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HUMAN RIGHTS OF DOMESTIC WORKING WOMEN

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ABSTRACT

A domestic worker is a person who works within the employer's household. They perform a variety of household services for an individual or a family, from providing care for children and elderly dependents to housekeeping, including cleaning and household maintenance. They also perform other responsibilities like washing cloths and pots, cooking, laundry and ironing, shopping for food and undertaking other household errands.

KEYWORDS: Domestic worker, Human Rights, household maintenance.

INTRODUCTION:

Article 14, 21, 39 of the Indian Constitution provides some rights to workers. Mistreatment of domestic workers is a violation of Article 21 of the Constitution. Domestic workers are included in the



unorganized sectors and hence there are practical difficulties to cover them in any legislation. Large numbers of women are occupied as a domestic worker in an urban society. The Unorganized Workers Social Security Act was passed in 2008 to provide for the social security and welfare of unorganized workers. According to this Act the Central Govt. shall formulate suitable welfare schemes for unorganized workers on matter relating to life and disability cover, health and maternity benefits, old age protection and the State Govt. may formulate schemes relating to provident fund., employment injury

benefit, housing, educational schemes for children, skill up gradation of workers, funeral assistance and old age homes for unorganized workers. But this act does not specifically mentions about domestic workers. The Convention on Domestic Workers, formally the 'Convention concerning Decent Work for Domestic Workers' is a convention setting labour standards for domestic workers. It is the 189th International Labour Organization's convention and was adopted during the 100th session of the International Labour Organization. It entered into force on 5th September 2013. By that

Convention, the main rights given to domestic workers as decent work are daily and weekly at least 24 hours rest hours, entitlement to minimum wage and to choose the place where they live and spend their leave. Ratifying states parties should also take protective measures against violence and should enforce a minimum age which is consistent with the minimum age at other types of employment. Workers furthermore have a right to a clear communication of employment conditions which should in case of international recruitment be communicated prior to immigration. On 26 April 2012, the Uruguayan parliament approved the convention and thereby became the first country to ratify it. As of January 2015, this convention has been ratified by 22 countries such as Argentina, Bolivia, Colombia, Ireland, Italy etc. In India, 500

domestic workers and their allies participated in a public awareness meeting in Jabalpur and presented a communiqué to Prime Minister Manmohan Singh urging ratification of the convention. India supports the convention, but is yet to ratify it. In Delhi, Caritas organized a gathering of 3,000 people, mostly domestic workers, to focus on trafficking and forced labour.¹

In India, in May 2012, the government extended the Rashtriya Swasthya Bima Yojana (RSBY) Health Insurance Scheme to domestic workers, and it included domestic workers in a new law prohibiting sexual harassment in the workplace. But this Act also proved insufficient in relating to domestic workers.

Researcher is going to study some Constitutional provisions, Government Schemes, Role of NGO's and NCW, some Legislations and International provisions which are related to domestic workers. The scope of this study is limited to domestic working women's because mostly domestic workers are women in majority houses.

PROBLEMS OF DOMESTIC WORKING WOMEN:

According to its 1991 report, all poor rural women, whose number is estimated to be between five hundred million and one billion (of the world population of over five billion) suffer the "greatest Deprivation". The majority of these deprived women live in Asia and China. Some 8 million of them are still illiterate, more in India, less in China. Their real incomes have even fallen. In some of these countries, births are still attended by untrained health personnel, and women continue to face a high risk of death during childbirth. Many women and their children have almost no access to health care.²

The approach to women in development espoused through development aid is different from the human rights approach. The former addresses women as a disadvantaged group, and elaborates special projects from them.. the notion that women constitute the group and the effectiveness of women's projects have been subjected to criticism and the appropriateness is questioned below. Human rights aim to secure equal rights to all human beings and outlaw all discrimination, including that based on sex. The prohibition of discrimination is the first, and easier step in its eradication. Additional steps consist of compensatory measures to redress the impact of the prevailing gender discrimination. This is sometime referred to as affirmative action or reverse discrimination.³

The role of women has been full of contradictions so far as Indian customs and traditions are concerned. On one hand we hear of the Vedic age when women had equal rights to men, and the other, we see everywhere that they are ridiculed and exploited as the weaker sex, totally dependent on men. Manu opposed the purchase of a woman and never gave sanction to such a marriage. Although he advocated child-marriage, he did warn the father not to give away his daughter to men devoid of good qualities. He strongly supported monogamy and attached great importance to sexual restraint and fidelity to one's spouse. His prime object was to safeguard the interest of the family and of the society even at the expense of individual liberty.⁴

Some of the major problems of domestic working women are as follows:

1. Women working in domestic work facing violation of human rights of the highest degree.
2. In India, still there is no serious attempt to protect the human rights of domestic workers.
3. There is no Central Legislation that provides for a decent wage and work conditions for domestic workers in India. Because 'The Unorganised Workers Social Security Act, 2008(Act 33 of 2008)' does not specifically mention about domestic workers.
4. Article 39 of the Indian Constitution (Directive Principles of State Policy) & Article 14 of the Indian Constitution impliedly provides equal pay for equal work, but domestic workers got unreasonable, unequal and unjust payment which is a negation of the fundamental right and human right.
5. At the 100th session of the International Labour Conference, in 2011 the ILO has adopted the Convention Concerning Decent Work for Domestic Workers (Domestic Workers Convention, No. 189). This treaty establishes the first global standards for domestic workers. India supports the convention, but is yet to ratify it.
6. The Government of India have added the category of domestic workers to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. However the Act is silent as to who should be made accountable if the committee is not constituted within an organisation. So they face violence, abuse and sexual

harassment at workplace.

7. The National Commission for Women (NCW) proposed another Bill for Domestic Workers in 2010 i.e. Domestic Workers Welfare and Social Security Bill, 2010 which is an improved version of the earlier. However the Bill does not provide for national holidays.

8. Since they are not recognised as 'workers' they do not enjoy access to social security benefits that other workers do, like health insurance, maternity protection and old-age security.

NEED AND SIGNIFICANCE OF PROTECTION OF RIGHTS

If we see past Indian culture, women are mostly housewives. Day by day educational awareness has been increased. In urban society, majority women are now well educated. They started to work outside of their houses. The percentage of women workers in all fields is now highly increased. Day by day they need someone, who helps in their housework. So, the need of domestic workers in today's modern era has been increased. Now they are become inevitable parts of day to day life in the urban society.

The subject made emphasis on issues and challenges before domestic women workers. They are highly exploited by their employers. So there is a need to give legal protection to them. Sexual harassment is also one of the major issue before the domestic women workers. If we see, domestic workers are neglected part of the society. To increase the Social status of domestic working women this study is important.

Because of the rates of Foreign countries are much higher than India; many of Indian women go with their employer for doing their household work in abroad. Sometimes this women may exploit to that domestic workers as to give more work in less costs than actually contracts and used to force to work extra number of hours⁵. Therefore researcher is going to undertake this study.

The higher life expectancy of women is not only connected to biology, but also to social and healthcare systems within society and family. Hormonal differences between men and women are now being taken seriously by the medical profession. A women life expectancy is about 6.5 years longer than a man's, except in a few countries where nutrition level are extremely low and traditional beliefs neglect the health of women, particularly during their reproductive years, for example, in India, Pakistan, Bangladesh and Nepal.⁶

The census conducted in February 1991 in India incorporated two new questions in order to fully capture the socio-economic reality of women's work. The two questions related to the number of hours worked in the 'past year' and considered the multiplicity of economic activities performed by women. By including a wide variety of unpaid productive work, women became economically more visible. The national census analysis in 1991 showed that when multiple tasks of rural women were brought under the rubric of "economic activity", the number of "annual work hours reported or recorded" increased considerably. For example the proportion of economically active women went up from 13 to 88 percent in 1991.⁷

There are several other aspects of gender inequality, such as lower participation of women in political life. The participation of women has increased steadily since 1950 in almost all countries with improved access to higher education.⁸

CONCLUSION

Though there are so many legislations for minimum wages and all other Acts for the protection of labours in India, the right of minimum wages of domestic working women is neglected. There is need to pass a separate Legislation for the protection of human rights of domestic workers. Judiciary can also play important role in this matter. It is a big social problem for which we all have to take initiatives for changing the position of domestic workers.

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