

A Study on Domestic Help Workers and Factors Affecting Realisation of their Rights in the State of Punjab

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Abstract

In India household work has always been considered as below someone's dignity. It has always been the 'duty' of the woman: wife, mother, daughter or sister to do the household tasks and expect no pay. No wonder regarding that the domestic worker is so deliberately underpaid. Cooking, cleaning, caring for children, these are all skilled jobs but they fall under the unorganised sector, with no law to protect rights, no health cover and no pension. It means that in case of a dispute with the employer, the worker cannot go to a labour court, as she is not technically recognised as a 'worker'. All laws since Independence are formulated for the organised sector. Workers range from full-time to part-time workers, skilled and unskilled workers. The issues such as no formal contracts ensuring an employer-employee relationship, lack of organisation, poor bargaining power, no legislative protection, and inadequate welfare measures with no provision for weekly holidays, maternity leave and health benefits need to be addressed. The present study addresses the issues and tries to find the status of the domestic help workers in Punjab area.

Keywords: Domestic Help Workers, Realisation of Their Rights.

DOMESTIC WORKERS IN INDIA – AN INTRODUCTION

In India household work has always been considered as below someone's dignity. It has always been the 'duty' of the woman: wife, mother, daughter or sister to do the household tasks and expect no pay. No wonder regarding that the domestic worker is so deliberately underpaid. Cooking, cleaning, caring for children, these are all skilled jobs but they fall under the unorganized sector, with no law to protect rights, no health cover and no pension. It means that in case of a dispute with the employer, the worker cannot go to a labor court, as she is not technically recognized as a 'worker'. All laws since Independence are formulated for the organized sector. Workers range from full-time to part-time workers, skilled and unskilled workers. The issues such as no formal contracts ensuring an employer-employee relationship, lack of organization, poor bargaining power, no legislative protection, and inadequate welfare measures with no provision for weekly holidays, maternity leave and health benefits need to be addressed. This lack of regulation has led to innumerable violations of domestic workers' rights, including working hours ranging between 8 and 18 hours and the absence of any job security. Domestic workers invariably represent the more marginalized communities in society. Domestic workers have to face prejudice and bias related to social status is reflected very strongly at the workplace. Female domestic workers, especially those who live in their employer's home, are susceptible to sexual abuse. Wages for the domestic workers are determined by factors such as tasks performed, hours of work, their social status, skills (or the lack of it), the need for flexibility and other labour market conditions. There are on-going debates over the norms for

setting wages. These debates include several complicated issues such as whether the wage ought to be time rated or piece rated, in kind, hourly or weekly, part-time or full time; based on house size or persons per household, over time; adjusted for boarding, include medical care and other necessities and multiplicity of employers. Inequality is the cause of lower wages for domestic workers in India, and there is a need to ratify the ILO Domestic Workers Convention to guarantee decent and secure work to them.

LITERATURE REVIEW

The purpose of review of literature is that it gives reader easy access to the research on a particular topic by selecting high quality articles or studies data relevant, meaningful, important, valid and summarising them into one complete report. It also provides an excellent starting point for researchers beginning to do research in a new area by forcing them to summarise, evaluate and compare original research in that specific area. The literature reviewed in this synopsis by no means is the opinion of the student or supervisor conducting the study.

Afadameh Amah, Kalula Evance (2013) stated that domestic work is correlated to informal employment and this put domestic worker outside the scope of formal employment in most cases. This makes legislative framework deficient to properly regulate the sector, it concurrently leaves domestic workers exploited. Therefore, an essential step in the attainment of social justice for abused and exploited domestic workers lies in their ability to unionize, receive information and understand their rights.

Toit du Darcy (2013) emphasised that Domestic workers are devastatingly female

and exposed to what has been termed ‘triple exploitation’ – that is, discrimination based on gender as well as class, exasperated by their generally weak position in the labor market, and, in many cases, nationality or race. At the same time domestic work – including child-care and care for the elderly – has come to play an increasingly significant role in the global division of labor. It is, quite simply, too important a sector to be left entirely to the interests of individual employers. Thus domestic work was an area in need of in-depth research from the perspective of the implementation of workers’ rights.

UN Report (2013) stated that Millions of domestic workers around the world are not protected under general labor laws and are highly vulnerable to exploitation which calls on countries to extend social protection to them. Domestic workers are frequently expected to work longer hours than other workers and in many countries do not have the same rights to weekly rest that are enjoyed by other workers. Combined with the lack of rights, the extreme dependency on an employer and the isolated and unprotected nature of domestic work can render them vulnerable to exploitation and abuse.

Domestic workers tend to have lower wages, fewer benefits, and less legal or social protections compared to most other wage workers, with the probable exception of casual day laborers and industrial outworkers. Further, although home is widely viewed as a “safe haven” and some domestic workers feel protected in the private sphere of a private home. There is growing evidence that domestic workers are exposed to a wide range of unhealthy and hazardous working conditions (Peggie Smith, 2011). In sum, the earnings of domestic workers are among the lowest of all occupations and the earnings

of women are lower than men’s due, in part, to the fact that women and men tend to do different tasks within domestic sphere. Further, a significant proportion of domestic workers live below the poverty line. Also, very few domestic workers have labor contracts or social protection, and women in domestic work are in a worse position than men. Certain categories of domestic workers face specific working conditions that exacerbate or reinforce the common challenges and disadvantages faced by all domestic workers (Jagori, 2012).

Mantouvalou Virginia (2012) examined that human rights are primarily normative standards and certain labor rights are human rights. This research article finds that there are in fact three different approaches in the literature that examines labor rights as human rights, which are not always distinguished with sufficient clarity. First, there is a positivistic approach, according to which a group of rights are human rights insofar as certain treaties recognise them as such. The question whether labor rights are human rights is uncomplicated on this approach, which is often found in international law scholarship. A response to it comes through a survey of human rights law. If labor rights are incorporated in human rights documents, they are human rights. If they do not figure therein, they are not human rights. A second way in which the question of this article is approached is an instrumental one that looks at the consequences of using strategies, such as litigation or civil society action, which promote labor rights as human rights.

This is the most common way in which labor law scholars analyse the problem in question. If strategies are, as a matter of social fact, successful, the question is answered in the affirmative; if not, skepticism is expressed. The

third approach to the question whether labor rights are human rights is a normative one. It examines what a human right is, and assesses, given this definition, whether certain labor rights are human rights. This path is the one that has been least taken in the literature, but is an important one and has implications for the previous two approaches. This article maps out the three approaches above, addresses the main arguments advanced in scholarship and explores their implications. Some labor rights are compelling, stringent, universal and timeless entitlements as much as rights such as the prohibition of torture or right to privacy. If the law falls short of their protection, the response should be that the law ought to change. A possible shortcoming of it is that its proponents are sometimes disappointed when courts or other governmental or non-governmental organisations fail in the protection of labor rights as human rights, and this leads them to a rejection of human rights as fundamental principles altogether. Importantly, though, failures in the practical achievements of judicial bodies, as well as the human and labor rights movements, are not determinative. This is because human rights are, primarily and above all, normative standards, and certain labor rights, as it was argued in the third section, are human rights. Certain labor rights are compelling, stringent, universal and timeless entitlements, as much as rights such as the prohibition of torture or the right to privacy. If the law falls short of their protection, the response should be that the law ought to change. The recognition that certain labor rights are human rights, to conclude, does not imply that human rights exhaust labor law as a field of study. What it implies is that some labor rights are stringent normative entitlements, and this should be reflected in law.

According to the most recent global and regional estimates of domestic workers produced by the ILO's Conditions of Work and Employment Programme (TRAVAIL), at least 52.6 million women and men above the age of 15 were domestic workers in their main job in 2010 (ILO, 2011a). This figure represents a significant share of global wage employment, some 3.6 per cent worldwide. Women comprise the overwhelming majority of domestic workers, 43.6 million or some 83 per cent of the total. Domestic work is an important source of wage employment for women, accounting for 7.5 per cent of women employees worldwide (ILO, 2011a). In spite of the valuable role played by domestic workers in the functioning of individual households and society as a whole, they remain one of the least protected groups of workers under national labor legislation.

The ILO law and practice report on domestic work, which had been prepared for the 99th Session of the International Labor Conference in June 2010, presented information on the legislative practices of member States in a range of policy areas concerning working conditions, social protection, freedom of association and collective bargaining (ILO, 2009). While some countries have put in place policies and laws that extend labor and social protection – albeit in varying degrees and ways – to domestic workers, this group remains unprotected in many other places. Extending the reach of labor law is a means of bringing domestic workers within the formal economy and the mainstream of the Decent Work Agenda. As articulated by the International Labor Conference in its 2002 Resolution concerning decent work and the informal economy, the challenge of reducing decent work deficits is greatest where work is performed outside the scope or application

of the legal and institutional frameworks” (International Labor Conference, 2002, para 2). Over the last few years, studies on domestic work in India have noted the increase in the numbers of migrant female domestic workers in the cities. They have also observed that domestic work is highly informal in its organization and highlighted the vulnerabilities of domestic workers who belong to the poorer and uneducated sections of society.

NYS Department of Labor (2010) the report discussed the unique issues in the domestic work industry and their impact on the ability to bargain collectively. Possible frameworks for collective representation and bargaining for domestic workers under the New York State Employment Relations Act (SERA) are identified. Other alternatives for providing benefits to domestic workers are also suggested. The report concluded that both domestic workers and their employers must collectively form the best form of organisation. It also concluded that there are certain issues specific to the application of collective bargaining that needs further exploration in domestic work industry.

ILO, REPORT (June 2010), estimates that there are “tens of millions” of domestic workers worldwide. These mostly female workers share common issues: isolation, long hours, low pay, invisibility, lack of recognition, and lack of worker rights. Domestic worker have successfully organized formal unions in a few countries such as Peru, Indonesia, and South Africa. In Italy, a union in the commerce, tourism and service sector has negotiated a national collective bargaining agreement for privately employed domestic workers since 1974. Even where domestic workers do not have collective bargaining rights under the law, they are uniting, locally, regionally

and globally and establishing networks to promote domestic workers’ rights. Support is building for the ILO to issue a convention to set global standards for “decent work for domestic workers.

OBJECTIVES OF THE STUDY

The objectives of the study are:

- To study the various employment related issues of domestic Workers such as working hours, leave, pay, other facilities unionism, grievance handling, labour contract, etc.
- To find out the relationship between gender and realization of rights.
- To find out the relationship between the geographical area which the domestic help worker dwells and realisation of their rights.

HYPOTHESIS OF THE STUDY

Based on the intense literature review the researcher has framed the following Hypothesis:

H₀₁: There is no significant difference between gender and realisation of their rights.

ILO (2010a) in a report said that while pervasive deficits in working and living conditions of domestic help workers remain scary, inducing voices of dissent against lack of volition from the state to assure decent work for domestic workers, India lags behind other nations in extending rights to domestic workers. As shown by ILO (2010a), India is yet to provide core entitlements for decent work like maternity benefit. Unfortunately, this class of people being uneducated are mostly unaware of their rights and is thus being exploited by the employers. But still the exploitation is more in case of women as compared to men. Men out of there

peer circles come to know about various government schemes and benefits where as women domestic help workers remain unaware of the same keep on suffering.

Thus the hypothesis that Domestic help workers do not have a significant level of awareness regarding their rights.

H₀₂: There is no significant difference between the geographic region from which the domestic help worker dwells and realisation of their rights.

DATA COLLECTION

Structured questionnaires were designed to collect primary data from domestic help workers. Questionnaires consisted of mostly closed ended questions. Interviewer administered questionnaires are planned for this study. The method of interview was direct personal investigation and it was focused at interview based methods to focus attention on the given experience of the respondent and its effects.

Sources of secondary data on domestic help workers will be collected from official publications of International Labour Organization, Ministry of labour and Employment (India), Department of Labour (Government of Punjab), International and National Journals and Magazines for human resource and labour market, local and international newspapers, World Wide Web, Local Labour and Women Commissions, Non-Government Organizations related to welfare of labour and domestic help workers, Local police stations of respective districts. The study is confined to three major regions of Punjab – Majha, Malwa and Doaba.

Non-Probability sampling technique such as Convenience sampling technique was used

due to non availability of appropriate and official data of domestic help workers. Cost and time constraints were important factors for deciding the size of sample. At the same accuracy of results is very important. To meet the requirements of objectives, a sample of 600 domestic workers were collected from the entire district. The description of the respondent's data is given in the following section.

DATA ANALYSIS

To test the hypothesis suitably, t-test and ANOVA was applied. The results of the analysis was significant and could explain the phenomenon clearly.

T-Statistic Test

Table 1 shows the results of t-test.

Table 1: Results of t-Test Analysis

<i>Gender</i>	<i>N</i>	<i>Mean</i>	<i>Std. Deviation</i>	<i>Std. Error Mean</i>
Male	300	3.1923	1.07984	.05856
Female	300	2.1176		
	.92245	.05721		

The results of the t-statistical can be seen in Table 1. The table shows significant difference in the values of mean, i.e. 3.19 in case of males where as just 2.11 in case of women help workers. This test is performed at 95 percent confidence level or 5 percent significance level and the degrees of freedom associated is 598. This test rejects the null hypothesis since there is a significant difference between the mean of men and women as far as awareness is concerned.

Results of One Way ANOVA

Table 2 shows the results of one way ANOVA where the means of awareness levels of three

Table 2: Results of ANOVA Analysis

	<i>Levene's Test for Equality of Variances</i>		<i>t-Test for Equality of Means</i>						
	<i>F</i>	<i>Sig.</i>	<i>t</i>	<i>df</i>	<i>Sig. (2-tailed)</i>	<i>Mean Difference</i>	<i>Std. Error Difference</i>	<i>95% Confidence Interval of the Difference</i>	
								<i>Lower</i>	<i>Upper</i>
Equal variances assumed	13.687	.000	-12.856	598	.000	-1.07466	.08359	-1.23883	-.91049
Equal variances not assumed			-13.127	590.673	.000	-1.07466	.08187	-1.23545	-.91387

Source: Primary survey conducted for this research (2016).

sections of Punjab regions are compared, i.e. Doaba, Majha and Malwa. The results of the test are positive at 597 degree of freedom and 0.05 percent significance level.

Results of Hypothesis Testing

Based on data collection and data analysis the result of Hypothesis have been described in the following section:

H_{01} : There is no significant difference between gender and realisation of their rights.

The third hypothesis of the study says that there is no significant difference between gender and realization of their rights. This hypothesis is rejected. The data collected through this primary study clearly states that there is marked difference between the realization of rights among men and women. Men both from urban as well as rural region are better aware of their rights as compared to women. Most of the men in the profession are gardeners, helpers, and other such professions are aware of their rights and are less exploited. Most of the women are unaware. The prime reason of awareness of men is primarily not that they are educated. But those men have their circles which circulate various information and rules and regulation.

Although the overall awareness level is very low but still male gender are more aware and informed about rules and regulations in India as compared to women help workers. So from the T-test analysis it can be said that there is a significant difference between genders and realization of their rights. This Rejects the Null Hypothesis.

Now moving to the results and hypothesis testing of the second hypothesis.

H_{02} : There is no significant difference between the geographic region of Punjab from which the domestic help worker dwells and realisation of their rights.

One of the objectives of this research was to do the comparative analysis of the position of domestic help workers in three different areas of Punjab that is Majha, Malwa and Doaba. The comparison is made on the basis of financial position, quality of life awareness about rights and overall satisfaction. From the results of ANOVA analysis in Table 2, it can be evidently seen that among the three regions the best respondents with somehow positive feedback was seen from the Doaba region, i.e. from the area of Kapurthala and Jalandhar. The prime reason is that the overall population staying in these areas are business

class and have relatives staying abroad. The financial conditions of the people in these areas are better than the remaining areas. The quality of life as well as overall life satisfaction of these areas is higher than the other parts of Punjab. As far as the understanding of rules and laws are concern the respondents of these areas are far ahead especially as compared to their other counterparts. The domestic help workers of the Majha region are the poorest among all. The situation here is not so good. The work load is high and the compensation and holidays given to them is less as compared to other areas. Due to this the overall quality of life is low and they have a poor work life balance. Now if we discuss the Malwa region which consists of Mansa, Ludhiana, Bathinda and Fatehgarh Sahib region. They are least paid and are most exploited workers. Barring a few places like Patiala, Nabha etc. the other workers have a poor situation and severe physical and financial position. It has been observed that the education level and the financial position of the employee also impact the quality of life. Areas such as Mansa, Bathinda where the education level is low as compared to Patiala, Ludhiana and Jalandhar the quality of life and financial position both are good as compared to the counterpart.

Hence the null Hypothesis is rejected that there is no significant difference between the geographic region of Punjab from which the domestic help worker dwells and realisation of their rights.

CONCLUSION OF THE STUDY

In sum, socio-economic condition of the domestic help workers is not good. They face problems both at home and work place. At home they do not get the pleasant atmosphere which they want and at work place they have a

very heavy work load with less remuneration. Women domestic workers belonged to the economically disadvantaged group and they live in urban slums. There is no uniformity in their wage structure and their wage level is very low. However, they are compelled to do this job because of lower education or poor financial background. They are exploited at their working place and in some cases, even at their own homes by their own husbands or in-laws. It is necessary to make them aware about the exploitation and inspire them to organize themselves for protecting their rights and also to work for implementation of laws by the government. Then only, they can live with status and dignity equal to that of other members of the society. The women workers in the informal sectors also face a number of difficulties in particular. First of all, in many cases, they are not considered as workers which make their income very low when compared to the earning of the male workers. Often, they are considered as traditional and low skilled workers according to the requirement of the market. This again lowers their wage. They also have to take care of their children at home and at the same time they have to work to support their families. In fact, they are doing double the amount of work and paid less than half when compared with their male counterparts. The women engaged in domestic work face such difficulties such as sexual harassment and abusive language. Domestic workers have to work in three to five houses daily without any offs or bonus or overtime wages to earn a meager income. One of the most important and urgent giant steps to be taken is to build a database (through the national census) of domestic workers in our country, which will enable us to ascertain the magnitude of the domestic work sector.

The importance of the domestic workers and

the need to treat them with respect is the consistent message (Geeta Menon 2010). It is important to recognize that women workers who are forced to work in the unorganized sector are often from the poorest sections. Poverty traps them into working in the least protected and most low paid jobs. Maternity benefits and childcare, which are crucial for their mental and physical wellbeing, are denied, because of which they often lose their jobs.

Pension and a minimum insurance cover for unorganized sector workers remain pipe dreams. The real challenge is to ensure that the labour laws and social security schemes that exists (on paper) for the diminishing number of workers in the organized sector are extended to the 90% workers in the unorganized sector and then actually implemented. We urgently need social policy to protect the rights of women workers in the newer as well as older forms of work in the unorganized sector.

LIMITATIONS OF THE STUDY

The analysis and the findings call for further and detailed study of, a number of aspects of the study in the future, and some of these aspects invite a discussion here. However, this study confined its discussion to aspects that emanate directly from our analysis. To begin with, it was observed the coexistence of the contrasting patterns- higher autonomy poor work life balance, and so on and multiple levels of outcome within these aspects (for instance, higher freedom of decision-making but lower freedom from domestic violence). While the study attempted, through micro enquiry, to understand the process underlying these complexities in the state of Punjab. It was further analyzed, it is also important to extend such an enquiry into other states.

Besides help identifying the state specific factors and process, such a comparative attempt would also reveal the commonalities and contrasts in the extent and direction of influence of the factors.

Second, it was analyzed that the influences of paid work and also a number of other factors including nature of work on each of the three aspects of well-being, such as work life balance, job satisfaction as well as mental and physical security.

As we have already discussed, these three aspects are closely knit and may contribute to or complement each other. While micro attempts would be of definite help here, understanding the causal connection or interaction between these three aspects of well-being toward each other would also require systematic and meticulous examination employing advanced techniques such as Instrumental Variable Analysis or Two-stage Least Square method. Such an attempt is of some relevance, as it would reveal the contribution of these aspects towards each other. The nature and extent of such mutual contribution may also complement the insights from micro-level enquiries and help explain contextually the co-existence of the contrasting patterns and multiple levels of outcome. Such an examination, therefore, assumes importance.

Third, we have observed a varying influence of nature of work on women's well-being. The feminisation of labour and the changes in labour market associated with economic liberalisation calls for, and increases the relevance of, further research on nature of work and their varying influence on women's wellbeing.

The analysis could possibly be carried out and extended at least on two levels. On the

one hand, it detailed examination on various aspects, mainly the presence or absence of various forms of security that were mentioned in the second chapter, associated with the new kinds of jobs, such as factory employment, information and communication, and so on, and their possible implications for women's well-being both at the micro and macro levels. At another level, a comparative analysis between these new jobs and the kind of jobs that are considered to be traditionally dominated by women and their differing extent and levels of influence on aspects of women's well-being may be of some relevance. The contesting claims and arguments regarding the possible impacts of these new jobs when compared to the traditional jobs, as we have seen in the second chapter, seems to increase the relevance of such examination in India.

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