

CHAPTER VII

CONCLUSIONS AND SUGGESTIONS

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7.1 CONCLUSIONS

The significance of the research study is mainly to emphasis on the issue of domestic women workers, part of informal employment in the informal sector workforce and the rights of these workers in the Indian economy. With the emergence of new LPG policies (Liberalisation, Privatisation and Globalisation), we find a drastic change in the structure of the Indian economy. The women workers in order to achieve economic and financial independence are opting or expanding the avenues of securing or gaining employment opportunities according to the qualification, training and skill she possesses. Wherefore women workers are employed in the formal and informal sector of the Indian economy and are eventually participating more in numbers in the informal sector rather than the formal sector. The informal sector plays a vital role in the development of a democratic country like India, with its abundant supply of labour forces.

The plight of the informal sector women workers in general and particularly the domestic workers are heart-rendering and therefore, should be addressed to combat and curb exploitative and abusive practices that are faced by the workers. The perception of the enjoyment and violation of the rights of the informal sector workforce is entirely different from that of the formal sector workforce. In the informal sector there prevails discrimination in wages, non-payment of wages, no pension, no rest or no leaves, unstated hours of work, improper working conditions, lack of health and safety measures etc. the informal sector workers undergo such a situation due to informal nature of work, natural choice and availability of cheap labour, absence of written contracts, inadequate legal protection, no bargaining power of the employee, and lack of unionization. As most of the workers in the informal sector employment are women, they are susceptible to rights violations.

A study¹ conducted by workers Participatory Research in Asia (PRIA) shows that the women workers in the informal sector are inclined to pathetic and miserable

¹ D.K Bhatt, "Human Rights and Gender Issues: A Socio-Legal Perspective", *Indian Bar Review*, 29, 30 (undated).

working and living conditions at their respective 'work' and 'workplace' in our country. In the informal sector, the bargaining power concerning employment and working conditions is dominated over by the employers; and they being commanding and non-approachable; naturally, the fate of exploitation is alarmingly high towards the unprotected informal sector women workers. We have to remember that by ignoring these women workers, we are ignoring the essential contributors to the national income and economic prosperity of our nation.

The employment of women workers employed in the informal sector has increased due to industrialisation, urbanisation, and changes in the lifestyles among the people in society. It is indispensable on the part of the Government to focus on policy for urban planning and protection of these informal sector workers, which has the bearing for accommodating the significant influx of rural population into employment due to rural-urban migration. The irony is that the women workers in the informal sector are denied and deprived of the labour rights that are available to the workers in the formal sectors. Informal sector women workers though occupy a better position in terms of numerical strength, their position in work, income received, and working conditions are too negligible. However, these women workers seldom enjoy any of the labour rights and legal protection, which have been enumerated internationally and nationally under various instruments and conventions depicting the minimum labour standards for ensuring a decent standard of living.

Among the categories of informal sector employment, women workers are concentrated more in numbers in the domestic work sector, as discussed in chapter three of the thesis. From reports of NCEUS and NSSO,² it is clear that across the various age groups, the participation of women workers in certain occupations are proportionately far exceeding than male workers, and the fact has been strongly emphasised in the domestic work sector. Women workers are rushing in high demand to domestic work sector. The element of physical labour, poverty and illiteracy are the leading factors that influence the poor, unskilled women to enter paid domestic work. Paid domestic workers are indispensable and inevitable part of our modern society. Domestic workers enable other workers, particularly women, with family responsibility and obligation to involve in the economic activity and thus contributing

² *Ibid.*

towards enhancing the productive formal economy and thus contributing to the revenue of the State.

The paid domestic workers facilitate the working and well-off women to burgeon at the cost of other women's labour that is highly unskilled and untrained. The services rendered by these domestic workers are not being considered as a '*productive work*', and quite often their 'work' is treated as secondary or low-profile work (usually performed by women at their own house as an unpaid job). Nevertheless, there is a mindset that home is a private space even when it is a workplace, and 'domestic work' is just housework and not a '*real work*' hence the apathy of the State towards the plight of the domestic workers has not been addressed, and they have never been ignited from the darkness.

The issues relating to the domestic workers are universal, and India is not an exception to this situation. The 'labour', as a significant component of labour market economy, has to be protected against rights violations, to enjoy their rights to work to a fuller extent. Internationally, the recognition of domestic work as 'real work' and not an extension of unpaid domestic household and care work was an urgent necessity. There was a need felt to build a strong movement worldwide for domestic workers, to draft and enforce fair working conditions as the said workforce has become an essential element in the social life of our community at large, and their value should not be underestimated.

In equivalence with the Universal Declaration of Human Rights (UDHR), UN Charter, ILO and various other international instruments, every individual human being as a 'Labour' shall be treated with equality, dignity worth and allowed to enjoy their labour rights as human rights. Globally, the Domestic Workers Convention No 189, read along with the Recommendations No 201 adopted in 2011, extends the fundamental labour rights to domestic workers to ameliorate their working conditions and for improving their status of work life.³ The domestic work sector creates an exceptional opportunities to the member countries of ILO, to reaffirm the importance of international minimum labour standards and setting up of technical cooperation, as

³ Rohan Ravindra Gudibande and Arjun Jacob, "Minimum Wage Law for Domestic Workers: Does it Work? Impact Evaluation of the Indian Experience", Working Paper 5, Institute of International and Development Studies, pg. 7, UNCTAD, Geneva, ILO Office 2015.

per the aims and work of the ILO in the global economy, to promote the mandate of decent work for the domestic workers, part of informal sector employment. Currently, as of May 2018, twenty-five (25) countries have ratified the said convention No 189 on domestic work, but India is yet to ratify though she has signed the same. Therefore, in the contemporary global economy, the domestic work sector poses a significant challenge for both national and international regulators.

Domestic workers do not benefit from the work, but in contrast, they face vulnerability and abuses. In reality, the widespread abuses and exploitation faced by them explore the situation that the labour rights of these workers are unprotected, unsecured and not given due recognition by the concerned State and stakeholders. History has a long say about how women workers have been subjected to all form of discriminations in society. The domestic work sector is structured in a manner that intensifies the potential for abuses of their labour rights and dignity worth as a 'labour'. The abused domestic workers are unprotected, isolated, excluded and are an invisible lot who take work at 'other homes' but left without any remedy for violation of their rights. The non-regulation of the working and living conditions of this "domestic work sector" is the root cause for exceeding the vulnerabilities of the workers.

The employment of domestic workers and the migration of domestic workers (internally and overseas) has been historically embedded in the growth and development of the nation. The domestic workers work in an environment and have been subjected to harsh, abusive and exploitative conditions since they are just 'women' belonging to a society where gender disparity flourishes and practice of patriarchy exists. The fact is that they are forced to accept forced labour, trafficking and thus remain in this invisible occupation with lack of bargaining power and cannot raise their voice to demand changes in the employment situations.

The domestic work sector is surrounded by the deficit of '**decent work**' atmosphere due to the absence of elements of decent work. Domestic workers are denied the minimum wages, maternity benefits, pension benefits, retirement benefits, fixed working hours, the weekly day of rest, redressal against wrongful termination, no retirement benefits, no sick leaves, no proper working and living conditions, no health and medical benefits. These benefits are being denied because they are not

recognised as ‘workers’ according to the perspective under various labour laws of our country. Thus, their fundamental right to live with dignity enshrined under Article 21, 14, 15 and 23 is being infringed and violated.

The society at large treat the ‘domestic work’ as the work of servants, of women, and duly deny them any form of recognition of ‘work’ and ‘workman’ status according to the viewpoints of labour laws. The said work is also being considered as an inferior quality job that does not require any standard of skill, training, qualification and education. The kind of treatment entangled on domestic women workers by their dominant and invincible employers (in metropolitan cities) and their habitat in urban areas stratifies and symbolises the socio-economic conditions and low-profile status of such work.

The existing labour laws are ineffective and inadequate to address the issues of the domestic work sector, as they are not covered under the labour laws of our country. India, being a country with rich historical past and tradition has been witnessing the status of domestic workers being characterised by decades under unfair and exploitative working and living conditions and labelled as the most neglected sectors of the country’s informal labour force⁴ and rooted into the modern form of slavery. The domestic workers are incapable of exercising their rights, as the work falls outside the realm of legal protection structured for most other formal sector workers. The domestic work sector, encapsulated with large proportions of women and girl children does suffer from the absence of adequate legal protection, as there no uniformly applicable national legislation, which guarantees fair terms of employment and decent working conditions for the domestic women workers.

Nevertheless, the domestic workers, especially women, have been entwined with rights violations; and therefore, denying them the enjoyment of their labour rights that impair their working and living conditions. The domestic work sector is not included within the definition of the term ‘*industry*’ as the ‘workplace’, the private household of the employer is presumed as a ‘*non-industry*’ entity. Conferring minimum wages to these workers is also a rhetoric task. The Government

⁴ Ms. S. Thilaka, “A Study on Socio Economic Conditions of the Women Domestic Workers at Tiruchirappalli, Tamil Nadu”, 23 (6) Ver 4 *Journal of Humanities and Social Science (IOSR-JHSS)* 3 (June 2018).

of India and the Parliamentarians are not ready to accept and consider the private residential home of the employer seriously as the “dominion and space” of the domestic work sector, worthy for regulation, protection and to be monitored under the existing labour welfare jurisprudence.

The State or the Central Government always has to look into the aspect of the cost of violation of the domestic worker's rights and cost of compliance that inadvertently makes it quite challenging to interpret the legal protection for the domestic women workers, who form a significant part of the informal sector employment. A consultation carried out with identified selected domestic workers and organisation representing domestic workers indicates frequent litanies of maltreatment and exploitation.

The current legislation exclusively enacted by the government of India for the protection of informal sector workers is the Unorganised Workers Social Security Act, 2008, but the Act backed with certain limitations. The Act provides for insurance schemes rather than training the unskilled workers for gaining better jobs, and the Act applies only to those registered, but most of the workers are unaware of this fact. The other legislation that covers domestic workers are the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; and the Minimum Wages schedules,⁵ being notified in various States referring to domestic workers; and the Child Labour (Prohibition and Prevention) Act, 1986 (as amended in the year 2006 and 2017).

Presently the 4.75 million of domestic workers⁶ are benefited by the Rashtriya Swayam Bhima Yojana (RSBY), health insurance scheme, a policy of the Government of India for offering health insurance to the weaker section of the society. In some states, the schemes are working well, but in other cities like Delhi, they lack proper implementation stage, and the very scheme remains on the paper without any fruitful purpose. The scheme, though includes domestic workers, but there is a lack of implementation without a proper check/monitoring mechanism.

⁵Notification for Domestic Workers was passed in the following States-Kerala (23rd May 2005); Andhra Pradesh (24 April 2007) and Rajasthan (4th July 2007), Bihar, Karnataka, Jharkhand and Orissa have also passed the same, but the question of implementation is a problem. Tamil Nadu and Maharashtra have established a welfare board for the domestic workers.

⁶Report of ILO 2015 and the UNRISD Report 2016 at 166.

Globally the domestic work sector is highly characterised by a sense of 'voicelessness', an esoteric silence fuelled by the dire need to survive. Lack of organisation and mobilising the strength of domestic workers is one of the most graving issues of this sector. Organising domestic women workers has been a considerable challenge as the "workplace" is a private home of the employer that is inaccessible and multiple, marked by a high rate of attrition and instability. There is evidence of many organisations such as SEWA, NDWM, and other organisations have usurped and are vigorously fighting for the justice of upholding the rights of the domestic workers in India since 1959. The revival of justice for the protection of domestic workers has been languishing for many years in India. Since UPA's time, the talk for creating a domestic workers bill is going on; but has not seen the light of the day. Domestic workers will remain in a legal vacuum unless they are not being brought within the legal framework of protection.

Change is inevitable in the economic activity of the labour market. A fundamental change is mandatorily required in the attitudes of the stakeholders that include employers, policymakers, family members, NGO's and other relatives and the public at large. We the people are always ready to accept the change in the structure of the society and survival is the truth, for that sake, we need domestic workers, to share our burden but not willing to allow them to enjoy the status and worth of a 'real worker' as such. What will be the future of the domestic workers if, there exists a gap between the cost of compliance and cost of violation? What is required is a political adherence to enact a law, implement the schemes, policies and measures that have been adopted by the government for the enrichment of the domestic women workers, which is often lacking. Ensuring the rights to domestic workers will become a reality only if the change takes place in the attitudes and behaviours, of the private household owners, especially the female head of the household who are the employers of the domestic workers.

Policymakers, legislative bodies and people, need to recognise the existence of a determinate employment relationship between employer, employee and union in the domestic work. Such a view would see them as not just '**helpers**' who are '**part of the family**' but as an employed worker entitled to revamp the rights and dignity that employment brings with it. The key drivers of informality, presence of

informalisation in the sector and informal relationship between the employer and employee, does exceedingly intensifies the problems of domestic workers and reduces the extent of the protection to the domestic women workers to protect their rights.

The need for enacting a robust policy for the subject of domestic workers is a mandated concern, and the strategy is to be developed by both the Central and the State government, towards ensuring the protection of fundamental rights of domestic workers in India. Unless a legal policy has not been framed and passed in the nature of a binding instrument, which carries the force of law and acts as a tool to give strength to the domestic worker for demanding legal recognition of their status and entitle them to enjoy the entitlements as enjoyed by women workers in the formal sector. The law should be deterrent towards the employers if they are found guilty. The dreams of millions of domestic workers for securing an exalted status and enjoying life as a 'real worker' will be intact only through the process of inclusion of domestic workers into the labour laws via amendments.

The lackluster attitude and lack of commitment from the Ministry of Labour and Employment, labour ministry is one reason for their neglect. Therefore, there is an important need to make lives easier for those domestic workers who make our lives easier. For it is an everyday battle that burdens India's domestic workers the most- a struggle for survival, fighting for dignity and negotiating for the most basics of work is being demanded. All the stakeholders of the Government, social partners as well as the employers lack humanitarian concern towards them because they feel that they are born to be the servant class and should work for them but never demand any form of benefits, rights and incentives. The State nor the employer nor the recruiting placement agency is ready to confer on them the status of a 'worker' and allow them to enjoy the status of dignified worker life.

The nature of household work changes with the change in the social, economic and technological advancement in the society. The demand for domestic workers in India is slightly increasing; though technology, (devices like washing Machines, Mixers, vacuum cleaner, machine to wash vessels called dishwasher, and devices to mop the floor) is replacing physical labour. The domestic workers should be protected from all forms of vulnerabilities and abuses, and they should be brought

under the guise of umbrella protection of National legislation for domestic workers that exclusively provides for the protection of rights and welfare of domestic women workers.

The exclusion of domestic work from the definition of '*real work*' relied on the ideological contract between women's creative work in the home and the '*real work*' done in the realm of production and commerce. The definition of the real workplace was another site where difficulties arise in shaping labour laws for domestic workers. The benefits envisaged by the Central and the State government should be extended to domestic workers, who confine themselves within a 'private home'. (the fact that 'domestic work' is located in the 'home of an employer' is the primary justification for exclusion from legal protections).

From 2011 onwards, by the efforts of ILO, every year June 16 is celebrated as the Domestic Workers Day to mark the eve of mobilising the strength of workers to protect the rights of the invisible domestic workers in India. Occupational health hazards are overlooked by Domestic workers health issues faced at the workplace is often being neglected by the State and other stakeholders. The Government should resolve to extend the scope of the National Food Security Act, 2013 to the domestic workers. They must be made aware of the health and occupational hazards they undergo in the process of employment and at work and be provided with a mechanism of check and balance.

The need is to recognise the service rendered by "domestic workers" as a valuable and productive service that is rooted in the nature of ranging from house cleaning services to taking care of the elderly and children.⁷ The domestic women workers still are not given the value that she is entitled to receive as a regular worker. We need to professionalise the service they render as any other services. E.g., Nursing was not then recognized as 'productive work,' but today it is professionalised and recognised wherein the nursing workers raise their demand for rights.⁸ A similar change is being expected for the informally employed domestic work sector workers.

⁷Dr Nidhi Tewathai, "Living on the Margins of Development: Domestic Women Workers", *MPRA* 51(15 Oct 2017).

⁸*Ibid.*

Despite the efforts undertaken by the States, yet we have not passed a universal law for the protection of rights of domestic workers in India. Due to absence of comprehensive legislation and the bills that have not been crystallised into the law, the researcher intends to recommend new model legislation that would serve as a model for protecting the rights of unstructured domestic workers in India. Due to a lack of mobility and being confined within the private space of the employer, they tolerate all sorts of problems and realising the labour rights in such an environment is highly a challenging task. Due to literacy, ignorance and unawareness, they suffer a lot at their work. Most of the workers being women profoundly accounting for more the 90 per cent belonging to the low-income family should be highly protected and respected.

Domestic workers are indispensable for the development of the society and a significant source of employment to the needy poor womenfolk. The community must respect and accept the domestic work as “*real work*” by gazing at the economic significance of the domestic work sector. The employers should be empathetic towards domestic workers. Therefore, as long as their labour rights remain ill-defined, unstructured and unprotected, their human rights of labour will also be violated. Therefore, we must stand to endorse and enforce policies that rectify the exclusion of domestic workers from necessary employment protection and existing labour laws interpretation of the definitions of the term ‘*industry*’, ‘*workman*’, and ‘*employer*’. The Government policies and norms are also required to address issues specific to live-in domestic workers who are staying in the premises of the employer's home. We should have a sense of empathy towards domestic women workers to deal with issues of maltreatment, ill-treatment and unfair wages.

7.2 ANSWER TO THE RESEARCH QUESTIONS

The researcher has framed the research questions in order to plan the study meaningfully and effectively. Around seven research questions were set out at the beginning of the research. The research question is being answered below, respectively, under the respective chapters of the thesis.

- a) The question as to what is an informal sector? Furthermore, the informal workers in the context of labour law is being answered in chapter one of

the thesis. Wherein the informal sector comprises of all those economic activities or occupations that have been unprotected and unregulated by governmental control. All those workers who are not being covered under the protection of labour laws are termed as informal sector worker.

- b) Since the focus of the study is on domestic workers in India, wherein the second question as to who are domestic workers is being examined and answered in chapter three of the thesis. It is being observed that it is quite challenging to draw a unique definition of domestic workers.
- c) What are the issues, problems, and rights of women workers in the informal sector in general and domestic workers in particular? Further, the identified and intensified issues, rights and problems of the informal sector women workers, in general, are discussed in chapter two and about domestic women workers are being discussed in chapter three of the thesis.
- d) What are the International and National perspectives available for the protection of the domestic work sector and domestic workers? Similarly, the question as to the availability of International and National perspectives for the protection for domestic workers is being analysed in chapter four of the thesis.
- e) How are the existing labour laws that ensure protection to formal sector workers is responsive and effective as a legal framework for the protection of rights of domestic workers in India? The above research question has been analysed with respect to the application of the existing labour laws to the subjugated informal domestic workers in India under chapter five of the thesis.
- f) What are the existing legal framework and mechanism available for the protection of the rights of domestic workers against abuses and exploitation? This question is explained by understanding the vulnerable situation and violations of the rights of domestic workers, an inevitable part of the urban household in chapter three of the thesis.

- g) What recommendations and suggestions are proposed to address the issues relating to the protection of Domestic women workers (DWWs) in India?

This question is being answered in the last chapter of the thesis.

7.3 ACHIEVEMENT OF OBJECTIVES

The researcher has set out the present research with defined objectives, and all these objectives are examined and achieved in the various chapters of the thesis as follows-

- a) To analyse the concept of the Informal Sector in India.

The said objective is being achieved in the second chapter of the thesis. The researcher analyses the meaning and the overall participation of the workforce in the informal sector and their problems are being discussed.

- b) To study the concentration of women workers in the informal sector employment.

The said objective is being achieved in chapter two of the thesis. In this part, the role and participation, the contribution made of the women workers in the informal sector to the Indian economy and their problems have been studied.

- c) To study the status, working and living conditions of domestic women workers in India.

The said objective is achieved in chapter three of the thesis. The researcher has thoroughly explained in detail nature, informal contractual relationship, working conditions, status and the problems suffered by the domestic workers in India.

- d) To study the laws that are existing for the protection of rights of domestic workers in India.

The said objective is achieved in chapter four of the thesis. The researcher has analysed the provisions of international and national provisions available for the protection of rights of domestic workers.

- e) To reconnoiter the vulnerabilities and challenges faced by domestic women workers in India.

The said objective is being achieved in chapter three of the thesis. The pattern of abuses and exploitation faced by the domestic workers has been discussed with few real situations explored in chapter six.

- f) To study the provisions and effect of non-ratification of Domestic Workers Convention No 189 and its Recommendation No 201.

The said objective is achieved in chapter four of the thesis. The provision of the International Convention on domestic workers and its effect of non-implementation are being discussed in being discussed.

- g) To study the provisions of the Indian Constitution available for the protection of rights of domestic women workers.

By studying the provisions of the Indian constitution pertaining to the protection of the rights of women workers in general and domestic women workers, in particular, the said objective is being achieved in chapter four of the thesis.

- h) To study the role of Indian Judiciary in protecting the rights of domestic women workers.

The said objective is achieved with the interpretation of the same through the interpretation of decisions of the Supreme Court and various High Courts that have been discussed in chapter four of the thesis.

- i) To critically evaluate the existing framework of labour laws, and understand the inbuilt constraints that prevent its application for the protection of rights of domestic workers in India.

The said objective is being achieved in chapter five of the thesis. The purpose of this objective is to critically evaluate the application of the existing labour laws to the unstructured and unprotected domestic workers in India.

- ii) To conclude and provide suggestions to address the core concerns and issues of domestic women workers that are being identified in the research study. The researcher also intends to recommend a model bill for the protection of Domestic Workers Rights.

The said objective is being attained from the last and sixth chapter of the thesis. The real crux of the domestic women workers has been studied by conducting an intensive case study. The researcher also recommends model legislation for the protection of rights of domestic workers and the same is being achieved under the head proposed legislation. The researcher has also proposed a few suggestions.

7.4 TESTING OF HYPOTHESIS

1. The first hypothesis is: The Indian workforce is largely composed of Informal sector workers.

The first hypothesis is proved affirmatively in the second chapter of the thesis. Through the explanation in the second chapter, the predominance of the Indian labour force with significant participation of women workers is proved affirmatively through the statistical data profile and information.

2. The second hypothesis is: The proportion of women workers appears to be higher in the domestic work sector in India.

The second hypothesis is proved affirmatively in the third chapter. With the dominance of informal sector workforce in the Indian economy and more prominently women workers are mostly accommodated in the domestic work sector, part of the informal sector that draws our attention. The researcher has attempted to show that, globally and nationally, the domestic work sector is being highly encompassed with a large number of women and girl children. With the statistical profile, the feminised nature of domestic work has been justified.

3. The third hypothesis is: Absence of exclusive legal framework for domestic workers has led to abuses and exploitation of rights of domestic women workers in India.

Through an explanation in chapter third and sixth, the said hypothesis is proved affirmatively by analysing the nature, the specificity of the nature of employment. The domestic workers are deprived of a dignified status of labour. The domestic work sector is completely lacking an exclusive adequate legal protection as there is no comprehensive law for their regulation. So, this has resulted in widespread abuses and exploitation thus denying them a decent standard as a 'real worker'.

4. The fourth hypothesis is: The Non-ratification of the Domestic Workers Convention No 189 leads to violations of the rights of domestic women workers in India.

The fourth hypothesis is proved affirmatively in the fourth chapter of the thesis. The researcher has identified the international and national mandates that are available for the protection of rights of domestic workers who are in dominant numbers across the globe. There are various instances of rights violation that are being explained in chapter three of the thesis. The defenseless domestic workers are unheard and do not enjoy any labour rights as discussed. However, due to non-ratification and non-implementation of the same, the workers are not protected against violation of their labour rights.

5. The fifth hypothesis is: The existing framework of labour laws is ineffective in protecting the rights of domestic workers in India.

The fifth hypothesis is proved affirmatively in the fifth chapter of the thesis. The researcher has tried to evaluate the various existing labour legislation. By understand its scope, the said labour laws are being ineffectively addressed to the domestic work sector and domestic workers due to certain blocks for its application. With the absence of legal protection, there is a large scale of rights violations, trafficking of human beings, and abuses and exploitation suffered that are non-contemporaneous with the rights of formal sector workers.

7.5 SUGGESTIONS

The following suggestions are proposed by the researcher in this study as follows-

- The present bill that is pending in the parliament relating to Domestic Workers called the Domestic Workers (Regulation of Work and Social Security) Bill, 2017 should be passed.
- The most vulnerable and marginalised class of ‘domestic workers’ should be recognised as a ‘**worker**’ in the context of interpretation of the labour laws of our country.
- The Central Government of India should ratify the International Domestic Workers Convention (No 189) and its corresponding Recommendations No 201.
- If for some reasons, the bill is not passed, then the Government of India has to enact comprehensive legislation for domestic workers at par with the principles and guideline as proclaimed under the DWC No 189.
- Section 2 (j) of the Industrial Dispute Act, 1947, needs to be amended in a manner, so as to include the ‘*domestic workers*’ within the ambit and scope of the definition of term ‘Industry’.
- The rules of termination and retrenchment as provided under IDA, 1947 should be mandatorily followed by the employer in the domestic work sector. The employer should provide with a work certificate to the domestic worker after the termination/dismissal from his/her service.
- By amending the provisions under section 3 and 5 of the Maternity Benefit Act, 1961, the provisions of maternity benefit should be extended to domestic women workers.
- The Minimum Wages Act, 1948, should be amended in a manner to include the category of ‘*Domestic workers*’ in the list of National Minimum wage Schedule employment for the fixation, review and enforcement of minimum

wages. Deductions from wages shall be permissible only in accordance with terms of employment and as prescribed by the national laws.

- The principle of 'Equal pay for equal work' has to be incorporated as per the provision of Article 39(d) of the Indian Constitution for this domestic work sector.
- As discussed in chapter five of the thesis, some States have yet not fixed minimum wages for the domestic workers. Therefore, those States shall now mandatorily fix minimum wages for domestic workers, as 'labour' is a state subject.
- Trade unions need to take up the issues of protecting the rights of domestic workers within their agenda pro-actively, and for this reason the domestic workers should be formally organised and protected.
- Periodic review and modification to the rules and regulations are necessary to accommodate domestic workers within the framework of the Employees State Insurance Act, 1948, the Equal Remuneration Act, 1976, the Payment of wages Act, the Workmen Compensation Act, 1923, and the Factories Act of 1948.
- The Government of India should mandatorily register domestic workers for ascertaining their actual statistical data. With registration, their socio-economic conditions can be improvised.
- The Government of India should regulate the retirement age of domestic workers and pension benefits associated with domestic work employment.
- The Central Government should mandatorily bring the Placement Agencies and Recruitment agencies under the net of regulations for protecting the uneducated, unstructured, unskilled and untrained domestic workers. The placements agencies must be substituted by the National Employment Exchange (the authority prescribed for registration of skilled workers in the formal sector employment).

- The domestic workers should be considered as ‘skilled labour’ according to the current labour laws, and the sector should be formalised. A universal system of training should be mandated for domestic workers for gaining professionalism and formalising their work.
- The Central Government should formulate a dynamic and Universal Social Security Code. Universal social security code system should be made mandatory for domestic workers coverage through a Unique Identification Number.
- The domestic women workers should be permitted to reap the benefits of the universal E-health scheme, wherein the domestic workers with ID cards and Aadhar cards are attached to a health care centre, and wherever they go through their Aadhar card Number, they can access to the e-health care facilities.
- The Contract of employment of domestic workers shall be in writing and in the dialect that is understandable to the domestic workers and employers. The contract of employment must be filed with a labour inspector so that if an employer commits a breach of rules, he/she can be punished.
- Publication of a guide by the Government of India and offer information to both employers and employees about the relevant policies and programmes adopted at the national and sub-national level for the amelioration of domestic workers.
- The employers should have an empathetic feeling towards the domestic workers rather than being exercising invincible power over the domestic workers. The unfair practices by employers shall be prohibited and penalised. E.g., Dismissal of a domestic women worker on the ground of pregnancy.
- The Government must establish monitoring authorities that can act as facilitating centers to monitor complaints, reports of abuses and exploitation of domestic workers.

- The poor domestic workers should be allowed to avail the legal aid facilities at times of need to resolve any differences and other issues relating to their abuse and exploitation.
- Domestic worker to be treated with respect and dignity for the work they perform and at the workplace.
- Establish and revive memorandum of understanding in the nature of bilateral and multilateral agreements with other countries to protect the rights of migrant domestic workers.
- If the concerned authorities appointed to execute the laws and ensure protection to domestic workers, fails to guarantee the rights/entitlements for these workers, then those appropriate authorities should be subjected to penalties under the amended labour laws for domestic workers.

Ultimately, the survivors of the domestic work sector, the poor women workers need to be viewed from the perception of a ‘real worker’ who will be conversed with all the fundamental labour rights. If the rights are violated, then they should be treated as a claimant of rights and be able to access to a remedy under both the criminal justice as well as labour justice, through the intervention of the court. It is quite evident from the fact ascertained that persons performing domestic work be should be respected as they are actively participating in the productive labour market.

“Respect them with values and dignity what they deserve

***They are human beings, not a slave and
let us have empathy for them and not sympathy
to achieve the real purpose of their work.”***