



## Exploitation of Domestic Workers

**For Prelims:** [Supreme Court of India](#), [Care economy](#), [International Labour Organization](#), [Code on Social Security, 2020](#)

**For Mains:** Domestic workers in India, Labour Laws and Reform, Welfare and Protection

**Source:** TH

### Why in News?

The [Supreme Court \(SC\) of India](#) has raised concerns over the **exploitation and abuse of domestic workers in India** due to the **absence of a protective legal framework**.

- It has directed the Centre to form an **inter-ministerial expert committee** to assess the need for a protective law.

### Who are Domestic Workers?

- **About:** According to the [ILO](#), Domestic workers are those workers who **perform work in or for a private household or households**.
  - They provide **direct and indirect care services**, and as such are key members of the [care economy](#).
- **Status of Domestic Workers in India:** Women make up the majority of domestic workers in India, with **26 lakh of the 39 lakh workers being female**, according to 2019 government estimates.
  - **12.6 million minors** are employed as domestic workers (**86% are girls, and 25% are under 14 years old**).
- **Characteristics of Domestic Workers:**
  - **Informal and Unregulated:** Most domestic workers **lack job contracts, social security, and legal protection**.
  - **Live-in and Part-time Work:** Some workers live with their employers (live-in workers), while others work in multiple households (part-time workers).
  - **Migration:** Domestic workers often migrate from **poverty-stricken states like Jharkhand, Bihar, and Odisha** to cities such as Delhi, Bengaluru, and Mumbai, as well as to **Arab States**, due to extreme poverty and a lack of job opportunities.
  - **Marginalized Communities:** The workforce is primarily composed of marginalized communities from [Scheduled Castes \(SCs\)](#), [Other Backward Classes \(OBCs\)](#), and [Scheduled Tribes \(STs\)](#).

### What are the concerns of Domestic Workers India?

- **Low Wages:** Many earn below the **minimum wage**, with **no formal contracts**. They often work **excessive hours** without breaks or **overtime pay**.
- **Abuse:** Workers face **physical and emotional abuse**, including beatings, harsh

conditions, [sexual harassment](#), [forced labour](#), and [human trafficking](#), particularly minors from vulnerable communities.

- The **ILO** states domestic work as a "**modern slavery**" practice, where workers, including minors, are vulnerable to abuse, exploitation, forced labor, and trafficking.
- **Sexual Harassment:** Female workers are vulnerable to sexual abuse. Many cases of abuse go **unreported due to fear of retaliation** or the lack of legal recourse.
- **Exploitation by Agencies:** Placement agencies exploit domestic workers by charging **high fees for employment**, without guaranteeing fair wages or safe conditions.
  - Workers are often not informed about the terms of their employment, including wages or job responsibilities.
- **Pandemic: Covid-19** worsened conditions, a 2020 study found that 57% of domestic workers in Kochi, Delhi, and Mumbai faced discrimination, while 40% worked without safety measures.

## What Laws Govern Domestic Work in India?

- **No Dedicated Central Law:** Domestic workers are excluded from mainstream labor laws as "**workman**" and "**workplace**" definitions do not cover household work, often seen as "**unproductive**" women's labor.
  - Multiple attempts were made to pass a Central law to protect domestic workers, including the **Domestic Workers (Conditions of Employment) Bill of 1959** and the **Domestic Workers (Regulation of Work and Social Security) Bill of 2017**.
    - The **2019 National Domestic Worker Policy** aimed to regulate agencies and ensure workers' rights, [including wages](#), social security, and benefits. **However, none of these proposed laws were enacted.**
- **Weak Legal Protections:**
  - **Unorganised Sector Social Security Act, 2008:** Provided some benefits but was later replaced by the [Code on Social Security, 2020](#), which **has not been implemented**.
  - **Minimum Wages Act, 1948:** Recognizes domestic work, but **only 10 states** have set minimum wages for domestic workers.
  - **Sexual Harassment at Workplace Act, 2013:** Recognizes domestic workers but **lacks an enforcement mechanism**.
  - **Child Labour (Prohibition and Regulation) Act, 1986:** In 2006, India banned minors under 14 from domestic work, deeming it "**hazardous child labor**," but the [Child Labour Act, 1986](#), allows **children over 14 to work in homes, considering them a "safe" place**.
- **State Laws: Tamil Nadu, Maharashtra, and Kerala** have implemented laws to protect domestic workers.
  - These states have established **specialized bodies** to oversee social security benefits, maternity care, education assistance, medical reimbursements, and minimum wages.
- **Global Protections:** In 2011, India voted in favor of **ILO Convention 189**, which aims to improve domestic workers' conditions by recognizing **domestic work as legitimate work** ensuring domestic workers enjoy the same rights as others. **However, India has yet to ratify the convention.**

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Core Conventions of the ILO: - The eight Core Conventions of the ILO (also called fundamental/human rights conventions) are:

- Forced Labour Convention (No. 29)
- Abolition of Forced Labour Convention (No.105)
- Equal Remuneration Convention (No.100)
- Discrimination (Employment Occupation) Convention (No.111)
- Minimum Age Convention (No.138)
- Worst forms of Child Labour Convention (No.182)

(The above Six have been ratified by India)

- Freedom of Association and Protection of Right to Organised Convention (No.87)
- Right to Organise and Collective Bargaining Convention (No.98)

(The above two conventions have not been ratified by India)

## Way Forward

- **Policy Changes:** Implement the **Draft National Domestic Worker Policy, 2019** to regulate placement agencies, ensure mandatory contracts with fair wages and benefits, and include domestic workers in social security and pension schemes.
  - Ratify the **ILO Convention 189**, create laws to protect domestic workers' rights, recognize their **work as legitimate**, and ensure legal protection and policy enforcement.
- **Anti-Trafficking Measures:** Mandatory registration of **placement agencies to ensure transparency, additionally**, ensure strict enforcement of anti-trafficking laws under the **Bharatiya Nyaya Sanhita, 2023** which mandates punishment up to **life imprisonment** for trafficking offenses, including those involving domestic workers.
- **Empower Workers:** Raise awareness of domestic workers' rights, provide access to legal aid and social services, and establish a **statutory body to address grievances**.

### **Drishti Mains Question:**

Q. Critically examine the exploitation of domestic workers in India and suggest measures to improve their working conditions and social security.

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### **Mains**

Q. Distinguish between 'care economy' and 'monetized economy'. How can the care economy be brought into a monetized economy through women empowerment? **(2023)**

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