

**INFLUX OF TRIBAL DOMESTIC WORKERS:
A STUDY OF ROLE OF PLACEMENT AGENCIES IN DELHI**

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**Commissioned By:
Ministry of Women and Child Development
Government of India**

Acknowledgements

The present study “**Influx of Tribal Domestic Workers: A Study of the Role of Placement Agencies in Delhi**” has been commissioned by Ministry of Women and Child Development, Government of India. I am most grateful to GOI for providing us an opportunity to work on this project.

The content of the report reflects at the collaborative effort of individuals and institutions without whose support the report would be incomplete. First and foremost would like to thank the domestic workers and the placement agencies that gave their precious time to participate in the study and generously shared their experiences with us. I also want to thank the interviewers and supervisors in each study site who worked tirelessly, and often under difficult circumstances, to collect the data for this study.

I want to specially thank Sarita Baa and her organization Society for the Development of Tribals, Domestic Workers Forum, Nirmala Niketan, Adivasi Jeevan Vikas Sanstha and all their staff for constantly being on our side during the study period.

This report would not have been possible without the continuous support of the ISI staff, particularly Ms Madhuri Paliwal for undertaking the responsibility of data entry and Ajita Hoshi N. for putting the material together. A special thanks to the Research Director of ISI, Dr. Paul D’Souza and Head of the Department Dr. Rakesh Singh for their constant encouragement which helped in the successful completion of this project.

During this research endeavor, I received lot of inputs, comments and suggestions from the Project Director as well as the Executive Director, Dr. Joseph Xavier whose support and guidance was of immense help. I remain grateful for the same.

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Chapter 1

Transition from Tribal Woman to Domestic Worker

This chapter is on the different aspects of migration. It briefly talks about migration from global perspective, the rural urban migration, the tribal migration and the tribal women migrating to cities with the support of placement agencies. The basic push factor for migration is the unequal development in rural and developing nations as compared to the urban and developed nations. The pull factors are the better livelihood chances that are available in these centers of development. The tribal migration is a classic case of distress migration and a large number of tribal women migration are because of lack of livelihood opportunities and the possibility of better work opportunities in urban set up. The growing demand for domestic workers has brought into fore the “middle men” who are also referred as “service providers” or “placement agencies”. The market possibilities have changed the structure of the domestic service sector which was initially an informal structure where women were migrating with the help of kin and kinship. This has been replaced by formal, profit oriented agencies which are managed by individuals and voluntary associations. Some of the disturbing reports in the national daily on physical, sexual and economic exploitation by placement agencies and the growing concerns prompted Indian Social Institute to take up this research study.

1.1 Migration: A Global phenomenon

Migration is a multidimensional phenomenon and has been a feature of human history for many centuries. People migrate for many different reasons; while some for better career opportunities, some are forced to migrate because of distress like poverty, armed conflict, social strife, political turmoil and economic hardships which are some of the push factors. Some of the pull factors that draw people to developed nations to acquire better life are better wages, service, safety, political security etc.

For instance the Latin Americans have left their homes to move to United States. The reasons for migration were both push and pull factors. The push factors are demography, economic and social conditions prevailing in the Latin American countries. There are

uneven employment and growing economic uncertainty, natural disasters and civil wars which contributed to substantial displacement of population. The pull factors were the economic restructuring and policy shifts in the United States which was reinforced by Global trends. This led to an increasing need for the blue collar jobs in service sector employment demanding for low skilled labour. Mexican workers were employed in these sectors. This also created space for transnational network of labour recruiters connecting the two. For migration from Africa to Europe the push factors like poverty, war and repression predominate and the reasons they migrate is for work and better quality of life. Many moved to European countries as there was a rising demand for labour due to Europe's declining birth rate. In addition to this, many moved to Spain because of liberal immigration policies for former residents of Spanish colonies.

In Malaysia there are huge Indian Diaspora present who migrated during British time as kangani labourers who were engaged in plantation work. The rising opportunity in the form of gainful employment, profitability and improving standard of living in Malaysia acts as a pull factor for both the Indian and the Indonesian labour population.

It is seen that since the mid twentieth century migration processes have been influenced by globalization. Migration, whether permanent or temporary has become a global phenomenon with individuals or groups relocating to higher income regions for better job opportunities and higher standard of living although it has also been studied that the majority of less skilled workers just look for better work to combat poverty and insecurity. Migration of labour is a key feature in globalization and the demand for cheap, less or unskilled labour like agriculture, maintenance staff, construction, domestic service, and health care is on rise. These migrants are often relegated to the "three D" – dirty, dangerous, and degrading – jobs that national workers reject or are not available for.

This global market is now considered the largest labor market for women worldwide and it has triggered the feminization of migration. The female migration is being more recognized and there has been a remarkable diversity of migration pattern because of the recent economic and social changes in both the sending and receiving locations. Thousands of women are forced to migrate out of pure necessity to secure their own or their families' livelihoods, health or security; others migrate as a way to improve their living standards,

career opportunities or to increase their personal freedom by escaping political, cultural or social restrictions.

Zlotnik says (2003) that the number of female migrants globally has been large and increasing. What has really changed is that a large number of single women migrating for job autonomously rather than as dependents and becoming the main income earners of the family. It is the young women who are dominating in this movement. The international migration for work shows clear demarcation and separate niches for male and female labour. Male migrants tend to be concentrated in the production and construction sectors while female migrants are predominantly found to be in service activities- in the domestic work and care sectors and in entertainment work (Jayati Gosh 2010). The fact that migrant women meet the increasing demand of paid domestic work is also the result of the gender construction of labour markets. The changing labour market globally and the demand for cheap and flexible labour particularly for females care givers from poor developing countries has accelerated the migration process. In this context, it is evident that the paid domestic work has gained prominence globally both in terms of number and work.

1.2 Urbanization and Migration

At a global level liberalization of trade and production has changed and reshaped rural urban linkages in most regions. The neo liberal policy of development is more market oriented thereby focusing too much on the profit maximization. Many developing countries now seem to follow policies which disrupt the natural economic development process by favouring urban sectors distorting capital and labour market to favour urban over rural areas. As a consequence the rural urban gap widens reflecting in the labour productivity, per capita income and poverty rates.

In India, post independence there has been rapid urbanization and an increasing inflow of rural migrants in urban areas particularly in large-sized cities and metropolises. Some of the causes of the movement from rural to urban areas are high rates of unemployment, poverty, low wages, small size of land holdings, environmental changes , natural calamities, infrastructure development or due to the attractive forces working in urban areas in the form of availability of jobs. The improved technological revolution in industrialization,

communications, transport networks, conflicts over natural resources and new economic opportunities have created unprecedented levels of mobility.

Rural to urban migration is the fastest growing kind of migration as more migrants have chosen to work in better paying non-farm occupations in urban areas and industrial zones. It is a fact that a high percentage of rural migrants come from poor families and their access to improve their physical, financial situation are constrained by their inferior social and political status. The new job opportunities which are available in the urban set up enables the young landless low caste to get employed and is no longer dependent on the upper caste land owning employers for a living.

The historically disadvantaged communities such as the Scheduled Castes, Scheduled Tribes and Other Backward Castes are heavily represented in this form of migration. While this transformation clearly encourages individual independence and should be welcomed for breaking up social relations based on power imbalances, the economic and social consequences are still far reaching and not sufficiently understood. Most of these poor, less skilled migrants are absorbed in informal sector jobs which have poor wage structures, no social security (Migration and Human Development in India 2009). These migrants remain on the periphery of society, with few citizen rights and no political voice in shaping decisions that impact their lives (Kabeer 2006). The labour market asymmetry in terms of caste/class and scarcity of opportunity continues to operate in urban setup. There is not much upward mobility for the poor Dalit rural migrant for both men and women. For many of these Dalit migrant women paid domestic work is the most prevailing work option which requires least skill and education.

The gendered analysis of the process of migration in India is a new concept and therefore migration of women has just begun to be recognized in statistical analysis. Women move for many reasons and marriage is one of them, where women move because of virilocal residence or because the male heads of household has moved. But it has been seen that many such migrant women enter labour market and are in a similar position to those women who primarily migrated to find work.

A large share section of women are from of Other Backward Classes (OBCs) 32.4 percent followed by Schedule Castes (SC) 31.2 percent and upper castes 28.4 percent. The macro

data also points out domestic workers are mostly migrants and in recent year there has been a growing number of tribal women migrating to urban centres seeking domestic work. This increase in number indicates that domestic workers is gaining much prominence because it constitutes a huge female labour force which is affordable and cheap and constitutes an integral part of economic growth and urbanization. There is a growth of domestic worker employing class and an uninterrupted supply of women to fulfill this demand (Neetha 2013).

Growing urbanization has increased demand for the female labour force, attracting many poor women to urban areas to seek employment. It is a trend now in all big cities to recruit poor women as domestic workers. There are several reasons that attribute to this growing demand: changes in the structure of the Indian economy, increasing household annual income, middle class women taking up employment, changing lifestyles, women withdrawing from household chores and changing demographic profiles of the country. There has been an expansion of domestic worker user class. Domestic workers provide essential services that enable others to work outside the home, thereby facilitating the smooth functioning of labour market and the economy (ILO 2007) Simultaneously, there are very few formal jobs available for most migrant women who have no formal education or marketable skills beside the prevalence of gender, caste, class, ethnic discrimination that worsens their job choices. In these circumstances it is but natural for these women to take up domestic work which they are acquainted with.

1.3 Migration and Development

Most migration is for upward mobility but some can also be distress migration. The tribal migrant worker is a classical case of distress migration. Migration has long been a livelihood strategy for tribal people from the regions of Jharkhand, Orissa, Madhya Pradesh and Chhattisgarh. The tribal migration pattern continue to be interpreted divergently some stress on volunteerism, a rational and conscious act by economically disadvantaged tribals and some interpret it as coercion, factors that force them to migrate.

Globalization along with vigorous development plans adopted in New Economic Policy¹ of 1991 displaced millions of “adivasis” from their habitat. These macro-economic processes

¹ It has eroded resource base and socio-cultural heritage of tribal population through a combination of development interventions, commercial interest, and lack of effective legal protection. It led to tribal

on one hand gave multiple opportunities to the technically educated making inroads in tribal areas but at the same time, marginalized and pushed out the tribals from their own land.

It needs to be understood that the entire tribal life process is centered and built upon two major means of production, that is, the forest and the land, which are the twin pillars of tribal economy. The process of alienation of tribal land began during the British rule in India and was accelerated by the development of transport, establishment of individual rights over agricultural lands, commercialisation of agriculture and the spread of English judicial system (Kulkarni 1985: 1171). The new economic policy and the liberal mining policies inviting Foreign Direct Investment aiming at aggressive growth and development completely estranged tribals from their traditional means of existence: Jal, Jungal and Jammen (River, Forest and Land).

Tribal's marginalization has become more compounded than ever due to the onslaught of industrialisation, urbanisation, commercialisation, infrastructure development and the state policies on land and forest². This industrial development not only alienated the tribals from their means of livelihood affecting the demography and ethnicity of tribal areas and reducing them to the status of bonded labourer, marginalizing and expropriating them.

The impact of this new development on tribal community was ethnic strife, pauperization, land alienation and displacement. The traditional mode of securing their livelihood is seriously threatened without any appropriate alternatives in sight. They were forced to migrate because of the limited economic opportunities and oppression in their home communities.

1.4 Migration of Tribal Women

The migration of tribal girls to other states in search of livelihood is probably the severest fallout of aggressive growth and displacement. Tribal women migrated because the source area had no suitable employment/livelihood option and there is some expectation of

displacement and forced evictions of tribals to move for mammoth capital-intensive development projects. It has affected the tribal culture, languages and way of living. The purpose of the new economic policy was to mainstream tribals but it has further deteriorated their situation.

² Laws and policies governing forests have also contributed towards the dispossessions of tribals. The state has appropriated large tracts of land without recognizing the customary rights of the tribal communities

economic improvement in circumstances through migration. At present thousands of tribal women are migrating to mega cities like Delhi, Calcutta and Bombay and end up taking domestic work because they lack skill and education.

Initially tribal women migrated through a process of chain migration³. In this, the pioneer members have a great influence in the decision of the subsequent migrants and “Migration becomes a style, an established pattern, an example of collective behavior. It is well said that “Once the migration process starts and attains momentum, the growth of such a movement is semi-automatic” (Bredeloup & Pliez 2005, de Haas 2008). Lee (1966) argued that migration facilitates the flow of information back from the place of destination to the origin, facilitating the passage for later migrants creating “migrant networks”⁴

There are millions of migrant women for whom domestic work is a natural extension of their gendered division of labour. The domestic work sector are often not regulated or controlled because of the gendered notion of work which links women with the ‘private’ sphere of the home and men with the ‘public’ sphere of paid work and enterprise.⁵

Domestic work is also not directly involved in producing value. As a result, the domestic employment relationship is not specifically addressed in many legislative enactments rendering domestic workers vulnerable to unequal, unfair and often abusive work practices. Generally speaking, female migrant domestic workers are the most vulnerable in the chain of state, agency, employer and employee. Thus domestic work is amongst the lowest paid, least valued, and least organized work. Their dismal state of affairs is due to the fact that paid domestic work remains virtually invisible as their workplace is invisible “home” therefore an overwhelmingly large women labour force work in isolation behind closed doors.

A noticeable change was visible in the nature and pattern of tribal migration from 1980 onwards, wherein many started migrating to bigger cities like Delhi, Kolkata and Mumbai

3 Movement in which prospective migrants learn of opportunities, usually provided with transportation, and have initial accommodation and employment arranged by means of primary social relationships with previous migrants

4 It is the interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas through bonds of kinship, friendship, and shared community origin. The already settled migrants act as bridge reducing the risk and psychological costs of subsequent migration. The friends and relatives help the new migrants in obtaining information and assistance in finding employment and a place to stay.

specifically as domestic workers. Tribal women have been migrating to Assam Tea gardens, mining areas and construction sites but it was usually as family unit or single women migrating in groups under a male tutelage thus sharing the space with the men with whom they worked.

At present a distinct feature of tribal migration has emerged particularly from the states of Jharkhand, Chhattisgarh, Bengal and Orissa which is large - scale migration of single women moving out in groups or individually to cities in search of livelihood. Traditionally, the tribal woman has been contributing towards the economic well being of her family and with the changing economy they have lost their means of livelihood which was dependent on land and forest. Another reason for single women migration was the breakdown of the traditional close knit tribal community safeguards for single women and widows due to new cultural intrusion of non-tribals.

For many single tribal migrating women, domestic work has become the natural avenue as most of them lack skills and educational qualification and have no other job option. Driven by poverty many of the tribal families voluntarily send away their unmarried daughters to cities in search of work. Domestic work is considered as one of the easiest occupation to acquire. Most women have prior information regarding the possibility of finding work. Working in cities is seen as a solution to poverty and villagers are unaware of the difficult working conditions, poor remuneration and the exploitation of domestic workers. The other factors that draw women to urban areas are the aspiration to become independent, increase income and savings particularly when they see other domestic women workers who come visiting the village occasionally better dressed, affluent, well fed and loaded with cash. Seeing the women from the same community in a better economic position inspired many tribal women to search for work in urban areas. They see domestic work as a solution to add to their paltry income and improve their condition. For many, the glamour of city life acts as a further "pull" factor inducing young girls and women to migrate.

Women from tribal regions are considered to be hard working, honest, simple, docile, and unaware of market demands and are in great demand. A higher wage in the metropolitan than what they would otherwise get in their state attracts a large number to migrate to Delhi, Calcutta or Mumbai. The Delhi metropolitan is their most preferred destination. In Mumbai

and Calcutta the locals from the surrounding areas take up domestic work but the Delhi locals are generally well-to-do and have opportunity to take up other work thus leaving the domestic work on the migrants. Another reason for high demand for domestic workers in Delhi is because of high concentration of business head offices, IT businesses, banking firms employing men and women in highly paid, skilled, professional work. The upkeep of these professionals working long hours is only possible because of the support of host of low paid workers.

Amongst many such workers are the domestic workers - the house cleaners, care takers of children and elderly relatives of the high paid professionals. Urban professionals transfer a growing share of 'domestic' work to the market place by hiring labour themselves. Today many middle class women are doing higher skilled waged work and employing migrant poor women "maids" to do the domestic work. In some cases it is seen that keeping a house helper has become a status symbol and women from affluent background have withdrawn themselves from household duties. Thus in the shadow of these growth sectors there is growth of low-paid low-status workers, who are often migrant and to sustain its urban population Delhi needs to import domestic workers from impoverished tribal hinterland.

In the process of migration there has been a paradigm shift in the status of tribal women. From a free, respectable and simple village existence that the tribal girls enjoyed in her community she enters the urban setup as a "slave". She is surrounded by alien culture and a hostile milieu, she finds herself in a foreign environment, away from her family, adjusting to new languages, food, and culture. Being migrants and live-in domestic worker makes her most vulnerable to physical and sexual abuse, having long working hours and no rest. In case of tribal woman this further gets compounded because of her ethnic background. The tribal migrant woman is going through an ambiguous existence as she has not completely separated from her tribal values and way of life and at the same time is deeply influenced by the life style and structure of urban life which is new to her.

1.5 Mushrooming of Placement Agencies

The ever growing demand for tribal domestics replaced the informal migration process with formal, intrusive profit oriented placement agencies. A "Placement Agency" means any agency/bureau /contractor or person(s) or association or organization whether registered or

otherwise which provides/ engages in employment of domestic workers or which facilitate the placement of domestic helps for prospective employers and includes such agency or person offering such services through any print electronic or any form of communication (Domestic Workers Welfare and Social Security Act 2010).

Kinship and social network had initially been a channel of migration and employment for tribal domestic workers wherein new migrants came along with their relatives and found domestic work. This kinship linkages and village network made migration easy and safe for tribal women as they were moving with the known people. This has been replaced by the placement agencies. An agent can be from the same community, city, or state as the domestic workers that they recruit, as this fosters a more trusting relationship but playing essentially the same role as labor recruiters. Many of these agents may have been former domestic workers who get promoted to the multifaceted position of recruiting workers. All these agents have an interest in the continuation of migration, and for many facilitating migration is a major business. Initially the tribal girls were migrating to cities by a chain migration processes but lately with rising demand for domestic workers due to changing economy the impersonally organized migration has been replaced by recruiters referred as “placement agencies ”. In the chain migration there was no motive of profit or money making and was a simple way of supporting the community members however the organized migration is purely a business venture.

Tribal woman is usually unaware of the urban culture and custom and is inarticulate on account of her illiteracy, dialect; her lack of exposure makes her most dependent on the agent. This extreme dependence on agencies has made tribal women most vulnerable equipping the agencies the power to enforce and entice tribal women to migrate as well as make them more vulnerable towards exploitation in the form of exploitative fees or physical and sexual abuse. The high demand for tribal domestic workers has also given way to illegal migration or trafficking. These intermediaries who are now referred as service providers have enabled the growth of migration but at the same time have caused greater vulnerability of women migrants.

Many scholars argue that agents exploit workers and describe them as deceptive, untrustworthy, and even traitors to their kin. However, few scholars observe the benefits of

the agents who play a mediating role. Migrant women often have not much knowledge of the market or the cost and the risk involved in the job search especially in cases when they have migrated to a distant land. To cut down the risk, recruitment is often done through middlemen.

The single tribal girls' migration is on rise and her dependency on placement agencies or organization is becoming central to her existence. The new institution of placement agency has started playing a significant role with full-time tribal domestic workers recruitment, mediating the terms of work and work relations and has become all pervasive.

In most cases, domestic workers are exploited by them as they take huge advances from well meaning employers and deprive workers of their dues. These middle men make a fortune by supplying domestic labour and creating inhuman conditions of work and payment. The perceptible presence of large number of placement agencies and sub agents proliferating in tribal areas reflects at their growing presence.

One reason for their proliferation is that there is no concrete legislation to protect this vulnerable workforce or to monitor the increasing number of agencies supplying women who are mostly recruited from underdeveloped tribal areas (Palriwal and Neetha 2009). Looking at the illegal proliferation of the placement agencies the Delhi government has come up with a draft Bill on placement agencies-“Delhi Private Placement Agencies (Regulation) Bill 2012” aimed at reigning in exploitative agents. The increasing importance of role played by placement agencies is reflected in the huge number of placement agencies (more than 3000) which have cropped up in and around Delhi, out of which only 364 are registered under the Delhi Shops and Establishment Act and 655 are registered under the Commercial Establishment Act (Hindustan Times, July 2012). As this registration is voluntary, not many get themselves registered and those who do their credentials are not checked. The absence of stringent regulation has led to increasing labour trafficking of women and children hampering the rights of domestic workers of decent work and decent wages and decent livelihood. These agencies have become commercial centers and use devious means to bring a large number of tribal women from tribal dominated states like Jharkhand, Chhattisgarh, Orissa, Madhya Pradesh and West Bengal. A few case studies give a glimpse of the existing situation.

1.6 Evidences of Exploitation of Tribal Domestic workers

There are many horrific stories of abuse and violence meted out to women domestic workers globally by placement agencies. Similarly the National daily newspapers are replete with appalling stories of fraudulent practices of placement agencies. This prompted Indian Social Institute to take up a research study on the role and function of placement agencies.

Case 1: Repercussion of High Registration fee

A story of a domestic worker abused brutally by her lady employer Vandana Dhir in an upscale South Delhi locality gives a glimpse at the situation of the tribal domestic workers and the role of placement agency.

A young Santhali girl from Athganva in Sahibganj district, Jharkhand was rescued by the Shakti Vahini, an NGO working in child rights after receiving a call from the neighbours. After lot of persuasion which continued for four hours, the employer opened the door of the house. The girl was found in semi-nude with bruises all over the body and a deep gash in the head which was bleeding profusely. She had cuts in her head which had maggots. The girl was taken to Safdurjung hospital. A complaint was lodged against the tormentor who was a top official in a multinational company.

The girl reported, “My employer forced me to drink urine, kept me in the naked in the bathroom and would singe me with a frying pan and hit me with the broom and would laugh after beating me.”

The girl was brought from her village by a resident Lakhi Ram, an agent who is married to Dorothy, a tribal woman from a neighboring village. Dorothy had promised the mother that she would get her a domestic worker’s job. The girl’s mother, a widow earns just Rs 150 per day and has to take care of her four other children and in-laws. The girl says that back home it is poverty that haunts poor labourers like her. There are many girls from her village who are being taken away to metropolises like Delhi by agents for work as poverty hounds most families. The mother sent her eldest daughter to Delhi from Jharkhand for work out of sheer desperation.

The mother was initially given 15000/- and since then she did not receive a penny nor was she ever allowed to speak to her daughter. For the past three years, the young girl was being placed as domestic workers in various houses by her agent. In the present case the employer had paid 35000/ as registration fee at a salary of Rs 4000/-. She was here for past four months but did not receive any wages. Dorothy had provided Dhir a maid earlier this year but she ran away. Dhir then demanded a refund. As Dorothy had taken Rs 35,000 from her, she said she would send another maid to her and sent this girl to her house.

After the horrific incident, the mother was called from Sahebgunj, Jharkhand. When the mother met her daughter she said, “When I had sent her to Delhi she was such a beautiful girl. What have they done to her? I will take her back and never send her”. The girl went back to her village; she found out that her wages were not sent to her mother at all. She was recovering physically, but the emotional injuries inflicted on her would take some more time to heal.

Case 2: Sexual Abuse

A 30-year-old owner of placement agency was sent to jail in April 2013 for 10 years by a fast track court for raping a girl after confining her in his house.

The Additional Sessions gave the jail term to Rohini resident Mukesh Khanna for raping, threatening and confining a 20-year-old tribal girl, brought from Orissa on the pretext of meeting her 'sick' sister who was employed as a maid through the convict's agency.

According to the girl, after she was brought here by the convict's wife, she was not allowed to meet her sister and was forced by the couple to work as a maid. On that day the girl was resting in a room as she was unwell, the wife of the accused had gone out and the accused seeing nobody around came there and took her to another room where he raped her. He had confined the victim for two days in his house and had also threatened that she will be killed if she disclosed anything about the incident. The police said that on getting an opportunity, she escaped from the house and approached a neighbour who called the police. To protect the accused his counsel said that there were no fresh injuries over the victim's body which showed she was a "consenting party" to the physical act. However the court rejected the contention as the evidence on record showed that the girl was so unwell.

Case 3: Trafficking of Tribal Girls in Chhattisgarh

More than 6000 young girls and women were reported missing from Jashpur and neighboring districts of Chhattisgarh in just one year, 2012. Officials at the state department of women and child development, however, put the figure at more than double - at about 13,000 girls. A survey conducted by State Resource Centre, Adult and Continuing Education in 2009 said there were about 20,000 girls who were trafficked to other states in the past 7-8 years.

For instance, Basanti was just 14 when she was taken to New Delhi for domestic work by a woman agent from a nearby village. She and her family were convinced of good money. Six years later, she returned home five months pregnant after being repeatedly raped by men in the household where she worked. Basanti is 20 now, ravaged by the thought that the child will grow up never knowing who the father was. Basanti says that she was forced to have sex with three different men in the

house where she worked. "I resisted many times and tried to complain to the owner but nobody listened to me."

Another example is of a 20-year-old girl from Sitonga village. She was given to five men in exchange for money when she was not even 15. She was kept closed in a small, dark room and was raped, tortured, forced to eat leftovers almost every day. When she protested, she was made to eat human excreta. After being assaulted for more than a year, when she succeeded in absconding from the place and reached her hometown, she was abused by her father for not bringing any money and for leaving the job. She became mentally unstable soon after.

Jashpur has emerged as a major hotspot for trafficking of minor girls and women as domestic help to different parts of the country, especially Delhi and Mumbai. Most of these girls end up being physically abused and sexually exploited. A few end up fighting AIDS. At the centre of this trafficking business is a network of agents who operate with impunity. Most of them are handed over to placement agencies that in turn place them as domestic helps. Since the girls or their family members hardly ever come forward to complain, the traffickers are rarely apprehended, say sources. "The placement agencies give the women a new name and this makes tracing them a difficult task." The women are left unassisted in the hustle and bustle of the city life. There are just 30 reported cases from Jashpur and the figures collected from Police Headquarters, Raipur, reveal that only 40 such cases were reported in 2013 while 105 cases were reported since 2008.

Sister Sevti Panna of Jashpur-based NGO Gramin Vikas Kendra says that placement agencies are behind this racket as they lure women with good job prospects but after some days these women go missing. She claimed that these agencies bungle half the money promised to the women. The women work as domestic servants and are often subjected to physical and mental torture. She claimed that a number of placement agencies in Mumbai and Delhi have religious names, which is used to convince parents to send their girls to the cities. Women leave their villages for the glitz and glamour of city life. Women, who return during Christmas break, dress up like upper class, city women (employers). Many village girls thus get attracted to city life not knowing what kind of life these women have in the city. (Times of India, Jan 16, 2013)

Case 4: Non-payment of Wages

Ramuni Tirkey is from Jaspur, Chhattisgarh. She came with an agent Paulina. She got permission from her parents to go and work as domestic help as they had financial problems at home. Paulina gave her to a placement named "Shiv Sai Placement Agency" in Shakarpur. The placement was being run by Shantoshi and Parshuram Chauhan, wife and husband. Santoshi used to also go to the villages

along with the domestic workers and bring women to Delhi. Initially Ramuni was placed at Old Patel Nagar and faced no problem with the employers. However she was upset that she was not being paid for her work. She was told by the employers that her agency was taking her money. One day, Ramuni left her employer's household and went to Merici Women's Welfare Centre for help. She knew about them because she had met them in the Church. She was directed to meet Domestic Workers' Forum for help. The Forum tried to get her wages amicably but when the agency got down to ugly fight and refused to pay, they filed a complaint with the police and the case is in the court now. Meanwhile, Ramuni went back to her village and did not get back.

Case 5: Poverty, Migration and Abuse

Kunti Devi has been bringing girls from Jharkhand. She would pass them to her husband Rajesh, who was running a placement agency at Aligaon in South Delhi. As usual, this time too Kunti brought 18 year old girl from Jharkhand. Her agent husband sent her to work in Dwarka as a domestic helper. After just two months she left her work and got back to the agency for another workplace. In the interim period the agent raped her at night when everyone was sleeping and threatened with worse consequences if she dared to tell anyone about the incident. She was placed in Gurgaon and was found pregnant and she reported about it to the agent. He gave her pills to abort the pregnancy. Some complication happened and the girl was taken to nursing home where the police was informed about the case.

On inquiry the girl informed that because of rampant poverty unscrupulous agents are taking advantage and trafficking innocent young girls and selling them as domestic helpers. The agency has girls as young as 10, all packed in one small room. They would all sleep on the floor. All the girls were sold to the employers as domestic helpers. The agent receives a huge sum of money in this transaction. She further told the police that Kunti is known in the village and has taken several girls from her village in Jharkhand.

Rajkumar who brought the girl to nursing home is absconding, the address given by the girl is wrong. Now to trace Kunti and Rajesh or the placement agency is a herculean task.

1.7 Rationale and Justification of the Study

The rising demand for the tribal women domestic workers and the absence of regulatory framework has led to the emergence of a new class of middle-men and women, the "placement agent". In the absence of registration requirements, these agencies have a free rein to recruit and place women in private homes. Placement Agencies are not accountable

for their working conditions or well being neither do they have any extended commitment. In the worst cases there have been instances where agents have been involved in miscreant activities forcing women and girls into enslavement or prostitution and have siphon off with their wages and employers fee.

In recent years there has been a mass exodus of tribal girls as many are coming through placement agents. These agents are either non-advivasis or advivasis who were domestic workers at some point of time and have now opened their own shops. Many of these “procurers” get women on the behest of placement agents and act as sub-agents. A new trend has thus emerged where a large majority of women are finding employment through placement agencies. The establishment of placement agencies over the last 10 years combined with word of mouth, advertisement and active recruitment strategies has prompted many tribal women who were previously less willing to migrate, to feel more open to seeking such opportunities, as a ‘safer’ alternative to irregular migration. These women workers took on the services of a recruitment agency in the hope of being guaranteed a job, safe travel, good working conditions and sufficient pay. However, securing work through a recruitment agency has not always assured migrant workers safe and positive work environment.

The domestic worker in many cases is totally dependent on the placement agent who may be the only source for her employment. The agencies have large networks in the place of destination and in the place of origin. They are usually profit motivated private institutions amounting to Rs. 10,000- 25,000 from employers promising to give skilled workers (except some associations and voluntary organizations) and charge hefty fee from the client households. Many times the workers are in the pay roll of employment agencies and pay commissions. Domestic workers are often exploited at the hands of the so called placement agencies who lures workers from the rural areas to the cities, promising them lucrative salary, lifestyle and benefits. They are managed by private entrepreneurs, voluntary and civil society organizations and /or trade unions for recruitment and placements. Some are doing good work but a large number is engaged in fraudulent activities.

To manage this phenomenon the Government’s ‘task force’ on Domestic workers, recommended to regularize the placement agencies and the Ministry of Labor and

Employment proposed to issue notification for mandatory registration of all placement agencies and individuals providing placement, sourcing and recruitment services relating to domestic work, Under the Shops and Establishment Act, 1953. This registration will be irrespective of the registration/non Registration under any other existing Act. The placement agencies should maintain and make available all necessary records pertaining to domestic workers placed, details of the employers, wages, mode of payment of wages, working hours, nature of work, and duration of placement and the copy of the contract to be sent every six months to the State Labor Departments.

Since migration is a continuous process and a source of sustenance for tribal women, the role of placement agency as an intermediary between tribal women domestic workers and the employers is gaining immense importance. Under these prevailing situations it is very difficult to do away with Placement Agencies but definitely they can be regulated on the basis of some of the good practices which can act as a guideline for Delhi Private Placement Agency Bill 2012 which is yet to be passed. The ILO convention has also laid special emphasis on regulating the Placement Agencies which plays an important role of intermediation between the employers and domestic workers. While India is supporting the Convention, it has yet to ratify it. India has a draft national policy which suggests fixing minimum wages for domestic workers by state governments, scaling up the skills, training and most importantly regulation of placement agencies which supply workers and their mandatory registration under the Shops and Establishment Act.

The placement agency plays a pivotal role in the migration, employment and security of domestic workers in urban set-up. The employment relationship of domestic workers is quite complex with agency on one side and the employer on the other, resulting in more insecurity and vulnerabilities at work. The study intends to understand the role and function of the new emerging middleman or/middle woman “negotiator and a facilitator”. The study would look into contractual relationship that exists between the employer, domestic workers and the placement agency, the problems faced by each category and their redressal mechanism. The study intends to come up with a compendium of “Good Practices” that would help the functioning of placement agencies vis-à-vis the domestic workers and employers.

1.7 Conclusion

It can be concluded that migration is a global phenomena. People and communities moving for better economic prospects and this is not a new phenomena. However with growing urbanization and globalization the demand for cheap women labour is on rise especially for low skilled works.

In India the urbanization process has pushed rural disadvantaged group of population which mostly comprise of people from Dalit and tribal communities to take up the low skilled work. The tribals particularly moved to urban areas due to New Economic policy which was a lopsided development strategy towards equal development. Tribals were displaced and lost their means of livelihood: land, forest and water. The offshoot of this was rapid and mass migration of tribals to urban areas. Tribal women seeking domestic work in metropolitan cities is also a resultant of this change. At the same time there was a growing demand for domestic workers in the urban conglomerate. In the process of migration these women tend to be disadvantaged because of less/ or no education and training causing their inability to access jobs at place of destination. To match the demand and supply of domestic workers new middle men referred as placement agencies or service providers emerged. There is an upsurge of placement agencies which have become commercial centers and exploit both the women domestic workers as well as the employers. In the absence of any laws and regulation mechanism to monitor them there has been a growing case of violation and exploitation by placement agencies. The tribal women domestic workers suffer from multiple marginalities: gender, informal labor and ethnicity.

Chapter 2

Study Methodology and Framework of the Study

This chapter focuses on the research problem, the research objectives and the methodology used for the study. It also has a frame work for the study of Placement agencies using available literature.

2.1 Research Problem

A large number of tribal women are migrating to Delhi as domestic workers as they are the most sought after labour force. Also urbanization has spurred demand for domestic work in cities. The increasing demand has led to the emergence of middle men who maintain the steady flow of migrant domestic workers from tribal state to metropolitan cities.

It is being perceived in public domain that there has been an upsurge in the number of placement agencies in and around Delhi. These placement agencies have become commercial centers and use devious means in migration and recruitment of tribal domestic women. The placement agents or the middle men have replaced the traditional informal kin networks. Looking at the growing menace, the Delhi government came up with a draft proposal “Delhi Private Placement Agency (Regulation) Bill 2012” to regulate placement agencies. This Bill is still awaited.

Certainly the placement agencies play an important role of intermediation between the employers and domestic workers. Therefore this study intends to critically look at the role and function, administration and governance, the problems and redressal mechanisms followed by the agencies vis-à-vis the employer and the domestic worker.

2.2 Research Objectives

- To map the placement agencies based on their nature and functioning
- To examine the recruitment procedures of the placement agencies
- To study how the placement agencies govern the domestic workers.
- To analyze the views of domestic workers of the role played by placement agencies

- To understand and analyze the perception of the employers and NGOs regarding the role played by placement agencies
- To identify the best practices of the placement agencies
- To propose concrete recommendations to regulate Placement Agencies

2.3 Research Methodology

This research study is based on qualitative and quantitative methods. The study report is based on the findings from four categories of respondents: primarily from placement agencies and since the placement agencies can be better understood opinions of domestic workers and employers have also been incorporated. Information has also been collected from Non –Government Organizations as concerned people working for the rights of domestic workers. Collecting information from all four categories made it possible to understand the complex recruitment process and relationship that exists between the three groups i.e. the employer, the domestic workers and the placement agencies. The purpose of collecting information from both employers and domestic workers who use the services of placement agencies was to perceive how they themselves perceive their relationship with placement agencies.

A desk review of existing secondary resources was undertaken. These included available academic literature, reports and case studies, newspaper articles, resources posted on internet by civil society, NGOs and government policies for unorganized labor and International Labor Organization. The secondary data helped to conceptualize the study and arrive at an understanding of the migration pattern, various problems faced by the tribal women and the growing importance of placement agencies in the recruitment of domestic workers.

The secondary material on placement agency is not substantial. Therefore this research finding is based primarily on the finding and analysis of primary data. The main instruments for data gathering were interview schedules, participatory observation during field visits, Focus Group Discussions and Case Studies. The questionnaire schedule was explorative, informative and analytical.

2.3.1 Identification of Data Sources

The study is aimed to elicit information from registered and unregistered agencies, domestic workers from these agencies, employers and NGOs /Civil society. The preliminary enquiry began with a workshop that was conducted with seventy domestic workers. The purpose of the workshop was to get a feedback from the domestic workers on their understanding of placement agents. Women did role plays on the role and function of placement agencies and their relationship with employers and domestic workers. This helped to frame a research design. The preliminary questionnaire schedule was prepared based on the secondary sources and workshop feedback. It was field tested by conducting a pilot study. For Pilot Study, 3 registered and unregistered placement agencies from North and South Delhi were selected. From each agency two responsible persons were interviewed, making it a total of 12 agents. From each agency three/four domestic workers were interviewed, making a sum total of 20.

The respondents were selected through a snow-ball sampling technique, a good way to reach hidden and hard to reach samples which is evident in case of placement agents. Women domestic workers and their respective organizations helped to locate other placement agencies via a chain referral process.

Pilot study analysis helped to restructure/ rephrase certain questions which were too intrusive and would stump the respondents. Like a direct question, “Do you have an agent who brings women from villages?” This had a negative response and would often alert the agent. Few questions had no response so they were merged for e.g. Response on a straight question on details of contract between domestic workers and placement agencies was negligible so it was spelled out differently by giving many choices/options. Pilot study assisted in cleaning up the questionnaire schedule. It gave more clarity of the field reality.

The selection of field investigators was a precarious issue. This was because of two main reasons: placement agents were miscreants and were reluctant to meet and talk freely about their work. This was experienced during the pilot study. Secondly, most agencies were too busy with their day to day dealings and were not ready to meet, talk or give time. They were also suspicious of investigators. During pilot study it was realized that many owners of agencies were tribal men. Therefore it seemed appointing tribal investigators for field work

especially tribal women investigators would make interaction with agencies and tribal women domestic workers easier; tribal agents would perhaps open up if people with same language and culture were used for communication purpose. They would perhaps also let the domestic workers meet the investigators.

For the purpose of field investigation, Society for the Development of Tribals was given responsibility. They were well equipped to conduct the survey since they had prior experience of collecting data on tribal domestic workers of Delhi. Proper guidance and training were given to the investigators on collection of data, filling forms, questioning and probing so that there was no discrepancy while entering the data in the SPSS. The Questionnaire Schedule was in Hindi.

The names of placement agencies was acquired from NGOs and Organizations working with domestic workers like Domestic Workers Forum, the Report on Tribal women Domestic Workers in Delhi (ISI), internet, newspapers, pamphlets, domestic workers and social network. During data collection it was realized that Organization/ NGOs were nominating people that they knew well which would lead to gathering information on same traits and characteristic and would not give a diverse picture on the entire lot of placement agencies. To avoid this misrepresentation activist women working for rescue and rehabilitation of domestic workers were interviewed and they also helped in gathering information from un-registered placement agencies.

The questionnaire schedule collected general information on the profile of placement agencies and domestic workers: caste/ethnic composition, age, education, income, gender and age. The facilities/services provided by agencies, migration pattern, contract pattern, problems and redress mechanism and awareness level. Since the women domestic workers were mostly illiterate and placement agencies were unwilling to spend much time, the questionnaire was structured and open ended making it simpler and easier for respondents to understand and relate with the questions. The structured questions were used for quantitative analysis.

The response of the employers helped to perceive domestic labour relations and it reiterate the fact that placement agencies were profit ventures. The questionnaire also had an impact

on the employers as they could see the plight of the migrant women domestic workers of which otherwise they were ignorant or had no interest.

Two other important source of information was Focus Group Discussions and Case Studies which captured narratives and incidents that gave additional inputs on the data. Lot of support and information on cases was gathered from the animators of Domestic Workers Forum who were directly working in the field for rescue operations and case settlements. Narratives are simply suggestive evidence that many placement agencies are involved in notorious activities.

2.3.2 Area of Study

The study was carried out in Delhi. The Delhi city has been divided into 5 zones (Delhi Municipal Corporation) as - North, South, East, West and Central. In the present study certain pockets from each area has been covered with a view that placement agencies are in heavy concentration in certain hubs, namely the placement clusters. Some placement agencies from NCR (National Capital region) have also been included.

Map of Delhi Region



Placement Clusters

| | |
|----------------------|------------------------------|
| North Delhi | Pitampura, Sukurpur |
| South Delhi | Kotal Mubrakpur & Zamrudpur |
| East Delhi | Chilla Gaon |
| West Delhi | Punjabi Bagh, Raghuvir Nagar |
| Central Delhi | Karol Bagh |

The reasons why Placement Agency hubs flourish in these areas is that they are surrounded by affluent localities that require domestic helps. These areas are thickly populated, congested urban slums which give space to anonymous individuals who can freely carry out their illegal activities without getting nabbed. The agents can rent out rooms at a cheap rate just between 3000-5000 and keep the women hidden in the congested locality. Even employers seem to be aware that they can get domestic helpers from these localities at a very reasonable rate.

A brief description of Kotla Mubarakpur will give an idea of the other areas which have a similar spatial pattern.

Kotla Mubarakpur Complex was once a medieval village but now is an upscale market place and an urban village which is surrounded by very rich neighborhood of South Extension and Defense Colony. The village Kotla Mubarakpur is dominated by Gurjar.

Kotla Mubarakpur has a huge conglomerate of kachha and pakka multi storied buildings with narrow lanes and by-lanes. It has many shops around of everyday needs, ration, clothes and utensils and mostly caters to the needs of people belonging from low income groups. It is overtly crowded and one can easily lose their way as all lanes look very similar to each other.

The Gurjars are the landlords who own multistory buildings (five to seven floors). Each building has around fifty pigeon-hole type rooms which are given out to individuals at Rs 3000/month. The buildings built in an area of hundred yards there are some fifty families living together sharing bathrooms and toilets built separately for common use. Most of the tenants living in these buildings are migrants and work

as security guards or do petty jobs in offices, hotels. In this steeply overcrowded area there are hundreds of placement agencies

Kotla is a hub for Placement Agencies. There are hundreds of big and small placement agencies registered under “Partnership Deed” thus many sub-agents work independently under one registration number. There seems to be an underlying understanding between the various placement agents although an undercurrent of competition could also be palpitated. The agents in these crowded Kotla areas do not let women workers move freely in the market. As very often these women being new lose their way and are taken away or lured by other agents who are waiting for such opportunity. Each woman is a recurring deposit for these agents therefore all precaution is taken to guard them.

2.3.3 Sample Size

The total no of respondents = 354.

An effort has been made to have a fair representation of male and female representatives in all section except in Domestic Workers category.

Table 2.3.1 Zone-wise Distribution of Placement Agency

| | North Delhi | South Delhi | East Delhi | West Delhi | Central Delhi | NCR | Total |
|---------------------|------------------------|------------------------|-----------------------|-----------------------|--------------------------|------------|--------------|
| Registered | 10 | 10 | 10 | 6 | 8 | 6 | 50 |
| Unregistered | 8 | 14 | 10 | 8 | 10 | 0 | 50 |
| Total | 18 | 24 | 20 | 14 | 18 | 6 | 100 |

1. 2 Placement Agents x 25 Registered and 25 unregistered Placement agencies
=50x2=100
2. 4 domestic workers x 25 registered Placement Agencies =100
3. 4 domestic workers x 25 unregistered Placement Agencies = 100
4. Employers Voices = 26
5. NGOs Voices = 28

2.3.4 Research Variables

| Dependent Variable | Role and function of placement agencies |
|------------------------------------|--|
| Background Variables | <ul style="list-style-type: none"> ➤ Registered / non-registered, ➤ Church/non-Church based, ➤ Tribal/non-Tribal leadership, ➤ Female/male leadership, ➤ Education ➤ Religion. |
| Independent Variables | <ul style="list-style-type: none"> ➤ Migration practices, ➤ Contracts with Employers /Domestic Workers, Criteria for selection of Employers/Domestic Workers, ➤ Facilities provided by Placement Agencies to Domestic Workers, ➤ Problems faced by Domestic Workers from Placement Agencies and Employers, ➤ Redressal practices followed by Placement Agencies with regard to Domestic Workers ➤ Views on Delhi Private Placement Agencies by Placement Agencies. |
| Awareness Related Variables | <ul style="list-style-type: none"> ➤ Awareness of domestic workers rights among domestic workers, ➤ PA and Employers; ➤ Awareness on DPPA by Domestic Workers, Placement Agencies and Employers and NGOs; ➤ Recognition of Best Practices of PA. |

2.3.5 Limitations of the Study

1. It was realized that going around interviewing placement agents was not an easy task especially when the Government was planning to come up with stringent rules on place agencies. Besides there was already a lot of negative media reports about the workings of placement agencies which made approaching them difficult.
2. It was difficult to locate unregistered placement agencies

3. A special care was taken in the framing of the questionnaire which was non- intrusive and open –ended. In spite of this the placement agents were reluctant to divulge with any information. Many interviews were conducted in the agencies premises which stopped women from talking openly about the wrong practices followed by the organizations/ agencies. Besides agents did not let the women domestic workers meet the investigators alone as they feared that she would leak out some information.
4. The main information on placement agencies was gathered from the tribal women domestic workers. Most of them agreed to participate in the interview and fill up the questionnaire.
5. Mostly reached out to women domestic workers who come for Sunday meetings as employers did not allow investigators to meet their domestic workers.

2.4 Developing a Framework to Study Placement Agencies

To understand the dynamics of placement agencies, it necessitates looking into the complexities of the migration pattern.

2.4.1 Understanding Migration

Migration is a result of interaction of macro and micro-factors. Macro-structures refer to large-scale institutional factors that influence migration including the political economy of the world markets, interstate relationships and laws and the established practices of sending and receiving countries. The microstructures influencing migration include informal social networks (e.g., personal relationships, friendships and community ties that are important to a person in the migration process). Some of the causes of migration are

- i. For better economic opportunities and life style
- ii. Employment
- iii. Distress, violence, war, natural disaster
- iv. Family, kinship, marriage.

The classic understanding of migration is the “push-pull” model in which migration is seen as a product of separate and unrelated forces in the society of origin and society of settlement (Lee 1966). In addition the improved communication and internationalization of

capital and labour has made migration a global phenomenon. Subsequently labour migrated from a Least Developed Countries (LDCs) to rich industrialized Western Europe and to Middle East or any rich country.

A similar pattern of migration can be seen at the internal migration within a nation. Again the differential rate of development in different regions of a nation determines the flow of labour. In the Indian context this was seen during the Green Revolution in Punjab which gave rise to demand for cheap and trusted agriculture labour from tribal belt of Jharkhand and the landless labourers from impoverished belts of Uttar Pradesh and Bihar. Similarly the tribals in early 19th century were also imported from Jharkhand, Madhya Pradesh, Orissa and Chhattisgarh to work in tea plantations of Assam. Even in Turkey in 1961 there were migrants from Black sea area who moved to coal mines in western Turkey region. Mobility happens when workers in source areas lack suitable options for employment/livelihood, and there is some expectation of improvement in circumstances through migration. The place that they choose to migrate and the occupation they take depends on number of factors. These factors are characteristics of the migrant workers which include their family, their village and locality, information on the destination, kind of work available at destination and arrangement at the place of destination.

Migration can help to reduce poverty or to halt the slide into poverty. It also helps tighten rural labor markets. These are positive aspects of migration and “migration optimists” say that migration leads to a transfer of investment capital and accelerates the exposure of traditional communities to liberal, rational and democratic ideas, modern knowledge and education. Moreover, the main “positive” effect of migration is the increase in family welfare for migrants and their families (Deshingkar 2009).

However, the understanding of migration has been broadened by also laying emphasis on the social aspects of migration along with the economic impact. The transmission of technology and remittances received by the Least Developed Countries from the Most Developed Countries leads to an economic gain but at the cost of changing its demography, culture, family, religion security, loss of identity, acute shortage of labor as many able bodied men and women migrate while depriving their native areas. Besides, this also creates high dependency ratios in sending areas. Migration pessimists argue that remittances were

mainly spent on conspicuous consumptive” investments (such as houses), and rarely invested in productive enterprises (land, shops, education). This would further reinforce the cycle of increasing dependency. They further argued that migration provokes the withdrawal of human capital and the breakdown of traditional, stable village communities and their economies. This would then lead to the development of passive, non-productive and remittance-dependent communities. Migration has often and “been held responsible for the loss of community solidarity and undermining the socio-cultural integrity of migrant-sending communities (Hayes 1991).

The social network has been the most prevalent medium of migration. For instance, the usage of social network played a crucial role among the Bangladeshi migrants who migrated to Gulf countries in search of domestic work. The return migrants and the sub-agents spread information about opportunities and risks in the country of destination and providing migration assistance and helping in the integration process in the host countries. Relatives/friends or village acquaintances were the sources that informed two thirds of the migrants about the possibility of work and a ‘Bhalo’ visa (one that would yield better work opportunities and higher incomes) at the country of destination. They also purchased visas and sent them through their known recruiting agencies. These social networks were also instrumental in creating flows of irregular migrants who go to a particular place because someone they know is already there or they have a reliable contact to help them with the bureaucracy or with evading immigration authorities (Zeitlyn, 2006: 73).

2.4.2 Emergence of Intermediaries

With growing globalization and urbanization giving way to rising demand for domestic labour and the need to match this, with continuous supply of domestic workers there arose a need for a middleman. The chain migration process could not by itself match the demand of this nature. This was seen in the case of Phillipino domestic workers who had to depend on the placement agency in the absence of any kith or kin in the migrant country. Thus the middlemen play an important of disbursing information about vacant jobs or screening mechanisms that improve worker-job matches.

The general increase in labor migration over the last few decades has also seen the rise of commercial agencies. The broker brings migrant labor from across the skill spectrum, not

just of highly-skilled workers but also of less skilled ones. The recruitment and placement agencies are the core and the center of employment and migration activities. This is especially with the less skilled who often do not have much knowledge of the market or the cost and the risk involved in the job search especially when they migrate to a distant land. These agencies of migration also indirectly decide the kind of occupation that the migrant may take up. Invariably these conduits of migration entice the prospective migrants, providing information about job, transport, place and payment and in some cases also give advance payments and make all kinds of arrangements like transport, place to live etc., to lure them. The selection of the place or work depends on various factors: knowledge of the occupation at the destination, family, arrangement at place of work etc. When the agencies get into a profit maximization objective, they also indulged in forced migration or trafficking.

This was seen in case of recruitment in coal mines in Turkey where the village official and leaders were paid bonuses for recruiting labour and would therefore often resort to forced migration (Elie Kedourie 2013). The phenomenon of trafficking for labor exploitation is importantly played out in the Philippines which have the second highest rate of employment of its citizens abroad. Malaysia and Taiwan are the receiving countries for the Philippine workers who are recruited as factory workers in electronic industry. The employment trends in the industry here are, naturally, driven by production demands and trading activities. In Taiwan and Malaysia, where a growing number of smaller producers are located, employment trends increase contrary to the traditional employment trends wherein the labour moves from a labour abundant area to a labour scarce area. There is a presence of abundant labour in these countries however due to the nature of work which is low skilled low paid, the locals do not usually go for it .Thus explaining the massive movement of foreign workers from poorer neighboring countries in the same low-cost geographies, to fulfill these labor requirements. This huge demand for foreign contract workers consequently raises demand for labor broker services, both in receiving countries like Taiwan and Malaysia, as well as in labor sending countries like the Philippines.

2.4.3 Role, Functions and Governance of Intermediaries

Placement agencies can be both: formal or informal organizations which basically points out at the legal and illegal nature of business operations. The opportunity for legitimate migration businesses lies within official frameworks. The formal status of agencies allows them to work directly with government or other officially recognized institutions. This gives the registered or formal agencies to effectively lobby on behalf of their clientele so as to promote their own business. In this way, these agencies could actually work to expand the access and rights of migrants for employment, entry and their welfare.

However the informal is mostly to do with smuggling of workers and facilitating unauthorized movements and the profitability in circumventing legal channels. Massey (1999: 44-45) characterizes the activities of informal entrepreneurial organizations and institutions as yielding “a black market in migration”. The primary objective of informal sector is to procure profits and therefore indulge in illegal activities. Therefore, many a time’s traffickers and smugglers create processes that are extremely difficult for authorities to detect—so much so that migrants may have very limited knowledge and understanding of the operations that they themselves undergo (IOM 1996).

Broadly, the main function of placement agencies is to oversee the most critical junctures of labour migration channels:

- a) Match employers with prospective migrant workers
- b) Negotiate the terms and conditions of the employer-employee relationship
- c) Balance the power asymmetries between actors that can lead either to a mutually beneficial relationship or to exploitation.

Meagher (2003) in her study, “Friend or Funky: Paid Domestic Workers in the Domestic Placement agencies as Transaction Managers” elucidates the role of placement agencies. The task of placement agency is to screen the workers and match them with householder. They also help workers also face job search costs and agencies help them to find job and provides quit option in unsatisfactory jobs. Placement agency assists each household and worker to negotiate an agreement.

Some of the important functions of agencies are that they link workers with employers, negotiate for the best terms and conditions of employment, provide loan, also have provision

of training and accommodation and counseling facilities to the workers. In addition to these usual functions, the other but less talked about processes: the selection of employers as well as workers; the disciplining of these two sets of clientele; and the identification or creation of new opportunities for further migration to occur is also the responsibility of agencies.

In most of the countries the intermediaries play a vital role in recruitment process but when left unregulated they can do much harm than good. In Middle East, which is completely dependent on the migrant domestic workers from Asian nations, the placement agencies recruit and guide migrants, educate about immigration policies and the difficulties of transit, match employers with workers and provide information about living and working conditions in distant locations. However, their services come at a cost. Fees are at the centre of most recruitment irregularities, with recruiters charging excessive prices, collecting fees too early and may not even issue receipts. For paying the high fees the migrants either take large loans requiring repayment at extremely high interest rates or agree to a salary deduction scheme in which the first 3 to 5 months of salary is held as payment.

Another issue is that due to lack of communication, illiteracy and the employment contracts prepared in another language, some migrants do not understand and don't know their net pay or its real worth and have salary deductions that are legal but not expected. Although the migrants sign a valid legal contract before departure that clearly indicated their expected wage, many migrants still do not receive the wages for which they had signed up and they either get under paid or receive no payment at all. Also the practice of demanding repayment of deployment costs is very common in Middle East which makes migrants vulnerable to exploitation.

Even in Philippines, the employment agencies/brokers are responsible for the often enormous and tedious process of recruiting, processing, and deploying Philippine workers abroad. The Philippine Overseas Employment Administration (POEA) was formed to handle all the aspects of overseas employment. But this has been taken over by the private sector for negotiating the deployment of Overseas Foreign Workers. Ever since the private sector dominated the negotiation process there has been no direct government control over the movement of workers from one nation to another and in the process they are exploited by these private brokers. Only a very few placement agencies follow the regulations. Despite

very explicit legal limits on broker fees, the employment agencies in the Philippines have managed to establish market prices/fees in excess of the legal limits by as much as 700 percent. Workers are promised high wages and opportunities to earn even more from overtime but the mandatory overtime hours are considered as regular hours, and other practices are never fully disclosed.

In Taiwan only single women are recruited by the placement agencies as there is no provision of maternity benefits provided and they are made to sign the contract which states that they would be repatriated in case they get pregnant.

From the cases of Philippines, Taiwan and Gulf Nations it is apparent that placement agencies are necessary evils that we cannot do away with and these agencies play crucial role in labour movement and adaptation. While the work of recruitment and placement agencies is very important to the channeling of domestic workers nationally and internally, the success of the legitimate migration industry is highly dependent upon the official policies of both the sending and receiving states and countries. As Fawcett (1989: 676) points out, the important distinction here is that, “policies enable movement, while the provisions of migrant agencies usually induce migration.” In other words: while public policy creates opportunities for exit and entry, migrant agencies provide the practical means for actualizing and exploiting those opportunities.

2.4.4 Placement Agencies as Commercial Entities

N. Neetha points out that the new middleman amasses a lot of profit as they take commission from both employer and the domestic worker, a cut for their services. For these placement agencies recruitment of domestic workers is for profit maximization which takes an extreme form of trafficking.

It has been seen in the case of Phillipino domestic workers that although recruitment is mostly voluntary, deceptive recruiting practices are prevalent, including false promises related to wages, working conditions and the nature of work, content or legality of employment contract, housing and living conditions, legal status, job location, and so forth (Domestic-Workers-Report-2013).

This is also reflected in International studies as Lyons (2005) which nuanced in detail the role of placement agency in the making of the Indonesian maid. The recruitment agents constantly seek out a 'new blood' to meet the demand for cheap domestic help and that the process of 'making' the maid begins from her home village.

This is further corroborated by Neetha (2009) in her paper, "Contours of Domestic Service: Characteristics, Work Relations and Regulation." She brings out the fact that in recent years there has been a wide expansion of placement agencies in metropolitan centers. The findings of the Centre for Social Research (2011) also points out that an increasing demand for domestic workers in cities like Delhi and the growing need of many women in rural areas for sustainable employment to escape poverty gave impetus to unlicensed and unregistered domestic help agencies to flourish.

Domestic workers come under the most unorganized sectors of workers. The absence of work contract between the employer, employee and placement agency has created undefined standards on wages and work conditions and there is hardly any accountability on the part of the employer, employee or the agency. As shown by the case filed by Kalpana Pandit in the High Court of Delhi case no. W.P (Crl) No 619 of 2009 against the Sahyog Placement Sanstha. The mother was working as domestic workers but fell sick. She was forced to send her daughter to work. But very soon the mother realized that she could not trace the whereabouts of her daughter as the agency had shifted her to a new place of work without any prior notice to her mother. They also tried to evade the responsibility to trace the daughter and tried to mislead that the girl was already missing before the mother filed the case. The above kind of cases where the placement agencies mislead and exploited domestic workers, was so common that the Delhi High Court had to draw the conclusion that the placement agency was relocating the domestic workers for prostitution.

Menon points out that placement agency are like an "octopus". It entangles the girls in its tentacles, with no escape from its clutches. Domestic workers are placed on contract for 11 months and each month employers make payments to the agency directly. After completion of contract if the girl wishes to go back to her native place and asks for her money, the agency refuses and forces her to enter into another contract in a new house in a new area.

The Human Rights Watch reports details how migrant domestic workers can be subjected to exploitation by several actors, starting from recruitment agencies in their own countries and up to policemen in their country of destination if they report abuse. The vulnerability begins at home, where recruitment agencies often provide false information to migrant workers about their future conditions and pay. Agencies usually demand a high fee for securing the work visa, forcing the future workers to go into debt. The burden of debt to the agency makes the domestic worker fearful about reporting abuse and possibly losing their job and being unable to repay the “loan” to the agency. Once a worker arrives to his county of destination, recruitment agencies sometimes substitutes the contracts the woman signed back home with a new contract with poorer conditions. Such case was reported by a Pilipino domestic worker who was deputed in Qatar.

Similarly the Mission for Migrant Workers, Hong Kong (MFMW, Ltd) (2007) reports that many women get trapped in the cycle of debt because of high costs of agency fees. They take loans from financing companies and individuals to pay the agents. Most Filipino domestic workers come to work in Hong Kong through Recruitment Agencies (RA) whose processing fees are very high compared to those who go through Direct Hire mechanism. The domestic worker not only incurs high fees and costs while leaving but is also charged by the Hong Kong agency once employed. The irony is that many women immigrate to improve their economic situation but end up in debt trap.

According to UNIAP (2011) in Malaysia it is difficult and costly for a migrant domestic worker to change employers; not least because agencies levy an additional fee to procure another workplace, plunging the worker into further debt. Consequently, workers experiencing difficulties in their workplaces and/or with their employers may remain where they are, despite ill treatment, until they have repaid their burden of dues.

A project report examined the process through which Cambodian female workers are recruited for the Malaysian domestic labor sector. A large number of women complained that they were threatened and abused by agents. Many found discrepancy between the salary promised by the recruiter and the actual salary. Majority reported that their entire salary was withheld throughout the duration of the contract and were only paid upon completion of the contract, which was violation of Malaysian law. Another key finding was that many did not

understand the contract or the consequences of breaking their contract and had no information on contractual provisions.

Lyons findings illustrate that in Asia there are thousands of licensed and unlicensed employment agencies who are linked through complex transnational recruitment networks. The Scouts in the villages earn a commission from these agencies for each new recruit. In Singapore, approximately 80 per cent of domestic workers are procured through licensed employment agencies and the remainder through informal networks of families and friends.

Lyons further elaborates on how women are being displayed as objects by the placement agencies. “Women are marketed to potential employers through agency shop-fronts, as well as advertisements in local newspapers and via the Web. Maid agencies are generally located in major shopping centers where consumers can easily compare the products of different agents, and where foreign domestic workers can come to make arrangements for transfers or repatriation”. A new trend that is picking up is to paste photographs of the “agent’s product, the potential maid” on agency windows. In many cases the women are directly displayed while standing/sitting in front of or inside the office. He also relates about web-site, a new channel for recruitment and which is unregulated. These web sites provide photographs, bio-data, and give ‘star ratings’ on a range of variables, including looks and appearance (skin color), cleanliness, ability to perform different household tasks, and behaviors/attitudes. Agency web-sites and print advertisements also inform prospective clients about the costs associated with hiring a maid, as well as ‘special deals’, ‘replacement warranties’, and ‘trial offers’. The ‘cyber co- modification’ serves to market the domestic worker “as though she were an inanimate household appliance: she comes in various models, goes on sale, includes a warranty, and can easily be replaced if the customer is not satisfied. The agent aims to produce docile bodies with deferential behavior towards those in authority, including agency staff, government officials and employers. These behaviors are reinforced in the workplace.

Centre for Social Research corroborates the fact that “Agency collects domestic workers’ wages, often withholding all money from recruited girl, claiming that they still owes the agency a placement fee” .According to some estimates, the money involved in such operations is massive and includes registration and salary of women.

There are also agencies which are labour friendly however the apparent trait of most placement agencies which are mostly illegal entities is that they are exploitative. It exploits domestic workers by not paying those wages and keeping them in deplorable condition, physically and sexually abusing them. At the same time they also exploit the employers by charging high registration fee and providing substandard services.

In most cases the agencies operate as clearing houses for information about the availability and quality of jobs to workers and of workers to households. Ideally agencies screen out all bad workers and make the process for both the giver and the receiver cost-effective. Their responsibility lies in not only establishing link between domestic workers and the employer but also to provide quit option in case of unsatisfactory jobs as well as addressing welfare of the domestic workers. Since the sole aim of the agency operators is to abstract rent/ placement fee, they overlook the screening responsibility and in the process exploit both the employer and the worker.

2.4.5 Victimization of Tribal Domestic Workers

The Out Look India.Com (2012) insists that most of the subjugated workforce in India comes from impoverished regions of Jharkhand, Bengal and Chhattisgarh. Hapless girls from the tribal regions are especially in high demand as “Tribal women are simple and innocent and, most importantly without a support structure. So their abuse is rarely reported.” It further points out that often the parents of these girls have no idea where the girls are being taken by the agencies and, being illiterate, they are vulnerable to all sorts of exploitation. Feeding on this vast market is the numerous, obscure placement agencies. Ravi Srivastava (2003) in an overview of migration trends in India, also points to an upcoming trend in which girls from the tribal areas of Madhya Pradesh, Bihar and Orissa are being brought through private recruiting agencies and Christian voluntary organizations to be employed as maids in Delhi households.

The study by N. Neetha (2009) further points out that a large number of unmarried tribal girls are mobilized from tribal areas and are completely dependent on the middlemen since they are new to city, often illiterate and are not well versed with city language or culture. The domestic workers dependence on placement agencies especially on the unregistered agencies has worsened the already exploitative situation of women domestic workers.

Placement agencies in Delhi fall under informal and formal categories which are being managed by both private entrepreneurs as well as voluntary associations however the degree and parameters of formality varies across agencies. Most of these agencies have 10-12 sub - agents who procure women for them from villages. Since there is no law to regulate placement agencies it is a lucrative and safe business. There are no rules or restrictions for setting up a placement agency. A majority of the existing placement agencies are fraudulent by nature. Even Jha in his study elaborates that many placement agencies give a misleading impression as working for tribal women welfare but are often unregistered and run by a non-tribal.

It was further substantiated by the Centre for Social Research that many are fraud agencies and exist only on paper and have no real offices or permanent staff. If there is a complaint or investigation of any kind they just pack up and disappear and then open shop in another place as the demand for domestic workers are very high. The research finding also states,

“Once recruited, women and girls are housed in overcrowded, unhygienic, cell-like rooms, where they sleep and eat on the floor and may face sexual abuse till they find a job”.

Similarly a study conducted by Indian Social Institute states that placement agencies keep these girls in deplorable conditions; 15-20 girls are forced to stay in a small and dingy room and in extremely unhygienic conditions. In the workshop organized by the Indian Social Institute, New Delhi (2005) on 'Migration of Tribal Girls to Urban Centers' held in Kalunga, Sundargarh district (Orissa) nearly 63 per cent of Orissa's migrant tribal girls were from Sundargarh district. Many girls had contracted diseases and succumbed to them since the families were too poor to provide medication.

The finding by Menon says “that at night, the offices of many placement agencies turn into entertainment places for the police and local goons. When the police and the goons are there to support them, who will raise voice against the agencies?”

The impact of migration and exploitative nature of placement agencies has been multiple. It has affected tribal women's family, marriage and her inter-personal relationship. On a similar note Nitya Rao (2011) discusses that over the last two decades there is an increasing migration of adolescent girls as domestic workers in Delhi from Jharkhand. The paper reveals the dilemma and contradictions faced by the domestic workers as she straddles between rural and urban milieu. The tribal women yearn for social mobility and adapt symbols of respectability as defined by the dominant class. In this process they give up their own ethnic identities and adopt symbols of respect of elite, middle-class to gain respectability.

The study conducted by Indian Social Institute (2008) shows that tribal women go through many traumatic experiences because of dislocation- socially, psychologically and culturally. She gets uprooted from tribal culture and ethos but meanwhile picks up new mannerism and behavior from the urban setup and usually ends up being a misfit in both urban and tribal set up. The study talks about the ambiguous status of tribal domestic workers. Migration has social repercussions as many girls were also having difficulty in getting married. It was reported in Orissa that many return migrants were suffering from killer disease and even their family was ostracized as many girls end up being part of the sex-racket. Sexual

exploitation, trafficking of women and sometimes poor health and disease are consequences of such migration through the unregulated placement agencies.

2.4.6 Need to Regulate Placement Agencies

National Platform for domestic Workers under which a number of NGOs and civil society members come are demanding for a Comprehensive Bill for domestic workers. An analysis of labour legislations in India shows that domestic work is not included in the scope of several labour laws because of constraints in the definition of either the 'workman', 'employer' or 'establishment'. The nature of their work, the specificity of the employee-employer relationship, and the workplace being the private household instead of a public place or private establishment, excludes their coverage from the existing laws. Even the placement agencies escape from the ambit of labour laws, because of such definitional issues. To include domestic workers under these laws, definitions need to be amended.

Laws that need such amendments include The Minimum Wages Act 1948, The Maternity Benefit Act 1961, Workmen's Compensation Act 1923, Inter State Migrant Workers Act 1979, Payment of Wages Act 1936, Equal Remuneration Act 1976, Employee's State Insurance Act 1948, Employees Provident Fund Act 1952, and the Payment of Gratuity Act, 1972.

Only an integrated law can regulate the placement agencies and the conditions of domestic work and provide social security. A mere extension of the Shops & Establishments Act, which has been done in Delhi, will not resolve problems of exploitation and abuse faced by the domestic workers.

The National Domestic Workers' Movement (NDWM) who are working with domestic workers, children in domestic work and migrant domestic workers for the past 27 years, across 17 states in India also supports the view of legitimizing both domestic work and the domestic worker at all quarters – state, national as well as international.

2.4.7 Government Efforts

International Labor Office (ILO) 2011 has adopted Domestic Workers Convention in the 100th session of International Labor Conference held at Geneva. The ILO Convention stresses on the need for Regulation of Employment Agencies. ILO recommends the member

countries to ensure that domestic workers recruited or placed by an employment agency (including migrant domestic workers) are effectively protected against abusive practices. Employment agencies shall be qualified and registered enough to disclose the information regarding the domestic work. Government shall conduct regular inspections of employment agencies to ensure the compliance of laws and regulations enacted for the purpose. Accessible compliant mechanisms shall be provided to domestic workers to notify authorities of abusive practices. Government shall ensure that fees charged by the employment agencies are not deducted from the remuneration of domestic workers (Article 17).

Even the government of India has noted that there has been an upsurge of placement agencies, which are managed by private entrepreneurs, voluntary and civil society organizations and/or trade unions for recruitment and placement of domestic workers. The phenomenon of placement agencies mushrooming nationally and violating the rights of vulnerable tribal domestic workers is well noted and The Ministry of Labor and Employment Report (2011) presents the results of the deliberations of the Task Force on Domestic Workers. The report says that it is important to deliberate upon the issue of who is a placement agency and how it needs to be regulated as there are a large number of placement agencies who engage in fraudulent practices, mobilize large number of vulnerable and tribal population for work and also regulate the conditions of work, wages and service agreements with the employer in lieu of commissions.

The panel said that the Shops and Commercial Establishments Act, 1953, should regulate placement agencies. If this is implemented, the agencies will have to maintain records of domestic helps placed, details of employers, wages, mode of payment, working hours, nature of work, and will have to keep them open for scrutiny. The task force has recommended that the Centre direct the states to include domestic helps under state minimum wages act. AP, Bihar, Karnataka, Rajasthan and Dadar and Nagar Haveli have already moved in this regard. In spite of the growing problems faced by the domestic workers by placement agencies the Government has not taken any concrete action to regulate placement agencies and has yet to ratify the ILO Convention on Decent Work for Domestic Work.

To prevent alleged trafficking of women and minors by unregistered and unregulated placement agencies a petition was filed by a Voluntary Organization in the High Court which ordered on immediate registration of placement agencies. In effect, the Delhi Government proposed a legislation on placement agencies, The Delhi Private Placement Agencies (Regulation) Bill, 2012 which says that "No person or private placement agencies shall carry on or commence the business of private placement agency, unless he (/it) holds a license issued under this Act," The draft bill also provides for the appointment of a controlling authority, which would oversee the registration and subsequent functioning of the placement agencies. The authority would also be armed with the power to cancel licenses of an errant agency if it violates the Act.

The draft law says, "Every private placement agency shall maintain a register containing

- a) The names and addresses of the persons managing the private placement agency,
- b) The names and addresses of the persons to whom it had provided the domestic workers,
- c) The names and addresses of the domestic workers deployed by it and
- d) such other particulars as may be prescribed,"

The placement agency will have to issue a photo identity card to a domestic help, employed through it". It also provides that the placement agencies would issue a pass book to every domestic help employed through them. The agencies will have to keep a record of the place and the name of the employer of the domestic help, adding that the details of the "next kin of such a worker" would also be required to be maintained. Further "No placement agency shall charge any fee, by whatsoever name called, from any domestic worker". However this Bill is still awaited.

Keeping all this in view the Indian Social Institute attempts to do an in-depth study on the role , functions and governance of placement agencies detailing the good and the bad aspect of private placement agencies and other registered organizations.

Chapter 3

Profiling of Placement Agencies and Domestic Workers

The profile will give an outline on the nature of Placement Agencies: age, caste/ethnic group, religion, marital status, education and place of origin of agents. It will also give an idea on the size, structure, function, income and expenses of a placement agency. However agencies are not a homogeneous category and the degree of facilities and extended services to domestic workers vary based on the structure of Placement agencies. In the outset it may seem that placement agencies are formal organizations but beside recruitment they perform a range of other informal functions like food and lodging, training, Sunday meetings, social and religious events etc.

This section also has a brief profile of the domestic workers attached with various agencies and their opinion and perception of placement agency. It is important to get domestic workers perspective as they are at the other end of the spectrum: the service users. Domestic workers opinion would help to arrive at an unbiased and deeper understanding of the workings of placement agencies.

The Agencies besides doing recruitment and placement also provides various other facilities and services which gives it a character and orientation. It is also a criterion to differentiate between the good and the bad practices of agencies. To get an overall understanding of the role and function of placement agencies views of employers, NGOs and civil society have also been incorporated. For the purpose of the study an employer can be broadly defined as a person or family that admits into its service a domestic employee. The NGOs comprises of organizations who exclusively work on the rights of domestic workers like Domestic Workers Forum, Cooperatives and Unions like Sahiri Mahila Kamgar Union.

3.1 Profile of Placement Agencies

For the purpose of the study 50 Placement Agencies were interviewed from 5 Zones of Delhi and National Capital Region. From each agency effort has been made to interview two respondents who are involved in the functioning or are caretakers of the agency.

Therefore the analysis is based on the total of hundred respondents from 50 agencies: 25 registered and 25 unregistered. The distribution of agencies across Delhi and NCR region is mentioned below.

Table 3.1 Distribution of Agencies

| Agency | No | Respondent | Valid Percent |
|--------------|-----|------------|---------------|
| Registered | 25 | 50 | 50 |
| Unregistered | 25 | 50 | 50 |
| Total | 100 | 100 | 100 |

Table 3.1a Zone- wise Distribution of Agencies

| Agency | North Delhi | South Delhi | East Delhi | West Delhi | Central Delhi | NCR Noida/Gurgaon | Total |
|--------------|----------------|----------------|---------------|---------------|------------------|----------------------|-------------|
| Registered | 10 20.0 | 10 20.0 | 10 20.0 | 6 12.0 | 8 16.0 | 6 12.0 | 50 100.0 |
| Unregistered | 8 16.0 | 14 28.0 | 10 20.0 | 8 16.0 | 10 20.0 | 0 0.0 | 50 100.0 |

3.1.1 Legal Status of the Agencies

The status of the Agencies is defined by whether it is registered and has a valid registration number and if not then it is deemed to be an unregistered agency. For the purpose of analysis 25 agencies were drawn from registered category who have a legal sanction from appropriate authorities to conduct its activities and 25 which are unregistered yet they carry on with placement activity.

On analyzing the different categories under which the agencies were registered it was found that out of 25 , there were 5 under Society Registration Act 1860 , 2 were Associations

which could be a Trust or a Society or a non- profit Company and a substantially large number, 18 agencies which were registered as “Others” .

On bifurcation of registered agencies registered as “Others” it was found that 12 were registered under “partnership deed” and the rest were registered as bureau, placement agency or as service provider but all under partnership deed.

The law relating to a partnership deed is contained in the Indian Partnership Act, 1932. Under Section 58 of the Act, a firm may be registered at any time (not merely at the time of its formation but subsequently also) by filing an application with the Registrar of Firms of the area in which any place of business of the firm is situated or proposed to be situated.

To open partnership firm for Human Resource consultancy (as many placement agents like to be referred) there is a need of partnership deed. In partnership deed, all the partners will be the owners of the company. Therefore under the umbrella of one head agency there are several sub agencies scattered all around who are supposedly registered yet are as good as being unregistered. The purpose of such registration is merely to give a legal face to their unlawful activities.

Partnership deeds are easy to create. As partnership is a legal agreement between two or more parties to come together for a common economic purpose, partnership deeds are an easy way to combine the partners' skills, resources and expertise and legalize a common business undertaking. The legal requirements of a partnership deed formation are easy to formulate. A partnership may be created by the members of the partnership or drafted out by an attorney. However even the ones registered as Society, Cooperatives or Trusts or Associations treat their registration as permission for recruiting domestic workers.

It should be noted that even among the registered ones, there is no uniformity regarding their registration. Some placement agencies are registered as association, trust or voluntary organization or an NGO all under the Society’s Registration Act.

Under the prevailing situations, the draft bill, Delhi Private Placement Agencies (Regulation) Bill 2012 emphasizing on compulsory license for all placement agencies from the Controlling Authority is perhaps the first step towards regulating the placement agencies.

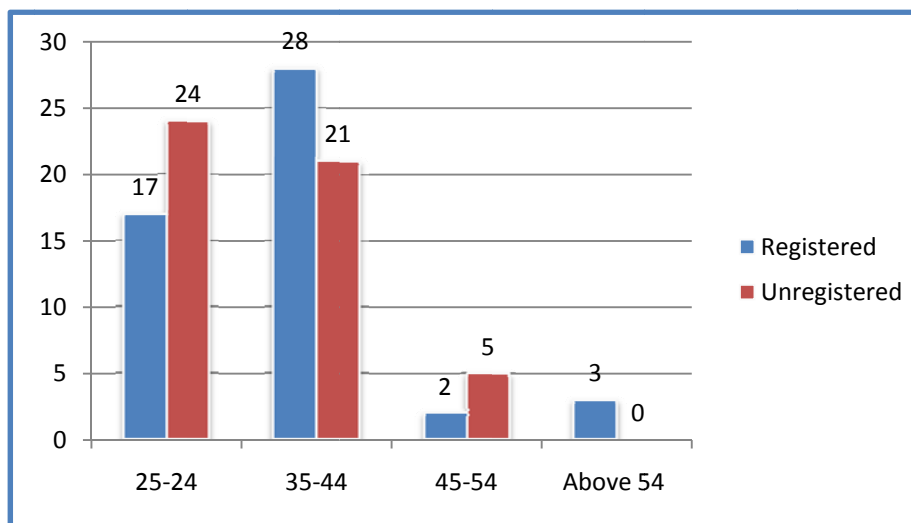
The Delhi Government regulates placement agencies under Delhi Shops and Establishments Act, 1954

However it was reported that there are very few agencies that have got registered under this Act and in the present survey there was not a single agency that was registered under this Act. Attention may be drawn here that there is an urgent need for a unified system of registering all agencies and organizations involved in recruitment and placement of domestic work.

3.1.2 Relationship between Legal Status and Age

The age distribution among registered and unregistered agencies shows that 49 per cent of agents are within 35-44 years age and 41 per cent are in 25-34 years respectively. The data points out that there are younger agents in unregistered agency and more middle aged agents are found in registered agencies, 24 per cent 28 per cent respectively. Around 10 per cent of agencies are being operated by individuals who are 45 years and above. From the data it can be concluded that most agencies are run by agents whose age range between 25- 44, irrespective of their being registered or unregistered.

Figure 3.1.2 Relationship between Legal Status and Age



Given this fact, attention may be drawn while evolving some of the Best Practices for placement agencies whether due emphasis should be laid on the “age” of the placement

agent. Perhaps besides just being a license holder or a registered body, age can be earmarked for an agent who wants to run a placement agency.

3.1.3 Relationship between Legal Status and Gender

The data shows that in both registered and unregistered agencies there is an increasing number of men who are handling and operating placement agencies, 68 per cent in registered and 70 per cent in unregistered outfit.

Figure 3.1.3 Relationship between Legal Status and Gender



On the aspect of gender the data reflects at the existing similarity between the so called legal and illegal agencies. With the changing market economy and the rising demand for domestic workers the placement agencies came into play replacing the traditional network of women centric kith and kin which

facilitated employment of women. It is an irony that although domestic labor predominantly consists of women workforce, their labor is managed and controlled by men in the market who negotiate the price for their labor thereby commodifying women and commercializing domestic work. The compendium of Best Practices should not overlook the gender aspect while managing Placement Agencies.

3.1.4 Relationship between Legal status of Agency & Ethnicity/ Caste

The data reflects that 65 per cent of the agencies have tribal lineage, 33 per cent are from General Category and a very dismal proportion just 2 per cent are from Schedule Caste. The data points out that significant number of placement agency are owned by agents who are from general category and are managing tribal domestic women workers.

Table 3.1.4 Relationship between Legal Status of Agency & Ethnicity/ Caste

Many agencies ascribe to their tribal antecedents by giving tribal names to their agencies like Adivasi Jewan Vikas Sanstha, Ranchi Jharkhand

| Agency | ST | SC | General | Total |
|--------------|------------|----------|------------|-------------|
| Registered | 34 68.0 | 0 0.0 | 16 32.0 | 50 100.0 |
| Unregistered | 31 62.0 | 2 4.0 | 17 34.0 | 50 100.0 |

Placement Services, Ekka Placement or Society for Placement of Tribals. These titles also reflect at the “culture of servitude” which has been ingrained in the psyche of tribals. There is also a high demand for tribal women for domestic work as they are considered laborious and submissive therefore a title like this can attract many prospective employers.

3.1.5 Relationship between Legal Status and Place of Origin

A large number of agents 53 per cent are natives of Jharkhand followed by 24 per cent from Delhi and neighboring states and the rest are from the central tribal belts: Chhattisgarh, Orissa, Madhya Pradesh and Bengal. The presence of a large number of agents from tribal belt is a result of displacement of tribals from their hinterland due to economic policy of intensive development in tribal areas.

Table3.1.5 Relationship between Legal Status and Place of Origin

| | Jharkhand | Chhattisgarh | Orissa | Madhya Pradesh | Bengal | Delhi | Any other | Total |
|--------------|-----------|--------------|--------|----------------|--------|-------|-----------|-------|
| Registered | 29 | 2 | 7 | 0 | 2 | 7 | 3 | 50 |
| Unregistered | 24 | 1 | 5 | 1 | 5 | 4 | 10 | 50 |
| Total | 53.0 | 3.0 | 12.0 | 1.0 | 7.0 | 11.0 | 13.0 | 100.0 |

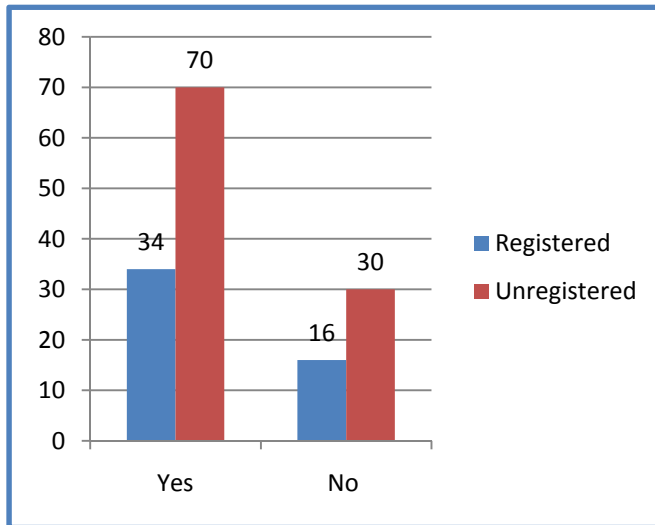
Most tribal placement agencies refer to all non-tribal agents as “Bihari agencies⁵”. The usage of this term is synonymous with outsider-exploiter “dikus”. Tribal agents are quite apprehensive about such agents as they feel that these agencies are most exploitative and misuse simplicity of tribal women.

3.1.6 Relationship between Legal Status and Sub Agents

⁵ Jharkhand only got separated from Bihar on 15 Nov 2000. Since most of the development schemes were in the regions of tribal belt of present Jharkhand many non –tribals from the surrounding areas entered their regions. These outsiders were culturally, socially and economically different and treated tribals as backward and also took advantage of heir simplicity. Therefore the term diku which is in tribal terminology for outsider-exploiter is also used synonymously with the term Bihari.

The data also shows that around 34 per cent of registered agencies and 70 per cent of unregistered agencies employ sub-agents to help them bring women and girls from villages. The percentage is very high amongst unregistered agencies, almost double.

Figure 3.1.6 Relationship between Legal Status and Sub Agents



This indicates that the role and function of a sub-agent in placement agency is very significant especially in unregistered agencies. It is the sub agents who supply women from the tribal villages to the agents in Delhi. The demand and supply flow of domestic workers is maintained by the sub agents. The sub-agent is the life line which leads to profit

enhancement and sustainability.

On asking who is a sub-agent, the answers were varied. Some say that they are somebody who is deployed by the agency; some say they are domestic workers themselves who bring girls for the agency, others say they are relatives or village folks who bring girls for agents and some also say they are free-floating individuals who supply girls to the highest bidder.

It is very important to note that any regulation on Placement Agency will be incomplete if due attention is not paid to the sub-agent category, “the feeder” which remains hidden and obscure. For this there is a need to introspect at the place of origin. In the absence of any law yet to regulate placement agencies, the Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) Act 1979 ⁶should be invoked to regularize the free flow of labour.

⁶ This law provides safeguards for workmen coming as migrants from Distant Areas. The Act is notified and implemented in the State of Delhi. Under this Act, there is compulsory licensing of contractors who employ or who employed five or more inter-state migrant workers on any day in the preceding twelve months. It covers placement agencies and in the absence of a direct legislation to deal with placement agencies for the domestic help, the mechanisms within the act can be used.

3.1.7 Relationship between Legal Status and Religion

Table 3.1.7 Relationship between Legal Status and Religion

On analyzing the relationship between the registered/ unregistered agencies and the religion, it was found that 58 per cent, that is, majority of agencies were Christians and were also registered agencies whereas 40 per cent were Hindus and were mostly unregistered agency and 2 per cent was Sikh and unregistered agency.

| Agency | Hindu | Christian | Sikh | Total |
|--------------|-------|-----------|------|-------|
| Registered | 36.0 | 64.0 | 0.0 | 100.0 |
| Unregistered | 44.0 | 52.0 | 4.0 | 100.0 |

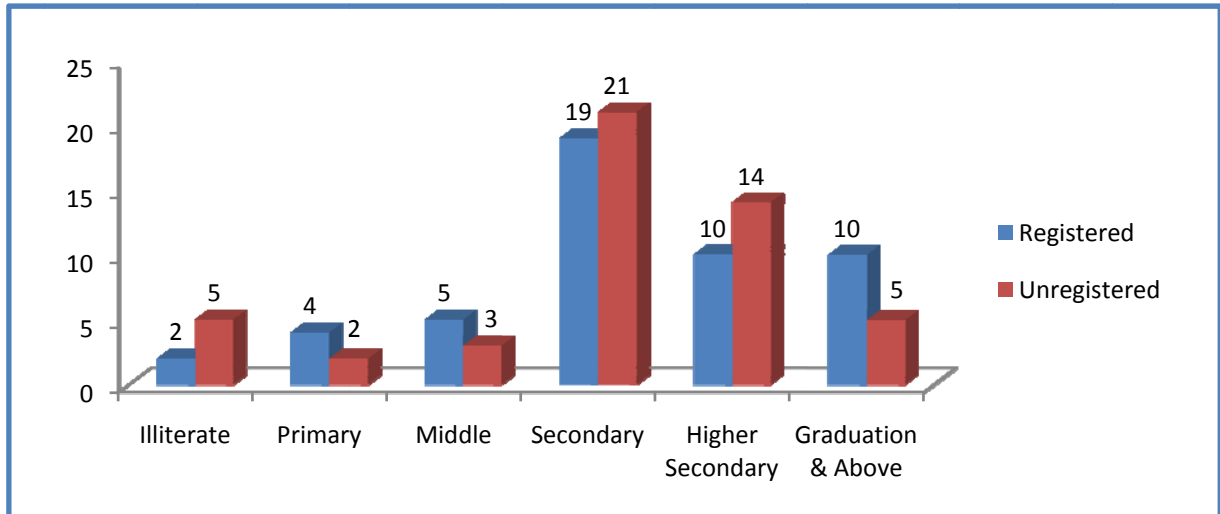
Looking at the data it becomes obvious why some agencies have Christian names like Mother Marium Personal Placement, Jesus and Mary Placement, St. Xavier Domestic Welfare Centre. It is also important to note that Christian names also gives an impression that perhaps the agency is a religious outfit and therefore must be reliable.

The presence of Sikh agent was intriguing as there are no Sikh domestic workers per se. A closer analysis of the Sikh agency showed that it is run in the name of Valia & Sons in Central Delhi. It is an unregistered outfit and is barely four years old but has a total of 100 domestic workers: 90 tribals and 10 are non-tribals. The agency is owned by two partners; both are Sikhs, undereducated and are married. They also have a large support office staff to manage their work, 10 female staff and 1 male staff. As mentioned by them they deploy sub-agents to procure women and girls. The agency seems to be well spread out as it has women from all tribal areas of Jharkhand, Chhattisgarh, Orissa, Bengal and the non tribals from the state of Delhi. It is quiet apparent from the presence of large number of female staff that it is simpler to handle domestic workers with the help of women staff. It is also possible that these women also help in procuring women from villages. The Sikh agency say that their monthly income is just Rs 22000/- and their income and expense is same, thus stating that they do not make any profit. Ironically, they take registration fee of Rs 30000/- from the employers and also take money from domestic workers for their registration, besides keeping their wages. This agency does not spend any money on the skill development or Sunday gathering or festival celebration and is only concerned with recruitment and

placement and profit. The enormity of their business can be understood by the sheer large number of office staff and the number of women⁷.

3.1.8 Relationship between Legal Status and Education

Figure 3.1.8 Relationship between Legal Status and Education



The data reflects that around 40 per cent of agents have education till secondary level, 24 per cent are higher secondary pass and 15 per cent have done graduation. There is not much variation in education level between registered and unregistered agencies. The education of an agent can be kept as one such criterion of best practices for placement agencies which would give dignity and status to Agents work and subsequently to domestic workers.

3.1.9 Relationship between Legal Status and Marital Status

The proportion of married people managing the agencies is very high 89 percent this is irrespective of agencies status. Only 9 per cent have unmarried agents and just 2 percent are divorced or separated. The data demonstrates that agencies are being managed primarily by married agents. There was interesting input from many tribal agencies that many non-tribal men marry tribal women who help in bringing women from their villages. Tribal women are open and uninhibited and often non-tribal misinterpret their openness as wantonness. Often

⁷ With so many staff to manage the agency it is clearly evident that there are many more domestic workers which the agency is not prepared to reveal.

they are lured by the outsiders of marriage and cheated. Because of this unbecoming character of the outsider a bitter schism has developed between the tribal and non-tribal.

3.1.10 Relationship between Legal Status and Income

The data shows that out of the total 50 agencies, 49 per cent have a monthly income ranging 6000-10000. 27 per cent have income ranging between 10001- 15000. 14 per cent of agencies have income ranging from 15001-20000 and 10 per cent is earning over 200001 and above.

The data demonstrates that a large per cent of agencies 76 per cent are small and have fairly average income (6000-15000). Looking at the data it would not be wrong to assume that agencies that are small are having fewer women or that they charge low registration fee from employers. And the larger incomes are generated by the bigger agencies that have more number of women and who also charge a hefty amount as registration fee.

Table 3.1.10a Relationship between Legal status and Income

| Agency | 6000-10000 | 10001-15000 | 15001-20000 | 20001-25000 | Above 25000 | Total |
|--------------|------------|-------------|-------------|-------------|-------------|-------|
| Registered | 40.0 | 32.0 | 16.0 | 4.0 | 8.0 | 100.0 |
| Unregistered | 58.0 | 22.0 | 12.0 | 8.0 | 0.0 | 100.0 |

The data also points out that there is a wide gap in the income of agencies as it is directly related to the number of domestic workers in an agency and the rate of registration fee being charged from employers and the employers. Here the Placement Agency Regulation Bill laying stress on the license fee for placement agency to be fixed on the basis of size of Placement Agency seems reasonable. This will allow many small placement agencies to also go for registration rather than choosing to go underground.

At the same time there is a need to think over on what kind of facilities and services can these small placement agencies provide to domestic workers if their annual income is so little? Besides, the information on income is always subverted especially when it comes to placement agencies that are constantly under scanner. While determining the Best Practices

for Placement agencies, the kind of provision, support and services mandatory for placement agencies should be marked out very clearly.

There was a need to probe further on two placement agencies whose income was shown above 25,000/- per month. This would give an idea on the kind of profit that few large agencies are dealing with. It is important to mention that what has been mentioned by the agency is just a tip of the iceberg.

There were two registered agencies Manju Service Centre in West Delhi and Toppo Placement in North Delhi. Manju Placement Center is registered under partnership deed and has been around for almost 11 years. It is managed by both husband and wife who are from Jharkhand. The wife is from Oraon tribe and husband is a non-tribal, Bihari and both are under educated. Both of them worked as domestic workers before starting their own agency. To run the agency they have 2 people working in the office: man and woman. They have 35 tribal girls, 31 from Jharkhand and 4 from Bengal. The data reflects that there is a close link between the native state of agents and the native state of domestic workers since they are from Jharkhand the presence of women from Jharkhand is more than other regions. It illustrates that agents find bringing domestic workers from their areas easier; perhaps the villagers trust them more. They have 10 women in the age group of 21-25 and 25 who are in the 26-30 age range. They also say that they do not have sub-agents and procurement of women is the most difficult task as it is a very risky business. Their annual expense is 150000 and income is 200000 and the registration fee from employers is 30,000/- And the yearly fees is also 30,000/- Even a simple multiplication of 35 women x 30,000 registration fee = 1,050,000 and if the annual expense of one and a half lakh is deducted there is a net profit of 9 lakhs.

The Toppo Placement is in North Delhi and is just four years old, registered under partnership deed and is managed by two tribal Christian men from Orissa who are married to tribal women. Among the two, one is a graduate. They have 3 men employed to run the agency. They mentioned that they do have sub-agents to help them procure women and these sub-agents are paid for their services. They have 52 tribal girls: 26 from Jharkhand and 26 from Orissa. There are 30 girls who are between 21-25 years, 15 who are between 26-30 and 7 between 31-35 years. Their annual expense is 200000 and income is 300000 thereby

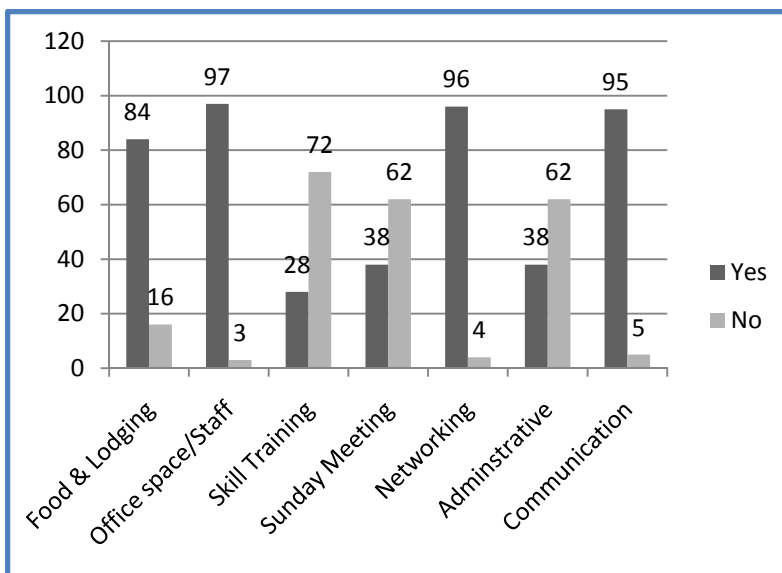
their net profit is just one lakh as per the data. However if the registration fee which is Rs 20,000/ from employers and the yearly fee is also the same amount is taken into account it shows that a basic calculation of registration fee from employers 20000 x 52 girls =10,40,000/- out of which three lakh may be deducted as expenses then 7 lakh forty thousand is their net profit. It is also important to note that agencies also take registration fee from domestic workers which can amount to one month's wages. Also, there are many agencies who keep whole years wages of domestic workers.

Table 3.1.10b Income & Expenditure of Placement Agencies

| | Approximate monthly income of the Agency | Approximate annual expense of the agency (Rs) | Approximate annual income of the agency (Rs) |
|---------|--|---|--|
| Mean | 13,840 | 1,20,900 | 1,43,850 |
| Minimum | 6,000 | 20,000 | 1,00,000 |
| Maximum | 30,000 | 2,50,000 | 3,00,000 |

The table above gives an average annual income and expenditure of the agency. The average annual income is approximately Rs 1,43,850 , minimum is one lakh and maximum is three lakh and average expense is Rs 120900/ . Thus on an average a placement agency makes a profit of approximately two lakhs. The major source of income for placement agencies is the registration money that they receive from employers said 94 percent of the agency.

Figure 3.1.10c Distribution of Expenses of Agencies



The details of the expenses show that agencies spend maximum on food and lodging, office space/staff and in networking and communication. Many new migrants are provided with

hostel accommodation on arrival till the time they get work. Networking and communication is an important component to maintain linkage with employers, migrant women and sub-agents. The data reflects that there is very little spend on skill training or on Sunday meetings where women come and meet and speak of their problems. Not much stress is laid on women's development and welfare. The agencies focus mostly on running the agency there by reflecting at their motive of profit making.

3.1.11 Leadership

Two important questions were raised on the aspect of Leadership: a).Whether women leadership was helpful in managing the agency b) Whether Christian- tribal leadership was helpful.

Out of the 50 agencies, 46 per cent of the agents were not sure on women leadership. This is because majority of the agencies have men playing a dominant role in owning and running the agency therefore were unsure or were not prepared to comment on women heading an agency. However around 36 per cent did agree that women leadership would be helpful since domestic work is primarily a woman's domain. Communication and negotiation is also between women (employers) for women domestic workers) so to have a woman agent is most helpful.

46 per cent agreed that a Christian tribal leadership is of immense help particularly while dealing with Christian tribal women. Tribal women feel at home and gel better by being able to communicate in their own language and being surrounded by people who are from a similar ethnic background. It gives them a sense of belonging and security. In an alien urban environment which treats them as unequal to have someone from back home gives them immense security.

However the two factors (a) Being tribal (b) Being Christian are no guarantee that women domestic workers will not be exploited. Even the tribal agents by being in this trade have acquired urban materialistic culture and are driven by profit even at the cost of exploiting women from their own region ,say some domestic workers whose wages are being kept by tribal agents.

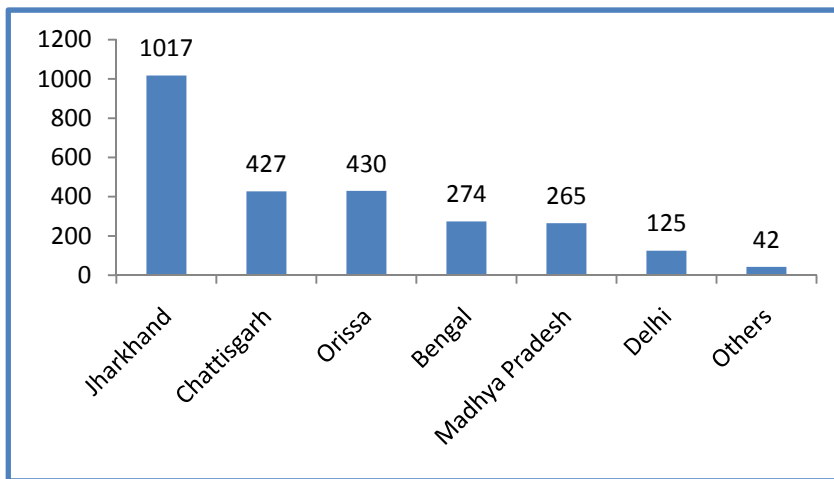
At the same time, it was also reported that Christian –tribal agents have a sense of responsibility and accountability towards their community and Church. The village community back home questions them, the village panchayat back home can also put pressure on their families and therefore these agents are relatively less corrupt and exploitative than others. Perhaps priority should be given to “Tribal-Christian-Women” agents as one of the Best Practices. A large number of respondents who are “unsure” are because a number of agents are non-tribal, non –Christian and are men.

3.1.12 Details of Membership of Domestic workers in Placement Agency

3.1.12a Membership

There are roughly 2580 women domestic workers in 50 agencies as reported. Out of which 597 were non-tribal and 1983 were tribal.

Figure 3.1.12b Native State of members of Agency



A large number of women 1017 that is almost 50 per cent are from Jharkhand followed by Chattisgarh and Orissa. Also as mentioned earlier the native state of most agents 53 percent is Jharkhand signifying

a direct correlation between agent’s state of origin and domestic workers state of origin.

Table 3.1.12c Age-wise distribution of members

| Age group | No | Percent |
|--------------|-----|---------|
| Less than 20 | 315 | 12.2 |
| 21-25 | 824 | 31.9 |

| | | |
|--------------|------|------|
| 26-30 | 673 | 26.1 |
| 31-35 | 381 | 14.8 |
| 36-40 | 221 | 8.6 |
| 41 and above | 166 | 6.4 |
| Total | 2580 | 100 |

The data reflects that 31.9 per cent of domestic workers in the agency fall in the age group of 21-25 followed by 26 per cent in 26-30.

3.1.13 Administrative Functions

The placement agencies perform multiple functions. Amongst all its various functions, the registration of employers and of domestic workers and their record maintenance is the most fundamental work. 93 per cent of the agencies said that they do registration of employers and domestic workers and 90 per cent also maintain record of the employers. However, only 80 per cent of agencies say that they keep record of the domestic workers. Just 32 per cent have Sunday meetings signifying that many domestic workers do not get Sunday off and only 46 per cent of the agents say that they verify domestic workers workplace.

The functions that placement agencies find extremely difficult and around 57 per cent of the respondent categorically mentioned was a) Inviting or acquiring new girls/women from villages. For each placement agencies sustenance and survival is primarily dependent on the new women joining their organization.

The second difficult task for agencies is to resolve dispute between the employer and domestic worker. This is an important and additional service that placement agencies provide. Besides being a recruitment agent it also plays the role of an arbitrator especially when there is no specific law to deal with the problem of the domestic worker in terms of minimum wages, social security or labour laws. Most agents say that it is very difficult to resolve problems between the employer and domestic workers. Many domestic workers do not like to go back to a difficult household and to give replacement is not easy when there is

already dearth of women⁸. It is also very difficult to satisfy employers and also equally difficult to convince an afflicted domestic worker. Both are adamant and sometimes the agents act as a non-participant spectator.

Most of the agencies say that they have no way to invite girls as they do not have a system of bringing or forcing girls to migrate. In other words they do not have sub-agents or providers operating clandestinely. Although our data on sub-agents illustrates otherwise that there are 35 agencies that use sub-agents. The other problem that the agent faces is organizing functions for the domestic worker many say that organizing such functions is an expensive affair and getting leave from employers is a very difficult task. Organizing these tribal gathering or religious functions help women to be in touch with their culture, people and practices and gives them a sense of community' We'' feeling. It also gives them a break from their daily drudgery and they also get an opportunity for leisure and enjoyment.

3.1.14 Conclusion

The analysis of the profile of placement agencies points out that the difference between legal and illegal agencies is not very significant, the foremost reason being that there is no compulsion on registration and also there is no uniform system of registration for placement agency.

Broadly Agencies can be divided as Registered and Unregistered agencies but on the basis of the findings the agencies can be further sub-divided as Christian Tribal agencies, Welfare Societies, missionary affiliated agencies, NGOs, cooperatives. According to the data the most prevalent system of registration followed by agencies is the partnership deed.

It is also apparent from the data that agencies are largely monitored by men irrespective of their being registered or unregistered. A large number of agencies are run by tribal Christian men.

There is a direct correlation between the native state of agent and domestic workers. The number of agents from Jharkhand and the number of domestic workers from the same state is quite high. And a large number of agents have education till higher secondary. The data

⁸ Placement agencies prefer to place women with new employer as they get a registration fee rather than sending them for replacement for which they get no money.

also reflects that most of the agencies are run by agents whose age range between 25- 44 irrespective of their being registered or unregistered.

It is also clear from the above analysis that these 50 agencies having approximately 2580 women at their disposal and 77 per cent of women are tribal 32 per cent are in the age group ranging from 21-25.

Agencies also have administrative functions which are limited to registration and record maintenance of employers and domestic workers. There are also many agencies that are not keen on training, skill development, Sunday meetings etc. that would lead to development and welfare of domestic workers. This very clearly signifies that agencies are only interested in making profit.

3.2 Profile of Domestic Workers from Agencies

The present study has taken 4 tribal domestic workers from each Placement Agency (25 registered and 25 Unregistered) making a total of 200 domestic workers: 100 from Registered & Unregistered agencies each. For the purpose of analyses the percentage and numbers have been deciphered accordingly.

3.2.1 Native state

The study portrays that 76.50 per cent of women from the selected agencies were from Jharkhand followed by 14 per cent from Orissa and 5 per cent from Chhattisgarh. This corroborates the fact that there is a correlation between the native state of Agent and that of domestic workers.

Table 3.2.1 Distribution of Native State of Domestic Workers

| Legal Status | Jharkhand | Chhattisgarh | Orissa | Madhya Pradesh | Bengal | Total |
|--------------|-----------|--------------|--------|----------------|--------|-------|
| Registered | 79 | 2 | 16 | 0 | 3 | 100 |
| Unregistered | 74 | 8 | 12 | 2 | 4 | 100 |

3.2.2 Ethnic group

The tribal women are from four different ethnic groups. Out of 200 women the Kharia women constitute the largest component 40.50 per cent followed by Oraon 37 per cent and then Munda 18.50 per cent. There were just 4 percent who belonged to Santali and other minor tribal groups

3.2.3 Marital Status

Out of the 200 domestic women in the sample 65.50 per cent were unmarried reflecting that domestic work is being carried out primarily by single women. Around 30.50 per cent were married and a tiny component 3.50 per cent were either divorced or separated.

3.2.4 Education

The data reflects that 28 per cent women have secondary education and 24 per cent have done schooling till Middle school and a very large chunk 64 percent are illiterate or half educated and it is this section which dominates the domestic labour sector. However it would also be incorrect to generalize that women domestic workers are illiterate. There is a need to make a clearer distinction between illiterate, undereducated and educated amongst the domestic workers.

Attention may be drawn towards women who have passed class 10th and above and this section should be given due encouragement for vocational, professional or technical skills for better employment opportunities and income especially when the government has provision of reservation for tribal community. There is a need for intervention and placement agencies can be guided to promote alternate skills and training facilities to women who are educated.

Recently a special one year course has been prepared for empowering domestic workers to overcome day to day professional hassles that they often face due to lack of education. The Vidarbha Domestic Servants Union and Nashik District Domestic Servants Union joined hands with YCMOU (Yashwantrao Chavan Maharashtra Open University) for helping domestic workers pursue this course. The course will be offered at the YCMOU centres in Nashik, Nagpur, Mumbai and Hingoli to domestic workers above 18 years of age and having basic reading and writing skills. Many such efforts should be taken at National level to help domestic workers.

Table 3.2.4 Distribution of Education Status of Women Domestic Workers

| Agency | Illiterate | Primary | Middle | Secondary | Higher Secondary | Graduation & above |
|--------------|------------|---------|--------|-----------|---------------------|-----------------------|
| Registered | 31.0 | 9.0 | 25.0 | 28.0 | 4.0 | 3.0 |
| Unregistered | 26.0 | 14.0 | 23.0 | 28.0 | 8.0 | 1.0 |

3.2.5 Age

The data reflects that 18.50 per cent of women are between 21-25 years of age and approximately 53 per cent are in 26-30 years age range, 10.5 per cent are in 31-35 years and 18 percent in 36 and above. The data reflects that majority of the women are from 26-30 years age group however there were no indication of girls below eighteen which also makes one think if it was done purposely to avoid any undue inquiry⁹. The other important indication is that there are also a substantial number of women above 36 years who are also engaged in domestic work which suggests that although there is high demand for younger girls there is also opportunities for middle aged women to find work as domestic workers. It also points that perhaps these women constituting 18 percent started young but have continued with this work with no change of occupation. There is not much difference between registered and unregistered agencies in terms of enrolment of young women. However there is higher enrolment in unregistered agencies of younger (21-25) age group 23 per cent than in registered which are just 14 percent .This indicates that the unregistered agencies are more active in acquiring and enrolling younger women in their agencies.

Table 3.2.5 Age –wise Distribution of Domestic Workers

| | | 21-25 | 26-30 | 31-35 | 36-40 | 41 and above |
|------------|-------|-------|-------|-------|-------|--------------|
| Registered | count | 14 | 52 | 14 | 10 | 10 |
| | % | 14.0 | 52.0 | 14.0 | 10.0 | 10.0 |

⁹ The juvenile Justice Act and the latest Act on protection of children against sexual offences bars anyone from employing minor, below 18

| | | | | | | |
|--------------|-------|------|------|------|-----|-----|
| Unregistered | count | 23 | 54 | 7 | 8 | 8 |
| | % | 23.0 | 54.0 | 7.0 | 8.0 | 8.0 |
| Total | count | 37 | 106 | 21 | 18 | 18 |
| | % | 18.5 | 53.0 | 10.5 | 9.0 | 9.0 |

3.2.6 Age and Marriage

The age and marriage cross table shows that 65.50 per cent women are single out of which 34 per cent belong to 26-30 age group and 16.5 percent of unmarried single girls are in the age group of 21-25. The married women comprise 33.50 per cent of the data and are in 26-30 age range. The data signifies that a large domestic labour force is in the age group of 21-30 who are also mostly single unmarried women.

3.2.7 Religious Affiliation

Table 3.2.7 Distribution of Domestic Workers by Religion

| Agency | Hindu | Christian | Tribal (sarna) | Total |
|--------------|-------|-----------|----------------|-------|
| Registered | 2.00 | 70.0 | 28.0 | 100.0 |
| Unregistered | 7.00 | 76.0 | 17.0 | 100.0 |
| Total (%) | 4.50 | 73.0 | 22.50 | 100.0 |

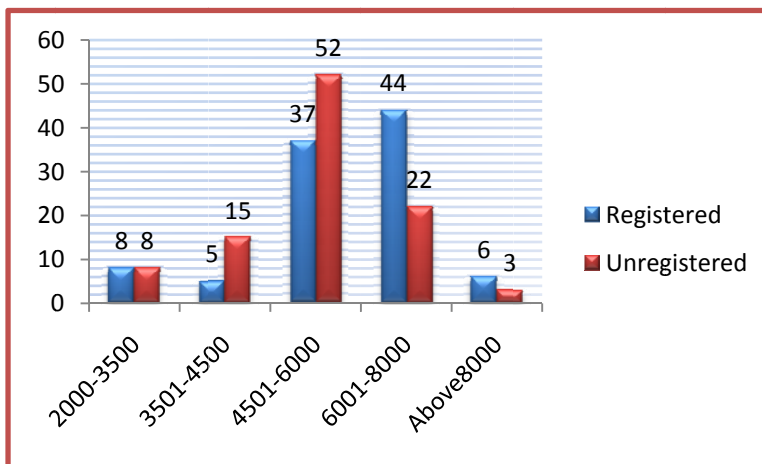
Out of 200 domestic workers 73 per cent of tribal women domestic workers are Christians and 22.5 per cent follow tribal belief system (sarna). Amongst, the sarna, 14 per cent are in registered agencies. This signifies that most

of the domestic workers are from Christian denomination. When referring to tribal domestic workers it has always been assumed that they are all Christians but a fine line of separation is emerging with the Sarna tribal religious groups joining in too. It is also important to note that the Sarna tribal practitioners are neither Christians nor Hindus and have their own faith but with migration they are losing their own individual identity.

3.2.8 Wages of Domestic Worker

The average wage of the domestic workers is around Rs 5886/- the minimum is Rs 2000/- and maximum is Rs 12000/- The gap between the minimum and maximum is immense reflecting at the unequal distribution of wages, discrimination and exploitation. It is an important indicator of a dire need for fixing minimum wages of domestic workers.

Figure 3.2.8a Distribution of Wages of Domestic Workers



A detailed distribution shows that out of 200 women 22 per cent are in registered agencies and get salary between 6001-8000 and 26 per cent in unregistered agencies get a salary between 4501-6000. The data shows that on an average the registered

agencies have a better mechanism to negotiate for better wages. This is one of the most important contributions of registered agencies and one of the best indicators of best practices of Placement agency.

While fixing minimum wages for domestic workers the greatest dilemma faced is whether to call domestic work a skilled work or an unskilled work as the wages directly depends on this basic division. In such case years of experience can be taken for defining a skilled worker as she gets hands on training and a time period can be fixed to ascertain her skill, the specific tasks can also signify criteria for a skilled work- like cooking, baby care or taking care of sick and old.

A cross tabulation between age and wages show that 23 per cent of total women in the age range of 26-30 receive salary between 4501-6000 and 16.5 percent in the same age range receive wages between 6001-8000. The data indicates that there is no specific criterion for fixing the wages of domestic workers and this is an average income of most domestic workers. This also signifies that the wages of the domestic workers is dependent on the negotiation ability of the placement agent. However this depends on the intent of the placement agency which is also concerned about the domestic workers well being and not just about maximizing its own profit.

Table 3.2.8b Relationship between Wage and Age

| Wages | 21-25 | 26-30 | 31-35 | 36-40 | 41 & Above | Total |
|------------|-------|-------|-------|-------|------------|-------|
| 2000-3500 | 7 | 1 | 2 | 1 | 5 | 16 |
| 3501-4500 | 6 | 10 | 2 | 1 | 1 | 20 |
| 4501-6000 | 15 | 56 | 5 | 3 | 10 | 89 |
| 6001-8000 | 7 | 33 | 12 | 12 | 2 | 66 |
| Above 8000 | 2 | 6 | 0 | 1 | 0 | 9 |

3.2.9 Perception of Domestic Workers of Placement Agencies

In this study effort was made to grasp the understanding and perception of domestic workers about their agencies.

3.2.9a Head of the Agency

As per the domestic workers 74 per cent of the agencies were managed by the tribal's and their proportions in both registered and unregistered agencies were equally distributed. The non-tribals constituted 24.10 percent out of which almost half (13 per cent) belonged to unregistered category. The percent of mixed agency was insignificant 2 per cent.

03.2.9b Gender of Head of Agency

Overall the data reflects that 54.50 per cent of domestic workers say that men head the agencies and 40.10 per cent say that they have female headed agencies. However in registered agencies the numbers of female heads were more 24.50 per cent compared to unregistered agencies which had 17 per cent. The presence of male heads was more in unregistered agencies 29.50 per cent compared to 25 per cent in registered. Also the proportion of both male and female conjointly heading the agency was only 4 per cent and were unregistered agencies. The data indicates at the direct correlation between unregistered agency and male head. This can be an important indicator for evolving Best practices by giving special privileges/ preferences to women however the only fear is that it may lead to women as proxy heads.

3.2.9c Manger of the Agency

Table 3.2.9c Manger of the Agency

| Agency | Only male | Only female | Both | Total |
|--------------|-----------|-------------|------|-------|
| Registered | 40 | 14 | 46 | 100 |
| Unregistered | 35 | 7 | 58 | 100 |

On analyzing who actually runs or manages the agency the data reflects that a majority of placement agencies are run conjointly by both male and female irrespective of legal or illegal status of the agency, 23 per cent in registered and 29 per cent in unregistered agencies. This is followed by agencies that are run only by men 20 per cent in registered and

17.50 per cent in unregistered agencies. The data reflects that men play an important role in managing the agencies whether owned by them or held jointly along with women.

An all female managed agency is just 10.50 per cent. It would not be wrong to analyze that men head the agencies and also run the agencies and therefore have a major say in all decision making.

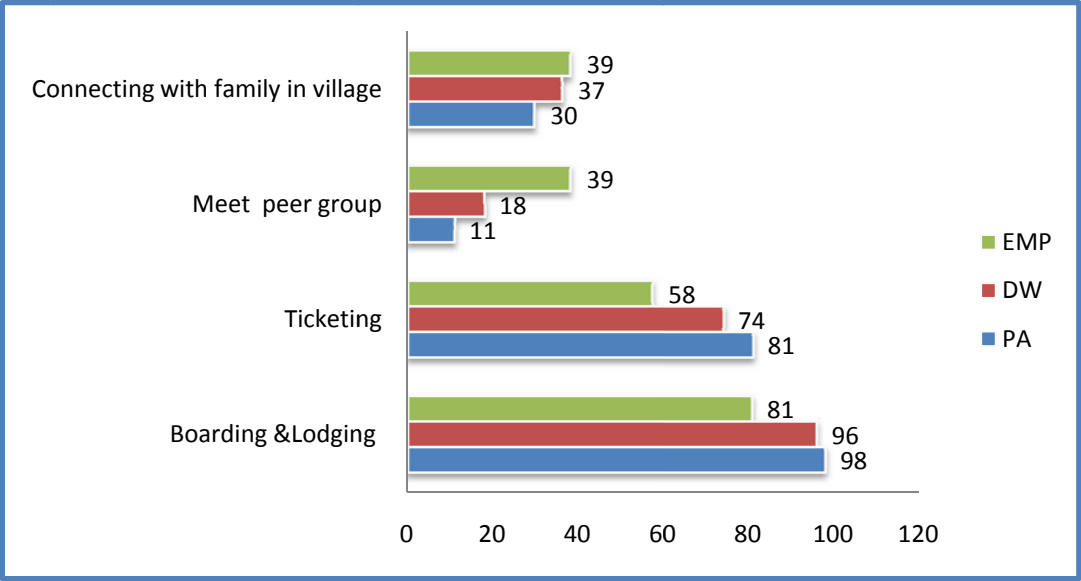
3.2.10 Conclusion

The majority of domestic workers in the study are from Jharkhand 76.50 per cent. A large number of women 40.50 per cent are Kharia, 37 per cent are Oraon and 18.5 per cent are from Munda tribe. Most of the domestic workers in the agencies are single Christian tribal girls, 65 per cent and their age ranges from 26-30. Around 28.5 per cent amongst them are illiterate, 28 per cent have passed secondary school level and 24 per cent have education till middle school.

There is a wide gap in the average wages of the domestic worker which ranges between Rs 2000 to 12000. In the absence of any law on minimum wages these domestic workers depend on the negotiation ability of placement agencies for fixing their wages. A good agency will always try to negotiate for acquiring an appropriate wage for the domestic workers besides thinking of its own profit.

As per the women domestic workers, agencies are run by male agents: 54 per cent of the agencies are run by tribal men and 24 per cent is run by non-tribal men. The presence of women head is more in registered agencies. Therefore agencies are predominantly male enterprises.

3.3 Facilities and Services provided by Placement Agencies



3.3.1 Boarding and Lodging

Amongst the various other services provided by placement agencies the data illustrates that 98 per cent agencies have provision of boarding and lodging which signifies that this is one of the most basic and the most important service that all agencies provide, however big or small. Almost 96 per cent of domestic workers and 81 per cent of employers had a similar view. The employers say since there is hostel facility it is easier to leave the girls with the agency while going out on a longer vacation, “We just have to pay 100 -150 per day for the hostel”.

A roof over your head in a city like Delhi is of great help for women coming from villages looking for work. This provision also makes the migrant women less dependent on relatives or friends as they can directly come to stay with the agency¹⁰. Many women also make use of this facility when they are looking for a change of job or when they fall sick. It was also reported by many domestic workers that even when they are brought by friends and neighbors they are dropped in the hostel which gives them place to stay till they find work.

On the question of the kind of Boarding and lodging facilities the 68 per cent of agencies, 72 per cent of domestic workers, 54 per cent of employers report of having one room with toilet and kitchen facilities. On the charges for the hostel and food facility 80 per cent of domestic workers and 81 per cent of Placement agencies reported that they are charged Rs 100 per day.

This signifies that most agencies try to accommodate all their women in one room. Therefore it will not be wrong to point out that hostels are over-crowded and unhygienic. The status of migrant tribal women domestics can be assessed by the standard of basic facilities that the agent provides them. It also points out that most agencies are not prepared to spend any money on providing decent hostel accommodation for their domestic workers.

The pathetic condition of hostel accommodation was also reported in the study conducted by Indian Social Institute (2008) which says that placement agencies keep girls in deplorable conditions; 15-20 girls are forced to stay in a small and dingy room and in an extremely unhygienic condition. The research finding of Centre for Social Research states, “Once

¹⁰ Earlier women depended on kith and kin to migrate and stay which is now being replaced with placement agency as it also has a provision of board and lodging

recruited, women and girls are housed in overcrowded, unhygienic, cell-like rooms, where they sleep and eat on the floor and may face sexual abuse till they find a job.

In Kotla Mubarakpur, region there are numerous agencies operating. A tiny agency (Dev Agency) with 10-15 women at their disposal operates from a tiny, one room set-up which is office cum hostel for women and is also home for the agent. In a room at a time two-three women are huddled together with their small bag of clothes stashed in a corner. The room has single cot and a steel cupboard, pictures of “Jesus and Mary” stuck on the wall. There is no window for cross ventilation. There is a bathroom and toilet for common use of 5-7 families living on the floor. On asking the Nepali agent and his tribal wife, they said, “we live like a family and very rarely do they have more than a girl or two, at a time as they do not have a long waiting period.” The rent is just 3000/- They do not charge any fee from the women for the hostel facility. The tribal wife of the agent further added that she too was a domestic worker and had faced stay problems.

I was very young when I came and had no idea of a big city. I came with my neighbour from the village that left me with Durga Agency. The agent would just send me from one house to another. There was no one to take care when I was sick as the agent had no place to put us up. I was left to languish at my employer’s house. I don’t want my other tribal sisters to face similar problems. I bring girls from my village and I am answerable to my community. I cannot go back to my village otherwise. There are lots of bad agents especially the non-tribals agents but we cannot say anything to them, they are very big and powerful, we live under their shadow. Another thing is that many of our tribal girls also want to go to these “Bihari” men. I wonder why? The husband butted in and said they give false promise of love and marriage and the girls believe it. Girls are not aware of these men being married and having wives back in their village.

In the same locality there is another very big agency Neha Placement Services. It has some 100 to 150 girls as per the information. It is run by an educated, English conversant, smart tribal man and his tribal wife who worked as a nurse before the start of their agency. The office has two big spacious rooms. It has some 4-5 staff working. The inner office is for the Managing Director and has a computer and telephone and the outside office is for other staff and for domestic workers to sit and meet their prospective employers. There are lot of photographs displayed on the wall of various cultural festivals; karma festival and Christmas gathering portraying hundreds of tribal women dancing. Some photographs were of tribal

dignitaries who attended their festivals like Ram Dayal Munda and other political dignitaries. The girls are put up, away from the office. There are three rooms that have been kept aside which are dark and dingy as there is no ventilation. It has shelves to keep clothes, attached bathroom and a toilet, a tiny kitchen with gas connection. The girls are kept locked inside and are not allowed to meet anyone.

Jyotna Lakra, a social activist, visited Delhi to see for herself the condition of the migrant tribal girls. She visited placement agencies at Kotla Mubarakpur, Punjabi Bagh and Vikaspuri. She reported that the girls lived in extremely deplorable conditions before employment; 15-20 girls were forced to stay in a small and dingy room in extremely unhygienic conditions (Jha, Vikas, 2005).

There is a stark difference between agencies registered as NGOs and commercial agencies. It is apparent from the kind of accommodation facility that is being provided to women. The accommodation of Adivasi Jevan Vikas Sanstha is in up market Siddharth Extension in South Delhi area. It is a DDA flat with some five spacious rooms. There are two big tiled bathrooms and toilets, TV, separate kitchen and gas connection and a telephone. There are enormous racks for women to keep their luggage and huge water tanks so that there is no shortage of water. Women are free to move around and are charged Rs 70/per day for food and accommodation.

3.3.2 Ticket Booking

The other service that a placement agency provides is booking train tickets for women when they are going home for holidays. This is an important function of agency as it takes care of women's safety and security especially of young women who are new. 81 per cent of agency provide this facility, 71 per cent of domestic workers and 58 per cent of employers also support this view. However just 14 per cent of NGOs agree that agencies have such services. They are of the opinion that the agencies have no such provision and the girls do their own booking or the employers do it for them. This may perhaps be true for many senior domestic workers who have become independent and experienced over the years.

The agency also makes it a point that the girls travel in groups and many times there is an accomplice to drop women back home especially when the girls are new and are first time travelers. Most of the tribal women have never travelled beyond their villages and have no

idea of train. Being ignorant, uneducated and first time travelers it is imperative to escort them. On the hindsight, the agency is able to keep a track on women's movement and is guarded about not losing its women.

3.3.3 Connecting with Family

The response on placement agencies "helping to connect with the family" was below average. Just 30 per cent of placement agencies, 37 per cent of domestic workers and 39 per cent of employers say that placement agencies help connecting domestic workers with their families in villages. This signifies that very few placement agencies help domestic workers to connect with their families. This is probably because they do not want the families to know about their adverse working condition and the demand to send their women back. At the same time it also signifies that women are independent and do not rely on the agencies. There are many stories of women who have gone missing and have never returned to their villages.

3.3.4 Support in Financial Transaction

The other set of facilities are to negotiate for decent salary, facility of sending remittance home and facilitating opening Bank A/C and other monetary transactions.

3.3.4a Acquiring Decent Wages

Just 34 per cent of agencies and 39 per cent of domestic workers say that agencies are able to acquire good salary for women. In contrast, 65 per cent of employers say that they get a high wages, illustrating that domestic worker are drawing fairly good wages. The employer is perhaps including total cost to the employers for hiring a domestic worker: registration fee, food & clothing and other fringe benefits as the net wages of domestic workers.

3.3.4b Bank Account

Only 19 per cent of agencies seem to be involved with monetary transaction and in opening bank accounts. Opening account is a difficult task as it requires proof of residence or pan card, Aadhar card and most women do not have these documents as they are migrants. Beside many agencies keep the wages of women and are also not in favor of opening an account for the women.

3.3.4c Sending Money Home

The answer for sending money to village is just 2 per cent from Placement Agency but the domestic Workers were quite forth right and 34 per cent said that they depend on placement agency for sending money home. This is an important support that placement agencies provide but how fair and transparent they are in their dealings is questionable. And therefore the agencies are not prepared to admit that they deal with any monetary transactions although a fraction of domestic workers do depend on them for sending money home.

However the agencies which have Bank Accounts are more transparent and systematic in their transactions. A lot of stress is being laid on opening a bank account for domestic workers in the Private Placement Agency (Regulation) Bill. It is a crucial and an important intervention therefore a process needs to be evolved for a simpler procedure of opening account for domestic workers and some training to be imparted to understand banking process. Perhaps it can be done with the help of employers who are responsible for paying the wages for the services provided by domestic helpers.

In the FGD it came out very clearly from the women of registered agencies that recently they have all been able to open their own Account in the Bank as they have a proper address and an Identity Card provided by the Agency.

Another group of women from a non-registered agency said that they have no account in Bank and keep cash with them and send money home with the help of their employers by Money order or directly transfer it in their account in the village. However many also told that they opened A/C with the help of their employers electricity bill, as an address proof. Many go to deposit the bill and make a copy and use it. Employers do not cooperate in giving address proof.

Another Registered Agency had a very smart way of getting address proof and say that it has worked for them. A Post Card from the Organization or from the village was sent to the domestic woman working place with the employers name and address. This post card is supposed to be a government document for address proof and has helped to open accounts.

3.3.5 Medical Aid/Legal Aid / Training

The other added service is medical facility said 96 per cent of agencies and domestic workers, 96 per cent of employers. The domestic workers say that they bear medical expenses but the agency keeps them in the hostel to recuperate and shows them to a doctor. Extension of RSBY (Rashtriya Swasth Bima Yojna) for domestic workers is an important move by the various state governments. It is also an indirect step is to also rope in domestic workers from unregistered agencies say the policy makers.

Only 29 per cent of domestic workers say that they get some kind of legal support from agencies in case there is a report of theft against them in police. The dismal response on legal aid is because most agencies are themselves illegal.

On giving training to domestic workers, 35 per cent of agencies say that they do prepare women before their employment although only 13 per cent of women are of the view that women get some training or exposure.

It seems that most of the facilities that the placement agencies provide are primarily to expand and support their own business, lodging or ticketing rather than for the welfare of women. And in contrast 25 per cent of NGOs very vehemently pointed out that placement agency provide no facility except for boarding and lodging.

3.3.6 Attrition rate in Placement Agencies

Many women are leaving placement agencies. Out of the many reasons, the three most important reasons specified were: 1) stringent Rules and Regulation 2) Better Wages in other agencies and 3) Women returning to villages.

On asking many placement agencies told that women are not prepared to pay registration fee or for their food and lodging. Many women also do not like to come for Sunday meetings for which they have to pay some 50 or hundred odd rupees. Agencies say that it is very difficult to maintain a hostel which is on rent if women are not prepared to pay for food and lodging or a monthly membership fee. Funding is a challenge for domestic workers agencies seeking to run safe homes.

Many agencies during FDG reported about an emerging trend where many domestic workers in connivance with the employers are by passing placement agencies and are managing to find work on their own. The employers lure women with more money and

fringe benefits so that they can save on high registration fee that they pay to agencies. These women go home and bring girls for madam's friend or relatives. Also such workers loose on certain entitlements which are conveyed by agencies. These women are given few hundred's for this services. The girls who leave agencies cannot bargain for raise, holiday or anything and are stuck in one home .In such situation the employer becomes the lord and the decision maker of her conditions of employment, fixing of appropriate wage, making arrangements for rest periods and leave. In short run it may seem very rosy but in the long run they lose as there is no security or friends from your community.

3.3.6a Stringent Rules and Regulation of Placement Agencies

The data illustrates that 48 per cent of placement agencies, 51 per cent of domestic workers 69 per cent of employers are of the opinion that domestic workers leave the agency because of stringent rules and regulation of agency. Some of the rules and regulations which are only present in missionary organizations and few registered agencies are Sunday meetings, weekly off, rest break etc.

A young girl of 22 who came from an unregistered to a registered agency said that I do not like to come for my Sunday meetings. I get a headache listening to their instructions and tutoring. I do not understand what they are saying; I like to rest and prefer to stay at home. If they force me to come for Sunday meetings I shall leave the Agency.

The other girls who were listening later said that she has come from an unregistered agency. These girls are different they do not like any "bandhan" (restrictions). They want to loiter around in the city; they have boyfriends and spend lot of money on mobile phones, clothes, make up and are aggressive. They have been exposed to a different atmosphere and have difficulty adjusting to agencies which have strict rules and regulation. Many leave because of this.

3.3.6b Better Salary

Just 9 per cent of employers feel that domestic workers leave the agency because some other agency can get them better wages. Although 41 per cent of agencies and 43 per cent of domestic workers agree that they leave an agency for another which can get them better

wages. So one of the ways in which an agency can retain its women is by bargaining for better wages.

3.3.6c Return Migrants

Just 32 per cent of domestic workers and 36 per cent of placement agencies report that women go back to their villages. The data signifies that very few domestic workers return home. Another interesting factor that was reported by 43 per cent of NGOs was that many domestic workers were getting self employed and were no longer dependent on agencies for employment.

3.3.7 Conclusion

Some of the characteristics that can be benchmarked for selecting a good agency are the kind of facilities and Services that is being provided by an agency. All agencies provide boarding and lodging facilities. However it is very important to assess the condition of the boarding facility whether it is hygienic and safe. It was found that 68 per cent of agencies have a just one room with toilet and kitchen facilities and 81 per cent reported that they charge Rs 100 per day.

This signifies that most agencies try to accommodate all their women in one room. Therefore it will not be wrong to point out that hostels are over-crowded and unhygienic. The status of migrant tribal women domestics can be assessed by the standard of basic facilities that the agents provide them. It also points out that most agencies are not prepared to spend any money on providing decent hostel accommodation for their domestic workers. The other service that a placement agency provides is booking train tickets for women when they are going home for holidays. This is an important function of agency as it takes care of women's safety and securities especially of young women who are new, around 81 per cent of agency provide this facility.

Most women migrate to earn and save money so an agency which negotiates for good wages for its women and provides banking and saving facility can be termed as a good agency. Since domestic workers in Delhi have no legal protection for minimum wages it is the negotiation ability of the agent that plays a key role in acquiring fair wages for domestic workers. Just 34 per cent of agencies and 39 per cent of domestic workers say that agencies

are able to acquire good salary for women. Only 19 per cent of agencies seem to be involved with monetary transaction and in opening bank accounts and just 2 per cent is involved in sending money home.

Medical support is an equally important area and with the extension of RSBY the agencies will have to acquire, the aadhar card facility for women so that they can obtain the benefit. The other supportive function is training and skill enhancement but very few agencies are providing it. It seems that most of the facilities that the placement agencies provide are primarily to expand and support their business like lodging or ticketing rather than for the welfare of women. A good agency will take care of all these provision so that the domestic workers social and economic status gets enhanced.

3.4 Migration

Conventionally tribal women have been migrating to cities for domestic work along with their relatives and friends who have also been finding work for them. But over the recent years women from the tribal areas are being brought with the help of intermediaries. With the intervention of intermediaries there has been an up rise in the migration of single tribal women to cities in search of livelihood. Since the migrant women domestic workers have limited access to information on employment opportunities they tend to depend heavily on intermediaries, the placement agencies. This section attempts to analyze the role played by Placement Agency as facilitators of migration.

3.4.1 Most Preferred Age Group for Domestic Work: 21-30 years

Out of the four age-ranges, ranging from less than 20 to 41 and above, there was a 100 per cent unanimous response from both registered and unregistered agencies that the most preferred age group for domestic workers is 21-30 years. Even the domestic workers 96.50 per cent said that this age group was most preferred. Only 3.50 per cent of domestic workers said that the preference was for less than 20 years.

One reason for not many reporting openly about girls being less than 20 was the increasing coverage in the media regarding heavy trafficking of young tribal girls of less than 18 years. This is illegal as they get protected under the Juvenile Justice Act which says that children below 18 cannot be employed in domestic work which comes under hazardous activity.

While discussing with domestic workers it was reported by Anjali a young tribal girl from West Bengal that a new way of forced abduction is happening in some villages in Siliguri, West Bengal. “A young girl of my village was returning home after school, they came in a van and forcefully picked her up. There is no information about her. I do not want my sister to be in my village, I will bring her here and educate her otherwise she will also be picked up by the agents. I am afraid.”

Table 3.4.1 Reasons for High Demand for 21-30 years

| Reasons | Domestic Workers (%) | Placement Agency (%) |
|-------------------------------|----------------------|----------------------|
| Experience and knows the work | 92.50 | 92.00 |
| Stature | 92.50 | 80.00 |
| Appearance | 49.0 | 39.0 |
| Has long working span | 40.00 | 38.00 |
| Good Health | 35.50 | 42.00 |

The five most important reasons for a high

demand for age group (21-30 years) in order of importance, pointed out by both placement agencies and domestic workers was 1) domestic workers experience and knowledge of work which they acquire said 92 per cent of both domestic workers as well as placement agencies 2) stature or physical fitness said 92.50 per cent domestic workers and 80 percent placement agencies 3) Appearance i.e. how she looks: simple, submissive, like a villager, fair etc said 49 percent domestic workers and 39 per cent of placement agencies 3)The fourth factor for choosing this age group was that they have a long working span i.e. they can work for long hours and have a long span of time and would stay in this profession for many more years said 40 per cent and 38 per cent domestic workers and placement agencies respectively and the 5) fifth reason is their robust health which would make their stay longer and uninterrupted, 35.50 percent of the domestic workers and 42 per cent of placement agencies upheld this view. There was not much variance between the registered and unregistered agencies on this issue.

The data reflects that “Experience and Knowledge of work” was the foremost characteristic that increases the demand for domestic workers and it would also fetch them a good wages. Placement agencies can provide skill training on urban living style, electronic gadgets; care giving and culinary skills which will help them acquire good wages in a competitive labour market.

However on “Look & Appearance” greater emphasis was laid by the domestic workers themselves 49 per cent compared to placement agencies (39 per cent). This difference is

discernible as it is the women themselves who are experiencing discrimination on the basis of external appearance. Women are often displayed and gauged by the employers therefore some grooming on communication skills and personality development can work in their favor. Many agencies say that women from North –East and Nepal get higher salary just because of their color and appearance.

Stature, long working hours and good health has been unanimously supported by both Placement agencies and domestic workers indirectly signifying that women are overworked and have no fixed hours of work and this is only possible if they have good health. Also maintenance of labour in this age-group is cost-effective as it is free from any health encumbrance. It works well for both the agency as well as for the employers.

3.4.2 Manipulating Techniques

To understand the Placement Agencies recruitment strategies, attracting women and their families and the pattern of migration certain questions were posed for both the Placement Agencies and Domestic Workers. The first query was to understand how agencies make entry in the villages and convince the prospective domestic worker to migrate.

The most common practice to manipulate and motivate was to provide travel expense said 72 per cent of agencies. Almost 62 per cent of Placement agencies said that an attractive promise of high paying jobs, glamorous employment opportunity, prosperity or false promise of marriage or love and good life motivates women to migrate. And around 50 per cent said that it was by getting friendly and gaining trust of their families that the placement agencies make entry in the village and family. There was not much difference between the registered and unregistered agencies on this. Needless to say that none are exclusive methods and are interlinked.

The response of domestic workers was similar in terms of importance where in 65 per cent said that the agencies provide travel expenses 59 percent say that they are lured with false hope and promises and 51 percent say that they entered by gaining trust of family. However there was a mark difference between registered/unregistered agencies in the degree of using manipulative strategies. For instance unregistered agencies were more forthcoming when it came to providing travel expenditure. The data reflects that unregistered agencies were relatively more manipulative than the registered agencies.

Bearing travel cost of domestic worker was the best way to enter the villages and to bring women into cities. And this practice was used more by unregistered agencies 40 per cent compared to registered agencies which was just 24 per cent. False promise is the second best way to enter the villages. This was more prevalent in unregistered agencies 33 per cent compared to 25.50 per cent in registered agencies. However becoming friendly with family members of domestic workers and gaining their trust was used uniformly by both registered and unregistered agencies.

3.4.3 Categories that Help Mediate with Placement Agencies

Placement Agencies have a via-media to contact domestic workers. The intermediary helps the scope of agencies. On asking who were the four most helpful categories that help placement agencies in the mediation, 96 percent of agencies and the workers said friends and 93 percent said relatives, 78 per cent said it was neighbors and 58 percent said it was domestic workers who return home during holidays. Both placement agencies and domestic workers stressed on the foremost role of relatives and neighbors in mediating with agents.

The role of relatives and neighbors should not to be seen in isolation. There is a need to look at the reasons why families readily agree to let their women go to cities and earn livelihood. It is mainly because of the impoverished situation of the tribals who have been hit by economic transition leading to high unemployment, and economic destabilization. Women are forced to migrate to survive and help their family as poignantly pointed out that the easiest way to manipulate is by simply providing travel expense and false hope and deception. The family voluntarily sends them, given the poverty and absence of economic opportunities in the tribal region. It would be incorrect to assume that family or neighbor is supporting the agency but rather it is the agency which is misusing the dire circumstances in which the family is surviving. These intermediaries are responsible for increase migration and at the same time it is also the very cause of greater vulnerability of these migrant women.

The direct role of agency is not reflected in the placement agency data but it is a common knowledge that agency use illegal means to procure women in collusion with neighbors or relatives a safer option. Therefore, in general it may be stated that the data suggests a broad trend and it under represents the direct role of agencies. Anita Kujur is a member of

registered agency. She is from a tiny hamlet in Orissa. She was working in Rourkela as a part-timer domestic worker and was only earning 30 rupees per month. She was supporting 5 members in the village, mother father, two brothers and a sister. “We had land but with mining and cement factory coming up our land were taken away and in exchange my father was given work”. But after nine years he was asked to leave. There was no money so I had to move to Rourkela, an industrial town. I met few other girls who were working like me and were in a similar economic situation. All of us were dissatisfied with the dismal amount. One of the girls had her aunt working in Delhi. We called her and she asked us to come to Delhi. Three of us just took the train and reached Nizamuddin Station. We were picked up by the aunt who placed us in various houses for Rs 1500/-. For a year, I worked in this house. Then I met another girl in the market who advised me to join Adivasi Jevan Vikaas Sanstha. I am now earning well, Rs 7000/-and feel secured. I have got in touch with my family and regularly talk to them. I have no idea about what happened to the other girls who came along with me, I have lost touch. I don’t even have that aunt’s number. From my village many girls have gone missing. One girl’s father came to Delhi to look for his missing daughter. But how can you find anyone in this big city. Village people do not have that kind of money to stay around and wait till they find. So most families just give up and keep quite. They are also afraid to go to police.

On asking who accompanies or brings domestic workers to Delhi it was abundantly clear that friends play a significant role in being an accomplice reported 98 per cent of agencies and domestic workers. 88 per cent said that it was domestic workers who went home during holidays and brought along girls. An equally large number 98 per cent said that they come with relatives and 86 per cent said that neighbors accompany them. This indicates that women migrate with people they know or are familiar with. Moving out with friends also reflects the prospect of group migrations in which women feel safe, secure and are dependable. Both agencies and domestic workers response was similar.

Although on agents and sub-agents role in bringing women to Delhi there was discrepancy as large percent of domestic workers 68 per cent compared to just 33 per cent of agencies agreed on the role of agent accompanying them. It seems the agencies play safe by holding the relatives responsible for migration of women.

The fact that domestic workers are saying that women are accompanied by placement agencies signifies that families out of economic desperation send their women with agents to cities for better prospect.

Neha Wadhawan (2013) in her study of Migrant Women and Migration for Domestic Work from Jharkhand brings out the nexus between the Middlemen, Agents and Placement Agencies. There is growing link between the middlemen from block and district level and agents in the city. This is crucial to keep the steady flow of supply of women. Several young men work as bicholiyas (job contractors) and convince young girls to secretly leave home to work in Delhi. These unemployed youth receive onetime payment of around Rs 15000, leaves the girl with the agent and then disappears and is not concerned about the girl after that. His job is to convince the girl, help her to leave the village, buy the ticket, board the train from Ranchi railway station and sometimes accompanying them till Delhi.

A narration of a middle aged Oraon woman Philomina gives a vivid picture of the migration pattern. "These young boys run away with our girls in the middle of the night so nobody in the village can see or stop them. Even if we know which local bicholiya has taken our girls, he only has a mobile phone number of his agent and this number is usually switched off and there are no ways to find them."

Heera Majhi is a munda girl from Assam and is now a member of Society for Development of Tribals. She came with one of her friend who was associated with the Society. This friend was earning 6000 rupees. "That is lot of money, she says. We are very poor, my family did not want to let me go but I insisted and borrowed money for travel expenses. I have returned the entire loan and also manage to send a good amount for my family. In my village we do not allow any agents. We are well informed about this trend."

In my neighboring villages there are many agents, both tribal and non-tribal who come and lure families. These agents befriend our brothers and uncles and promise a well paying comfortable job for their women. Somehow the family gets convinced especially when an advance and travel cost is taken care of by the agent. Sometimes these agents also operate through villagers who are working in Delhi. They ask them to bring girls for which they are paid some 2000-3000. Usually the village folk trust their own people. A group of girl's leave along with the known agent (village neighbor, uncle, aunt) after a certain distance he /she is

replaced and if the journey is long another exchange may happen mid-way. In a long journey women have to bypass at least two unknown agents and then finally reach Delhi and meet a completely new agent. This agent may either directly place her with employers or may further sell her off to another agent for fifteen-thousand rupees. It is these agents who charge a very high registration amount ranging from thirty to fifty-sixty thousand.

3.4.4 Tracing Migration Route through Women's Narratives

I may be called a sub agent (Lado Sarai); I am from Jharkhand and a tribal. I only bring my relatives and give them to an agency or directly place them with employers whom I trust. Since I work in an office there are lots of known people who ask for domestic helpers. I get some commission for it (did not say how much). When I place these girls it becomes my responsibility to take care of them. I go and fetch them on weekends and drop them back and they stay at my place. Both my wife and I take care of these girls. On probing further he said that he was also giving girls to one agency which was very big and had hundreds of women. That agency has disappeared and the agent is untraceable. Some say that he did some fraud and has therefore gone underground. He used to place girls in different far off cities like Jammu and Kashmir, Punjab and at a very high registration fees. These women are so simple that they do not even know the agent nor do they have the address or phone numbers of the agents. The women from this agency are untraceable. They have now become "permanent servants" of their employers. Therefore now I do not give to unregistered agencies.

Migration and trafficking are closely linked as traffickers often exploit the processes by which individuals migrate. Traffic victims may be found in situations of forced domestic labor and other forms of forced labor.

Conclusion

It is clear from the above discussion that girls/ women in the age group of 21-30 are most preferred category for domestic work as they are familiar with work and can take on the workload without much difficulty. Also girls at this age are healthy and physically fit and can sweat it out.

The demand for this age group is fulfilled by placement agencies by bringing these young women who aspire for a better life. The agents make use of their vulnerability by bearing the travel cost and promising a good job, high wages and a bright future. The Agent manages to convince the family who needs economic support and if somebody says that all their needs can be fulfilled in one short then why not let the women go.

Most of the time women come to Delhi with friends or women who come to villages during holidays. Sometimes relatives and neighbors also take them to city for work and to earn. It may be pointed out here that these categories can be marked as sub-agents who indirectly work for Placement Agencies because of financial needs. The traditional system of kith and kin linkage for migration still operates, however the exchange of women's labour has an intermediary the placement agent who then takes the product in the market. Under the distressing economic circumstances there is a no clear way to delineate women migrating by choice with their friends and relatives and women migrating by force. Therefore, there is an urgent need to regulate the process of migration for domestic work at the national level. The proposed Bill "Placement Agencies Regulation Bill" also needs to look at migration process, the place of origin if it wants to regulate the agents.

Chapter 4

Contract and Governance System of Placement Agencies

In this chapter the nature of contract relationship that exists between placement agencies and employer as well as domestic workers, contracting conditions, discriminatory and exploitative practices, governance systems and redressal mechanisms are analyzed.

4.1 Placement Agencies as Contract Agencies

The placement agencies play an important role of intermediation between the worker and the employer. In a formal structure there are specific terms and conditions of contract between employer and employee. This section will focus on the type of contract and the provisions in the contract between the employer, placement agency and domestic workers. For the purpose of analyses opinions of Placement Agencies and Domestic Workers have also been taken.

A written contract of employment will shift the domestic workers from informal and often uncertain work arrangements to a formalized employment relationship. A written contract of employment is an important document clarifying the rights, entitlements and obligations of parties, to the employment relationship. It presupposes that certain terms and conditions of employment be set out in writing at the commencement of the employment and provided to the worker. In addition, it is also important to take measures to ensure that the domestic worker has an understanding of what is there in the contract. It should be the responsibility of the placement agency to explain the employment contract to the domestic workers.

In the absence of protection under labor laws, employment contracts are the primary mechanism for outlining both employers' and workers' rights and obligations. Recruitment practices, including initial fees charged to employers and payment of domestic workers', it also defines certain financial obligations and incentives.

An Employment contracts typically stipulate a domestic worker's monthly wage, period of employment and the responsibility of employer to provide the domestic worker food meal and accommodation in addition to her salary. However these contracts do not have the same types of enforcement mechanisms as protection under labor laws.

4.1.1 Contractual Relationship between Placement Agency and Employer

4.1.1a Contract

In the study, 86 per cent of agencies and 93.5 per cent of domestic workers say that there is a contract between Placement Agencies & Employers signifying that there is some understanding between the two parties.

4.1.1b Written Contract

The data reflects that 58 per cent of agencies have written contract, 28 per cent have oral contract signifying it is based on trust and mutual understanding and this trend is being followed in both registered (14 per cent) and unregistered agencies (14 percent). And 14 per cent of agencies say that there is no contract at all. Similarly 68.50 per cent of domestic workers say that they have a written contract, 25 per cent say that they have a contract but it is not written. The usage of written contract was just 37.5 per cent in registered agencies and 31 per cent in unregistered.

Table 4.1.1b: Written Contract between Placement Agency &Employer

| Contract between PA &Employer | | | |
|-------------------------------|---------------------|------------------------|-------|
| Placement Agency | Contract Percentage | No Contract Percentage | Total |
| Written contract | 58.0 | 0 | 58.0 |
| No written contract | 28.0 | 14.0 | 42.0 |
| Total | 86.0 | 14.00 | 100.0 |
| Domestic Workers | Contract Percentage | No Contract Percentage | Total |
| Written contract | 68.50 | 0 | 68.50 |
| No written contract | 25.0 | 6.50 | 31.50 |
| Total | 93.50 | 6.50 | 100.0 |

Absence of written contract tantamount to having no contract, in other words there is no record of agreement to work or wages specified leading to unaccountability and exploitation of domestic workers in the hands of agents and employers. There is no record to trace the existence of a domestic worker and in case of any misgivings there is no evidence. However since there are no regulation to protect the

rights of domestic workers can these contracts be legally enforceable is a big question? There is no clarity if the agencies are plain ignorant or deliberately shun the responsibility.

The Delhi Private Placement Agency (Regulation) Bill points out very clearly that the record of contract is mandatory and has to be strictly maintained by all agencies. It is one of the most important criteria to determine the best practices of an agency. A written contract is mandatory for certain categories of domestic workers with increased protection needs, especially for migrant domestic workers and those employed by employment agencies.

Requiring a written contract for domestic workers will be a significant step in resituating domestic work from the informal to the formal economy. A written contract vitiates difficulties in proving the existence of the employment relationship and its agreed-upon terms, should a dispute arise between the parties. Given the isolation and vulnerability of domestic workers and the greater likelihood of domestic workers being unfamiliar with their legal rights, the written employment contract plays an important role in empowering domestic workers within an employment relationship.

A written employment contract is of immense help should a dispute arise between the parties. It is a proof of existence of employment relationship with specific terms and conditions. The domestic worker's ability to assert her rights within the employment relationship may however be further protected through legislation that clearly places the burden of proof of existence of an employment relationship.

Also the best way to go about is when the written contracts are combined with a requirement for the registration of the employment relationship with a government authority.

4.1.2 Language of Contract

Placement agency: As per the data 48 per cent of agencies had contracts written out in English and Hindi for the convenience and understanding of both the employer and domestic workers.

Domestic Workers: As per the data 54 per cent of domestic workers say that they have contract written in both languages. 3.50 per cent say it is in Hindi and 7.50 per cent say it is in English. Since a large section of women are uneducated and unfamiliar with the language it is important to make women understand what is mentioned in the contract. The agency and the employer must ensure that the terms are explained to the domestic worker in a manner that she understands. Such provisions may be an important corollary to the

requirement for a contract in writing. Provisions of this kind may also appear in legislative measures specifically with written contracts for migrant workers.

While discussing with domestic workers from registered NGOs it was told very clearly by the girls that they have a written contract in Hindi and English. But we are illiterate so we cannot read. We just know our salary but have no idea about the terms and conditions. We are told that each Sunday we get “chutti” (holiday) to come for Sunday meetings. In case we are unable to come then we should or the employer should inform the animator of our organization.

In another organization the women were also aware of their rights like need of rest, specified work. They said that at times we go out of the way and do the work if my “malik” (employer) is good but when they misuse our good nature then we certainly object.

However many women pointed out that although everything is written in the contract we simply cannot strictly follow all of it, like fixed hours of work, specified work, secure place to sleep. These are all just in paper. For instance, says Ana, an Oraon girl from Orissa who has been working as domestic worker for past three years that I am suppose to take care of a small baby so when do I get time to rest? I do everything related to baby care -washing clothes, preparing the feed even in the middle of the night I get up to feed and change baby’s diapers. Saroj is from Jharkhand and works for an affluent corporate family in Gurgaon. She says, “I have been employed for cooking and usually on Friday and Saturday we have party at home which goes on till midnight. So how can I go away when I am supposed to feed the guests?”

4.1.3 Copy of Contract

Only 2 percent of Placement agency gives a copy of contract to domestic workers. On the question of giving a copy of the contract to Domestic workers, out of the 58 per cent of placement agencies who seemingly have a contract, only 13 per cent give the copy of the contract to domestic workers.

The reason given by the agency for not giving the copy of contract to domestic workers say 70 per cent of the agencies is that a contract is just a formality, 66 per cent say that contract is an understanding between placement agency and employer therefore the domestic workers

needn't get a copy. This whole process of recruitment reflects that domestic workers are being exploited and misled by both the employer and the placement agency and women is just a silent spectator who is being tossed around like a commodity. Further in the absence of any legislation to protect the rights of the domestic workers, the contract paper perhaps is only a means to keep a record and not an evidence for arbitration.

Similarly the response of domestic workers on the copy of contract not being given to them , 67 per cent say that it is between the agency and employer and an equally large number feel 57.5 per cent that contract is a mere formality so to have or not to have a copy will not make any difference. It seems that the domestic workers completely relies and trusts the agent or are helpless as far as their recruitment is concerned. Lack of information, knowledge of language and understanding of a contract process reinforces domination and control of both agency and employer.

During discussion many domestic worker were surprised on the question of contract copy as it never occurred to them that they should also get a copy of the contract.

4.1.4 Reasons for not giving the contract copy

It is important to point out here that the Delhi Private Placement (Regulation) Bill insists that a written contract is to be signed by all three: agency, concerned domestic workers and the employers specifying the wages, time period, bank account etc. Further the agency (not in the Bill) should read aloud in the language of the women ,the terms of contract for the benefit of domestic workers who cannot read or understand the contract and this will empower women and can definitely be counted as a Best Practice.

4.1.4 Contract Period and Fees

The contract period in the agencies is for 11 months say 97 per cent of agencies except one which said that it was for a year and another said that that there is no fixed agreement on the period of contract. Similarly 96 per cent of domestic workers say that their contract is for 11 month period.

4.1.5 Registration amount from employers

As per placement agencies the average registration fee from the employers is Rs 21450/-. The minimum is 5000/- and maximum is Rs 30000/-. The high registration fee is an indication of a roaring placement business which is profit motivated. As per domestic workers the average registration fee charged by agents is Rs 20906/-. The minimum is Rs 2600 /- and maximum is Rs 30000/-

On completion of contract employers have to pay a renewal fee which is as good as a new contract. As per the data this fee is equally steep. The average fee is around Rs 21320/-, minimum is Rs 2000/- and maximum is Rs 30000/-. Domestic Workers have also quoted a high yearly fee, the average is Rs 20933/-, minimum is Rs 2000/- and Maximum is Rs 30000/-

4.1.5a: Renewal Fee from Employers

There is a wide gap in the registration fee between various agencies and there is no underlying principle followed for fixing a particular registration fee. High registration fee also indicates high demand for domestic helper. However a high registration has adverse implication on both the domestic workers and the employers. The domestic worker invariably ends up getting fewer wages and is over -exploited by the employers who pays high fee. In many instances the registration amount is so high that it is as good as women being bought over as slaves by the employers. At the same time, the employer too is overcharged as need of a domestic help is inevitable. Such high registration fee does not let many middle income families from availing full-time domestic help especially at times of emergency like care of sick and old.

The sisters of Punjabi Bagh told that often in a big joint family business house, there are two three women working as domestic workers. The treatment of the employers is different for girls employed from our organization and those from placement agencies who charge hefty fees. The girls from agencies are overworked and are abused verbally. They do not even get proper food or a place to sleep. There was one family which did not let the woman use fan in peak summer. Our girls come back and tell us. Our girls want to help them but they are not allowed to even talk to them. The girls from agencies are treated like slaves. The employers are hesitant to treat our girls badly as there is an organization to support them and our registration fee is also very reasonable.

4.1.6 Provisions in the Contract

There were 9 features that were marked out as provisions that could be a part of the contract. The data demonstrates that 50 per cent of placement agencies say that they have provision of salary being mentioned in contract. Out of which 46 per cent are registered agencies signifying that the unregistered agencies do not mention the wages that have been fixed in the contract, suggesting that the domestic worker has no clue about her wages. Only 48 per cent agencies have provision of compulsory weekly off which shows that 52 per cent of agencies do not have any holidays for its domestic workers. Only 50 per cent of agencies have fixed hours of work suggesting that women are working beyond stipulated 8-10 hours of work. Only 30 per cent agencies specify the jobs assigned thus invariably the domestic worker ends up doing everything in the house. 69 per cent agencies have provision of annual paid leave and 44 per cent agencies have provision of replacement.

On the other hand the data illustrates that 79 per cent of domestic workers said that there is a provision of salary mentioned in the contract and 15.50 per cent said there was no mention and it was more significantly absent in unregistered agencies. Around 57 per cent say that there is no holiday provision, 8.50 per cent are not sure and just 34.50 per cent say that they do get weekly off. Around 56.50 per cent say there is no provision of fixed hours of work, 14 per cent say they don't know about it and only 27.50 per cent say that they do have fixed hours. On provision of replacement 43.50 per cent say that they are replaced on complain from employer or if domestic workers are unwilling to continue. However 45.50 per cent say there is no such provision. 62.50 per cent say that they have provision of annual paid leave thus a kind of unsaid guarantee that the domestic worker will return from her holidays. The data reflects that factors/ provisions that are directly related to responsibility of agency: Penalty on breach of contract, deduction in salary, and refund of registration fee, the response was mostly negative. Similarly half the agencies were not concerned about fixed hours of work, holiday, and task assigned.

This data also denotes that the contract between a placement agency and the employer is just a formality for both registered and unregistered agencies. And almost 50 per cent of agencies are just not concerned about the welfare or basic labour rights of domestic workers. There is very limited scope for any change in the situation of the domestic workers till

legislation for domestic workers rights is not brought about. In the absence of any law for domestic worker, a contract seems to be redundant.

4.1.7 Criteria of selection

4.1.7a Employer by Placement Agency

Both registered and unregistered agencies have some criteria for selecting employer said 72 per cent of agencies. The three most important criteria are: (a) salary offered say 65 per cent (b) Nature of work say 53 per cent and (c) Size of the household say 40 per cent. More stress was laid on these criteria by registered agencies. It signifies that these are the three most important factors in a contract and due stress should be laid on size of the household and nature of work while fixing minimum wages. It is important to reflect that not much stress was given to terms and condition of contract.

4.1.7b Domestic Workers selecting Employer

In the study, 83 per cent of the placement agencies have some criteria for selecting employers. The three most important criteria were salary that was offered said 64 per cent, 53 per cent on nature of work and 38 per cent on the size of the household. There is a marked difference between the registered and unregistered agencies. The Unregistered agencies do not seem to be so particular about selecting the employer.

4.1.7c Employer's selecting domestic workers

Out of the given 7 criteria given, both agencies and domestic workers chose 3 most important factors that the employers look for in the domestic workers: (a) Age of domestic workers, (b) education of domestic workers and (c) work skill. Amongst the 3, highest point was given to age by 93 per cent of agencies and 95.50 per cent of domestic workers. More importance was given to education 84.50 per cent by r domestic workers unlike placement agencies who gave priority to work skill 83 per cent.

4.1.8 Conclusion

The presence or absence of contract , the provision in contract and the criteria followed for selection of employer is not only to differentiate registered from unregistered agencies but is also to delineate the overarching Good and Bad Practices existing in the agencies. All

these makes the worker vulnerable and the terms and conditions of the contract is largely violated, particularly with regard to type of work, hours of work, working condition.

There is a pressing need for formal employment contracts between domestic workers and employers. The absence of clearly drawn terms of employment creates problem for both the employer and the employee. Besides making employment contracts imperative, however, there is certain issue that needs to be clarified and considered: 1) The written contract drawn implies that the employer needs to treat domestic worker as a formal employee and uphold the contract. 2) The mode of payment to domestic workers undergo a change (i.e., from cash to check), this is being proposed in the Delhi Private Placement Agency Regulation Bill. 3) The agency needs to ensure that all domestic workers have access to a bank account and also knowledge of banking system. 4) More significantly, need of a statutory body ensuring the upholding of such contracts.

In the absence of a formal contract neither employer nor employee or placement agency seems to be accountable to any specific terms. For instance, many domestic workers tend to take unannounced absences from work for personal reasons (e.g. visiting family, illness), or simply quit without adequate notice and placement agencies do not provide any replacement or return the registration fee. A pre-determined contract could ensure that domestic workers have a more stable livelihood while also ensuring that the placement agencies provide standardized quality services to employers.

4.2 Contractual Relationship between Placement Agency & Domestic Worker

Placements Agencies are responsible for informing women about the terms and conditions of their work and for providing employment contracts. These agents are the primary interlocutors between migrant tribal women her family back home or sub-agents through whom they acquired them and their future employers. This section will look at the contractual relationship that exists between a Placement agency and Domestic worker.

4.2.1 Employment Contract: Documentation of domestic worker

The study shows that 98 percent of the placement agencies say that they keep a record of basic details of the domestic workers like name, address of village, age etc. 94 per cent say

that they have Photo Identity Card and 98 per cent say that they have details of the guardian of the domestic workers.

Similarly 97.50 per cent of the domestic workers say that placement agency maintains their details, 91 per cent say they have photo ID and 99 percent say that agencies also have their guardians details.

4.2.2 The Contract

The study shows that 64 per cent of placement agencies say that there is a contract between Agency and Domestic workers. In 88 per cent cases it is a written contract, both in Hindi and English however the copy of the contract is not given to the domestic worker. The response of the domestic workers is similar. It seems the copy of contract is maintained in office record. Some registered agencies say, “We maintain all their records, wages received money that is being sent home etc. We have a pass book which is given to women and all monetary transaction is maintained. But this year we managed to open individual Bank A/C for all the women and women have their Bank passbook. This was possible as this a registered Sanstha. The Sanstha helps women operate the Bank like in depositing wages and in electronic transfer of money in their banks back home. All monetary transactions are transparent. While discussing with domestic workers women said that they trust the Sanstha more than their employers and therefore they do not ask the employers to deposit their wages in the Bank “We are not educated so we do not know the Banking process. Our relatives back home tell us when they receive money. By being a part of the Sanstha, I have learnt to count so I do know how much money is in the Bank.”

4.2.3 Contract Period & Fee

The study shows that 95 percent of agencies say that contracts are for 11 months irrespective of it being registered or unregistered agency. After completion of 11 months contract is renewed and fresh registration fee is charged from the employers and the domestic workers. Many agencies ask for raise of wages for domestic workers. After completion of 11 months women go to their villages for holidays and if they are expected to join the same household they also get paid leave and train tickets from the employer. The 12th month is invariably utilized for reshuffling and renewing the contract.

The data reflects that 82 per cent agencies charge registration fee from domestic workers and is seen more among the registered 46 per cent than the unregistered 36 per cent. The amount ranges from Rs 1000 said 9 per cent, Rs 500/- said 18 per cent and one said they charge as much as Rs 30000/-

In the study conducted, 65 per cent of agencies also charge a monthly fee. This may range between Rs 100 to 500 Around 74 per cent say that they charge Rs 500/- and some 16 per cent say they take one month salary however 14 per cent say that they do not charge anything. Many agencies say that these monthly fee is for Sunday gathering or other monthly gatherings. Placement agents of registered agency complained that many women are leaving their agencies because they think that a high registration fee and monthly fee is being charged by the agency. Domestic workers complain that since they pay registration fee so why pay for food and boarding charges. Agents retorted that they were paying rent for office, electricity, and water and phone bill. Many employers do not give the registration renewal money and they are not able to press on terms because women do not like to change the employer.

Agents also added that there are unregistered agencies that keep women's whole year salary and give pittance when they go home. They charge a hefty amount from the employers. But that they are registered agencies and have few numbered women and they try to provide the best; like women can cook what they want there is provision of gas, running water and electricity in the hostel. We also conduct computers and sewing classes and girls come on Sunday or any other day and sit on the computers. Women come and stitch their own clothes. We celebrate Christmas, Karma festival. In my Sanstha women have also put their money in shares and the educated lots sits with the respective agent and get information. The woman agent very vehemently said "I completely fail to understand how they are saying that the agency is charging more: 2000/yr for registration and Rs 100/ per day for food and stay".

The analysis on domestic workers reflected that 94 per cent of domestic workers have contract with placement agency for 11 months, 71 per cent charge registration fee and 59 per cent also charge monthly fee. The registered agencies are more particular about registration fee than unregistered. About monthly fee, 31 per cent of domestic workers say that they pay Rs 500/- as registration fee, 27.5 per cent give Rs 1000/- and 12.5 per cent give one month

salary and 12.5 per cent say that the agency keeps their whole years salary and 3 per cent say that it ranges between 15000-25,000. 59 per cent domestic workers say that they have to pay a monthly fee which ranges between Rs 100-500 and 16 per cent give one month salary.

4.2.3 Registration and Monthly Fee

During FDG many Domestic Workers complained about high registration fee and high monthly fee of Rs 500/-. They say that as it is we pay for our transport when we come for Sunday meetings at least Rs 100/- sometimes we take autorikshaw when we get late and we also bring our own food. If every week, we spend so much then it pinches us. We do not trust the agency or sanstha that charges such high fee. However some women are very happy with the classes that they attend. They say that to get the protection and services of the Sanstha we have to shell out some money.

The data reflects that a high amount is charged as registration fee by placement agencies from women and there is no uniform system for charging for these services. Also there is a monthly fee that is also levied, particularly by registered agency. These charges are for the monthly gatherings, Sunday meetings or any other services that the agency provides. To get a better understanding of the monetary transaction three agencies have been analyzed.

- i. Manju Service Centre and
- ii. Help Agency
- iii. Ranchi Jharkhand Placement Service

An attempt was made to get an idea of the registration amount, monthly fee, and provisions in the contract and the criteria followed by the agency to admit domestic workers and the basis for fixing their salary.

Manju Service Centre is in West Delhi and is eleven years old. It is run by a couple. Wife is tribal woman from Jharkhand and husband is a Bihari, non-tribal. They take one month salary of the woman as their registration amount and rupees hundred per month for other monthly services. The agents say that they have oral contract between agency and domestic workers. They also have some criteria for enrolling women in their agency which are age, skill and years of experience. The wages are fixed on the basis of skill, experience and size of the family. However the domestic workers say that there is no contract, no photo identity.

Women get together only for big festivals. In fact there is neither fixed tenure nor any criteria for fixing the salary. It is simply an understanding between the agent and the employer.

Help Agency is located in South Delhi and is four years old and is an unregistered agency. It is run jointly by both husband and wife. Husband is from Gond tribe of Chattisgarh and wife is a non tribal from West Bengal. They reported that they have a written contract and they take one month salary as registration fee from the women. On asking if they take monthly fee they say that they keep the monthly salary. In the contract they have provision of membership, Sunday off, agency having sole responsibility of women, festival celebration. However they have no specific rules and regulation for the organization. They also do follow some criteria for enrolling women and fixing their wages. Even the domestic workers from the agency whined that they have to give away their monthly salary. There is a criterion to enroll and fix a salary based on age, experience and education.

Ranchi Jharkhand Placement Service is a South Delhi based agency and is run by a tribal couple from Jharkhand. It is a registered under partnership deed and is five years old. They have a written contract with the domestic workers and maintain basic details of domestic workers like photo Identity and guardian's details. They also charge one month salary as registration fee and keep another one month salary as monthly fee. In contract, membership and monthly reporting is included but there is no mention of Sunday attendance or rules and regulation. They also follow some criteria to enroll and fix the wages of the domestic worker that is age, experience and education.

The domestic workers report that they have a written contract and all their basic details are maintained but a copy of the contract is not given to them .It is kept with the agency. A month's salary is paid for the registration and another month salary is taken for monthly fee. There is definitely a need of Delhi Placement Agency (Regulation) Bill to meticulously look into this matter as the Bill clearly spells out that no fee will be charged from domestic workers by the placement agencies.

4.2.4 Provisions in the Contract

As per placement agencies, the three most important provisions mentioned in the contract are a) membership said 70 per cent i.e. being part of the agency and domestic workers pay a

membership fee for their services b) placement agency being responsible for domestic workers 65 per cent and c) participation in festivals said 66 per cent. Agencies did say that women get leave for Easter, Christmas celebration and Karma festival.

As per domestic workers 66.5 per cent have provision of membership. 64.5 per cent have provision saying that placement agencies are responsible for domestic workers and 68 per cent that they have provision for participation during festivals i.e. they get leave during those days. The data reflects that very little stress was given on monthly reporting of their well being, problems or training and development or even on awareness of their rights and responsibilities which would eventually empower domestic workers.

4.2.5 Criteria for admitting and fixing wages of Domestic Worker

In the study 67 per cent of placement agency 68 per cent of domestic workers said that there is a criterion of selecting domestic workers. However 28 per cent of domestic workers say there is no such criteria which makes sense as for Placement Agency the quantity matters and not quality.

According to Placement Agencies and Domestic workers there are four important criteria to enroll domestic workers: Age, Experience, Education and Language Skill. Highest priority is given to age and more so amongst the unregistered agencies. Perhaps these indicators can also be used for ascertaining the minimum wages and treating domestic workers at par with skilled workers besides considering work hours and tasks assigned. The data shows that there is correlation between the high demand for a particular age 21-30 and the supplier giving priority to that particular age too. 84 percent of placement agency and 86.5 per cent of domestic workers say that there is a criterion to fix the wages. The three important factors responsible for high or low wages are Age, Experience and Education. There is a significant link between the demand for domestic workers, age, experience and education of domestic workers and the agencies criteria of giving preference for such domestic workers and wages are also fixed accordingly.

Further 67 per cent of placement agencies say that age is important in deciding the salary; domestic workers also say the same. Experience counts more among registered agencies say 37 per cent compared to just 29 per cent in unregistered agencies. 63 per cent domestic workers also lay stress on experience. A higher percentage of placement agencies stress on

education of women 60 per cent, whereas only 51 per cent of domestic workers gave their consent on education. During FDG, a domestic worker said “I am illiterate so I do this work but why should educated women also do this same work? Besides I also get the same amount as the educated ones. My work I learn through experience. I am earning so that my brother sister can get education or my children can get education and they don’t have to do this work”. Similarly, there were many elderly women were not interested in the Sunday literacy classes. Many young women also say that they are told to revise what they have been taught in Sunday classes but they are so tired by the end of the day that they have no energy left to even open the books. Agencies are of the opinion that if women are literate the employers feel that they can help in receiving phone calls, noting messages and some women also help in children’s homework. If women can converse in broken English then definitely they are paid better and also get employment in affluent household.

The two variables education and experience if worked upon by placement agencies may fetch higher wages for domestic workers. One of the most important deciding factors of good practices followed by the agency is how involved is the agency in maximizing marketability of domestic services.

4.2.6 Conclusion

One of the most commonly recorded complaints is that placement agencies charge hefty registration fee and monthly fee from domestic workers. From the above data it is also clear the agents are only interested in membership and arranging festivals twice/thrice in a year. Agents are responsible for the welfare of the Domestic workers like getting certain wage, a day off per week, and other specific terms of work which may be mentioned in the written contract yet when these women begin to work, none are followed. In the absence of any legal protection, it seems even the placement agencies cannot do anything much about it.

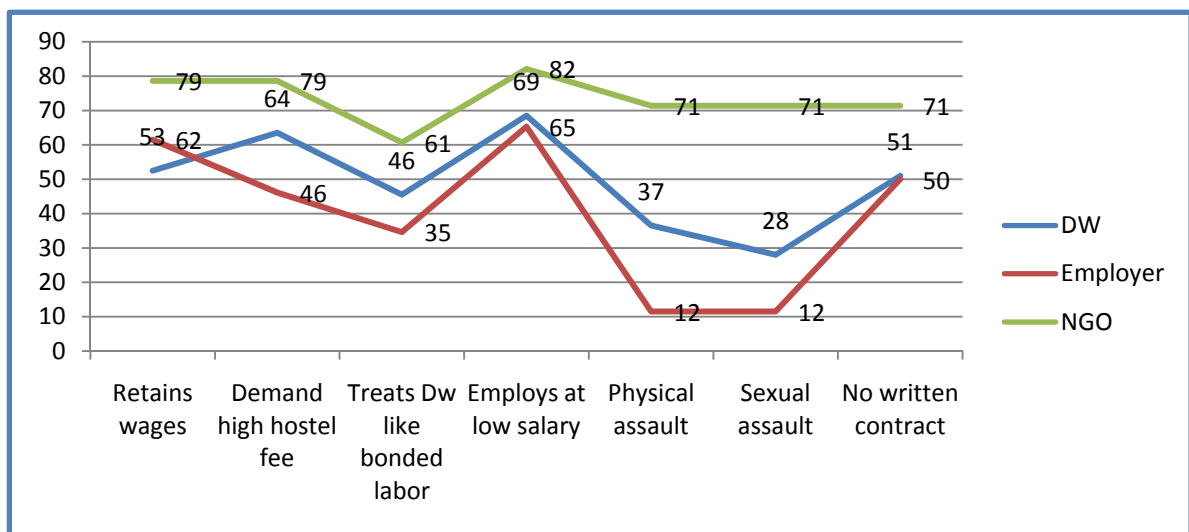
Chapter 4.3

Labor Abuse and Exploitation and Poor Redress Mechanism

In paid domestic work, there is an unequal interrelationship among placement agencies, domestic workers and employers. This section attempts to unravel this complex relationship and looks at various problems that each category faces from the other and their redress mechanism. It will also include perceptions and views of NGO/ Civil society to arrive at a broader analysis of the existing relationship. While some domestic workers enjoy decent work conditions there are many who endure a range of abuses including non-payment of salaries, forced confinement, food deprivation, excessive workload, and instances of severe psychological, physical, and sexual abuse. There are innumerable cases where the combination of these conditions amounted to forced labor, trafficking, or slavery-like conditions. The employers also face problems from agencies which seem to be profit-minded and practice poorly monitored labor recruitment system. The employers claim that they end up paying high registration fee for the poor services that agencies provide.

Assessment of problems faced by Domestic Workers and Employers from Placement Agencies

Figure 4.3.1 Distribution of Problems faced by Domestic Workers



4.3.1a Retains Wages

It is a common practice among many placement agencies to retain the salary of domestic workers reported 53 per cent of domestic workers. During interview, domestic workers reported that every month, agent would come to employer's residence to fetch their wages. These domestic workers are not even aware of their actual wages. And whenever they ask their employers for their wages, they are curtly told that it has been given to the agent. A large number of employers (62 per cent) also reported that the agent comes and collects wages of domestic workers. The agent says that women do not have any provision to keep the money and may lose it. In fact employers are told by the agencies that wages should be strictly handed over to agents. And they would hand over their wages when women go back to their village.

4.3.1b High Accommodation Fee

As high as 64 per cent of domestic workers say that hostel /accommodation fee is very high. Many domestic workers testified that beside the registration fee which is as high as one month's salary, agents also asks for hostel fee which ranges between Rs 50 to 500 per day. Domestic workers are of the opinion that with high registration fee, low wages and also salary retention by agents, a demand for high hostel fee is a burden on women. Women are not able to save much and their situation of economic deprivation continues. However the reason given by many agents for high hostel fee is that they charge for food and other expenses like water, electricity and rent. They also say that with rising price it is not possible to give free accommodation.

4.3.1c Absence of Written Contract

Another major problem that domestic workers face is absence of any written contract (51 per cent) because of which the domestic workers are simply not aware of their wages, duties, terms and conditions and even the address of place of work or for that matter location of agent's office. There is no system of record keeping. This makes them completely depended on the agency and the employers for everything. Almost 51 per cent of employers also held

this view and said that the contract is between the employer and the agency for recruitment of domestic worker and the women are just placed in the employer's house like goods.

In the absence of a written contract it is difficult to fall back on any record of contract between the domestic workers, placement agency and the employer. There are thousands of domestic workers who have been employed like this and go missing when the employers move out of the city says a tribal sub-agent in Lado Sarai who supplies tribal women to agencies. Even placement agencies fail to trace them. Likewise, even the families of the women lose contact of agencies that shifts from one place to another. The domestic worker shifts with the agent but the family of the domestic worker is never informed. The sub-agent shared that he supplies women to an agency in Vasant Kunj. He brings women from his surrounding villages and gives it this agent Shiv, who is a non tribal. It is a very large agency and has some 100 domestic workers. But one day, the agency just went into hiding as the police was looking for Shiv. The whole office had shifted and nobody had any clue of their whereabouts, the place was vacant. With the sudden closure of office many women went missing as there was no record. There are a lot of women who have never returned to their villages as they are entrapped by the agencies which quietly shift office added Domestic Workers Forum (NGO) which works on rescuing women domestic workers.

4.3.1d Bonded Labour

The data reflects that agencies treat domestic workers like bonded labourers where they are coerced to carry on with the work without payment say 46 per cent of domestic workers. Some domestic workers from unregistered agencies during interview confirmed that they have not gone to their village for over three years. Although just 35 per cent of employer's feel that domestic workers are kept in bondage. On discussion with employers it was clarified that domestic workers from registered agencies particularly from Christian missionary organizations were treated quite well. It was only agencies that were running illegally that keep their women in bondage. The domestic workers further added that sometimes women are sent away to far off places like Bangalore or Pune. In such situations, women get completely home bound and isolated. Both the employers and placement agency are in collision and do not allow domestic workers to leave the house even after the completion of the contract term of 11 months.

Asima Soreng narrated a case of her two sisters who came to Delhi with a neighbor in the village. They were given to Nikita Placement Agency in Punjabi Bagh. Asima shared that her family environment was not congenial, father was a drunkard, parents would often fight and there was no money for food and education. To escape from such dire circumstances first Asima left home for domestic work in Delhi and was supporting her family. But later she learnt that her two sisters, Sandhya and Jesu were also sent. On asking the neighbor she came to know the address of the agency as her family was ignorant about it. After hounding the agency for two –three months she could trace Sandhya in Ambala who was working for Rs 2000. She managed to bring her back paid Rs 2500/- as registration fee to the agency and just managed to extract Rs12000 for her one year service. The employers told her that they had given Rs 35000 to the agency and the agency had paid Rs 10000 to the neighbor who got her. Asima says, “Tracing my sister was a mammoth task and even to deal with police is so difficult. They make us sign papers and we have no clue what is written on it”.

Asima further said that she has not been able to trace Jesu, the youngest sister barely 18 years old. Initially the agent said that she was in Panipat and every week promised that she will be back the coming week. It is already three months and there is no sign of my sister. Now they say she is absconding from her place of work. A police case has been lodged by them. The agent has not given the address or any contract paper and it seems they have got the police also on their side. We are not familiar with legal process and are too poor and afraid of police so we really do not know how to proceed.

A similar case was narrated in Neha Wadhwan’s academic article, “Living in Domesti-city: Women and Migration for Domestic Work from Jharkhand”. It portrays the agony that domestic workers face in the hands of placement agencies.

Saroj shares, “They sent me to many places-I don’t even know the names of the areas. Fifteen days here, one month there, that was the usual practice. The Placement Agent kept making excuses and kept me working. He took all my salary. I was often beaten and locked in the homes I was sent, forced to work for long hours and denied contact with the family. I eventually escaped.”

4.3.1e Sexual and Physical Assault

Prevalence of Sexual and Physical assault of domestic workers was reported by 28-37 per cent of domestic workers although in contrast, only 12 per cent of employers uphold this view. The low response on the matter of sexual and physical abuse from employer is

perhaps because very often domestic workers also face physical and sexual abuse at employer's house.

Many domestic workers are also reluctant to talk about the sexual abuse as it is a matter of "shame" so they avoid the subject says the animator of a NGO. As high as 71 per cent of NGOs are of the opinion that domestic workers are physically and sexually abused at placement agencies. The case of young girl called Priya (name changed) from village Kurdeg in Jharkhand is as follows:

Philomena an agent for Laxmi Mata Placement Agency in Kotla Mubarakpur befriended Priya by giving gifts and a promise of a good work and salary. She brought her to Delhi and handed over to the agent. She was placed in Gurgaon and was never given any salary; the agent would collect it directly from the employers. Somehow she managed to get in touch with her parents and narrated her agony and desire to return home. But the employer got to know about it and told the agent. The agent immediately took her away from the house to the Centre and planned to teach her a lesson for being smart. At night they gave her Pepsi laced with alcohol, when she was drunk they brutally assaulted her and gang raped her. This continued for few days. This completely broke her down. However the father came looking for her. He contacted Domestic Workers Forum and eventually rescued the girl. A police case was filed.

However, there are placement agencies which say that it would not be fair to brand all agencies as violators. There are also agencies that have some benevolent practices. The experience of one of the registered organization involved with placement work was as follows:

A tribal girl was dumped on the gates of St. Thomas Church R.K Puram with her small bundle of belongings. The parish priest asked about her whereabouts but she could not tell anything. She was sick and her employers had dropped her here. A registered placement agency (run by tribal women) was contacted to help her out. They took her around Safdarjung colony to locate the house where she was most probably employed. They went around the area but she was unable to locate her employer's house. She also had no idea of her agents address or place. In the end they had to take care of her. If she had a copy of contract papers at least they could have traced the offenders. This agency got her proper medical treatment. She also did not have any money; the agency with the help of Church got her treated. Later, when the woman was a little better she was sent back to her village.

4.3.2 Domestic Worker Resolving Problems

4.3.2a Keep Quiet & Tolerate

When there is a conflict or displeasure between the domestic worker and a placement agency, 75 per cent women say that they prefer to keep quiet and tolerate. Domestic workers are helpless, docile and dependent, on agencies for work and existence in an alien city.

Shanta (name changed) is an Oraon girl from Jalpaiguri, West Bengal; she was in class 9th when she came with an agent who was very friendly and promised her of a better future. Initially he placed her in a household in Peeragarhi where she was paid only Re 800 and was also ill-treated. She wanted to run away but did not know where to go, she had no money and she also did not know anyone in the vast city. She ran away from the house but went back to the agent who placed her in another household in Punjabi Bagh where she would get Rs 1000.

4.3.2b Share it with friends

In the study 51 per cent of domestic workers reported that they share it with their friends. It was also shared in the FGD that by sharing with friends they feel lighter and also get the courage to speak out. On various occasions, small group of women come together and questions the agent, they act as pressure groups. The data illustrates that 39 per cent of domestic workers who are old and experienced make demands from the agency. However this is not the case with the new entrants who are docile, innocent, unaware and afraid and cannot demand from agents. However “women collectives”¹¹ mostly happens in registered agencies where they have Sunday meetings and women can meet, mix around and chat. 54 per cent of employers also support this and say they have often heard their domestic worker getting agitated about their agencies misdeeds over the phone.

4.3.2c Leave the agency

Sometimes girls/women get together and plan to run away from agencies say 19 per cent domestic workers. The percentage of women leaving agency is very small because many agencies keep their women under lock and key, segregated and aloof, and do not let their women move around freely. Many young women have been rescued after they have managed to escape from agencies reports Domestic Workers Forum.

4.3.2d Complain to Employers

¹¹ Women meet, discuss and organize effective ways to communicate, demand from agency. It empowers them.

Around 23 per cent of employers reported that domestic workers complain about their agencies to them. There is correlation between the domestic workers complaining to employers and leaving placement agencies. Domestic workers who face problem with agents just leave the agency and take shelter in employer's house.

Sugantha is from a registered agency and her employer told the agency that she was very unhappy when on one Sunday, the missionary brothers and sisters who teach them, acted tough and punished her as she was absent for an earlier Sunday meeting. She told them that she is not happy with the literacy classes. "I get headache and even if I learn few alphabets I will still be doing this "Jharu-pocha" (mopping-cleaning) so why spend time on it." She was very determined to leave the agency. No amount of counseling would convince her. She was very aggressive and demanding.

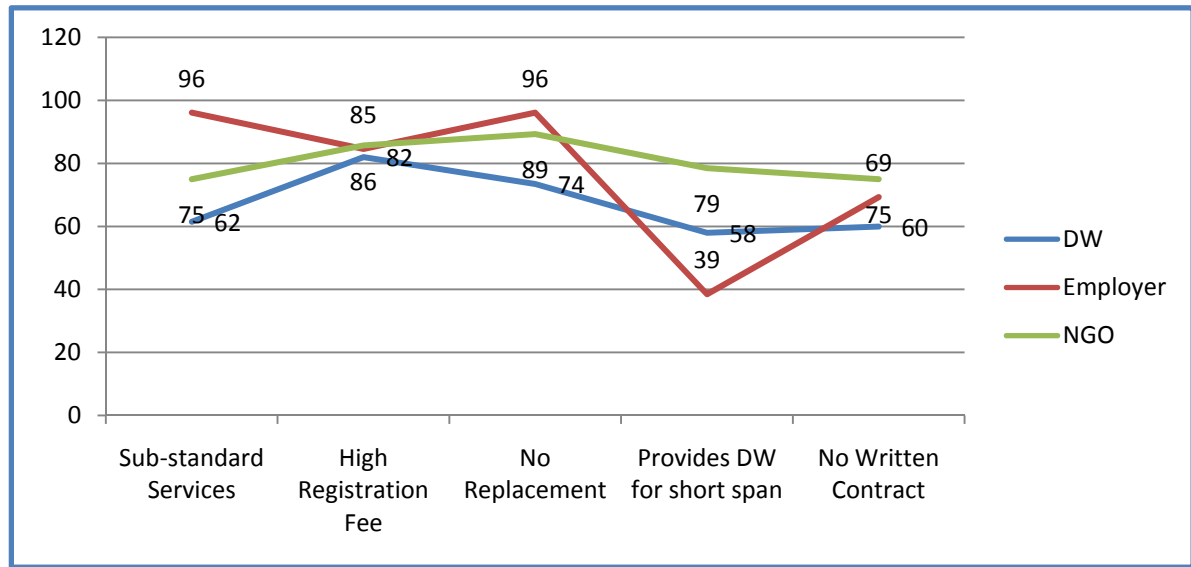
Similarly an older woman from the same organization retorted, "I am 45 years old so what will I do with education now?" She further expressed her dissatisfaction that she has been working in a house for past 7-8 years and gets Rs 5000. She has been asking the agency to talk with the employer for salary raise but the organization is not helping. She said, the animator says if the salary is not raised by the employer on their intervention then I should be prepared to leave that house. I am not happy doing this as I am comfortable in that house and at this age I am not prepared to start afresh. But the organization has the power to negotiate and should do something. I am a member. Eventually I myself spoke to the employers and got a raise.

Many registered agencies were of the opinion that since the relationship between the agency and the domestic workers is not strictly formal there are many such problems arising. And it becomes very difficult to manage domestic workers as each problem is unique and ambiguous.

4.3.3 Problems faced by Employers from Placement Agencies

Employers are completely dependent on placement agencies for sourcing domestic workers. In this tight domestic labour market they say that they face three main problems from placement agencies: i) high registration fee, ii) no written contract and iii) no replacement.

Figure 4.3.3 Distribution of Problems faced by Employers from Placement Agencies



4.3.3a High Registration fee

The registration fee is as high as Rs 30,000 as per the data and there are also some agencies who charge as much as Rs 50,000 reported some employers. Agencies say the farther the place of employment the higher the charges. So if a woman is sent to Gurgaon, the registration fee is Rs 35000 and when she is sent to Bangalore it is as high as 50000-60000. The data illustrates that 82 per cent of employers face this problem. On many instances, the employer’s report, that even after paying such high registration fee, the girl runs away after a month or two and it becomes very difficult for the employer to trace the agency and the girl. Employers feel completely helpless and cheated.

The high registration fee has a negative effect on domestic workers say 82 per cent of domestic workers. Many domestic workers reported that because of steep registration fee they are made to work twenty –four hours and treated like slaves since the employer feels that they have bought them by paying a heavy registration fee. The high registration fee is also related to low wages, physical assault and over work for domestic workers. Even 82 per cent of NGOs are of the opinion that high registration fee is one of the major drawbacks of the placement agency. The leader in Delhi Shramik Sangathan puts it very nicely and says “let the agency give the break-up of the expenditure of the 30, 000 or 50000 that they charge as registration fee: training, hostel fee, service fee, building development fee etc.” There has to be accountability.”

4.3.3b Absence of written contract

The helplessness of the employers is also linked with the absence of written contract between the placement agencies and the employer. This is particularly important in case the domestic worker breaks employment contract. The agency can be tracked and a complaint can be lodged. As narrated by an employer everything is fixed on phone, the agent brings the girl/woman to employer's residence and if the employer is happy than the woman/girl is left at employers house.

There are some agencies which do have a registration form with very basic details: name of the domestic workers, name of the employer and the agency name, address and number. But later when the domestic worker disappears, the agent is untraceable from the given address or phone number. So the employers say even the written details are of no significance. Therefore beside a proper detailed contract the agency should be a legal entity.

4.3.3c Employment for short span

Employers said that they faced problems with agencies when they give women for a short period of time. There is a pact between the agent and the domestic worker and after three-four months, after taking her wages, the girl disappears and even the agency is untraceable. These domestic workers gain trust of the family members and quietly leave the house. It was also reported by employers that these agencies operate out of cell phone and have no office and no written contract. For three months the domestic worker works diligently and gains trust of the entire family. An employer shared her experience with Shanti.

Shanti was very good at work, efficient and fast. She could take care of everyone- from children to elderly members. The family was happy and started trusting her. But one day when no one was at home, she asked the grandmother for some change as she wanted to buy something from the market. The grandmother, who was 80, trusted her so gave Shanti Rs 500 as she had no change. Shanti just took the money and escaped.

And once the domestic worker runs away from employer's house the agency is untraceable. Employers complain that they end up losing a huge sum of money and feel miserable for trusting the domestic worker.

4.3.3d Absence of Replacement

96 per cent of employers reported that they have a major issue with agencies on absence of replacement. The employer faces difficulty in managing domestic workers, who are slow and inefficient, or does not know her work and is unable to communicate coherently. The placement agency just makes empty promise of replacement but have no girls to spare say employers. Employers say that we keep calling them but they never answer the phone. Similarly 74 per cent of domestic workers also pointed out that placement agency do not have a reliever when they ask for a different household when they face problem adjusting in a particular household. Domestic workers say it takes 2-3 months before they are shifted out from a particular household.

On the other hand many registered agency which have large membership and have proper documentation do have provision of replacement, twice after a gap of 15 days. Employers have to only pay wages for those days the woman worked. In case the employer still insists on replacement the third time they are asked to apply for fresh registration. The employer's reported that these agencies have fair registration charges and proper trained women. They do provide replacement or at least do not let employers suffer without a domestic help. An employer shared that her agency gave a replacement for a month as the one employed, fell ill and could not carry on with work.

This is very rare and very few registered agencies do actually provide replacement and majority of placement agencies do not have provision of placement agencies say 89 per cent of NGOs.

4.3.3e Rules and Regulation

Many employers complained about agencies insisting on giving Sunday off for domestic workers. They say, "Once in a month is all right but every Sunday of the month is problematic as that's the only day that we get chutti and can rest."

4.3.3f Sub-standard Services

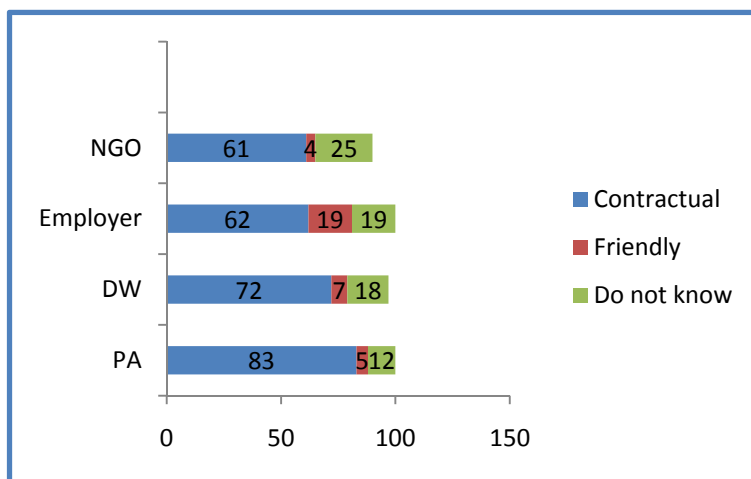
96 per cent of employers complained of sub-standard services provided by the agencies. According to employers domestic workers are not trained and cannot do their work efficiently. They are also slow and employers have to spend several hours for two-three

months to train them. Although when the domestic worker is given, the agency confirms that she knows her work and is experienced and demands high wages.

The most obvious problem that employers seem to be facing is high registration fee, sub-standard services no replacement and absence of written contract. With the growing demand for domestic workers, the employer's feel helpless and around 30 percent of employers just pay up the high registration money. Some try to negotiate and bargain or look for a more reasonable agency. Employers say that a registered agency especially those run by religious groups are most reliable and they also do not have a high registration fee. Even 62 per cent of domestic workers have to face the wrath of employers since they are not given any training by agencies and are send to work without any preparation. According to domestic workers they come straight from rural tribal set up and get completely numbed by the affluent household.

4.3.4 Relationship between Employer and Placement Agent

Figure 4.3.4 Distribution of type of Relationship between Placement Agency &



Employer

The data reflects that the relationship between the employer and agency is contractual say 83 per cent of placement agents, 62 per cent of employers and 72 per cent of domestic workers and 61 per cent NGOs. However 12

percent of agencies and 19 per cent of employers and 25 per cent of NGOs say “Do not know” or are unsure to concretely define this relationship.

As per the data the existing relationship between the employer and the Placement Agency seems to be predominantly contractual. However during an interview an NGO person said that “an agent is just a contact point and there is no relationship: contractual or friendly.” Therefore once the agreement is done and the formalities completed the domestic workers is seized by the employers. Since there are no law outlining the role and responsibility of agencies vis-a-vis the employer it becomes very difficult even for placement agencies to demand anything other than the wages. And since the work place of domestic workers is

“private homes” it does not fall under the labour laws so there is no way to enforce rules and regulation on employers. It was also observed in several occasions while an agent was negotiating for placement that the employers are patronizing towards the agents which perhaps stems from the class –caste/ethnic division that exists between the two categories.

Various reports are of the opinion that the relationship between Employer and Agency is of domination and subordination because of class and caste/ ethnic differences but the employer is compelled to depend on the services of the agent for domestic helper. The gap between the excessive demand and supply has led to the growth of unscrupulous agencies that use illegal practices to manage the employers and acquire and recruit domestic workers.

Many NGOs are of the opinion that if Association, Board or Unions are formed it will give legal recognition to the agencies which will be registered with them and will be in a better position to bargain, negotiate and even penalize employers. At the same time the agencies will provide better services to employers and domestic workers and charge reasonable registration fee.

4.3.5 Summary

The above discussion demonstrates about the various problems that employers and domestic workers face from placement agencies. Employers state that placement agencies charge a very high registration fee and yet provide sub-standard services. Placement agencies do not give proper training to domestic workers before placing them on service. When employers ask for replacement, agencies are unable to provide any or just delay it. The absence of a well defined written contract was another problem that both employers and domestic workers complain of.

A majority of domestic workers say that placement agencies retain their wages and also charge a very high registration fee and hostel fee. A large number of women also say that they are treated like bonded laborers and forced to carry on work without any break. Looking at the array of problems that domestic workers face from placement agencies it seems that most of them shoot off from the nature of agency: registered or unregistered, size of agency, owner of agency etc.

However the data on the response of placement agencies reflect that on an average only 35 per cent of agencies were of the opinion that agencies retain domestic workers wages, charge high hostel fee, registration fee and place at low salary. Although a high 46 per cent agreed that there was no written contract between placement agencies and domestic worker. Similarly on the problems faced by employers 60 per cent of placement agencies say that the registration fee is steep and 48 per cent say that there is no written contract between employer and placement agencies. However merely 20 per cent support sub-standard services, no replacement or providing domestic workers for a short span of time.

On the other hand 79 per cent of NGOs say that agencies retain wages of domestic workers , 46 per cent say that they charge high accommodation fee and 61 per cent of NGOs also have a feel that domestic workers are treated like bonded labourer. At the same time 85 per cent of NGOs feel that the placement agencies charge a very high registration fee and provide sub-standard services and no replacement facility.

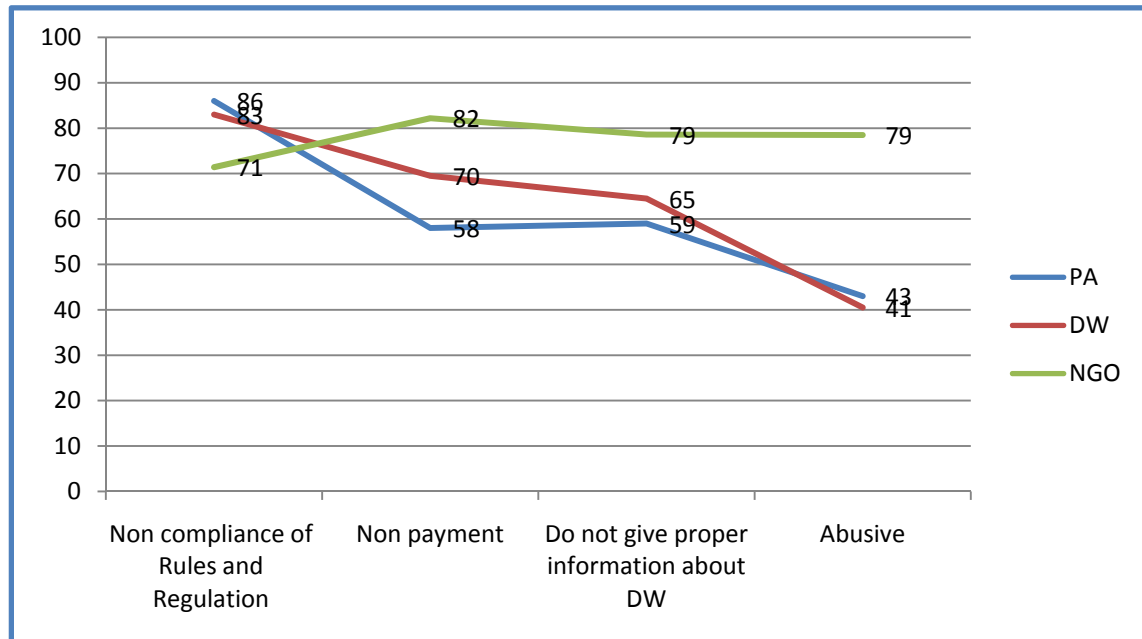
Most domestic workers simply keep quiet about the problems that they face with agencies since they are completely dependent on the agencies. Some complain about it to their employers, get their employers support and leave the agencies. And some simply manage to run away along with their friends. As far as employers are concerned it was told that that they usually succumb to the demands of the placement agencies. However not all agencies can be labeled with unfair practices. The practices of placement agencies are dependent on its legal status, size and leadership.

4.3.6 Employer's interaction with Placement Agencies and Domestic Workers

4.3.6 a Problems faced by Placement Agency

The agency has an agreement written /unwritten with employers before employing domestic workers. In spite of this understanding between the two parties, the placement agency faces certain problems from employers.

Figure 4.3.6a Distribution of Problems faced by Placement Agencies from Employers



4.3.6a Non compliance of Contract Rules & Regulation

The most frequent amongst all is the non-compliance of contract rules and regulation say 86 per cent of agencies and 83 per cent of domestic workers. The non compliance has caused many repercussions like over work, no weekly off, non- payment and not giving proper information of domestic workers.

4.3.6b Overwork

Some NGOs which also do placement services especially mentioned that although the contract specifies the task assigned, most women are overworked and also do other tasks of the household. On various occasions she is asked by her employer to do other works which she is unable to refuse. This is mainly because of the social relation, which is shaped by the interplay of intimacy and distance between women employers and women workers (Karen Coelho, T.Venket, R.Chandrika 2013).

4.3.6c Weekly Off

The agents say that getting a weekly off is a great tussle and some NGOs who insist on Sunday classes, even levy fine of Rs 100 from employers who hold back domestic workers. The employers gladly pay the paltry sum and their agreed upon day off gets cancelled or

shifted at the behest of employer. Although many domestic workers who come on a Sunday say that they make an extra effort to prepare breakfast and lunch for the family and also complete the cleaning and washing work. In other words if it is analyzed carefully, it is not a complete day off or twenty four hour break for them. She is also expected to return by six in the evening and prepares dinner for the family, clean up the afternoon utensils and goes off to sleep only by midnight and begins the next day, Monday, very early in the morning. A significant issue preventing standardization of work practices is notion of loyalty, love and belonging and awareness of social distance that cuts through notions of rights(Nilanjana Sengupta, Samita Sen 2013).

4.3.6d Non Payment

The problem of non-payment is reported more by domestic workers (70 per cent) rather than the agency (58 per cent). Many agencies complain that employers are not prepared to pay the registration renewal fee (as high as fresh registration amount) and just pay a partial amount. Agents complained that they have to make do with this amount as many women are not willing to leave their present household as the employer's treat them very well. The agent in such a situation has no choice and compromises since it fears that it may lose a domestic worker who may decide to leave the agency. Many agencies say that the agency sustains from registration fee that it receives from employers. When there is shortage of resources it becomes difficult for them to maintain an office, accommodation and other services for domestic workers and that is when the agents also starts demanding money from domestic workers.

A high percentage of domestic workers 70 per cent reporting on non- payment indicate that a large section of domestic workers are not receiving wages from the employers. The interview conducted by Neha Wadhawan (2013) of Jharkhand women domestic workers also reveals that “their employers seldom paid all their dues before they come home to ensure that they would return to work in the same house.”(Ibid)

The existing situation can perhaps change if cheque payments are made and bank accounts are opened for domestic workers and employers put monthly wages directly in the bank. However this amounts to giving training and exposure on banking mechanisms as many domestic workers are uneducated.

4.3.6e No Proper Information

Another problem that agencies face from employers is that employers do not give out proper information on the whereabouts of domestic workers say 59 per cent of agencies. According to agents many employers are not happy giving Sunday off or any off to domestic workers for that matter. Women are expected to follow the orders of the maliks, many are also sent to work for employer's relatives. The relationship between the employer and the employee is feudalistic. The master is not happy letting off his/her hold over the servants, nor is happy to inform the agency about her. An equally high number of domestic workers 65 per cent and 79 per cent of NGOs also hold this view.

4.3.7 Domestic Workers being exploited by Employers

In a similar vein there are problems that domestic workers face from employers. There are several academic studies which have elaborately delved on this aspect. Similarly a high percentage of both agencies and domestic workers (75 per cent) and NGOs (96 per cent) speak of "no rest, over work, no weekly off". This is the most fundamental and an exclusive problem faced by a large section of live-in domestic workers who get trapped in four walls of a house and work like robots.

4.3.7a Overwork, No Rest & No Weekly off

During FDG it was reported by the domestic workers that when they are around, the employers don't even lift a finger to fetch a glass of water and no employer is happy giving *chutti* on a Sunday. Many domestic workers say that their day starts at 6 A.M and ends at midnight and they hardly get any rest in between. In fact they reported that they work more on Sundays so that they can attend Church and Sunday classes¹² many women say that the moment we step inside the house at 6 P.M in the evening , my employers don't even wait for us to have a glass of water or rest and start telling us to do various things . We feel so obliged that they have let us go out on a Sunday that we simply follow the orders.

¹² After attending the Sunday mass many Christian tribal domestic workers gather in the Church, institution or at their organizations office. Women share about their work and chat around. Literary classes are conducted; computer training and sewing classes are also conducted. Occasionally talks and workshops are organized on domestic workers rights.

While discussing with the domestic workers it was very clear that women end up doing most of the household work in spite of the fixed task allocated and wages fixed accordingly. It is only when there are other helps (part timers usually in big kothis) that the work gets distributed otherwise they have to do it all –cooking, cleaning, washing clothes or taking care of children.

Clara from Jharkhand says that I have been working in Okhla for past six months but then the work load was too much. I told my madam a month in advance that I would like to leave. She relieved me but she cut my wages on the pretext that she is deducting the registration fee. This is despite my giving her a month's notice. However my agency is not going to give her a girl now. But I am the looser she deducted Rs5000/- from my salary.

Many workers spoke of their attachment to their employer's children as reasons for not shifting out even when better wages are being offered. Women say that we have brought up employers kids since they were born like foster mother, feeding, bathing and sleeping with them. These children also treat us respectfully and are more attached to us then their own mother. An old domestic worker Reena from Jharkhand shared that she is presently working with a young employer who she brought up as she also worked with her mother earlier. Now she is taking care of the daughter's infant. She jokingly shared that I came with her in dowry. That is my only work as there are other helpers in the house. Sometimes the young woman is rude and I feel terrible as I have spent my life taking care of them, I never married. But then I forget and forgive as I know that the baby and baby's mother need me, children bring out the motherly instinct that is present in us. Similarly Shanti says that even though the workload is more because of long stay one gets emotionally attached and feels that one is part of family. But that's not correct as after all you are only a servant.

Shanti is from Orissa and has been working as domestic workers for past 15 years. She says that she has been working with the present employer for past 10 years. When I came in this house there were no children, now there are two, 8 and 10 years old. I brought them up and I am very attached to these children. My madam and sahib fight a lot, many times I rescue them. But all her anger madam pours on me I am the buffer. I get very upset when she behaves badly and treats me like a servant. I tell my Sahib, he is good but tells me that if I am facing problem I can leave. It is so easy for them to say this. My Sanstha/organization is very good. I come here every Sunday and vent out my frustration. My friends here support me and tell me to leave and I shall leave soon. This is also harassment. I like the house because I have a place to sleep but then I can't bear being treated disrespectfully.

4.3.7b Inadequate Food

A common form of mistreatment is to deny domestic workers adequate food and proper place to sleep. It was most prevalent among the live-in domestic workers reported 62-72 per cent of agencies and domestic workers and 90 percent of NGOs and Civil Society. Many domestic workers complained that their employers did not provide them enough time to eat or berated them on requesting for more food.

Alma from Jharkhand said that in city they eat roti/chapatti in all their meals. I am not contented with roti, I need to have rice. They give rice occasionally and just give a handful. Sarita young and chirpy girl from Chhattisgarh, added, I left a house because of inadequate food. I work so hard I should at least get enough food. I told my placement didi about it. So my next employer was told very clearly that I should get my proper food. So they get separate cheap rice for me and I cook that for myself.

Monica a bubbly girl from Orissa said that I left after 15 days. I did not get enough food. I was only given breakfast and dinner. My employers don't eat lunch. They manage with "chai-biscuit or fruits" so nothing is prepared. Sometimes they order food from outside but I am not given. I somehow managed for 15 days but then I told didi and was called back. My agency is good as it is registered and is run by a tribal woman who is very understanding. She scolds us sometimes but that is because we make mistakes.

Another one reported, the very time that I sit down to eat my employers would call me a hundred times, I would get so fed up that I would simply throw the food and get back to work. I don't like when they hover around me while I am having food, I simply feel being watched and I cannot eat. They also serve us stale food in plates kept separately for our use.

4.3.7c No proper place to Sleep

Many girls who work in middle class families end up sleeping in kitchen or dining space because of space crunch. Even in big bungalows, women are made to sleep under the staircase and many keep their belongings in the bathroom or in the balcony. Mariam an old looking woman from Jharkhand says that their dogs are better than us it has a special place "kennel" to sleep and special food "pedigree" to eat and is taken out for walk and is loved so much. Whereas we are shouted upon, not given enough to eat and made to slog like a slave.

Shivani Singh writes in Hindustan Times (2013), harassment of domestic workers by “educated affluent” families is not uncommon. She narrates about a young boy helper at an acquaintance home who had to share his sleeping space with a dog at the top of the stairs till his uncle took him back to village.

Neha Wadhawan quotes discrimination faced by the tribal women domestic workers. Women shared they eat cheaper rice and leftovers, use a separate utensils, sit on designated stools, and usually sleep on the kitchen floor. (Ibid)

4.3.7d Harassment, Ill-treatment and Abuse

Domestic Workers get harassed because of overwork and are often ill-treated like bonded labourers and abused physically and verbally. They are not allowed to go out nor are they allowed to speak to anyone. Domestic workers feel very lonely and depressed in such an environment. The media has reported on length on the ill treatment meted out to domestic workers. Many domestic have even lost their lives.

Domestic workers also shared that many times false allegation of theft is imposed on them to deny wages. The agency points out that it is very difficult to manage these kinds of situations. In such cases they often ask women to abscond from the house. She leaves all her belongings and runs away. We are not in a position to fight a legal battle with police or employers.

The animator from a registered agency says that we do not allow women from our organization to do three activities that are very demeaning i) wash cars ii) massage and iii) taking dogs for walk. We have clearly put this in our contract terms and conditions. Many male employers ask our women to do massage and invariably sexually harass them. It has also come to our notice that for many teenager boys, domestic women are the easiest access.

In a recent case in Oct 2013 a 40-year-old woman from Simdega district, who worked as a domestic help in Delhi, died after prolonged illness. The woman had been working at a house in the upscale New Friends Colony for around a year, but for the last few months, she had been unwell. After she died her sister, who works in Gurgaon, took the body to a church at Masihgarh in North Delhi.

A father of the Church informed Chetanlaya, a NGO about the ill-treatment of the domestic helper. The NGO member said, “When we approached the employer’s house, the cook said that despite regular complaints by the woman of being unwell, the employer refused to take her to a doctor instead she was made to work throughout the day. It was only when the maid could not even stand that her employers took her to some private clinic of their relative. Her condition worsened and then she was transferred to Safdarjung Hospital where she eventually died. The doctors diagnosed that she was not just severely anemic but also suffering from dengue. But the reason of death was not mentioned in her death certificate.

The dead woman’s two sisters are also working as domestic helps in Gurgaon. On receiving the news of her death they went to Delhi but were not ready to lodge an FIR and buried her body without postmortem. Mariam Lakra, the elder sister said, “We are very poor people and we do not want to get into any kind of legal complication because neither do we have the time or the money.” The NGO approached the employers for compensation to be given to her sisters however they declined claiming that they have spent enough money on the maid’s treatment.

These kinds of incidents reveal the condition of tribal domestic workers who migrate to other states to improve their economic situation but end up losing their life because of mistreatment. However a firm step which agencies can take which is also within their scope is black listing the employer and informing other agencies about the said employers. However just a miniscule number take such steps.

4.3.8 Actions taken by Placement Agency to resolve problems with Employers

As per the contract verbal or written the sole responsibility of the domestic workers well being and relationship with the employer lies with the agency. Therefore the actions for resolving any problems also become the duty and the responsibility of the agency.

4.3.8a Removal of Domestic Worker

The data illustrates that only 31 per cent of agencies remove domestic workers on a complaint, 38 per cent of domestic workers also hold this view. The agencies report that they remove the aggrieved domestic worker and replace with another domestic worker with a warning.

4.3.8b Demands Compensation

A high per cent of agencies 49 per cent demand compensation. However this seems doubtful as most agencies are illegal and cannot impose on employers.

4.3.8c Re –negotiation

The most effective method used by agency to resolve problem between employer and employee is by re-negotiating with employers and domestic workers. An agent reported that usually the madam and the domestic worker sit across the table and have a dialogue and the agent balances the differences and shortcomings. It was observed during interaction that this works mostly in registered agencies or in missionary organizations where the service providers are more assertive and have a better legal standing.

4.3.8d Complain to police or legal action

Except for employers almost 45 per cent all three categories Placement Agency, Domestic Workers and NGO's say that agencies resort to police complain. But how far complaining to police is helpful seems doubtful. At this point it is also important to look at the status and the power relationship that exists between the employer and agency. The agent is way below in the class and social hierarchy and how far he/she can be assertive is a big question. Besides legal process is a long drawn and an expensive affair therefore it is doubtful if poor domestic women have the patience to sustain such a fight unless there is an NGO backing. Many agencies cannot approach the police because they are illegal entities. The first thing that police asks before taking any action is for their license /registration.

The other stern measures that agencies are at liberty to take is to inform other Placement Agencies and blacklist the employer. The data reflects that very few agencies resort to this method. Placement agencies say that this can only work if there is proper understanding and networking amongst placement agencies. There are thousands of agencies operating so if one refuses to give a domestic worker some other agency will give.

Looking at the looming problems various associations of domestic workers want the government to set up a board in which even the employers are registered. Subhash Bhatnagar, a member of National Platform for Domestic Workers (NPDW) says "It is the employers who are also abusing the help and they must be kept under check. We talk about verification of domestic helps but if the Tripartite Board is constituted, there will be

compulsory registration of an employer as well. The Board members will make random visits to households and talk with the help to know if they are facing any kind of abuse.” He added the fear of losing job stops domestic help from complaining about abuse. There is no job security; some get sacked within two days of getting a job. He further adds that domestic workers should be encouraged to organize their own collectives or cooperatives while going to work.

The Delhi Private Placement agency Bill 2012 proposes that a register should be maintained by the Placement Agency which will maintain record of all the employers but

there is no specific provision in the bill to regulate the employers. With the rampant rise of employers abusing the domestic workers it is important that strict punitive measures are framed for employers. The first positive step to safeguard the rights of Domestic workers was inclusion of domestic workers in The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Bill, 2012.

4.3.9 Summary

The problems faced by placement agencies from employers is non- payment of renewal fee which is as steep as registration fee. The other problem is non-compliance of rules and regulation stated verbally or in written contract in effect the domestic workers suffers from over work, no weekly off, no rest, no proper place to sleep and inadequate food to eat , ill-treatment and harassment. Similarly a high percentage of both NGOs and domestic workers (75 per cent) and NGOs (96 per cent) speak of “no rest, over work, no weekly off”. This is the most fundamental and an exclusive problem faced by a large section of live-in domestic workers who get trapped in four walls of a house.

Around 61 per cent of employer’s consent that domestic workers are overworked, 58 per cent also say that they do not have a proper place to sleep and 38 per cent agree that they do not get adequate food.

Placement agencies are aware of these problems and the only medium of resolving them is negotiating with employers. They do not resort to other measures like complaining to police or taking legal action against physical and sexual abuse as they themselves are illegal entities.

4.3.10 Domestic Workers interaction with Placement Agencies and Employers

4.3.10a Lack of Performance

Out of the listed problems that employers face from domestic workers 81 per cent of employer say they suffer because of lack of performance by domestic workers. Many employers also complained that women are irresponsible and do not take their work seriously. Further it was told that tribal women domestic workers don’t know the work well and are slow.

4.3.10b Communication Problem

The data illustrates that an equally high per cent 88/89 per cent of placement agency and employer say that domestic workers have communication problem and are slow learners. The employers categorically told that tribal women hardly speak so one is not able to fathom if they have understood the directions given. It takes them months to open up.

An understanding of tribal ethos and culture will point out that there is a seeming correlation between lack of performance and communication problem. Most of the tribal women are unfamiliar with city language, gestures and body language. They are timid and docile, unfamiliar with modern gadgets, city gourmet and are afraid; all of these inhibit them from learning fast. Since they do not understand what is being told they also perform poorly. Therefore it may not be wrong to interpret that women have problem in understanding what is being communicated to them and vice versa nor are they in a position to ask again as they are shy and afraid. It is the role and responsibility of the placement agencies to capacitate domestic workers about various duties and also inform them about urban customs and behavior.

During FDG domestic workers were asked about employers facing problems because of their poor performance. Domestic workers had their own interpretation and views. In the initial years we do have problem of communication and performance since we are new and are afraid of our employers. We don't know how to run electronic gadgets, we do not have electricity in our villages and the gadgets are out of our imagination. We are given some in house training (only registered NGOs give 2 week training) but when we do it at employer's house independently we are scared and hesitant and take some time to learn. Another domestic worker retorts, "The employers ask us to do multiple tasks and I am supposed to do all of them at the same time. Before I finish one I am asked to do another. I have to fulfill needs of everyone. The house in which I work, I have three sets of people who need separate attention. One group is of Sahib and Memsahib. They are both working and they want full attention as they have to leave for work. So I have to prepare their breakfast and pack their lunch, they are always in a hurry. There are children who need to go to school so I have to get them ready for school. I also take care of old grandparents who need constant attention as they are at home all the time. There is also a pet, of course, there is a separate person to take it out for a walk but the dog food is to be prepared by me. So I am running from one corner of the house to another doing multiple tasks and in between I also attend to door bells

and phones calls. So how can I simultaneously do everything? I do make mistakes sometimes but it is not on purpose.

A very good example was given by an old domestic worker who has experience of fifteen years she says, I have worked in multiple households: Bengali, Gujarati, South Indian Malayalam and many such others. Each household has its own peculiarity: way of preparing food, laying table or making bed. Some eat vegetarian food, some eat non-vegetarian and some have Jain food with no garlic and onion. With every new employer I unlearn something to learn something new so it takes time to adjust so do you call this lack of performance?

4.3.10c Irresponsible

Almost 58 per cent of employers say that domestic workers are irresponsible; they also have no idea of safety and security of house and leave the gas on or forget to switch off the geyser. Around 72 per cent of agencies also say that women are careless and waste lot of food.

The domestic workers say that if proper instructions are given then we know what needs to be done. And when we do things on our own employers scold us and say who asked you to do it? So how do you say we are irresponsible? Women also complained that many times we are given leftover food or stale food which is inedible. It may not be wrong to interpret that domestic workers have no mala fide intention and are perhaps careless not irresponsible because they are overworked and tired.

4.3.10d Stealing

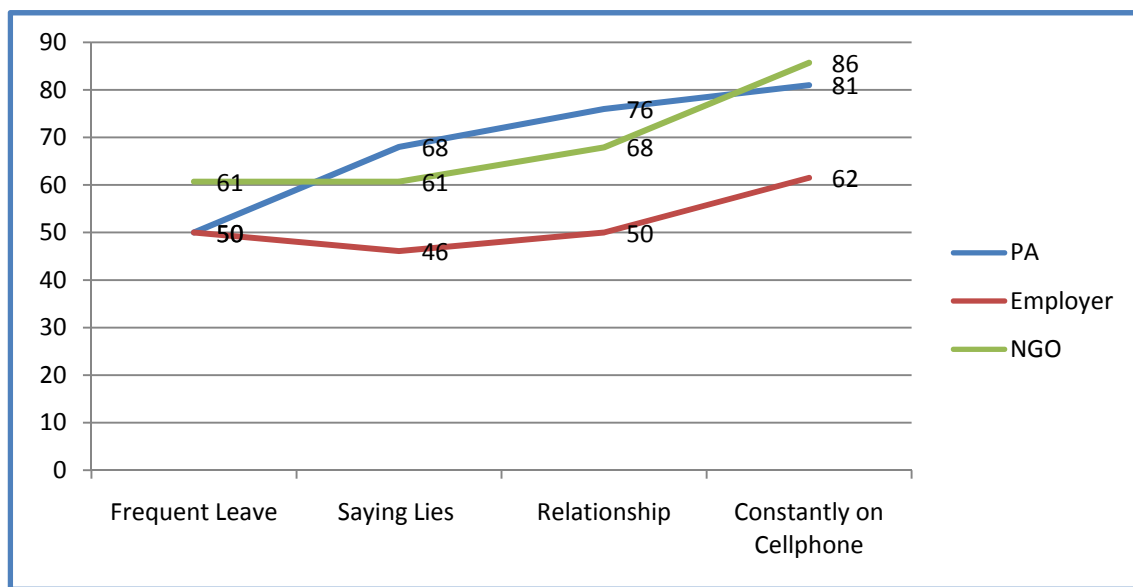
Just 31 per cent of employers say that domestic workers indulge in stealing. Only 36 per cent of NGOs also hold this view. However, in contrast 70 per cent of placement agencies are of the opinion that domestic workers are into stealing.

A lady agent from a registered agency, Sandhya Placement Services from Punjabi Bagh, shared that once she was called in the police station because the employers had lodged a complaint against the domestic worker, from her agency. Rani (name changed) had left the house quietly with some jewelry. The employer's aunt was a lady judge so they were very

powerful. When I went to police station the police wanted to put me in the lock up, as I had provided the domestic worker and also they thought that I had hidden the girl somewhere. After lot of persuasion I was let out but was told to find the girl or else I would be in trouble. The girl had no known person in the city so we straight away went to railway station. We saw her sitting there and found all the stuff in the bag. She had missed the train. The girl was handed over to the police. The girl said that it was a simple desire that made her do it.

The agent said that the domestic worker stole the stuff but was not so smart to hide the stuff; she was not a habitual thief. The tribal domestic workers are being struck by the city glamour and enamored by the affluent employers. Therefore stealing is a manifestation of the desire to be like their employers.

Figure 4.3.11 Distribution of Problems faced by Employers from Domestic Workers



4.3.11a Telling Lies

The other set of problems that employers face from domestic workers are speaking lies which is often linked to their being over friendly with men like drivers, security guards and strangers. They also take frequent leave to spend time with them. 50 per cent of employers say that they face this problem. Some employer's reported that they had to expel their domestic help though she was very good at her work. Women start lying especially when they are in a relationship; they also start absenting from work.

4.3.11b Excessive usage of Cell Phone

The excessive usage of mobile phones was reported by 62 per cent of employer. The usage of cell phone is affecting their work performance. Excessive use of cell phone and over friendliness was reasonably explained by an animator, Maxima from Domestic Workers Forum. Most women are completely cut off from their families; they are lonely and feel completely trapped in employer's home. Many employers lock them up when they go off to work as they fear she would steal and run away. They are not allowed to watch Television. In such condition women like to talk to their family and friends especially in their colloquial language. Many tribal women make friends very easily with drivers and guards or other helpers of the house as they need to talk to people around. Tribal girls are also very simple and innocent. And to be with friends they bunk work and also tell lies so that they are not fired. Many registered agencies say that women absent from Sunday meetings and lie to employers and to agency as they are with their boyfriends.

Tribal domestic workers are going through a cultural change and are adapting "city culture". They are not only learning about kitchen gadgets, machines and cell phones but are also acquiring the city "street- smart attitude". They want to look glamorous and feel rich just like their employers. In fact the situation of tribal domestic worker is very ambiguous and they are grappling with two cultures: the tribal culture and the modern city culture.

The other experiences of domestic workers especially from unregistered agencies is that their employers forbid them from making or receiving phone calls, and communicating with their family or other friends.

Monica says I could not talk to other maids. I could not have a mobile. I was kept in isolation and was cut off from my family. I used to cry and wanted to run away. For two years, I worked in Meerut without salary and without communicating with my family. And one day I ran away from home and was sitting at the bus stop contemplating what to do next. I had very little money then I heard some women talking in Oraon. I approached them and told them my story. They were also domestic workers. They brought me to their Sanstha. I trusted them because they were like me.

As suggested by NGOs, a way out from excessive usage of mobile is by fixing working hours. In their free time women can use their phones. Placement Agencies also say that 50 per cent of employers complain of women having relationship with boyfriend and are not prepared to keep them. However the placement agency cannot

be a moral police but can certainly help women through counseling and proper guidance.

Various studies conducted on domestic workers have discerned that isolation increases domestic workers' vulnerability to abuse so it is important that they be allowed to communicate with their family and friends. However NGOs do agree that mobile bills are soaring and say that many girls have ended up spending half their salary on mobile phones.

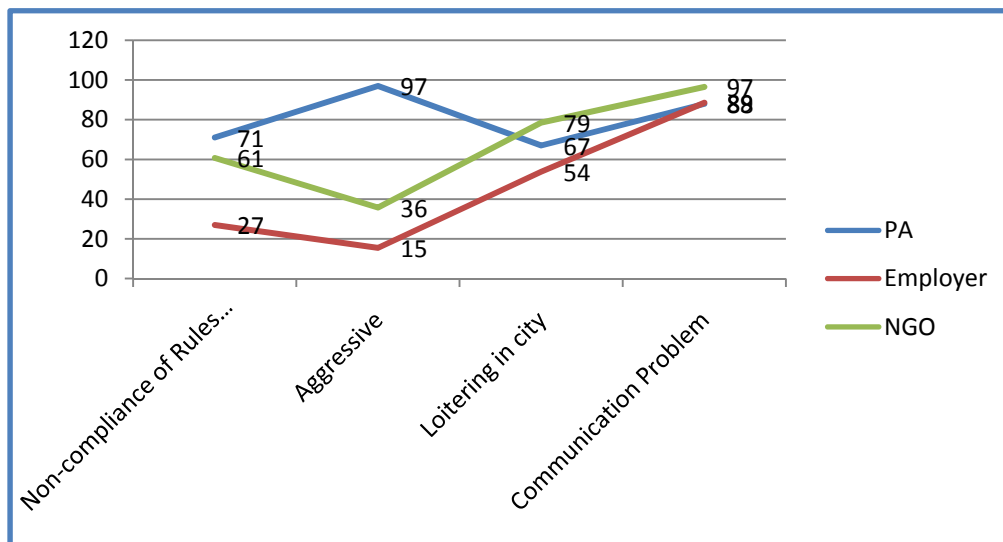
It is important to note that domestic workers should be given free leisure pursuits. Domestic workers say that they enjoy going out shopping for their personal needs along with their friends. They do not get time to watch television or listen to music which is way beyond and that they cannot watch television when the "Saahab" and Family are watching.

4.3.11c Misbehavior

This is usually found amongst old timers who know their work and are aware of their rights say NGOs. Besides many old timers know that the employers cannot manage without them and domestic worker also have a support of organization. It is these set of domestic workers who are more forthright in putting their demands very clearly. On the one hand the employers are of the opinion that tribal women are docile and hardly talk but on the other hand point out that they misbehave. This is perhaps because employers face a problem when domestic workers become assertive and demanding. Employers are not happy when they are not able to dictate terms to domestic workers.

4.3.12 Problems faced by Placement Agencies from Domestic Workers

Figure 4.3.12 Problems faced by Placement Agencies from Domestic Workers



Communication and inefficiency has been an issue with the women migrating from the tribal areas. The agents complain that women from tribal areas simply do not speak and express their feelings and emotion. It is not in their culture. However in six months period they learn and do better.

4.3.12a Non-compliance of Rules & Regulation

71 per cent of agency says that domestic workers do not adhere to rules and regulations of agency. These would include membership, Sunday meetings for classes, attend festivals etc. For membership, domestic workers are supposed to pay a token amount. Many domestic workers are not in favour of any payment especially the older and senior domestic workers. Young domestic workers prefer to loiter in the city and neither the agency nor the employer is aware of her whereabouts. Some placement agencies say that we therefore do not ask for Sunday leave as young girls just wonder away and we cannot take responsibility of their actions. However only 27 per cent of employers support the fact that domestic workers do not comply with the rules and regulation of the agency which contradicts what the 71 per cent agencies are portraying. In fact most of the unregistered agencies, especially who have oral contracts, do not have any rules and regulation and other registered agencies who do have is only for discipline purposes and not for training or capacity building of domestic workers .

4.3.12b Aggressive

Agents report that old and experienced women are often aggressive and would oppose agents and would also provoke other women to speak against the agency. Agencies say almost 97 per cent of the women are aggressive. However the opinion of employers is just opposite. The data illustrates that only 15 per cent of employers believe that women are aggressive. Employers are of the view that tribal women are very soft, gentle and servile and are least aggressive. The high percentage of agencies reporting aggressive behavior also reveals the undercurrents of tension that exist between agencies and domestic workers.

4.3.12c Loiter in the City

Missing from work and taking leave to loiter in the city is a problem that 71 per cent of the agencies complain about. Women have money now and like to spend on clothes, jewelry

and make up etc, for many these were some of the factors that had attracted them towards city. As Neha Wadhawan (2013) puts it very explicitly, “Living in the city amidst aggressive consumerism and by imitating the upper-class women employers, these domestic workers dress up like “city” people”.

4.3.12d Absenting from Agencies

Few registered agencies said that a new trend is emerging where the employers and domestic workers are coming together and by passing agencies. Many girls are absenting from agencies as they are being coaxed by the employers to delink from agencies. They say “In spite of all our efforts the girls somehow listen to what the employers say.” The employers raise their salary by few hundred or will buy her a mobile and win her confidence. The employers then do not pay the yearly renewal fee nor do the girls get any leave or other benefits. Gabrielle Meagher (1997) writes the key to professionalizing paid domestic work means to make it specialized and defines not by the client but by the service providers. Such development enable a move away from the associations of servitude and “dirty work” linked to this profession and also pushes up wages. She further adds how loyalty to the service provider/franchise/company and not to the employer depersonalizes the work relation and gives the domestic worker self respect and identity as a worker for an organization.

An agency named Dev Placement Services at Kotla Mubarakpur shared their experience. After few months of her placement, Nina’s simply stopped taking our calls and the madam too warned us that we should not call and harass her. We gave up and for a year we were out of touch but one fine day we get a call from the madam that Nina was very sick and was suffering from tuberculosis and the agency should take her back. Her madam was not willing to keep her and she did not know where to go. We got her back, showed her to a doctor and sent her home with an escort back to her village to recuperate. The agent said, “We do earn from them but we also take care of these women.”

In another case it was reported that Jyoti from Gumla, Jharkhand delinked from organization since her madam asked her to do so. Jyoti was member of a registered Sanstha and would come every Sunday. She would often complain about her madam to her friends. Her madam would ask Jyoti to massage her for hours. Jyoti was not happy doing it. But then she stopped coming and it was a big surprise for all. On inquiring Jyoti said that madam is very helpful and treats her like a family member so now she does not need the support of an organization. The organization learnt later that Jyoti also brought her sister and father to work at a meager salary for her madam who has her own business.

The ILO (2010) points out that domestic work is often perceived to be something other than employment. Instead, it is commonly claimed that domestic workers are like “one of the family”. It can however divert attention from the existence of an employment relationship, in favor of a form of paternalism that is sought to justify domestic workers being asked to work harder and longer for a “considerate” employer without material benefit.

However the framework focused on decent work paradigm emphasizes on rights based rather than status based employment relationship. This kind of relationship between the employer and employee are vestiges of the master-servant relationship and creates power imbalances that leaves domestic worker without any protection.

This is one of the most important challenges that the agencies are facing from both the domestic workers and the employers. Some registered women led agencies say that tribal girls are simple and hardworking. We not only give skill training but also empower them through education, awareness programs and leadership training. The lady agent said “Because of training and exposure most women from my organization have become so vocal that sometimes they question me too.”

4.3.13 Actions taken by Placement Agencies for wrong doings of Domestic Workers

4.3.13a Warn Domestic Workers

The data reflects that agencies warn domestic workers for their wrong doings report 66 per cent of Placement Agencies 69 per cent of Employers.

4.3.13b Counseling

The most accepted practice followed in most cases said 81 per cent of Placement Agency and 82 per cent of domestic workers is that domestic workers are counseled. A soft approach to retribute, works better in long run as many agencies feel that the domestic workers would otherwise just leave the agency. It is usually the registered agencies that do counseling and act as a go between the employers and domestic workers.

4.3.13c Salary Deduction

Agencies also resort to tough action like deducting from wages, retaining wages or make them pay penalty say 38 per cent of agencies. However just 16 per cent of employers support this. The data reflects that there is some discrepancy of opinion between employer

and placement agency illustrating that employers are giving full wages to the agency and perhaps the placement agency is pocketing it. On retaining salary as an action against the wrong doings of domestic workers, a high per cent of NGOs 61 per cent say that otherwise also the salary of domestic workers is retained by the agency.

Agencies report that sometimes some women continuously complain of adjustment problem in several households and are in the habit of leaving household without any prior notice or information. This is embarrassing for the agency which ends up paying the registration fee in the absence of a substitute. The employers also abuse the agent and give threats. In such cases the agency deducts money from her salary.

Certain agencies say that they take on the responsibility of training and counseling women about urban lifestyle but it is an uphill task as women feel very lonely and alienated, women miss their family and if married her children and wants to leave her work.

4.3.13d Domestic Workers are ousted from Agency

39 per cent of employers say that domestic workers are ousted from agencies for their wrong doing. However as per the observation this seems doubtful, simple reason being, that agencies would lose a lot of money by way of registration fee. The data too supports this argument; the data reflects that only 13 per cent of agencies say that the women are ousted for their mistakes. Besides, when ousted, the domestic worker has the freedom to join another placement agency which is not interested in her background or history. However there have been instances, as informed by an employer from Noida that their domestic worker was sent back since she was pregnant and there was no one to take her responsibility.

4.3.14 Summary

Employers and agencies also face a set of problems from domestic workers. The employers mostly complain of lack of performance, weak communication, poor skills and carelessness. These problems stem from the fact that tribal women are unaware of city life style, culture and language, they are shy and docile and nervous and are therefore also slow. In the absence of any training and exposure from placement agencies they fail to perform as per the expectations of the employer.

At the same time over the years tribal women have also acquired certain city traits like usage of mobile, loitering in city, being assertive and out spoken. These traits are also causing problems in managing domestic workers for both agencies and employers.

Placement agency uses various ways to control women like deduction of salary or warning them but is always under fear that the domestic workers may leave the agency so a better method is counseling.

4.3.15 Conclusion

The problems faced by each category with each other viz; employer, placement agency, domestic workers defines the relationship that exists between them. As per the market situation and the rising demand for domestic workers, the placement agencies should be the fulcrum which balances the relationship between the employer and the domestic workers. However the analysis indicates that given the difference in bargaining power with employers being affluent and educated, dominates both; the agency as well as the domestic worker. The other significant aspect that emerged that since many agencies are operating as illegal entities they are in no position to fend or protect domestic workers which is one of the most pertinent role and function of agencies.

Most agencies are crafty and profit oriented and charge high registration fee from employers and also from domestic workers. It retains domestic workers wages and has no specific working rules and regulation for employers or domestic workers. Beside the high registration fee, the employers also face problems from sub standard services provided and no replacement facilities since they often function undercover it is nearly impossible to trace them. Agencies are also not concerned with providing any training or skill development for domestic workers in effect the employers complain of poor performance by tribal domestic workers and invariably it is women who bear the wrath of employers. Many agencies retain wages of domestic workers and they are never paid fully when they want to go back to their village. Domestic Workers usually get trapped in this vicious circle of work-non-payment-work and are never free from the tentacles of placement agencies. The poorly functioning redressal mechanisms provide little incentive to seek official help by both; employers as well as domestic workers. Many domestic workers' problems remain unreported given isolation in private homes of employers and hidden spaces of the agencies. In the absence of

any defined relationship between the three categories it is domestic worker who suffers the most and often end up without wages, abuse, oppression, overwork and under payment. Therefore there is a need to evolve a regulatory system which would weave in all three categories equivalently.

Chapter 5

Regulating Placement Agencies: Towards a National Policy

For a long time domestic workers, the majority of who are women have suffered as they remained outside the realm of policy-making on social and labour issues hence debarring them from enjoying legal protection enjoyed by other workers. There are around 52.6 million domestic workers across the world at the end of 2010 and as a single occupational category; this is a huge workforce (ILO 2012).

The Domestic Workers Convention 2011 adopted by the International Labour Organization (ILO) sets minimum standards for domestic workers and specifies working conditions such as hours of work, overtime pay, salary increases, deductions, annual and sick leave social security and access to benefits, in totality “a decent working condition.” It effectively entitles domestic workers to certain basic rights such as a weekly-off for at least 24 hours, a minimum wage on par with a country's laws as well as a minimum age bar before entry into the profession.

Decent work has been defined by the ILO and endorsed by the international community as being productive work for women and men in conditions of freedom, equity, security and human dignity. It involves opportunities for work that is productive and delivers a fair income; provides security in the workplace and social protection for workers and their families; offers better prospects for personal development and encourages social integration; gives people the freedom to express their concerns, to organize and to participate in decisions that affect their lives; and guarantees equal opportunities and equal treatment for all¹³.

The absence of formal contracts between employers and domestic workers, the personalized nature of work and with no means of monitoring the working conditions has given way to adverse labour conditions and violation of domestic workers rights. This is more so amongst the female live –in domestic workers who are at employer’s disposal for twenty –four hours.

13ILO: Toolkit for mainstreaming employment and decent work (Geneva, 2007), p. vi

The Domestic Workers Convention (No. 189) and the accompanying Recommendation (No. 201), both adopted in 2011, offer a historic opportunity to make decent work a reality for domestic workers worldwide. Many countries have since embarked on the ratification process and have pursued new legislative and policy reforms. However not much progress has been made in India to regulate the sector, the primary reason cited are location of work “private household” and the informal employment relationship. Domestic workers do not fall within the ambit of core labour laws as they do not qualify under the definitions of “workmen”, “employer”, or “establishment”(Sankaran, Sinha and Madhav 2007) The nature of their work, the specificity of employee-employer relationship, and the workplace being the private household, excludes their coverage from the existing labour laws including the Minimum Wages Act 1948, Maternity Benefit Act 1961, Workmen’s Compensation Act 1926, Inter State Migrant Workers Act 1976, Payment of Wages Act 1936, Equal Remuneration Act 1976, Employee’s State Insurance Act, Employees Provident Fund Act, Payment of Gratuity Act, 1972 etc.

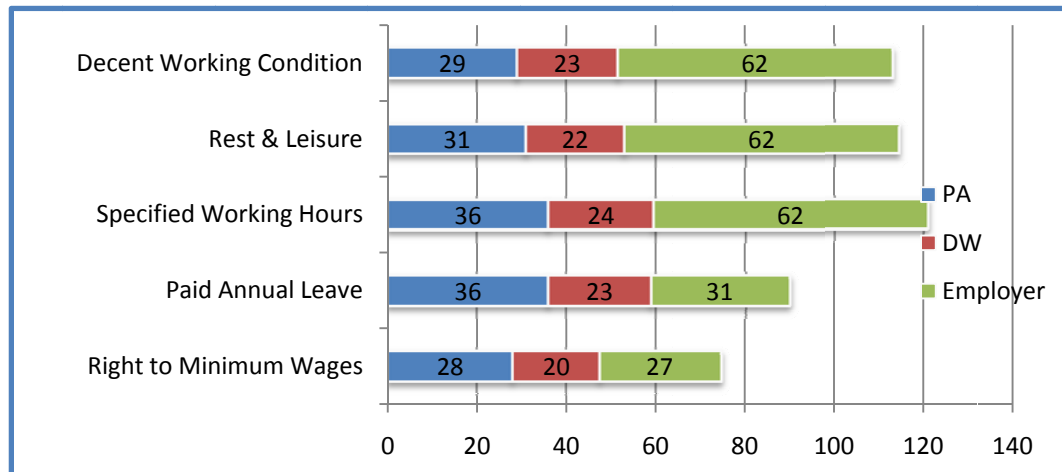
Only recently two interventions at central levels have included domestic workers, The Unorganized Workers' Social Security Act, (2008)¹⁴ and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. The Government of India voted in favour of ratifying the ILO convention therefore is under obligation to come up with legislation/policies for domestic workers. Domestic work is predominantly women’s labour market and therefore improving working conditions of this sector has broader ramifications for greater gender equality in society.

This section examines the awareness among the four categories: Placement Agency, Domestic Workers, Employers and NGO/Civil society of Labour Legislation and the still awaited Delhi Private Placement Agency (Regulation) Bill 2012.

14 Ministry of Labour & Employment 2010

5.1 Awareness of Labour Rights

Figure 5.1 Awareness of Right to Minimum Wages, Specified Working Hours, Rest & Leisure and Paid Annual Leave



5.1a Wage Bargaining

The absence of minimum wages for domestic workers in Delhi State reflects at state's understanding of the work i.e. a traditionally gendered notion of house work. The data also illustrates that the awareness on minimum wages amongst Placement Agencies (28 percent), Employers (27 per cent) and Domestic Workers (20 per cent) is abysmal. Since there is no law to determine the wages, it is fixed primarily by bargaining, negotiation and the assertive ability of the placement agent. The data also reflects that getting a just and a living wage¹⁵ is not the priority of the agency so many domestic workers are being underpaid or unpaid.

Minimum wages is of foremost importance but most placement agencies report that since the supply is higher than demand it is very difficult to bargain for wages. There is always somebody available to do at a lesser wage. Domestic workers reported that they are dependent on agencies for fixing wages but the agencies seem to be more interested in their high registration fee than on women's wages. Women from registered agency say that a determined agency will always be able to negotiate for fair wages. Women from a

¹⁵ Living wage is defined by the wage that can meet the basic needs to maintain a safe, decent standard of living within the community. A living wage would generally commensurate with the overall growth of the economy.

Chotanagpur Working Women's Society ,a registered organization say that in their organization ,the minimum starting wage for a new untrained woman starts from Rs 6000 and many women with experience get as much as 10,000-12000.

During a FDG the animators of a registered Christian oriented Organization shared that in their Sunday meetings they shared about minimum wages with the domestic workers and that they should also get that kind of money for their work. The response was very negative, women were scared and hesitant. They said that the employers will not agree to pay above Rs 5000 and they would lose their job. It took a lot of time to convince them and a lot of courage on the part of the organization too, to convince employers that all women should be paid above 5000 and experienced workers should be paid a higher amount. Women are happy that now they are getting better wages. The minimum starting wage for any domestic workers in our organization is now above 5000.

5.1b Categorization of Work

Wages for the domestic workers are determined by factors such as tasks performed, hours of work, skills, the need for flexibility and other labor market conditions. There has been an on-going debate over the norms for setting wages: Whether the wage should be based on time rated or piece rated, kind and cash and how much, size of house or persons per household, over time, adjustment in boarding, include medical care and other necessities and multiplicity of employer. There is also confusion if domestic work falls under skilled, semi-skilled or unskilled work. This is simply because domestic work is considered an extension of women's work and is not considered as essential work that constitutes social reproduction.

5.1c Need for a policy for wages of Domestic Workers

In Delhi minimum wages have been revised for unskilled, semi-skilled and skilled categories in all scheduled employments since April 2013. As per the new rates, the monthly minimum wages of unskilled workers is Rs 7,722, for semi-skilled workers, the new monthly minimum wages has been fixed at Rs 8,528 and for a skilled worker, the new monthly minimum wages is Rs 9,386 and the per day wages has gone up from Rs 308 to Rs 328. All the employers are again directed to ensure payment to the workers should be made through electronic clearance system (ECS) or by cheque.

Although domestic workers do not fall in the minimum wages legislation in Delhi it gives an idea on what may constitute a fair wage for domestic worker. This will improve domestic workers bargaining power and working conditions. Admitting domestic work under the provisions of Minimum Wages legislation will surely improve their remuneration package.

The low wages have a negative impact on the workers motivation and work therefore when employers complain (see section on problems faced by employers from domestic workers) of lack of performance it is also because they are being underpaid. It is also a customary to pay domestic workers in kind particularly in the form of accommodation and food. These in-kind payments have attributed deduction in wages and are imposed by the employer, for instance, the live –in domestic worker is the requirement of the employer for twenty-four hour services. Therefore while fixing the minimum wages it is important to also define what constitutes in-kind payment and it should not cause undue deductions on the wage. Another concern is to look at the condition of accommodation and the quality of food provided.

It is imperative that minimum wages be fixed for Delhi domestic workers which when paid in cheque will facilitate the transition from the informal to a formal economy. A fair minimum wages will indirectly also influence the working hours.

5.1d Specified Working Hours

There is no upper limit on normal weekly hours of work for domestic workers. This is most ambiguous since there is no clear demarcation between work place and home. Although in some contracts the working hours including rest hours is stipulated but women complain that all this is just in paper, they are mostly over worked and get no time to rest. Sometimes they end up working for 16 to 18 hours and have no week end off or rest time in between.

Sunita who has migrated from Chhattisgarh says “If there is some party or gathering at home I end up cooking for 20-25 people and it can be very exhausting. Nobody comes to help, not even to clean garlic pods.”

The awareness of specified working hours is high among the employers 62 per cent but is very low among agency 36 per cent and just 24 per cent among the domestic workers. In spite of high level of awareness among employers they violate the rights of domestic workers. Some agencies are aware that for 24 hours women are at the beck and call of

employers but seem to completely ignore it. An agent from Rohini said “When we intervene it becomes worse, women are tortured for complaining.” Many registered agency feel that domestic workers should learn to speak for themselves as they are the ones who are facing it. The agency cannot keep a watch all the time. We hold workshops and seminar on women’s empowerment and domestic workers rights. And some women have stood up. However this low working time protection is primarily caused by the exclusion of domestic workers from existing national standards on normal hours at work.

5.1e Rest & Leisure

In addition to the limitation of normal weekly hours of work, the delineation of weekly rest periods is an important element in working time regulations. Domestic workers should be entitled to at least 24 consecutive hours of rest per week, typically (but not necessarily) on a Sunday or another calendar holiday. Just 31 per cent of agencies, 22 per cent of domestic workers, and a high 62 per cent of employers are aware of it but violate it. Domestic Workers from registered agency affiliated to Christian Organization do pressurize in their contract with employers for weekly off so that women can attend Sunday Church and also get some rest time although the Sunday off turns out to be too hectic and exhaustive for women who are allowed a break of just 8-10 hours. The working time period should include three aspects of working time: weekly hours, hours worked at night and weekly rest period.

Adequate rest periods and sleep have substantial effects on a worker’s state of mental and physical health and work performance. During FDG, women shared about different kinds of violence’s that effect their mind and body and also have an impact on their performance. Women are particularly affected by frequent verbal abuse and humiliation they suffer at their places of work and when treated like slaves lowers their self esteem and desire to work.

Agatha a timid girl from Jaspur, Chhattisgarh said that I have become a nervous wreck and have lost confidence as I am always scolded for not doing my work properly or for not knowing my work. I have not learnt to make an absolutely paper thin and round chapattis because back home we do not eat chapattis and I am scolded for that, isn’t this some kind of violence? Most domestic work is done standing and squatting and is very tedious and back breaking.

Mary, from Singhbhum district of Orissa shared that I only get to sit when I am having my food. I am not supposed to sit when my employer is around .I have developed back ache but when I tell my madam that I cannot wash clothes and need to rest , I am told I am making excuses. Domestic workers are the first to get up and last to sleep and work for over 18 hours.

5.1f Paid Annual Leave

Together with limiting weekly hours of work and guaranteeing adequate rest periods, paid leave enhances the overall well-being of domestic workers by providing them a break from routine on an annual basis. 36 per cent of Placement Agency, 23 per cent of domestic workers and 31 per cent of employers are aware of this entitlement. Although employers are aware of paid annual leave, the privilege that they enjoy in their service but are not prepared to give same facility to their domestic workers.

The issue of annual leave acquires particular significance for migrant domestic workers who have family back in the village. In the analysis it was stated that majority of placement agencies do ticketing service for women, employers pay the train fare and also pay a month's wage if they complete their 11 month contract period. It is also a kind of promise that the domestic worker will return to the same household.

In many cases the domestic workers are asked to go home when the employers goes on a holiday or are asked to accompany the employer's family on their vacation and to carry out some of their usual tasks especially when there are infants and children. However tribal women domestic workers prefer to visit home during Christmas celebration or in May, summer holidays but they do not get them when they need it.

5.2 Right to Skill Development and Inclusion of Domestic Worker in Labor Legislation

Skill development in national policies and legislation is to recognize the skills required in domestic work and offers a better future for domestic workers by promoting basic literacy skills and vocational training. A very low percentage of placement agency (24 per cent) and domestic workers (20 per cent) are aware of it. This signifies that the agency and domestic workers have a very low aspiration for career development.

However 62 per cent of employers and 75 per cent of NGOs are aware of skill enhancement. On conversation with a registered agency which is run by a tribal woman, she informed that she encourages educated tribal girls to go for ANM (Ancillary Midwives) and computer training. These trainings are for short periods and women stay in the agency hostel to attend the training. Women take up part time work like cooking and pay for their course. The animator said, “Many of our girls are now working in private nursing homes and are fetching good salary. They also get accommodation in the hospital campus. Some have also got into government hospitals. Nursing is good as they get better salary, a place to stay, and a dignified profession where they have opportunity to grow. The animator further said “Tribal girls are very good at care- work as they do not have the concept of purity and pollution in their customary practice.”

Moreover training will also help in including domestic work as skilled work under minimum wages. It will give them confidence and raise their self-esteem. Many employers also send their domestic helpers for short courses on culinary and housekeeping skills in their free time at organizations like “Prothsahan” at Shapur Jat who do it at a very low fee.

The skill and re-skill training program was initiated by ILO, Ministry of Labour and Employment and Delhi Government. However, only few agencies 24 per cent are aware of such facility. On asking women who had availed this training they said that they were exposed to modern gadgets, different types of cooking: Continental, Chinese and Indian. They were given a stipend of Rs 500 for the training. It was conducted every Sunday. They also got a certificate. However, the agency heads say this training did not help them in getting higher salary. If this training is linked to better employment prospect like getting employed in hospitality sector leading to their upward mobility, then it makes sense otherwise hands on training is good enough.

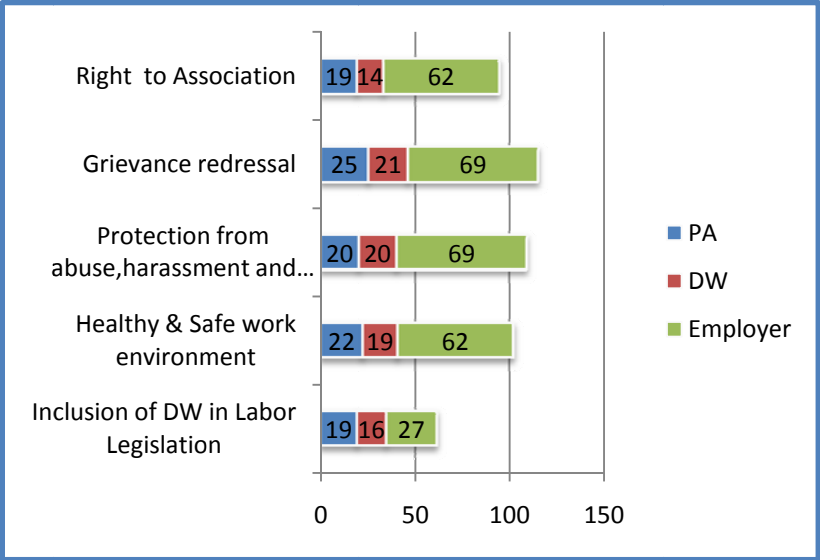
Sushila is from West Bengal, and has been working as domestic worker for some 10 years, she can read and write and converse in Hindi and English which she learnt over a period of time by being with different employers. She is smart and wants to move up in socio-economic ladder. She has saved enough over the years and can afford to pay for new training. She has a large family to take care back home, her parents and her brother’s family. She does not want her nieces and nephews to do domestic work; she sends money for their

education. She did a short course from B-Able DomesteQ and learnt Western and European culinary, food safety, good hygiene and effective stock control and paid a fee of Rs 2500 for 3 days and got a certificate. Sushila is now working for an English employer and is earning Rs 18000. Her hours are fixed, she gets rest has a separate accommodation, has fixed work, gets weekly off and her employers treat her with dignity like any other worker. Sonia George(2013) in her paper “Towards Recognition through Professionalization: Organizing Domestic Workers in Kerala points out that professionalization of domestic workers seeks to raise wages according to the skill available, provide regular timings of work , and more clearly define the work that is to be undertaken. Through improving skills and code of practice, professional organization of domestic workers seek to ensure this to the workers and the employers. The Self-Employed Women’s Association (SEWA), Kerala worked around the normal caring skills that women had and helped the women acquire a better and more professional understanding of such work. The women who got training ran their own canteens. Women also got training in specialized areas of nursing –post natal care; a new module of training was developed later on cooking and cleaning. This has helped in building positive attitude amongst women.

In addition to skill training there is a need to focus also on social skills to improve the level of education and strengthen their ability to organize so that women develop the capability to combat violence and injustice meted out to them. Placement Agency should consider giving training and education to women for enhancing their self worth and wage enhancement by using a part of registration fee for it. Placement agency can also encourage women to go for such training and help in getting admission and doing necessary follow ups.

5.3 Right to Safe Environment and Grievance Redressal

Figure 5.3 Healthy and Safe Work Environments, Protection from Abuse, Harassment and Violence and Grievance Redressal



5.3a Protection from Abuse, Harassment and Violence

Only 20 per cent of placement agencies and domestic workers, 69 per cent of employers are aware of it. The experiences of domestic workers are fraught with violence and abuse from both the employers and placement agencies: slavery, forced labour and human trafficking. Keeping this in view in April 2013 the bill on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) law included domestic workers. The new legislation, seeking to provide a secure and enabling environment for women employees, will make it mandatory for all workplaces to constitute an internal committee for redressal of complaints. The Act provides for a mechanism in terms of internal and local complaints committees to be established by the employer and the appropriate government. Under the law, such cases of harassment will have to be disposed of by in-house committees within a period of 90 days failing which penalty of Rs 50,000 would be imposed.

5.3b Healthy and Safe Work Environment

Only 22 per cent of placement agencies, 19 per cent of domestic workers are aware of it. In contrast a high, 62 per cent of employers are aware of healthy and safe work environment. This will mean the employer to “respect the dignity and privacy “of the employee and to take measures for the same. This would also mean a proper and safe place of rest for domestic workers, a problem that many of them face and promoting occupational safety and health protection for domestic workers.

The government has extended Rashtriya Swasthya Bima Yojana (RSBY) provision for the registered domestic workers in the 18-59 age groups. The beneficiaries would have to get identification certificates from any two of the four institutions -- the employer, resident welfare associations, registered trade unions ,the police, or Labour and Employment Minister. The upper limit of the annual contribution would be Rs. 750 per beneficiary — of which the Centre would bear Rs. 565 — and another Rs. 60 for the smart card. A maximum of five members per family would be covered. The RSBY provides for smart card based cashless health insurance cover of Rs. 30,000 annually to below poverty line (BPL) workers (a unit of five) in the unorganized sector and is being presently implemented in 25 States and Union Territories. It would also lead to registration of workers and placement agencies indirectly (The Hindu, 2011).

5.3c Right to Association

On Right to association just 19 per cent of placement agencies and 14 per cent of domestic workers seem to be aware in contrast to 62 per cent of employers. Right to association will give domestic workers a better platform to bargain for their rights. But domestic workers are not organized or unionized reason being that it is an informal sector and the conservative practice of labour organizations and Trade Unions ignored women workers (Baruah 2004). Also Unionizing domestic workers is difficult because of the diverse and scattered nature of their work. Only a small fraction of domestic workers in the country are part of associations or are unionized. The lack of unionization is a critical factor in their exclusion from labour laws. Some important Unions which have put pressure on Government are The National Domestic Workers Movement which has campaigned for the rights of domestic workers and along with other organizations got minimum wage legislation in Karnataka and a State Welfare Board Bill for domestic workers in Maharashtra. It has now spread to 23 states in the country. The Self-Employed Women's Association (SEWA) did door to door campaign encouraging domestic workers to become members of the organization and become involved in its activities. Some of SEWA's programs for domestic workers include collective bargaining, lobbying for minimum wages, workers education etc. The other such organizations are the Pune Shahar Molkarin Sangathana, Karnataka Domestic Workers Congress (KDWC), Stree Jagruti Samiti, Bangalore, Gharelu Kamgar Mahila Union, Kanpur, Delhi Shramik Sangathan, Delhi.

Summary

The above analysis on the awareness of labour rights amongst the four categories of respondents shows that amongst placement agencies and domestic workers, the awareness is very low. One possible reason for domestic workers being unaware is they being uneducated and from rural areas. The agencies are also run by people with similar background but are also not concerned with the welfare and rights of domestic workers.

However the awareness amongst employers is high but not many are prepared to give leeway to domestic workers. In the absence of any effective labour law for domestic workers it cannot be forcefully imposed by domestic workers or placement agencies. Nevertheless, the constructive ways to improve the situation of domestic workers is training and skill

development which will enhance their wages and also give dignity to domestic work. Domestic workers also do not have right to association, however many organizations are coming together to give recognition to domestic worker. A placement agency can network and lobby with such associations and negotiate for a better standard of existence for domestic worker.

5.4 Awareness of Delhi Private Placement Agencies (Regulation) Bill 2012

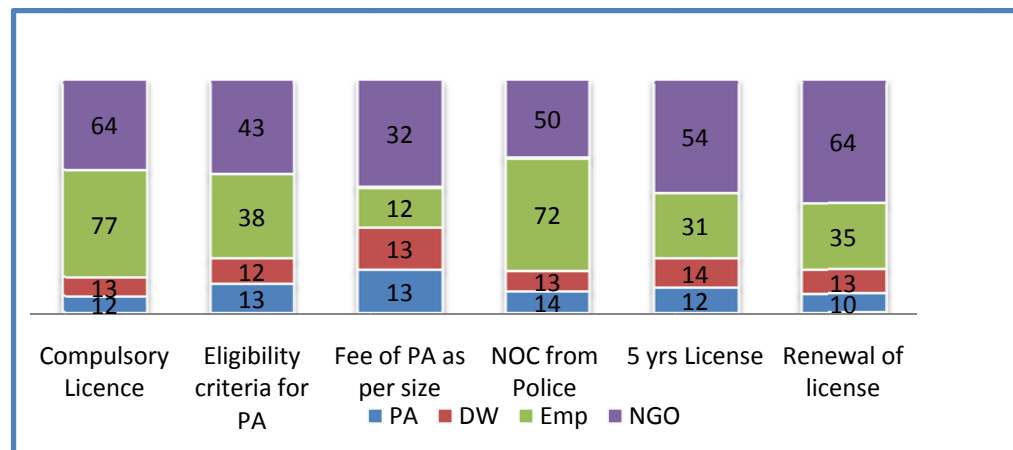
A huge network of placement agencies in Delhi is involved in trafficking women and girls from Jharkhand, Chhattisgarh, Orissa, West Bengal and Assam dragging them into a world of slavery and sexual exploitation. A petition was filed by an NGO, Bachpan Bachao Andolan (BBA) seeking the court's direction for formulation and implementation of a "strong policy" to curb trafficking of girl and child workers by unregistered and unregulated placement agencies in December 2010. The Delhi High Court directed the government to ensure regularization and registration of placement agencies operating in Delhi. The Delhi government informed the High Court that in order to regulate the placement agencies a bill was being drafted and will be presented in the assembly in 2013.

The Draft Private Placement Agencies (Regulation) Bill 2012

1. The Bill says that the unregistered agencies will not be allowed to provide domestic helps.
2. No person or private placement agencies shall carry on or commence the business of private placement agency, unless he (/it) holds a license issued under this Act.
3. The draft bill also provides for the appointment of a controlling authority, which would oversee the registration and subsequent functioning of the placement agencies. The authority would also be armed with the power to cancel licenses of an errant agency if it violates the Act.
4. Every private placement agency shall maintain a register containing
 - i. The names and addresses of the persons managing the private placement agency,
 - ii. The names and addresses of the persons to whom it had provided the domestic workers,

- iii. The names and addresses of the domestic workers deployed by it and
- iv. Such other particulars as may be prescribed. The bill mandates a placement agency to display its license at the office. The labour department has been given the power to conduct inspections and crosscheck these documents at will.
- v. The placement agency will have to issue a photo identity card to a domestic help, employed through it
- vi. The law also provides that the placement agencies would issue a pass book to every domestic help employed through them
- vii. The agencies will have to keep a record of the place and the name of the employer of the domestic help
- viii. The agency also requires keeping the name of next kin of such a worker

Figure 5.4 Awareness of Delhi Private Placement Agencies (Regulation) Bill 2012



On awareness of Delhi Private Placement Agencies (Regulation) Bill 2012 only 35 per cent of agency and 22 per cent of Domestic workers are aware of it. And as low as 26 per cent of agencies and 33 per cent of domestic workers seem to agree that a Law can streamline the agencies and protect the domestic workers rights. On the other hand, 85 per cent of employer seemed to be in favor of Private Placement Agencies Regulation Bill which could also improve the situation of domestic workers.

The four categories: Placement Agencies, Domestic Workers, Employers and NGOs were also asked about the various stipulations in the Delhi Private Placement Agencies

(Regulation) Bill. On compulsory license just 12 per cent of Placement Agencies and 13 per cent of Domestic workers agreed that placement agencies should have a license to operate. The data illustrates that placement agencies were not in favour of having license to operate whereas domestic workers perhaps were not interested. The dismal response of agencies is for obvious reasons that they do not want to be registered and regulated. However many domestic workers say that they are unsure how this would change their existing situation. A majority of Employers (77 per cent) and NGO (64 per cent) felt that a license is a must for placement agencies.

In almost all the provisions mentioned : Eligibility criteria for Placement Agent (not be a convict, insolvent) , Fee of Agency as per size, No Objection certificate from police, 5 years license and renewal of license , the response of agency and domestic worker is very similar and a very dismal percentage agree on them(10-14 per cent).

The employers were very particular about getting a NOC from police (72 per cent) and just 32-64 per cent of NGOs fully agree on the various provisions mentioned in the bill. The employer's giving maximum emphasis for police intervention seems to be based on the fact that all scrupulous placement agencies will perhaps get filtered with this process. However, the low percentage of NGO support comes as a surprise. NGOs like Nirmala Niketan, Chetnalaya and few Associations pointed out that this is just another mechanism for Government to collect money and no change can come because there are many loopholes in the Bill.

However only 35 per cent of employers, 39 per cent of NGOs feel that by regulating placement agencies the situation of domestic workers will improve. The problem of domestic workers is not just restricted to agencies. It is related to larger problems: the unequal economic development, the employer's attitude and the state protection for domestic workers and the need of a Comprehensive Law for domestic workers.

Many agencies feel that with this Law, agencies will simply go underground or move to NCR region but will still operate clandestinely. Domestic workers say that nothing works as many agencies just give some money to police and get away or just move out from the area, change the mobile sim card and are untraceable. The data reflects that there is a need for an

effective law which not only regulates the agency but also protects the rights of the domestic workers who are exploited the most by the agencies.

The data reflects:

- i. Lack of awareness
- ii. Lack of interest
- iii. Low expectation of change from regulation
- iv. It is an eye wash and a half hearted approach

5.5 Critique of the Bill

The Bill has also come under lot of criticism from likeminded NGOs and civil society like Shakti Vahini, Childhood Enhancement through Education & Training (CHETNA), Save the Children and activists for domestic workers and anti-trafficking. They say that the Bill is a half hearted attempt by the State to manage the affairs, a pseudo-protective stricture (Delhi NGOs slam Placement Agency bill, Times of India 2012).

The Bill which was to monitor placement agencies seem to be more inclined towards regulating the domestic workers. Once implemented it would give complete power and control to registered agency over the domestic worker who will be harassed at every stage from making an Identity card to getting a character certificate for employment. The provisions require domestic workers to undergo all kinds of enquiries to prove their credentials. Also, terms like domestic labour, trafficking, placement agency and domestic work haven't been defined and adopted as per ILO's recommendations."

The nature of the Bill projects that the purpose was just to keep the employers happy. But it has overlooked the exploitation of domestic workers who is abused by both the agents and the employers since she is illiterate migrant women.

5.6 Changes in the Bill

A. International

Each and every section of this bill should be in consonance with the UN Protocol on Trafficking which India ratified in May 2011

B. Legal

The legislation for placement agencies is undertaken as a central legislation on the lines of Inter State Migrant (Workmen) Act or the Emigration Act which provides for registration of placement agency indulging in sending workmen across Borders. The initiative undertaken by the Delhi Government will create confusion for law enforcement agencies as these agencies will be out of the monitoring mechanism in NCR Regions like Faridabad, Noida, Ghaziabad, Meerut, Gurgaon, Sonipat and Panipat. This is already happening.

C. Structural

In the Committee to formulate the bill , a representation from either the Department of Women and Child or leading organizations working on Child Labour issues or Anti Trafficking should be there which is absent at present.

D. Bill

The Bill should have a welfare mechanism for the Domestic Worker or stipulation of minimum wages.

5.7 Tripartite Board

On the question of the creation of Tripartite board the data reflects that just 10 per cent of Placement agencies, 16 per cent of domestic workers 27 per cent of employers and There is need for a monitoring mechanism in procurement/catchment areas.

The Bill should clearly specify whether the registration in Delhi will entitle the placement agency to recruit persons from the source states.

The Bill should clearly spell out the rights of the Domestic workers. There is no mechanism set up in the Bill whereby domestic workers can lodge complaint of Sexual Harassment / Sexual Assault by placement agents. Childhood Enhancement through Education & Training (CHETNA) comments “The rights of the domestic worker don't find a mention in the bill. Whether a worker can file an appeal on being exploited by the employer is not explained. The Bill should spell out the duties of the employer towards the Domestic Worker or the rights of the Domestic worker at the work place. The Bill should incorporate provision of legal aid / welfare mechanism for domestic workers social security benefits has to be incorporated.

The New Development on the Bill

On November 2013, Delhi government filed a status report before the court that 1,754 placement agencies have been registered under the Delhi Shops and Establishments Act. It told the division bench that "the Delhi Private Placement Agencies (Regulation) Bill has been drafted after incorporating suggestions of various stakeholders". The status report said: "The bill was also sent to West Bengal, Jharkhand and Orissa for their views as a lot of domestic workers come from these states. The bill would be placed before the cabinet after

the Delhi assembly elections." The court was hearing a Public Interest Litigation filed by a voluntary organization. 68 per cent of NGOs agree that a tripartite board (comprising of elected representative of domestic workers, employers and the government) will help regulate placement agencies. The dismal response of placement agencies is clear; they do not want to be monitored and controlled and have restricted income. With domestic workers it is simple ignorance and employers do not want to be involved or monitored either. The suggestion of a Tripartite Board is mainly from the NGOs.

The National Platform for Domestic Workers (NPDW) seeks enactment of a sectoral law on the lines of Dock Workers (Regulation of Employment) Act 1948, and The Building and Other Construction Workers Act, 1996. Subhash Bhatnagar, the legal adviser to Nirmala Niketan an NGO working with domestic workers says "The reason these legislations work is that they all mandate establishment of a tripartite board comprising representatives of workers, employers and the government. The board is responsible for registration of workers for social security, collection of employers' contribution to the welfare fund and regulation of related organizations like placement agencies. Such a set up helps manage an unorganized sector more efficiently than a policy which is not mandatory."

Vision of the Tripartite Board

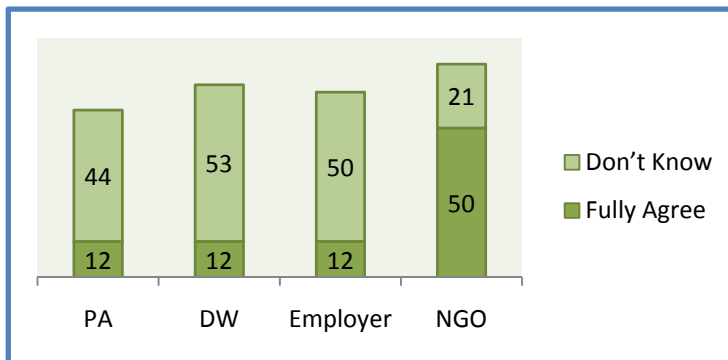
The Tripartite Welfare Board would compulsorily register all the employees, 'collect contribution from their registration' and 'provide Social Security for long term'. All the 'employees' with whom a domestic worker works during her life span can contribute a proportionate share in the pool of Social Security Fund of the Tripartite Board during the tenure (short or long) of a domestic workers working with them. Thus with the contribution of various employer during the life span of a domestic workers and with the nominal contribution of the domestic worker herself the Tripartite Board will be able to collect a 'corpus fund' for providing funds for Social Security to each and every domestic worker enrolled with the Tripartite Board. Collective utilization of the fund by the Tripartite Board, instead of insurance scheme, will leave the gains of an insurance company also with the Tripartite Board. The board shall be autonomous in order to function effectively like ESI or Provident Funds. There will be a mechanism for dispute and grievance redressal within the Board.

It is the responsibility of the Board to register the placement agencies. This would entail that the agencies supply records to the Board with names, addresses and photographs of the domestic workers on their roles and pay fees accordingly. They should specify what services they provide to the worker and the employer especially if the workers are from outside.

A success story of the tripartite domestic workers' welfare board is Maharashtra which was constituted in 2011 with the principal secretary labour as chairperson and nominees from the government, workers and employers. The state level board constituted under this Act, registered about 50,000 domestic workers from the cities. The response to the registration was huge and even unions were involved in a big way. Special camps were organized so that workers could register. The Maharashtra Government went a step further and brought domestic workers in the ambit of the Janashree Yojana which gives accident and death coverage and provides limited scholarships for two children of domestic workers. The national health insurance scheme has been extended to domestic workers. There was a budget provision of Rs 6.5 crores for the Board in 2012(The Hindu, August, 2012).

Do Domestic workers need Placement Agencies

Figure 5.7 Distribution of responses on the need of Placement Agency



Only 12 per cent of placement agencies, domestic workers and employers fully agree that there is no requirement of placement agencies for recruitment of domestic workers and 50 per cent of NGOs also feel that

domestic workers can do away with placement agencies. The above data illustrates that there is strong interdependence between domestic workers, placement agencies and employers.

5.8 New Developments

However the NGOs also pointed out that there is a large group of old domestic workers who are emerging as a strong group by itself. They operate by word of mouth, they are not a part of any agency or organization and the traditional kith and kin system is still in play. They

come to know of employers who require domestic workers and of women who want work. There is no monetary transaction involved while placing domestic workers for work. These domestic workers are paid well, have weekend off and feel that they are free from the clutches of placement agencies. These kinds of operations can possibly work in small groups but lack larger vision of organizing domestic workers and demanding for an all encompassing Comprehensive Bill for domestic workers. These women say that they are only interested in earning a fair amount of money and as far as rights of domestic workers are concerned they say that they negotiate with employers on fixed task, rest time and weekly off.

Another new development is the growing online placement services for domestic help via online registration. Various companies in Gurgaon such the Maid's Company (www.themaidscompany.com), Hire-a -Help (www.hireahelp.com), and Domestic Help India (www.domestichelpindia.com) are offering such services. These agencies seem to be more professional and transparent in their operation.

The Hire –a –Help was started by a group of corporate professionals as an employment exchange, which connects employer and employee based on requirement. The company uses structured processes to understand and match client requirements. The company, however, does not keep any maids on its rolls and has a database of job seekers. They keep candidate ID, address proof, and multiple references. Police verification is a part of the placement process.

The Maids Company has an annual registration fee which is refundable for two months. The company gives three replacements in a period of 5-15 days. One can even take a five-day trial run-before putting in the money for a year by paying some advance. The company goes for a client visit to see the establishment to access its requirement. If after the trial period the arrangement works with the client, he/she can go for an annual contract and if not then after some deduction rest of the money is refunded. The placement fee is 10 per cent of the salary of the domestic helper.

These agencies also offer on the job training. They send a trainer to train the domestic helper at the client's location as per their needs. It also serves the purpose of a surprise check as well. These service providers also have welfare services to ensure a better service from the

workers. These agencies however have mostly full time (10 hours) and part-time (5 hours) service but do not have live- in facility. The new trend that is emerging in well-developed localities like Gurgaon is hiring domestic help within a range of Rs. 1,500 to 3,000 through online organizations who do the screening and training and take care of all the logistics through the year with no break in service. These agencies have been able to give a corporate structure to domestic work giving domestic workers dignity and fare wages. Some of the good practices of these agencies can be a part of good practices.

5.9 National Effort

The National Platform for Domestic Workers, (NPDW) is the umbrella forum of 17 unions of domestic workers and action groups scattered across the country working towards getting a Comprehensive Legislation for Domestic Workers.

The Bill shall seek to regulate employment, conditions of work, provide social protection, core labour standards and existing legislation like the Employees Workmen's Compensation Act, Interstate Migrant workers Act, ESI Act etc. should be amended to include domestic workers. A Tripartite Board should be the instrument for implementation of the Act. The Board would do registration of workers and employers; it will also regulate work and deliver social security. The board would see that core labour standards are maintained for the domestic workers. The Boards also intends to have a help line and mechanism for grievance redressal. These Boards would also regulate the placement agencies.

The Government of India recently deferred a proposal on giving domestic workers the right over minimum wages, paid leave and regulated working hours under a national policy. The national policy for domestic workers would benefit over 6.4 million domestic workers, was slated to be taken up by the Union Cabinet for consideration. The proposal, recommended by National Advisory Council (NAC), aimed at bringing domestic workers under the purview of existing labour laws, thus providing them all the rights and protection available to other workers. The draft of the national policy was prepared on the basis of the report of a task force appointed by the Ministry of Labour in 2009. Once it is approved, domestic workers will be covered by eight existing laws — among them the Minimum Wages Act, Trade Union Act, Payment of Wages Act, Workmen's Compensation Act, Maternity Benefit Act, Contract Labour and Equal Remuneration Act. The domestic workers would have to

register as workers with state labour departments. There was also provision on establishment of a mechanism for regulation of placement agencies in the Bill (16.5.2013).

When the Policy comes into effect...

- * Governments will have to fix a minimum wage for domestic workers.
- * Women workers will get 12 weeks of maternity leave — six weeks up to delivery, and the six weeks that follow — and equal remuneration as men for similar work.
- * They can form own trade unions or join any.
- * Domestic workers will get annual paid, sick leave. In Delhi, a worker gets privilege leave of not less than 15 days annually and sick or casual leave of not less than 12 days.
- * They will get compensation for overtime, social security coverage, protection against abuse and violence, and will be entitled to a safe and healthy place to stay in and sufficient food

Implementation would be the responsibility of the Labour Ministry. The implementation committee will comprise representatives of four central ministries, workers' and employers' organizations, representative organizations of domestic workers and other stakeholders. The committee will seek reports from similar bodies in the states and suggest ways to plug lacunae if any.

Minimum Wages Act in States for Domestic Workers

A number of States have extended minimum wages to domestic workers in recent years: Karnataka, Andhra Pradesh, Bihar, Rajasthan and Kerala. However these interventions have not had much impact as the traditional understanding of housework still continues and house work is considered as non-technical and unskilled occupation. Further the legislation has overlooked at the specificity of the sector and its workers. Calculations are confusing and ambiguous and wages vary in different states. In many states the mere description of tasks deemed adequate to fix a wage rather than specifying them under skilled/unskilled/semi skilled jobs. It has been fixed by the appropriate State at lower levels often even lower than other unskilled work in other employments. By treating all domestic tasks as unskilled and

not making categories of different tasks performed by them is undervaluing their work which tantamount to underpayment. Another major flaw was the absence of a uniform practice (Sankaran Kamala 2013).

The minimum wages are determined by state governments, and there is wide variation in both coverage and level of wages across states. In January 2007, the Tamil Nadu Domestic Workers' Welfare Board was constituted and a few months later there was a preliminary notification for a Minimum Wage Act for domestic workers, which also specified wages for particular tasks and working hours. The Tamil Nadu domestic workers from National Domestic Workers say that "We have been asking for a uniform pay structure with fixed minimum wages. We want the government to allot separate funds for domestic workers in the Labour Welfare Board instead of including them with construction workers." (Hindu June 18 2013) If there is a national policy on domestic workers it would address the issue better.

Conclusion

Several draft Bills for a national legislation to protect domestic workers have been framed over the years by the National Commission for Women (NCW), the Domestic Workers Rights Campaign, the National Campaign Committee for Unorganized Sector Workers, the National Domestic Workers Movement, etc. The Centre too has supposedly come up with a draft National Policy on Domestic Workers (2010).

Most drafts suggest on creation of a welfare fund which will have contributions from employers a worker's monthly salary, a matching contribution from the government, and a small contribution from the employee. They also recommend establishment of tripartite welfare board for domestic workers comprising representatives of workers, employers and government, to be set up from central and state level down to district and local body level.

Domestic workers urgently need a comprehensive legislation regulating their employment, work conditions, social security and welfare. There is need of compulsory registration of all employers, workers and service-providers/placement agencies. There is also a need for all domestic workers to have identity cards and written employment contracts. There should also be a provision for a fixed minimum wage which needs to be linked to increase in the cost price index, a core labour standards in terms of regulation of working hours, rest day,

annual and sick leave, payment of overtime, hygienic living space and notices for termination of employment. There is also a need for social security which would comprise of medical needs maternity leave, childcare facilities, education facilities, life insurance, gratuity and pension.

The Placement Agency Bill which intends to regulate agencies needs to look at the issues raised by the various NGOs before it is presented for consideration. Besides how much contribution will the employers make in the welfare board as suggested by the tripartite committee needs to be assessed when there is a large supply of labour force. Along with the statutory provisions it is also important to empower women domestic workers by having awareness campaigns, skill development and literacy programs. The NGOs along with placement agencies can work on strengthening its position.

Chapter 6

Good Practices: Making Placement Agencies Accountable

Tribal women migrate to cities because of the economic impoverishment caused by vigorous development plans adopted in New Economic Policy of 1991. It displaced millions of “adivasis” from their habitat. In the absence of livelihood security back home tribal women migrate to city like Delhi to take up domestic work which has a high demand because of urbanization, changed lifestyle and emerging dual family norm. Migration for tribal women is a part of a broader strategy of families to cope with economic change. In the literature on modern domestic service, the growth of domestic service and the above patterns have largely been attributed to the processes of economic development.

Tribal women were migrating earlier with the help of relatives and friend’s network but with the rising demand for domestic workers the role of placement agency has grown to prominence. Most placement agencies are into profit maximization and regulate the conditions of work, wages and service agreements with the employer in lieu of commissions. Subsequently tribal women domestic workers are being exploited by these placement agencies who are not concerned about them getting decent wages and decent living condition. Despite their deplorable situation there is no significant labour law to protect domestic workers or to regulate placement agencies. They are particularly vulnerable to discrimination because of their sex, ethnicity and social background.

In the prevailing situation, a compendium of Good Practices is listed ensuring that improvement by placement agencies will reduce domestic workers vulnerabilities to abuse and exploitation from placement agencies even if it does not completely eliminate it. It may also serve as a checklist for the placement agencies, employers and domestic workers and assess characteristics that may constitute a beneficial practice. It can serve as a guideline for regulating placement agencies.

The compendium of good practices is based on the analysis of the data collected from domestic workers, placement agencies, employers and NGOs. In the outset an agency may be considered good if it is:

1. Legal Entity
2. Worker Conscious
3. Gender and Culture Sensitive
4. Demonstrates Managerial and Negotiating Skills
5. Promotes Rights & Development of Workers
6. Facilitates Collective Action

6.1 Legal Entity

An agency which is registered under The Delhi Shops and Establishments Act, 1954 is legally entitled to recruit and place domestic workers. An agency which is registered can be regulated and monitored. It is particularly important for all service providers, an NGO, Association, Union or a Placement Agency to be uniformly registered under one head because it is a profit venture and not a charitable activity.

6.1a Registered

For an agency to be a legal entity it should be registered. The Delhi government regulates placement agencies under Delhi Shops and Establishments Act, 1954. The Delhi Government draft Bill “Delhi Private Placement Agencies (Regulation) Bill, 2012 proposes compulsory registration of all placement agencies of domestic workers under Delhi Shops and Establishments Act, 1954. Under this act the placement agencies need to keep a record of all the details of their client, domestic workers, and domestic workers’ and of at least one kin. An officer will be appointed to monitor the implementation and a failure to abide by the terms in the bill will lead to cancellation of the license. It also stipulates that agency without license will be banned from placing domestic workers. Registration of an agency also gives legal protection to domestic workers and the rights of domestic workers can be legally enforced.

The data reflects that 64 per cent of domestic workers 92 per cent of employers and 93 per cent of NGOs emphasize that a good practice of an agency would be to keep a record of domestic workers and maintain record of employers. The record of domestic workers and

employers is crucial and is also being emphasized in Delhi Placement Agency (Regulation) Bill 2012.

The data in the study illustrates that there are various registration process that is being followed: Society /NGO, Trusts, Partnership Deeds, Unions and Cooperatives. This disperses them and monitoring them becomes a monumental task. The illegal agencies only get trapped if caught in case of complaint. Therefore there is a need of a unified registration system to be followed by all agencies placing domestic workers and a stiff penalty for violation which will force them to register. On this there was hundred per cent support from employers and 77 per cent from domestic workers.

A registered agency from Punjabi Bagh shared that in case of a complaint or a case lodged in police station we are asked to show our registration certificate. It is easier for a registered body to fight a case or file a complaint. But an illegal agency cannot protect its domestic workers.

6.1b Written Contract

A good practice of Placement agencies is to have a written contract, a primary document governing the relationship between employer, agent, and worker. A written contract formalizes employment relationship. The Special Working Contract contains a number of important provisions, relating to the responsibilities of employers and recruitment agents and entitlements of domestic workers. The employment contract is binding on all, the employer, employee and the service provider. However the written contract is useless, not legally tenable if the agency is not a legal entity.

The first step towards awareness is that a copy of the signed contract should be given to all the three parties. This is not being followed and the copy of contract is only with agency and employer. Since most domestic workers are uneducated, the terms and conditions of employment may be read out to the domestic workers preferably in their language. While conducting interviews of domestic workers it was very clearly stated that domestic workers do not have any information on their employers or agencies nor do they know about their wages or works assigned.

The contract is an important piece of document so extra effort should be laid in drafting a model contract by the placement agency. A Model contracts are templates that assist domestic workers and their employers in formalizing their employment relationships through a written agreement. Model contracts can set out standard clauses regarding the terms and conditions of employment, rates of pay, list of duties, periods of leave, place of work, commencement of date and details of rest breaks. However, a contract can be legally enforced if it has protection of appropriate legislation.

6.1c Identity Cards

Besides the contract it may be a good practice to make mandatory on all agencies to provide Identity cards for domestic workers which should have details of her agent (also registration no) employer (pan card no) and permanent address of domestic workers and the registration stamp of source area.

6.1d A New Development

A large section of NGOs feel that placement agencies should be registered in the Tripartite Board. The recent direction of the “on line registration” under Delhi Shop and Establishment Act, 1954 is the simplest way to get a license to open a agency/ shop for placing domestic workers . The NGOs are in favor of the National Commission for Women’s proposal on the formation of a Tripartite Board; the compulsory registration of all employers by the board; the registration of all the domestic workers by the Board; compulsory submission of each and every placement record by the placement agency to the Board; the generation of funds for the Tripartite Board to provide the required social security and labour welfare provisions.

6.2 Worker Conscious

A good practice of agency is that it is Worker Conscious which entails that the agency has effective terms of recruitment, ensures that domestic workers avail facilities of employment promotion and labour and social protection.

6.2a Awareness of Laws

The good practice of agency would also include fair terms of employment outlining their specific duties, hours, days of rest, and conditions of work. The agency would lay stress on domestic workers labour rights. Domestic work should be treated “as work like any other, and as work like no other” (Blackett. A 2005). Some agents said that there is also a need for “awareness and legal training” and training on “right and wrong practices”.

6.2b Fair Terms of Agreement

An agent may specify that employer agrees to provide the worker with adequate amount of meal, clothing, accommodation, and medical care, “decent living conditions”. It would include specifying working hours, rest time, weekly off. The agent may also point out that

the employer cannot employ the worker to work anywhere except employer's home. The data illustrates that 89 per cent of employers and 93 per cent of NGOs stress on fair terms of employment however just 57 per cent and 55 per cent of placement agencies and domestic workers respectively lay stress on it. The simple reason given is that it may look good in paper but it is never followed.

6.2c Working Contract

The agent ensures that the minimum standards of living and working conditions for migrant domestic workers through the provision of a standard working contract. An agency may have a contract that provides better protection of workers by detailing the rights and responsibilities of both employers and employees.

6.2d Children Below 18 should not be employed

To keep a check on trafficking of young girls, a good practice of placement agencies should be to completely ensure that children below 18 years of age are not working as domestic workers. Children in domestic work are extremely vulnerable to many forms of harassment and abuse, servitude and trafficking.

6.2e Visit Workplace

A good practice of agency would be to visit domestic workers workplace to assess her living condition. Perhaps it may be mentioned in the contract under terms and conditions of employment. This was supported by 96 per cent of NGOs and 89 per cent of employers. Many domestic workers' problems may remain unreported given isolation in private homes. A home visit would make the domestic worker feel secure and employer more responsible. It will also give an idea on the actual situation of domestic workers at the work place and if the contract norms are being followed like healthy and sufficient quantity of food, decent lodging, toilet and bathing facility and reasonable privacy. In other word it may be an indirect method of regulating living conditions of domestic worker.

6.2f Cheque payment

Another good practice of an agency would be to encourage employers to pay wages through cheque. This would not only formalize the relationship between the employer and domestic worker but will also serve the purpose of maintaining record of payments, non-payments or

delayed payments. Many agencies report that they have a salary deposit notebook that is maintained by the domestic workers. The employer signs it after transferring the wages in the domestic workers account. The agencies also sign and keep a copy of it. This record keeping is important in case of any dispute on non-payment. It is also a way to keep all monetary transaction transparent.

6.2g Resettlement

A good practice of agency would be to encourage domestic workers to save for their future and as contribution towards their welfare. Many single domestic workers reported during FGD that they support their siblings and parents and could never marry. At the same time, they are left with no savings for future. Also a good practice of agencies could be sensitizing families of migrant women about migrant women's burden and alienation. Another aspect that an agency can also provide is support, advice and gives assistance to women who have experienced violence.

6.2h Provision of Replacement

A good practice of placement agency would be to have a very well defined replacement provision for employer and domestic worker. The terms and condition should specify the monetary implication, time frame etc. The domestic worker should not be forced to carry on if her living and working conditions are not appropriate nor should an employer be entrusted with an inefficient domestic worker.

6.3 Gender and Culture Sensitive

As per the NSS estimates in 2004-05, 3.05 million women workers in urban areas are employed in private households, making the sector the most prominent in female employment in urban areas contributing to feminization of domestic work . Tribal women are particularly in great demand since they are industrious, docile and, ready to work for lower wage.

6.3a Women Leadership

The proposed Private Placement Agency (Regulation) Bill 2012 clearly outlines the eligibility criteria for Placement Agent: A due verification of agent's antecedents for him/her to run an agency. It states that the concerned individual should not be a convict by a

competent Court nor should have been dismissed or removed from Government service. However besides getting a clean chit of his/her character and inclination from the court, some of the important other qualities and criteria that can improve the relationship between the agent, domestic workers and the employers is whether the agency is gender and cultural sensitive. This is particularly significant for tribal women domestic workers who are most vulnerable because of cultural differences and their inability to keep pace with metro life style. The lack of support system in the city makes them completely dependent on the agencies.

Under these circumstances a female headed agency may be given priority over male headed agency since women are able to relate better with women and the probability of sexual abuse in agencies will also be under control. The data in the study reflects that 70 per cent of the agencies are run by men although domestic work is predominantly a women's work and an exceptionally large number of domestic workers are women moreover the clients for domestic work are also women. A tribal female agent, running an agency for over ten years in Shakarpur shared that women can freely share about the inadvertent physical and sexual abuse that they face at employers house and other physical/personal problems but are hesitant to share it with male agents. She further said "you can freely enter our office but it is very difficult to enter a male headed office, half of the time men are underdressed and sleep till late during the day. Their office is dirty, stinks of alcohol and toilets are filthy. So imagine what service they can provide and imagine how the domestic women are treated there and how secure they are in such offices?" Even police and clients are more respectful towards women agents. Women handle cases better, police is suspicious of male agents. With male agent's things sometimes become ugly and male clients becoming abusive.

6.3b Tribal Headed Agency

The data reflects that 61 per cent of agencies and 75 per cent of domestic workers give preference to tribal headed agencies. The tribal agents say that we are answerable to our folks in village so we would not exploit our tribal women. The tribal girls feel less intimidated with tribal agent and are at ease since they share similar background. The families of tribal women also trust a tribal agent. The data on profile of domestic workers and agents reflect that there is a co-relation between the agents and domestic workers place

of origin, they are generally from the same region. A tribal agent is aware of the tribal language and culture and therefore is able to relate with women better say 63 per cent of agencies, 59 per cent of domestic workers.

At the same time tribal women agents like, Rajni and Sandhya of Raghuvir Nagar, West Delhi, are of the view that there are many Bihari or non tribal agents who have married or are living with tribal women and are most exploitative. The tribal women partners help them to bring women from villages. These agencies keep domestic workers salary and give out domestic workers for short periods. They keep replacing women and also take away their salary. Women from such agencies are not able to go home as they never get their full wages and carry on working with the hope that they would eventually get their money. These women agents say that tribals from Jharkhand are exploited by the non-tribals who infiltrate their hinterland and exploitation of tribal women by Bihari agent is a manifestation of the same trend.

Although some domestic workers feel that the intent of the agent is more important than their caste/ethnic antecedents. Only 35 per cent of the employers and 50 per cent of NGOs were in favour of tribal agent. Another suggestion that emerged was that perhaps a “tribal cooperative society” may make a difference rather than the presence of a tribal agent.

6.3c Tribal co-operative society

A tribal workplace cooperative to push for improved conditions for workers. They would inform women about the rights in their own language. It can be a non-commercial venture that requires employers and employees to adhere to a contract that provides for the payment of minimum wages and a mandatory leave period every week. It may be exclusively for members of the Scheduled Tribes and can be managed by a group of tribal women domestic workers. It may focus on expansion, diversification, organizational development that are applicable. It takes on the responsibility of placement, rescue and rehabilitation, future plan and resettlement of domestic workers. The co-operative society can also take charge of training and organizing its members. The tribal cooperative can have a link with the village panchayat and monitor the movement of women out of the village. And most of all it safe guards the tribal women from getting co-opted/ influenced by scrupulous agents.

Tribal cooperatives can play a significant role in cultural assimilation and integration of tribal women migrants. It can organize tribal festivals like Karma, religious festival like Christmas and Easter. A tribal woman cooperative will give domestic workers a separate identity and security.

6.4 Demonstrates Managerial and Negotiating Skills

6.4a Negotiation

In the absence of legislation on minimum wages, domestic workers wages in many cases is determined by the bargaining power of the placement agency. Invariably a domestic worker faces unfair practice of less pay, incomplete pay or delayed payment. In such a situation it is the negotiating and bargaining skill of the agents that plays a very important role in fixing minimum wages.

6.4b Quantum of Work

A good practice of the agent is to fix the wages on the basis of quantum of work, size of the family and rest and leave and leisure time given to women. In addition it should also negotiate for a higher wages for women who are experienced, trained and educated. An agent should make an effort to get minimum wages of a semi skilled or skilled worker.

6.4c Standardize wage rate

An agency can develop a standardized wage for various services based on experience, education training experience, tasks assigned, hours of work and rest time. This would give equal opportunity to all domestic workers to earn fair wages. This is important since the supply of domestic labour is high and the wages are generally decided by the willingness of employer. If the wages are streamlined agents get an upper hand in fixing better wages for domestic workers. In the absence of a standardized wage some agents say that they also look at employer's class and work profile like if they are working couples or business family, the number of other domestic helpers in the house and other benefits that employers can give.

6.4d Educated and Assertive

Further the data also illustrates that 73 per cent of domestic workers, 96 per cent of employers, 82 per cent of NGOs give importance to educated agents and an equally large number of agency 69 per cent are of the same view. The data in the present study shows that only 24 per cent of agents have studied till Higher Secondary and 15 per cent are graduates. This reflects that large numbers of agents have just middle school education. For proper understanding of domestic workers rights and needs and client handling it is

important that an agent is educated. Education will help bridge the “class gap” and the “power imbalance” that exists between the agent and the employer.

6.4e Communication Skills

Education helps in improving communication skills. For bargaining and negotiation it is also important that agents are able to communicate effectively about the demands and needs of domestic worker, rules and regulation of the agency clearly. At the same time an agent should be able to clearly tell the domestic workers about the requirement of employers.

6.4f Managerial Skills

The data reflects that 42 per cent of domestic workers 73 per cent of employers, 68 per cent of NGOs and 52 per cent of placement agencies lay stress on the managerial skills of the agents. Managerial skills of an agent would also include keeping the service users abreast of the situation.

6.4g Handling Disputes

A managerial skill would entail handling the disputes between employer's, domestic workers and agency; provide good service to employers and domestic workers. This is especially concerning complaint of employer for domestic workers being inefficient or slow or of domestic worker being harassed.

6.4h Good Service

A good manger will be able to keep its client happy. This would entail that the agent provides replacement for either party: domestic worker as well as employer.

6.4i Administrative Skills

An agent with a good administrative skill would maintain proper record of both employers and domestic worker. It would also be in regular touch with the domestic workers as well as with employers. It would take the responsibility for arranging tickets and safe travel of domestic workers and would also demand for paid annual leave for women. A good administrator would occasionally home visit domestic workers to check her living condition.

6.5 Promotes Rights of Domestic Workers & Development of Workers

Domestic work is not considered productive labour market activity. They have no clear status under labour legislation they are excluded from formal regulation and enforcement. Therefore their work is regulated mostly by placement agencies and employers. For domestic workers decent work is often a distant dream.

6.5a Fixed & Reasonable Registration fee

It was observed that agencies who charge high fees give out domestic women at low wages. The wages can be as low as 2500 for all household work which tantamount to slavery and forced labour. Therefore a fixed and reasonable amount should be charged from employers and the Placement Regulation Bill states that no fee should be charged from domestic workers. A good practice of the agencies of course would be not to charge fee from the workers, or, just charge a nominal fee. The Placement Agencies do need to get sufficient commission for their personal earnings and maintenance of office; for additional earning they must provide additional services.

6.5b Illegal Migration

The data reflects that fixed and reasonable registration fee from employers is of major concern. One reason often given by agencies is that they have to pay a substantial amount to sub-agents who bring the women from villages. The high registration fee only points at the illegal migration mechanisms which need to be tracked and regulated. Large amount of money involved in domestic work leads to trafficking, commercialization of domestic workers and economic exploitation of employers.

6.5c Legal Aid

The agencies good practice would also include labour protection standards like legal aid. The agent should stand by and support women domestic workers in any legal persecution. Domestic workers are mostly uneducated and unaware of legal implications and procedures.

The data reflects that 60 per cent of domestic workers say that provision of legal aid is an important component of placement agency. In case of any problems from employers, like complain of theft, there is a need of legal support to protect the domestic worker. Since both the agent and the domestic worker are undereducated and unaware of legal system an agency should have some legal backing. Many agencies are connected with Domestic

Workers Forum which not only helps agencies but also help domestic workers in sorting out cases with police, employers and agencies. Registered agencies also keep in touch with police of their area .Placement agencies in Punjabi Bagh reported that in their area, they have monthly meetings with police authorities where they share their problems and issues and also get feedback from police on legal procedures. It also helps police to become aware and sensitive about issues of women domestic workers. And in case of any complaint from an employer, the girl would get a fair hearing from the police.

A good practice would also be to give legal training to women on simple legal practice and procedures like “First Legal Aid” to be followed when alleged of some wrong action.

6.5d Medical Aid

Another good practice is that the agency should have provision of medical aid. Domestic work is usually thought to be safe and non-threatening as it is considered to be routine household tasks. But over work and no rest leads to fatigue, stress and illness. An agency reported that one of her woman was facing skin problem, the skin of her hands were peeling off because of excessive usage of some low quality washing detergent and soap. The girl was thrown out of the house as the employers felt it was contagious and did not even get her treated. The girl was absolutely fine when she had joined her work. The agency then took her to the doctor and the domestic workers had to bear all expenses. Provision of medical support is a good practice of an agency and the agency should perhaps devise a system of home visits to identify such problems and also put it in terms and conditions for employer to provide medical care. A good practice of the agency is to have a regular medical checkup for women, support women when ill like taking her to doctor, admitting in hospital, informing family etc The agencies can take initiative and could also help domestic workers to enroll in government’s RSBY scheme. Another good practice would be to have awareness program on health and hygiene. An agency can also encourage women to have medical insurance.

6.5e Facility of Counseling and Rescue Operations

Since women are away from family in a completely alien environment they face problem of adjustment. Also many women when verbally sexually and physically abused feel shattered and are in a very low life condition. A good practice of placement agencies would be to have counseling facility to restore violated women. Few tribal girls from Jharkhand were

raped in a train by the army jawans in 1992. It was a traumatic experience for these young women who were to also go through the ordeal of rape case. Women were completely shaken and could not even step out of the house. They were counseled and supported on regular basis by Indian Social Institute, it took years to restore them but all of them are back to work, some married and settled. On the other hand there was another case when the domestic worker was raped by the driver. The girl was not counseled; she fell ill and was very disturbed and later committed suicide.

6.5f Sunday Meeting

Sunday meeting give an opportunity to domestic workers to get leave on that day which many employers are not happy to give. Many Christian Organization stress that domestic workers should get Sunday off so that they can attend Sunday Church (majority of tribal girls are Christians) and then spend time in their respective agencies /organization for training/literacy classes. 65 per cent of domestic workers say that this is a good practice in agencies. However it was observed that agencies which focus only on profit do not have any such facilities and domestic workers do not get any rest day. These agencies say that we do not have place to hold Sunday meetings and it is very difficult to manage women due to lack of space. In the absence of space for domestic workers a Sunday leave for women is pointless as they would wonder around in the city. It flows from here that for a decent condition for work for domestic workers, the agencies too should have proper provision/space for women to come for Sunday rest/break. Many tribal migrant women have no place to visit/stay so they end up staying back at their place of work. Therefore a good agency will have a sufficiently large space to hold small gatherings/ meetings for 35-40 women.

6.6 Facilitates & Collective Action

6.6a Training and Skill Development

Training and Skill Development, planning for a safe future is an important good practice that an agency should reflect upon. 57 per cent of domestic workers feel that capacity – building and other career development schemes will strengthen their ability to organize combat violence and also earn more. Training would also give formal recognition to their skills.

6.6b Collective Action

In the absence of legislation guaranteeing freedom of association and the right to collective bargaining it becomes the responsibility of agencies to accurately inform workers of their labour rights and provide rights –based framework which would determine what is fair in the domestic workplace.

6.6c Networking

A good practice of the agency is to have a good networking with Civil Society and NGOs so that they can collectively demand from the government for a comprehensive legislation for domestic workers and engage in tripartite action and social dialogue. Networking and lobbying will give collective protection and insurance mechanisms for health care, occupational safety pensions, evolving awareness raising mechanisms and to earn dignity of labour.

6.6d Networking with Village Panchayat and Local Bodies

A good practice of an agency would be to counter women from moving to urban areas by developing counter source of income in villages, and also discourage children to migrate for work. To control trafficking, a good agency will always involve panchayats to keep record of all outflows of tribal women.

Conclusion

The Good practices are just few suggestions for a proper functioning of placement agencies. However for protection of domestic workers and regulation of placement agencies there is a need for a comprehensive legislation for domestic workers.

Chapter 7

Recommendations

In the present study it is evident that in domestic work sector, placement agencies play a significant role of intermediation between the employers and the domestic workers. It is quite apparent that placement agency is an important component of migration industry and it is very difficult to do away with them. The study clearly brings out the fact that many placement agencies especially the ones which are illegal entities are commercial centers and are not only exploiting domestic workers but also the employers by charging a high registration fee for their services. Placement agencies undefined and vague contracts, without an accurate terms and conditions have made the employment relationship between the three; domestic worker, placement agency and employer informal and exploitative. In the absence of any government managed employment agencies or a concrete law for regulation, private placement agencies have become rampant.

To manage this phenomenon the Delhi state government has come up with the draft bill “The Delhi Private Placement Agency (Regulation) Bill 2012” for regulating and governing the operation of private employment agencies recruiting or placing domestic workers. The Bill has details on registration and qualification requirements for agencies, including application of license, conditions of license, inspection of license, working register to be maintained, punishment, indemnity, photo identity of domestic workers, duties and responsibilities of placement agencies, cognizance of offence, limitation of persecutions and registration. However many NGOs have criticized the Bill primarily because it has nothing concerning domestic workers protection, welfare or redress mechanism. The delay in implementing draft Bill on placement agencies with the necessary alterations suggested by the civil society organizations and NGOs like Bachpan Bachao Andolan has only given impetus to illegal activities of placement agencies. With this background the study has the following recommendations which are as following:

1. Legal safeguards
2. Governance
3. Setting basic standards for the Agency

4. Ensuring basic needs of domestic workers
5. Empowerment through Training
6. Compliant and Redress Mechanism
7. Role of Employers ,NGOs & Civil Society

7.1 Legal Safeguards

7.1a Registered: A Unified Registration

The study very clearly stipulates that many agencies are not registered and are working as illegal entities. It also points that there are multiple registration system at play, many placement agencies are registered under partnership deed or as society, cooperatives or Unions. This gives many agencies the legal authority to operate and circumvent their illegal working especially the ones registered under partnership deed. This is happening despite the government's effort to make it mandatory for all placement agencies to be registered under Delhi Shops and Establishment Act. It was reported that roughly there are around 3000 agencies operating in Delhi out of which only 364 are registered under the Delhi Shops and Establishment Act and 655 are registered under the Commercial Establishment Act (Hindustan Times, July 2012). The absence of stringent regulation has led to increase labour trafficking and exploitation of workers and employers. Utmost importance should be given to registration of all placement agencies in a unified way. All service providers whether placement agencies, Unions, NGOs, Cooperatives who do placement of domestic workers need to be registered under one head "The Delhi Shops and Establishments Act, 1954.

7.1b Unified Contract Template

The study also points out the absence of a written contract between the three parties: the domestic worker, the placement agency and the employer. And even those agencies that do have contract are very elusive about the terms and conditions of work. It seems that the contract is a mere formality and in the absence of any law it is also not legally enforceable. The Delhi Private Placement (Regulation) Bill can develop a unified standard contract template that is to be filled by all agencies. A copy of the contract must be given to employers and domestic workers and the same can be sent to the domestic workers family in the village or given to the guardian in Delhi. A contract will formalize the employment

relationship for domestic work especially in the absence of a labour law for the domestic workers; a unified contract is the only legal protection.

7.1c Sharing the details of Contract with Domestic workers

The study reflects that most tribal domestic workers are illiterate or less educated and are not familiar with the language and mannerism of city. Therefore the details of the contract should be communicated in the language of the domestic workers in an appropriate and easily understandable manner. The contract should clearly spell out rights and responsibilities of the three parties in the employment relationship. This will help correct for the large power differential that exist and permeates in the contractual relationship between the placement agencies, domestic workers and their employers.

7.1d Comprehensive Legislation

There is no legal provision governing the working conditions of domestic workers. Domestic work is regarded as informal employment, and without legal employment status, domestic workers cannot be guaranteed their wages, welfare, working hours and labour protection. Therefore there has been a growing demand for a Comprehensive Legislation for domestic workers which would cover all aspects of domestic work. The Law will regulate the conditions of employment in domestic work, the wages and will have a grievance cell; it will also include the social security provisions for the domestic workers. A comprehensive law will also monitor and stipulate laws for the working of placement agencies: the fixed service charges, responsibilities towards employers and domestic workers.

7.1e Tripartite Board

Many NGOs are in favor of setting up of a tripartite board to implement and monitor the provisions under the proposed Comprehensive law on domestic workers. A tripartite Board is to be formed by the State & Union Territories governments. It will comprise of representatives of workers, employers and the government. This Board will register all employers, domestic workers and Placement Agencies. The board will also be responsible for registration of workers, social security, and collection of employers' contribution to the welfare fund and regulation of related organizations like placement agencies. Such a set up

will help to manage an unorganized sector more efficiently than having just a policy on domestic workers.

7.1f Reduce the number of recruitment agencies and to fix their zones and areas

The problem in regulating the agencies and managing the flow also arises because of the large numbers that are operating leading to cut throat competition among agencies. The licensing scheme prescribed by the Delhi Private Placement Agency Bill would weed out few but needs stricter regulations: like bank guarantee, fees and bonds may be warranted as guaranteeing worker protection, this will prevent from oversaturation.

However it has been noticed that cumbersome and rigid regulations can easily breed corruption and abuse. Like many agencies moved to NCR region and operate from there after the proposed Placement Agency Bill was discussed in the public arena. A stringent law may force agencies and migrants out of the legal system and into irregular channels. Agencies that cannot meet entry requirements may remain active in the informal market, where they are harder to control. They may also pass on the additional costs associated with meeting more stringent regulations to employers and/or migrants.

The key challenge, then, is to develop a balanced set of regulations that are in tune with on-the-ground realities and that nudge informal recruiters toward legitimate business operations. It is critical for governments to formulate and impose entry barriers that deter violators without driving them underground or passing on extra costs to employers and migrants.

Another route to decongest the recruitment market is to create complementary policies that confer rewards and privileges upon agencies that meet and exceed government standards and on employers and migrants that use their services. It is important that that the criteria set for incentives must be transparent and in consultation with stakeholders such as civil society members, migrant domestic workers, employers and placement agencies.

71g Bring subagents into the formal sector

Placement agencies use a host of mostly informal subagents to find prospective migrants thus creating another layer of recruitment agencies. In the study it was pointed out that most agencies have sub-agents who find and refer prospective migrants from villages. These subagents are not formally connected or accountable to the agencies they work with and the migrants they eventually help to deploy. Therefore there is a need to formulate effective

regulations to control subagents who perform a critical role. The Delhi Private Placement Agency Bill is silent on this matter.

7.1h Lack of enforcement, monitoring and Political Will

Lack of political commitment or will to improve labour standards or the weak labour laws gives way to unscrupulous placement agents. There is a need for more political commitment from national governments on a comprehensive bill for domestic workers.

7.1i Incentives for the Employers

For employers to be fare with domestic workers in terms of payment the government may give tax rebates on the wages being paid to the domestic workers.

7.2 Governance

In the research analysis it was pointed out that there was no transparency or accountability in the functioning of placement agency. There was no proper record maintained about the whereabouts of domestic workers nor was there any follow up on their working conditions. One of the major problems that employers faced from them was that there was no provision of replacement and on many occasions domestic help was given for a short period. Therefore there is a need to streamline the working and functioning of placement agencies. This can be done by the state and the agencies themselves.

7.2.1By the State

7.2.1a Online Information

The state should make it mandatory for all placement agency to make all kinds of transactions between the employer, domestic workers and agency transparent by making it available on the web. This will entail putting all pertinent information: details of the domestic workers, and the employer, location of the placement, feedback on the working conditions and wages, need for replacement, period of contact and report of any casualty during employment and support in care. This will help in easy monitoring and tracking of all activities.

7.2.1b Photo Identity Cards

The state should stress on all placement agencies to issue Photo Identity Cards for its domestic workers. This has also been addressed by The Delhi Private Placement Agency (Regulation) Bill However the bill does not specify the details that needs to be put in the I. card. The suggestions of the details are as following 1) Name of the domestic worker, Permanent address of domestic workers, local guardian's name, address and telephone number.2) Agency Name, address, land line telephone no and registration number of agency 3) Employers Name and address, office address, phone number of the employer and also the pan card.

7.2.2By the Agency

7.2.2a Documentation

The agency should keep detailed information of its domestic workers and employers.

- a. Real name of domestic worker
- b. Photograph of domestic worker
- c. Full address of domestic worker's native place
- d. Name, address and photo of agent who brought the domestic worker from native place
- e. Full address of the employer
- f. Salary, details of the work and hours of work.

7.2.2b Mandatory Reporting to State Agency

A Placement Agency is required to submit daily/weekly details of all recruitment and placement done: no of placement done, details of the placement. This aspect has been taken up by the Delhi Private Placement (Regulation) Bill and a register is to be maintained on the daily activities by a placement agency. A format can be prepared for keeping details of domestic workers and employers.

7.2.2c Salary Fixation on the basis of Skills

In the study analysis it was reported that there is a vast difference in wages of domestic workers. The wages was completely dependent on the negotiating ability of the agent who was incapacitated because of the class difference between the agent and the employer. At the same time agents were primarily interested in their own profit through registration rather

than getting living wage for the domestic worker. And above all the “minimum wages” has not yet been fixed for domestic workers in Delhi. Therefore there is a need to fix minimum wages of the domestic workers based on her skill, years of experience, cost of living, inflation cost and also on the tasks and size of the employer’s family.

7.3 Setting Basic Standards for the Agency

7.3.1 Education

The Delhi Private Placement Agency has stipulated on the conditions for eligibility for license. And it says that “the person should not be convicted of an offence with promotion, formation or management of a company by the Court”. However the Bill should also specify on qualification and age of the agent. The data reflects that most agents are just secondary pass. There is a need to have more educated agents to manage the agency and interact with employers who have an upper hand because of their class status. In the absence of minimum wages stipulated yet for domestic work it is the negotiation ability of agents that plays an important role and agent’s education and training will better equip them to bargain and negotiate for better wages for domestic workers. In addition, an educated agent is in a better position to handle any legal cases pertaining to domestic workers.

7.3.2 Age

The data reflects that there is higher presence of younger agents (25-35) in unregistered agencies. The Bill should consider giving preference to more mature and experienced agents which generally comes with age.

7.3.3 Gender and Ethnicity

The data reflects that there is growing presence of men (70 per cent) who are running placement agencies. It was also observed that a large number of non-tribal men (33 per cent) were also entering into placement business. The study also shows that domestic workers are more at ease with women agents with whom they relate better especially if they are tribal women who are familiar with their culture and customs and inhibitions.

It is also an accepted fact that the socio-cultural factors, unfamiliarity with language prevent domestic workers particularly migrant tribal domestic workers from engaging and negotiating with their employers. These factors also increase their vulnerability to abusive

treatment, discrimination and unfair working conditions from both the employer and the placement agencies. Therefore the bill needs to be more gender and ethnic/caste sensitive to protect and promote the rights of tribal domestic workers. The bill can promote women to take up agency work. At the same time leveraging tribal women agents would be most advantageous since tribal women domestic workers can be best guided by the tribal women agents. Special efforts should be made to give education and leadership and management training to tribal women placement agents. Education and training is the best means to empower tribal women agents.

7.3.4 Ensuring Basic Needs of Domestic Workers

The Bill has confined to recruitment and placement of domestic workers and has not looked into the other facilities and services that an agency needs to provide. The data reflects that there are many small agencies floating around under partnership deed. These agencies have very few members and do not have provision of basic facility like proper accommodation or training. In the absence of such facilities, agencies should link up with other agencies or NGOs so that it can provide basic facilities for domestic workers.

7.4 Accommodation Facility

A placement agency should have spacious and hygienic accommodation facilities to gain a license. Since most of the domestic workers are migrant single women a hostel accommodation is the most urgent requirement for the safety and security of women. Agencies can collaborate with bigger agencies to provide proper accommodation for domestic workers.

7.4.1 Training Facility

Priority may be given to agencies that have a mechanism of providing training and exposure to domestic workers who are alien to urban culture. Professionalizing domestic work through training and formal recognition of skills and qualifications is an important means for strengthening the bargaining power of domestic workers within the employment relationship.

7.4.2 Terms and Conditions in the Contract

One of the prime complaints of employers was absence of replacement facility and also on refunding the registration fee (after a limited trial period) in case the employer is unsatisfied or domestic worker breaks the contract.

7.4.3 Unified and Fair Registration fee from Employers

Fees are at the centre of most recruitment irregularities, with recruiters charging excessive prices. One of the main problems faced by employers is high registration charges and renewal charges. The Bill should fix the registration fee. The study shows that a high registration fee has a negative implication on domestic workers as they are treated as bonded labourers by their employers.

7.4.4 Wages to Domestic Workers

One of the problems that domestic workers face from agency is non-payment of wages. Many agencies collect the wages directly from the employers and a partial amount is given to domestic workers on completion of contract. To avoid this Bill recommends payment through banks. However as domestic workers are mostly uneducated and ignorant about banking system there should be a provision of giving some basic training on it. This would also encourage women to save and invest for future needs.

7.5 Empowerment through Training

7.5.1 Training on laws for Domestic Workers and Placement agency

There is a very low awareness about rights protection and understanding of their legal rights amongst both the domestic workers and agencies due to their limited life skills education. Few domestic workers and placement agencies understand the importance of signing a contract. It is important to give training to both on basic human right, law procedures to be followed in case of an incident like lodging an FIR information on Sexual Harassment Bill at workplace and labour laws. It is also important that placement agencies are informed about the new laws being proposed on regulating placement agencies like availing license, record maintenance, reporting to licensing authority, transparency and auditing.

7.5.2 Provision for Skill Training for Placement Agency and Domestic Workers

Many employers faced problems with the domestic workers as they were not trained. Training facility should be impressed upon and agencies should have some provision of

preparing domestic workers before placing them for work. A formal training will make domestic work more professional and would not only help workers acquire better wage but also dignity for her labour. Even placement agencies should be given basic training and exposure about administration and audit management.

7.5.3 Provision to Maintain Cultural Roots

Agencies should have provision for celebrating tribal festivals like Karma festival and Christmas and Easter facility since many domestic workers are Christian tribals. This would help them to be connected with their culture and festivities and would also give them respite from the daily drudgery.

7.6 Compliant and Redress Mechanism

7.6.1 Grievance Cell at State Level

The Delhi Private Placement Agency Bill has to have an effective and accessible complaint and redress mechanisms (courts, tribunals or other dispute resolution procedures) that are not less favourable than those available to workers generally, including migrant domestic workers and their families. Also in the absence of mechanisms to monitor and enforce employer compliance with their contractual obligations (labour inspections and labour dispute resolution) the contract becomes weak and goes unchecked.

7.6.2 Inspection

There is a need for a regular inspection of placement agencies which would improve their performance and keep a check on their activities. The growing number of placement agencies mostly illegal reflect that inspections are either not conducted or do not result in penalties for those who break the law.

7.6.3 Interface with Law and Order Agency: Police

It was reported in the study that the onus for regulating the employer-employee relationship falls to recruitment agencies, which unfortunately are often ill equipped to effectively enforce labour standards especially when there is no law for domestic work. Therefore it is imperative that the Bill also weaves in the police and the judiciary. The Bill emphasizes for instance on banning payment of recruitment fees from domestic workers but it would be more effective if there is a means to monitor or enforce the regulation.

7.7 Role of Employers

7.7.1 Employment Associations

It can act as a bridge between the government and agencies regulating domestic services, sharing information, monitoring and putting forward recommendations. However its power rest only giving guidance. The association can also work against high registration charges or any other abusive practices of placement agencies by informing the public about it.

7.7.2 Role of Employers

The Bill is completely silent about the role of employers. The Bill should ensure that adequate machinery and procedures—such as labour inspections with due respect for the privacy of households exist to monitor employers, investigate complaints, alleged abuses and fraudulent practices by employers against domestic workers. This would protect domestic workers from all violations and abuse.

7.8 Role of NGOs & Civil Society

7.8.1 Awareness Programs

There is a need for growing role of civil society organizations to mobilize domestic workers and fight for their rights and also work towards awareness programs for both agencies and domestic workers that would empower women through knowledge and information.

The NGOs should support organizations of domestic workers and placement agencies in order to improve bargaining power, wages and decent working conditions. Furthermore by organizing placement agencies and workers and providing information on basic entitlements shall boost the ability of the placement agencies to negotiate and demand improved wages and working conditions from employers.

7.8.2 Empowerment by Organizing Domestic Workers

NGOs along with placement agencies should work towards organizing domestic workers, as other informal workers which is the key to their empowerment and for effectively representing their interests, or giving them “voice”, in their struggles.

7.8.3 Check on Migration

The influx of tribal women to metropolitan is because of unavailability of alternative source of livelihood. This needs to be checked through a multi dimensional course of action; rural development, equitable dispersal of resources to remove regional disparities, employment generation, land reforms, increased literacy, financial assistance etc. The NGOs along with the Government can work on various measures to control migration. To check unscrupulous agencies, block and panchayat officials should be engaged to spread awareness among villagers and maintain records of migrant women workers.

7.8.4 Sensitize Employers

NGO's and civil society members can work towards sensitizing employers about the legal and illegal agencies. The Resident Welfare Societies (RWA) may be involved in the awareness programs; it can also be a resource for helping individuals understand their responsibilities as employers of domestic workers and perhaps a list of registered agencies.

7.9 Conclusion

Placement agencies play an important role and will continue to play in future as they provide the tribal domestic migrant workers a wider range of choices which would not have been possible without their assistance. Many agencies for profit maximization often resort to fraud and abusive practices; since migrants' bargaining position is low, they have very little say on these fraudulent activities.

It is therefore for the government to make stringent laws at place of origin and destination to regulate the placement agencies recruitment practices. The government at the same time should also introduce parallel measures, like training and awareness programs, social security measures that empower labour migrants and give them the needed negotiating leverage in an otherwise unequal employment relationship. For employers to be fair with domestic workers in terms of payment the government may also give tax rebates on the wages being paid to the domestic workers.

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Annexure

- 1 List of select Placement Agencies
- 2 Sample Copy of Partnership Deed of Suchita Placement Services and Registration under Partnership Act of Sandhya Yuvati Kalyan Point
- 3 Copy of Registration Certificate by Department of Labour and Employment of Sandhya Yuvati Kalyan Point and Registration Form
- 4 Sample copy of Contract Form and Rules and Regulation of Contract of Adivasi Jeevan Vikas Sanstha (AJVS)
- 5 Copy of Pass Book and Attendance Card for Domestic Workers of Society for Development of Tribals