



Minimum Wages Act for Domestic Workers

A petition filed by NGO Common Cause along with social activist Aruna Roy and the National Platform for Domestic Workers has sought the **Supreme Court's intervention to lay down guidelines to protect domestic workers' rights.**

- The petition sought the recognition of domestic work **under the Minimum Wages Act, 1948.** The work hours should be **reduced to eight a day** and the workers should be given a **mandatory weekly off as a basic right under Article 21.**
- According to estimates by the **International Labour Organisation (ILO)**, there are at least **four million domestic workers in India.**

International Labour Organization (ILO)

- The International Labour Organization (ILO) is a **United Nations agency** dealing with labour issues, particularly international labour standards, social protection, and work opportunities for all.
- The **ILO was created in 1919, as part of the Treaty of Versailles that ended World War I,** to reflect the belief that universal and lasting peace can be accomplished only if it is **based on social justice.**
- It is a **tripartite organization**, the **only one** of its kind bringing together representatives of **governments, employers and workers in its executive bodies.**
- Headquarters: **Geneva, Switzerland**

Background

- Domestic worker is a person who is employed in any household on a temporary or permanent basis to do the household work. Many resort to domestic work because of decline of employment opportunities in the agriculture and manufacturing sectors.
- Domestic work as an **economic activity is too vast and employs too many to remain unregulated.**

Need for Protection of Domestic Workers

- Since domestic workers belong to the unorganized sector, there are **no laws safeguarding their rights** - no minimum wage requirements, no health or insurance benefits, and no job security whatsoever.
- Most of these are from **vulnerable communities** - Adivasis, Dalits or landless Other Backward Classes (OBCs). Nearly all of them are migrant workers. And an overwhelming number are women. This makes them **easy to replace, and easier still to exploit.**
- Minimum wage provisions are important instruments to protect the most vulnerable and lowest-paid workers - such as domestic workers - from unduly low wages.
- A minimum wage recognizes the basic contribution of domestic workers to homes and societies, and is a key **means of ensuring the principle of equal pay for work of equal value.**

Challenges

- While several legislations such as the **Unorganized Social Security Act, 2008, Sexual Harassment against Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Minimum Wages Schedules notified in various states** refer to domestic workers, there remains an **absence of comprehensive, uniformly applicable, national legislation** that guarantees fair terms of employment and decent working conditions.
- About half the states have included domestic workers as labourers under the Minimum Wages Act, which sets out terms of payment, hours of work and leave. Yet, this law is **grossly inadequate**.
 - The law does not, for instance, require domestic workers and employers to register with any authority, which is crucial for monitoring whether both parties are fulfilling their contractual obligations and for adjudicating conflicts.
- **Absence of proper documentation**, which also increases their reliance on employers to access social security benefits. As employment is largely through word of mouth or personal referrals, employment contracts are rarely negotiated, leaving the terms of employment to the whims of the employer.
- Unlike work in a formal setting, domestic work is **not guided by clear and agreed production or output goals**.
- Furthermore, **privacy norms do not bode well with the idea of regulations** (labour inspectors) entering private households and ensuring regulations.
- However, discussions are underway on a national policy for domestic workers, with the aim to protect the domestic workers from abuse, harassment, violence and guarantee them rights in the matter of social security and minimum wages.
- India is a **signatory to the ILO's 189th convention**, known as the Convention on Domestic Workers; but has **not ratified it yet**.

Convention on Domestic Workers

- The Convention on Domestic Workers, formally the Convention concerning Decent Work for Domestic Workers is a convention setting **labour standards for domestic workers**.
- It is the **189th ILO convention** and was adopted during the 100th session of the International Labour Organization at Geneva in June 2011.
- It is a strong recognition of the economic and social value of domestic work and a call for action to address the existing exclusions of domestic workers from labour and social protection.
- The convention mandates that domestic workers be given daily and weekly rest hours, their payment must meet the minimum wage requirement.
- Ratifying states are also required to take protective measures against violence against workers and are also required to enforce a minimum age for employment.
- However, since these **provisions are not binding** on those countries that have not ratified the convention, India is not obliged to enforce these recommendations.

Conclusion

- Domestic work has enabled many women to **enter the labour market and benefit from economic autonomy**. The large supply of domestic workers in India has meant a shift of care responsibilities from women in the households to hired domestic workers who are a **predominantly female and largely invisible**.
- There is the need to **change the idea that care-giving is a private domestic responsibility unique to women**.
- Hence, the demands for decent work for domestic workers are **two pronged**- first and foremost, it calls for recognition of the **rights of domestic workers for fair terms of employment** that are no less favourable than those of other workers, and secondly, it calls for the **active participation of the state and the recognition of the existence of structural inequality that is perpetuated by not recognizing the sheer weight of 'care work'**.

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