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Making visible the invisible



Illegal and inhumane: A rescued child domestic worker.

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It is relatively easy to legislate laws regarding domestic workers. But it's not that easy to change attitudes.

Ultimately, things will change only if those who employ domestics accept that they are first of all "workers" and not "servants".

They sweep, they swab, they wash, they cook, they take care of our children and our pets, they look after our elderly. We see them every day. Yet they are invisible. Yes, millions of women, men and children — India's large force of domestic workers, or "servants" as most people call them — remain unseen, undervalued and denied rights that all workers deserve.

This is a subject to which we are forced to return every now and then. Sometimes it is a tragedy that forces us to think. Sometimes a positive development. In June 2006, when 10-year-old Sonu was sadistically tortured and killed by her employers in Mumbai, the invisible world of the domestic worker, and especially of the child worker, lay exposed in all its brutality. With the New Year, the possibility of changing the conditions of work and life of such people comes in the form of the Maharashtra Domestic Workers' Welfare Board Bill that was passed by both houses of the legislature during the recently concluded winter session. Although the law has many shortcomings, it is important because it recognises the rights of these "invisible" workers.

Beyond legislation

Of course, laws alone cannot deal with a problem that constantly plays hide and seek. For decades, groups like the National Domestic Workers' Movement have campaigned for recognition of domestic work as a form of labour. The diligence and persistence of such groups has resulted in some States initiating legislation. For instance, both Andhra Pradesh and Karnataka have included domestic workers in the legal provisions for minimum wage. Tamil Nadu has included domestic work in the Manual Labour Act and in January 2007 set up the Domestic Workers' Welfare Board. Kerala has taken some steps in this direction, as have Bihar and Rajasthan. The Central government has included domestic workers in provisions under the Unorganised Sector Workers' Social Security Act that was passed in January last year. And now Maharashtra has passed its own law.

Most labour laws face the challenge of implementation but amongst the most difficult must surely be the ones linked to domestic work. To begin with, there are no clear statistics of the number of people working as paid labour in people's homes. According to the International Labour Organisation (ILO), "A domestic worker is someone who carries out household work in a private household in return for wages." The estimated number of domestic workers in India is 90 million but this is probably an underestimate as there has been no systematic study to document such workers throughout the country.

From the data that exists, it is clear that the overwhelming majority of domestic workers are women and girls. There has been considerable documentation of the abuse young girls, in particular, suffer at the hands of their employers. Sonu's was not an exceptional story. It was just a reminder of what goes on behind many closed doors.

An estimated 20 per cent of domestic workers are children below 14 years of age. Under child labour laws, these children should not be employed. Yet those who do employ them, get around the law by claiming that they are "looking after" these children when in fact it is the children who look after them, usually with little or no pay. Such

child workers slip between the cracks of labour laws as most laws cover workers over the age of 18. The Maharashtra law, for instance, addresses domestic workers between the ages of 18 and 60 who are now eligible to register themselves at district welfare boards. But what happens to those under 18?

Laws are necessary but those relating to domestic workers can only be effective if there is a change of attitude in the people who employ them. Do employers of domestics even know what the minimum wage is? Do they care? How will they be penalised if they refuse to pay? Can domestic workers ever be strong enough to refuse to work in a labour surplus market like ours? Every day, changes in the economy and developmental policies are pushing more people into domestic work. With extended families being replaced by nuclear families, there is increasing demand for domestic workers. This ought to push up wages. But simultaneously, the increasing number of infrastructure projects and industries are displacing millions of people, particularly from tribal areas. These are the women, especially, who are now joining the growing force of domestic workers in our cities.

Ground realities

Slavery would be considered a harsh term by most Indians who employ domestic workers but the reality is that even today in many homes, the domestics — especially those who work full time — are often no better than slaves. They are usually in debt to their employers and work their whole lives to pay off the debt. Generations work to pay off the debt. And it never really ever gets paid off. They are on call 24 hours of the day, 365 days in the year. And they can never ever dream of freeing themselves from such bondage. How can laws intervene in such situations?

Ultimately, things can and will change only if those who employ domestics accept that these workers are first of all “workers” and not “servants”. That they are individuals with rights like any other person. That they should be paid a fair wage. That they deserve time off. That they too have families to care for. That they should not lose wages when they fall sick. That they are valued human beings without whom our lives would be impossible.

Such a change of attitude cannot be legislated.

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