

DOMESTIC WORKERS



ESSENTIAL ELEMENTS OF A NATIONAL POLICY FOR DOMESTIC WORKERS

Draft Recommendation
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on behalf of the NAC Working Group
April 28, 2011

Domestic Workers : Towards a National Policy

ONE

Essential Elements of a National Policy:

- ✓ Affirming the *right to earn a livelihood*, with dignity and respect.
 - ✓ Affirming that *rights at work* apply to all women and men who engage in economic activity, including domestic workers.
 - ✓ Affirming the *equity of domestic workers with other wage workers*, thereby also stating that domestic workers should be treated no less favourably than other wage workers.
 - ✓ Providing a larger labour rights framework for legislative guidance, wherein the State shall take effective measures to include domestic workers in existing labour legislations.
- (These may include Minimum Wages Act, Inter State Migrants Act, Workmen's Compensation Act, Equal Remuneration Act, the Trade Union Act, and others)

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TWO

- ✓ 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

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THREE

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

- ✓ 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)
- ✓ Right to remuneration without discrimination based on sex, as stipulated in the Equal Remuneration Act 1976
- ✓ 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
- ✓ Entitlement to paid annual leave and sick leaves

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FOUR

- ✓ Coverage under social security as provided in the Unorganized Sector Social Security Act 2008 (*deemed welfare schemes in Schedule 1 of the Act*) including maternity benefits
- ✓ 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)
- ✓ Safe working environment and protection from accidents
- ✓ Treatment with dignity and respect
- ✓ Protection against sexual harassment at the place of work
- ✓ Protection against forced labour or trafficking, by regulation and registration of recruitment agencies

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FIVE

- ✓ Recognition and registration as workers with the State Labour Departments
- ✓ Right to establish their own organizations or to join the workers' organizations or trade unions or associations and engage in collective bargaining process
- ✓ Access to schemes and benefits which are available or will be made available to other categories of workers
- ✓ 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

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SIX

The National Policy shall 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.

THANK YOU