



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and

a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB, LLM degrees from Banaras Hindu University & PHD from university of Kota. He has successfully completed UGC sponsored M.R.P for the work in the Ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; PH.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St. Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing PH.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Inter-country adoption laws from Uttarakhand University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, PH.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, PH.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University. More than 25 Publications in renowned National and International Journals and has authored a Text book on CR.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); PH.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

RECOGNIZING THE VALUE OF CARE: THE URGENT NEED FOR LABOUR LAWS PROTECTING DOMESTIC WORKERS IN INDIA

AUTHORED BY - VRINDA JAIN

“How many hours a day does your maid stand upon her feet? At what work? Washing? Ironing? Sweeping? Making beds? Cooking? Washing dishes? Perhaps she sits for two hours at her meals and preparing vegetables, and four days in the week she has an hour in the afternoon. According to that, your maid is on her feet at least eleven hours a day with a score of stair-climbings included. It seems to me that her case is more pitiable than that of the store clerk.”¹ - Angela Y. Davis

Law is supposed to govern all sectors, including the non-economic sector, such as domestic care work, which has a considerable market share, but there is no universal set of regulations to govern the domestic care work sector in a welfare state. Despite having numerous labor welfare laws in place to regulate the labor market, India has sadly failed to take into account the significant number of individuals who are employed in the domestic care industry.

The domestic work sector in India employs between 4.75 million and 90 million people. The emergence of nuclear families and growing urbanization have both increased the need for domestic workers in the nation.² Domestic work has thus become a significant source of employment, particularly for women in India.³ Yet, there aren't enough studies or data available on this topic in the Indian setting.

Most people assume that the housewife, the stereotypical ‘home-maker’, is responsible for all household responsibilities. Domestic Work is kept out of the conventional and traditional

¹ Angela Y. Davis, “A Nine-Hour Day for Domestic Servants”, New York Times 1902, available at <https://timesmachine.nytimes.com/timesmachine/1927/05/04/118507913.html>.

² Self-Employed Women’s Association (‘SEWA’), Domestic Workers’ Laws and Legal Issues in India, November 12, 2014, available at <http://www.wiego.org/sites/default/files/resources/files/Domestic-Workers-Laws-and-Legal-Issues-India.pdf> (Last visited on March 26, 2023).

³ Women in Informal Employment: Globalizing and Organizing, Domestic Workers, available at <http://www.wiego.org/informal-economy/occupational-groups/domestic-workers> (Last visited on March 26, 2023).

definition of 'labor' and is viewed as act of 'love and care' The undervaluing of this kind of 'care work' continues even when it is paid for and no longer done out of love. Despite its commodification, care labor "continues to carry the stigma of 'women's work', consigned to the private sphere of the home; thus, it is largely perceived as work that does not belong in the general marketplace."

Since their labor is mostly unregulated, domestic employees are rarely recognized as 'workers'. They have a lower social and economic position, including those in the informal sector. Domestic work is largely not covered by the extent of regulatory protection because it is not considered to be 'real labor' or 'legitimate employment'. The statutes' definitions of 'worker', 'employer', and 'establishment' exclude their applicability to the domestic workspace.

The serious issue in this sector is the absence of a comprehensive regulatory and facilitative framework to manage domestic care labor. People might think it's wrong for the government to protect rights of these workers because it seems like the government is getting involved in their private lives. This further shields domestic labor from official oversight and encourages worker exploitation. The project focuses on recognizing domestic labor as both productive and 'caring' labor, with the home serving as the 'workplace'. While requiring "caring" labor, domestic work should also be viewed as productive employment.

CHAPTER-1 CONCEPT AND SCOPE OF DOMESTIC CARE WORK

In accordance with the International Labor Organization's (ILO) Agreement on Decent Work for Domestic Workers, 'domestic workers' are workers who "work in or for a household or households."⁴ Domestic care employees are individuals who are employed to perform housework. In general, these people are called domestic care workers because they help with things like cooking, cleaning, and taking care of children and older people. Hence, because domestic work involves the exchange of services for payment, it should be treated equally to other forms of paid employment in the economy and be subject to the same legal regulations.

Domestic care labor encompasses all activities done inside the home, hence its scope is very broad. It is crucial to note that, despite the perception that domestic care job is unskilled or trivial, it actually demands a variety of talents and competencies, as well as organizational

⁴ International Labour Organization Convention concerning decent work for domestic workers (No.189), 2013, Art. 1(a).

capabilities. Although the idea of domestic helpers is simple, there are a number of challenges in this industry that have not yet been addressed, including working conditions, wage standards, pay for overtime labor, retirement and health care benefits, workers' compensation, and other similar concerns.

In India, domestic employees are usually excluded from receiving social security and other employment benefits provided to workers under national labor regulations. Inadequate protection under labor rules and ignorance and lack of awareness of the minimal rights accessible to them demonstrate their precarious position. This gives employers more freedom to exploit workers, frequently setting the terms and circumstances of employment without any accountability. Because this occurs inside of private homes, it is also shielded from public scrutiny. Their vulnerability is the result of poverty, prejudice, and social isolation, which are made worse by the poor measures the government takes to address these issues.

1.1 EXISTING LEGISLATIVE FRAMEWORKS FOR DOMESTIC CARE WORKER

India has not ratified the ILO's Domestic Workers Convention despite having voted in favor of it in 2011.⁵ Like the rest of the informal sector, domestic workers' issues have been mostly neglected by the legislature. There have been unsuccessful attempts to pass measures for the protection of domestic workers. Yet, there is a growing trend that recognizes the shortcomings of current labor legislations and attempts to extend and apply these legislations to domestic workplaces.

The earliest attempt to have a national law regulating the services of domestic workers dates back to the **Domestic Worker (Conditions of Service) Bill, 1959** and the **House Workers (Conditions of Service) Bill, 1989**.⁶ However, these bills never sparked any important discourse and were never enacted. The first concrete attempt was made by the introduction of the **Housemaids and Domestic Workers (Conditions of Service and Welfare) Bill, 2004** in the Rajya Sabha.⁷ It was a relatively simple bill which required the State and Central Government to compulsorily register domestic workers in their territorial jurisdiction, in

⁵ Live Mint, New rights for domestic workers, July 5, 2011, available at <http://www.livemint.com/Politics/RhXFz7Yo2vLiAGSxY37wql/New-rights-for-domestic-workers.html> (Last visited on March 27, 2023).

⁶ Neetha N. & Rajni Palriwala, "The Absence of State Law: Domestic Workers in India."

⁷ Housemaids and Domestic Workers (Conditions of Service and Welfare Bill), 2004: This Bill was never enacted.

addition to framing rules to ensure employment opportunities, suitable work conditions, medical benefits, and other provisions.

Employers hiring unregistered domestic employees or employers acting in violation of the rules were subject to severe penalties, including a fine and simple imprisonment. But the legislation only sought mandatory registration; it made no other recommendations on the substantive requirements or any method of implementation, essentially leaving it up to the State and Central Governments, which are already well-known for their ineptitude and indifference.

There are a variety of current legal frameworks in India that do not specifically provide for the protection of domestic care workers' rights, but their application can be expanded to include domestic care workers under the concept of workers. These regulations must be modified to account for the idiosyncrasies of the domestic care industry, which exposes workers to a number of new risks not covered by these laws.

1.1.1 Minimum Wages Act, 1948-

Domestic workers frequently earn substantially less than the minimum wage. The 1948 Minimum Wages Act regulates the minimum wages that must be provided to employees. The state governments can alter this legislation to broaden its applicability to include domestic employees under the definition of workers. Domestic labor was added to the schedule under the Minimum Wage Act of 1948 by some states. However, just eleven states have done this, and more populous states like Uttar Pradesh have not yet made notification.⁸ Also, the governments have not set the working hours of these employees, which makes it challenging to estimate the minimum wage. The notifications describe domestic work in terms of the total number of tasks performed rather than in terms of an employer-employee relationship.

Domestic workers are commonly paid much less than the minimum wage. The Minimum Wages Act, 1948 deals with the requirement of minimum wages to be paid to workers. The state governments can amend this legislation and extend the application to include domestic workers under the definition of workers. Some states added domestic work to the schedule under the Minimum Wages Act, 1948. However, this has been done only by eleven states, and

⁸ Labour Bureau Chandigarh, Ministry of Labour and Employment, Government of India, Report on the Working of the Minimum Wages Act, 1948 for the Year 2013, http://labourbureau.nic.in/MW_2013_final_revised_web.pdf.

the more populous states such as Uttar Pradesh are yet to notify.⁹ Also the working hours of such workers have not been decided by the governments which make it difficult to determine the minimum rate of wages. Further, the notifications define domestic work as a sum of the tasks undertaken, and not in terms of an employer-employee relation.

So far, the implementation has been not good. The State's reluctance and cautious approach in examining households is detrimental. There are always people who are eager to work at even lower wages due to overpopulation and widespread poverty, so there is no reason to complain. Lack of knowledge among all parties concerned, including employees, employers, and labor inspectors, is another issue that plagues minimum wage notifications, adding to the various difficulties associated with its implementation.

Awareness and inspection must address the idiosyncrasies of domestic care employment—hidden in private homes, unregistered, and often portrayed as a family member. It is obvious that the Act's current provisions, which are intended to serve public workspaces, are insufficient.

1.1.2 The Unorganized Workers' Social Security Act, 2008

The Unorganized Workers' Social Security Act covers domestic employees under its purview. The primary goal of the bill was to take action to guarantee the social security and welfare of the people who work in the unorganized sector. It envisioned the establishment of a Central board that would offer recommendations on social security programs such as health, maternity, and retirement benefits. This legislation mandates the establishment of a national and state social security board with representatives from the unorganized worker, employers, and government.

They have nonetheless been confined to advising and monitory responsibilities in development and execution of initiatives, with little capacity to have any practical influence. The Act has drawn criticism for being utterly insufficient, being little more than a compilation of already existing schemes, and lacking any type of punishment or even guidelines for working conditions. In addition, it demands contributions from beneficiaries, which is pointless given the low wages of these workers.

Even the Honourable Supreme Court, in the case of *Shramjeevi Mahila Samiti v. State of NCT*¹⁰ of Delhi, noticed the application of the aforementioned Act and expressed dissatisfaction that the National and State boards envisioned by the Act had not been established, ordering the government to do the same within a given amount of time. 256 West Bengali women and children who were employed as domestic helpers in Delhi without pay were in this case saved and given new opportunities. In order to ensure that Delhi's domestic employees are registered under the Unorganized Workers Social Security Act of 2008, the Supreme Court granted the Delhi Government three months to work on the pilot scheme.

The bench asked the, “newly-constituted National Social Security Board to file a statement regarding the steps it has taken for the welfare of the unorganized sector and in particular, the domestic workers, within a period of one month. Earlier, the National Legal Services Authority (NALSA) expressed its readiness to assist in this matter, but it found it difficult to reach the domestic workers”.

The petitioner's counsel had previously informed the court that despite the Act going into effect in 2008 and the creation of numerous programs, no domestic worker had been able to avail the benefit from the same. This appears to be due to the fact that the domestic employees have not been registered for the sake of receiving benefits. Additionally, it was revealed that no district administration had taken any action to register unorganized laborers and provide them with identity cards. It was advised that a proactive campaign by the paralegal volunteers affiliated with the Taluk Legal Services Committees be launched in order to encourage domestic workers who are unwilling to register. This case may help in improving applicability of legislation.

1.1.3. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is comprehensive legislation that was passed in support of Supreme Court directives that call for employers to take preventive action against workplace sexual harassment. Considering that it also aims to safeguard domestic care employees, this act has a broad range of applications. This law enables the creation of complaint committees to address the complaints of female employees. This legislation creates a Local Complaint Committee for Domestic

¹⁰ WPCRL No. 879/2007, (High Court of Delhi).

Workers, which has the authority to award financial compensation.¹¹

However, this act does not cover more serious sexual crimes which goes beyond harassment. Compared to working in a traditional office setting, employment in the house allows an employer much greater leeway to violate employees' physical autonomy. It is also challenging to produce documentation of employment. Because of their reliance on their employer, they avoid taking any action out of fear of becoming homeless or without a job. Also, domestic helpers sometimes form bonds with the residents of the home where they work, which discourages them from pursuing legal action.

1.1.4 Employees' State Insurance Act, 1948

As a pilot scheme in 2016, the application of Employees' State Insurance Act, 1948, was extended to domestic workers in Delhi and Hyderabad. The ESI Act, known for its egalitarian approach, generally makes no distinction in providing benefits based on the workers' contribution, which is a reflection of their wages. However, its extension to domestic workers reflects a starkly discriminatory approach, reinforcing the undervaluation of the nature of work – they are only eligible for medical benefits, that too in a partial manner, i.e. the exclusion of certain sickness, maternity, disablement, dependence, and other need-based benefits. Given that the sphere is highly feminised, not extending sickness and maternity benefits results in the most pressing vulnerabilities of female domestic workers being left unaddressed.

CHAPTER-2 GENDER AND CASTE STIGMA

2.1 Gendered Specification Of Domestic Work

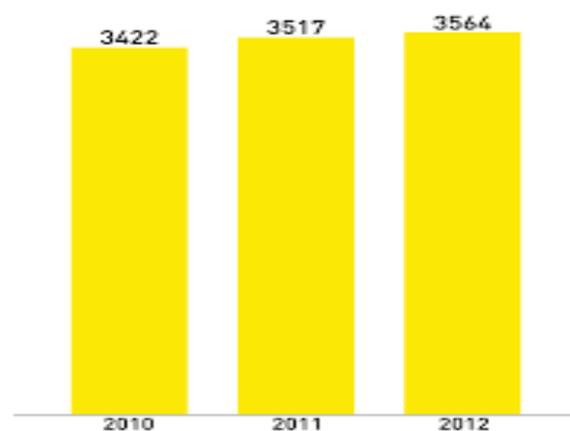
Domestic work has a serious gender bias. It is thought that women are conditioned to conduct care work, which accounts for their disproportionately high representation in domestic work. Because it is viewed as unskilled labor, domestic work is underestimated and underpaid. In the past ten years, urban India has become more feminized, and this has resulted in an increase in the proportion of women employed in domestic work. 14.4% of the rise in female employment was attributable to domestic work. Due to the preponderance of women in domestic employment and the unsupervised nature of their profession, these workers are particularly exposed to abuse and violence.

¹¹ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Chapter III.

According to the results of a survey on sexual harassment performed in 2018 by the Martha Farrell Foundation in South Delhi among 291 domestic workers, 92% of respondents were aware of continuing sexual harassment of various forms in their immediate surroundings. Yet, just 29% acknowledged having experienced it personally. The poll found that 65.6% of participants identified stalking as the most frequent type of harassment, followed by whistling and making vulgar gestures (61.8%) and sending sexually suggestive text and WhatsApp messages (52%).¹² These cases are vastly underreported, with the true number being significantly higher, due to fears of stigmatization, loss of employment, and a lack of community support.

Yet, gender is not the only aspect connected with vulnerability to abuse, as caste plays a crucial role in determining the type of domestic job one is permitted to perform, making certain domestic workers doubly marginalized.

Reported cases of violence against domestic workers

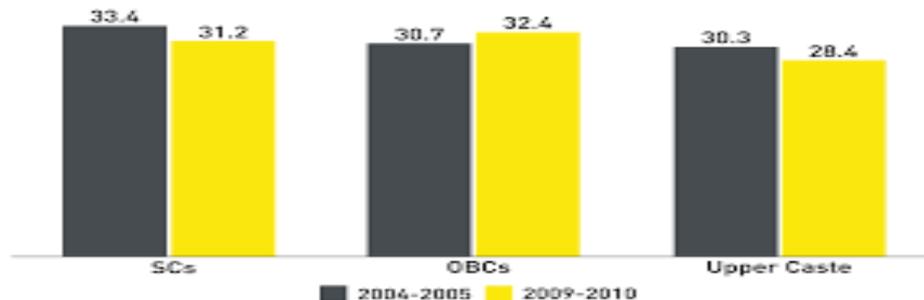


2.2 Caste Stigma

In India, caste plays a crucial role in the organization and distribution of tasks pertaining to paid domestic labor. It is frequently argued that cooking is only the purview of Brahmins and other upper castes due to ideas of purity and defilement. The scheduled castes, Dalits, and Bhangis, on the other hand, are typically given jobs like garbage collection and toilet cleaning. According to a research from Bangalore, women from Scheduled Castes made up roughly 75% of domestic workers, followed by OBCs with 15%, Scheduled Tribes with 8%, and upper castes

¹² An Ongoing Study on Part-time Domestic Workers in Gurgaon, Faridabad and South Delhi, Martha Farrell Foundation available at https://www.marthafarrellfoundation.org/uploads/pdf_files/1529667465_First%20report.pdf.

with 2%. OBC employees make up the largest percentage of domestic workers, according to the NSSO for 2004–05 and 2009–10.¹³ It is seen that vast majority of domestic employees are from lower castes.



CHAPTER-3 MEASURES TO REDUCE THE PLIGHT OF DOMESTIC CARE WORKERS

3.1 Inspection of Housing Premises

Giving labor inspectorates the authority to inspect the premises is the most widely employed strategy for guaranteeing the application of labor legislations. Allowing Labor Inspectorates such authority in the context of domestic employment, however, would amount to an invasion of the family's personal space. Despite these privacy issues, the ILO Convention mandates that labor inspectors should be permitted access to residential locations, albeit under suitable restrictions that protect the privacy of the family.

3.2 Proactive Role of Judiciary

In the absence of specific labor regulations protecting rights of domestic workers, the judiciary has taken into consideration the condition of domestic workers. The Delhi High Court has advised the Child Welfare Committee and Delhi Commission for Women¹⁴ to provide domestic workers with some social security. However, these regulations, are governed by laws pertaining to women and children, limiting the number of domestic employees to whom they may apply. In addition, the limited social security is only available after registering a complaint with the appropriate authorities, and the worker has no inherent or automatic entitlement to social security.

¹⁴ Constituted under § 3 of the Delhi Commission for Women Act, 1994.

In 2019, Delhi High Court issued notice to the Delhi Government and Department of Labour on a plea to recognize the Domestic Workers Union, Delhi under the Trade Union Act, 1926. The DDWU said in their appeal that in “*Bangalore Water Supply & Sewage Board & others vs R Rajappa & others*¹⁵, a constitution bench of the SC had held that the work of domestic workers fell well within the definition of industry, which deployed a “triple test” to define it. Private placement agencies “are involved in a systematic activity of providing domestic workers, there is co-operation between private placement agencies and domestic workers, and there is delivery of services that are domestic in nature to satisfy human wants and wishes.” The court found that the government must protect unorganized sector workers and acknowledge the right of the domestic workers to organize and engage in collective bargaining in this case.

In *Bachpan Bachao & Ors. vs Union Of India & Others*¹⁶ the court “highlighted the plight of children and women, who are taken as domestic help by dubious placement agencies and forced them into flesh trade. the medium of placement agencies, poverty and lack of opportunity are major foundation of trafficking. Child trafficking typically begins with a private arrangement between a trafficker and a family member, driven by the family economic plight and the trafficker’s desire for profit and cheap labour. Someone comes along and says he or she has professions or jobs for the children and the parents believe it. Parents think that in letting children go they are doing something good for them; but someone takes them as and makes them domestic workers, and someone else takes all the money instead of giving them a salary. As far as registration is concerned, the proposal of the Government to register them under the Delhi Shops and Establishments Act and make the registration mandatory is acceptable.”

In *Vandana Prasad vs Ministry Of Labour & Employment*¹⁷, also the court highlighted that, “domestic workers are often given very low wages, made to work for excessively long hours, have no guaranteed weekly day of rest and at times are vulnerable to physical, mental and sexual abuse or restrictions on freedom of movement. Exploitation of domestic workers can partly be attributed to gaps in national labour and employment legislation, and often reflects discrimination along the lines of sex, race and caste.

¹⁵ 1978 SCR (3) 207.

¹⁶ [WP (C) 51 of 2006] 2011 5 SCC 1.

¹⁷ CIC/MLABE/A/2017/118245.

The growing impact of domestic work in paid employment in India makes it more crucial to ensure that such work is given dignity and occurs under decent conditions with adequate pay. Appointment is done off the record and usually by word of mouth and workers rarely get benefits like insurance, paid leave, compensatory leave, gratuity, provident fund or pensions. In India, domestic workers are not covered by most labour legislations because of limitation in the definition of either the 'workman', 'employer' or 'establishment'. The nature of their work, the specificity of employee-employer relationship, the workplace being the private household, excludes their exposure from the existing labour laws.”

In *National Platform for Domestic Workers v. Union of India & Ors. (2018)* the Supreme Court of India recognized domestic workers as a distinct category of workers and directed the government to ensure that they were provided with basic employment rights, such as minimum wages and social security benefits.

These cases demonstrate a growing recognition of the need to protect the rights of domestic care workers in India, and suggest that the legal landscape is evolving to provide greater protections for this vulnerable group of workers.

3.3 Providing Social Assistance and Social Insurance

Providing social insurance and social assistance to domestic care workers is an important step in ensuring that these workers are able to achieve economic security and access the resources that they need to support themselves and their families. Policymakers can consider implementing policies that specifically target domestic care workers. For example, some states have passed domestic workers' bills of rights, which provide protections such as minimum wage, overtime pay, and anti-discrimination measures. These laws can help to ensure that domestic care workers receive fair compensation and are treated with dignity and respect.

3.4 Unionisation

It goes without saying that unionization plays a crucial part in defending labor interests. It provides an avenue for workers to demand and advance their rights. Collective bargaining as a mechanism of controlling the employer-employee relationship has been successfully adopted in the majority of European countries.

CONCLUSION

The provision of care is a public benefit having inherent value. It is unjustified to disregard or undervalue care work. Care work is 'legitimate employment' that requires fair compensation. India is a welfare state with numerous labor laws that regulate the organized labor. According to observations, millions of people work in the domestic care industry. The rights of domestic care workers must be protected because there is no regulatory framework in place for them. Due to a unique characteristic of this profession, the domestic care sector needs a different set of regulations. The government has made several attempts to regulate the domestic care industry, but most of it have been unsuccessful. The difficulties relating to the working conditions of domestic helpers have been addressed by national policies. The current laws need to be changed in order to expand their scope of application to include domestic care workers. A strong enforcement strategy can also guarantee domestic care workspace regulation.

BIBLIOGRAPHY

- Angela Y. Davis, "A Nine-Hour Day for Domestic Servants", New York Times 1902, available at <https://timesmachine.nytimes.com/timesmachine/1927/05/04/118507913.html>.
- Self-Employed Women's Association ('SEWA'), Domestic Workers' Laws and Legal Issues in India, November 12, 2014, available at <http://www.wiego.org/sites/default/files/resources/files/>
- Women in Informal Employment: Globalizing and Organizing, Domestic Workers, available at <http://www.wiego.org/informal-economy/occupational-groups/domestic-workers>.
- Neetha N. & Rajni Palriwala, "The Absence of State Law: Domestic Workers in India."
- Live Mint, New rights for domestic workers, July 5, 2011, available at <http://www.livemint.com/Politics/RhXFz7Yo2vLiAGSxY37wqI/New-rights-for-domestic-workers.html>.
- Labour Bureau Chandigarh, Ministry of Labour and Employment, Government of India, Report on the Working of the Minimum Wages Act, 1948 for the Year 2013, available at http://labourbureau.nic.in/MW_2013_final_revised_web.pdf.