

Gender and Economic Policy Discussion Forum

'Visibilising the Invisible: Mobilizations of Domestic Workers and the Regulation of Domestic Work in India'

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BRIEFING NOTE 21

HIGHLIGHTS / KEY POINTS

- Mobilising domestic workers is a challenging proposition given the performance of domestic work in the 'privacy' of the household, the multiplicity of employers that most domestic workers have as 'part-time workers' and the time constraints domestic workers face in juggling domestic and work responsibilities.
- Even so, domestic workers have been mobilising for their rights since the early 1980s. In recent years, with the increase in the numbers of domestic workers, there has been a concomitant increase in the number of groups mobilising domestic workers. With the adoption of the Domestic Workers' Convention C189, the mobilisations of domestic workers have been given a boost, and in recent years, there have been efforts to coalesce and coordinate the efforts of domestic worker groups through networks such as the National Platform for Domestic Workers (NPDW).
- The Sector Skills Council on Domestic Work was set up in early 2016 with the mandate to professionalise domestic work by ensuring that workers are able to 'find decent employment coupled with safe environment and migration, minimum wages, health and maternity support, skills and hygiene etc.'
- A large part of the energies of domestic worker groups are targeted at claims making on the conditions of work of domestic workers, with wages at the heart of claims making, directed at both employers and state.
- While there have been few gains through minimum wage notifications, and some inclusions of domestic work in national legislations, domestic work continues to be a largely unregulated sector of employment, with very few laws and policies recognising domestic work as work, let alone regulating the nature and conditions of domestic work.

Domestic work in India is a highly feminised sector of work, with the sector seeing a phenomenal increase in the numbers and proportion of women over the decades, but particularly since the late 1990s. Domestic work is also one of the largest sectors of work in urban areas, especially for women. The ease of entry, time flexibility, and the perceived lack of skills makes domestic work a 'desirable' occupation for women from urban slums. However, its performance by women, and the hegemonic perception that domestic work relates to women's 'natural roles' have contributed to the invisibilisation and devaluation of domestic work (UNRISD 2016: 93).

The Gender and Economic Policy (GEP) Discussion Forum on 'Visibilising the Invisible: Mobilizations of Domestic Workers and the Regulation of Domestic Work in India' held on 6 September, 2016 was a day-long discussion forum organized by the Institute of Social Studies Trust (ISST) with support from Heinrich Böll Foundation (HBF). The discussion centred around three panels, two of which were on 'Mobilizations of Domestic Workers in India: Forms, Challenges and Successes' while the third addressed the issue of 'Regulation of Domestic Work in India'.

The first session on Mobilizations of Domestic Workers comprised four speakers and was chaired by Shalini Sinha from Women in Informal Employment: Globalising and Organising (WIEGO) who also shared her thoughts on WIEGO's global role in mobilising domestic workers. The session focused on the difficulties of mobilising domestic workers as well as the forms that such collectivisation efforts have taken. Shraddha Chigateri and Anweshaa Ghosh from ISST focused their presentation on the findings of a recently published report supported by UNRISD, *When and Why do States Respond to Women's Claims-making in India*, which examined the mobilizations and claims making of domestic worker groups in two states in India – Gujarat and Karnataka. Geeta Menon of Stree Jagruti Samiti spoke about the unionisation of domestic workers in Karnataka highlighting the difficulties of mobilising women workers into collectives, while Suneetha Eluri from International Labour Organization (ILO) elaborated on the role of Central Trade Unions (CTUs) in mobilizing domestic workers and the work of ILO with CTUs. Three speakers were invited for the second session on Mobilizations of Domestic Workers that was chaired

by Amod Kanth, Chairman of Domestic Workers Sector Skill Council (DWSSC) and the founder General Secretary of Prayas JAC Society. This session was focused on various efforts to 'professionalise' domestic work, either through skills training and/or the use of placement agencies. Subhash Bhatnagar of Nirmala Niketan spoke about the difficulties of mobilising migrant women workers as well as the role of placement agencies in this context. Niraj Jani from Saath, Gujarat explained their model to professionalise domestic work through the provision of skills training and placement services, while Sonia George of SEWA Kerala talked of SEWA's rights based approach to skills training of domestic workers.

The post-lunch session on Regulation of Domestic Work in India addressed the effectiveness of the sparse laws that currently regulate domestic work. The panel comprised Anannya Bhattacharjee of Gharelu Kamgar Sangathan who spoke about the role of law in rectifying the balance of power between employers and domestic workers, and Father Chetan Chandran of National Domestic Workers Federation, who spoke on the regulation of domestic work at the international level and its impact in the Indian context. This session was chaired and moderated by Neetha N. Pillai from Centre for Women's Development Studies (CWDS) who also provided a comparative analysis of various minimum wage notifications across 5 states.

Domestic Work: Definitional Difficulties

One of the issues that several of the speakers including Shalini Sinha and Anweshaa Ghosh spoke about was the difficulties with defining and classifying what constitutes domestic work, given the heterogeneity of types of domestic workers and the complex nature of domestic work itself (also see UNRISD 2016, ILO 2013). One of the concerns with defining domestic work, particularly from a feminist standpoint has been whether to include or exclude certain categories of predominantly male workers (such as gardeners, drivers) within the definition of domestic work because of the specificity of gender concerns in domestic work¹. Importantly, what makes domestic work stand apart from other types of work is that it is performed in a 'private' household. As Shalini Sinha put it, the household as a place of work for domestic workers makes domestic work unique vis-à-vis factory settings or shops². This, as she underscored, has several implications. First, it means the complete invisibility and isolation of the female domestic worker. Second, her invisibility poses problems for her recognition as a worker with rights. And third, the lack of recognition of the domestic worker as a worker along with the lack of formal contracts puts the domestic worker in a precarious and vulnerable position. When the place of work is a 'private' household, it is no safe haven for domestic workers, and abuse and harassment is not unusual³. The peculiarities of the household as the workplace of domestic workers therefore calls for a place of work based definition of domestic work⁴. However, domestic work is also characterised by a heterogeneity of tasks performed by domestic workers including cleaning, cooking, caring for people; encapsulating these calls for a

detailed task based definition of domestic work. Moreover, domestic work is also performed by workers with a range of contractual arrangements, including part-time workers, full-time workers, live-ins and live-outs, with implications for their rights as workers⁵.

In this context, the definition of domestic work in the International Labour Organisation's Domestic Workers' Convention (C 189) does centre the household, but it also encompasses a broader understanding of domestic work defining it as 'work performed in or for a household or households' (Article 1 of C189). However, domestic worker groups in India prefer domestic work to be defined as those who work in the household, owing to the gendered implications of domestic work⁶. In the discussions on this at the forum, Father Chetan called for a rethink on how we conceptualise gender in domestic work arguing that confining the movement to the issues women domestic workers face may not adequately address the issues of all domestic workers.

Mobilizations of Domestic Workers in India: Forms, Successes and Challenges

Almost all the speakers prefaced their talks with the difficulties associated with mobilising domestic workers. As Geeta Menon put it, mobilising domestic workers is an everyday battle. The reasons that the speakers gave for the arduousness of mobilising domestic workers were manifold including the performance of domestic work in the privacy of the household, the multiplicity of employers that the majority of domestic workers have as 'part-time workers' and the time constraints domestic workers face in juggling domestic and work responsibilities.

Anweshaa Ghosh and Shraddha Chigateri spoke of their findings in the UNRISD study that the beginnings of domestic worker mobilizations in India could be traced to the 1980s when efforts to collectivise domestic workers began with the setting up of organisations such as the National Domestic Workers Movement (NDWM) and 'molkarin' sanghathans in Maharashtra and Women's Voice in Karnataka. Other national level women's organisations were also involved in mobilising domestic workers in the early years with the All India Democratic Women's Association (AIDWA) and Self Employed Women's Association (SEWA) mobilising domestic workers in Maharashtra and Kerala respectively. With the increase of numbers of domestic workers in the 1990s, there was also a concomitant increase in the number of groups working with domestic workers. In the past decade, there have been several efforts to coalesce and coordinate the claims making of domestic worker groups nationally with the consultations for a draft bill on domestic workers initiated by the National Commission for Women in 2006 and the consultations around the ILO Convention providing the impetus for domestic worker groups to come together to reflect on and consolidate their demands. Organisations such as ILO and WIEGO have played a facilitating role in these endeavours. As Shalini Sinha noted, as a global network, WIEGO has tried

to strengthen member-based organizations of domestic workers and promote networking both at the national and at the regional levels⁷. The formation of the National Platform for Domestic Workers (NPDW) in 2013 in the wake of the government's refusal to ratify C189 marks a significant step in coordinating the efforts of domestic workers nationally⁸.

Domestic worker mobilisations have taken a variety of forms with a range of organisations being involved in the collectivisation of domestic workers. Anweshaa Ghosh highlighted some of the findings of the UNRISD study on this including the presence of community based organisations such as ISST's Saathi centre in New Delhi and YUVA in Mumbai, women's rights organisations such as Jagori, Parichiti and AIDWA, organisations working on the broader unorganised sector worker's rights such as Nirmana, organisations focused on dalit women's rights such as Women's Voice, along with Church based organisations which have focused solely on mobilising domestic workers such as the NDWM. The NDWM is one of the older organisations mobilising domestic workers and given its national reach, it is also one of the largest. In recent years, there have been newer entrepreneurship based models engaging with domestic workers such as SAATH in Gujarat and market driven models like BeAble and Bookmybai.com. Although the form that the mobilisations have taken are largely groups/sanghas/sanghathans, there have also been efforts to unionise domestic workers as well, with some success in states like Karnataka, which has 6 domestic worker sector specific unions. Central Trade Unions like AITUC, INTUC, BMS and CITU have also recently begun mobilising domestic workers, joining the work of other central trade unions like SEWA who have had a longer history of mobilising domestic workers (see UNRISD 2016).

In her presentation, Suneetha Eluri noted that the organization of domestic workers by central trade unions has been boosted by the adoption of C189 in 2011. However, she also pointed to the difficulties of organising women workers through trade unions given the paucity of women in central trade unions with trade unionism being largely viewed and practiced as a male-centric activity. She argued that most debates on domestic work are focused on domestic workers' welfare schemes and policies but little has been talked about the regulation of working conditions in this sector. She spoke of her experience of engaging CTUs through ILO to organise domestic workers. Some of the trade unions also faced internal challenges to organize, mobilize and to place the concerns of domestic workers into their list of priorities. Moreover, Eluri noted that the concerns of domestic workers cannot be addressed unless one simultaneously evaluates caste and ethnicity based discriminatory practices as domestic workers are mostly from marginalized social communities. Nonetheless, over a period of time, CTUs have made significant strides in 'resolving the confusion about who exactly constitutes domestic workers' and have accorded recognition to

domestic workers based on their occupational category. CTUs in different regions adopted various strategies to organize and mobilize domestic workers. While some of the short term strategies adopted by the unions yielded results, these were temporary and unions faced challenges in the renewal by domestic workers of their memberships in subsequent years. While short term strategies provide entry points to the sector, the experience revealed that, in order to achieve long term objectives, it is important to make conscious efforts to facilitate political understanding among domestic workers on the relevance of organizing into trade unions. Further, the issues faced by domestic workers cannot be addressed in isolation and efforts have to be made to create solidarity among domestic workers and other categories of informal workers⁹.

Geeta Menon likewise talked of the importance of organizing as a trade union, but she also argued that organizing women workers is more challenging. Stree Jagruti Samiti started organizing domestic workers into a trade union but upon realizing that women were more culturally and socially bound and were much more socially inclined to come together, they also started working through women's forums in the local areas, taking up women's issues related to water, sanitation, health and so on¹⁰. She argued that exploitation of women domestic workers also take place in the slums they inhabit where political affiliations of the domestic workers are closely intertwined with their everyday lives and hence, intervening through both forms of mobilisation- a social forum and a legal trade union forum- are required. Stree Jagruti Samiti also set up worker facilitation centres for domestic workers in two constituencies to maintain a database of the workers, and to help with social security benefits.

Mobilising migrant workers, especially tribal women who work as live-in workers, has been one of the major challenges faced by domestic worker groups. Subhash Bhatnagar made the case that 'the present system of the workers coming to work in the city through agents and agencies is the most exploitative'. By drawing on instances from his experience in mobilising construction workers, he suggested some of the more effective ways in which migrant domestic workers could also be mobilised. One of the methods which also offered a 'healthy route' to migration of domestic workers from their places of origin to big cities like Delhi, is through offering skills training in the 'native place' to those who are likely to opt for domestic work as one among other alternatives. This 'native place approach', Subash Bhatnagar suggested, is an effective long term measure to not only organize migrant domestic workers but also help in their placements since 'every time a domestic worker goes back to their homes they bring more workers along with them'¹¹.

Professionalisation of Domestic Work: Skills Training and Placement Agencies

The mobilisation of domestic workers and its links with the development of skills in and for domestic workers was the

focus of the discussion of the second panel. Amod Kanth, Chairman of DWSSC talked about the newly established Sector Skills Council on Domestic Work, which was set up with the mandate to professionalise domestic work by ensuring that workers are able to 'find decent employment coupled with safe environment and migration, minimum wages, health and maternity support, skills and hygiene etc'. The DWSSC is a non-profit organization under the aegis of National Skill Development Corporation (NSDC)/ Ministry of Skill Development & Entrepreneurship (MSD&E), Govt. of India with a 'sectoral approach to be demand driven, market linked, modular and flexible while promoting vertical and horizontal mobility across competency levels for such workers. The MSD&E along with the NSDC proposes to bring over 20 lakh domestic workers in the country to bridge the skill gap for the domestic help sector work'¹². Being the first-ever fully government sponsored body dedicated to domestic workers, Amod Kanth sees the role of DWSSC as a partner in the larger processes and goals of improving the living and working conditions of domestic workers.

Within this new policy context, two organisations spoke of their experiences of 'professionalising' domestic work over the years. As a central trade union, SEWA Kerala has been organizing domestic workers for more than a decade¹³. Sonia George explained that for SEWA, collectivisation was started as a way to address the crisis that women faced in their traditional sectors like fisheries and bamboo. SEWA's model is based on linking skill development with the empowerment of domestic workers. The focus is not only on the provision of skills, but also the process of skill development, because as Sonia George explained, 'they [domestic workers] really feel empowered by the way they get skills'. Moreover, 'initially forming collectives for the workers was started by the workers themselves where the women identified their own skills and focused it in order to earn some kind of livelihood'¹⁴. Given the context of the crisis in traditional sectors, SEWA's work on domestic works and their rights also takes into account the 'politics of being a domestic worker' which is tied to the question of livelihoods in terms of natural resources¹⁵.

Saath, a community based organisation in Gujarat, stands apart from other domestic worker groups as it follows an entrepreneurial model of engaging with domestic workers. Niraj Jani of SAATH talked about their Urmila Home Managers Programme which aims to professionalise domestic workers by training 'home managers'; they see this as an important path to obtaining better wages and social security benefits for women domestic workers. Since 2008, around 900 women have been trained as 'home managers' and over 90 women have been placed with various clients. The programme follows a three step process of mobilisation of workers, training and capacity building of home managers followed by their placements¹⁶. Apart from the provision of skills, the training programme also gives insight into each home manager's strengths which helps to place them with appropriate clients¹⁷.



Source: Niraj Jani presentation at GEP Discussion Forum XXI, 6th September 2016.

This model of engagement with domestic workers, given its focus on the development of skills reinforces the skills required in performing domestic work and goes some way in dispelling the understanding of domestic work as unskilled work. However, as Sonia George pointed out, there are difficulties with conceiving of domestic workers as entrepreneurs. She argues that 'domestic workers are not entrepreneurs, they are workers and there's a strict employer- employee relationship that has been there at each moment which is very invisible. So how we manage that employer- employee relationship is the first kind of lesson we have to teach these domestic workers'. Further, as Shraddha Chigateri pointed out in her presentation, focusing on training domestic workers without also focusing on their rights might produce 'better workers' rather than 'better workers' rights'.

In the overall context, assessing domestic worker mobilisations, Geeta Menon argued that 'even the assertion today of a few individual domestic workers or a lot of domestic worker groups itself is a bit of success because it shows that the leadership among the domestic workers is growing'.

Key Claims Making by Domestic Worker Groups

Shraddha Chigateri, based on the findings of the UNRISD report, talked of some of the key claims making that most domestic worker groups engage in that are directed at both the state and at employers. One of the first hurdles in the making claims for domestic workers' rights however is the lack of recognition of domestic work as work, even amongst domestic workers themselves. Therefore, domestic worker groups target their efforts into instilling a sense of worker identity amongst domestic workers through the use of changes in nomenclature, for instance, to gharelu kaamgar, or the use of ID cards for domestic workers (including for inter-state and intra-state migrants), and even the use of uniforms for domestic workers. Domestic worker groups also target their energies at the recognition of domestic work as work in policy and law through trade union registration, inclusion

in scheduled employment in minimum wage notifications, sexual harassment and social security legislations and schemes.

A large part of the energies of domestic worker groups, Chigateri noted, are targeted at claims making on the conditions of work of domestic workers, with wages at the heart of claims making, directed at both employers and state. She argued that the context of employer-employee relationships being steeped in relations of patronage, the context of competition rather than solidarity amongst domestic workers, and the social dynamics of caste in the perception of skills of domestic workers pose problems for claims making on wages. The other claims that she identified as central to claims making by domestic worker groups are claims focused on issues such as leave (weekly, annual, sick leave) and bonus and social security¹⁸. However, based on the findings of the UNRISD report, she argued that some claims such as on sexual harassment and caste discrimination seem to be second order claims as opposed to the first order claims on wages, leave and conditions of work.

Regulation of Domestic Work in India

Domestic work is a largely unregulated sector of employment, with very few laws and policies recognising domestic work as work, let alone regulating the nature and conditions of domestic work. Although there have been sporadic efforts to bring domestic work under the purview of law since the 1950s, it has only been in recent years that at the state level, and only in a few states, domestic work has been recognised as work. These efforts at regulation mainly target two aspects: the inclusion of domestic workers in the list of scheduled employment under the Minimum Wages Act of 1948 (followed by a notification setting minimum wages for domestic workers); and the enactment of legislation setting up domestic worker welfare boards to avail of social security provisions. However, even in a context of these limited gains, there are issues with the legislations that do exist. In this context, the third panel focused on two aspects of regulation of domestic work: first, the effectiveness of the minimum wages notifications, and the effect of the adoption of C 189. The panellists also drew attention to the various efforts to regulate domestic work, particularly at the national level.

At the national level, domestic workers have been recognised as workers in a few legislations targeted at the unorganised sector and at the working conditions of women:

- the Unorganised Workers Social Security Act, 2008 and the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- A 2006 amendment to the Child Law (Prohibition and Regulation Act) 1986, which banned children below the age of 14 years from being employed as domestic workers.

Efforts to regulate domestic work more comprehensively at the national level have remained unsuccessful, in spite of a long catalogue of such efforts over the years, including a bill drawn up by the National Commission of Women (in 2008), and a couple of private members' bills (most recently by Shashi Tharoor MP in 2016)¹⁹. A Draft National Policy on Domestic Workers was made public by MOLE in November 2011 in the wake of deliberations for the ILO Convention. Although it was considered by the union cabinet twice in May 2013 and January 2014, it did not see any further light of day.

Apart from these bills and policies, there has been a recent move by the present government to draft a new policy in August 2015. This draft policy is only available unofficially, and from what has been seen of it, it aims to remove the deficiencies of the earlier drafts by incorporating the main features of the ILO convention 189 and Recommendation 201. However, on several features, the draft has been heavily criticised by domestic worker groups. As Father Chetan puts it, 'the objective of the policy is wage security, job security, and social security but the regulation of work is missing. Moreover, workers aged above 60 years shall be discouraged; domestic workers are to be registered by the district administration and not the labour department; it equates placement agencies with trade unions and workers' organisations. The policy also talks about an implementation committee under the social security and welfare board at national, state and district levels but does not address issues of grievance redressal or collection of fees from the employer'²⁰.

At the state level, Amod Kanth and Fr Chetan pointed to the recent efforts of the Jharkhand government to formulate a law to combat trafficking by regulating placement agencies. The Jharkhand Private Placement Agencies and Domestic Workers (Regulation) Bill 2016 (which was subsequently passed by the Jharkhand assembly in November 2016) requires all placement agencies to be registered and the existing ones to obtain licenses within 90 days from the issue of the notification²¹. Unlike other efforts in other states such as Chattisgarh and Delhi, however, this law seeks to address the particular concerns of domestic workers by ensuring that the placement agencies takes responsibility for the conditions of work of domestic workers. The law requires placement agencies to maintain records of employees and employers and to ensure compliance with labour laws, including minimum wages for domestic workers. It also provides grievance redressal mechanisms and provides for the revocation of registration, imposition of fines and imprisonment in the event of non-compliance.

Neetha N. Pillai prefaced her talk by noting three fundamental issues in the regulation of domestic work. Firstly, the heterogeneity and diversity in domestic work relations and practices make it difficult to establish it as one occupation. The intimacy and personal discretion further makes it difficult to quantify and standardize it. The most critical issue is that of workplace being private homes which makes it difficult to intervene posing major challenges for monitoring and regularization.

In this context, she directed her attention to the findings of a study she conducted for ILO in 2012-13 of 5 states (Karnataka, Kerala, Andhra Pradesh, Rajasthan, and Bihar) which have notified minimum wages for domestic workers. She spoke of some of the critical aspects of wage setting practices, processes and minimum wage rates for domestic work alongside specific issues of its implementation.

Minimum Wage Notifications

A Tripartite Minimum Wage Advisory Board exists in every state to coordinate and advise the state on minimum wages and the procedure, process and method of wage fixation did not vary much among the states²². Analysing the minimum wages of the 5 states based on the tasks mentioned in the notification, she highlighted that the statutory minimum wage not only varied across states but do not suggest any clear method of calculation. Moreover, minimum wage legislation in all the states followed a task-based approach. While some states have notified uniform wage rates for all tasks that are listed in the notification, some other states differentiate rates across tasks. In Andhra Pradesh, Bihar and Rajasthan all tasks have same minimum wage rates – the revised one in Rajasthan has fixed separate rates for cleaning tasks. Karnataka has two separate wage rates, with higher wage rate for housework with child care. Kerala differentiates wage rates across tasks - in accordance with the social understanding of the hierarchy among domestic tasks, though the rates do not differ much. The definitions of the tasks included in the legislation are guided by the traditional understanding of house work which is deeply gendered. Domestic work is treated as unskilled work in general and minimum wage rates are largely lower than that of comparable employments. Some states have fixed daily wages while some have gone for monthly wages – 8 hours or different durations. However, such modes of calculating wages do not account for reality of overwork, nor do they account for rest periods/days.

Convention 189 and its Impact in the Indian Context

Father Chetan in his presentation traced the history of ILO's engagement with domestic work to 1948 when it adopted a resolution concerning the conditions of employment for domestic workers. He describes Convention 189 as 'a historic and life changing instrument for domestic workers' as it provided a new and promising avenue for ensuring visibility and respect for domestic workers.

Some of the core elements of the historic convention are²³:

- It acknowledges that domestic work is both one of the most important forms of employment for women, as well as one that enables workers with family responsibilities to participate actively in the labour market.
- Regulating their working conditions and providing them with social protection is an acknowledgement

not only of the economic importance of care work in the home but also of the inherent dignity of caring for others.

- It addresses the inequalities and often multiple forms of discrimination that many domestic workers face and seeks to root out the forced labour that some migrant workers endure.
- It reaffirms the right of domestic workers, like all workers without distinction, to the effective recognition of their freedom of association and entitlement to bargain collectively.

As Father Chetan notes, the impact that the convention 189 has had on the domestic work scenario in India is manifold: many more associations, cooperatives, trade unions and NGOs representing domestic workers came to existence post C189, and central trade unions have made conscious efforts to organize domestic workers. Moreover, the visibility and recognition accorded to domestic workers and their contribution to society have increased as their concerns have received wider coverage in the media. Further, solidarity and leadership among domestic workers was given a boost as workers collectivised to express their grievances when a fellow worker was assaulted, abused or exploited. Initiatives to regulate domestic work and to extend social security coverage to domestic workers particularly from the government were given a boost. For example, as Task Force on domestic work was formed in the wake of the deliberations leading up to C189 which was instrumental in drafting the draft National Policy for Domestic Workers.

In her presentation, Anannya Bhattacharjee brought together the discussions in the two panels focusing on the purpose of regulation, which she suggested, is to rectify the imbalance of power that exists between the domestic workers and their employers²⁴. She argued that this could be achieved with the workers having the power to strike vis-à-vis the ability of the employers to fire them. In order for domestic workers to have the power to strike they need to collectivize and therefore the need for a trade union becomes imperative²⁵. However, there also needs to be an employers' collectivity at the national level for bargaining with domestic worker unions²⁶. The lack of interest in building an employers' collectivity, she argues is a problem in establishing bargaining akin to other industries in domestic work. In order to bargain one must, thus, build the units of bargaining. Similarly, during the fixing of minimum wages the paying capacity of the employers is an important concern that needs to be looked into.

Conclusion

Since the 1980s, there have been sporadic efforts to collectivise domestic workers across the country. These have gained momentum in recent years, bolstered by the wider negotiations to adopt the Domestic Workers' Convention C189, with networks such as the National Platform for Domestic Workers seeking to bring together

the efforts and claims making of a diverse range of domestic worker groups. Although the forms of collectivisation predominantly continue to be sanghas, there have been efforts to unionise domestic workers, with central trade unions also taking the inclusion of domestic workers seriously. The performance of domestic work in the 'privacy' of the household continues to pose difficulties for mobilisation efforts, which are exacerbated for 'live-in' migrant workers. Organisations have sought to contend with these issues by collectivising domestic workers at their places of origin, and also by targeting mobilisation efforts in the communities in which women live, focusing also on the wider issues that domestic workers face.

In spite of the more recent efforts to consolidate groups and claims-making, domestic work remains a highly unregulated sector of employment. Although there have been some significant gains made by domestic worker

groups over the years, these remain sporadic and scattered. Even where they do exist, as with minimum wage notifications, although they have an important role to play, their effectiveness is curtailed by the social and deeply gendered understandings of domestic work.

In August 2015, a new draft National Policy was prepared by the Ministry of Labour and Employment which has come under fire from domestic worker groups for not being able to adequately meet the expectations of domestic workers and their trade unions. There has also been a recent policy push to 'professionalise' domestic work through the establishment of the Domestic Workers' Sector Skills Council. Organisations such as SEWA which have been at the forefront of efforts to 'professionalise' domestic work have much to offer the processes involved in a rights based approach to both skills training and placement of domestic workers.

Endnotes

¹ Anweshaa Ghosh at GEP Discussion Forum XXI, 6th September 2016; also see Neetha N. (2009)

² Shalini Sinha at GEP Discussion Forum XXI, 6th September 2016

³ Shalini Sinha at GEP Discussion Forum XXI, 6th September 2016

⁴ Anweshaa Ghosh at GEP Discussion Forum XXI, 6th September 2016; as Neetha N. (2009) has pointed out, the categorisation of part-time work in the context of domestic workers is from the perspective of the employer, and not from the employee, who in fact may work full-time through several part-time jobs.

⁵ Anweshaa Ghosh at GEP Discussion Forum XXI, 6th September 2016

⁶ Anweshaa Ghosh at GEP Discussion Forum XXI, 6th September 2016; also see UNRISD 2016, pp. 96.

⁷ Shalini Sinha at GEP Discussion Forum XXI, 6th September 2016.

⁸ Anweshaa Ghosh at GEP Discussion Forum XXI, 6th September 2016.

⁹ Suneetha Eluri at GEP Discussion Forum XXI, 6th September 2016.

¹⁰ Geeta Menon at GEP Discussion Forum XXI, 6th September 2016

¹¹ Subhash Bhatnagar at GEP Discussion Forum XXI, 6th September 2016

¹² Amod Kanth at GEP Discussion Forum XXI, 6th September 2016

¹³ Sonia George at GEP Discussion Forum XXI, 6th September 2016

¹⁴ Sonia George at GEP Discussion Forum XXI, 6th September 2016

¹⁵ Sonia George at GEP Discussion Forum XXI, 6th September 2016

¹⁶ Niraj Jani at GEP Discussion Forum XXI, 6th September 2016

¹⁷ Niraj Jani at GEP Discussion Forum XXI, 6th September 2016

¹⁸ Shraddha Chigateri at GEP Discussion Forum XXI, 6th September 2016

¹⁹ Farther Chetan at GEP Discussion Forum XXI, 6th September, 2016.

²⁰ Farther Chetan at GEP Discussion Forum XXI, 6th September, 2016.

²¹ For a more detailed understanding of the provisions of the bill, see: <http://shaktivahini.org/press/a-major-step-to-combat-human-trafficking-jharkhand-assembly-passes-private-placement-agencies-and-domestic-workers-regulation-act-2016/>

²² Neetha N. Pillai at GEP Discussion Forum XXI, 6th September, 2016.

²³ Father Chetan Chandran at GEP Discussion Forum XXI, 6th September, 2016.

²⁴ Anannya Bhattacharjee at GEP Discussion Forum XXI, 6th September, 2016.

²⁵ Anannya Bhattacharjee at GEP Discussion Forum XXI, 6th September, 2016.

²⁶ Anannya Bhattacharjee at GEP Discussion Forum XXI, 6th September, 2016.

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Speakers at the Forum

Shraddha Chigateri & Anweshaa Ghosh, Institute of Social Studies Trust (ISST)

Geeta Menon, Stree Jagruti Samiti

Suneetha Eluri, International Labour Organisation

Subhash Bhatnagar, Nirmala Niketan

Niraj Jani, SAATH

Sonia George, SEWA Kerala

Anannya Bhattacharjee, Gharelu Kamgar Sangathan

Father Chetan Chandra, National Domestic Workers Federation

Chairs

Shalini Sinha, Women in Informal Employment: Globalizing and Organizing

Amod Kanth, Prayas and Domestic Workers Sector Skill Council

Neetha N. Pillai, Centre for Women's Development Studies

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