

NATIONAL ADVISORY COUNCIL

DRAFT RECOMMENDATION

APRIL 28, 2011

ESSENTIAL ELEMENTS OF A NATIONAL POLICY FOR DOMESTIC WORKERS

While recognizing that the Government is engaged in the exercise of formulating a National Policy for Domestic Workers, the National Advisory Council, after due consideration, recommends the following essential elements that need to be part of the National Policy for Domestic Workers:

- the *right to earn a livelihood*, with dignity and respect, and *rights at work* to apply to all women and men who engage in economic activity, including domestic workers.
- equity of domestic workers with other wage workers, so that domestic workers are treated no less favourably than other wage workers.
- a larger labour rights framework, where the State shall take effective measures to include domestic workers in the existing labour legislations and where such inclusion is not possible, or where such inclusion would not amount to equivalent rights for Domestic Workers, due to the specific nature of their work, the National Policy shall place on the Central Government the obligation to design additional legislative mechanism/s to ensure that Domestic Workers rights as workers can be exercised comprehensively.

2. The National Policy should specify the elements that comprise the comprehensive exercise of Domestic Workers 'rights as workers', including:

- i. Right to receive at least the minimum wages as applicable under the Minimum Wages Act, 1948 with periodicity of payment (at regular intervals but not less often than once a month)
- ii. Right to remuneration without discrimination based on sex, as stipulated in the Equal Remuneration Act 1976
- iii. Right to regulated conditions of work, including working within the defined normal hours of work with suitable daily and weekly rest (which shall be at least 24 consecutive hours per seven days) periods
- iv. Entitlement to paid annual leave and sick leaves
- v. Coverage under social security as provided in the Unorganized Sector Social Security Act 2008, including maternity benefits
- vi. Entitlement to a safe and healthy place to stay and sufficient food (if the worker stays in the home of the employer i.e. a live-in worker)
- vii. Safe working environment and protection from accidents.
- viii. Treatment with dignity and respect
- ix. Protection against sexual harassment at the place of work.
- x. Protection against forced labour or trafficking, by regulation and registration of recruitment agencies
- xi. Recognition and registration as workers with the State Labour Departments.
- xii. Right to establish their own organizations or to join the workers' organizations or trade unions or associations and engage in collective bargaining process

- xiii. Access to schemes and benefits which are available or will be made available to other categories of workers
- xiv. Steps to protect migrant domestic workers, including the provision of adequate pre-departure training, information, and written contracts specifying conditions of work, and complaint mechanisms

3. The National Policy should further outline the steps that the Central and State Governments may take to meet these requirements, and thereby ensure that Domestic Workers in India can enjoy the full measure of rights due to them within the shortest possible time-frame.