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**SWEEPING IT UNDER THE TABLE: STANDARDISING THE INDIAN  
DOMESTIC WORK ECONOMY THROUGH CORPORATE  
INTERVENTION**

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**ABSTRACT**

The market for domestic work in India is largely unregulated. Government policies and laws are sparsely implemented and remain present only on paper. This paper seeks to explore the disadvantage that domestic workers, especially female domestic workers are placed at when it comes to their working conditions, environment and remuneration. In this space, private companies have also entered this sector to provide on demand domestic help services in order to formalise this sector and generate profits. However, most of these private initiatives unfairly benefit employers and exclude the most marginalised sections of workers. This paper looks into the current position of domestic workers with respect to the role that the government and these private players play in shaping up these sectors. The problems faced by women, children and migrants employed in domestic work are focused and emphasised upon. It also contains recommendations as to how private initiatives can be used to improve the conditions of workers by giving them better bargaining ability in a skewed power structure with respect to their employers. The need of regulation and implementation of government legislation is explained with the goal of bringing this sector under the focus of mainstream narratives and discourse.

**Keywords:** Labour Organization, Dalits, Adivasis, PMJJBY, PMSBY

**INTRODUCTION**

Domestic workers also known as domestic helpers, domestic servants, manservants or menials, are people who work within their employer's household. Domestic work refers to housework such as sweeping, cleaning utensils, washing clothes, cooking, caring of children and such other work which is carried out for an employer for remuneration. In exceptional cases, there is high value attached to domestic work since their task can include the management of the entire household. However, in the majority of cases, domestic work despite being extremely demanding is undervalued by the market forces and ignored by the state agencies. For example,

the value attached to the job of a Butler in the United Kingdom is an anomaly when compared to the value of other domestic jobs across the world, especially in third world countries like India. Although legislation protecting domestic workers is in place in many countries, it is often not extensively enforced. Largely, domestic work remains to be poorly regulated with domestic workers being subject to serious abuses, including violence, harassment and slavery. The International Labour Organization estimates that there are approximately 67 million people working as domestic labour across the world which comprises of 3.6% of the total level of employment (WEIGO and ILO, 2013). The domestic workforce largely comprises of the most marginalised sections of any society, it has been dominated by African Americans in the United States of America, Dalits in India, and most importantly, women, across the globe. This is due to the stigma that society attaches to these jobs which reduces their value and desirability. It also sees huge participation from other vulnerable social groups like children and immigrants.

About 80% of the domestic workforce comprises of women. The ILO claims that 1 out of every 25 woman workers are a part of the domestic workforce. However, this gets much worse in developing countries of Latin America and the Caribbean where domestic work employs about 25% of women. Domestic work is seen as something that is beneficial for women because it gives them employment and a sector to which they have higher access to, by the virtue of patriarchal notions in societies that see them primarily as homemakers and caregivers. However, it can also prove to be disadvantageous by reinforcing gender inequality through the idea that domestic work is an industry that should be dominated by women, by the virtue of them only being adept at work related to homemaking and caregiving. Moreover problems such as low wage, lack of social and economic mobility and harassment at the hand of employers are things that women in the industry necessarily have to have in their workplace.

Migrants as a social class also form a considerable part of the domestic workforce. Domestic workers (most women) account for up to 60 per cent of internal and cross-border migrants. Migrants are uneducated and usually look for immediate participation in the economy of the host country to foster their social integration. This makes domestic work perfectly suitable for them. The UNHCR estimates that Saudi Arabia has about 1.5 million migrant domestic workers. Migrant domestic workers are even more vulnerable by the virtue of them not having access to state mechanisms in the host country which are supposed to protect them from exploitation.

Despite the criminalization of child labour across the world, the ILO estimates that globally, as many as 7.4 million children under age of 15 work in domestic service, especially in the developing world (WEIGO and ILO Survey, 2013). They are particularly hidden and among the most difficult to survey. This creates a very unique and severe problem because children are the most vulnerable to exploitation and harassment. At the same time, government agencies have the

least ability to stop this from happening since they usually operate underground which makes their surveillance and protection extremely difficult.

## **WOMEN DOMESTIC WORKERS IN INDIA**

According to estimates by the International Labour Organisation (ILO), there are at least four million domestic servants in India. However, this number is highly disputed with trade unions and other Non-Governmental Organizations claiming that this number is as high as 10 million. More than two third of these workers are women. They usually come from the weakest and most marginalised sections of the society such as Bangladeshi Immigrants, Dalits (Scheduled Tribes) and Adivasis (Scheduled Tribes). These are several contributing factors which lead to the systemic oppression and exploitation of female domestic workers.

They tend to have extremely low wages, very limited benefits and no legal or social protections. Most operate without a labour contract and have no access to free healthcare, social security or pensions. There is little or no bargaining power that these labourers have, with respect to their employers in the form of Trade Unions. Moreover, most of these women are minors, which makes the form of employment even worse. They belong to the bottom of the economic pyramid which is why they are extremely easy to replace and exploit.

Sexual harassment and abuse is another major problem that these women face. These crimes go largely unreported because of the vast difference in social capital between the employer and employee. Police forces are reluctant to file First Information Reports and the desired sensitivity is replaced by an extremely dismissive attitude.

Certain categories of domestic workers face greater disadvantages. Live-in domestic workers experience more isolation, less privacy and more limited mobility, work longer hours, and receive a larger share of payments in kind (such as board). Living conditions are frequently poor. They are also more vulnerable to physical/sexual abuse by employers. Migrant workers are even more vulnerable as they are also victims of human trafficking. Places like Mumbai in India are hubs for human trafficking and law enforcement has been less than adequate to solve those problems.

Domestic work is also extremely undervalued. It is difficult to include in the GDP since all households do not employ domestic help. Only a few states like Rajasthan, Andhra Pradesh, Karnataka, Kerala and Bihar have fixed minimum wages, but in most cases the wage rate is fixed arbitrarily, is too low and irrelevant to those working in urban areas where the cost of living is much higher. There is no implementation of minimum wage in this sector by the state agencies. Therefore domestic workers who work in affluent households are the only ones who enjoy

decent wages. Others are extremely underpaid in terms of salary. Perquisites and benefits are also subjective to the whims and fancies of employers. The market is so unregulated and unchecked that even the ILO has data for only select few countries when it comes to wages for domestic workers. However, a research conducted in 19 Latin American countries by Tokman in 2010 shows that women employed in domestic work receive lower wages than women working in most other jobs, and lower wages than men working as domestic workers. Despite lack of availability of formal data in India, this does a fair job in showcasing the dire condition of female domestic workers. Given similar economic conditions and worse social conditions it is a fair conclusion to make that female domestic workers in India face equally bad conditions as their Latin American counterparts, if not worse.

### **GOVERNMENT LAWS AND POLICIES**

The Convention concerning Decent Work for Domestic Workers is a convention setting labour standards for domestic workers. It is the 189th ILO convention and was adopted during the 100th session of the International Labour Organization. It entered into force on 5 September 2013. India is a signatory to it, but has not ratified it yet.

The Domestic Workers (Registration, Social Security and Welfare) Act, 2008 was introduced to regulate payment and working conditions and check exploitation and trafficking of women and other young household workers. This basically attempts to formalize and regulate this sector and bring it under the ambit of law by expanding the scope of other legislations like Minimum Wages Act, 1948 to include domestic work. Though applicable to both men and women, it assumes significance for women due to their presence in large numbers in the occupation. However, this does not apply to workers who are immigrants, thus excluding a large number of Bangladeshi and Nepali domestic workers. It does not recognise workers under the age of 18, since technically child labour is illegal in India. Therefore this bill excludes the most vulnerable sections of domestic workers. Implementation, however, remains the largest hurdle that state agencies need to cross, something they have repeatedly failed to do.

Recently, however there have been positive changes initiated by the central Government. The Labour ministry is planning to bring about a national policy to protect the interests of domestic workers and to guarantee them minimum wages and social security. Among others, the policy envisages to make a provision for a minimum salary of Rs 9,000 per month, compulsory paid leave of 15 days in an year and maternity leave benefits to full-time domestic helps. The policy also includes social security cover and provisions against sexual harassment and bonded labour. It plans to integrate efforts by Government schemes by the Ministry of Health and Family Welfare, the Indira Gandhi National Old Age Pension Scheme and the National Family Benefit Scheme to help female domestic workers and protect them from exploitation.

The central government has recently converged the social security schemes of Aam Aadmi Bima Yojana with Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY) to provide life and disability coverage to the unorganised workers including domestic workers in the age group of 18-50, depending upon eligibility. Benefits range from a compensation of Rs 2 Lakh for disability to Rs 12 Lakh for accidental death.

### **Role of Private Initiatives**

Uberization refers to a business model in which services are offered on demand through direct contact between a customer and a supplier, usually via mobile technology (Collins Dictionary). With the technological revolution that struck India and the world in the 21st century many sectors of the economy started to get digitized. On demand services became extremely popular with brands like Uber (which lends its name to the process) leading the way. In India sectors like food delivery and ticket booking were the first to be uberized with companies like FoodPanda, Swiggy and Zomato coming to the forefront. With companies like UrbanClap on demand services entered people's homes (quite literally) and many barriers with respect to use of technology were broken down. One of the most recent sectors to be uberized with the entry to private start-ups is that of domestic work. India's on-demand domestic work companies are expanding by up to 60 percent month-on-month, according to United Kingdom's Overseas Development Institute.

On-demand domestic work companies including MyDidi (sister), BookMyBai (maid) and TaskBob say they are helping meet demand for reliable help, while also enabling workers to secure better wages and conditions. BookMyBai also trains and educates domestic workers to provide them more flexibility and mobility. These companies use a simple search mechanism which shortlists workers according to the varied needs of the employers. Employers can then view profiles and contact workers according to their preference. These companies have taken many measures to improve conditions of employment of domestic workers. BookMyBai keeps all workers on a fixed payroll of Rs 16000 per household which is much more than what domestic workers earn operating independently. They are entitled to health insurance and other benefits irrespective of how many hours they work. Since most domestic workers are illiterate, it becomes difficult for them to access digital methods of communication and remuneration. Companies open bank accounts for workers and teach them how online banking and smartphones function.

However, research by the ODI has found that Private initiatives benefit the employer disproportionately. WEIGO's criticism of on demand domestic help services is based on the fact that this sector is so unregulated that it is impossible to verify and check how women who seek

employment through these services are actually treated. There is no oversight of agencies working to match domestic workers with employers and complaints of exploitation, trafficking and enslavement abound. There is also a risk of entrenching a culture of low incomes, insecurity and discrimination due to the quick pace at which these companies are growing. Moreover, the access to employment through these companies is very limited. The 'verification' process conveniently excludes immigrants and all other workers with inadequate government records. Companies can also arbitrarily discriminate on the basis of caste and religion. Such discrimination is illegal in India but these companies are hardly face accountable to any regulatory agency. Formal trade unions are absent, leaving workers without any bargaining chip as these companies proudly advertise a culture of 'fast and convenient replacements' for domestic workers. The Overseas Development Institute claims that despite all benefits, these initiatives are not automatically empowering, and there is a great risk of marginalized groups remaining excluded.

### **THE WAY FORWARD**

The important way to improve the working conditions for female domestic workers is to regulate private companies. This can be done by bringing these employment agencies under the ambit of existing legislation or by the creation of a new regulating agency to provide checks and balances to these private initiatives. An adequate recourse mechanism must also be provided to workers to prevent exploitation and harassment from not just employers but also these agencies since they more often than not prioritise needs of employers over those of workers. The Government strictly implement policy relating to minimum wages, annual leave, sick leave, safeties against discrimination and harassment, health insurance, unemployment and retirement benefits.

Platforms should also restrict possible discrimination based on background. Presently, employers can choose workers based on their religion and marital status. This excludes the most marginalised sections of workers such as religious minorities. Demographic and ethnographic indicators should be removed from workers' profiles to reduce discrimination.

Presently, only employers have the ability to rate workers. This further complicates the already skewed power dynamic in the favour of employers. A dual rating system must be implemented. This will not only help workers choose their employers with diligence but also ensure better treatment of workers by their employers. A dual rating system would be an efficient method of providing checks and balances in the favour of workers.

Finally there is a need for trade unionism and collective bargaining for workers. They must be linked to larger labour movements in the country so that they don't operate in isolation. Organizations like SEWA (Self Employed Women's Association) must be empowered and

expanded to operate in the sector pertaining to domestic work. The benefits of new platform technologies in the world of work must not be limited to platform owners and employers, but must extend to workers on these platforms. In the domestic work sector, these platforms can finally help recognise domestic work as a major contributor to the mainstream economy.

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