



All labor that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence.
'Martin Luther King Jr'

Monday, 22nd May, 2023

About Us

The centre strives to study conditions where all working people can live with dignity.

It also tends to work to make efforts that will ensure all working people are able to access nothing less than a 'need-based minimum wage', along with 'decent conditions at work' as laid down in policy documents, legislation and the law of the land.

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Centre for Labour Law Research & Advocacy



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National Workshop

DECENT WORK FOR DOMESTIC WORKERS: LAW AND POLICY APPROACH

About the Workshop

The Centre for Labour Law Research and Advocacy (CLLRA), National Law University Delhi (NLUD) and the International Labour Organisation (ILO) (India office) are organizing a ONE-DAY National Workshop on 22nd May 2023, to deliberate on a legal framework to ensure decent livelihood and welfare for paid domestic workers in India.

The one-day National Workshop would discuss an efficient legal framework for domestic workers in India and different components of proposed legislation, including definitive and interpretative standards.

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SESSION DETAILS

- 1.. SESSION I. Socio-political underpinnings of domestic work: figuring the language for the law.
2. SESSION II. Towards an institutional model for decent domestic work.
3. SESSION III – Rights and empowerment of domestic workers.
4. SESSION IV – Dignity at work: compliance and grievance redressal.

Date & Venue:



Monday, 22nd May



Centre for Labour Law
Research and Advocacy,
NLU Delhi

Concept Note

Paid domestic work is one of the supporting pillars of today's market economy, given its social reproduction functions. As the Indian economy grows and a significant section of our society enjoys increased household income, the demand for paid domestic work rises. The burgeoning care work economy, however, remains in the shadows, without due legal recognition at the national level. Paid domestic workers in India remain invisible as a workforce within the conventional labour law paradigm despite their collective demand since the 1950s.

Care work has always been heavily feminised and the phenomenon is supported by social stereotypes about gender roles in the society. Lack of legal recognition has added fuel to fire and led to myriad problems for paid domestic workers in India, who are mostly migrant women from disadvantaged communities. A well-known consequence is the undervaluation of domestic work that denies women a decent livelihood and dignity at work. Domestic work has been largely associated with precarity reflecting on long working hours, low wages, exploitative and discriminatory practices at work, lack of job security and social security, all of which have led to aggravated challenges in work-life of this workforce. Their legal invisibility has made them particularly vulnerable to abusive practices such as trafficking, forced labour, child labour, sexual violence and even cases of murder.

The conditions persist despite various protective and remedial efforts at the national and international levels. The ILO adopted the Domestic Workers Convention (No. 189) in 2011 to ensure formalisation of this workforce with dignity at work, freedom of association and eliminate discrimination, forced labour, and child labour. The Convention also recommended standardising the employment contracts of paid domestic workers. India, being a founding member of ILO and also a country with a huge population of paid domestic workers, has an obligation, both internationally and domestically, to address the plight of this workforce. It is time that we recognise paid domestic work as a distinct occupational category and work towards a legal framework to address their vulnerabilities and strengthen their bargaining power in the labour market.

We find support for our initiative in our robust constitutional chassis. The Directive Principles of State Policy (especially Articles 39, 41, 42, 43, and 43-A) call for decent conditions at work; living wage; maternity benefits; and protection from unemployment, sickness, old age, and abusive practices at work. On multiple occasions, the Indian judiciary has also upheld the right to minimum wages and dignity at workplace; ensured protection against exploitative practices including trafficking; and ensured protection to domestic workers (see, for instance, *Bachpan Bachao Andolan v. Union of India*, AIR 2012 SC 3445; *Shramjeevi Mahila Samiti v. Govt. of NCT, Delhi*, Special Leave to Appeal Crl. No. 150/2012).

In order to uphold the international covenants, constitutional mandate, and judicial guidelines to recognise and protect paid domestic workers, a comprehensive legislation specifically designed to improve their work-life conditions should be enacted.

The one-day National Workshop would focus on discussions around an efficient legal framework for the domestic workers in India. Different components of a proposed legislation, including definitive and interpretative standards; character of institutional mechanism – welfare boards and other functionaries; rights and empowerment provisions – social protection, welfare benefits and conditions at work; dispute settlement and grievance redressal methods with offences & penalties, would be deliberated upon. During the discussions, effort would also be made to direct relevant questions to the panelists and other participants for brainstorming on crucial issues in the context of social realities of domestic workers.

To make the discussion specific and goal-oriented, the workshop would be conducted in four different sessions:

1. SESSION I. Socio-political underpinnings of domestic work: figuring the language for the law.

The workshop would begin with a discussion on socio-political dynamics of domestic work to build a conceptually sound definitional framework for a domestic work law grounded in reality. Previous movements and deliberations on various conceptual dilemmas, including, but not limited to the meaning and scope of 'work', 'workplace', 'employer', both at the national and international level, would form part of the discussion.

2. SESSION II. Towards an institutional model for decent domestic work.

In the second session, we would proceed to discuss the possibility of building effective institutions and statutory bodies, such as a welfare board, that are required to ensure a robust system of protection and welfare of paid domestic workers. A discussion on the division of powers and functions between various statutory institutions to ensure better coordination and delivery of results may also take place.

3. SESSION III – Rights and empowerment of domestic workers.

This session would see deliberations on the rights of domestic workers. Grounding the discussion on the precarity of paid domestic workers in their work-life, we would proceed to re-examine unsettled issues of social security and welfare benefits due to them and explore efficient policy designs for such provisions.

4. SESSION IV – Dignity at work: compliance and grievance redressal.

The last session would focus on other conditions at work and possible grievance redressal mechanisms for paid domestic workers;

The objective of this event is to facilitate the drafting of legislation for the protection of domestic workers. Hence, all the sessions would have designated time for separate deliberations on the potential design of legal provisions in addition to open house discussions. The outcome would be utilized for improvising upon the proposed legislation for domestic workers.



ONE-DAY NATIONAL WORKSHOP ON

**Decent Work for Domestic Workers: Law
and Policy Approach**

Organized by

**Centre for Labour Law, Research and Advocacy
(CLLRA)**

in collaboration with

**WORK-IN-FREEDOM PROGRAMME, ILO,
INDIA**

On

22ND May, 2023 from 10:00 am to 5:00 pm

**Venue: Room No. 406, Academic Block, National
Law University Delhi**

WORKSHOP SCHEDULE

INAUGURAL SESSION (10.00 -10.30 am)			
Opening remarks	Prof. (Dr.) G.S. Bajpai, Hon'ble VC, NLU Delhi.		
Welcome address	Prof. (Dr.) Harpreet Kaur, Registrar, NLU Delhi.		
Special Remarks	Mr. Satoshi Sasaki, Deputy Director, ILO India and Decent Work Team, South Asia		
Key Note Address	Ms. Aya Matsuura, Gender Specialist, ILO		
Introduction to the Programme	Dr. Sophy K J, Associate Professor, NLU Delhi		
Tea break 10-15 min			
SESSION I. SOCIO-POLITICAL UNDERPINNINGS OF DOMESTIC WORK: FIGURING THE LANGUAGE FOR THE LAW (10.45 am-12 noon)			
Moderator: Ms. Nalini Nayak, Founder, SEWA Kerala & Secretary, SEWA Bharat			
1.	Socio-political dynamics of Domestic work: figuring language of law in its context	Prof. (Dr.) Neetha N, Professor, CWDS, New Delhi	10.50 to 11.05 am
2.	International deliberations on defining domestic work (Work vs. workplace)	Mr. Igor Bosc, Chief Technical Advisor, ILO	11.05 to 11.20 am
3.	Hitherto National legal discourse on Domestic Work (Discussion on the definitions in the draft Domestic Workers' Bill)	Ms. Saumya, Research Associate, CLLRA, NLU Delhi	11.20 to 11.35 am
	Open house discussion		11.35 am to 12.05

			noon
SESSION II. TOWARDS AN INSTITUTIONAL MODEL FOR DECENT DOMESTIC WORK (12.05 noon to 1.15 pm)			
Moderator: Geetha R., Researcher & Activist, Unorganised Labour & Women's Movement			
1.	Model framework for welfare boards for domestic workers (Reference to existing Boards and its functioning)	Ms. Sonia George, General Secretary, SEWA Kerala	12.10 noon to 12.20 pm
2.	Identification of Beneficiaries and bottlenecks in welfare distribution mechanism (Insights to draw from litigation on other welfare-based legislations, Cess based laws)	Dr. Harshil Sharma, Research Consultant, Delhi Building and Other Construction Workers Welfare Board	12.20 to 12.35 pm
3.	Discussion on the relevant provisions from the Domestic Workers' Bill	Dr. Sophy K.J., Associate Professor, NLUD	12.35 to 12.55 pm
	Open house discussion		12.55 to 1.25 pm
LUNCH 30 min [1:30 to 2 pm]			
SESSION III –RIGHTS AND EMPOWERMENT OF DOMESTIC WORKERS (2.00 – 3.15 pm)			
Moderator: Dr. Ruma Ghosh, Sr. Fellow, V.V. Giri National Labour Institute, Noida			
1.	Precarity of domestic workers and importance of legal empowerment	Ms. Saumya, Research Associate, CLLRA, NLU Delhi	2.05 to 2.20 pm
2.	Identifying social security and welfare measures within the precincts of labour law (focus on Domestic workers)	Prof. Roopa Madhav, Professor, NLUD	2.20 to 2.35 pm
3.	Discussion on the relevant provisions relating to social protection from the Domestic Workers' Bill	Ms. Swati, Fellow, Delhi Assembly Research Centre, Labour Department of Delhi	2.35 to 2.50 pm
	Open house discussion		2.50 to 3.20 pm
Tea Break 10 min			
SESSION IV - DIGNITY AT WORK: COMPLIANCE AND GRIEVANCE REDRESSAL (3.30 TO 4.30 pm)			
1.	Discussion on the relevant provisions from the Domestic	Dr. Sophy K.J., Associate Professor,	3.30 to 3.45 pm

	Workers' Bill	NLUD	
2.	Importance of the Dispute Resolution/Grievance Redressal Mechanisms (Discussant 1)	Sr. Lissy Joseph, Chairperson, NWWT & TDWU	3.45 to 4.00 pm
3.	Dispute Resolution/ Grievance redressal mechanisms (Discussant 2)	Adv. David Sundar Singh, Panel Advocate, State Human Rights Commission, TN	4.00 to 4.15 pm
	Open house discussion		4.15 to 4.30 pm
VALEDICTORY SESSION (4.30 pm to 4.50 pm)			
	Summation of proceedings: Dr, Neha Wadhawan, National Project Coordinator, Work-in-Freedom Programme, ILO Vote of Thanks: Sophy (NLU Delhi)		