

**GOVERNMENT OF INDIA  
LABOUR AND EMPLOYMENT  
LOK SABHA**

UNSTARRED QUESTION NO:1346

ANSWERED ON:08.08.2011

ILO CONVENTION ON DOMESTIC WORKERS

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**Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:**

- (a) the details of the recently adopted convention on domestic workers by the International Labour Organisation (ILO) and also the recommendations and rights of the domestic workers mentioned therein;
- (b) the details of numbers of domestic workers including single women employed in the country for the last three years;
- (c) whether incidents of atrocities as well as violation of their labour rights have increased over the years;
- (d) if so, the details thereof, State-wise and the action taken thereon;
- (e) the details of legislation to protect the rights of domestic workers in the country; and
- (f) the measures taken by the Government to cover these domestic workers under the ambit of Minimum Wages Act?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT(SHRI MALLIKARJUN KHARGE)

(a): The International Labour Conference of ILO (ILC) at its 100th Session held in Geneva in June, 2011 adopted the Domestic Workers Convention (C-189) supplemented by the Domestic Workers Recommendation (R-201). As per the main provisions of the convention each member state of ILO will take measures to promote the fundamental principles and rights at work for domestic workers by ensuring freedom of association, collective bargaining and elimination of discrimination. Work performed in and for a household has been termed as domestic work. It is stated that steps will be taken to protect domestic workers from all forms of abuse, harassment and violence and provide fair terms of employment and decent working conditions to them in the form of minimum wage coverage, safe and healthy working environment etc. Member states are required to set a minimum age for domestic workers in consonance with national laws and regulations. The Convention provides for protection of rights of domestic workers migrating abroad for employment by providing for written job offer/contract and regulation of private recruitment agencies to prevent fraudulent practices. It states that accessible complaint mechanisms should be established for domestic workers and system of labour inspection enforced.

Domestic Workers Recommendation No. 201 provides for various measures to supplement the provisions of the Convention. These include respecting the principle of confidentiality and privacy by ensuring that no domestic worker is required to undertake HIV or pregnancy test, providing adequate time for rest, leisure activities and family contacts, prohibiting night work and monitoring their working and living conditions. Member states have been advised to establish a model contract of employment for domestic workers indicating details of remuneration, hours of work, accommodation, meals etc. Member states have been encouraged to collect data to support effective personnel making regarding domestic work, adopt code of conduct for diplomatic personnel to prevent violation of domestic workers rights and engage in bilateral, regional and multilateral cooperation to address issues relating to abuse of domestic workers. Provision for suitable education and vocational training for domestic workers has been suggested to enhance their professional competence and employment opportunities.

(b): The detail of number of domestic workers employed in the country for the last three years is not maintained. However as per National Sample Survey (NSS) 2004-05, there are about 47.50 lakh domestic workers in the country.

(c)&(d): As 'Public Order' is a state subject, it is primarily the responsibility of the State Government to take necessary action for protecting people including the domestic workers in the state. The domestic work falls under the purview of state sphere and State Governments are empowered to take action for violation of labour rights of domestic workers.

(e): The State Governments are empowered to enact legislations for domestic workers. However, various labour laws, like the Minimum Wages Act, 1948, the Workmen Compensation Act, 1923, the Equal Remuneration Act, 1976 and the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979 are directly or indirectly applicable to these workers.

The Central Government has enacted the Unorganised Workers' Social Security Act, 2008 for social security of the unorganized workers which includes domestic workers.

(f): Under the provisions of the Minimum Wages Act, 1948, both Central and State Governments are appropriate Government to fix, review and revise the minimum wages for different categories of workers employed in the scheduled employment under their respective jurisdictions. 'Domestic Workers' fall under the purview of state sphere, wherein, the State Governments are the "Appropriate Governments" to fix, review, revise and enforce the minimum rates of wages for domestic workers under the Act.

The Central Government has advised the State Governments/Union Territory Administrations to take necessary steps for inclusion of domestic work as employment in the schedule and for fixing minimum rates of wages for domestic workers.