

National Platform for Domestic Workers

Report of the meeting of the National Convenors – Mumbai

25th March 2015

This meeting took place at the office of the Shramik Mahasangh, Dadar Mumbai. Nalini informed the group that both Fr. Chetan and Sr. Celia had conveyed their inability to attend. Fr. Chetan said that the Mumbai office bearers from the NDWM would represent them.

Agenda:

1. Follow up of the Public Hearing
2. Accounts
3. Work of the Delhi Platform
4. Maharashtra Platform feedback
5. Suggestion from the National Human Rights Network
6. Report on the ILO programme in Maharashtra
7. New Memo on Social Security
8. Issues of Cross Border Migration of Domestic Workers
9. Future programmes

1 Follow up of the Public Hearing

Subhash informed that although it took time, the Judges had finally signed the Jury Statement. Dr. Nair had made a few corrections and signed on the top of the page instead of the area marked for signatures. It was decided that this should be taken as signed and the matter is closed.

Br.Varghese, who had agreed to edit the docket for publication, said he had not proceeded but still required some details. It was decided that he should proceed with this by circulating the text with comments and the gaps could then be filled up. He said this would be done by mid May.

2. Accounts

Nalini informed that Anita Juneja had completed the accounts and with all the contributions there is now a balance of Rs.15,000 after the Public Hearing. Subhash/Nirman had not yet submitted their account and since it is so delayed, it was decided that the account as it is, stands closed.

3. Delhi Platform follow up

Subhash explained that it had taken time to get the Delhi Platform to move together on a regular basis but that things are gradually improving.

He explained that the Parliament Standing Committee has changed and hence, as a Platform, we would have to commence again with our appeals for the Comprehensive Legislation but for which we would have to work out a good strategy. He also informed that the Delhi High Court had now issued a radical order that all placement agencies had to register and that this is a good precedent for all the country. They would see how this could be implemented and followed up. He would circulate this order to the others. The delhi Platform would also try to lobby the New Delhi government to push for registration of the workers, minimum wages and implementation of the RSBY in Delhi.

4. Maharashtra Platform Feedback

There were several participants from Maharashtra this meeting and they all gave their feedback regarding the morcha they had organized on March 12th. Medha informed that this was a very collective process where groups from several districts participated and over 6000 workers gathered in Azad Maidan with a charter of demands which basically highlighted how the Maharashtra Act for domestic Workers needed to be amended. They focused on 10 demands – based on the Hamal Mathadi Board, scheduling of minimum wages, pension, life support services like water, free education and medical facilities, rations, pensions.

All the members of the Maharashtra Platform had made it a point to meet the MLAs from their districts informing them about Convention 189 and the need to ratify the convention by the national government. Medha particularly said that the MPs that they met in Pune from the BJP and Shiv Sena – MR. Srirang Barne and Mr. Shirole and Mr Kalekar, were particularly interested and stated that if they were told what exactly could be done to protect the domestic workers, they would present this in Prliament. Since they are a group of 40 MPs, they would take this ahead collectively. It was decided that the Maharashtra Platform would take this ahead focusing on the aspects of the Comprehensive Legislation at National Level.

There was a discussion on the importance for a welfare board with contribution by employers so that the workers got their rights and not just welfare, that they can avail of the ESI with relevant changes being made so that they would be able to get the OP and IP facilities even if they do not get the contribution towards wages during hospitalisation, and the contributory pensions.

Medha explained that besides the CFTUI, no other Central trade unions participate in the Platform. But the BMS had also a rally of domestic workers on the 11th March before the Municipal Corporation where they demanded free medical assistance for the domestic workers.

In this regard Br. Varghese informed that he had met the Central Labour Minister, Mr Dattatreya who had also been open to a discussion and had also asked for concrete suggestions for intervention in the case of domestic workers and the construction workers. It was felt that this discussion should take place in Delhi. Nevertheless, there is yet no Platform process in Andhra.

There was then a discussion about what could be done at central level as it is important to strategise particularly as the new government is so anti labour.

It was felt that the issues of the informal sector are not addressed by the Central Unions in general and that they also do not want to take up the issues of the domestic workers. Hence it was felt that since some of our participants are members of some central trade unions we should first try to get them to organise a meeting of the central unions.

Subhash would ask Ramendran to approach AICCTU, Sr. Lizzy would ask her friend to ask TUCC, Nalini would ask Sonia to ask SEWA, BMS and INTUC. At this meeting, the Central TUs should understand the programme of the National Platform, lend their support for the comprehensive legislation. There should also be a clarity on the nature of the Board and the availability of the ESI for domestic workers.

Subash would also circulate the amendments to the ESI in order to see how the domestic workers could be accommodated. It is also to be noted that the draft National Policy for Domestic Workers did not

include the contribution from the employers although it was recommended by some participants of the Task Force. Nalini mentioned that the NTUI was also not in favour of this because of the practicality of collecting contributions. Nevertheless, in the context of the formalization of the informal workers and the new proposal to issue portable smart cards, it is easily possible to collect a cess from the employers and the unions should understand the mechanics of this both for the part time and full time workers.

It is also important that the board we are demanding for the domestic workers should not be confused with the Social Security Board put in place under the 2008 Act. Nevertheless, it is important to raise the issue of the percentage of the national GDP that is being invested in the socials security board which is diminished in this last budget and the Act in itself does not specify what percentage needs to be invested in this Board.

Subsequently Subhash also informed that all the central trade unions had included the demand for a Comprehensive Legislation for Domestic Workers in their charter of demands to the government. (we need to get a copy of this memorandum)

It was also felt that some other states could work on the Delhi High Court Judgment on Placement Agencies so that it becomes more a national phenomenon that the Placement Agencies have to register.

It was felt that this meeting with the central TUs should take place before the meeting with the Labour Minister which should take place by July 2015.

It was also felt that the Platform could also organise a wider Consultation to discuss these various issues so that there is broader consensus on these issues.

5. Nalini informed the group that Colin Gonsalves from the Human Rights Law Network had offered to take up a PIL on the need for a Comprehensive Legislation for the Domestic Workers. The group felt that this should be done only after getting a response from the Labour Minister so that we do not antagonize anybody before we take this step. Nalini will inform Colin of the same. Subash also added that there is recently a new judge on the PIL bench, Justice Lalit, who is not very pro worker and hence we should move carefully on this.

6. Gyanesh from the NDWM informed the group that they were involved in a programme with the ILO that was trying to understand the aspirations of the domestic workers around minimum wages, and other benefits in order to develop a better understanding of what amendments could be made to the Maharashtra Act.

7. Sr. Lizzy informed the group about the issues relating to cross border migration of domestic workers. She said that workers were being exploited because of extortion from agents and very poor treatment abroad. She mentioned that her union in Andhra was daily receiving complaints from workers and had also managed to rescue several workers from the Gulf countries. She said they were developing information material to better inform workers about their rights before they departed. She said that the major out migrations now were from states like UP, Bihar and that the workers were leaving by ship from Mumbai. In India very little was being done for these workers and the Pravasi organization focuses only on the white color workers. She

shared her experience about Bangal desh which gives a training of three months to workers before they leave which also develops professionalism among them and gives them language training. That government also signs bilateral contracts to send such workers. India now has a bilateral agreement with S Arabia for the same.

Nalini added that it is important that we discuss our positions about the ban of women leaving the country before the age of 30 years. There was no clarity on this. She also said that no registered agents agree to recruit domestic workers for work abroad as they consider this high risk and therefore the workers are forced to go through illegal agents. Hence we should be thinking through and working on some of these issues to make migration safe and decent.

8. Sr. Lissy shared the notification on the registering of workers under the Social Security Act. And the Maharashtra group shared the report that the ILO had circulated after the consultation it had organized with unions in Maharashtra.

Follow up:

By the end of May, Varghese will circulate the draft of the Public Hearing Publication

Subhash will circulate the final report of the Public Hearing. (with some photographs as well)

Subhash will get the names of the members of the Parliamentary Standing Committee so that members can meet them in their states if necessary.

Subash will circulate the ESI amendment that can also be considered to include domestic workers in its ambit.

Subhash, Lissy and Nalini would follow up the discussion with the Central trade unions through their contacts with AITTUC, TUCC and SEWA.

Varghese will seek an appointment with the Labour Minister in Delhi after the TU discussion and preferably by July.

Subsequently the Platform will consider organizing a wider consultation on issues related to developing clarity on issues relating to regulating domestic work and social security for domestic workers.

Participants at the meetings

1	Medha Thatte	Pune Sahar Molkarin Sanghatana
2	Sr. Lissy Joseph	Telengana domestic Workers Union
3	Nalini Nayak	SEWA
4	Gyanesh Patil	NDWM
5	Falcy Fernandes	H.O.P.E Pune
6	Varghese Thekanath	Domestic Workers Forum India - AP
7	Mrunal kakade	Maharashtra Garelu kamghar Union -Pune
8	Julie George	-do-
9	Subhash Bhatnagar	Nirmala Niketan - delhi
10	Chitra Govasi	NDWM
11	DB Thakurvane	Sarva Shramik sangathana- maharashtra
12	SS Vibhute	-do-
13	Maitreya Hyaling	YUVA - Mumbai
14	Suresh Patil	CFTUI

28th March 2015