

ORGANIZING DOMESTIC WORKERS AND WORKPLACE RIGHTS: A CASE STUDY FROM HYDERABAD

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ABSTRACT

This article discusses the results of a microstudy of the conditions of work and rights of domestic workers in the workplace in Hyderabad. The article examines one of the strategies adopted by the workers, that is, informal unionization and the viability of such a form of organizing as a strategy to push for workplace rights in India and particularly in the unorganized sector. Although organizing for rights is a well-known strategy, it is its use in this particular sector that is being examined here. The article examines whether informal unionization has any benefits for workers.

INTRODUCTION

Domestic workers form a part of the invisible workforce. Most countries do not take into account the economic value of domestic work, and hence the contribution made by domestic workers is not counted within the domestic product of the country. Insecure work, poverty and association with unions that are not legally recognized are characteristics associated with domestic workers in India (Kundu, 2008).

Domestic work has been considered an “obsolete occupation” and has failed to attract the attention of organized labor due to its peculiar nature as a one on one, private form of employment (Smith, 2000). Legislation too has excluded domestic workers from its purview according to the perception that domestic work

is not regular employment, not fitting the general framework of existing labor laws (ILO, 2010b).

There are several debates around what constitutes domestic work, with scholars disagreeing on nomenclature and inclusion of categories of work. It is argued that it is impossible to separate the work from the worker and also to separate domestic work into essential services, such as cleaning the floor once a day and unessential services relating to maintenance of status and culture, such as flushing the toilet or cleaning the floor after every use (Anderson, 2001). Thus while some forms of domestic work may be seen as legitimate work, some forms may seem like degrading and dirty work. Although domestic work represents the three Cs, caring, cooking and cleaning, not all domestic work includes all three Cs and hence the various forms of domestic work have very little in common with each other (Callister, Tortell, & Williams, 2009). Those who carry on cooking may not be involved in caring and vice versa. Care work is used as a term to represent work associated with assisting persons incapable of carrying on their daily activities. The term domestic work is sometimes used to refer to all the forms of work done in a household whether it is helping the elderly or children with their daily chores or cooking, cleaning and washing for the whole family (Blackett, 2011). Mignon Duffy (2005) warns about the use of the term “care” work as distinct from other work that functions to reproduce labor hierarchies as it is often found that care workers have better conditions of work.

These debates, however, do not detract from the view that it is essential though difficult for domestic work to be viewed as work and for domestic workers to be assured of the protection of the law.

The denial of recognition of domestic workers as workers has led to their being denied workplace rights. The core set of rights that the ILO Declaration on Fundamental Principles and Rights at Work sets out, that is, freedom of association and the effective recognition of the right to collective bargaining, the elimination of discrimination in employment, the effective abolition of child labor, and the elimination of all forms of forced or compulsory labor, has not been gained by a majority of domestic workers, in India and internationally, largely due to the perception that such rights are unavailable to them as domestic work does not figure as work in most legal systems.

The new ILO convention on domestic workers refers to domestic work as all work done within the household. Article 3 of the new Domestic Workers Convention, 2011, mandates that every member shall take measures to “respect, promote and realize” in good faith and in accordance with the ILO Constitution, the fundamental principles and rights at work including the freedom of association and the effective recognition of the right to collective bargaining.

Domestic workers across the world, however, have already frequently claimed the right to organize and collectively bargain for their rights. In this era of the decline of trade unions and their significance in policymaking, domestic workers’ collectives have been behind some major initiatives calling for legal reform.

The impact of unionization has already been seen with regard to wages and fringe benefits for childcare workers and has been found to be similar to the union effects found in other, better-compensated spheres of work (Cleveland, Gunderson, & Hyatt, 2003).

Trade unions and other nongovernmental organizations across the world have played a significant role in highlighting issues of abuse and exploitation surrounding domestic work and pushing for the inclusion of workplace rights for these workers (ILO, 2010b). The organizations involved may not always have been traditional trade unions with a focus on collective bargaining; various nonunion organizations that have a broader agenda have also been working with domestic workers on domestic work as a human rights and women's rights issue.

Domestic workers represent around 3.6% of wage employment worldwide and 83% of them are women (ILO, 2011). Domestic work is second only to education in its share of total female employment in the service sector (Neetha, 2008). The growing presence of women in domestic work in India has been categorized as creating a "female job ghetto" (Armacost, 1994). A combination of cultural and economic factors is often put forward in explaining the feminization of domestic service and the corresponding devaluation of domestic work.

The total number of workers employed in private households largely as domestic workers in India is 4.75 million, with the female share of the sector as high as 72% (Neetha, 2010).

The protections extended by law to domestic workers in India have been totally inadequate. The growing presence of women in paid domestic work and the lack of legislative protection points to systemic discrimination against women.

The Indian legal provisions on labor are marked by a plethora of laws, and figures covering all the laws on labor made by states and the central government are unavailable. Under the Indian Constitution, labor is on the "concurrent list" and so both state and central governments are competent to enact legislation on it, subject to certain matters being reserved for the center. Thus, apart from the central government statutes on labor (of which there are 54), each state government can make its own laws as well as enact amendments to the central government statutes.

The central government laws that could be made relevant to domestic workers are the Trade Unions Act, the Workmen's Compensation Act, the Industrial Disputes Act, the Employees State Insurance Act, and the Employees Provident Fund Act, which include workers in the informal sector, and the Unorganized Workers Social Security Act of 2008, which is the first law to include domestic workers within the definition of workers. There are also sector-specific laws like the Plantations Labour Act and the Mines Act. There is a demand for a separate law on domestic workers as the only way to adequately address the issue of the conditions of work of these workers.

In spite of the various laws that have been passed, a large section of workers in the informal or unorganized sector remains outside the purview of the law

due both to non-implementation and to inapplicability of the laws that exist (National Commission on Self-Employed Women, 1987). The situation of domestic workers within the informal sector is unique in that the law is entirely silent on them (Sankaran, Sinha, & Madhav, n.d.).

Neither the Minimum Wages Act nor the Maternity Benefit Act applied to members of this sector until recently in some states. They are excluded from the Industrial Disputes Act, which sets out the law on collective bargaining and gives unions the right to enter into negotiation and arrive at settlements.

Other sections of the informal sector workforce typically fit the description of workers under the laws, but the laws are not implemented. However, domestic work is not even described as work, and domestic workers are expressly excluded from the protection of the laws by virtue of the nature of their employment.

The operation of the laws listed above is restricted on several grounds: some operate only in establishments that employ a minimum number of persons, that is, 10 or 20; some of the laws operate only when certain occupations are included on occupational lists (and domestic work does not figure on any of these lists); and some operate only if the Schedule to the Act (that lists occupations to which the Act applies) includes the occupation within it. Although the various jobs that domestic work includes, such as cooking, cleaning, and washing, may fall under the general category of housekeeping, domestic work performed in the house is not included under the law, which means that domestic workers fall through the cracks in the most basic of workplace rights laws, such as those dealing with minimum wages or compensation for injuries sustained at work.

The minister of state for labor of the government of India, has identified the challenges to the regulation of domestic work as follows: the house being regarded as a private space without any legislative intrusion; the lack of a definition of the term “domestic worker”; the need to register workers before they can be regulated and the problems involved in registering them; and the need not to spoil the employer-servant relationship (John, 2010). The most consistent argument against legislation that has been cited by the state is the argument that many workers would become unemployed if a mandatory minimum wage was enacted for domestic workers (Armacost, 1994). The lack of political will to enact legislation is attributed to the class character of the employers, who are mainly from the middle and upper classes and constitute an important votebank (Hamid, 2006).

In this context, trade unions and community groups have played an important role in creating an awareness around domestic work and sensitizing the community to the need to recognize domestic work as a form of work rather than as a status of servitude and to assist in the transformation from servile status to a contract of labor and from disempowerment to negotiation for workplace rights.

Part two of this article looks at the Indian legal system and its position on the right to organize and to conduct collective bargaining; part three looks at union and nonunion organizations and their functioning in India; part four discusses

the findings of a case study conducted in Hyderabad with funding from the Indian Council of Social Science Research (ICSSR), part five looks at the impact of organizing domestic workers on employers' interests; part six looks at the impact of unionization; and part seven offers concluding remarks.

THE INDIAN LEGAL SYSTEM

The right to organize is a fundamental right under Article 19 (1) (c) of the Constitution of India, which states that all citizens shall have the right to form associations or unions. The right to freedom of speech and expression is found under Article 19(1) (a) and the right to assemble peacefully and without arms is found under Article 19(1) (b). The Supreme Court of India has ruled that imposing a blanket ban on any form of demonstration is unconstitutional as violating the provisions of Article 19 (1) (a) and (b) of the Constitution, but did not overrule an earlier decision of the court classifying the right to collective bargaining as a right concomitant to the right to form unions or associations but not essential to and refused to allow it to be understood as a part of the right to form unions. The court held that any further rights of labor unions such as collective bargaining or recognition of unions would be subject to laws made on the subject, which do not have to meet the constitutional challenge as to whether they are in violation of the constitutional guarantee.

The Industrial Disputes Act of 1947 contains provisions on the prohibition of strikes and lockouts while recognizing the right of workers and employers to enter into settlements. It could be argued that the right to strike is conferred by this statute, which allows for strikes if they conform with the conditions laid out in the act. Settlements have been held to be an important tool in the achievement of industrial peace, and the courts have ruled that a court must show its preference for upholding agreements sanctified by mutuality and consensus in the larger public interest.

The Trade Unions Act of 1926 does not provide for the mandatory registration of all trade unions; nor does it provide for any system of identifying negotiating agents by a process of recognizing representative unions. Unions may or may not register and have no role in entering into negotiations and settlements unless they have been recognised as negotiating agents. The only benefit the Trade Unions Act confers on registered unions is immunity in certain circumstances from civil and criminal liability. The status of registration has little bearing on the negotiation process for domestic workers. A limited right to form unions has been recognized as a constitutional right, though without the constitutional right to collective bargaining. The right to collective bargaining has been recognized by statute for a certain set of workers, but not as a right available to all workers. As far as domestic workers are concerned, since they fall outside of the purview of the Industrial Disputes Act by the interpretation of the term "workman," they have neither a constitutional right nor a statutory right to

collective bargaining. It is very interesting to see the assertion of a right even without formal recognition of it.

TRADE UNIONS AND NON-TRADE-UNION ORGANIZATIONS

The significance of organization into trade unions as a strategy for contingent (i.e., temporary) workers, including domestic workers, has been discussed in various studies. Trade unions have had an impact on working hours and have made a substantial difference when they operate with contingent workers. The innovative involvement of organized labor is often key in pushing the state toward extending protection (Sukert, 2000). Organization is understood as a dimension of formalization that enables workers to demand their rights and status as workers (Chen, 2011).

Understanding the diversity of the work that falls under the term “domestic work” and identifying the multiple occupations and the corresponding sets of requisite knowledge and skills would help in overcoming the current image of domestic work as an unprofessional and unskilled occupation (Tomei, 2011). The creation of workers’ cooperatives may succeed in reinforcing solidarity among workers to remove their isolation (Tomei, 2011). Although the approach taken by domestic workers could be different from that of others and the different models of doing domestic work may require different interventions, domestic workers must organize (Smith, 2000). One of the reasons cited for the exclusion of domestic workers from legislation as well as the lack of strong nationwide organizations is the fact that the employers of domestic workers, that is, the middle and upper classes, are the ones who draft laws, and they resist the idea of the inspection and regulation that accompany legislation (Gothoskar, 2005).

The various organizations working with domestic workers have had some success in pushing for legal reform, in terms of being able to claim the right to form trade unions and register them and to get minimum wages notified. In spite of belonging to the informal sector, associations of domestic workers have seen greater success than unions in other categories of the informal sector. The reasons for the relative success of trade unions in domestic work could be that domestic workers do not fit into the dominant theories on informality. The dominant theories of informality regarding the causes, composition, and nature of the informal economy, such as the theories of the structuralist school, the dualist school, the legalist school, and the voluntarist school, do not neatly fit the context of domestic workers (Chen, 2011). Since such workers are not directly producing for any other sector, nor are they on the margins of legality or formality, the strategies that might not succeed for unions in other parts of the informal sector have still been successful in domestic work.

Nongovernmental organizations (NGOs) have taken different approaches; some are looking at short term goals like the achievement of minimum wages

while others are looking at long term social transformation agendas and offering a variety of services such as legal advice, counseling, temporary shelter, handling of the termination of workers, data collection, research, and advocacy with government (Law & Nadeau, 1999).

There have been trade unions representing domestic workers in India since 1953. The All India Domestic Workers Union (AIDWU) was set up in 1953 and the Gharelu Kamgar Sangh (GKS) was set up in 1971 (Armacost, 1994). The Pune Shahar Molkarin Sanghatana (PSMS), that is, the Pune City Domestic Workers Organisation, was set up in 1980 (Gothoskar, 2005). The success of organizations similar to trade unions in terms of organizing strategy and advocacy strategies like calling for strikes, picketing, and demonstrating has been noted in the case of the PSMS, which called for a strike to start the movement and has gone from strength to strength since then.

Apart from trade unions, other organizations like the Religious of Mary Immaculate (Nirmal Sewa Samiti), who form part of a Spanish sisterhood, have operated in India since 1950. The Catholic Bishops Conference of India supported the formation of the Delhi Domestic Working Women's forum. The National Domestic Workers Movement was started in 1985 by Sr. Jeanne Devos and works in several cities in India, organizing domestic workers and providing a wide range of support systems.

Nonunion organizations working for domestic workers include the Mamidipudi Venkatarangaiah Foundation (MVF), which was set up in 1981. The MVF works with domestic workers and withdraws children from domestic work and puts them in school. It is involved in conducting surveys of domestic workers and persuading employers not to employ children and to release them from work. It works on creating sensitization among parents, the community, and residential welfare associations. It also liaises with the police, labor department officials, and media and works on the rehabilitation of child domestic workers.

The MVF identifies nonrecognition of the problem by the government, the apathetic attitude of government officials, the insistence on providing proof of the age of a child in order to initiate legal action, and the frequent migration of families as challenges in the regulation of domestic work. This is a vast unorganized sector characterized by enormous amounts of migration and a lack of enforcement of the law.

One of the first strikes of domestic workers was organized by the AIDWU in 1959 in Delhi, and it resulted in the tabling (presenting the bill in parliament) of private members' bills on domestic workers (Neetha & Palriwala, 2011). The GKS carried out a series of strikes in various parts of the same city and workers believe that the union has been successful in raising wages, obtaining bonuses, and getting wages for holidays. The GKS has also brought out a rate card announcing the minimum wages to be paid (Gothoskar, 2005).

It can be seen that in India there are both trade unions and non-trade union (non-governmental) NGO organizations that have been working on issues of

workplace rights. The present article examines the impact that these NGO groups have had on the fixing of wages and minimum conditions of work such as weekly holidays, the prohibition of child labor, and hours of work.

THE CASE STUDY

Methodology

The article is based on the analysis of a survey of domestic workers, funded by the ICSSR and conducted in the city of Hyderabad from February 2010 to February 2011. A survey form was developed to enable the investigators to gather information regarding the demographic profile and conditions of work. The study was conducted with the help of two investigators from the National Domestic Workers Movement (NDWM), who administered the survey form and handed in the completed forms.

The survey covered women domestic workers in the city of Hyderabad through the NDWM. One set of workers, the workers registered with the NDWM, were selected using a random sampling technique from a list of workers supplied by the NDWM. The other workers who were not registered with the NDWM were identified using a snowball technique, using women already included in the survey to identify further workers. The women were chosen from different parts of the city in order to gather information on diversity in wages and conditions of work depending on the average income levels of employers living in the poorer areas and the more affluent areas in the city. This analysis compares 29 unionized and 40 nonunionized workers.

Findings of the Case Study

The study investigated several aspects of the domestic workers' conditions of life, including the reasons why they took up domestic work, whether they could carry out any other work, their wages, their hours of work, the benefits provided by the employer on top of wages, the health hazards associated with the employment, the social security benefits if any were received, access to government schemes, union membership, and the impact of unionization on their conditions of work.

All the participants in the analysis were women and an overwhelming 84% belonged to scheduled castes, tribes, and backward classes. These are the socially and educationally backward classes that are identified by both the Central and state governments for affirmative action programs in order to ensure that the discrimination resulting from the caste system in India can be addressed.

A great diversity was found in the manner in which these workers carried out their work. There were live-in workers who resided in the employer's house; live-out workers who did not reside in the employer's house but came in sometimes two to three times a day; those who worked for a few hours a day in

different houses; and those who worked a few hours a day in only one house. While some worked for longer hours a day, spending a whole day in several houses, some would work only for a couple of hours a day in one house.

The workers compared here were all part-time unionized (that is, members of trade unions or other, non-trade-union organizations) and part-time non-unionized workers who carried out the work of cleaning and washing only. They did not cook or look after members of the employer's family. Both Raghuraman (2001) and Chigateri (2007) point to the segregation of domestic work on the basis of caste, with the lower castes performing jobs like cleaning the area around the employer's house and doing the washing, that is washing clothes and bed-linen, jobs that did not involve entering the house. The percentage of women from the scheduled castes and backward classes was highest in nonunionized part-time work, at 96%.

The reasons for taking up domestic work provide several interesting insights into the lives of domestic workers. The most frequently cited reason for doing domestic work was that this provided work that was close to their homes. The next most frequently cited reason was that such work was easily found and that they had small children and it was important to be able to do their housework along with domestic work for pay. The other, allied reasons were that they were uneducated and could not do any other work or could not find any other work, and that they were migrants and mobility in terms of finding their way in a new city, was an issue.

Most of the workers did not enjoy a weekly day off. They would take time off when they fell ill or had to go to their villages for festivals or other family contingencies. Taking leave in this way meant they would lose their wages for the day on which they were absent and would also sometimes lose their employment.

Many of the workers did not know what "unionization" really meant, and were unsure of whether a trade union was different from other types of organizations, like the NDWM, which provide support of various types, not simply employment-related support.

The unionized members who were surveyed were part-time domestic workers sometimes for a single house and sometimes for more than one. The informal networks that domestic workers use to find employment are community or caste based and not formal networks such as trade unions. Even when the formal trade unions work in the informal sector, there are no formal negotiations or bargaining agreements as such. There are no negotiated contracts of work as the bargaining power of these women is greatly hindered by their subsistence wages and the invisibility of their work.

The workers were not provided with amenities such as toilets/washrooms at the workplace. None of the workers reported receiving any health benefits or compensation for injuries or sickness, or loans or termination benefits.

The government has set up a variety of welfare measures that are not specifically targeted at workers and certainly not at domestic workers. These measures

provide for a variety of poverty alleviation and social welfare schemes. No categorization of these schemes is possible as they are spread out over various departments of state and their availability is subject to funds being allotted to them. They are not statutory schemes. Certain schemes are designed for the economically disadvantaged, such as access to subsidized food grains through a public distribution system using ration cards and schemes that give access to cooking gas. The duration of these schemes is contingent on the allocation of funds and a specific target, for example, a particular number of people reached.

Domestic workers had little access to these government programs. Indeed, most workers had no access to government welfare schemes other than through the possession of a ration card, that is, a card that provides access to a system of public distribution of subsidized food grains. The nonunionized workers had much less access to these schemes than the unionized workers. See Table 1 for a comparison of unionized and nonunionized workers in terms, for example, of access to government schemes.

CONFLICT WITH THE EMPLOYER'S INTERESTS

As noted earlier in the article, the employer's right to privacy is often cited as one of the major hurdles in implementing workplace rights for domestic workers. Similarly, the ILO background paper on domestic work that came out in 2010 describes the primary challenge to regulating domestic workers as the need to recognize the house as a private space without any legislative intrusion: "The main challenge for domestic work is the inspection visit, which requires access to the household, as workplace rights might come into conflict with the principle of privacy within the family and in the home" (ILO, 2010a: 73).

Table 1. A Comparison of Unionized and Nonunionized Workers

	Unionized workers	Nonunionized workers
No. of interviewees	29	40
Average number of hours worked per day	2–8 hours	2–8 hours
Average pay per hour	Rs. 183-500	Rs. 125-725
% of workers who had access to government schemes	100%	10%
% of workers who were aware of wage fixing	50%	10%

The second challenge to regulation is the lack of definition. “Domestic work” and “domestic worker” have not been defined under the law in India. The wide variety of persons who could fall under a definition of domestic workers, such as children working in a roadside eatery, cooks, watermen, people employed to do ironing, gardeners, and drivers, all perform domestic work in various ways, such as part-time, full-time, live-in, and live-out, through contractors or independently, working inside the home or outside it.

It is widely believed that registration should be made mandatory for domestic workers. The reason for this belief is that there is a need to identify domestic workers, formalize their employment, and enumerate them before any legislative intervention is set in place. The motive is to provide social security to these workers before granting them rights under the law. The focus on socioeconomic rights at the expense of civil and political rights, such as the right to organize and the right to collective bargaining, is in accordance with the idea of the role of the state as *parens patriae* rather than with the idea of allowing the assertion of citizens’ agency in claiming their rights.

The need not to spoil the employer-servant relationship, listed as another of the challenges to the regulation of domestic workers by the minister of state for labor (John, 2010), is a reflection of the perceived need not to harm the employer’s interests by granting rights to workers. Yet there is no need to walk a tightrope between employers’ and workers’ interests, at least in terms of certain basic rights that are granted by the Constitution.

In 2010, the government of the state of Andhra Pradesh organized an awareness campaign directed at employers, to solicit their support in the implementation of the payment of minimum wages for domestic workers, as awareness among employer organizations of the law relating to domestic workers was low. Notification of the fixing of minimum wage rates for the employment of domestic workers under the Minimum Wages Act of 1948 was given on December 10, 2007. Even three years after the notification, 3 out of 5 employer organizations and 7 out of 15 individual employers did not know about the law requiring minimum wages to be paid to domestic workers or about the need to provide a weekly rest day to the workers.

In terms of regulation of wages a majority of the employer organizations preferred a fixed wage by the state over negotiated wages. A majority of employers’ organizations believed that regulation of wages would impact the employment of domestic workers detrimentally. This is curious, given the fact that three years after the fixation of wages many of the employer organizations were not even aware of the notification.

A majority of employers’ associations believed that the extension of social security benefits, such as compensation for accidents, to domestic workers would detrimentally affect employment. Although all the employer organizations believed that there must be monitoring of domestic workers, they did not

appreciate the role of the courts; neither did they appreciate the suggestion that domestic workers be considered as workers under all labor laws.

The awareness campaign is a reflection of the government's desire to go easy on the implementation of the notification of minimum wages. There is no system of inspection of implementation, or even self-regulation, and the labor inspectors are specifically barred from entering houses to inspect conditions of work. Thus the notification of wages is simply an aspirational exercise, in the hope that employers will voluntarily comply with the notification and in the hope that, failing this, workers will bargain for their minimum wages rather than expect the state to enforce their implementation.

IMPACT OF UNIONIZATION

The NDWM works to mobilize domestic workers and has been working to ensure that the Minimum Wages Act applies to domestic workers. Until 10th December 2007, domestic workers were excluded from the law by definition. The Minimum Wages Act has a system of identifying workers in its schedule, and unless workers are included in the schedule no minimum wage is declared for them. The Minimum Wages Act of 1948 defines an employee as any "person who is employed for hire or reward, to do any work, skilled or unskilled, manual or clerical, in a scheduled employment in respect of which a minimum rate of wages have been fixed; and includes an outworker." The inclusion of domestic workers has happened in some of the states by way of an inclusion in the scheduled employment and notification of wages.

The decision of the state government to notify (declare) minimum wages for domestic workers was an important landmark in the struggles of domestic workers for decent wages, even though the initiative has not been fully implemented. The government of the State of Andhra Pradesh notified a minimum wage for domestic workers in the capital city of Hyderabad in 2007 after pressure from several nongovernmental organizations, including the National Domestic Workers Movement (NDWM). The notification also addressed the hours of work of domestic workers, the prohibition of child labor, and the issue of a weekly paid holiday for workers. However, the government also continued to prohibit the inspection of premises by labor inspectors.

The statutory minimum wage fixed by the State of Andhra Pradesh in 2007 for domestic workers was Rs.325 per hour, that is, Rs.2,600 per month. The actual hourly rate for unionized workers in the year 2010 (the period of study) ranged from Rs.183 to Rs.500. Nonunionized workers' hourly wages in the period of study ranged from Rs.125 to Rs.725, and one third of nonunionized workers received far below the minimum wage. It is difficult to work out an average hourly wage rate because there were workers who worked for one hour and made Rs.600, which is well above the hourly wage of Rs.325 fixed

by the state, whereas others worked for 4–6 hours for Rs.1,000, giving an hourly rate of around Rs.166, which is far below the minimum hourly wage of Rs.325 that was fixed by the state.

The government raised the minimum wage rate from Rs.2,600 per month to Rs.4,500 per month in November 2011. This raise at least put domestic workers on a par with other unskilled manual workers. The minimum wages notified for various categories of workers, such as those involved in baking, housekeepers, and laundry workers, ranged from Rs.6,291 to Rs.4,844 per month depending on whether they were categorized as skilled or unskilled workers. The minimum wage for scavengers and their helpers was Rs.4,844, and the minimum wage for unskilled plantation laborers was Rs.4,500 (Nimushakavi, 2011).

The present study finds that membership of organizations did not directly result in better wages. The unions of which the workers were members were not always involved in negotiating wages. Out of the 29 unionized workers, only 8 said that the union negotiated their wages for them. Although the impact on wages was not immediate, unionized workers did have better access to government schemes as well as knowledge of wage fixing. Most of the unionized workers were aware of the schemes of the state and had access to the government schemes at some time or other. The wages of unionized workers clustered around the statutory minimum wage, whereas the wages of a significant segment of nonunionized workers fell below the statutory minimum wage.

Wage fixing per se does not seem to have had a major impact on the achievement of minimum wages by the workers. It appears that merely regulating wages does not ensure any change in their condition, especially when it is not accompanied by any change in their status. Domestic workers continue to be treated as nonworkers, and their contributions and work are simply invisible. There is strong resistance to treating them as workers both from employers and from the state.

The part-time nonunionized domestic workers represented an overwhelming number of discriminated-against castes. A large number of them were illiterate, had no other skills, and could not carry out any other work. Most of them worked for several employers, were unaware of the fixing of minimum wages, and did not receive the minimum wage. They had less access to state welfare schemes than did unionized workers.

In the survey conducted, the workers expressed their opinions on the positive impact they believed legislation would have by granting them the status of workers; improving their access to state benefits and recognition as workers were important to them. They believed that a process of fixing wages would lead to an increase in their wages as they could demand a higher wage. They said that recognition by law was necessary to secure their dignity and respect as workers, and would lead to a change in attitudes.

CONCLUSION

The study is limited to examining whether unionization played any part in the realization of workplace rights such as the rights to minimum wages and basic conditions of work. Although no broad generalizations may be drawn, it is important to note that significant changes in law have been achieved by the advocacy activities of trade unions and other organizations. The perceptions that organization leads to a decrease in demand or an increase in wages are not directly borne out. This could be because the level of organization is still very low and perhaps does not yet significantly influence conditions of work or wages. It is possible that the inadequate implementation of the minimum wages notified so far is also a reason for the lack of any apparent impact on the demand for domestic workers.

Further examination is needed to see the impact of organization on the notification of wages or on the inclusion of domestic workers in the legal system in other states aside from the southern states of India, which have notified wages and included domestic workers in the legal system. There are, however, no indications of any such notification in other states in India. A study needs to be carried out in these other states to examine the causes of the lack of impact of domestic workers' organizations.

It also remains to be seen if there will be any impact of the notification of higher wages on the demand for domestic workers if the notification is implemented seriously.

Traditional unions and collective bargaining need employer organizations for the bargaining to take place, but there are not many organizations of employers of domestic workers. In some places, resident welfare associations have taken the place of employer organizations. Traditional forms of wage negotiation will still face hurdles in terms of the form the bargaining model will take and whether it will include the negotiation of independent contracts with all employers and will be able to regulate termination at will clauses. Intense fragmentation or atomization of the work force also makes organization difficult.

The approach used by these non-union organizations, as against the traditional collective bargaining model of wage negotiation with employers, focuses on pushing the state to regulate the most pernicious conditions of work, such as those relating to child labor, minimum wages, and social security. These organizations push labor departments to organize sensitization programs for residential welfare associations, create awareness of conditions of work, and try to address the stigmatization of domestic workers.

The organization of domestic workers into trade unions and other organizations has far to go in India. Unionization is viewed with suspicion and has obvious limitations; both employers and the state are hesitant to recognize the role of domestic workers' organizations in regulating conditions of work. However, the gains made by these organizations in such circumstances, albeit small, are relevant in providing access to workplace rights for domestic workers.

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