Community Centre at Mumbai offers tailoring and other vocational courses besides having formal education programs for women domestic workers. Voluntary agencies like the Guild of Service and Shanti Bhavan at Madras give special training to women domestic workers and also help them with suitable placement offers so that they are not exploited by the employer.

The Church-related efforts have mainly been in the area of provision of services and running employment schemes. Provision of services also includes imparting skill-training and helping women to branch off into other forms of livelihood options if they so need. In Madras, the Housemaids Service Home teaches basic skills to women domestic workers and finds employment for them.<sup>61</sup>

In Delhi, the Delhi Domestic Working Women's Forum, based in the Indian Social Institute, was set up in 1991 and works as an employment agency, among other things. Domestic workers themselves run the Forum and screen prospective employers before placing domestic workers with them. According to the document Verbatim (1995) brought out by the Centre for Development and Women's Studies, Madras, 'The Forum's terms of employment could easily beat those of some of the top-notch corporate houses.' These include:

- annual medical check-ups at the expense of the employer;
- it is preferred that salaries are deposited in bank accounts, which are checked every month to make sure that if the domestic workers work for more than eight hours a day they are paid overtime.<sup>62</sup>

The Forum also tells the women domestic workers what their rights are and what kinds of legal action they can take in case of harassment by employers. The Forum is also trying to tie up with agencies across the country to start some kind of national network.<sup>63</sup> The Forum often joins hands with women's groups all over the city to protest against atrocities committed against women, such as harassment for dowry, rape and sexual harassment.

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<sup>61</sup> Centre for Development and Women's Studies (CDaWS), 'Domestic workers', Verbatim, No. 16, April – May 1995, Madras.

<sup>62</sup> Verbatim, No. 16, April – May 1995, Madras.

<sup>63</sup> Centre for Development and Women's Studies, 1995.

In Calcutta, Helpful Hands is an organization that runs an agency for domestic workers. This agency gets domestic workers verified by the police and arranges for employment in areas that suit the domestic workers.<sup>64</sup>

### **Other NGOs**

There are a few organizations that do not necessarily have links with the Church. One such is Annapurna in Pune. This is an organization that acts like a bureau and a link between employers and domestic workers. They have a code of conduct that is explained to both sections and the organization oversees the implementation of it.

### **Trade unions**

National level trade unions, also called central trade unions have organized domestic workers for several decades now. The Bharatiya Majdoor Sangh, affiliated to the national right wing party, the Bharatiya Janata Party, has been active in the south Bombay area and has a fairly large following. The Hind Majdoor Sabha, also a central trade union, has been organizing domestic workers. The Communist Party affiliated unions and their women's wings are also active and have formed unions in small and large towns like in Kolhapur and Pune city and around.

The Pune Molkarin Sanghatana is one of the most well known organization and has been active since the year 1980. We will discuss the work of this trade union in detail a little later in this paper.

In Nagpur, northern Maharashtra, efforts were made in 1981 to organize domestic workers. The organization was called 'Molkarin Sanghatana'. The women got together and organized rallies. Joint letters were sent to their employers demanding higher wages. Such efforts did work with some of the employers.

### **Bangalore Gruha Karnikara Sangh**

A different trajectory from the above has been taken by the Bangalore Gruha Karnikara Sangh (BGKS). This has been a novel organizational effort and needs to be taken into account when discussing domestic workers' organizing. There are several unique aspects to this organization, an important one being that the trade union was formed by a women's organization.

The BGKS is a union of domestic women workers in the city of Bangalore in Karnataka State. The initiative for organizing the BGKS came from the Women Voice, an NGO active on women issues. The idea of forming a trade union of domestic workers came up during interactions with slum dwellers by the activists of Women Voice. During such meetings it was realized that majority of women living in slums are working as domestic workers. As domestic workers they are faced with problems such as low social status, low wages, no legal status as

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<sup>64</sup> Centre for Development and Women's Studies, 1995.

domestic workers, long working hours, no holidays, harassment at the hands of employers, the police, etc. It was with a view to protect and promote the interests of such workers that the Women Voice decided to organize women domestic workers. The objective was to help domestic workers in securing their rights as workers as also to protect them from undue harassment at the hands of police and employers.

Thus came into being the Bangalore Gruha Karmikara Sangha – Bangalore Domestic Workers’ Union- and was registered under the Karnataka State Trade Union Act in 1986. The union issues an identity card to each member and provides opportunities to frequently articulate their grievances. The union acts as a pressure group to access from the welfare programs of the government, and helps the women to assert their rights in public meetings, etc. In cases of harassment by the police, union members accompany the women to the police station and help in negotiating the release.

The BGKS, with a view to strengthen its voice at the state and national levels, has secured the membership of the National Centre of Labour (NCL) – an apex body of the organizations active among the informal workers. The BGKS functions through its area specific committees, which meet at least once in a month to take stock of actions taken. The activities of the BGKS could be classified under:

- Awareness building and educational activities;
- Union activities addressing the specific issues of the domestic workers;
- Mobilizing social and developmental programmes;
- Networking and alliance building

To meet the challenge of hostile work environment, members are made aware of legal provisions as also of the existence of various administrative channels to seek redress. Once a week, the BGKS organizes grievance Cell to receive complaints from the members and assist them in legal support and fact finding. In addition, it has taken steps to educate the community by addressing issues pertaining to atrocities, caste and communal violence, sexual harassment, etc.

Networking with similar institutions with a view to strengthening the bargaining capacity of the domestic workers and other poorer sections of society is another area where BGKS is active. Being part of NCL, it has been able to mobilize the support of the vast section sections of Unorganized Sections to its struggle and campaigns. At the national level, BGKS is also part of the National Alliance of Working Women and National Dalit Working Women’s Federation. The BGKS has also developed working relationship with organizations working for construction workers, fish workers, forestry workers, migrant workers, etc.

The union submitted its first ‘Charter of Demand’ to the State Government demanding fixing of minimum wages, bonus and gratuity for domestic workers; registration of domestic workers, setting up of a welfare board, and extension of

ESI and maternity benefits. As a reaction to this, the Karnataka State Police Commissioner issued orders asking all the domestic worker to get themselves registered with the concerned Police Stations giving their name, address and a copy of their recent photograph. According to the State Police, the registration was undertaken with a view to checking the increasing cases of thefts. The BGKS, declaring the order to be derogative, organized several protest meetings in various parts of the city. The order had to be ultimately withdrawn by the government.

The BGKS organized a national convention of domestic workers in September 1987 in Bangalore. The aim was to draw the attention of the concerned authority on the issue of exclusion of domestic workers from the provision of the Minimum Wages Act. The national convention adopted the following recommendations:

- i. Constitution of a regulatory or tripartite body consisting of the government, representatives of employers and employees to work out rules and regulations pertaining to domestic workers and employers such as rights and duties, responsibilities, terms and conditions, minimum wages, etc.
- ii. Government should fund the tripartite body and extend employee benefits that are not possible for middle class employers to pay;
- iii. Part-time domestic workers should be included as workers and minimum wages should be worked out on an hourly basis.

All these efforts bore fruit in the year 1992, when domestic work was included in the schedule of the Minimum Wages Act in the state of Karnataka. However, in less than a year, the government altered its decision and withdrew domestic workers from the schedule of the Minimum Wages Act. Nevertheless, the struggle for inclusion of the domestic workers in the schedule on the Minimum Wages is continuing. In the year 1997 the BGKS submitted another Charter of Demand asking for re-inclusion of domestic workers in the schedule of the Minimum Wages Act, constitution of a bipartite welfare board for the domestic workers, setting of a social security welfare fund and adopting the policy for exemplary punishments to erring employers/police. The BGKS also submitted a detailed memorandum to the 2<sup>nd</sup> National Commission of Labour during a public hearing on 27<sup>th</sup> November 2000 at Bangalore. BGKS reiterated the demand for need-based minimum wages and suggested hourly wage-rate of Rs. 15 per hour, since most of the domestic workers are part-time workers.

According to the BGKS, domestic workers are faced with one of the most difficult environment. In an atmosphere of neglect by the State administration, the employers are free to exploit the situation. The worst affected are the young and female workers who run the risk of being sexually exploited as well. In this background, the success of the BGKS has to be viewed from two angles, i.e. organizational activities focusing on workers' rights; and programmes aimed at members' empowerment. In the course of over fifteen years of its existence the BGKS has been endeavouring to involve members in housing activities in order

to inculcate the spirit of citizenship. Building alliances and networking has helped to reinforce the collective bargaining capacity and the feeling of solidarity. At the policy making level BGKS has secured representation in the state commission for Women as also on the State Minimum Wage Board.<sup>65</sup>

A somewhat similar example of a women's organization taking the lead in organizing domestic workers has been that of All India Democratic Women's Association (AIDWA). The Pune Zillah Ghar Kamgar Sanghatana has been active in the city of Pune since March 2004. This organization has been affiliated to All India Democratic Women's Association, an all-India women's organization that has been organizing domestic workers for the last 6 –7 years in several states of the country.

The Working Women's Forum in several states of the south of India is another example of an NGO that is large and powerful and has taken up the issue of organizing domestic workers in a multi-faceted approach.

The Women's Trade Union in the city of Madras is a relatively new entrant into the field and its members comprise women domestic workers, construction workers and quarry workers. This is a vibrant union with a very strong pro-women element built into it right from its inception.

### **Legal efforts by domestic workers' organizations**

A bill recognizing domestic workers as workers was introduced in the Indian Parliament on 21<sup>st</sup> August 1959. The bill was entitled 'Domestic Workers (Conditions of Service) Bill' and it was allowed to lapse. The All India Domestic workers' Union, Delhi, had in the same year made representation to the Prime Minister of India demanding protection for domestic workers under the Payment of Wages Act and the Minimum Wages Act.

Another Bill introduced in 1972 also remained on paper. The next step was 'The House Worker (Conditions of Service) Bill, 1989, which also did not become an Act. The Bill had severe drawbacks as well. It did not take into account benefits, class factors and gender justice. The omissions included:

- the absence of compensation for domestic workers in the case of illness / accident or death;
- that employers were vested with authority of giving information about workers they employed;
- there was no clarity about how, when and how much wages were to be paid;
- there was no clarity about the access to accommodation in case of full-time domestic workers;
- men outnumbered women on the advisory board;

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<sup>65</sup> Sinha, 2004.

- no section in the Bill dealt specifically with problems faced by female domestic workers and children such as sexual abuse.

Despite repeated incidents of abuse of various types coming to public notice, a legislation ensuring legal protection to domestic workers has been scuttled for several decades.

In the year 1994, several trade unions and NGOs in Maharashtra came together to campaign for and demand legislative protection for domestic workers. The organizations that were part of this campaign comprised a wide range. Some were trade unions with a left orientation, some with a right-wing orientation, some were church-based groups and some were voluntary funded organizations. Some of these include the Pune Molkarin Sanghatana, YUVA, SETU, which is a project of Nirmala Niketan College of Social Work, Bombay Houseworkers' Solidarity, National Domestic Workers' Movement, the Gharelu Kamgar Sangh, etc.

The foci of these organizations have also been different and also their strategies and hence successes. To give some examples, one organization that is active in the campaign is a project of the College of Social Work. This is a multi-purpose project that works with children, gives training to domestic workers, gives them social and literacy skills as well as takes up their union-related issues. Another is a church based organization that also acts like an intermediary between the workers and the employers. This organization also does the work of placing women who need the work in homes that need domestic workers. They have a religious mass every week and employers find it difficult to refuse when their domestic workers want to go to a religious ceremony. As one woman domestic worker put it: 'if we had said we wanted to go to a meeting, we would not be allowed. The time is often used for sharing what we are experiencing and sharing our complaints and solutions'. Several organizations deliberately assume a non-union shape while partially undertaking trade union activities. Some organizations feel that it is important to take on a non-threatening and neutral role due to the situation of extreme vulnerability of this section of women. There are also conscious attempts to involve the community and the family of the workers so that that area of resistance can be taken care of collectively or organizationally rather than the workers having to deal with such issues as individuals. The organizers and leaders of organizations often have discussions with household members of domestic worker activists and explain to them the functions and purpose of the organization. This has always had a positive impact on the support that activists and domestic workers are able to get from the family and the community.

In response to the efforts of these unions and NGOs working with domestic workers, the Labour Minister of the state of Maharashtra appointed a Committee to investigate the conditions of domestic workers and enact suitable legislation. Unfortunately, this process did not go any further or yield anything substantial.



In 1998, following a Government Report on the problems faced by domestic workers that also included some suggestions, in the year 2000, a code of conduct for employers was issued by the State Government of Maharashtra.

The 5-point code provided for:

- 15 days' paid leave;
- weekly off or a day's extra pay;
- travel allowance
- a month's salary as Diwali bonus
- enhancement of wages with immediate effect.

The code emerged from a 1997 survey of 3000 domestic workers and focus interviews of 260 workers in Mumbai, Thane and Dombivali districts. The Report talked about the similarity between agricultural labourers and domestic workers, both of whom must do the entire household work, with the former doing the same as an adjunct to working in the fields. Neither of these sections enjoys legislative protection. Both have demanded through their organizations to be included in the Minimum Wages legislation. The Report concluded with a call for bringing these two categories of unorganized workers under at least the Minimum Wages Act or to appoint a Board as in the case of the Mathadi and Hamal workers (head-loaders, people carrying loads for business-people, merchants etc), the scope of which may initially cover Mumbai that has the largest number of domestic workers or that a legislation be enacted covering them along with agricultural workers, washer people, medical shop attendants, workers in sheds and nursing homes.

As a model of legislation for domestic workers, a few NGOs proposed a Bill:

- that accords protection to domestic workers as workers under the law,
- that covers all disputes relating to them,
- that improves their conditions of work,
- guarantees them social security and
- gives them recourse to the legal mechanisms.

A brief description of the organizations working on this campaign for legislation for domestic workers is given here:

**Domestic Workers' Movement (DWM):** has been responding to the issues and concerns of domestic workers since 1985 in several parts of the country. The organization works at different levels:

- with workers themselves: it seeks to educate workers about their rights;
- with the general public: it seeks to increase awareness of the concerns of domestic workers;
- with the government and other official bodies: it lobbies for protection and other benefits for these workers.

**SETU:** SETU means a bridge. This is a project started by the Nirmala Niketan, a graduate and post-graduate college of social work. This organization has worked

since the 1980s with women as well as young boys who work as domestic workers. The work involves skill training, confidence building, legal literacy, networking with other organizations working with domestic workers and campaigning for legislative protection for domestic workers. The head of the organization is a church-related person.

**Khar-Danda Welfare Centre:** is also run by nuns. The Centre has a childcare centre, educational classes for domestic worker girls and daughters of domestic workers. The Centre has also been involved in helping domestic workers who come to the Centre in individual negotiations with their employers, when an issue demands an intervention.

**Youth for Unity and Voluntary Action (YUVA):** YUVA is a voluntary organization working for the upliftment of the oppressed and the marginalized in urban and rural areas. Besides direct intervention to help people improve their immediate conditions, YUVA works towards long-term sustainable change through research, policy interventions and advocacy initiatives. It has lobbied with other concerned groups on a Bill on Housing Rights, an Anti-Ragging Bill and a Bill for the enforcement of free and compulsory education for all children. In collaboration with Human Rights Law Network, Mumbai, YUVA has published a booklet on the scope of Public Interest Litigation. YUVA is accredited as an NGO with general consultative status with the United Nations Economic and Social Council (ECOSOC). YUVA worked with about 150 domestic workers in the suburbs of Mumbai. A group of 40 women were mobilized into Ekta Ghar Kamgar Sanghatana, with the aim of organizing them into a trade union that would create, promote, protect and restore the rights of domestic workers.

**The Gharelu Kamgar Sangh (GKS):** This is a union of domestic workers and is affiliated to the Bharatiya Majdoor Sangh, a trade union wing of Bharatiya Janata Party, a right-wing party in the country. The GKS was formed in 1971. When it was formed, the membership was mostly male full-time workers. Since then, however, the male workforce in domestic work declined and women came to predominate the domestic worker labour market. The GKS revised its objectives in 1983. They were outlined as follows: legislative protection, better working conditions, wage increases, benefits and strict action against cases of sexual harassment of women domestic workers. The GKS together with other unions periodically demonstrated to demand legislative action for GKS to be considered a union and other demands. The efforts of the GKS also centred around attempting to resolve disputes between members and their employees.

A great deal of more work is needed to look more closely at attempts at organizing domestic workers. Some of the efforts in other countries are even more sketchily given below:

Some of the note-worthy attempts have been:

- a. The Union of Women Domestic Employees, Recife, **Brazil**
- b. Unions and Domestic workers in **Mexico city** – since 1920s:
  1. Female Union of Domestic Workers of the Port of Vera Cruz;

2. Red Female Union of Domestic Servants and Related Workers of Ahuey de Angostura;
  3. More recently: National Association of Domestic Workers, Mexico – in 1948; 1,00,000 membership, 30,000 of whom are active members
  4. A kind of hostel for workers in 1956
  5. Domestic Servants' Centre
  6. Young Catholic Workers
  7. Collective for Solidarity Action with Domestic Workers (CASED) – 1979 – feminist group;
  8. Christian Union of Young Domestic Workers – in 1986
  9. ATABAL Collective – formed in 1986 – organization of professional women which serves domestic workers – feminist political purpose
  10. 'La Esperanza'
- c. The **Namibia** Domestic and Allied Workers' Union
  - d. Asian Domestic Workers' Union (ADWU) in **Hong Kong** formed in 1988 and has 1,700 members.
  - e. The **Hong Kong Domestic Workers General Union** was formed in Hong Kong in the year 2001. Three district groups have been in existence for almost 2 years now. The membership in the middle of 2001 was 680. This union is closely connected to the HKCTU, Hong Kong, which is an independent trade union federation.
  - f. **Korean co-operative of women domestic workers.** This has been initiated by the Korean Women Workers Associations United. This is a very new attempt, since April 2004. It would be very useful to learn from the experiences of this co-operative.
  - g. There are trade unions and associations for domestic workers in 12 Latin America and Caribbean countries and in 1988 they joined together to form the Latin American and Caribbean Domestic Workers' Confederation.

Issues for organizing domestic workers in several parts of the world have been:

1. Union issues;
2. Issues relating to the formation of co-operatives;
3. Vocational training;
4. Social activities;
5. Employment exchanges;
6. Telephone support services;
7. A place to congregate on off days
8. Crèche;
9. Legal advice
10. General advice;
11. Support in disputes with employer
12. Support in familial disputes;
13. Formations of credit and savings groups

The main forms of organizing have been:

- Trade unions
- Co-operatives
- Employment placement services
- Training and education
- Provision of legal services
- Other support services
- Several combinations of these functions

With this background, we will now look in greater detail at the work, activities, strategies and lessons of the dynamic organization in Pune, Maharashtra, India – the Pune Molkarin Sanghatana.

## **Chapter 5**

### **Pune Shahar Molkarin Sanghatana, (Pune City Domestic Workers' Organization)**

#### **Background and activities – some glimpses**

Maharashtra is an industrially advanced state in India, with a high degree of urbanization. Pune is the second largest city in the state and also a well-developed industrial city with engineering and automobile industries dominating the scene. It is also a centre well known for its educational and cultural institutions. It is also a major trading center. With its strong infrastructure and proximity to Mumbai, Pune has recently emerged as a major information technology center. This boom has brought with it a new wave of migration, as both professional and cheap labor is needed. Owners of major industries, wholesale traders, builders, big lawyers and advocates, and contractors and other professionals like medical fraternity, architects, top bureaucrats, etc. constitute the elite sections of the city.

The middle class consists of those engaged in white-collar employment in the government, as well as public and private sector and in the educational field. There has been an increase over the years of educated women occupying jobs in

these industries and services. These two sections are the chief employers of domestic workers in the city. This has led to a rise in the number of domestic workers in this area.

Besides, in cities like Pune, there has been, in the last decade or so an increase in the incidence of young men and women migrating to other cities and countries. Elderly parents of these young people are left behind and cannot cope on their own without full-time or at least part-time help for doing all types of domestic chores and running errands as well as specific care work.

Another factor is that new employment opportunities for women even in factories and offices often involves much longer working hours than in the earlier period. Long working hours at the workplace, increased responsibility at the workplace for the employers of domestic workers implies much less time and energy available for household work. The sexual division of labour at home has not undergone the sort of change that one had hoped for. Hence cheaply available domestic workers are a must in such households.

At the other end of the spectrum, these same development processes give rise to increased joblessness, increased migration, displacement of entire households, communities and villages. Due to lack of job opportunities in villages and also due to frequent droughts in some parts of the state, a large number of people from the rural areas have migrated to Pune and are now settled in the city, mostly occupying the slum areas of the city. This trend of migration to the city is a continuous one. All these processes also increase the number and proportion of women coming into informal employment situations like domestic work. The increased supply of domestic workers with a relative shrinking of demand for it has adverse implications for the wages of and working conditions under which domestic workers work in cities like Pune.

Although there is no exact information about the number of domestic workers in Pune city, their number is estimated to be in the region of 60,000. The population of Pune City is 35 lakhs (3.5 million) as per the 2001 census. Out of the 60,000 domestic workers in Pune, about 45,000 work in the main city of Pune and about 15,000 in the suburbs of the city.<sup>66</sup>

### **Underestimating numbers**

The Maharashtra Government estimates the number of domestic workers in the state as 6 lakhs (600,000). However, the system of domestic workers exists not only in the cities but also in the towns, semi-urban centres, and homes of the rural rich and rural upper middle-class. If this is taken into account, their number would be much more, an estimated 10 lakhs (1 million).

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<sup>66</sup> Thatte M., 'Pune Shahar Molkarin Sanghatana', paper presented at domestic workers' meeting organized by Committee for Asian Women at Hong Kong, October 2004.

According to industrial law, the definition of “worker” does not include domestic workers, and hence they do not enjoy even simple rights and benefits like minimum wages, bonus, gratuity, weekly day off, maternity leave, or other worker-related benefits.

## **The Domestic Workers Movement in Pune**

### **Establishment of the organization**

In 1980, in one of the main roads of the city, called Karve Road, the services of a long-time worker, Khandarebai, were terminated by her employer. The reason given was she did not report for duties due to illness and some domestic problems. Khandarebai was very upset. Says Padmatai Sutar, Vice-President of the Molkarin Sanghatana and herself also a domestic worker: ‘It occurred to Khandarebai that she could get all the domestic workers who worked on that road together and discuss the issue. There was a spontaneous gathering of workers.’ The action of Khandarebai’s employer had infuriated the other domestic workers in the area. Her experience echoed theirs as well. First, they confronted the woman domestic worker who had replaced Khandarebai. The women were so upset, that they almost roughed up the woman. They thought of her first as a scab, who was benefiting from the miseries of her fellow-worker. They also confronted the employer of Khandarebai. Then they went on a spontaneous strike against the dismissal. Lack of any improvement in wages even when inflation was raging had already raised their tempers and the above incident added fuel to the fire. ‘This was the beginning of our organization,’ says Padmatai. After striking work, the workers moved aimlessly, not knowing what to do. In this situation, activists who were part of the left-oriented trade union and women’s organizations helped them to get organized into a team and then into a trade union. Experienced activists like Ms. Leela Bhosale, Mr. B.J. Kerkar and Ms. Medha Thatte were the leaders who guided the angry and agitated women domestic workers into forming themselves over the years into a well-knit organization. They also helped them formulate their demands and relate to the wider movement.

Gradually, as the news about the strike spread through newspapers, the domestic workers went on strike en mass in other areas of the city and joined the movement. The average monthly wages in 1980 were as low as 5-10 Rupees with no increase whatsoever for years, even though prices of essential commodities were rising by leaps and bounds.

Thus was born the Pune Shahar Molkarin Sanghatana, or the Pune City Domestic Workers' Organization out of the spontaneous strike of the women domestic workers in Pune in February 1980.

Organizing was a new experience for most of the domestic workers. Activists of different organizations, left-oriented trade unions and women’s organizations participated with vigour in this process of organizing. In the initial phases of the strike and organizing, women domestic workers would have meetings every day. Often 500 – 600 women came for the meetings. At first, the domestic workers

felt shy and scared to speak in the meetings. With some encouragement from the activists however, the women began to gradually speak out. They spoke at length about the problems they were facing – heavy workloads, very low and stagnant wages, increase in price rise, problems they faced in their own homes, etc. In some of the meetings, the women used to cry when others were speaking. They recognized their own issues when others were narrating theirs

**These meetings were a training ground for the domestic workers. For most, this was the first time they had been able to voice their anguish and their aspirations.**

Gradually, the Pune Shahar Molkarin Sanghatana, or the Pune City Domestic Workers' Organization, raised demands such as immediate and substantial raise in pay, weekly off, one months' pay as bonus at the time of the Deepawali Festival, no wage cut if women reported sick, no harassment etc. These demands received good publicity in the local press. Also marches were organized highlighting these demands. This movement successfully secured a measure of wage increase (30-40%) to the domestic workers, and the demand for one month's pay as bonus once a year was realized in most cases. A lot of labor was put in to see that the message reached various parts of the city.<sup>67</sup>

According to Indu Bane, another active worker, 'Though we have only a small active core group and there is sometimes a lull in our activity, our organization has had a very positive impact. Our wages have been raised almost everywhere. Our wages are rarely cut for occasionally remaining absent. We receive a yearly bonus and paid holidays. Our employers think twice before scolding us or dismissing us. If any worker brings a complaint to the organization, we take the issue seriously and even demonstrate before the employers' house if the issue cannot be peacefully resolved.'

Formerly the employers used to give a small utensil or a piece of cloth for a blouse as a bonus, if at all. However, it all changed after the strike and an annual bonus equivalent to one month's pay is by and large given to almost all domestic workers during the Deepawali Festival.

### **The Message of Strike Spreads**

In subsequent years there were strikes of domestic workers in various parts of the city. Strikes took place in 1980, 1984, 1985, 1986, 1989, 1991, 1992, 1993, 1994, 1995, and 1996, not in the entire city at one time, but in different corners and parts of the city, as and when issues cropped up. A great deal of progress could be secured due to these collective actions, as women domestic workers were able to negotiate their wages and conditions and terms of work. Rate cards delineating different rates for different types of work were agreed upon with employers. Implementation of these rates was a challenge that the Sanghatana took up. Paid weekly off was an important right that they tried to get an

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<sup>67</sup> Thatte, 2004.

agreement on. Most domestic workers in Pune are able to take at least 2 holidays per month, if not 4.

In addition, the organization led marches to the District Collectorate, met ministers of the government, and finally led a number of marches to the State Assembly in Mumbai, demanding legislation to grant minimum wages, bonus, leave, pension, etc., as there is no piece of labour legislation in the State or the country that is applicable to domestic workers, including the basic minimum wage legislation.

As a result of these activities, the Maharashtra State Government had to appoint a study group to consider the demands. The Pune Shahar Molkarin Sanghatana was represented in this study group. However, despite formulation and announcement of a number of schemes, nothing concrete emerged.

The Pune Shahar Molkarin Sanghatana therefore joined hands with a large organization of unorganized workers known as “Angamehanati Kasthakari Sangharsha Smiti!” (Struggle Committee of manual workers) led by Dr. Baba Adhav and now have been involved in campaigning and movements on a massive scale at the state as well as at the national level.<sup>68</sup>

Earlier, the Pune Shahar Molkarin Sanghatana had also come together on a joint platform of various organizations of domestic workers in Maharashtra and prepared and presented a model bill to the Government of Maharashtra State to enact it into legislation. That process continues.

### **Own initiative**

As the government approach was not helpful, the Sanghatana decided to enforce wage revision and other benefits such as weekly off, annual bonus, gratuity on retirement, etc. Through organizational pressure they were successful in enforcing some of these demands in some parts of the city.

For this, the Sanghatana published a rate card laying down minimum wages for various items of work such as cleaning utensils, sweeping the floor, washing laundry, etc., depending on the number of family members and the square footage of the area to be swept. These rates are revised every four years.

The latest rate card (July 2004) lays down the following rates of wages by item:

<b>Type of work</b>	<b>Pay per month</b>
1. Washing clothes and cleaning utensils	Rs. 125 / for each person
2. Sweeping each room	Rs. 75
3. Cooking meals for 4 people, once a	Rs. 1000

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<sup>68</sup> Bhosle, A, Thatte, M, Kerkar, BJ, Manohar, M, Shramik Mahila Sangharshateel Ladhvayya Molkarani (Militant Women Domestic Workers in the Struggle of Toiling Women) (in Marathi), Shramik Mahila Morcha, 1999, Pune.



day	
4. Chapatis of ½ kg flour	Rs. 400 per month
5. Visiting guests	Extra pay for extra work
6. Extra work like cleaning toilets, washbasins, cleaning vegetables etc	Rs. 200/- per month
7. Extra cleaning or work required such as festivals	Extra pay
8. Bonus at Deepawali	1 month pay a year
9. Weekly-off	4 holidays per month
10. Holidays	20 per year
11. No pay-cut if	Extra leave for 8 – 15 days; domestic worker responsible for giving a replacement

In a recent study on the attitude of employers towards domestic workers in Pune, it was found that 92% of the employers who were interviewed paid their domestic workers one-month pay as bonus. A few of these paid even more. This indicates that though there has not been any legislative or judicial intervention, the pressure of the Sanghatana and the resolve of the domestic workers in Pune to implement what they are convinced is their rightful due has made the payment of bonus a reality in the city of Pune.<sup>69</sup>

Similarly, the same study indicates that in the case of 62% of the employers, their domestic workers get at least 2 days paid leave per month. Over 94% of the employers do not cut wages when the domestic worker takes leave. This indicates a recognition on the part of the employers of some of the rights of the domestic workers.<sup>70</sup>

The Sanghatana tries to enforce these new rates through persuasion, through marches in the area, through newspaper publicity and the like in the absence of legislative support, for which there is an ongoing nation-wide agitation. A big march in New Delhi before the Indian Parliament is planned to demand such legislation. This action will be on behalf of the entire unorganized class of workers in India and it is expected that at least 5 lakhs (500,000) people will be mobilized for the march.

Kusumtai Bhonsle: “I’ve been working as a domestic workers since I was a young girl. Since I was 7 years old, I used to work in brick-kilns. I was married off when I was 13 years old. I used to work for 4 months in the brick-kilns and the rest of the year as a domestic worker. When the first demonstration was organized,. The domestic workers who were my neighbours asked me to join. I asked my employer whether it was ok for me to join the demonstration. She

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<sup>69</sup> Phadke, 2005.

<sup>70</sup> Phadke, 2005.

said: 'You may go, so long as you come to work on time.' Then my photograph was printed in the newspapers, when they covered the demonstration. One of my employers, who was a doctor, showed me the photograph and said: 'See. You have become famous.' In those days I did not know anything about demonstrations, about wage-increases etc. I did not know what these people meant when they said: 'Extra money for extra work'. But gradually I got more and more involved and became an activist. Now all of us activists work as domestic workers from morning to afternoon and then after 4 pm we all work for the Sanghatana."

An important achievement of the Sanghatana has been the manner in which it has been able to take up the issue of Gratuity and push for it individually and collectively. In the year 2004 alone over 40 women who no longer wanted to work with their employers for different reasons, including wanting to retire, were able to get gratuity ranging from Rs. 2,200/- to 10,000/-. In the same year, 59 domestic workers came to the Morcha office with specific complaints against employers. These included: non-payment of wages, false charges of theft, harassment of different types, etc.

#### **The Government evades the issue**

The earlier central government, led by a National Democratic Alliance (led by the right-wing party, the Bharatiya Janata Party) had appointed a National Commission on Labour under the chairmanship of Mr. Ravindra Varma. After thorough deliberations with various organizations of the unorganized workers, the Commission made recommendations for umbrella legislation for the unorganized workers. Later, a bill was drafted for the said legislation and it was also reportedly approved by the central cabinet but was never brought before the Parliament to give it the status of a law. The said bill had provided for employment guarantee and its regulation, social security like life insurance, accident and disability insurance, and also medical insurance besides pension. However, the whole effort was scuttled. Though there are lacunae in the existing draft of the Bill and trade unions have made suggestions for its improvement, there seems to be no move to put it forward.

In stead, the newly elected government at the centre in New Delhi has again promised a legislation for the unorganized workers and has once again referred the matter to a new Commission under chairmanship of Dr. Arjun Sengupta. The trade unions are demanding that enough groundwork has been done by the earlier commission and hence the new commission should quickly submit its report to the government, to avoid undue delay.

Again, the Sanghatana has been urging the government of Maharashtra to at least apply the provision of the Hamal-Mathadi Act, 1969, which has conferred important rights and benefits on the head-load workers in Maharashtra. However, here also the same dilatory tactics are visible and only course left to trade unions and organizations of the unorganized workers to intensify their agitation.

In the meantime, as a result of the policies of globalization, privatisation, and liberalization, as the ranks of the unemployed grow they are forced into the unorganized sector to eke out a living.

### **Adverse impact of these economic policies**

The other devastating impact on the lives of these unorganized workers came in the form of virtual demolition of the public distribution system, huge increases in water supply and electricity charges and a rise in cost of health care and education. As a result these sections are in dire straits. “Remove the subsidies given to the poor and extend the subsidy to the rich” is the mantra of the policies of globalization, privatisation, and liberalization. Besides, the awful practice of contract labour has spread like wildfire. All this has adversely affected the lives of domestic workers, eroding their already low standards of living.

This situation has been worsened according to the domestic workers, because more and more women are trying to get into the labour-market. Says Kusumtai Bhonsle, ‘Even girls who have done 8 –9 years of schooling are into domestic work these days. Most of our daughters are educated, but there are no jobs. So they get into this work. But employers are not increasing in number. That depresses our conditions even further.’

According to a recent study, some employers have noted that there are increasing incidence of young separated domestic workers resorting to prostitution to earn more money. There is not a straight acknowledgement of this situation yet, but the situation seems grim.<sup>71</sup> ‘Organizing ourselves in a strong Sanghatana can be the only solution’, says Kusumtai with resolve.

### **Other Achievements of the Movement**

#### **Survival and vibrancy**

The survival and vibrancy of the domestic workers organization itself is a very major achievement. Organizing unorganized workers and sustaining their organization is no small feat. And this is what has been achieved. There have been a great deal of ups and downs in the movement. However, one of the reasons for the relatively few ebbs in the movement has been the novel strategies adopted by the Sanghatana. It is important to remember that the Sanghatana is not an NGO, with paid full-time workers. It is an entirely membership based organization, with all the resources coming from the domestic workers alone. These include human resources, commitment, time, money and so on. The membership of the Sanghatana is over 3,000 and its reach is between 15 – 20,000 people. The membership fee of the Sanghatana is Rs. 10/- per year.

The novel strategies of the Sanghatana are outlined in the next section. Here we give just a brief note on two of them, as they need to be chronologically documented as well.

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<sup>71</sup> Phadke, 2005.

### **Establishment of Shramik Mahila Morcha (Toiling Women's Front)**

The Sanghatana has been of the firm view that it is only the toiling sections of women who can carry the true message of women's liberation. The domestic workers, whose life is one of ceaseless toil, both at work and at home, with home life made even more difficult by drunken husbands, have been in the forefront of the struggle for women's liberation.

It is through their participation that the Sanghatana has been able to run a women's counseling centre in Pune, which has so far handled over 15,000 cases of family strife including those of dowry, discords of various types in the families, wife-beating, divorce, etc. Only in the year 2004, 549 women approached the counseling centre for different issues affecting them as women. These included harassment from neighbours, family members or even boyfriends, divorce cases, cases for alimony, dowry issues, child custody etc. The centre also has a few lawyers helping the Sanghatana in civil, criminal, and family courts.

In addition, the activists from this organization have attended many educative seminars and workshops, attended women's conventions, and conferences in various parts of the country.

This strategy is important, as while workplace issues may be pressing at times, they may not be so all the time. However, when the organization looks after other issues that relate to the other aspects of their lives, the organization has different rationale for different times and often they can be mutually reinforcing. This was what seems to have happened in the case of the Pune Shahar Molkarin Sanghatana.

### **Fight against Slumlords**

Similarly, housing is an important issue and one in which there can be a great deal of exploitation from the landlord or the local mafia and slumlord. Back in the early seventies, the domestic workers gave a glorious and successful struggle against the power of the slumlords of Pandava-nagar Locality. Once a dirty slum area of Pune, these women workers have succeeded in defeating the slumlords when their men folks were trembling with fear before the criminal mafia.

According to Padmatai Sutar, 'One of the activists who was also a domestic worker was Laxmibai Dhone. She told me: 'I am not interested in wage increases right now. I want to live in peace. I want to deal with the hooligans in the place where I live. Can you and your organization help in that?' We discussed this in the Sanghatana. And decided to take up the challenge. We also realized that women in the area were not prepared to leave their homes, except to go to work. They were not prepared to be active. We realized there was some problem. The leaders of the Sanghatana acquired detailed information from Charity Commissioner. The land belonged to a Trust and was now in the custody of the Government. The hooligans had merely built on this land and were extracting rent from helpless and poor people, who were mostly domestic workers. These so-called landlords has not provided any electricity or water or toilets to the people. There were no improvements in the last 30 – 40 years.

There were 750 – 800 houses in the area. These hooligans used to brew liquor and the raw materials for the liquor they would forcibly keep with the people. If people resisted, the hooligans would beat up such people. When we began to organize, the hooligans used to threaten us with life. Yet the Sanghatana organized meetings in our area itself. Women in the area decided that we would keep the men away from this organizing, as the hooligans wanted to pick up a fight with men. Our rule was `no man will talk. This is a woman's job.' One of the male activists was also stabbed by these hooligans, though he survived. If there was any problem, we would call all the women out and we would move around in groups and not alone. Ultimately, we decided to stop giving rent to the hooligans. Some of us were arrested. But on the basis of the strength of our organization, we were able to get the arrested people out. We also are involved in constructive activities in our area and have a cultural centre for the people there.

Today, they have transformed this once hopeless locality into a fine clean and low-crime habitation with no drunkards, through their sustained collective struggles.

However, in the post-globalization era, the lives of domestic workers overall have become more desperate due to rising prices of essential commodities through increased expenses on water supply, electricity charges, and health and education. Likewise, with no prospects of gainful employment for their sons and daughters, they are a more worried lot than ever before, despite some increase in wages and other important gains. This is a much wider socio-economic-political problem that needs to be countered in the years to come with the alliance of other organizations with a similar vision.

We will now discuss some of the strategies of the Pune Shahar Molkarin Sanghatana and also compare these with the strategies of other organizations working with domestic workers in India.

## Chapter 6

### Strategies of the Pune Shahar Molkarin Sanghatana -- Attempt at a critical review

The Pune Shahar Molkarin Sanghatana, or the Pune City Domestic Workers' Organization has been in existence for 25 years now. This has been a long trajectory, with several ups and downs. Most of these 'downs' have been the product of the unorganized and unstable nature of work of the women who have organized themselves in this organization. Most of the 'ups' however show the initiative, the resilience and sheer determination of the women and their organization.

There are several commonalities between the activities and strategies of the Pune Shahar Molkarin Sanghatana and other organizations of the domestic workers in Pune and elsewhere in the country. Some of these commonalities stem from the nature of the work and workforce. There are also several specificities of the Pune Shahar Molkarin Sanghatana. We will look at some of the strategies adopted, devised and designed by the organization.

#### **Strategy of Organizing:**

The main strategy that is common to most organizations is the **Organizing strategy**. Yet there is a difference. While several organizations of domestic workers have begun as NGOs or even church-based organizations, the Sanghatana was born out of a massive strike and the domestic workers sought the help and guidance of a left-oriented trade union, women's organization and party. Thus the strategies of the Sanghatana were necessarily more militant and struggle-oriented.

The Sanghatana put a great deal of emphasis on building up the organization. In the first strike of 1980, when women domestic workers were not personally prepared for the struggle and organizing, the activists used to have meetings every day. Over 500-600 women attended these meetings and gradually learnt to speak and express themselves. The Sanghatana also organized residential level meetings, where after the meetings, women domestic workers would go around the areas shouting slogans like 'We want higher wages', 'We want fortnightly leave.' Etc.

There is another difference. Because the Lal Nishan Party, to which the activists and guides of the Sanghatana belonged, was much more open and democratic than most left-oriented parties, the women domestic workers seemed to have much more space and flexibility to organize themselves and determine the path of their own struggle and organization, including some phases of relative non-activity.

In the earlier phases, there was no formalization of the structure, membership etc. Gradually, the Sanghatana began to formalize itself. There are over 5000 members of the Sanghatana. The Sanghatana works in about 25 residential areas of Pune and have contacts with about 10,000 domestic workers. Because of the connection of the Sanghatana with an organization that had left leanings and was politically aware, the women were also able to put forward their demands that went beyond wages. These included issues like access to public health, right to decent housing, etc. This is important for all sections of workers. However, for workers who are completely unorganized and in the informal economy, this takes on even serious proportions. Most of these workers, especially women workers are vulnerable and disadvantaged in a multitude of ways. And all these different disadvantages reinforce each other. The women domestic workers, like many other sections as well, are disadvantaged in terms of gender, class, caste, lack of political and other connections, lack of access to skills, capital, positions of power and so on. Hence they live in very difficult conditions, have less access to education, medical and other health care facilities and this reinforces their low status as workers and as citizens. Their vulnerabilities get compounded. It is necessary to break this vicious cycle of vulnerability by attacking several of them at the same time. And that is what seems to be an important strategy of the Sanghatana.

As part of the **struggle strategy**, the Sanghatana addressed the State that had refused to recognize the domestic workers as workers. The Sanghatana organized marches and rallies on the office of the Pune District Collector as well as the Labour Commissioner. The Sanghatana also demanded of the State government that it enact legislation that recognized domestic workers' rights. This was in co-operation with a much wider network of organizations working with domestic workers.

Strikes were an important part of this strategy. These were organized almost every few years in different parts of the city, depending on the issues in different areas. Most of these were for the wage and other demands of the domestic workers.

Similarly, demonstrations were organized when individual women domestic workers were unfairly charged with theft and arrested by the local police even before conducting investigations or searches. Some of the demands on these marches were:

1. From sunset to sunrise, women domestic workers should not be called to police stations. They should not be arrested at night.

2. The accused domestic workers should not be verbally abused. Her family members should not be arrested.
3. If domestic workers are beaten up by the police, they should have the right to file a complaint against the police.
4. If a domestic worker is accused of theft and the stolen goods are not recovered from her and if the press carries the news of the theft, the police and the employer must pay the domestic worker compensation for the loss dignity suffered.

The slogan of the marches and on the pamphlet was:

‘Be members of the Sanghatana! Take your identity card! Organize! Struggle!’

The extent of this problem and the importance it has for the domestic workers and the Sanghatana may be gauged by the number of demonstrations the Sanghatana organized on this issue in a short period of a month – from December 2003 to January 2004. On some days, there were several demonstrations in a single day.

<b>Day of the demonstration against accusations of theft against women domestic workers</b>	<b>Number of women participating in the demonstration</b>
30 <sup>th</sup> December 2003	60
2 <sup>nd</sup> January 2004	100
5 <sup>th</sup> January 2004	35
9 <sup>th</sup> January 2004	15
9 <sup>th</sup> January 2004	Not recorded
11 <sup>th</sup> January 2004	Not recorded
11 <sup>th</sup> January 2004	100
11 <sup>th</sup> January 2004	100
12 <sup>th</sup> January 2004	100
12 <sup>th</sup> January 2004	250
17 <sup>th</sup> January 2004	100

As Vandanatai Vanage and Shalantai Patarde, the domestic worker activists of the Sanghatana put it, ‘Earlier, we used to be very scared of the police. When we were new to the organization, we could not imagine confronting the police. In 1980, we used to be scared of the police uniform too. But now we can negotiate with the police and are not at all scared. We can deal with all types of people now – police, administrators, politicians. We tell the politicians what our demands are and make them address those.’

**Building solidarity among the domestic workers:** The 1980 strike was not the first strike of domestic workers. There had been attempts earlier too. However, there had not been much of an impact earlier. One of the reasons was the heightened competition between domestic workers for employment in the face of lack of any other opportunities for them. So if one domestic worker left her



employment or was asked to leave because she was absent due to ill-health, some one else would work in her place and women would lose their jobs very frequently. This time however, the sense and feeling of solidarity was very strong. When Ranjana Pawar, a young domestic worker was arrested at midnight from her house due to the false allegation of theft by her employer, over 125 domestic workers got together and protested in front of the police station. After the formation of the union, the strategy of employers of divide-and-rule has less chances of being successful. The 1995 strike in many parts of the city was almost total for this precise reason.

‘While organizing domestic workers’, says Padmatai Sutar, herself a domestic worker for several decades and also a leading organizer, ‘we have to realize what the domestic workers are going through. We know how the employers try to squeeze work out of us all the time... the subtle and not-so-subtle ways adopted by them. Only then a solidarity is built. We speak the same language then.’

‘We used to initiate discussions with domestic workers from different areas so that there is more information exchange. We would urge women to register complaints, to act immediately if there was any incident. First women used to be very scared of participation in activities, in participating in demonstrations and rallies. We had to pull them and pressurize them to participate.’

#### **Solidarity with other movements:**

Right from its inception, the Sanghatana and Morcha have emphasized that no movement can be successful if isolated. They have participated in several movements. In 1987, they supported the struggle of women workers of Dr. Beck, who were attacked by management-sponsored goons when they had struck work. In 1989, they actively supported the workers of TELCO company who were struggling for the right to be represented by a union of their choice and against increased and inhuman workloads.

#### **Negotiation strategy:**

##### **Individual negotiations:**

Legal help: Women domestic workers are often accused of theft. The Sanghatana has active lawyers who not only help the women, but also demand explanations from the police for such treatment. Such a stance is likely to curtail if not prevent harassment from employers and the police.

In one case, three domestic workers were working in a private crèche. They did not have the confidence to negotiate with their employer. The Sanghatana activists, mostly domestic workers themselves, helped the domestic workers in the crèche to negotiate their wage increase. There are several examples of this sort of negotiation.

##### **Collective negotiations:**

During the 1980 strike, the employers were asking women domestic workers: ‘What are your demands?’ The union immediately drafted a format that the employers were supposed to fill in. This format contained information like: how

many people live in the house, what is the nature of work the domestic worker is supposed to be doing, what are the wages the employer gives today and what is she prepared to give? About 200 employers actually filled this format and returned it to the worker to deposit it with the union. This was also a very important learning tool for the domestic workers. They realized that they were in all this together and that they could individually and collectively make demands of their employer. They were neither alone nor were they worthless.

Says Indutai Bane, a domestic worker and senior activist with the Sanghatana: “Earlier when we asked for wage increases, the employers used to be very rude. They used to ask: ‘Why should we give you more money? For your husband to drink away our hard-earned money?’ We pressurized women to talk to, to negotiate with employers. Also when the domestic worker was asked to leave the job.”

### **Assertion of rights and dignity at different levels**

During the strikes, there were instances of employers behaving in a very bad manner. In one case, an employer threatened a domestic worker with a gun. In another instance, dogs were set upon the domestic worker. In many cases the union refused to take this lying low. The domestic worker actually went and lodged a police complaint against the employer. This is very important in the context of the class and caste hierarchy in society. It is only the employers who have the connections and the confidence to go to the police station against the domestic workers, often with false complaints of theft etc. The police too are known to share this bias and often refuse to even entertain genuine complaints from poor people, especially women. This also gave women a sense of dignity, something their employers often attempt to take away from them or deny them.

It is ironic that while work gives people dignity and a sense of belonging, the attitude of society to domestic work has robbed the people who do domestic work – whether paid or unpaid – of this very dignity and recognition. Domestic work is work that is absolutely essential for life and for the upkeep of society. Without food being cooked, without homes and streets being cleaned, without rearing of children, without caring for the sick, society would cease to exist. Or exist in a very unhealthy and distorted manner. Yet, the skills required for domestic work are skills that are supposed to be acquired, not as a skill for a vocation, but by virtue of being born a female in this society. This means the almost complete equation of domestic work with women and women’s work. This also deprives it of any semblance of skill, of recognition and hence of dignity. When women are paid for it, the dignity seems to be reduced even further.

In the meetings women spoke about the loss of dignity – about being made to feel low and also grateful for the stale food that the employer gave them, the different and often broken cups they were served tea in etc.

Another area where domestic workers asserted their rights was vis-à-vis the local goons in their residential areas. This is also an attempt to give **agency to women** in other aspects of their lives.

Chandrabhagatai Sakpal relates how hooligans and anti-social elements used to terrorize women, including the activists earlier. 'But we fought collectively. We also took the help of outside activists to get more information on issues relating to the land where our houses were. Armed with detailed information and our unity and organization, we confronted them. We used to get a great deal of threats. But we were undaunted. That is why we gained a lot of self-confidence in ourselves as individuals and as a collective.'

There are other issues that the Sanghatana has been active around. These include: evictions from houses, sexual harassment and sexual deceit of girls and women, police brutality, mal-practices of ration shops, illicit brewing of liquor and liquor dens etc. Marches and rallies were organized in several places where the domestic workers live.

**Reaching out strategy – harnessing community support:** While quite a few employers resisted the unionisation of the domestic workers and opposed their strike, the Sanghatana also attempted to reach out to employers and dialogue with them. The result was that in the January 1984 strike, several women employers came forward to support the strike. Some called up the union and expressed their support, while others came forth and spoke out in the meetings and expressed support and solidarity with the domestic workers.

The Sanghatana also organized awareness raising marches early morning and went through different residential areas making people aware of the situation and demands of domestic workers. The morning marches, called Prabhat pheris, also talked about the increasing inflation and how wages were shrinking due to price rise. In several areas of the city, domestic workers arranged for walls to be painted with slogans about their demands, especially about bonus and gratuity. 'It was easier to reach people that way', says Vandanatai Vanage.

The impact of these strategies to reach out the people at large, including the employers of domestic workers seems to be bearing fruit. In a recent study of employers of domestic workers in the city of Pune,<sup>72</sup> 70% of the employers said that domestic workers should be members of the Sanghatana, another 10% said that it was up to the domestic workers whether they wanted to join an organization or not. So 80% of the employers did not have any objection of domestic workers being organized. A mere 12% were actively opposed to domestic workers being organized.

In some cases, the domestic workers have helped their employers in dealing with their issues, whether they are personal issues or even issues relating to their residential colonies and the struggles there.

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<sup>72</sup> Phadke, 2005

There have also been instances when the employers have come and complained to the Sanghatana about their domestic workers: 'She is not clean', 'she is not punctual in coming to work', 'she takes too much leave without informing us.' There have been discussions and negotiations on these issues collectively and issues have been resolved, some after even 7 months, as in the case of one employer who did not feel she wanted to give Gratuity to her domestic worker who had left work.

On some days of the week, the Sanghatana and the Morcha have meetings in different areas of the city so that they reach out to people rather than wait for people to approach the office.

**Media strategy:**

All the newspapers wrote extensively about the strike and about the organization. In fact, the union enlisted the support of the media right from its inception. The Sanghatana was in touch with several newspapers in Pune and Bombay. They covered the strike widely, including an editorial by one of the workers' newspaper.

During the December 1995 strike, the Sanghatana invited the editor of Prabhat daily as one of the chief guests of a meeting of domestic workers' representatives. The daily covered the strike well. The newspaper is widely read and it covered the struggle in a very sympathetic light.

A documentary was also prepared on the strike, which was broadcast on the national television that reaches almost every nook and corner of the country. Later, another film was also produced and widely disseminated on the entire struggle of the domestic workers in Pune.

**Federating:** As the Sanghatana was part of a wider organization that spoke for all unorganized and manual workers, they were able to build stronger linkages with other sections of workers in the informal economy. Some of the demands of this broader movement included:

- The Government should register domestic workers and give their children free higher education.
- Decent and subsidized housing for domestic workers
- Provident Fund for domestic workers – 5% from the wages of workers and 5% contribution from employers
- Free medical facilities for domestic workers and their children
- Keeping in mind the large pool of unemployed people in the state and the desperate situation in which domestic workers have to work, the government should start small enterprises to give a choice of employment to domestic workers.

**Networking:** has been a very important strategy, for the simple reason that the issues of domestic workers are so grave and their neglect in legislation and policy framework so total, that only a very massive organizing and networking

effort may result in some positive results. The Sanghatana has been active in the Maharashtra network to demand legislative changes and recognition for domestic workers as workers. This network comprises trade unions and NGOs from different cities in Maharashtra – Aurangabad, Nagpur, Pune, Nasik, Mumbai, etc. The network has organized several demonstrations and rallies to press for legal changes in favour of domestic workers.

**Participating in the wider movement for social change:** The movement against the atomic bomb and for peace has also seen the participation of the domestic workers' organization in Pune. They have also been active in the anti-Enron movement, whereby expensive electricity would have been forced on the heads and pockets of the poor in the state of Maharashtra. The domestic workers have also participated in several cultural and political programs and campaigns, including meetings to address issues of social discrimination. This has been possible also because there is space in the organizations and the movement to make connections with other forms of oppression and exploitation in society. Regular shibirs and women workers' training sessions are an important part of the work of both the Sanghatana and the Morcha.

The Sanghatana and the Morcha have been active in other movements and fronts too. These include the struggle for a better and effective Public Distribution System, struggle against violence against women and alcoholism, struggle against price rise as well as against unemployment.

**Deepening understanding of the activists:**

In the Sanghatana, there is also a conscious effort to deepen the understanding of the activists. Education and training efforts are undertaken very intensively. Kusumtai Bhonsle says, 'The leadership organizes education camps for the activists. Some of these camps go on for several days as well. We have been told that our issues are not isolated. There is nothing in the world that is not related to our issues. And we have realized these connections in our life and in our work.'

Many of the domestic workers activists are also involved in attempts to guide new organizations. 'This helps us too. It helps us to deepen our understanding and our exposure', says Padmatai Sutar, who has been part of the team to build the Sanghatana in Kolhapur, another city in the state of Maharashtra.

Says Sulochanatai Nagare, 'we did not understand politics then. Now we do. When there are elections, we ask the candidates to come to our areas and ask them questions about what they will do for us. We warn them that they would be allowed to come into our areas only if they take up our issues. Now these elected representatives also send women who have problems to the Sanghatana.'

**Advocacy and Lobbying:**

Together with organizing domestic workers, the Sanghatana has tried in various ways to lobby with the government, both at the centre and especially at the state level to enact legislation in order to legally protect domestic workers. This has been a consistent activity of the Sanghatana, right from the beginning.

In the year of its inception itself, in 1980 the Sanghatana worked towards bringing up the issue of domestic workers for discussion in the session of the Maharashtra government.

In the year 1990, the Sanghatana prepared a bill to protect the domestic workers. The Bill proposed the following provisions:

- 8-hours work day with 224 hours per month (28 days work)
- minimum wages of Rs. 1200 per month
- paid leave
- bonus
- gratuity
- PF
- Implementation machinery

In the 1990s, the Sanghatana has worked actively with groups in Bombay and other towns and cities to pressurize the Maharashtra government to pass a law for domestic workers. They have petitioned the government in different forums, participated in meetings called by different bodies, including the National Commission for Women even recently in 2004.

In the year 2002 a large demonstration was organized by several domestic workers' organizations in Maharashtra. The Government promised to enact a Code of Conduct on the lines of the Hamal and Mathadi Act. In 2004, before the State Government elections in Maharashtra, the Congress party, that was in power then and is also in power now, promised the constitution of a separate Labour Commissioner and a special department for informal workers. A large budget was to be allocated for the purpose. Even after the elections, nothing was done. Hence the organizations of the informal sector workers organized a large demonstration on 28<sup>th</sup> January 2005 and again one in May 2005 in Delhi. The demands of the workers were:

- Enact a legislation for domestic workers on the lines of the Hamal and Mathadi Act.
- Constitute a separate Labour Commissioner and a special department for domestic workers.
- Domestic workers are entitled to protection like minimum wages, paid holidays, leave, bonus, gratuity, Provident Fund, health insurance and maternity leave.
- Start a pension scheme for domestic workers that would entitle domestic workers to a sum of Rs. 3,000/- per month on retirement.
- We demand health care facilities.

The Sanghatana has consistently demanded the institution of autonomous Workers' Boards on the lines of the transport, electricity and more specifically the head loaders. They have pointed out that like the domestic workers, the head loaders also work with more than one employer. Under the mathadi, hamal, unorganized toiling workers' Act (1969): workers' boards, many market places

have these boards that have been functioning quite satisfactorily for several decades now. The boards issue workers identity cards. The boards charge a levy from employers, that is a percentage of the wages. This is used for the rights, dues and benefits of workers. This includes workers' PF, paid holidays, bonus, sick leave, medical facilities etc. There is equal representation of employers and workers' representatives on the board. The Sanghatana has made this an important plank of lobbying, advocacy and of organizing.

**Connecting with the women's movement:** The active domestic workers have been active in the women's movement and with the Stree Atyachar Virodhi Manch (Forum Against Oppression of Women) that was started in the early 1980s. In 1987 was formed the Stree Mukhi Manch (Women's Liberation Forum) which later took the form of the Shramik Mahila Morcha (Toiling Women's Front). The domestic workers have been the backbone of this front.

The Shramik Mahila Morcha deals with the issues that domestic workers and their family members face as women. If a husband or in-laws beat up a woman or she is forced to take her own life, or her life is threatened, or if a woman is fed up with her husband and wants a divorce or wants to sue him for maintenance, these issues are brought to the Morcha by the domestic workers. Domestic worker women activists used to get organized and go to houses in the city or even in villages where women had reported that they were ill-treated. These activists would negotiate with the husband or in-laws and if the woman wanted to leave, they would help her to get her things back to her parents' house if she so wanted.

The Morcha activists also run a Family-counseling centre. Over 1000 women come to the centre every year. This also meant that the contacts between the organizations and women in the slums began to get even closer. Many slums began to sport Morcha offices. The Morcha and the Sanghatana work very closely and in turn strengthen both the labour movement and the women's movement.

There is also a conscious attempt to not relate to personal or individual issues in an isolated manner; to not look at them as mere personal issues, but relate them to larger structures of the community and the collective. The Morcha regularly organized training sessions and meetings so that active women would feel more confident to deal with the new issues facing the organization. The work of this Front is extremely unique and is a link between the women's movement and the labour movement and is a part of both.

Besides the intensive work in Pune, the Morcha also initiated or supported work in other villages, towns and cities of Maharashtra. Similarly, the Morcha also actively took up the issue of women who work in the childcare centres in Maharashtra. They have begun to network with childcare women workers in different centres of the state and have guided the struggles of these women workers. The Sanghatana together with the All India Progressive Women's Association, has assisted in organizing domestic workers in other states of the country as well. These include Delhi, West Bengal and Punjab.

Some of the successes of the Sanghatana and the Morcha have been their struggle against arbitrary dismissals. These dismissals have almost stopped over the years. These successes of the Sanghatana and the Morcha have been not due to any judicial, administrative or Government intervention, but only due to the persistence, struggle, pressure, influence and the public communication of the Sanghatana. One could briefly conclude that the domestic workers' union in Pune has believed in and practiced a strategy of holistic intervention and change.

Our demands:

- Legislative provisions for social security
- Decent level of minimum wages so that women and men can live in dignity
- Every worker should be given identity cards
- Every worker should be entitled to group insurance.
- Every worker should be entitled to pension.
- Employment Guarantee Law should be applicable to all young people in rural and urban areas.
- Every child or each worker should be entitled to health and educational assistance.
- Every worker should have access to shelter and basic amenities at workplace.
- Contract labour system should be abolished.
- Workers should be represented at all levels of governance as well as at the Executive level.
- Theft of labour should be declared a criminal act.
- Small farmers and farmers working on rain-fed agricultural land should be given protection.

## **Chapter 7**

### **Some Conclusions: some glimpses into the future**



The struggle of domestic workers has barely begun to take shape. And it is difficult to even make a few concluding remarks, let alone draw out some stronger conclusions. One of the issues that come up when one discusses organizations, organizing attempts and struggles, is whether such an organization or form of organization is a one-off thing in terms of the rare sets of circumstances that brought it about, or is it what one may call replicable? The other issue that is brought up is: is such an organization sustainable?

We will try to look at these two issues here.

### **Replicability and Sustainability:**

#### **Particular Circumstances:**

What were the set of circumstances that led to the Molkarin Sanghatana in Pune? The Sanghatana was formed almost immediately after the spontaneous strike by the women domestic workers in 1980. Almost 15 years before 1980, in the 1960s, the domestic workers had also struck work to press for their long-standing demands. However, the Sanghatana did not get formed in the 1960s. In the 1960s the strike was in different localities and gradually it petered out.

#### **General political turmoil:**

The 1980s were years of general turmoil in the world and in the country as well. The Emergency had been imposed in 1975, after almost half a decade of countrywide unrest. It was this discontent that had forced the then ruling Congress government to withdraw the Emergency in 1977. The years following the lifting of the Emergency were turbulent times, with a great deal of organizing in different areas of the country.

The late 1970s and the beginning of the 1980s also saw a resurgence of the latest phase of the women's movement. Small and big women's groups were being formed all over the country – in towns and cities and also some rural areas. In Pune too the Sampark Samiti was formed and individual feminists were also active in the women's movement.

#### **General radicalization:**

The general radicalization of the 1980s influenced large sections of people, including the domestic worker. When the strike began and individual domestic workers or groups of domestic workers were going around meeting people and enlisting their support, it is these young women who first responded to the plea for support of the domestic workers. When the domestic workers needed to form a stronger and more cohesive and sustainable organization, the activists of the Sarva Shramik Sanghatana, affiliated to a left party, the Lal Nishan Party, but more open and less sectarian than most others, stood by the domestic workers and helped them to consolidate their ranks.

The women activists of the Lal Nishan Party were also part of a women's organization called Forum Against Oppression of Women. They were feminist in their orientation and believed that toiling women should lead the women's movement. They believed that organizing toiling women workers was the priority of the women's movement. It was definitely the priority of their organization.

**Combination of factors:**

This combination of factors seems extremely crucial in the sustenance of this movement. To go a little beyond the Pune Molkarin Sanghatana, if one glances at other long-standing organizations of informal economy workers, like SEWA or Beedi workers' unions in several parts of the state, one seems some common threads.

**Affiliation to larger organizations:**

One of them is the fact that all these organizations, at least in the initial period of their evolution, were part of a bigger organization that was in some way connected to political parties. SEWA was a part of the Majoor Mahajan, affiliated to the Indian National Trade Union Congress (INTUC), a trade union wing of the Congress, a ruling party for a long time in India. In the initial phase of the organization and the movement, when power structures like the police and the administration are indifferent or even hostile to the poor who are attempting to organize, the fact that the organizers have contacts in different power centres is extremely important. This may include sympathetic bureaucrats, the print or other media, some elected representatives or other power centres.

**Perspective of the leading organization:**

Also equally important is the perspective of the organization that is leading the struggle or the movement of the workers in the informal economy. The organizing and struggle strategy of the Sanghatana leadership was important. This perspective matched with the ability of the leading organization as well as with the mood and spirit of the women domestic workers at various points in time. When the mood and morale were not of struggle and confrontation, the sister organization of the Sanghatana, the Mahila Morcha took the lead in continuing with other types of support work, including struggle in other areas of women's lives.

There have been other organizations and trade unions of domestic workers. Some of these have been led by major political parties, like the Communist Party of India and the right-wing Bharatiya Janata Party. These have not been so successful, partly because the sort of support structures needed by very poor, marginalized women workers, on the brink of poverty and hedged in by insecurities at different levels, was not immediately forthcoming. In this context, the new attempts by the Communist Party of India in 2004 in small town like Kolhapur in Maharashtra, where there is also an active women's organization, affiliated to the same party, would need to be studied and lessons drawn from it.

Similarly, there have been organizations that have mainly been support organizations or service organizations that have not had a perspective of struggle and organization. These have been formed with recognition of the low status of domestic workers in the present context and with an acknowledgement that women domestic workers need services and support if they have to continue to survive without a major toll on their standard of living and without extreme exploitative working and living conditions. There is also recognition that domestic workers do not have many choices and cannot afford to lose their current employment, however bad that is. The inequality that is inherent in the power structure between the employer and the domestic worker is a common thread to most of the organizations attempting to work with or for domestic workers.

### **`For' or `With':**

One major difference lies in whether the organization works for domestic workers or with domestic workers. And then, with what perspective. The organizations that work for domestic workers have to necessarily look outside for resources and that are likely to make them less sustainable. However, it is possible to claim that they are more replicable. With the raising of some resources and with tapping some of the grave issues and needs of women domestic workers, it is possible to begin organizations that address some of these needs. Since however, these organizations have the perspective of working for domestic workers, the control is necessarily not with domestic workers, but with the leaders, who are generally `outsiders' i.e., not domestic workers themselves. The resources also come, not from domestic workers. This is because if the resources come from domestic workers, like a membership fee that contributes largely to the expenses of running the organization, the control and decision-making will also have to be located in the women domestic workers themselves. The possibility and potentiality of an answerable leadership also increases.

On the other hand, by and large, domestic workers come from a class and caste background, that is one of the lowest in the economic, political and social hierarchy of almost all societies. This means that they may lack the contacts and the wherewithal to garner resources – human, intellectual and political – to run an organization or movement that fulfils their multifarious needs and addresses their multiple oppressions. This is likely if there is some confluence of various factors that include the active participation and control by domestic workers with a leadership that has a wider perspective that also includes and appreciates the control by domestic workers of their own organization.

These factors are not easy to come by; nor are they absolutely difficult to work towards, as shown by several organizations, including the Molkarin Sanghatana in Pune.

The question that does seem to arise is: if this is so and if it is not absolutely impossible to replicate the model of the Molkarin Sanghatana, why have there been no other similar successful attempts? The Molkarin Sanghatana has not remained in Pune alone. It has spread in other smaller towns. However, the level

of success or organizing seems to have been much less. It is almost 25 years that the Sanghatana has existed and though it has inspired several organizations, there have not been similar levels of initiatives or organizing attempts in other states of the country or even other cities in the state of Maharashtra. This is an important question to address if we want to raise the issue of replicability.

Some of the possible reasons for the fact that there have been relatively fewer attempts on similar lines could be as follows:

Pune was a much smaller town in the 1980s than several of the larger cities. At the same time, there was fairly intensive industrialization in Pune in the 1970s and 1980s. Besides, there was also a relative proliferation of jobs in the mostly automobile industry, but also in the tertiary sector, like banks and insurance and educational institutions. This resulted in a city with a large part of its population in formal sector employment, where wages were relatively high and jobs stable. This was largely true of men's jobs, but also increasingly true of women's jobs as well. Very few towns and cities have seen similar levels of job proliferation in the 1970 and 1980s. Bombay was another city that did witness such an employment boost in the 1970s. However, the extent was not the same. Besides, Bombay is a large city, with a very differentiated labour market and organizing domestic workers has always been in small pockets, without having a great impact on the other parts of the city.

Hence the confidence of the domestic workers in the 1980s would be greater, as they knew that the demand for their labour was not completely out of tune with their supply. This could be an additional factor in the sustained and novel method of organizing of the domestic workers in the city of Pune. The period from the late 1980s and the 1990s however has seen a shrinking of employment opportunities at almost all levels. By that time, however, the Sanghatana has been able to establish itself and address issues that this period of a downward trend in employment and organizing has raised.

**Potential and actual:**

When one talks about organizations based on the model of 'for' domestic workers or 'with' domestic workers, one is here talking about the potential of organizations based on this important difference. That organizations that are based on the principle of working with domestic workers have a greater potential of being more democratic and being more controlled by domestic workers themselves. But this may not necessarily be always the case.

The sensitivity of the leadership of the organization and the principle of active participation and control by the domestic workers themselves has to be built into the organization and the movement. The hierarchical nature of society and of institutions has deeply affected trade unions and activism in general. There is a tendency of appropriation by the elite and the better-off sections in almost all spheres, including that of activism. It is ironic that often in the Indian context, the trade unions are referred to not necessarily by the workers they represent, but by the leadership or worse still by a single charismatic leader. 'So and so's' union is

a very common way of referring to unions and also to NGOs. This culture militates against attempts at democratization of the organization, be it the trade union, the co-operative or the NGO. The hierarchy in terms of caste, class and access to resources and contacts furthers these anti-democratic tendencies, often making a mockery of the principles of the organization itself.

**Needs of workers in formal and informal economy:**

There is a distinct difference in the manner in which workers relate to their organizations. In the formal sector, trade unions represent a part of the lives of workers. Often, workers in the formal sector have a distinct identity in terms of the occupation or profession or company they work in. The trade union represents their interests as part of this workforce. Often, the workers in the formal sector form alternate structures to represent their interests in terms of issues at the residential level or in terms of their other identities.

Another important need of the workers in the informal economy is that of training. This can be a double-edged sword as well. How trade unions and organizations like the Sanghatana are able to address this issue would be crucial. According to a recent study<sup>73</sup> of employer attitudes to domestic workers, 66% of employers said that domestic workers would be better off with some level of training. This training could take various forms. There could be training that better the prospects of domestic workers in their existing occupation as well as training that helps aspiring workers to try other occupations.

**Fluidity of identity:**

Most workers in the informal sector do not necessarily have a fixed work identity. Some may have a broad identity as informal workers; others may see themselves as domestic workers or construction workers. However, the identity vis-à-vis a particular employer is not often fixed. Similarly, for many workers in the informal economy, even their occupational identity may be more fluid and may depend upon their life cycle. Several studies have shown that seasonal employment is common to women in the informal economy. Similarly, work is often so taxing and demanding, that women leave one type of work and enter another that is comparatively less strenuous from their point of view.

However, the identity of women working in the informal economy is something that is almost fixed. This implies all the living and working conditions and life situation that it implies. This means a particular type of housing – that is shanty housing that is insecure and precarious. This implies possible harassment from the local landlord or local mafia. This also means that access to basic amenities like water and electricity is equally precarious. This implies a whole lot of life situations, including problems within the home with spouses and children, which are present no matter where and how the women work. Similarly, the problems women domestic workers face due to their social positioning in the class and caste hierarchy in society are almost constantly experienced and dealing with these often is a life-and-death matter. These range from the attitudes and

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<sup>73</sup> Phadke, 2005

behaviour of the police, the administration, the employers as a class and so on. Neglect of these issues cannot give rise to an organization that is lasting and sustainable for women workers in informal sectors like domestic work.

Hence an organizational structure that is sensitive to these aspects of women's lives and provides the space for articulation of these issues and organizing around them is all the more crucial. This also gives the much-needed respite to organizations to rethink their strategies in one area of their work, while working and evolving other aspects. This is all easier said than done. It is in deed very tough work and requires the resources and space to constantly re-evaluate one's own strategies and evolve further. This has to be done together with continuing to struggle for survival of the members and of the organization.

**Some future directions:**

It is relevant that while gradually over the last half a decade or more, there are some successful attempts at national level federations of workers working in particular sectors within the informal economy, domestic workers have not been able to do so. Domestic workers were one of the first to get the attention of activists. They were also early in beginning the process of organizing. Waste-pickers have been relatively late-entrants. But they have already begun the process of the Statewide and also a nation-wide network of waste pickers. Vendors and hawkers have been able to form the National Alliance of Street Vendors in India for almost half a decade now.

With the waste-pickers for example, most of the organizations have an organizing approach. So also with the street vendors, while there have been many inter and intra-organizational conflicts, the basic approach has not been completely different in terms of rights of the sections of workers vis-à-vis the state for example.

One of the possible reasons why there have not been strong nation-wide alliances and in some cases even strong local unions of domestic workers could be the fact that while the leadership in the vendors' organizations and the waste-pickers organizations are not employers of vendors or waste-pickers, in the case of domestic workers, most of the organizers and leaders are in fact employers of domestic workers. Domestic workers pervade the homes of all the middle class and upper class people. These are the very people who make laws and implement them; these are the very people who are opinion-makers and leaders and organizers of movements.

There have been several experiences of this tendency of human beings to consciously or otherwise put their own vested interest above processes and notions of justice, including their own stated principles. One very concrete example of this has been when canteen workers of co-operative societies or workers organized themselves into unions and demanded equal wages, it was the militant office-bearers of the unions who actively opposed them and fought against them even in the courts.

In one of the Maharashtra level meetings with bureaucrats and the Labour Minister to discuss legislation for domestic workers, one high-level bureaucrat told the organizers, 'how can you expect us to enact and implement such a legislation for domestic workers? We have to go home and face our relatives, who will surely boycott us if we do such a thing.' Another bureaucrat of the Labour Ministry said: 'If the Labour Inspector comes to my door, I will dismiss my domestic worker. I would do the work myself.' This could also be the reason why the proposed legislation on Health and Safety for workers explicitly excludes only one category of workers and that is domestic workers. This could also be a reason why Government after Government from the 1950s have refused to legislate for the rights of domestic workers.

One step in order to begin to deal with these obstacles is to empower domestic workers at least in some pockets, so that they begin to take the leadership of the national level alliance and begin to deal with obstacles that direct or indirect, conscious or unconscious vested interests pose in the consolidation of these organizations and alliances.

The Pune Molkarin Sanghatana has spearheaded such an alliance at the level of the Maharashtra state. Another main hurdle has been that the form of organizations working with domestic workers as well as their ideological orientation has been the most varied. They have ranged from service-oriented NGOs and church-based service providers to NGOs with a rights-based approach, to party-affiliated trade unions with a wide range of sectarian politics between them. Such a wide range may not be seen in most alliances of other sectors of workers and hence is a difficult challenge with not much of precedence to go by. How the Sanghatana negotiates and navigates its way through this wide spectrum of organizations and builds a lasting alliance would be the test of the times.

There are a great many lessons that may be drawn from this entire rich history of a quarter of the century of organizing and struggle strategy combined with a whole wide range of strategies that seem to have galvanized domestic workers, workers that now exist in every nook and corner of the globalized world, organizing and demanding justice, freedom and dignity.

## **Appendix 1**

### **Domestic Workers (Conditions of Service) bill, 1996**

#### **2.1 Chapter I**

##### **Definition**

The domestic worker is defined in relation

- to the work (cooking, washing, cleaning, marketing, care of members requiring special attention like infants, children, aged, sick, differently abled, etc.);
- to the category – full-time (does all the household work) or part-time (does fixed tasks for a particular period of time);
- to the employer (whoever utilizes the services of the worker who works in several homes).

Taking into account the prevalence of middlemen, it is made clear that those workers employed through a contractor / agency will be deemed to be the employee of the person whose house is the workplace.

#### **2.2 Chapter II**

##### **a. Working Hours**

Maximum working hours are set at 8 hours /day and 48 hours /week with provision of overtime wages for overtime which is limited to 12 hours / day and 48 hours / week, excluding rest time.

Provision is made for intervals such as for lunch, rest and paid weekly offs, sick leave and casual leave. After completing a year's service, the worker is entitled to 15 days' paid leave.

##### **b. Wages**

For the purpose of wages, workers are divided into skilled and unskilled categories. The former has been extended to cover those who use electrical appliances and attend to sophisticated equipment in addition to those traditionally taken as a skill such as cooking, driving, gardening. Unlike other Bills, the latter two types of activities are brought under the definition of domestic workers. Provision is made for enhancement of wages as per the cost of living.

##### **c. Benefits**

Domestic workers are entitled to bonus, Provident Fund, Gratuity. A Welfare Fund is to be set up for them by the State Government.

Full-timers will be provided a uniform and accommodation that provides privacy, security and hygiene.

##### **d. Termination**

To protect the domestic worker, termination cannot take place without prior notice period to him / her. This is also binding upon the worker, if she chooses to leave the employer. In case of indiscriminate termination



on the part of the employer, the domestic worker is entitled to compensation.

### **2.3 Chapter III**

#### **a. Letter of Employment**

The employer has to give a letter of appointment in the format of the registering body and any changes in the letter have to be communicated in writing to the employee.

### **2.4 Chapter IV**

#### **a. Inspectors and Vigilance Body**

Inspectors to be appointed to exercise powers under the Act are to work in close co-ordination with unions and NGOs. An advisory board may also be appointed by the state government, which will also act as a Vigilance Body.

### **2.5 Chapter V**

#### **a. Penalties**

The contravention of the provisions by employers will attract a fine. Domestic workers have to give written complaints to the Inspectors. If it is not acted upon within a month of registration, the matter can be sent to court. Disputes will be under the jurisdiction of the Labour court, Industrial court and the High courts.

### **2.6 Chapter VI**

#### **a. Agreements**

Employees are free to make agreements with the employers that offer more favourable rights and privileges than contained in the provisions.

### **2.7 Chapter VII**

a. In light of the history of legislation for domestic workers being allowed to lapse, the State Government is to notify it within 6 months of the Act coming into being.

### **3.0 Conclusions**

Legislation for domestic workers will have to take into account the daunting range of problems linked to the special characteristics of their employment. For instance, providing maternity leave entitlements, accommodation which allows privacy, autonomy and security of the full-time domestic worker and especially clarify its status during the notice period of termination, wage issues such as gate-pass in housing colonies, travel allowance.

Framing a legislation for domestic workers will have to challenge traditional notions of work, workplaces and workers and how to regulate them (Blackett, ILO, 1998).

## Appendix 2

### **A scheme for Domestic workers' working conditions and benefits in Maharashtra, 2003 – a draft**

#### **Name of the scheme:**

A scheme for Domestic workers' working conditions and benefits in Maharashtra, 2003.

#### **I. Objectives of the Scheme:**

This scheme is intended to benefit insecure and unorganized workers, that is, workers who not been covered by any labour laws and those who do domestic and manual work in the house of others. The scheme aims to determine the working conditions and give the benefits of this scheme to such domestic workers so that the employers of such domestic workers get the services on time satisfactorily. The scheme includes determining proper wages for domestic workers, documentation of domestic workers, giving them access to Provident Fund schemes, as well as including them for protection under similar laws that would cover bonus, goodwill gifts, production incentives and so on.

#### **II. Scope of the Scheme:**

This scheme will first be limited to all the Municipalities in Maharashtra. After a year of completion of its implementation, the scheme will be critically reviewed in terms of its results. Then the scheme will be extended to other towns of Maharashtra in stages and gradually the entire state will be covered by the Scheme.

#### **III. Definitions:**

1. **Scheme:** Scheme means the scheme that has been prepared for the domestic workers in Maharashtra. It is called: A scheme for Domestic workers' working conditions and benefits in Maharashtra, 2003.
2. **Domestic workers:** Monthly paid workers, howsoever the duration of the month is decided, and workers who do any type of domestic work (for example, washing utensils, clothes, sweeping, swabbing, cooking, taking care of and nursing children or the elderly, and such other work) will be called domestic workers.

However, if this type of work is performed by workers in an establishment that is registered under the Shops and Establishments Act, 1948 or under the Factories' Act, 1948 or under Societies' Act, 1961 or is registered under any other labour law, such workers will not be termed domestic workers.

Those workers who are paid at the end of the month should be termed monthly rated workers. Even if such workers have been working for several months or several years, the period of their payment is a month and that month is as per the English calendar.

**3. Contingent workers:**

Those workers who are not monthly-rated workers or part-time workers, but who work in the place of monthly rated workers or in the place of part-time workers, when monthly rated workers or part-time workers go on leave, will be called ad hoc or contingent workers. A separate list will be prepared for such workers.

**4. Registration:**

The minimum age of workers who may be registered should not be less than 14 years.

**5. Registered workers:**

Those workers who are officially registered in the office of the Board will be called registered workers.

**6. Employer:**

The person in whose house the domestic worker will actually do domestic work will be termed the Employer.

**7. Board:**

Board is the body that the State government has created as per its rules and published as a GR. It will be called the Domestic Workers' Board.

**8. Voluntary Organizations:**

Those organizations that are involved in doing social work or voluntary work on the issues of domestic workers and who are registered with the Domestic Workers' Board, will be termed voluntary organizations.

**9. Employers' Organization:**

If there is an employers' organization, and if that organization is registered with the Domestic Workers' Board, it will be termed Employers' organization.

**10. Levy:**

The following types of benefits and services will be provided to domestic workers out of the levy that will be collected by the Board:

1. Provident Fund
2. Paid Leave
3. Gratuity
4. House Rent Allowance
5. Education Allowance
6. Bonus

7. Administrative expenses of the Board

**11. Weekly off:**

Domestic workers are entitled to a weekly off. If they are not given a weekly off, they should be paid an extra days' wage per week in lieu of the weekly off.

**12. President:**

President means the President of the Board. No person who is below the post of Assistant Labour Commissioner can be the President of the Board. This scheme will be monitored by the Labour Commissioner.

**IV. The structure of the Board:**

1. President
2. 3 representative of employer of domestic workers
3. 3 representative of domestic workers
4. 3 representative of voluntary organizations or 3 representative of domestic workers' organizations.
5. 3 representative of employers' organizations
6. 1 representative from the Government
7. Secretary

From the above-mentioned representatives, representation to women will be given as follows:

- Out of the 3 representative of employers, at least 1 should be a woman.
- Out of the 3 representative of domestic workers, at least 1 should be a woman.
- Out of the 3 representative of voluntary organizations, at least 1 should be a woman.
- Out of the 3 representative of workers' organizations, at least 1 should be a woman.

**V. Working or the Board:**

When any policy decision has to be taken or when the President feels a need to, the President of the Board will call a meeting of the Board and she / he will inform and invite the other members of the Board for the meeting. A notice of 7 days will be given before the meeting. For the quorum to be completed, the presence of one-third members, including the President is necessary; at least one representative from each of the 4 categories has to be present for the quorum to be complete. If the quorum is not complete in a meeting, the meeting may be postponed for half an hour and then the meeting may be conducted. The decisions taken in this meeting are binding on the Board. The Board may take decisions on primarily the following topics:

1. Registration of domestic workers
2. Registration of employers of domestic workers
3. The provision of domestic workers to employers as per their needs

4. Forwarding to the Dispute Resolution Committee, any dispute about work between domestic workers and employers.

While registering the domestic worker, care should be taken to verify that the domestic worker is currently employed with some employer. Every employer will deposit the wages of the domestic worker together with a levy into the Board office and the Board will give the wage to the domestic worker on or before the 7<sup>th</sup> day of each month. The wages of the domestic workers will be noted in a passbook that each worker will have and the passbook will be in the control of the Board. The amount of levy charged to each employer will depend upon the wage of the worker as noted in the passbook. The employers will herself / himself or through any other person pay the wages by crossed cheque. All the domestic workers will not be able to access any advance payment from the Board. Only those domestic workers who work with their employers for a period of 15 continuous days will be entitled to an advance of an amount equivalent to their 10 days wages. At the end of the month, the Board will deduct the advance amount from the wages of the workers and give the remaining amount to her / him.

#### **VI. Conflict Resolution Committee:**

The Conflict Resolution Committee will comprise of the following members: President, Secretary, and one representative each of employers, of workers and of voluntary organizations. The President of the Board will remain the President of the Committee as well. The decision of this Committee is binding on the Board. The conflict may be related to the following issues:

1. Not being punctual in work
2. Not being efficient in work
3. Absenteeism
4. Making the domestic worker do more work than agreed to
5. Termination of employment without giving any notice
6. Deduction in wages
7. Wages not being given on time
8. The Levy not being paid on time
9. If the employer wants to terminate the worker, she / he should be given one months' wage or a notice of one month. Similarly of the worker wants to leave employment, she should give one month's notice to the employer.

(Whatever new issues arise after 6 months of the beginning of the work of the Board will be taken up and included in this list.)

#### **VIII. About depositing money in a nationalized bank:**

Whatever money is deposited with the Board, be it the membership dues of the employers or of the workers or the levy or any other money, the safety of such money is responsibility of the Board. Hence, the Board should open an account with a nationalized bank and keep

the monies in that. Before opening the account, one representative of the employers, of the workers, the President of the Board and a social worker should open a joint account and the bank should be given instructions that the account will be operated in a way that every 8 days or so money would be withdrawn from the bank.

**IX. Employees of the Board:**

The employees of the Board will consist of one President, one Secretary, one accountant, one typist, one stenographer, one peon and one Inspector. Out of these, the President and the Secretary would be from the Labour Commission's Office and hence their salary will be as in the Labour Commission's Office. The Minimum Wages Inspectors in the Labour Commission's Office will be appointed in the Inspector's post on the Board and their salaries will be what they were drawing in their earlier post. The accountant, typist, stenographer and peon will be given a consolidated salary for a period of 3 years. After this period and after reviewing the viability of the Board, their wages will be decided upon.

The Board should, with the help of its employees, look after the day-to-day work and keep the daily accounts.

**X. Annual Report:**

The Board will give its annual report to the State Government as per the financial year i.e., from the 1<sup>st</sup> of April to the 31<sup>st</sup> of March each year. This should be submitted on the 1<sup>st</sup> of April each year and not after the 31<sup>st</sup> of October in any case. The wages of the employees of the Board – the accountant, the typist, the stenographer, typist (computer operator) and the peon should be fixed by the Board after the Board reviews its financial position.

**XI. Annual Budget:**

The president of the Board will prepare the budget for the coming year before the end of February. The President will invite suggestions from the members of the Committee and incorporate the suggestions.

The President of the Board has the right to take disciplinary action against the employees of the Board.

**XII. The Primary Decision-making areas of the Board will be:**

1. The Board will decide the rate of the levy
2. The Board can constitute a sub-Committee or disband a sub-Committee
3. The Board will prepare the budget estimates.
4. If there is any change needed in the scheme, the Board will decide upon such changes after a consensus in the meetings and inform the State Government.

**XIII. Medical Examination:**

Every domestic worker who is registered with the Board will have to compulsorily undergo a medical examination from a medical practitioner decided by the Board.

**XIV. Registration:**

Every worker will have to register her nature of work and her desire to work with the Board. Two photographs will have to be submitted at the time of registration. One photograph will be used for her identity card and one for the sake of office documentation. Thumb impressions of both the thumbs should be recorded in the office. Every worker will have to get the domicile proof of two reputed citizens living in her area (for example, their ration card).

**XV. Minimum wage:**

Each type of work done by domestic workers needs to be studied and the minimum wage for each hour should be decided. A minimum wage committee should be constituted and every 2 hours this committee should review these rates.

**XVI. Registration fees:**

Every worker who registers should pay a fee of Rs.20/-. Every employer who registers should pay a fee of Rs. 40/-. The Board will give an identity card to each worker.

**XVII. Responsibilities of registered workers:**

All registered workers, be they fulltime, half time or contingent, should abide by the rules and regulations of the Board.

**XVIII. Responsibilities of registered employers:**

Every employer should give the workers their wages on time. They should give a weekly off to their workers. If they do not give them a weekly off, the workers should be paid an extra day's wage in lieu of the weekly off. They must also pay their levy on time to the Board.

## Appendix III

### THE UNORGANIZED SECTOR WORKERS' BILL, 2004 A BILL

To regulate the employment and conditions of service of unorganized sector workers and to provide for their safety, social security, health and welfare and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth year of the Republic of India as follows:

#### Chapter 1

1. (1) This Act may be called the Unorganized Sector Workers' Act, 2004.

Short title and (-?) It shall come into force on such date as the Central Government may, commencement by notification in the Official Gazette, appoint.

2. ID this Act, unless the context otherwise requires,- (Definitions).

(i) "appropriate Government" means,-

(a) in relation to an establishment in respect of which the appropriate Government under Ac Industrial Disputes Ac;. 1947, is the Central Government, the Central Government.

14 of 1948'

(b) in relation to any such establishment, being a public sector undertaking, as the Central Government may, by notification in the Official Gazette, specify, which employs workers either directly or through a contractor, the Central Government;

(c) in relation to a self-employed worker or any other establishment which employs workers either directly or thorough a contractor, the Government of the State in which that other establishment is situate;

(n) "Board" means the Unorganized Sector Workers' Welfare Board established under section 3 or section 20;

(iii) "Chairperson" means the Chairperson appointed under section 5;

(iv) "employer" means a person by whom a worker is employed, whether for any remuneration or otherwise,

(v) "establishment" means any office or place where any industry, trade, business or occupation is carried on and includes any technical institution or training centre;

(vi) "family" in relation to a worker, means his or her spouse and dependent children and includes dependent parents;



- (vii) "financial year" means the year commencing on the 1<sup>st</sup> day of April;
- (viii) "Fund" means the Unorganized Sector Worker's Welfare Fund constituted under section 24;
- (ix) "member" means a member of the Board appointed under section 5;
- (x) "notification" means a notification published in the Official Gazette and the word notified shall be construed accordingly;
- (xi) "prescribed" means prescribed by rules made under this Act;
- (xii) "record" means the records maintained in the form of books or registers or stored in a computer or in such other form as may be specified, by notification, by the appropriate Government;
- (xiii) "Schedule" means the Schedule to the Act;
- (xiv) "Scheduled employment" means an employment in the unorganized sector as specified in the Schedule;
- (xv) "scheme" means a scheme notified under section 23;
- (xvi) "worker" means a person engaged in the Scheduled employment drawing pay/income not exceeding Rs, 5000/- per month.
- (xvii) "Workers' Facilitation Centre" means a unit established under section 21.

## **Chapter 2**

### **Unorganized Sector Workers' Welfare Board**

- (1) With effect from such date as the Central Government may, by notification appoint, there shall be established for the purposes of this Act, Board to be called the Central Unorganized Sector Workers' Welfare Board.
- (2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.
- (3) The office of the Board shall be at Delhi.
- (4) Functions of Board: The Board shall perform the following functions, namely:-
- (i) to advise the Central Government on policy matters relating to employment, social security, safety and welfare

of workers;

(ii) to formulate schemes and review their implementation and recommend to the Central Government, the changes required from time to time in such schemes;

(iii) to create public awareness about schemes available for workers;

(iv) to collect statistics and information of workers engaged in the scheduled employments under the Central Government;

(v) to collect statistics and information of employers who seek to engage workers;

(vi) to guide workers in respect of social security, safety and welfare activities undertaken by the Central Government and non-governmental organizations or associations.

5. (1) The Board shall consist of the following (persons as members) (Composition of Board) namely:-

(a) a Chairperson to be appointed by the Central Government;

(b) the Director General(Labour Welfare), ex-officio member secretary;

(c) five members not below the rank of Joint Secretary to the Government of India, to be appointed by rotation to represent the Central Government and Union territories in such manner, as may be prescribed;

(d) five members to represent the employers of unorganized sector workers of scheduled employments under the Central Government appointed in such manner, as may be prescribed;

(e) five members to represent the unorganized sector workers of scheduler employments under the Central Government appointed in such manner, as may be prescribed;

(f) five members to represent non-governmental organizations or associations which are concerned with or are engaged in the welfare activities of the unorganized sector workers of scheduled employments under the Central Government appointed in such manner, as may be prescribed.

(2) The members shall be appointed by the Central Government by a notification: Provided that an appointment under clause (c) shall be made on the recommendation of the Central Government/ the Union territory concerned, as the case may be.

(3) The terms, conditions and qualifications of the Chairperson, and members shall be such as may be prescribed.

**Tenure of members:** 6. (1) Every member shall hold office for a term of five years from the date of notification under sub-section (2) of section 5 and shall be eligible for re-appointment: Provided that no person shall held office as a member after he has attained the age of sixty-five years.

(2) Notwithstanding anything contained in sub-section, a member may,-

(a) relinquish his office by giving in writing under his hand to the Central Government a notice of not less than ninety days; or

(b) be removed from his office in accordance with the provisions of section 9, provided that a member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of ninety days from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of term of office, whichever is the earliest.

(3) A casual vacancy of a member in the Board shall be filled in accordance with the provisions of section 5 and the person so appointed shall hold that office only for the remainder of the term for which the member in whose place he was appointed would have held that office.

(4) A member shall receive such allowances as may be prescribed.

7. The Chairperson shall have powers of general superintendence over the affairs of the Board established

Vacation of office by member

8. If a member-

(a) relinquishes his office under clause (a) of sub-section (3) of section 6; or

(b) becomes subject to any of the disqualifications mentioned in section 9; or

(c) is in the opinion of the Board absent, without sufficient excuse, from three consecutive meetings of the Board, his seat shall there upon become vacant.

9. (1) The Central Government may, remove from office, any member  
Removal of who-

(a) is adjudged an insolvent; or (b) is of unsound mind and is so declared

by a competent court; or

(c) has become physically incapable of acting as a member; or

(d) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

{e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(f) has so abused his position as to render his continuation in-office detrimental to the public interest.

(2) No member shall be removed under clauses (c) to (f) of sub-section (7) unless he has been given a reasonable opportunity of being heard in the matter.

(3) A member who has been removed under this section shall not be eligible for re-appointment

10. (1) The Board shall meet at least once in every six months and shall observe such procedure in regard to transaction of business at its meetings, including quorum at such meeting, as may be prescribed.

(2) If, for any reason the Chairperson is unable to attend a meeting of the Board, any other member chosen by the members present from amongst themselves at the meeting shall preside, at such meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes by the members present and voting, and in the event of an equality of votes, the person presiding at the meeting, may exercise a second or casting vote.

11. No act or proceeding of the Board shall be invalid merely by reason of-(a) any vacancy in, or any defect in the establishment of, the Board; or (b) any defect in the appointment of a person as a member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

12. (1) The Central Government shall provide the Board with such officers and employees as it may deem fit.

(2) The officers and employees of the Board shall discharge their functions under the general superintendence of the Chairperson.

(3) The salaries and allowances and other conditions of service of the officers and other employees of the Board shall be such as may be prescribed.

13. All orders, decisions and other *instruments* issued or made by the Board shall be authenticated by the signature of the Member-Secretary or any other officer of the Board authorized in this behalf.

14. The Board shall furnish, from time to time, to the Central Government, such returns in such form, as may be prescribed.

15. The members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be

public; servants within the meaning of section 21 of the Indian Penal Code.

16. The Board shall, in -each financial year. prepare in such form and at

such time, as may be prescribed, its budget for the next financial year and

forward the same to the appropriate Government at least three months prior to

the commencement of the next financial year.

17. (1) The Board shall maintain proper accounts and other relevant records Accounts

and prepare an annual statement of accounts in such form as may be prescribed in

consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General at such intervals. as may be specified by him. and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board

18. The Board shall prepare, in such form and at such time, for each Annual report, financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

19. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendation contained therein, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

20. {1} A Slate Government may. by notification, establish for the purposes of this Act, a Board to be called the ——(Name of the State) Unorganized Sector Workers' Welfare Board.

(2) The State Board shall coexist of the Chairperson, Member Secretary and such other members to be appointed by the appropriate State

Government not exceeding twenty representing *State Government concerned, employers of the unorganized workers, the unorganized workers, non-governmental organizations or association which are concerned with or engaged in the welfare activities of the unorganized sector workers of scheduled employments and as may be specified, by notification.*

(3) The terms conditions and qualifications of the Chairperson, Member Secretary and the members shall be such as may be specified, by notification.

21. The state Board shall perform the following functions, namely:-

(i) to advise the State Government on policy matters' relating to employment, social security, health, safety and welfare of workers;

(ii) to formulate schemes and review their implementation and recommend to the State Government, the changes required from time to time in such schemes;

(iii) to create public awareness about schemes available for workers;

(iv) to collect statistics and information of workers engaged in the scheduled employments under the State Government;

(v) to collect statistics and information of employers who seek to engage workers;

(vi) to guide workers in respect of social security, health care, safety and welfare measures undertaken by the State Government and non-governmental organizations or associations.

22. (1) The appropriate Government may, by notification, establish Workers' Facilitation Centre at such places as considered necessary for the purposes of this Act.

(2) A Workers' Facilitation Centre shall consist of,-

(a) an officer not below the rank of Section Officer in the Government of India

(b) such other employees as may be considered necessary, to be appointed by the appropriate Government on such terms as may be prescribed.

(3) The Workers' Facilitation Centre shall be responsible for,

- (a) registration of workers;
- (b) *registration of the employers of the unorganized sector workers;*
- (c) guide the workers in resolution of disputes by conciliation;
- (d) guide the workers about self-help groups;
- (c) guide the workers about the schemes available for their benefits; and
- (f) create awareness about contribution towards Fund.

(4) The Workers' Facilitation Centre shall maintain a register and other records, in such form as may be prescribed, of all workers who have made an application under section 22.

Application for registration and maintenance of register of workers.

23. (1) Every worker shall make an application, in such form and manner as may be prescribed, to the Workers' Facilitation Centre for registration under the provisions of this Act-

(2) Every worker whose name has been entered in the register under the provisions of sub-section (1), shall be provided by the Workers' Facilitation Centre a social security number and identity card in such form and shall be entitled to such benefit, as may be prescribed.

24. The appropriate Government shall, on the recommendations of the ^ Board, by notification, formulate schemes for ensuring safety, social security and welfare of workers employed in scheduled employments or establishment and other schemes providing for-

(a) the welfare of workers;

(b) regulation of the employment in unorganized sector.

(c) health and medical care, employment injury benefit, maternity benefit, *group insurance, housing safety measures and provision and improvement of such other welfare measures:*

{d) frame a pension scheme for the registered workers to be called Unorganized Sector Workers Pension Scheme for the purpose of providing for-

- (i) superannuation pension, retiring pension or permanent total disablement pension. to the registered workers; and
- (ii) widow or widower/s pension, children pension or orphan pension payable to the beneficiaries of such workers.

(e) The manner in which and the persons by whom the cost of operating the schemes is to be defrayed; and

(f) administration of the schemes generally.

### **CHAPTER III Unorganized Sector Workers' Welfare Fund**

25. Constitution of Fund: (1) With a view to providing safety, social security and welfare of workers, the appropriate Government shall constitute a Fund to be called the Unorganized Sector Workers' Welfare Fund and there shall be credited thereto-

(a) all grants or loans made to the Board by 'he Central Government or any State Government

(b) all sums received by the Board from such other source as may be decided upon by the appropriate Government; and

(c) contributions by the registered employers/establishment and registered worker in such form and in such manner, as may be prescribed.

(2) The Fund shall be applied for meeting-

(a) the salaries, allowances and other remuneration of the members, officers and other employees of the Board;

(b) *the expenses towards schemes formulated under section 23 of the Act for the registered workers*, or such other INSTANCE reasonable cause, as may be prescribed; and

(c) any other expenses of the Board in connection with the discharge of its functions or for the purposes of this Act.

(d) There shall be established as soon as may be after framing the pension scheme, a Pension Fund out of the Unorganized Sector Workers Welfare Fund (e) that all sums received as the contribution of the Central Government shall be credited to the Pension Fund.

(3) No Board shall, in any financial year, incur expenses towards salaries, allowances and other remuneration to its members, officers and for meeting the other administrative expenses exceeding five percent of the contribution received during that financial year.

26. Notwithstanding provisions contained under any other law, the Appropriate Government may merge any existing Welfare Board/Boards and Welfare fund/funds constituted under any other law into the Board and the Fund constituted under Sections (3) and (24) respectively of this Act.

27. (7) *The appropriate Government shall, after due appropriation made by Parliament, or the State legislature, as the case may be, by law in this*



*behalf, pay to the Board by way of grants such sums of money as the appropriate Government may think fit for being utilized for the purposes of this Act.*

*(2) The Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).*

28. the rate of the contribution shall be-

(a) the contribution of registered worker shall not exceed 5% of the monthly wages.

(b) the employers' contribution @ 5% of the monthly wages of the registered worker.

(c) in case where employers are not identifiable, the appropriate State Government shall make a matching contribution @ the contribution made by the registered worker not exceeding 5% of the monthly wages of the registered worker. ((1) the contribution of the Central Government shall be @ not exceeding 2.5% of the monthly wages of the registered workers in all cases.

29. (1) *When any registered worker has not paid his contribution under section 27 for a continuous period of not less than one year, he shall cease to be a beneficiary of the Fund.*

(2) Where the registered worker is in a position to prove to the satisfaction of the Workers' Facilitation Centre that the reasons for non-payment of contribution were beyond his normal control, he may be allowed to deposit the arrears of contribution and his registration may be restored on such deposit and on making an application in such form as may be prescribed.

30. Any arrears of amount due under the provisions of this Act from the employer, towards contribution to the Fund, shall be recovered as an arrear of land revenue.

#### Chapter IV: Conditions of Service of Workers

31. No worker shall be required to work for more than eight hours in a day with half an hour break.

Hours of work.

Minimum wages

32. (1) Every worker shall be paid such wages within such time as may be *Wages payable* prescribed but such wages shall in no case be less than the wages fixed under the Minimum Wages Act, 1948.

*(2) Where an unorganized worker is required by the employer to work for more than the hours of work fixed, he shall be entitled in respect of each hour or such over-time work to wages at the rate of twice his ordinary rate of wages for one hour*

*(2a) For the purposes of this section, "ordinary rate of wages" means the basic wages plus such allowances as the unorganized worker is for the time being entitled to but does not include any bonus.* (3) No employer shall pay to any worker, remuneration, whether payable in cash or kind, at rate less favourable than those at which remuneration is paid by him to the workers of the opposite sex for performing same work or work of a similar nature.

*(33) Every employer of the worker shall be bound to pay to every worker a minimum bonus @ 8.33% of the salary or the wage earned by the worker during the preceding year or Rs. 100 whichever is higher.*

(34) For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to a Payment of worker at the rate of fifteen days' wages based on the rate 9<sup>^</sup> of wages last drawn by the worker concerned after completion of the years of the service as prescribed.

*(35) A woman worker shall be permitted to be absent from work for a period of 30 days and during this period to ex-gratia payment (Maternity benefit) of minimum wages payable to her in the month immediately preceding the date from which she absents herself on account of the delivery of the child,*

*36. If personal injury is caused to a worker by accident arising out of and in course of his employment, the employer shall be liable to pay compensation in accordance with the provisions of the Workmen's Compensation Act, 1923.*

36(a) If five or more unorganized workers employed, the employer shall provide and maintain a room of reasonable dimensions for the use of their children under the age of six years.

36(b) the worker shall be entitled to such basic necessities at workplace like first-aid, drinking water, latrines, urinals and washing facilities and rest rooms.

36(c) The worker shall be entitled to free legal aid in the matters connected with the denial of benefits available under the Act.

37. *Whoever contravenes the provisions of this Act or of any rules made there under shall be punishable with imprisonment for a term, which may extend to three months, or with fine, which may extend to two thousand rupees, or with both*

#### **CHAPTER V**

*Miscellaneous 38. (1) The Central Government may give directions to State Government or the Board established under sections (3) for carrying out the provisions of this Act.*

(2) The State Government may give directions to the State Board for carrying out the provisions of this Act.

39. The appropriate Government may, if it considers necessary, amend, by notification, the Schedule by including therein **or** excluding there from any . -  
employment.

40. (7) The appropriate Government may, after previous publication, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(o) the manner in which the members may be appointed under clauses (c), (d), (e) and (f) of sub-section (1) of section 5;

(6) the allowances and remunerations payable to the members under subsection (5) of section 6;

(c) the procedure to be followed in the meetings of the Board under sub-section (/) of section. 10;

(d) the allowances and remunerations payable to the officers and employees of the Board under sub-section (3) of section 12;

(e) the forms of returns to be furnished by the Board under section 14;

(/) the forms and the time of preparation **of** budget of the Board under section !6;

(g) the form of accounts, records and annual statement of accounts to be maintained under sub-section (1) of section 17;

(h) the form and the time of preparation of annual report under section 18,

(0 the allowances and remuneration payable to the members of the Workers Facilitation Centres and other employees under section 21;

(/) the form of application for registration under sub-section (2) of section 22  
{k) the form of identity card, social security number and benefits for which a worker may be entitled under sub-section (2) of section 22.

(l) the form and the manner of contribution by the employers and registered worker under section 26;

(3) Every rule made by the appropriate Government under sub-section (/) and every scheme notified under section 23, shall be laid, as soon as may be after it is made, before each House of Parliament, or the State legislature, as the case may be, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses, or the State legislature, as the case may be, agree in making any modification in the rule or scheme, or both Houses, or the State legislature, as the case may be, agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme, as the case may be.

41. Nothing contained in this Act shall affect the operation of any other Act or Acts providing for the regulation of the conditions of service or work, welfare and social security measures which are more beneficial to the workers than those provided for them by or under this Act.

## Annexure

## Schedule of Employment

<b>Sr.No.</b>	<b>Employment</b>
<b>I.</b>	<b>agriculture and allied activities</b>
<b>2.'</b>	<b>construction and other works under Rural employment</b>
<b>3.</b>	<b>beedi manufacture</b>
<b>4.</b>	<b>brick-kiln work</b>
<b>5.</b>	<b>carpet weaving</b>
<b>6.</b>	<b>cine service</b>
<b>7.</b>	<b>coir processing/manufacture</b>
<b>8.</b>	<b>domestic work</b>
<b>9.</b>	<b>electronics and electrical goods repairs</b>
<b>10.</b>	<b>fire work/crackers production</b>
<b>11.</b>	<b>fishing and allied activities</b>
<b>12.</b>	<b>garment manufacture</b>
<b>13.</b>	<b>gem cutting and gold smithy</b>
<b>14.</b>	<b>glassware manufacturing including bangles making</b>
<b>15.</b>	<b>hair dressing</b>
<b>16.</b>	<b>handloom weaving</b>
<b>17.</b>	<b>hawking and Vending</b>
<b>18.</b>	<b>headload work including coolies/porters</b>
<b>19.</b>	<b>laundry work</b>
<b>20.</b>	<b>leather works</b>
<b>21.</b>	<b>matches manufacture</b>
<b>22.</b>	<b>manufactured of locks/brass ware and other metal works</b>
<b>23.</b>	<b>petrol bunk/pump and allied services J</b>
<b>24.</b>	<b>plantation (other than those covered under Plantations Labour Act, 1951 (Act No. 69 of 1951).</b>
<b>25.</b>	<b>plastic manufacture</b>
<b>26.</b>	<b>pottery</b>
<b>27.</b>	<b>powerloom weaving '</b>
<b>28.</b>	<b>printing press work</b>
<b>29.</b>	<b>rag picking i</b>
<b>30.</b>	<b>rickshaw Pulling</b>
<b>31.</b>	<b>salt pan work-</b>
<b>32.</b>	<b>security services</b>
<b>33.  </b>	<b>shops &amp; establishments service</b>
<b>34.</b>	<b>stone and sand quarries and allied activities</b>
<b>35.</b>	<b>tailoring. 1</b>
<b>36.</b>	<b>timber Industry (furniture manufacturing, etc.)</b>
<b>37</b>	<b>toddy tapping</b>
<b>38.</b>	<b>transport services (driving, conducting, cleaning, etc.)</b>
<b>39.</b>	<b>wayside Mechanics and workshop services</b>
<b>40.</b>	<b>weavers</b>

## Appendix IV

### Hazards and accidents in domestic work and causes:

Hazards and accidents in domestic work	Causes of hazards and accidents
Air conditioning	Draughts, respiratory infections and allergies
Allergens	By contact, inhalation and ingestion
Animals	Pets and other animals-diseases transferred by animals to humans Insects-bites and diseases
Burns	Hot or burning substances, acids, lyes and electricity
Cans	Cuts while opening
Carbon monoxide	Faulty installation, leakage of gas, inadequate ventilation for example in garages
Carelessness/lack of training	In disposal substances-caustic chemicals, incandescent and burning material, glass-material and sharp tools
Distraction during work	Telephone, TVs, persons, animals and doorbells
Drowning	Swimming pools, bath tubs, open drains
Electricity	Overloaded, misused, incorrectly wired, ungrounded or inappropriate tools, faulty installation, faulty insulation, wet hands, wet floors and contact due to any of above
Ergonomics	Poor design of houses, of tools, machines and appliances, odd positions forced due to work load or faulty tools
Explosion	Combustible material, gas tanks, cooking and heating installations and appliances
Falls	On level while walking, standing or sitting, from a different level-ladders, staircases, caused by unprotected stairs, wet floors
Fire	Smoking, combustible material, paints, solvents, flammable clothes, celluloid toys, gas connections, storage of flammable material near fire places-poorly designed, misused, badly ventilated
Firearms	Ignorance of handling, cleaning and servicing
Food poisoning	Infected or rotten food and beverages served to workers, items served after expiry date of the material
Furniture	Bad design-ergonomic problems, unstable, sharp edges
Gardening	Tools, sprays of chemicals, equipment
Gas	For cooking-irritation of eyes, skin and mucosa
Housing	Bad design for ergonomics and prone to accidents, lack of fire extinguishers and escape routes
Lighting	Insufficient in house or servant's quarters-causing accidents and effects on vision
Meteorological	Heat, cold, snowing, lightening
Noise	Noisy appliances-hearing affected
Overexertion	Improper lifting causing hernia, ruptures, back injuries and backache and other muscular or bone or joints' problems
Stoves	Causing burns and asphyxia gassing due to bad ventilation

## **Abbreviations**

ADWU: Asian Domestic Workers' Union  
AIDWA: All India Democratic Women's Association  
ASI: Annual Survey of Industries  
BGKS: Bangalore Gruha Karnikara Sangh  
CASED: Collective for Solidarity Action with Domestic Workers  
CBCI: Catholic Bishop's Conference of India  
DWM: Domestic Workers' Movement  
ECOSOC: United Nations Economic and Social Council  
GKS: Gharelu Kamgar Sangh  
GNP: Gross National Product  
ILO: International Labour Organization  
INTUC: Indian Trades Union Congress  
MFA: Multi Fibre Agreement  
NCL: National Centre for Labour  
NCO: National Classification of Occupations  
NSSO: National Sample Survey Organization  
YUVA: Youth for Unity and Voluntary Action

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