Advisory Committee Meeting’16

The Advisory Committee meeting was held on the 21st and 22nd of January, 2016. The meeting was attended by 37 participants from 16 states of India, consisting of State coordinators and domestic workers. It began with a creative introduction session organized by Sr. Valarmathi, State Coordinator of Tamil Nadu. A ball was passed around the room for a game of passing the parcel; every individual that ended up with the ball had to introduce themselves to the attendees. Sr. Christin Mary, National Coordinator continued with the session by speaking about the history of the organization through an effective slide show. She spoke about the initial struggle of the domestic workers in the country in 1985, around the time NDWM was formed by Sr. Jeanne Devos. The Movement has now spread to 17 states in the country. She spelled out the main focus of the NDWM as dignity and fair living wage, decent working conditions of domestic workers, Social security for Domestic workers and the issues and events affecting the lives of domestic workers. Among the various impacts that the NDWM has had on the lives of the domestic workers, Sr. Christin mentioned some of the policy level achievements like amendment of the Child Labor (Prohibition and Rehabilitation) Act to include employment of Children in domestic work into the child labor ban list in 2006, formation of Welfare Board for Domestic Workers in the state of Tamil Nadu in 2007, inclusion of domestic workers in the
Kerala Artisan and Skilled Worker Welfare Board, inclusion of Domestic Workers in the Tamil Nadu Manual Labor Act in June 1999, etc.
Sr. Teresa Salem, State Coordinator of Meghalaya coordinated an interactive session to shine light upon the year 2015 and the Achievements and challenges faced by each of the states where NDWM is active.

After the lunch break a session on labor laws was conducted by Ashish. He explained the difference between skilled, semi-skilled and organized labor force through a very creative and interactive session using card-board cut outs of a Peacock, Rat and Dog and asking people each of their qualities while being very informative about the types of labor force. He spoke about the various Human Rights provisions in the UN Convention on Economic, Social and Cultural Rights, International Labor Organisation convention on Rights of domestic workers and UN standard guidelines for labor rights. He also explained the various Acts in India and the provisions they have for domestic workers.

On the second day, Mr. Sitaram, Coordinator for YUWA held a training session on Communication and Negotiation Skills. He started off by discussing the various communication patterns of the government like the Government Order and Resolution, Circular, Rules etc. He emphasized that keeping oneself updated about the same is very important as NDWM is involved with the government regularly. He explained that negotiation with any party is a continuous process and cannot always be a win-win situation. It is therefore important that the interest of the other party is taken into consideration and due compromise is made. Some of the key points for a successful negotiation were that facts should always be on paper, the negotiation should visualize end remedies, it should be made on a logical front, etc.

The Session was ended with a brief evaluation session, where the domestic workers came forward to discuss their experiences and feedback about NDWM. Following are some quotes that our domestic workers had to say:

Ms. Theresa Lawrence, Goa: “The meetings conducted by NDWM give me courage to fight”

Ms. Praba, Madhya Pradesh: “The information received at the sessions have been very nice and useful”
Ms. Mary, Tamil Nadu: “We are trained to face the challenges of working as a domestic worker and demand for our rights.”

Ms. Aneepa, Jharkhand: “This meeting has helped me understand the strength of the union and I will go back and encourage my colleagues and other domestic workers.”

Ms. Deeksha, Kota: “I only knew my ways in the struggles of Home and society but the meeting has equipped me to fight with the government to demand for my rights.”

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Workshop on Decent Work for Domestic Workers

*Report of the National Workshop on Decent Work for Domestic Workers*

Seventy domestic worker leaders from 10 states gathered at Sarvodaya, Mumbai from November 4-6, 2014 for the National workshop on Decent Work for Domestic workers. The Inaugural session was attended by several trade union Leaders, activists and lawyers, who formed the panel of speakers.

**Inaugural Session**

The Inaugural session was attended by several trade union Leaders, activists and lawyers, who formed the panel of speakers. The session started with a prayer song by the Maharashtra team, followed by the lighting of the lamp.

Mr M A Patil, Vice President, New Trade Union Initiative, gave a critical view of the Proposed Amendments to the Minimum Wages Act, 1948. Although this initiative was welcome, it still had a serious flaw, that it did not clarify the basis on which minimum wages were to be fixed. Earlier the 15th Labour Conference in 1957 had suggested that minimum wage should be fixed for 3 units per family, that would provide for minimum nutritional requirements of 2700 calories per day besides providing for annual clothing requirements of 72 yards, rent and 20% of minimum wage towards cost of fuel and miscellaneous expenditure. In 1992, in the Raptakos Brett case, the Supreme Court added another component to the ILC formula, specifying that 25% of the minimum wages should also account for children's education, required medical expenses, recreation in festivals/ceremonies and provision for old age and marriage.
The latest proposed amendments suggest the fixation of a National Floor Wage for all industries with further state level differentiation. Also the entire minimum wage would be subject to revision every six months, based on changes in the cost of living. Further every worker would be provided a wage book, which would have to be authenticated by the employer. Minimum wages have so far been fixed for domestic workers in 8 states. However they have been fixed only for the unskilled category and that too at 50% of the rate paid to workers in other types of employment within the same State. No attention has been paid to the fact that some domestic workers are engaged in skilled jobs like cooking, care of the sick and the aged and care of children. Again wages need to be fixed bases on zonal differentiation to reflect the area wise differences in cost of living and also at the same rate of DA neutralization as other workers. The minimum wages under the new proposal are yet to be fixed. However the Government has been diluting labour law coverage as is the case in Rajasthan, where shops and establishments coverage has been increased to cover only those with 50 workers and the Central Government has introduced self certification by companies for labour law coverage and curtailed the role of Labour inspectors. Unionisation and worker rights would thus be adversely affected.

Ms Sushi Ben, ex Chair person of the State Women’ Commission, Maharashtra addressed the gathering on the concept of Decent work. While elaborating on the topic of wage as being a key component of Decent Work, she stressed the need for a proper study to be conducted on this issue by all trade unions This should take into account local and regional differences, as well as unskilled and skilled job rates for domestic workers. Apart from minimum wage, the factors of demand and supply should also be leveraged to fix wages, so that domestic workers benefit.

With a strength of close to 8 lakh domestic workers in Mumbai, they can be a force to reckon with. DWs should unite to lobby for their demands and unions should fix a job rate card per area with other demands like pension and gratuity. They should maintain their own database with details of employers, wages paid and type of work and hours of work. Rather than waiting for Govt to accede to their demands, they should harness their united power to remedy their situation. Apart from demanding benefits from the Welfare Boards, they should also take advantage of the vocational schemes available for their children.

Mr. Sundara Babu speaking from the research angle, felt that it was wrong to approach the question of wages for domestic workers from the perspective of minimum wages. In a feudal society like India it was a question of power relationships and even minimum wage is looked on as a ceiling rather than the floor. In this context, it should be Decent wage that should be
demanded and minimum wage should only be considered for legal action and penalties. He referred to the ILO Convention 189 as an important tool and benchmark to establish decent working conditions and wages.

Mr Paul Comyn, Sr Specialist, vocational Training and Skills Development, ILO, outlined the efforts of ILO to formalize training of domestic workers. All domestic workers completing a formal training course and certification under Skills Development Initiative (SDI) would receive a special ID card which would give details of employment and training which could be checked by employers. With proper classification of skills linked to wage setting, there would be stronger support for equivalent wage levels for workers having the same skill level. Nearly 500 domestic workers have already undergone this training.

Uday Bhatt, former member of the Maharashtra Domestic Workers’ Welfare Board spoke on effective implementation strategies for social protection of domestic workers. Mr. Bhatt recalled that the first draft of the Unorganised Workers’ Social Security Act in 1996 had provided for registration of employers and recourse to courts for violation of minimum wages. However the final law in 2008 did not include these provisions. In 2010, the rules were framed and in 2012, the Domestic workers Welfare Board was set up. Despite its deficiencies, the Act was helpful in getting nearly 3 lakh domestic workers registered, which gave them recognition as workers and increased their unity. But social protection as envisaged in C 189 is still to be implemented, as India has not ratified the Convention and this is a goal to be achieved through struggle. The substantial welfare measures under the scheme are largely in the areas of disability, accident or death. It seemed that domestic workers would get very little support, when they are living. Domestic workers should get recognition for their social contribution, as they enable householders to pursue their careers by taking care of domestic chores, thereby helping in urbanization and economic growth.

Ms. Manda Bhunde, Vice-President of NDWF stressed that domestic workers aspired to a life of dignity, like all other citizens. Rather than mere schemes, she demanded that they should get their rights by law. Even before the Swaach Bharat campaign, they were involved in keeping households clean through their labour and hence their rights and contribution should be acknowledged.

Ms Bharati Sharma of the Maharashtra Mahila Parishad, recalled that even in the absence of law, progress has been made in attaining rights of domestic workers in Maharashtra, eg. Bonus and gratuity. There was a need to organize domestic workers at the basti level and hold
meetings in these areas. This would raise the focus not just on decent wage, but a decent life for domestic workers.

Ms Sujatha of Forum against oppression of women spoke on the need to demand comprehensive legislation for domestic workers. But it has to be kept in mind that even organized labour had to struggle to get relevant legislation. There is a need for legislation to be more inclusive touching all forms of labour especially the unorganized. She spoke of the legislation for Beedi workers, Mathadis and NREGA as examples of laws for vulnerable groups. Besides wages and other just working conditions, maternity benefit was an important right for women domestic workers.

Mr Ryan speaking on behalf of employers, was grateful to the domestic workers for their contribution to the care of homes and children. In his own experience, when his nanny fell sick, he realized that she had no social safety net and it was very difficult for these workers once they were aged and no longer employable. He was thereby convinced of the need for social protection.

Mr Bruno Deceukelier, Asia Coordinator for World Solidarity Movement spoke of his organisation’s association with the work of NDWM. WSM supports movements in 30 countries. In particular, they focus on minimum wage and social protection by working with the beneficiaries to get access to suitable measures, network with agencies for political action and conduct in depth studies and research in 3 unorganised sectors. He ended with his hope for the domestic worker movement in the form of imagery of several lighted and differently coloured candles that spoke to him of diversity, spreading light amid darkness and receiving light from each other and able to withstand gusts of wind without being extinguished and the melted wax moulding Indian society and shaping legislation in the days to come.

Sr Jeanne spoke of the movement always surging forward to promote dignity and fuller lives with fuller freedom for all domestic workers. Decent work for domestic workers would bring about harmony and happiness not only in their own families and communities but also in society as a whole.

Mr Sanket Kanade, Assistant Labor Commissioner, Mumbai elaborated on the Social welfare Board and benefits available to domestic workers. All domestic workers aged 18 to 60 years were eligible for registration on payment of one time fee of Rs 30 and monthly fee of Rs 5 and
completion of the relevant forms with supporting documents. Around 3,27,285 domestic workers were already registered. The welfare schemes available were the following:

Aam Aadmi Bima Yojana – with death benefit of Rs 30,000, Accidental death – Rs 75,000, Permanent disability Rs 75,000 Partial disability Rs 37,500, scholarship for children in Std 9 -11 – Rs 100 pm.

Maternity Benefit scheme -Rs 5,000 per delivery upto 2 deliveries.

Antim Sahay Yojana – for funeral expenses of deceased Dws – Rs 200

Sanmay Yojana for Dws above 55 years – one-time amount of Rs 10,000.

Mr Shukumar Damle, General Secretary, Maharashtra State Council , AITUC , while agreeing with all the points raised by the other speakers, drew attention to the recent proposed amendments in labour laws. The Factories Act covers all premises where manufacturing was undertaken with aid of power and at least 10 people were employed during the last 12 months (20 or more people if no power was used). The proposed Bill specifies that the state government may raise the minimum number of workers employed in the definition to 20 (if power is used) and 40 (if power is not used). Similarly, in the Rajasthan Amendment to the ID Act, (section 25K) whereby industries with 100 workmen would have to obtain permission before retrenchment or closure was now being amended to cover only those employing 300 workmen or more. A hire and fire system was now being encouraged, as stringent labour laws are being done away with in the name of encouraging investors. The message to potential investors is “Come to India where you will have no red tape, but receive a red carpet treatment” and also cheap labour.

The issue of rights for domestic workers in India has been alive since 1948. Although India is a signatory to C 189, ratification is a distant dream. Domestic workers would have to struggle for their rights. They should be alert to counteract any denigration of their work, as in some recent advertisements, which were withdrawn after protests from unions. He also advised domestic workers to enroll their children in vernacular schools to get better grasp of their subjects in their mother tongue, without neglecting the study of the English language.

Minimum Wages – Advocate Gayathri
To understand the proposed amendments to the Minimum Wages Act it is essential to understand the current Act and its provisions. As per the Act, minimum wages are only applicable to employment categories specified in the Schedule of the Act. Within each employment category, there are 3 levels of skill categories—unskilled, semi-skilled, and skilled. The minimum wage specified has 2 components, namely a Basic wage and a Special Allowance. Only the Special allowance is revised every six months as per the increase in cost of living. It also includes in some instances, cash value of concessions in respect of supplies of essential commodities.

The amendments proposed to the Act are the introduction of a National Floor level wage which is the bare minimum wage applicable to all types of employment, irrespective of skill and industry. Under the new amendment, both Basic Wage and Special Allowance are clubbed and are subject to revision every six months based on the Consumer Price Index. As each State and region has different standards of living, the National Floor level wage should be the lowest applicable and each State would have to add to it based on the cost of living.

The basic question still remains as to what is the basis for fixing the minimum wage. The Labour Conference in 1957, expressed that such a wage should compensate for minimum of 2700 units per family where family was considered as 3 units. Besides, it should include cost of clothing, house rent, fuel and transportation. The Supreme Court in its guidelines in the Raptakos Brett case later added other components like education of children, medical expenses, old age, and expenses for festivals and marriage.

In general, industry wants to maintain minimum wages at the lowest level, while trade unions demand a living wage. Supreme Court has declared that minimum wage does not mean a subsistence wage, but a living wage. While a fair wage is the wage that meets all basic necessities, the living wage is all inclusive. Again the Supreme Court has held that capacity to pay is not relevant for payment of a living wage. The concept of minimum wage also does not include payment of Bonus, overtime, special skill allowance and equal pay for equal work.

Based on the Supreme Court guidelines, we could devise the minimum wage as follows:

Rs per day

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOOD expenses</td>
<td>200</td>
</tr>
<tr>
<td>Rent</td>
<td>100</td>
</tr>
</tbody>
</table>
Fuel 30 (Electricity and Gas)

Clothing 15 (Min no of sets of clothes)

Education 20

Medical 30

Festivals/ Marriage 30

425 per day = Rs 12,750 per month

As per a study conducted by trade unions in Mumbai, the minimum wage should be at least Rs 7,000 pm. In Chennai, live-in workers are paid Rs 10,000 per month as per figures given by our TN domestic workers. In the meanwhile, we have to await the fixation of the National Floor wage.

For domestic workers, only 8 States have fixed the minimum wage, while Maharashtra and Tamil Nadu have only passed a preliminary notification and not proceeded further to include it in the schedule and fix the minimum wage. As per the discussion that followed, it was felt that merely approaching Government officials was not obtaining the desired result. Several states would explore the possibility of filing PILs in the High Court documenting their struggle to obtain justice in the form of minimum wages for domestic workers.

Advocacy and Lobbying – Mr Bhim Raskar

Mr Raskar started off by addressing the domestic workers as VIPs, as they have values, issues and are poor. Everyone in life is an advocate even a child who makes known his demands by crying. In that sense we are all political and social advocates demanding our rights. Our Indian Constitution is the source of all our laws and hence we should be thoroughly conversant with it. The content of our advocacy is the gap between our Constitution and current laws. These need to be converted into a charter of demands for domestic workers.

There are many elements to advocacy the most important being public agreement in framing the issue. This is because public support is required for implementation of any law. When we set out for advocacy, we should be aware of our SLOT (Strengths, Limitations, Opportunities and Threats) and organize ourselves for zero percent chance of defeat. The Constitution
should be our instrument for spelling out our values and issues. Innovation should be utilized
to bring together JMLA (Legislature, Judiciary, media and Administration) to accede to our
demand, dealing with all forces for and against our demand including the fence sitters.

Our aim should be to deepen democracy at all levels right from the Local Self Government to
the Parliament.

Advocacy involves use of different strategies like recourse to the press and TV, spreading
awareness through signature campaigns, forming coalitions and networking with like minded
groups and mass mobilization. It could also involve civil disobedience methods like dharnas and
demonstrations, lobbying with Government officials, filing PILs and raising questions in
Parliament.

Advocacy is a power game and we should understand the power centres and their sensitivities
and who will support us. Basically, there are 3 power centres, viz. the global transnational
forces which control the markets through globalization and with whom we interact as
consumers; the Government which is run by political parties and whom we interact with as
voters and civil society which affects us as citizens. By playing our roles as consumers, voters
and citizens effectively, we can be effective advocates for our cause.

It is important to also consider the actors who will determine the success of our advocacy.
These comprise the Judiciary, Bureaucracy, Media, Legislature, lobbying groups, general public
and the affected people. The Judiciary consists of the legal personnel of the Supreme Court,
High Courts and lower courts. These can be committed, lazy or indifferent to our cause and
hence we should plan our approach accordingly. The bureaucracy which exists at all levels can
be indifferent, rule bound, careerists or conscientious persons. The media, effective because of
its long reach, can also have its own personal agenda, or act as social activists, driven by
ideology or status. The Legislature consisting of MPs and MLAs can be either for or against,
based on their party agenda and ideology or indifferent. There could be groups lobbying for or
against an issue, with the general public taking sides. Finally the affected people could be either
vocal or silent.

The following points should be kept in mind while choosing the right issue

It should be big enough to matter, so that people can give their time and efforts .

It should be small enough to produce visible results, in say six months to a year.
It should symbolize the coalition’s larger goals and act as a platform to publicise and support long term goals.

It should build the base for future alliances, by forming strong networks.

It should empower the grassroots and builds skills, by giving hands on training to both activists and leaders.

It should be engaging to the general public so that the general public grasps the issue and why your group is fighting for it.

It should lay the groundwork for future campaigns.

While devising strategy for Advocacy we should consider 9 key questions:

Looking outward

What do we want in terms of short term and long term goals?

Who can deliver it? Identify the people and institutions we should target who have the authority to deliver the goods.

What do they need to hear? This requires crafting and framing a set of persuasive messages that appeal to what is right and what appeals to their self interest.

Who do they need to hear it from? Depending on the cause we need to engage either technical experts or authentic voices so that they are credible to the audience.

5 How can we get them to hear it? We have to have a series of ways to deliver the message to different audiences, such that we have a winning mix.

Looking inward

What have we got? We must take stock of our resources in terms of staff, other people, networks, information and political intelligence.

What do we need to develop? We need to identify gaps and how to fill them.
How do we begin? We must find out he most effective way create the groundwork for future steps.

How do we tell it is working? It is important to have constant evaluation and make midcourse correction.

Points to consider while planning a campaign

Goals and Objectives of the campaign, so as to give it direction and achieve specific measurable goals

Devise Policies and Methods of action – whether direct, indirect, non-violent.

Know and understand the existing policy or law and what need to be changed and the reasons for the same.

Prepare for arguments, counter-arguments, negotiable and non-negotiable points and points for compromise during a negotiation.

Identify key targets in the form of key decision makers, influential opponents, proponents, and fence sitters

Analyse our strengths, limitations, opportunities and threats.

Devise strategies in terms of identifying key actors and appropriate channels of influence and communication and framing the issue for different audiences.

Work out an operational Plan and Program by defining activities, specifying resources, setting performance standards and a timetable for action.

Conduct constant evaluation and monitoring and periodic reviews.

Social Protection – Ms Purnima

Ms Purnima began by asking the State groups to reflect and share about 3 main questions on Social Protection:

What do you understand by social protection and what benefits should a worker get?
Why do you think Domestic Workers should get social protection?

Who should provide social security?

Summarising the discussion and sharing in the State groups, Ms Purnima spelt out the main benefits offered as follows:

Health Benefits

Maternity Benefits

FOOD Security

Old Age Benefits

Education of children

Disability Benefits

The reason why domestic workers should get social security is because they should be considered on par with all other workers. Like them they also contribute to society by freeing their employers to pursue their jobs and looking after their homes, children and aged. Social security is required to take care of their contingencies like sickness and old age.

As to who should provide social security, it should be borne both by the employer in terms of gratuity and largely by the Government. Apart from the BPL groups, the Government should give social protection to the unorganized sector which comprises 93% of the total workforce in India. These workers fall outside the BPL category.

As per the Unorganised Workers' Social Security Act, the government has outlined several schemes, to be disbursed through Welfare Boards. However these are without financial backing and budgets and at the mercy of the State Government. Domestic workers should agitate to ensure that social protection is given to them as a right and not merely as welfare schemes that may be withdrawn or withheld as per the wishes of the Government.