



## COVID 19 Pandemic Voices from Margins Webinar Series

### Webinar 28: Draft National Policy for Domestic Workers: Lessons from Lockdown

Date: August 12, 2020

Minutes

#### PANELLIST PROFILES

**1. Poonam** has been living in Delhi for the past 23 years. She is a resident of Vasant Kunj. In 2008-2009 she was part of the Union named *Gharelu Kaam Kaaj* and actively participated in various protests demanding rights of the domestic workers. She disassociated from the Union in the year 2011 due to conflicts in groups when they were collectively protesting for hike in payments to domestic workers.

**2. Visalatchi** is 36 years and hails from Chennai, Tamil Nadu. She has been working as a domestic worker for more than 10 years and has actively participated and encouraged other fellow domestic workers to register as unorganised workers. Besides, she led nearly 65 members to register to avail the benefits of welfare schemes.

**3. Urmila** is a 36 years old and is from Delhi. She is a part-time worker and works as a cook. She believes that brotherhood and equality should prevail in society and people should continue to learn to respect each other.

**4. Tara** is 37 years old and is a resident of Jharkhand. She lives with her brother and an unmarried sister. She has been working since the age of 20. Tara is the eldest among all her siblings and she lost her father at an early age. She worked for long hours and helped her younger sister to complete her Bachelors in Education. Currently, Tara has been stuck in Patna due to the lockdown.

**5. Fatima** is a resident of New Delhi. Previously she was a member of the *Gharelu Madadgar* Union for a few years. She left the union in the year 2012. She has been working as a domestic worker for a period of 25 years. She loves cooking and says she enjoys it a lot.

**6. Anweshaa Ghosh** is a Research Fellow with the Institute of Social Studies Trust (ISST), New Delhi. She is a feminist researcher with a keen interest in gender and livelihood. She has been part of and lead researcher for various studies on the issue of domestic workers at ISST.

**7. Sister Clara** began working for the rights of domestic workers since the Domestic Workers Movement in 1995. Her experiences also include working for the rights of Dalits, Fishermen, Tribals, and various other groups. She has voiced out for the struggles of domestic workers and has been a part of the implementation of various schemes and benefits for domestic workers in Tamil Nadu. In the early stages, she was also a part of the drafting committee for the National Domestic Workers Policy.

**8. Smita Khanijow** works with Action Aid as a National Thematic lead on women and work issues. She has been actively campaigning on gender rights and specifically raising challenges faced by rural domestic workers. Action Aid with support of networks, partners and unions has initiated the missed call

campaign to draw attention of government authorities and policy makers to the situation of domestic workers.

**9. Bharti Birla**, has an experience of over 25+ years in the development and corporate sector, in varied capacities. Currently, with International Labour Organisation, DWT for South Asia and CO for India, as lead for ILO-Japan Project on Sustainable Global Supply Chains in South Asia with focus on workers in lower tiers of supply chains (India, Nepal, Sri Lanka). Prior to that was lead for DFID-ILO partnership programme “Work in Freedom” aimed at preventing trafficking and forced labour of women & girls in South Asia and the Middle East for the India component.

## **WELCOME NOTE**

**Tom Thomas**, works with Praxis, an organisation that primarily focuses on participatory research in a democratic way through both dialogue and study. Now the physical outreach programmes are mostly being done digitally. Over the last 27 webinars we have been able to reach different communities ranging from migrant workers, sex workers, children, adolescent girls, to children with special needs.

The core idea behind this webinar series is twofold. First is to bring out the voices that are unheard even in normal times and the second is to amplify these through collective efforts to a level of action. We need to spread and share these ideas as a part of outreach. With a range of panellists, primarily domestic workers and people who have joined the struggle of these domestic workers for rights, this 28<sup>th</sup> webinar is brought together by Praxis and Partners-in-Change.

We, the middle class of the Indian society are directly involved in this issue of domestic workers. We tend to forget that these workers are subsidising our own lives, making it easier in more ways than one by supporting us. Can there be any solution? I affirmatively think that we can be part of the solution. At the risk of sounding didactic, I would like to propose a couple of things. First is to acknowledge, appreciate and practice the idea of fair wages which includes minimum wages, living wages and beyond. A good starting point would be to appreciate this idea of fair wages. Second is to respect this immense support as a profession without looking down upon it as low skill, menial or low profile job. There is a prevalence of casteism linked to domestic work, it is important we position their work as a profession and we treat them as we would our own colleagues. The third position would be a complete no to child labour. Most of the estimates show that up to 25 per cent, of a yet undefined number of domestic workers, are children. The estimates range is from an official 4.2 million to 50 million, so it is a fuzzy range and 25 per cent of this is children, and mostly girl children. Close to 2/3<sup>rd</sup> of the domestic workers are women.

## **PANEL DISCUSSION**

**Poonam** talks on the RWA rules and discrimination against domestic workers.

Be it Covid-19 or any other thing, it is the poor who always bear the brunt of it. In spite of working like every other person, we do not get the respect. Many of the workers have not received their wages during the lockdown. The names of the workers who were found Covid-positive, their names were made public, this will make it difficult for them to get work in the future. We are not educated, and therefore we do not have as wide a range of opportunities as others. None of the rich people had to get tested, but we were threatened, that we cannot enter the colony without a test. Why is it that such strict

rules are only applied to those who are poor? Can't those who are staying in these big colonies also have covid-19, shouldn't they also be tested? It was said that we will lose our jobs and housing societies would not give us entry until and unless we are tested negative. The employers did not go through the same process of testing. Here my question is why it always the poor who has to go through this when they do not even have the money to get the test done. We, the domestic workers, are troubled every day and we have to bear with this, at the risk of losing our source of livelihood.

**Visalatchi** brings out the issues of domestic workers during pandemic and the role of Tamil Nadu Domestic Welfare Board.

I am Visalatchi from Perumbakam, slum area from Chennai and I have been working as a domestic workers for 10 years. I have two daughters studying in Class 9 and Class 1. One of the biggest issues we face is the lack of work. We don't have any work right now. The struggles we face normally have only increased during this pandemic. It is hard to even speak about it as we are left with no jobs and no income. Our employers have asked us to return to work only after September, that too only if the lockdown ends. Without a job and an income, we are managing the expense by taking loans, which is an added burden during this unending lockdown. Now we don't know where to get more loans from, to run the family and for our survival. Those who registered as unorganised workers received Rs 1000 from the government, but many are unaware of such registration or even the welfare board. It is important to register to avail benefits such as scholarship for students in Class 10 and above, pensions for in the 50-60 age group, insurance, etc. In case of accidents we may get up to Rs 1 lac. We have to submit documents like Aadhar and Ration card in the Welfare Board office. Though the government has announced a pass for domestic workers, we don't have any transport facility for work nor the financial capacity to pay for our own vehicle. Even if we can travel around, it doesn't matter as no one is ready to give us a job. If we went with a mask and full gear too, people would still not be willing to employ us as they are still in fear.

**Urmila** speaks on pandemic induced social marginalisation of specific groups.

I live in Delhi. I cook food for residents. I did not face any challenge as my employers supported me during this time but that is not the case with everyone else like me. Many were removed, were not called and later their salary was not paid. I asked one of my employers and she helped us filled the form for ration. They said that if we get ration we will be able to cook and feed our family so for 15 days a kit was given which had basic food and grocery items such as oil, wheat and soaps.

In my location, there is a mixed population of both Hindu and Muslim. There are few people who would say ill words about the Tablighi jamaat incident and it became very troublesome for us. We were told sometimes on the face and sometimes behind our back that corona was spread because of the Muslims. People around me would even call me and say look at what your Muslim people have done today. They didn't follow rules they did this they did that. Now that discussion has died down. What we have seen post corona most of the Muslim maid have not been called back but Hindu maids are going back to work as usual but the employers are not saying the actual reason. Most of the people went back home as they had to pay rent and manage food was also becoming difficult.

**Tara** deals with the issue of Challenges faced by migrant domestic workers.

I pray that this Covid-19 gets resolved soon. I have no work as of now. My sister's surgery was scheduled in Bombay, but I couldn't go and also lost my job. The Covid-19 outbreak happened and since then no one call us for work. I have nothing and now I'm facing issues with ration. I have a ration card, but what we received was not enough, we're managing with that and have taken a loan. When I used to work I had a very hectic schedule from morning to late evening without any leave. I am also scared because I am aged, and I know the danger of Covid-19, but if I get work I will go out, because I need to survive.

**Fatima** mentions about new forms of stigma and exclusion in times of pandemic.

These are very uncertain times, we are not getting work and we are facing severe shortage of food. Earlier I used to work at 6 houses, now I work at 4 houses after covid-19. I have been getting the same pay as I used to before the pandemic. However, if I go near the kids the employers reacts in a different way, they react as if we are roaming around with Covid-19 in our pockets. They want us to be distant from their kids but we also have kids at home. It's an equal risk for us too. It is only because we are financially weak. One cook was found to be Covid-positive and then the colony started scanning all the workers. Why are only the poor treated like this, everyone should be tested. We were threatened to get scanned otherwise we will not be allowed to enter the building premises.

If everyone was treated equally in the scanning process this would not have hurt so much. If the rich people have families so do we, we don't even have the money to get tested. They make faces at us and differentiate against us. We have been subjugated to forceful tests. Why is there this one-sided approach. Those who live in these colonies/apartment buildings should also be mandatorily tested, if we are tested. They are also answerable to someone. Why is that we are asked all questions but they get away. My husband lost his job in March. We are struggling financially and we don't how we're going to manage. We have been working here for the past 25 years and now the residents don't even acknowledge our presence. We are visible to them only when we are needed.

**Anwasha** shares insights and findings from report "Impact of COVID-19 National Lockdown On Women Domestic Workers in Delhi".

I will refer the concept of recognition. The domestic workers are not given recognition. I am from ISST and we did a small sample for the study during the lockdown. In our study we have tried to bring forward the situation of women informal workers. The nature of work and life is very different for women and men workers, so we chose to emphasise on women informal workers.

We have covered different sectors including rail-line workers, construction workers, domestic workers and garbage collectors. We thought that our partners at ground would be idle to provide us information through telephonic survey and interview. We translated all our tools to Hindi and it was essential for our partners to understand the actual situation on ground and for us in terms of the research study. In our sample, 60 per cent of the domestic workers had children below the age of 14 and due to this there is a pressure on them to take care of them too. Around 51 per cent of them mentioned that their husbands lost their jobs during the lockdown. 11 per cent claimed that they were worried because they have older parents or in-laws and around 3 per cent of them had disabled people in their families. We had conducted the study in the third and fourth week of April. The average age was around

36 and almost 60 per cent of them were married and rest were unmarried, single or widows. Most of the respondents said that they were not provided with the salary for March. When they were called back to the work they were not given any money or avoided. What we have seen is that almost 83 per cent women shared that they faced severe to moderate crisis. These women were not sure how they would run their family and were struggling to meet ends. None of their employers reached out to them. Most women shared that the employers wanted them to stay over at home, but there was no clarity about the change of pattern of work, pressure of work and the wages correlated with this new nature of work. 54 per cent of the women shared that work had increased as all family members were at home, but there was no talk about increase in pay. 23 per cent shared that the time taken in procuring food and other essential items for their house had increased. What they also shared was that men would be scared to go out as there were strict rules, women had to step out and get these work done and come back and take care of family.

There were a lot of issues related to increased violence against women, increased work at home, pressure and stress for these women. The respondents were extremely worried about the economic implications - even recharging phones was an issue for them. Many of them had access to only one time of meal which was arranged through the community kitchens and through NGOs. I would like to emphasise on the restrictions imposed on these workers by the Resident Welfare Associations, the domestic workers are facing stigmatisation and are seen as corona carriers. Also, there have been serious impacts on women health. As there were very few institutional deliveries, women were unable to access the benefits that they should have received. Also, there were many policies they couldn't access due to the lack of access to smart phones. We need to talk about safe migration. Any workers going back to the village have suffered violations and these issues require activism, research as well as funds.

**Sister Clara** mentions about gaps in legal instruments and policies with respect to Domestic Workers.

I have been working for the rights of domestic workers for the past 26 years in the National Domestic Workers Labour Movement / Board. In the initial stages, the rights of domestic workers were not recognised by either state or central government, nor were they considered as workers. In Tamil Nadu, through the continuous struggle and debate for the rights of domestic workers, Acts like the Tamil Nadu Manual Workers Act, 1982, Trade Union Act, 1926, Minimum Wages Act, 1948 were established. A separate welfare board has been set up for them, this was achieved only after a long struggle. In 2010-2011 at the Geneva Conference for Domestic Workers, representatives from India had reported no issues on this basis. Even now, more than 30 countries have accepted the ILO Convention, but India hasn't accepted it. The Indian government has been hesitant about the rights of domestic workers. The government has ordered to give Rs 75 for an hour but nobody follows this. But these problems have been existing then and now. Many workers have been brutally raped, abused, falsely accused or killed. These workers have been blamed for crimes that they haven't committed or have been forced to quit jobs when they have requested a hike in wages or bonuses. The government hasn't supported them with any of their basic needs. They have been forgotten by both Centre and state. Our demand and requests are to protect the rights and welfare of domestic workers and to provide them with minimum wages. During Covid-19 these workers have to be supported by the government with their needs for housing, medical (ESI), and other welfare benefits. The government should bring in a law for these workers. The safety and security itself is an issue and in this pandemic they have been struggling a lot. 44 of the labour

Acts have been diluted by 4 codes to take away the rights of workers. For example, 8 Acts have been transformed under the head Social Security but this is applicable only in a few states.

The government has diluted the Acts in order to strip away the basic monetary benefits received by the workers. Previously, there was a legal body set up for these workers but after the laws have been diluted the position of the body is unknown. If this is implemented then the authority of all welfare schemes will shift from Centre to state and with all the labour rights committees being dissolved it would affect the workers more. Though the government has given loans to many corporates and they haven't been questioned but the unorganised sector workers have been burdened with higher interests in repayment. Domestic workers have not been brought under these diluted laws. It makes me question if the current government is for the workers or the corporate or their own parties? The unorganised sector isn't recognised for their rights, but only for their votes. A national law has to be brought in to support these workers and only with this will the workers be able to exercise their rights. At both national and state level, there had been a huge struggle for implementing the Sexual Harassment at Workplace Act 2013, and only later were these workers included in it. The domestic workers have been viewed as slaves and not as human beings. Every year to protect the rights of domestic workers we have been debating and voicing out at the parliament with the Members of Parliament.

**Smita** emphasises on how organisations and campaigns have addressed the issues of domestic workers during lockdown.

In today's discussion panellists have shared about the range of issues they have faced. In the lockdown there was a large scale realisation about the value of domestic work. Action Aid did a study in May and reached out to 11,000 migrants. Most told us that they did not have enough saving. 43 per cent of the women workers had no kind of Identification cards, which would help them access entitlements. We have a big scale of informal women workers and it is imperative that we have a policy related to their rights. The government keeps asking us for numbers, but these numbers are actually available to them through different mediums, they should consider these numbers and there should be a cash transfer made to these women. These numbers can have access to them through Resident Welfare Associations, Unions and other such sources. The only cash transfer that women have received is the Rs 500 in their Jan Dhan account, which is very little.

Due to covid-19 we are unable to advocate using old mediums, but we are trying to support them by sharing these issues on public platform like this webinar. We have also launched a campaign through which we are trying to give a petition via missed calls. One missed call would be considered as one signature. Missed call can be given on 7829855888 and we want to take it forward to the Government. I request everyone to give missed call on the number to help and support us and make this campaign more effective.

## **QUESTIONS AND ANSWERS**

### **Question related to unemployment and child labour and policies among domestic workers**

**Question to Anwasha** – Existing studies state that if adults remain unemployed, there is high chance of prevalence of child labour. As unemployment among domestic workers is on rise due to COVID-19, what would be its impact on child labour?

**Answer** – Though I am not an expert to comment on child labour, but during our research back in April-May, a lot of women have expressed their concern about schools being shut. It impacted the children like everyone else and a lot of them have gone back to their villages or dropped out, in these cases many of them are also untraceable.

**Question to Sister Clara** – Is there any occupational safety policy for domestic workers in Tamil Nadu?

**Answer** – There is no policy that has been implemented on occupational safety in Tamil Nadu.

### **Question to the organisers**

**Question to Tom** – What is the purpose of organising this webinar and how far it can be completed?

**Answer** – Most of the marginalised communities do not find their voices in forums like this or larger forums where policies are made. Therefore, this is an attempt by Praxis, Partners in Change and other partners who have joined this forum to discuss such issues and take it further collectively as well as individually. Over the last 27 webinars we have been trying to discuss the issues faced by marginalised communities among us and this question and answer segment is important to understand what is discussed and how far it can be taken further.

### **Questions related to union**

**Question to Fatima** – What are the reasons behind people leaving domestic unions?

**Answer** – We asked the union to help us to rescue a girl who was employed at the place. We approached the Police and Bandra Thana also. The police helped us to bring the girl back. The girl was sent on work by her aunt and she landed in problems and we have approached union to seek help. The main reason to leave the organisation was we did not get enough help when required.

**Poonam answers** – I wanted to say that in these times people should think about us as well. There should be some fund that should be assigned for us. We had formed a group and I was the leader, we had some sisters from Jharkhand and we had formed a collective. We had gone to Jantar Mantar in Delhi and many places to raise our voice so that it benefits our sisters but things did not evolve. All I want to say is that these issues are not heard and nobody is even keen to listen to our issues. The biggest gap I can see is that we are not educated and because of that I have suffered, but I want to make sure my children educated so that they do not have to suffer and work like me. We thought the committee is meant to help us in situations but we were not provided any help. I am still in touch with the other members but now I am not part of the group anymore.

**Bharti** comments on the question related to trade union, taking this issue up with the Government and policy making.

Many of us on the panel today have been advocating for the rights of domestic workers for many years now. As we all know, even if the Government made a few policies on this issue these have never been implemented. I would like to elaborate on the ILO convention and national policies. The ILO convention is based on a basic global observation, i.e., in every country domestic workers are not involved in any labour legislation. There is no clear definition of domestic workers and they are highly denied of social protection, policies and occupational rights. There are no administrative bodies that regulate agencies that employ these domestic workers and it affects the migrant labourers and their safety. Domestic work is seen as an unskilled job as it is considered that women who are not capable of doing any other work. Because of this, the minimum wage has also not been settled in this sector. Interstate labourers are mostly troubled by the issue of forced labour as their voices are highly ignored. The important question is what are the laws that can serve justice to these workers?

ILO convention 189 on domestic work was adopted in 2011 and 30 countries have ratified this. This has been discussed by the Indian Government twice. At first they said that they cannot implement this into legislation and then supported it saying that these laws are but it has still not been ratified and still there is no law that has come in support of the domestic workers. In 2019, the Indian Government set up a task force, to raise the social benefits that domestic workers should get and what kinds of policies or laws should be brought about. Till today, neither policies nor laws have been made or implemented. Jharkhand Government also tried to legalise this issue but could not do it.

The existing national policy had the aim of recognising domestic work as work. Through this we have tried to establish that this is not a self-employed job but there is a relation between employers and employed and if this is the case, domestic workers should be able to access social security and their basic occupational rights as other employees. Indian Government agreed to include the domestic workers under Unorganised Labour Social Security Act in 2008 recognising household as a workplace. Even though the Taskforce and other civil society organisation demanded that domestic work should come under the existing law but household as a workplace is very challenging as the nature of relationship is very different. In a family with many people, it becomes difficult to identify who will play the role of the 'employer', so in some cases it is difficult to fit the household under these definitions. Therefore, in places where it is difficult to fit domestic work under an existing law, separate laws specific to domestic work should be introduced. It has also been raised in National Policy that employers, employed, organisations and Government all should take part in a tripartite mechanism to take this further. After a long fight, minimum wages were accepted for domestic workers and child protection and sexual harassment is also given consideration. Employment agencies are also requested to register them under the Shops and Establishment Act which has been implemented in a few states.

Another issue is skill development where wage is decided on the basis of skills. We have requested the Government to certify the domestic workers as skilled labour so that their wages are also fixed on the basis of the same. ILO has been working on this since very long and was able to establish a sector skill council separately for domestic workers under the National Skill Development Corporation. I would like to raise a few questions that need be discussed. 1. Is domestic work recognised as work? 2. Why are the domestic workers not entitled in terms job benefits like others? 3. What are the gaps in their work and job benefits? 4. Why are they denied of basic employment rights such as provident fund, pension etc. even after having the same relation with the employers? 5. Placement of domestic workers

does not always happen through the agencies but relatives or known people. How this can be regulated?  
6. What should be the collective policy? We also need to rightly approach child trafficking and victimisation of them and put their rights first in priority. It is also necessary to put them under the labour code to ensure their health facilities and social security too.

**Tom** concludes the session emphasising the need to take forward discussion.

We need to take this forward in all possible capabilities. There are many organisations that are present in this webinar and shared resources so that we can move forward. As mentioned by one of the panellists that money plays a major role in deciding your social status. This is something for each one of us to think about. The low bargaining power of domestic workers is likely to be continue in a country like ours, with a huge population with an unequal income structure, but this should not cloud our judgement when we work towards their rights. We cannot have a prosperous economy with such inequality and unfairness persistent. It begins in our homes and we must start moving to the State to demand for these rights. We must all begin at a small level, like the Resident Welfare Associations or civil society organisations, and work towards fair wages and dignity of work and labour.