

Platform for Domestic Workers

The Platform for domestic workers that comprises several unions and organisations of domestic workers including some central trade unions is working towards getting a Comprehensive Legislation for Domestic Workers. As there are already two very good Bills presented to the Central Government by the Central Women's Commission in 2008 and then another by the Rights Campaign for Domestic Workers in 2010, this Platform is pursuing the process of getting a Comprehensive Legislation for Domestic Workers which **should** include the points below.

The Comprehensive Legislation for Domestic Workers should address the following:

It should seek to regulate employment, conditions of work and provide social protection simultaneously

Core labour standards should be met, and existing legislation like the Employees Workmen's Compensation Act, Interstate Migrant workers Act, ESI Act etc. should be amended to include domestic workers

A Tripartite Board should be the instrument for implementation of the Act. The Board should undertake

- Registration of workers, and their social security contributions
- Regulation of conditions of work, social protection
- Registration of employers and collection of their contribution for social security
- Monitoring of payment of minimum wages.
- Registration of Placement Agencies. This would entail that the agencies supply records to the board with names, addresses and photographs of the domestic workers on their roles and pay fees accordingly. They should specify what services they provide to the worker and the employer especially if the workers are from the outside. The board should also charge the placement agency a registration fee.
- Dispute resolution and grievance redressal within the board

Special consideration should be given to domestic worker collectives, cooperatives or organisations that organise their own members to go to work securing their benefits and while these should register with the Board, they should not be treated like labour supply agencies.

There should be a smart card for the workers that is recognised all over the country so that they get their benefits when they retire also.

Portability of social security if the worker has worked abroad

The social security cover should be on par with other workers like PF, pensions and maternity benefit. It should also indicate that health insurance should be through the ESI.

Those workers who wish to migrate out of the state or country should also be registered in the Board and be sure they get their protection.

There should be no age bar for workers registering in the board.

One important aspect that should be included in the Act is to ensure housing to domestic workers within city limits. City development plans which now indicate that 35% of housing in urban locations be reserved for the service sector should further specify that 20% of such housing should be for domestic workers.

The points above are the non negotiable contents that the Comprehensive Legislation should contain.

NB: issues that require further discussion or more information. Please discuss the points below and make your suggestions.

- The need to specify how the domestic workers are represented in the Welfare Board, numbers, gender and how exactly the representative unions will be elected. The ideal situation is that this is also done through an election process.
- The extent to which the worker facilitation centres can be situated even in panchayats, facilitating awareness and registration of workers.
- Basis on which the employers contributions can be made. There has been resistance to including employer registration. Nevertheless, it has also been explained that this will depend on the awareness of the workers who will understand that their benefits also depend on the contributions of the employers. Hence it is proposed that if registration can be done on line and the employers receive a registration number, then, workers will just need to ask the employer's number when engaging in work. This will automatically also facilitate registration if employers are not already registered. If employers are mobile and travel then their registration and contribution for one year will be valid anywhere. Smart cards will facilitate this process.
- If workers are well informed they will not work for employers who are not registered in the board – thereby encouraging all employers to register.
- In discussing the minimum wage, there needs to be clarity on how the skills of the domestic workers will be classified. It was felt that payment should be on a time basis and not on a kind of work basis. For workers who have availed of certified skill development, their bargaining power for wages would automatically rise.
- There should be dispute resolution (between employers & workers) and grievance mechanism (with functioning of board),with a penalty clause. This can be utilised when the board does not work as per the rule. – if the board does not pay in time the benefits to the workers for instance.
- Age of migration of workers – presently is 30 years, the suggestion is that it should be 21 years.

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