

NIRMALA NIKETAN

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A COMPREHENSIVE LEGISLATION TO REGULATE THE ENTIRE DOMESTIC WORK THROUGH A TRIPARTITE BOARD OF DOMESTIC WORKERS

The need for a Comprehensive Legislation to regulate the conditions of employment in Domestic Work and the working of Placement Agencies in the sector has become urgent. A consensus on this was arrived at during three stakeholder meetings conducted by the National Commission for Women (NCW) on 20th Dec, 06, 18th April 07 and 30th Oct, 07.

Subsequently, a seven member Sub-Committee formed by the NCW drew up a draft Legislation to regulate the entire domestic work sector. This draft legislation was widely circulated and a **National Consultation was organised by NCW on March 14-15, 08 at Delhi to review this draft.** After the National Consultation, the Sub-Committee met again to consolidate the Recommendations received during the Consultation. The Consolidated Recommendations are available for the comments of concerned persons. The draft Domestic Workers Act 2008 is available on the website of the NCW (www.ncw.com – legal cell).

The following Proposal encapsulates the outcomes of the meetings held so far and the suggestions made by all the participants, organisations and individuals involved. All organisations of Domestic Workers and organisations supporting the cause of Domestic Workers are requested to **please send** their responses and **suggestions on the following proposals** for reaching a wider consensus.

For obtaining the Consolidated Recommendations you can inform us by phone/email or letter at the above address or see our website www.nirmana.org. All the required documents are available on the website.

Our Proposal



TRIPARTITE BOARD TO INCLUDE THE REPRESENTATIVES OF DOMESTIC WORKERS, EMPLOYERS AND GOVERNMENT THROUGH A DEMOCRATIC PROCESS

(1)

The Tripartite Board will register all the employers.

All the Employers employing full-time domestic workers will contribute Rs 1000/- per annum as registration fee to the Board and

All the employer employing part-time worker will pay Rs 200/- per annum as registration fee

(2)

The Tripartite Board will register all the Domestic Workers

for a nominal fees of Rs. 100/- per annum for full- time domestic workers and Rs 20/- per annum for part-time domestic workers .

(3)

The Tripartite Board will register all the Placement Agencies

for a fees Rs100/-per annum, per placement
in addition to a lumpsum security fees

FUNCTIONS OF THE TRIPARTITE BOARD OF DOMESTIC WORKERS

(1)

To fix conditions of work such as
the number of working hours,
Monthly Wages,
Wages for overtime
according to the working experience and skill level of domestic worker and
quantity of the work
which depends upon the size of house and
number of family members and
other domestic workers employed at the work place etc.
and
weekly off and annual vacations

(2)

Board will keep **Central Record of Domestic Workers** with alphabetical name and photographs
classified village-wise, Police Station-wise / Parish-wise and District-wise
with annual renewal of registration

This central record keeping system
will help in searching the trafficked girls,
control trafficking,
help in the implementation of the ban on child labour
Under the Child Labour (Regulation & Prohibition) Act, 1986

(3)

Board will provide **regular (quarterly) health check-up of domestic workers**
and provide health services to sick domestic workers.

(4)

Shelter home for the sick domestic workers / victims.

(5)

Provide for opening Account at Bank or Post Office for Domestic Workers.

(6)

Monitor timely and regular payment to domestic worker

(7)

The tripartite Board in source States will provide for the registration of agents and placement agencies in the
States from where large number of Domestic Workers goes out to other State to work on Domestic Workers.

(8)

The Tripartite Board in Source State will coordinate with the Tripartite Board of destination States to ensure
decent condition of work, health, having social security and rehabilitation

(9)

In the blocks from where large number of workers goes out to work will have local units of tripartite board?

(10)

Provide standards for the placement agency hostels
under "The Women's and Children's Institutions (Licensing) Act 1956 and Rules"

(11)

Standard of Skill-Evaluation and training for Skill Upgradation

(12)

Dispute Resolution

(13)

Complaints committee against sexual harassment at the workplace

(14)

Alternative vocational training, marketing system and loans etc for the domestic workers who want to give-up domestic work.

REGISTRATION AND REGULATION OF PLACEMENT AGENCY

(1)

For all individuals and organisations dealing with the placement of domestic workers such as the **placement agencies** and the **agents** **registration with the Tripartite Board of Domestic Workers will be compulsory.**

(2)

An individual or an organisation placing domestic workers **without registration** with the Tripartite Board will be declared **an illegal activity** and punishable

(3)

Placement agency registered with the tripartite board will abide by the following provisions:

(I) Placement Agency will submit daily/weekly details of all the placement done by them with following details:

1. real name of domestic worker
2. photo
3. full address of the native place
4. name, address and photo of agent who has brought the domestic worker from native place
5. full address of the employers
6. salary, details of the work and hours of work.

(II) Placement Agency will deposit the demand draft for Rs 1000/- obtained by it from the employer in the name of tripartite board along with Rs 100/- on behalf of the domestic workers and Rs 100/- as its contribution per placement.

(III) Placement Agency will prescribe its fees separately for the different services provided by it to the employer, with the approval of the Board, such as:

1. Placement
2. Timely Replacement
3. Short stay home, in case the employer is going out or if the domestic worker is sick.
4. Health care of domestic worker etc.

(IV) Placement Agency will separately provide its fees for the different services provided by it to the domestic workers with the approval of the Board, such as:

1. Training in domestic work
2. Accommodation till placement
3. Monitoring of the working conditions at work place
4. Shelter for sick domestic worker / or in case of any other emergency
5. Health care for sick domestic workers
6. Registration of domestic workers with the Tripartite Board
7. Replacement for domestic workers who need to go home before the one year contact period
8. Arrangement to send a domestic worker home with escort arrangement
9. To safety transfer the cash of domestic workers to their families
10. Arrangement to provide alternative skill training, marketing and loan etc to the domestic workers who want to give-up the domestic work. The fees for these services should be appropriate and approved by the Board.