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## **MIGRANT WORKERS AND LABOURS MOBILITY**

AUTHORED BY - R DIVYA & J.PUGAZHENTHI

### **ABSTRACT:**

The phenomenon of migration is not new discussion. Throughout history, migrant flows have occurred all over the world. However, as globalization, urbanization, and development factors have changed, so too have migration trends. The United Nations estimates that 244 million men and women traveled abroad in search of better opportunities outside of their home countries, with migrant workers making up 63% of this total. Additionally, gender trends in migration have also shifted. The term "feminization of migration" refers to the fact that migration, especially labor migration, has become more feminized over the past few decades; currently, nearly one in two migrants are women. Migration occurs for a variety of reasons. Lack of opportunities, family instability, and poverty in the Migration is primarily caused by the labor market in the country of origin. Additionally, migrant women are frequently compelled to relocate in search of safety, economic independence, and a better future. However, a number of studies indicate that women who migrate are more likely to experience discrimination and subpar living and working conditions. The International Labour Organization claims that migrant workers face discrimination on many levels, including gender, race, color, and ethnicity, making them susceptible to abuse, human trafficking, and labor exploitation. Due to poverty, unstable families, ignorance, language barriers, and cultural differences, migrant women are frequently the victims of sexual or labor exploitation.

**Key Words:** Migrants, Social Integration, Social Distance, and Quality of Life.

### **INTRODUCTION:**

Migration is a movement of people from one place to another that occurs within the country or between the countries. This process is a highly gender-based phenomenon. Today, in the migration process, both internal and international wide, the women migrants constitute more than half of the total population in the world. Most of the migration process takes place in search of a job. Labour migration across the borders entails the growth and prosperity to both the nations. The increasing demand of employment results in a massive influx of people across the national boundaries which create significant challenges to the migrants and their

families in terms of their living conditions, working conditions, discrimination, and security. In modern society, the women in the migration field are experiencing an inferior status both socially and economically. It is because of the gender roles that have been created by society in relation to the work the men and women that do or do not. So, the women alone or with their spouses are moving to more developed countries or neighbour countries to acquire a better living and good status in society.

Over the few past decades, women migration has intensified the migratory flows of the South Asian Region. Among all South Asian Countries, Nepal is rundown with its low socio-economic growth and considered a least developed nation in South Asia faced with poverty, unemployment, declining natural resources, and the Maoist insurgency. These are some of the major reasons pushed the people to move towards the neighbour countries especially India. Being South Asian countries, share an intimate relationship in the field of political, social, economic and cultural aspects. In the case of migration, the bilateral treaty “peace and friendship treaty” 1950 opens the gate of both the countries” border which becomes an important base for Nepali migration without any hurdles. Because of open border facilities, more Nepali people migrated more to India on a daily basis. Women migration to India has generally taken place in the form of student, sex workers, labourer, and with their spouses. Majority of the Women except the sex workers are working in the informal sector of the economy such as coal mine workers, daily wage labourer in construction sites or in the domestic sphere as a housemaid in India due to their low levels of education. These Women are basically unregistered in any official document both in sending and receiving countries and as domestic workers they are working for private households without having clear information about their job. As a result they are humiliated and exploited in terms of the nature of work they do and the working conditions, the rights and respect they acquire as domestic worker. Therefore by scrutinizing the process of Women Migration and analysing the various aspect of domestic work, the present work is an attempt to study the problems and challenges faced by the Women domestic workers in India regarding their living condition, natures of work they are doing, their working condition at the work place, their health, income, and their status as a domestic worker. The study also looks into the level of adjustment of the Women make to balance their work and family life and its impact on their social relationships.

## Domestic Worker:

Domestic work comprises a very low earning position in the informal sector. The International Labour Organisation (ILO) Convention No. 189 defines domestic work as “work performed in or for a household or households”. This work includes the tasks such as cleaning and mopping the house, washing and ironing clothes, cooking, taking care of children, elderly or sick members of a family, gardening, watching the house, driving, even taking care of household pets<sup>1</sup>. Similarly, the domestic worker is also defined according to the Domestic Workers Convention, 2011 (No. 189) in Article -1 by ILO.

- a) the term domestic work means work performed in or for a household or households;
- b) the term domestic worker means any person engaged in domestic work within an employment relationship;
- c) A person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker<sup>2</sup>.

Domestic workers are the most vulnerable and exploited groups of workers. They work in private households, with undefined and unclear terms of employment and salary, without registering in any legal documents, paper and also barred from the benefit of the scope of labour legislation. A Domestic worker encompasses various tasks while working in their employer’s house such as cleaning the house and its surroundings, cooking, washing, ironing clothes, taking care of elderly people and children of family and household pet. Beyond this, they are also working as orderly to carry out whatever order has been given by the employers. Domestic work, from the name itself, refers only to a female worker. Even though, a considerable number of men are working in this sector. They are often working as watchmen and drivers in the private household, gardeners, or as a chief male servant in the household. However, domestic work is mainly related to a compatible feminized sector. According to the International Labour Organisation (ILO) “Currently there are at least 67 million domestic workers worldwide and this number is increasing steadily in developed and developing countries. Around 80 percent of all domestic workers are women”<sup>3</sup>

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<sup>1</sup> “Convention No. 189 Decent work for domestic workers”, International Labour Organisation (ILO) 2011, the International Labour Conference, Geneva.

<sup>2</sup> ,”Convention Concerning Decent Work for Domestic Workers”, Domestic Workers Convention, 2011 (No. 189) ILO, Geneva.

<sup>3</sup> International labourorganisation (ILO), “Domestic work”  
[http://www.ilo.org/global/docs/WCMS\\_209773/lang--en/index.htm](http://www.ilo.org/global/docs/WCMS_209773/lang--en/index.htm)

## **Types of Domestic Worker:**

Domestic workers can be divided into two categories based on the natures of work such as full-time or live-in domestic workers and part-time or live-out domestic worker.

### **Full-Time or Live-in Domestic Workers:**

The full-time domestic worker is those who are residing in their employer's house and available for 24 hours. They do all the household work such as sweeping and washing the floor, washing and ironing clothes, cooking, washing utensils and handling all the kitchen work, taking care of children, old people and even pets of the house, gardening etc. They also bound listen and carry the extra task and order given by the employer. They serve their domestic help only for one employer for 24 hours. For their basic needs such as food and shelter, they depend on their employer. Full-time domestic workers are most vulnerable to long working hours, deprivation and physical and sexual harassment.

### **Part-Time or Live-Out Domestic Worker:**

Part-time domestic workers are living in his/her own the residence. They do only part-time domestic work that may at morning time or evening time or both times to perform specific tasks like sweeping, mopping in a week, washing clothes, dishes etc for a number of employers. They work for the whole day for one employer but not staying in their home like a full-time domestic worker. Because they do not stay in their employer house and are not available for 24 hours a day like full-time domestic workers are called part-time domestic worker. Full-time workers depend more on their employer while part-time domestic workers are less dependent on their employers. They live with their family. However, they show their degree of independence by depending less on their employers for their basic needs.

Both in the case of full-time or part-time employment, they are either working in a single household or in multiple. Sometimes the domestic worker is, though, staying in the employer house still he or she has employed in other work or in the household to earn more. Similarly based on the wage distribution domestic workers can be divided into two categories they are: paid domestic worker and unpaid domestic worker.

### **Paid Domestic Worker:**

Paid domestic worker are those who paid money for their domestic help in their employer house on the daily or monthly basis. This type of domestic work can find both in urban and

rural areas. The majority of the paid domestic worker is seen in urban areas in comparison to rural areas. Both the full-time and part-time are belong to the paid domestic worker.

### **Unpaid Domestic Worker:**

Unpaid domestic worker refers to the worker who does not pay wages on daily basis or monthly basis by doing all types of work to maintain the household within the family. This type of domestic workers is mainly visible in rural areas than in urban areas. This kind of domestic work includes such as collecting firewood, cutting grass for domestic animal food and water etc. Every woman can also categorise as an unpaid domestic worker who does all the domestic household work in their home itself. The unpaid domestic worker may be full-time or part-time domestic worker. They get help from the employer in terms of food clothes etc. to fulfill their needs.

Besides these, a domestic worker working outside his or her own a country of which he or she is not a nation has considered as a migrant domestic worker. Migrant Domestic Workers are of two types such as inter-state migrant domestic workers and overseas migrant domestic workers. The domestic workers who migrate inside the state or between the states within the country are called interstate migrant domestic worker. Similarly, the domestic workers who migrate to another country by leaving his/her own country are called overseas migrant domestic worker.

### **Issues of Domestic Workers:**

Most of the domestic worker are women and belong to the low economic scale. This makes them easy to replace, and exploit. A domestic worker while severing domestic help usually being abused by her employer as torture, sexual assault and beatings especially more for the full-time domestic worker. There are no proper laws based on for their rights as they belong to the unorganized sector such as no minimum wage requirements, no job security health or no insurance benefits. There is no Maternity Benefits Act or the Minimum Wages Act for domestic work job. Domestic workers can be fired at any time on their employer will. There are no legal rules and obligation for the employer forced them to obey. No labor laws have applied to domestic work job. So, the domestic jobs such as cooking, dish-washing, cleaning, baby sitting are not accepted as work by the state. Domestic workers often face a lot of exploitation by their employers such as heavy workloads, low wages, and long hours. Inequality also faced by many domestic workers who migrated from the poor and

underdeveloped country.

### **Domestic Workers in Indian Scenario**

In India domestic work is a female dominated work. It is highly imperceptible and underestimated work. This kind of job is mainly hired by poor women. Very few numbers of men assign domestic work as a driver, gardener, and watchmen etc. in urban areas and metro cities domestic work is one of the largest work sectors and demand of domestic work is very high in every house hold. Domestic work is mainly characterized with acute poor working conditions including low wages, long working hours, limited or no rest periods and lack of leave, lack of job security, lack of social security and sexual harassment etc in India. There is no specific labor laws have applied to domestic workers of the private sector based on the nature of the place they work in India. In India, Domestic workers continue to struggle for their identity and respect.

In India, usually, three types of migrants are observed such as internal migrants, seasonal migrants, and international migrants. Internal migration occurs within India and generally takes place from rural areas to urban areas generally takes place due to unemployment, poverty, debt bondage, after marriage and sudden death in the family. Seasonal human migration is mainly referred to the agricultural cycle and deals with the agricultural based economy. Migrants occur from other countries to India refers to are considered as international migrants. The migrants from the developing or less developed or from the neighbor countries such as Nepal are migrated to India especially the cities such as Delhi mostly for the employment as there is less demand for any high skills or education in the recruitment process in India for low wage job especially in informal sector such as domestic worker. Hence, for migration push and pull factors are responsible. In Nepal the poor economic condition, unemployment, insecurity works as the push factors make the migrant to migrate another country to enjoy a better and glamour city life which works as a pull factor for the migrants, especially for girls and women. As a result, sometimes they trapped into sexual trafficking. In India, the Nepali.

Women migrants those who are working as a domestic worker are often endured with exploitative working conditions based on their employer and employee relationship. It is not generally mean that working in others house as a domestic worker must undergo abuse and exploitation. They may get benefit from their employer through maintaining employee-

employee cordial relationship.

In India, the migration procedure is highly unregulated for a domestic worker who migrated for work. It is because the migrant domestic workers rarely come across the government programme which should acknowledge the Nepali migrants about their rights by educating them. Most of the migrant domestic workers don't know about their rights. In many cases, the migrant domestic worker who is illiterate is most vulnerable to exploit and cheated by others and employers especially in case of money. Now, the Indian states have started to attempt various approaches with rules and regulations to protect the domestic worker's rights. However, the domestic works in India also want to fulfill some specific demand such as recognition of domestic workers as workers and the decent working conditions, including specified working hours, leave, and social security, paid for holidays, protection against harassment according to WIEGO<sup>4</sup>.

#### **Laws and the Regulations for Domestic Workers:**

Women comprise around half of the total population of international migrants in the international migration process. They migrate to other countries not only in search of a better life for themselves but also for their families. Women in the unorganised sector of the economy like domestic work face gender inequality where they tend to do domestic work which is female dominated due to their poor socioeconomic status. These workers work in unfavourable and unhealthy working conditions. So the domestic work need laws and policies for decent work.

#### **Decent Work:**

The ILO recognises the new ILO Convention and Recommendation - Convention concerning Decent Work for Domestic Workers, 2011 (No. 189) and Recommendation No. 201 to improve labour and migration laws and policies for migrant domestic worker who are exposed to vulnerabilities in workplace and also to ensure the protection of migrant domestic workers' rights.<sup>5</sup>

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<sup>4</sup> WIEGO, "Domestic Workers in India":[http://www.wiego.org/informal\\_economy\\_law/domestic-workersindia](http://www.wiego.org/informal_economy_law/domestic-workersindia)

<sup>5</sup> "Labour migration", ILO ,Areas of work, Convention 189 & recommendation 201 on decent work for Domestic Workers.[https://www.ilo.org/beirut/publications/WCMS\\_168266/lang--en/index.htm](https://www.ilo.org/beirut/publications/WCMS_168266/lang--en/index.htm)

### **Convention No. 189 and Recommendation No. 201:**

Convention No. 189 offers specific protection to domestic workers. It lays down basic rights and principles and requires States to take a series of measures with a view to making decent work a reality for domestic workers.<sup>6</sup>

#### **According to Convention No.189 by ILO:**

the basic rights of domestic workers are:

- Promotion and protection of the human rights of all domestic workers (Preamble; Article 3).
- Respect and protection of fundamental principles and rights at work:
  - a) freedom of association and the effective recognition of the right to collective bargaining;
  - b) elimination of all forms of forced or compulsory labour;
  - c) abolition of child labour; and
  - d) elimination of discrimination in respect of employment and occupation (Articles 3, 4, 11).
- Effective protection against all forms of abuse, harassment and violence (Article 5).
- Fair terms of employment and decent living conditions (Article 6).<sup>7</sup>

Based on Article 10(3) of the Convention, Hours of work, including overtime and periods should be accurately recorded, and this information should be freely accessed by the domestic worker. A weekly rest should be at least 24 consecutive hours. When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts; prohibiting night work; placing restrictions on work that is excessively demanding.

Whether physically or psychologically and establishing or strengthening mechanisms to monitor their working and living conditions.

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<sup>6</sup> Domestic Workers Convention, 2011 (No. 189), Convention concerning decent work for domestic workers, ILO, Geneva, :<http://www.ilo.org/wcmsp5/groups/public/---asia/--->

<sup>7</sup> Ibid.,

### **Laws and the Rights for Domestic Workers in India:**

According to the International Labour Organisation (ILO), there are four million domestic workers in India. The domestic worker is generally found mainly in unorganised sector of economy. The unorganised sector contains more workforces in a country. Domestic work represents the unorganised sector. Domestic workers signify a low, illiterate or literate with very low education and are also not even acknowledged as workers. Their works such as sweeping, cooking, washing clothes are not accepted as work by the Government. In India domestic workers working as housemaid are not fit into any laws. Based on Social Security and The Sexual Harassment of Women at Workplace still in India there are some laws where the unorganised worker or domestic workers are included that is:

- The Unorganised Workers' Social Security Act, 2008, (UWSSA)
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.<sup>8</sup>

The former is recognised as a social welfare scheme, while the latter is meant to protect working women in general. Both of the laws don't accept domestic help as work to have any right for the workers.<sup>9</sup>The Labour Minister Bandaru Dattatreya reply to Rajya Sabha in writing that "Government of India has not ratified ILO convention no.189 on Decent work for Domestic Work" as national laws and policies.<sup>10</sup>

Besides, there are some other laws which recognised domestic worker. They are the Domestic worker (Registration, Social Security and Welfare) Act 2008 that has bring in to standardize the payment and working condition issues of the worker and verify the exploitation and trafficking of young women working as house maid. Similarly, the Domestic Workers Welfare and Social Security Act, 2010" bill has drafted by the National Commission for Women (NCW) and trying to bring vulnerable workforce into the majority and domestic worker should be above 18 years of age. But yet, this bill has not passed. This draft has made to help for the domestic workers against the unpaid wages, verbal, physical and sexual abuse

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<sup>8</sup> Kumar RajenderaGudipati, 2017, "Challenges associated with domestic workers in India", THE HANS INDIA, Aug 8th:<http://www.thehansindia.com/posts/index/Civil-Services/2017-08-08/Challengesassociated-with-domestic-workers-in-India/317650>

<sup>9</sup> *ibid.*

<sup>10</sup> "India doesn't ratify ILO convention on domestic workers", Govt by Press Trust of India, business standard, 2015, 18th March.

and inhumane work hours.<sup>11</sup>State of Tamil Nadu included the Domestic Workers in their Manual Workers Act and created a separate Board for them while Maharashtra is actively considering a law for them. Under Section 27 (A), Maharashtra State Public Service Conduct Act, 1997, Government employees are prohibited from employing children below 14 as Domestic Workers. State Governments of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan and Tamil Nadu have taken several steps to improve working conditions of Domestic Workers and to provide access to the Social Security Schemes. Even though eight States, Karnataka, Tamil Nadu, Kerala, Andhra Pradesh, Rajasthan, Orissa, Bihar, and Jharkhand, have a fixed minimum wage for domestic workers.<sup>12</sup>The Domestic Workers Regulation of Work and Social Security Bill, 2016: this bill has drafted in August 2016 by the Congress MP Shashi Tharoor in the Lok Sabha to secure the rights of domestic workers. This bill includes migrant workers considered as a domestic worker, the domestic workers under the 18 age group employed are called children and shall not be employed, contract for registration of the domestic worker etc.<sup>13</sup>

### **Conclusion:**

Nepali Women domestic workers (NWDW) constitute a large section of domestic workers in the sector of domestic work in South Delhi. It is because of the high demand for domestic work with low wage forced the Nepali Women to enter into domestic work. They performed the domestic job in very low wage compared to another local house maid. Another reason is the high need of money or economic compulsion makes the NWDW enter into this job. The poor socioeconomic condition of the NWDW has pushed them into the domestic work to lead a better life and to help their family through their earnings. The Nepali Women perceived as of having a very low image and status according to their family, employer and friend and relatives. As a result, they create and develop a mind-set that they don't have any high image and status in front of others and believed that this kind of miserable life is predestined for them. As a result, they are easily exploited by the employer and develop a poor self-image as it is their fate. The NWDW are illiterate or less educated. They realize the importance of education and want their children to be educated. They don't want their children to face the

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<sup>11</sup> Kumar RajenderaGudipati, 2017, "Challenges associated with domestic workers in India", THE HANS INDIA, Aug 8th:<http://www.thehansindia.com/posts/index/Civil-Services/2017-08-08/Challengesassociated-with-domestic-workers-in-India/317650>

<sup>12</sup> *ibid.*

<sup>13</sup> "Situation of Domestic Workers in India: What needs to change?" in Hanu Divyansh in The Invisible Lawyer: Law Matters. <http://www.lawyerscollective.org/the-invisible-lawyer/situation-domestic-workersindia-needs-change>

hurdles and difficulties of what they and their husband are going through. They interact little with others as they have developed a fear that if they interact with others except their own country people in the society they will get into trouble. Besides, NWDW are having various health issues due to the overburden of workload both at home and in the workplace. Therefore, these women domestic worker cannot get good medical facilities due to their poor economic condition. The Nepali Women are the marginalized population with having low socioeconomic and political status which has limited their ability to make demand for their rights.

