The Employment Relationship and Movement Strategies among Domestic Workers in India

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Abstract
This article examines how paid domestic workers in India fight to reproduce themselves by attaining recognition for their employment relationship and struggling to advance their labor rights. We find a striking convergence toward female-dominated unions that articulate the recipient of domestic services as “employers,” their employment relationship as an exploitative one in terms of time and dignity, and the household as a place of work and profit. To ensure a focus on women members and leaders, domestic workers’ have developed different union types including politically-affiliated and independent unions, as well as unions affiliated to NGOs, faith-based institutions, and cooperatives. Domestic workers’ direct, one-to-one employment relationship has led organizations to empower workers to confront employers’ daily control of workers’ associations (even outside the workplace), citizenship rights, worth, and dignity. However, because domestic workers’ employment relationship is still not recognized by Indian law, domestic workers avoid confronting employers and instead target the state when demanding material concessions to de-commodify their labor. These findings offer important insights into the limits and potential of domestic workers’ struggles.

Keywords
capitalism, class, collective action, informal sector, labor, organizations, politics

Introduction
Recently, scholars have highlighted the global care crisis as an expression of the social reproductive contradiction underlying the contemporary regime of finance capitalism (Fraser, 2016). As with the classic labor contradiction, the social reproductive contradiction highlights how capital’s drive to accumulate by squeezing labor in the short-run (through reduced wages and...
longer working hours) undermines labor’s ability to reproduce itself in the long-term, which in turn undermines continued capital accumulation. In the current era of two-earner families, care chains are proliferating to help wealthier families address their mounting care needs by hiring poor, often female migrant workers to provide child care, elderly care, cleaning and cooking services in their homes in return for wages. While paid care work has long existed, the current scale of international and domestic care chains has two important implications for our understanding of capitalism. First, care chains bring capitalist labor relations into the sanctity of the home—a space that has long been (mis)perceived as an oasis in the capitalist socio-economic sea, and has thus been excluded from labor force surveys and national production measures. Second, care chains fold reproductive work beyond the service of essential (albeit unrecognized) support for productive accumulation, into the sphere of direct accumulation or formal subsumption. Given these implications, it is no wonder that recent scholars have emphasized the need to re-define care workers as “labor” migrants who face structural constraints and deserve social protections and regulation, rather than as “slaves” whose jobs need to be eradicated (Parreñas, 2011).

Despite these efforts to highlight care workers’ as laborers whose work is socially necessary for capitalist accumulation and the reproduction of wealthier families, we know little about how care workers are addressing their own reproductive needs. Two trends in the literature on care work contribute to the under-theorization of care workers’ labor struggles. First, although care work scholars acknowledge that labor exploitation is extant in care chains, they have not fully unpacked the diverse contours of that exploitation. With a few exceptions, most scholarship underlines the gains that care workers experience in fulfilling their own curiosity or desires for consumption and freedom from a violent marriage (Silvey, 2006) or the agency care workers exhibit by re-defining morality, motherhood, and wifely duties and fighting the disciplinary force of cultural norms that vilify their labor migration decisions (Cheng and Choo, 2015). In her insightful ethnography of sex workers, Rhacel Parreñas (2011) reminds us that care work migration is a complex interplay of subjugation and progress, coercion and choice, a loss of freedom and financial and social gains. While these studies have been instrumental in correcting one-sided depictions of female migrant care workers as mere victims and have contributed to the debates against “human trafficking,” they elide care workers’ understanding of the exploitation they face in their work and the struggles care workers launch to reverse that exploitation, especially in a global context.

Second, although the umbrella term “care work” offers many advantages, it is problematic in that it lumps together too many diverse work structures. We know that (in all sectors) work structures determine working conditions (Romero, 1992; Salzinger, 1991). We also know that the key mechanism through which work structures shape workers’ collective struggles for improved work conditions is the “employment relationship.” The employment relationship refers to the mutual rights and obligations that link employers and employees when an employee performs work in return for remuneration from an employer. Referring to a labor regulation model that shaped 20th century social contracts throughout the world, the International Labour Organization (ILO) notes, the employment relationship “has been, and continues to be, the main vehicle through which workers gain access to the rights and benefits associated with employment in the areas of labour law and social security.”

But employment relationships in the contemporary era are becoming increasingly diverse and blurred. Not only do the employment relations in care work differ from those of manufacturing and construction, they also differ within care work. Care employers are varied and difficult to identify—in some cases the state could be the employer of record because it is paying for public care services, in others a private placement agency could be called the employer, since it is directly profiting off care workers’ labor, and in still others the client or recipient of the care service is the only direct employer. Relatedly, care employees are sometimes classified as “self-employed,”
which raises questions on who is exploiting whom. The different institutional arrangements and physical settings in which care work takes place have led to varying degrees of visibility of employment relations—in hospitals and care facilities, employment relations are more visible and easier to regulate than those undergirding care work conducted in the privacy of the home.

Although the labor literature tends to ignore the heterogenous employment relationships of care work, a few scholars have begun to examine this variation. Mignon Duffy (2005) famously split care work into two theoretically distinct (albeit overlapping in practice) groups—“nurturant” labor emphasizes the emotional relationships involved in care work for dependent populations, such as children, the elderly, the ill, and the disabled, while “reproductive” labor highlights the socially necessary work of maintaining and reproducing the labor force through cooking and cleaning for dependent and non-dependent populations. Other scholars split care work by place—distinguishing nurturing and reproductive work done in hospitals and care facilities versus that done in the “sanctity of the private home” (Gottfried, 2012; Yeates, 2008).

Within this literature, a small, but excellent, subset of scholars have highlighted the complex gender, class, and race intersections that undergird the employment relationship of domestic work in homes (Duffy, 2005; Nakano Glenn, 1992; Romero, 1992). Building on this literature (which tends to draw from the US context), we analyze how the structure of work and employment relationships among paid domestic workers in India shapes their struggles of resistance. How do Indian domestic workers define their employment relationship? What demands do they make to protect their rights and obligations within this employment relationship? What demands do they make outside their employment relationship? What are the limits and possibilities of their struggles?

To address these questions, we use organizations as a lens into domestic workers’ own understanding of their employment relations and their movement strategies. First, we created an inventory of all registered domestic workers’ organizations in India. Next, we conducted 29 interviews with the leaders, staff, and members of 16 of the most influential domestic workers’ organizations. In addition, we conducted 11 interviews with government officials, national labor organizers, lawyers, and professors. The interviews spanned India’s capital city of New Delhi and India’s financial center, Mumbai; both cities represent sites of rapid economic growth in recent years with swelling care industries, as well as a substantial number of domestic workers’ organizations.

In the following sections, we first review the definition and structure of domestic work in India. We then detail the convergence of India’s domestic workers toward a female-dominated union form of organizing, as well as the varying forms of unions that have emerged. In the third section, we outline how domestic workers in India define the employer, and thus their employment relationship as one that is direct and one-to-one. The fourth section illustrates the impact of this direct employment relationship on employer control over workers’ reproduction and how organizations have empowered workers to confront employers. The final two sections review how, despite their direct employment relationship, domestic workers avoid the employer and target the state for their material demands. We conclude with thoughts on the limits and possibilities that the divergence in recognition strategies and convergence in redistribution strategies between domestic workers and other informal workers pose for a broad-based struggle among informal workers.

**Domestic Work in India: Definition, Composition, and Structure**

As in many countries, domestic work has not been legally or socially recognized as “work” in India. Consequently, definitions of domestic work are only now being formulated. At the broadest level, domestic workers in India are defined as those employed by private households to perform reproductive and nurturant service tasks. Beyond this, debates abound on how best to capture the heterogeneity of the workers, the work, and the employment relationship. Unlike in advanced
welfare states, the Indian state does not provide any in-home care services. Therefore, “employers” in domestic work cannot be defined as “the state.” However, employers can be defined as the client receiving the service, the placement agency, or the worker themselves (as someone who is self-employed). Similarly, live-in domestic workers can be defined as “members of the family” (as they often are in official labor surveys) or as “workers.” The lack of a clear definition has made analyses of the productivity, nature, and extent of domestic work notoriously spotty with estimates of the number of domestic workers in India varying from as many as 90 million (in media and NGO reports) to as few as 2.5 million (Palriwala and Neetha, 2009).

At the same time, recent changes in India’s employment surveys have enabled scholars to capture data on domestic work better than ever before. In 2004, the National Sample Survey on Employment and Unemployment (NSS) of the Government of India incorporated more enterprise types, including households, and specified paid domestic work as a separate occupation. Sub-occupations under domestic work in the NSS include: maids, cooks, gardeners, gatekeepers, secretaries, governesses, baby sitters, tutors, and drivers. Based on the NSS, we found that from 2004 to 2011, domestic workers’ share of the labour force remained steady at 0.6% but became increasingly feminized. While a 1981 survey found that neither sex was dominant among full-time domestic workers, today over 80% of Indian domestic workers are female, making it one of the most common sources of employment for women in urban areas (Neetha, 2009).

Among women, the lack of rigid entry requirements in domestic work has made it a viable employment option for poor, uneducated women. Recent studies indicate that the majority of domestic workers are illiterate, first generation rural migrants (Rao, 2011). One reflection of the desperate need for employment among poor women in India is the increasing social heterogeneity of domestic workers. Although Dalits (the lowest rung of India’s caste hierarchy) traditionally comprised the largest proportion of domestic workers, our calculations of the NSS indicate their share declined from 2008 to 2011, while the share of the lower-middle caste category, known as “other backward castes” (OBCs), increased to 30%. Similarly, although most domestic workers have traditionally been Hindu, in recent years, Christian and Muslim women also have entered the sector.

Domestic workers in India are sub-classified based on place of workers’ residence as “live-ins” and “live-outs.” Live-ins are often young (in their teens or early 20s), unmarried females who migrate alone or through recruitment agents to unfamiliar destinations and live in the employer’s home or an attached “servant’s quarter”. The middleman charges an advance for bringing them to the city and finding them work (through a placement agency). Those who work through placement agencies tend to stay with an employer for one year or less, so agencies can attain a fee for multiple placements. The families of live-in workers stay in the village and receive remittances from the migrant domestic worker. A large portion of live-ins’ pay is in-kind in the form of housing, food, and clothing. Live-ins usually intend to return to their village for marriage, so their migration is seen as temporary. Their circumstances leave them more vulnerable to abuse, sexual harassment, and violence than their live-out counterparts.

Live-out domestic workers usually migrate to cities with their families. Poverty and lack of employment opportunities for men in their place of origin force women to migrate with their husbands to provide reproductive care in their place of destination. The availability of paid employment opportunities for women in domestic work further incentivizes women to join their husbands in migration (Neetha, 2004). Live-outs usually arrive in the city through their kinship networks, relying on a relative who hosts them and helps them find work and a place to stay. They usually rent a home in slums, unauthorized colonies, or other informal settlements, and they commute to and from work daily. Live-outs come to the city with the intention of raising their children there, so their migration is seen as permanent. They tend to be married, middle-age women (over 30).
Their husbands are either unemployed or engaged in other informal work such as construction work, tailoring, or transport.

Live-outs are further categorized into two categories based on the “part-time” and “full-time” duration of work. A part-time worker, may work a full day, but for multiple employers for a specified number of hours and on specific tasks in each home. A full-time worker works for a single employer every day for a specified number of hours and multiple tasks. Due to the rising costs of real estate in India’s cities, part-time live-outs is said to be the most rapidly growing group of domestic workers (Ray and Qayum, 2010), although others have argued that the steady demand for live-in domestic workers should not be overlooked (Neetha, 2004).

**Domestic Workers’ Movements in India: A Turn to Female-Dominated Unions**

Domestic workers’ movements in India indicate (1) a striking growth in the last decade, (2) a convergence toward female-dominated and female-led unions, and (3) a diverse range of new union types. These trends emerged from a combination of international forces that pushed a union form of organizing in the 2000s, and domestic forces from the 1980s that were committed to focusing exclusively on women workers (which was not always possible in the traditional union form). The results stand in sharp contrast to the global decline in union numbers, power, and public legitimacy. They also run counter to a stereotype (in India) that domestic workers’ organizations focus on women as “the victim” and offer an individualized, charity-based approach to rescue female workers. Given the ambiguous nature of relations of exploitation in domestic work, domestic workers’ decision to organize through female-dominated unions demands an examination of how they understand, define, and fight their unique employment relationships.

Domestic workers in India began to organize as early as the 1950s. Already then, they chose to regulate their work through union-based efforts that focused on the employment relationship, which is not surprising given the strong and popular union-based labor movement that had been instrumental in the nation’s independence movement and the post-colonial nation building efforts. Like other unions at the time, the earliest domestic workers’ unions were affiliated to political parties and focused on male workers, and thus did not address the gender and class intersections that shape domestic work. In 1959, the All India Democratic Workers’ Union called a 26-day hunger strike by male domestic workers in New Delhi and a few other cities. The first trade union of domestic workers, Gharelu Kamgaar Sangh (GKS), formed in 1972 in the state of Maharashtra. This union was affiliated to the right-wing union federation, Bharatiya Mazdoor Sangh (BMS), which has strong ties to the right-wing political party, Bharatiya Janata Party (BJP). GKS focused exclusively on male domestic workers until 1981. Today, GKS has a membership of 50,000 and continues to operate at the state, rather than national, level.

By the 1980s, alternative organizational forms emerged to counter unions affiliated to political parties that were said to exclude women workers and leaders. These efforts reflected the rising tide of what Gail Omvedt (1993) called “identity based movements” or what Nancy Fraser (1995) called “emancipatory recognition struggles” that highlight the unique plight of female domestic workers. Some moved away from trying to protect the employment relationship and instead tried to rescue individual, female, live-in workers, by helping them physically escape their employers’ homes. The earliest such effort, the National Domestic Workers’ Movement (NDWM), formed in 1985 in Maharashtra and remains India’s largest domestic workers’ organization today (reaching two million workers across 23 states). NDWM is a non-government organization (NGO) with links to the Catholics Bishops’ conference of India.
Other organizations tried to combine an exclusive focus on women with attempts to alleviate the exploitative employment relationship. To do this, organizations merged NGOs, cooperatives and independent unions. In the 1980s, the Self-Employed Women’s Association (SEWA) formed a cooperative in the state of Kerala to train women domestic workers and place them with so-called “responsible” employers who agreed to have an employment contract. In 1986, Women’s Voice, an NGO in the state of Karnataka, extended their work with women in slums to launch a union of domestic workers called Karnataka Gruha Karmikara Sangha (KGKS). In the 1990s, independent unions and cooperatives of domestic workers emerged out of construction workers’ unions, which were witnessing the loss of jobs for women construction workers due to mechanization. As well, they noted the absence of women leaders in construction unions.

Finally, during this period, some traditional unions affiliated to political parties began to exclusively organize female domestic workers. In 1980, a new union, Pune Shehar Molkarin Sangathan, emerged in Maharashtra, affiliated to the left-wing union federation, Marashtra Rajya Shramik Mahasangh, which is affiliated to Lal Nishan, the Communist Party in Maharashtra. Today, Pune Shehar Molkarin Sangathan has a membership of 17,000. By the end of the 1980s, Indian domestic workers belonged to a variety of union forms, but remained largely atomized.

In the 2000s, Indian domestic workers’ organizations proliferated and began coordinating through “national platforms,” “national policies,” and “national forums.” Our inventory indicates there are now 69 registered domestic workers’ organizations in India. Most of them formed in the 2000s; of the 15 we interviewed, 10 formed after 2003. Of the 69 organizations in the inventory, 83% are registered as unions or federations of unions. Of the remaining 17%, only a handful are cooperative placement agencies, and the remainder are NGOs and trusts. Among the unions, we found a variety of union types including politically-affiliated and independent unions, as well as unions affiliated to NGOs, cooperatives, and faith-based institutions.

Our interviews indicate two important consistencies across the different organization types. First, all the organizations utilized a rhetoric of workers’ rights and trade unionism. By 2013, even NDWM, the church-based NGO that focused on rescue efforts, began an affiliated trade union federation, called the National Domestic Workers’ Federation (NDWF), now consisting of 11 unions across 10 states. While the union model enjoys a long and strong history in India and contributed to the formation of some domestic workers’ union in the 1970s and 1980s, the 2011 ILO Convention 189 on Domestic Work both spurred organizational growth and predisposed the union form as the organizational type. In 2006, the International Domestic Workers’ Federation (IDWF) held a regional meeting for Asia in Amsterdam in preparation for the 2011 Convention (which the Indian Government voted in favor of but has yet to ratify), catalyzing several new organizations to form. In 2017, the ILO convened a large meeting in Delhi of the nation’s domestic workers’ unions, thereby further cementing their union identities and facilitating their interactions (see Marchetti, 2018).

Forming unions among domestic workers has not been an easy task. Many domestic workers’ unions operate without formal state registration. Unions in India are registered under the 1926 Trade Unions Act which defines “trade unions” broadly but gives state and even district-level officials discretion to impose further requirements for registration. In some states, domestic workers’ unions have attained formal registration without difficulty. In Delhi, however, domestic workers’ unions have been unable to formally register due to local laws forbidding unionization without proof of employment by employers (something most employers are unwilling to provide). In one case, a Delhi union attained formal registration, because a Resident Welfare Association (a community group that represents residents’ needs) insisted their domestic workers carry photo identity cards so the guards could check them for security reasons. An unintended consequence of these cards was that they served as proof of employment.
The second commonality we found was that all the organization types focused on the gender dynamics of women’s work. Nearly every domestic workers’ organization in India today is exclusively female. Even the early male-dominated unions today have a membership close to 80–100% female. Organization leaders ascribed their exclusive female membership to a deliberate strategy for ensuring female leadership. Organizations’ female-centered approach can be attributed to their original focus on women or slums, not labor per se. Even the traditional, politically-affiliated domestic workers’ unions first emerged from a woman’s wing that addressed poor women’s issues in the home. Similarly, the independent domestic workers’ unions remain connected to their parent NGOs that address women’s issues in slums (such as domestic violence or access to water and housing).

As part of their female-centered effort, domestic workers’ organizations in India have debated the definition of domestic work. At present, the ILO, the Indian government (through the NSS), and domestic workers’ proposed bill for regulation, define the sector as “work performed in or for the household.” However, many organizations have proposed narrowing the definition to only those working in the household, because in household work is usually carried out by women, while for household work is generally conducted by men. Although the official definition remains in or for, most organizations target in household occupations, such as cooking and cleaning, which are 90% female. All the organizations we interviewed (except NDWM/NDWF), are multi-sectoral, thereby integrating domestic workers’ into a broader workers’ movement representing garment workers, home-based workers, and construction workers.

Today, domestic workers’ organizations in India combine a focus on workers’ rights through a variety of union models, with emancipatory recognition struggles among women workers. In other words, India’s domestic workers’ movement today spotlights the intersection of class and gender.

**Defining the Employer and the Employment Relationship**

Domestic workers’ organizations emphasize exploitative employment relations as the conduit to attaining recognition and benefits for workers in India’s labor regime. To do so, however, domestic workers need to challenge the 20th century understanding of employment (which was largely designed for manufacturing) to 21st century service work that relies on a nonstandard relationship of exploitation between the employer and employee and an undefined employer of record.

Perhaps the largest challenge for domestic workers’ organizations trying to articulate an employment relationship is that the majority of domestic workers in India operate as “self-employed” workers, selling their services to a “buyer.” Technically, these “buyers” do not “profit” off the seller’s labor value. Live-in, full-time workers sometimes operate as bonded labor, where the employer-employee relationship is one of total domination (rather than exploitation). This unclear relationship of capitalist exploitation has forced organizations to spend substantial time and effort persuading the government, the public, and their own members to re-define “buyers” as “employers,” and their members as “workers,” not “sellers” of a service. Many organizations also spoke at length about the need to change the terminology to domestic “work” and shed earlier, derogatory terms for the occupation. Even in cases where domestic workers operate through a placement agency that do profit off their labor value in the traditional sense, domestic workers’ organizations never identify the placement agency as the “employer.”

To justify their attempts to make the recipient of domestic work the “employer” of record, organizations re-define employers as profiting off domestic workers’ labor in terms of time. In a few cases, union leaders extrapolated on the profit of time in material terms, connecting employers’ ability to earn their salary to the work of domestic labor. Anita Kapoor, General Secretary of the Delhi-based Shahari Gharelu Kamgaar Union, explained, “If I am earning Rs. 50,000 or Rs.
100,000, then it is because there is someone who is coming to my house to cook for me and taking care of my house and that is why I am able to earn this money.” Kapoor explained that her union tries to increase awareness about this relationship, but they have been constrained by lack of funding and a currently popular trend toward “skills” training for domestic workers (on cooking, use of electronic equipment), which aim to increase workers’ value, but do not necessarily protect workers in their employment relationship.

Although these efforts to define the employer have been largely successful among organization members and leaders, they have not yet convinced the state, the public, and the regulatory realm. As a result, more than in other informal industries, domestic work employers are also “informal,” unrecognized, and unregulated. The “part-time” practice of having multiple employers further veils a single employer’s responsibility for a worker. Several unions mentioned this as a problem even when they tried to get employers to register their part-time workers with the national health care scheme, where employers would not have to contribute any money.

The unrecognized, informal nature of employers in domestic work has pushed organizations to fight for the registration of domestic work employers (defined as the client or recipient of the service). These organizations have tried to combine their demand for employer registration with employers’ demand for domestic workers’ registration with police. Not surprisingly, most political parties with middle-class support have resisted this demand. For example, Aam Aadmi Party (AAP), the political party in power in Delhi at the time of our interviews, enjoyed strong support from middle classes and poor, informal workers. To meet the interests of both, AAP suggested drawing funds from property taxes or from the government to support welfare for the domestic workers (through the Domestic Workers’ Welfare Board, which we detail in the final section). But Subhash Bhatnagar, a long-time activist for informal domestic and construction workers said, “We said ‘no’ to that! The property is not hiring the worker. The employer is hiring, and he should have to pay directly for the worker.”

The re-definition of employers as profiting off domestic labor was expressed by organization leaders as essential to undoing two common depictions of domestic employment. The first common depiction views employers as wanting domestic labor to ensure the smooth functioning of their personal lives and thus defines domestic work as unrelated to employers’ work. In turn, this defines domestic work, not as an exploitative employment relationship, but as a luxury good. This makes domestic workers’ demands for one month of maternity benefit from their employer appear unreasonable. The second common depiction is that domestic help in India is typically considered a “right.” A majority of Indian households (across the income scale) rely on domestic help, making regulation seem like an insurmountable task. Many organizations said they target lower- and middle-class employers (who, in India, hire paid domestic workers) to undo the notion of domestic work as a “right” and foreground domestic work as a cost. Some organizations said they did not target wealthy employers, because they already tended to provide decent pay (although not necessarily protection against abuse, humiliation, and firing without notice).

**Confronting Indignity through a Direct, Daily Employment Relationship**

By defining employers as the recipient of workers’ services, domestic workers have ensured that their employment relationship is direct, daily, and one-on-one. This differs from construction workers as well as formal and home-based manufacturing workers, most of whom engage in employment relationships that are mediated by third party actors (like sub-contractors). As scholars writing about the US have noted (Romero, 1992), the direct, one-to-one nature of domestic workers’ employment relationship has exacerbated employers’ control over workers. Relative to other informal workers, however, we found domestic workers’ organizations focused more on
empowering their members to articulate and confront employers’ attempts to control workers. We also found some attempts, primarily by live-out domestic workers, to appeal to bonds that can develop between employer and employee as a result of their direct, one-on-one interactions.

As in other informal sectors, the ability to organize domestic workers decreases as their spatial proximity to employers increases. This reality of employers’ control in informal sectors belies common claims that informal workers cannot organize due to decentralized production structures; in fact, current evidence suggests that decentralized informal workers are more likely to organize (Agarwala, 2014). It is not surprising, therefore, that most domestic workers’ organizations in India have failed to reach live-in workers. Organizations repeatedly noted that many live-in workers reside in middle- and upper middle-class housing colonies that are gated for security concerns and are thus inaccessible. Organizations’ access to employers’ homes is also restricted in the name of privacy. As the Head of NDWF explained, “We can’t get entry into flats because they [employers] think we are infringing into their personal lives.” Many employers also restrict live-in domestic workers’ mobility outside the home. A few organizations have managed to access live-in workers by lying to employers and claiming to be workers’ relatives, building relations with placement agencies (who often broker live-in arrangements), relying on the help of live-out workers who share homes with a live-in worker, or meeting workers during their church visits every second Sunday. In all these cases, organizations focused on rescue, charity, and service delivery.

**Confronting Employer Control over Workers’ Reproduction**

Recent trends toward live-out domestic work have been widely noted for their “freeing” tendencies, relative to earlier, live-in, ownership arrangements (Ray and Qayum, 2010; Romero, 1992). While our interviews corroborated a gain in what Isaiah Berlin (2002) famously termed “negative freedoms” (i.e. “freedom from” employers’ everyday control over food, dress, movement) among live-out workers, we also found an incomplete gain (in some cases a loss) in “positive freedoms” (i.e. “freedom to” reproduce oneself). Employers hindered domestic workers’ ability to reproduce themselves by controlling workers’ associations (even outside the workplace), their social positions, and their relative worth and dignity.

Prior to the 1990s, most domestic workers worked full-time and lived in the employer’s home; generations of a domestic worker’s family would serve an employer’s family. The despotic control mechanisms that these arrangements gave employers were supplemented by a vague obligation by the employer to ensure the workers’ survival and reproduction; in the best of cases, this resulted in a trusteeship model. The persistence of live-in domestic work in India today (despite the growing option of live-out work) reflects the social reproduction crisis urban migrants face. Most poor, urban labor migrants in India must resort to informal housing arrangements where toilets, drinking water, drainage, and electricity are insufficient. In addition, informal housing is susceptible to evictions and resettlement drives. Live-in work that provides secure housing (and oftentimes food and clothing), therefore, offers migrant workers an (albeit imperfect) solution to their reproduction needs. Since the 1990s, however, increased urbanization has reduced the size of living spaces, pushed family living arrangements toward a nuclear family model, and increased rural to urban migration. These trends have increased the number of part-time, live-out domestic workers whose employers, as noted above, are unrecognized and unregistered and thus hold no obligation toward workers’ reproduction. In addition, employers of live-out workers have managed to hinder workers’ ability to organize (even outside the workplace) for their own reproduction. Workers expressed this control as a function of employers’ ability to intimidate workers through their direct and daily interactions with workers. To undermine this avenue of employer control, organizations have spent substantial time and energy (through empowerment trainings and consciousness raising) empowering workers to disobey and resist employers’ control over their time and lives outside of work. Babli Rawat, General Secretary of
the Communist AITUC-affiliated union in Maharashtra, described an early incident where workers
would not attend union meetings, because their employers had forbidden them. Although they lived in
their own homes and owned their own labor, she had to explain to workers the central principles of
individual liberty vis a vis their employer: “You decide what you are going to cook, eat and wear so
you should be the person to decide if you want to make a union or not. Your employer can’t decide it
for you, because you are making a union after work and for your own rights.”

Employers’ enacted control by manipulating live-out workers’ citizenship right to due process.
Employers capitalized on their influence with third party social actors (such as the police), who
view employers and domestic workers as different strata of the same population of citizens.
Employers from the middle-to-upper classes and castes can generally rest assured that the police
will trust them over a poor, female, low caste woman. Workers recounted countless stories where
employers accused them of theft to discipline them or fire them without cause. To counteract this
tactic organizations used the power of the group to shame and intimidate employers. As Beenu
Jindal, Joint Secretary of the Delhi union, DGKS, reported,

Recently, a case happened in Mirabagh where a domestic worker was accused of robbery. The worker told
us about it. When her employer found out that she complained in the sangathan (organization), the
employer came and apologized to the worker and told her they found the ring in their house! So, the
employer saw the domestic worker’s power and that’s why she apologized. Now if a worker is fired, four
other women go with her and question the employer.

In such cases, union membership was key.

Finally, employers symbolically distinguish their worth and dignity relative to workers. Workers
repeatedly spoke of how employers viewed domestic workers as sub-human, often denying them
basic needs. Employers forbid workers to use the same toilets, sofas, plates, cups, or even water.
Unlike in other informal industries, where the absence of basic amenities in the workplace (such as
drinking water, toilet, a resting place) is an important issue for female workers, in domestic work,
these amenities are available at the workplace. However, employers prohibit access to these ameni-
ties based on class and caste prejudices. Several workers complained that their employers only gave
them old, unwanted clothes and left over food. Many workers also noted that employers complained
when workers came to work dressed up, as employers viewed this as a blurring of their distinction.

These distinctions were based on caste, religion, and on class. For example, to justify these dis-
tinctions between employers and employees, domestic laborers were called “those who work”
(kaam karne wali). As a key member of the CPI-ML (the Communist Party-Marxist-Leninist) affilia-
ted Domestic Workers’ Union in Delhi, recounted, she once came to an employer’s house to
demand her back pay, but the employer refused to pay her and shouted at her, “What will you do?
What is your status?” He then grabbed her by the arm and walked her downstairs, while she
screamed, “Don’t touch me! I am also a human being … There is a woman in your house, I am also
like that.” In other words, while the worker tried to appeal to the male employers’ obligations to
“respect women,” the employer exerted his control over the worker by distinguishing her worth
from that of his female family members along class lines.

By encouraging workers to disobey their employers’ direct control over their associations outside
the workplace, as well as their social positions and their relative worth, unions are challenging the
“culture of servitude” or indignity that remains extant even within so-called “free” wage labor.
Members who earlier feared having their pictures appear in the papers now demand that the union
hold strikes in front of their employers’ homes rather than in public parks. One activist in the Delhi
union affiliated to CPI-ML recounted how an employer and the police improved their behavior
toward her only once they learned that she was a member of the Party. As she explained to them:
You mean there is no value of ordinary women who work in homes? I said it [my fight] is not just for me alone, all this is for the other women also . . . it’s not about the party. It’s about . . . the woman who comes to your house to work, she also has rights, that she has come for the health of your family, to decorate/take care of your house, to clean your house, but that doesn’t mean that she is from middle class and you treat her like an untouchable. We agree that she comes from a low class, but she has also some value.

**Employer Bonds as Women Workers**

Given the part-time nature of most organized domestic workers, and the large class and caste differences between workers and their employers, most workers did not express much commonality with their employers. This contrasts with other informal migrant workers (in construction, for example), who often share kinship networks and even membership in the same union with their sub-contractors or immediate employers.

Nevertheless, the daily and direct interactions between employers and employees have prompted some unions to highlight domestic workers’ shared identities as fellow workers, urban citizens/users of public goods, humans, and women. Organizations articulated these bonds in the hopes of encouraging more employer support for workers’ social reproduction. As one NDWM member put it, “We are also human beings. We are not made of stone. Just like rich people are human beings so are we. If they need an hour or two of rest even we do need rest. But we don’t get that.”

The AITUC union leaders recounted how they confronted employers who wanted to attend the nationwide workers’ strike (held on September 2, 2015) to fight for their own reproductive rights as bank employees, but forbid their domestic workers to join. CITU union members said they tried to appeal to employers who receive leave and bonus to say that domestic workers should receive the same. As one worker at NDWM put it, “If an educated person gives this kind of time [i.e. the work time of a domestic worker] in the office, then for a duty of eight hours he gets more salary even though we work harder in the houses. So why is our salary so less? And they also get leave but we don’t get any leave. Even on Sundays we don’t get a day off.” Not surprisingly, employers saw grave differences in terms of skill and thus worth, undermining appeals toward a shared workers’ identity between domestic workers and their employers.

One bond that elicited some success revolved around gender identities and domestic violence. For example, in India women (more than men) often lack the certification (such as proof of residence or electricity bill) needed to access civic and state amenities. Appealing to the unjustness of this double standard, AITUC in Mumbai, ran a large campaign with employers and the public that succeeded in attaining ration cards (which provide access to public distribution of food) for 4000 poor women.

On the issue of domestic violence, some workers said their employers confided their own experiences, because they perceived more openness among slum dwellers. In the AITUC union in Maharashtra, two members ran for the Mumbai Maha Nagar Palika (Municipal Corporation) on the issue of banning alcohol and domestic violence, appealing to women across classes. They noted their employers were proud and supportive of them for campaigning on this issue. Organizations also mentioned that some employers supported their anti-domestic violence efforts even if they did not support their workers’ rights efforts. Since 1986 the Shramik Union in Pune has run a legal center twice a week, where women attain support for domestic issues, such as violence or being thrown out of their home. Similarly, GKS-Gurgaon offers members legal services, and the CITU-Mumbai union helped members interact with the police in reporting cases of domestic and work-related sexual abuse.

**Avoiding Employers Despite the Direct, Daily Employment Relationship**

Despite these efforts to assert their dignity in front of employers, domestic workers’ organizations in India generally avoid employers in their material demands to de-commodify workers’ labor
through minimum wages, decent work environments, paid leaves, and social reproduction needs (such as housing, child care, education, and food). For child care and education, some organizations have tried to provide it themselves as a way to attract new members. But in most cases, domestic workers’ organizations have followed other informal workers’ approach of turning to the Indian state for their material demands. Several union leaders said they don’t see themselves as a link between workers and employers (as in formal workers’ unions), but as a link between workers and the government.17

As Babli Rawat, General Secretary of the AITUC-affiliated union in Maharashtra, said, “We don’t engage with employers at all, because they don’t even want to talk to us.” Employers refused to accommodate simple requests to fill out forms that would give workers access to government programs at no cost to employers, because they were reluctant to acknowledge the employment relationship. In some cases, workers leveraged their multiple employers by finding at least one willing to sign the forms. In other cases, the unions forged the employers’ signatures.

Kiran Moghe, President of the CITU union in Pune expressed: “We don’t engage with employers … that was a conscious strategy … post globalization there is so much unemployment among women, especially in urban areas … women won’t organize or mobilize because the threat of unemployment is too high. And you know, high poverty, high rising prices. So we said that whatever we want the state must do; we will ask the state to regulate.”18

As Father Chetan, Program Head of NDWF, said, “Whether it’s middle class or upper class, employers resist the higher salary … they are not with the workers. Our strategy is to build up the solidarity of the people. Not with the employer. Your success is based on your solidarity!” He went on to explain that they target employers in their minimum wage campaigns, but they have no direct links with the employers. Rather, they campaign through the radio, posters, flags on auto-rickshaws etc. “Employers need to respect the dignity of workers. But for other rights, it is not the employers’ responsibility. It is the government. We have to work with the government.”19

Interestingly, this trend of holding the state accountable for workers’ material needs was found even among the older unions who had successfully held employers accountable in the past. In the early 1980s, for example, the first domestic workers’ union, BMS-affiliated GKS in Maharashtra, had attained for its members two holidays, a Diwali bonus and gratuity (in the case of sudden termination by the employer after a service of more than two years) through campaigning, awareness building among, and dialogue with employers. Similarly, the Pune Shehar Molkarin Sangathan, a Maharashtra based union affiliated to the state’s Lal Nishan communist party, began in 1980 with a spontaneous strike to demand a weekly day off, a Diwali bonus, and a 25% raise in the wages from employers. They attained a 15% annual wage rise, a Diwali bonus, a gratuity (for those fired after working for more than five years); and compensation for workers falsely charged with theft. Despite these early victories, these unions have changed their tactics in recent decades. As General Secretary, Medha Thatte, said, “Initially we talked of the struggle with the employer and now the struggle is with the government.”20 Thatte noted that the government’s failure to enact favorable laws has led them to re-launch the campaign with the employers to pressure them for a pension fund contribution.

Organizations’ interactions with employers to realize their material demands were usually limited to letters, phone calls, and occasional interactions at the police station (when dealing with accusations of sexual harassment, rape, or theft). In a handful of cases, organization leaders recounted pressuring an employer for payment of wages or gathering a group of members to shame employers for dismissing a domestic worker without cause, warning, or payment. But these efforts were initiated on a case-by-case basis and did not constitute a concerted strategy.

Other attempts to target employers appealed to their volunteerist ideals—similar to consumer-based campaigns in the apparel industry. For example, some organizations said they tried to build
relations with employers through Resident Welfare Associations (RWAs), community groups that represent home owners’ demands for services. These efforts were facilitated by the NGO parent bodies (rather than the unions), because middle-class employers supported NGOs for their work on “poor women.” As a Field Coordinator for GKS-Gurgaon, explained, “No RWA is going to agree to our demands so easily, so we need to do more advocacy and use a soft approach.”21

Why do domestic workers avoid confronting employers? Part of this decision reflects the resilience of the Indian state’s democratic legitimacy, even in the face of increasing poverty and precariousness among workers. Although state officials refused to speak with them or ignored their demands, organizations continued to express faith in pressuring the state for workers’ rights. In contrast, union leaders and workers repeatedly pointed to employers as the main obstacle to workers’ organization, and they consistently viewed the state as the only viable (albeit imperfect) agent for transformation. Targeting the state, rather than the employer, was perceived as having more potential for improving workers’ lives.

Domestic workers’ decision to target the state also reflects the fact that such approaches are now a familiar part of informal workers’ union repertoires (see Agarwala, 2013, 2015). Given the linkages between the leaders and members of construction and domestic workers’ unions, the similarity in approach is not surprising. What is surprising, is that the same approach is being used to address such different employment relationships without much attention to these differences.

But a third potential explanation for this strategy to target the state is the simple fact that domestic workers’ struggles to recognize the recipient of domestic services as “an employer” have not yet been translated into law. Therefore, domestic workers can confront their unique employment relationship in terms of asserting their own associations and dignity, but they have no legal claim to material benefits through this relationship under India’s existing labor legislation. Let us now turn to domestic workers’ attempts to enshrine their employment relationship into law.

**Domestic Workers’ Regulatory Demands**

To de-commodify their labor and address their own social reproduction crisis, domestic workers are fighting to regulate their employment and working conditions by (1) attaining a new comprehensive national-level law that will secure domestic workers’ wages, holidays, medical leave, and work safety, and (2) incorporating domestic work as a category covered by India’s 14 existing labor laws.22 At present, domestic workers are excluded from existing labour laws because of narrow interpretations of what constitutes a “worker,” an “employer,” and a “place of work.”

At first glance, these demands for new legislations designed to protect labor within a standard employment relationship (i.e. by formalizing them) appear utopian in an era when most labor organizations, scholars, and the public are mourning the demise of protective legislations for workers and the lack of implementation of existing labor laws. Upon further analysis, however, we found two important reasons for domestic workers’ fight for protective legislation. First, this fight for new labor legislation is as much a demand for recognition of the employment relationship (as defined by domestic workers), as it is for material needs. Domestic workers’ struggles for new legislation highlight the benefit of labor legislation, even if not implemented and/or excludes the informal workforce. Such laws serve as an official recognition of who is a worker, who is an employer, and what is work. Formal recognition, thus, is deemed necessary to pursue the fight for redistribution.

Second, domestic workers’ fight for protective legislation is a demand that can exert the threat of power. Having the laws in place enables unions and workers to threaten employers with judicial action. Construction leaders regularly spoke about filing court cases and calling the police when employers refused to provide proper compensation to workers’ families after work-related
accidents. These cases were not numerous, but they served as an important tool through which unions could empower their members and mobilize new members. Domestic workers often spoke about the need to file such cases, so employers would have some “fear.” As Kapoor explained, “When a law is formed then there is a fear that they [employers] can be dragged to court…If employers think that they need domestic workers for their house and their life won’t function well if the worker is not there, then they will have to give them the minimum wages.”

Domestic workers’ attempts to attain comprehensive national legislation began in 1959. But to this day, each attempt has failed. They have, however, achieved smaller legislative victories. First, the Indian government has agreed to formulate a “Policy” for domestic workers, which will not hold any judicial weight and will merely present a vision and advise state governments on regulatory options. Although domestic workers’ organizations refuse to accept this as a replacement for a National Act, many expressed that it was a useful first step. The Draft Policy on Domestic Workers (which is currently pending approval in Parliament) sets out a labor rights framework for domestic workers, and obliges the national and state governments to fold domestic workers into existing labor laws. It also obliges state governments to set up an institutional mechanism to provide social security, grievance redress and dispute resolution. It further urges governments to register workers, employers and placement agencies and to promote skill development. Under these recommendations, governments will be urged to forbid sexual harassment and bonded labor, regulate working conditions by stipulating minimum wages, compulsory paid leave of 15 days/year, maternity leave, 1 day/week off, and a safe working environment (see the Report of the Task Force, Ministry of Labour and Employment 2011).

Second, the Indian government has included domestic workers as an occupational category in some existing legislations. At the national level, domestic workers are included from the Unorganized Workers’ Social Security Act (2008), the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013), and the Child Labour Act (2006). At the state level, 15 state governments have included domestic work in their Minimum Wages notifications, some states have recognized domestic work in a health insurance scheme for those below the poverty line (known as the Rashtriya Swasthya Bima Yojana), and two states have passed bills to regulate and register placement agencies.

Third, four states have passed Domestic Workers’ Welfare Boards to ensure their social consumption needs, perhaps the most innovative institution that informal workers have launched in India. Welfare boards were originally designed to be tripartite institutions, implemented by the state or central government, where state governments, employers, and workers have representation and contribute funds. In other industries, such as construction, employers’ contributions come from a tax on production, while workers’ contributions come from board membership dues. To become a welfare board member, workers must prove their informal work status; unions normally educate workers about welfare boards and provide confirmation of workers’ informal status (see Agarwala, 2013).

The earliest domestic workers’ welfare board was established in the state of Kerala in 1977. Tamil Nadu’s was established in 2007, Maharashtra’s in 2008, and Jharkhand’s in 2013. In the newer states (Maharashtra and Jharkhand), however, the boards are woefully weak. For instance, the Maharashtra Domestic Workers Welfare Board (MDWWB), formed under the Maharashtra Domestic Workers Welfare Board Act, 2008, was never connected to a funding source, and its promise to become a tri-partite structure ended in 2014. Since then it has been functioning as a one-member body (“Opposition faced by Domestic Workers”, 2016). In Jharkhand, the Board merely folds in existing programs, and thus do not further improve domestic workers’ lives.

Although domestic workers’ organizations acknowledged the challenges of Welfare Boards, they continue to demand them to consolidate domestic workers’ identity, provide a forum for their concerns, and provide an institutional mechanism for the delivery of worker identity cards and
reproductive benefits. As Subhash Bhatnagar, a long-time activist for the Construction Boards, Head and Founder of the Delhi-based construction union, NIRMANA, and the domestic workers’ placement cooperative Nirmala Niketan, explained: “Welfare Boards are all doing very badly. But still we feel the Welfare Board model is the only way for the informal sector … Why do we need permanent work? We need it for social security and wages. Therefore, we need a third body, the Welfare Board, to ensure social security and benefits. This cannot be specific to an employer. It has to be related to the relationship between the worker and the industry.”

Conclusion

This article has outlined how paid domestic workers in India experience and define their employment relationship and their struggle for rights. First, we find a striking convergence among Indian domestic workers toward a female-dominated, union form of organizing to remove the ambiguities in their employment relationships—thereby re-defining themselves as exploited “workers,” the recipient of their services as “employers,” the household as a place of work and profit, and their employment relationship as one that is exploitative in terms of time (and thus money) and dignity. To ensure a focus on women members and leaders, domestic workers’ have developed a diverse range of union types—including traditional unions affiliated to political parties, independent unions, unions tied to NGOs, faith-based institutions, and cooperatives. Despite differences in organizational approaches, domestic workers have begun to join forces to launch a national-level movement for the first time in India.

Second, we found that domestic workers’ own definition of their employer has resulted in a more direct, one-to-one employment relationship than workers in most other informal occupations. As a result, domestic workers’ organizations have tried to empower workers to confront employers’ daily control, especially around employers’ attempts to deny workers’ ability to reproduce themselves by controlling their associations (even outside the workplace), their citizenship rights, and their worth. In other words, domestic workers demand greater dignity, recognition and emancipation as women and as workers from their employers.

Third, we found that despite their direct, one-to-one employment relationship, domestic workers in India have followed other informal workers’ movements in avoiding the employer and instead targeting the state when demanding material concessions to de-commodify their labor. This may in part be due to the fact that this strategy has become a familiar repertoire among informal workers in India, and that domestic workers have important linkages with other informal workers’ movements. But it also reflects the fact that domestic workers’ definition of the employer, the employee and the employment relationship has not yet succeeded in convincing the state or the public. As a result, domestic workers have no legally enforceable way to hold employers responsible for material needs.

These findings offer important insights into the limits and potential of domestic workers’ struggles. On one hand, domestic workers are charting new territory in defining employment relations in occupations that have never been defined as such (in India and elsewhere). They are also protecting employment relations for populations (in this case, women) whose labor has long been denigrated in cultural/symbolic and material terms. That domestic workers are focusing on defining the employment relationship as an exploitative one, and organizing around a union-based model (rather than articulating individual human rights abuses using an NGO model) indicates that organized domestic workers in India are committed to highlighting the material and social necessity of their work in contemporary capitalism. At the same time, the range of union models being used (including ones that affiliate with an NGO) indicate that labor struggles in the contemporary era might be more varied (and inclusive) than in the 20th century. Domestic workers’ efforts to
empower workers to confront employers’ attempts to control their associations, their citizenship rights, and their worth indicate the “making” of a new class of domestic workers.

At the same time, domestic workers’ struggles are still at an early stage, and they have had limited success so far. Most importantly, domestic workers have not yet enshrined their definition of their employment relationship into law. Without this, they have no legal right to make material demands on their employers (or the state). This reminds us of the important truth, that even in the case of informality and lack of enforcement of labor laws, simply having the labor law in place (and thus formally recognizing the employment relationship) is crucial to ensuring a modicum of humanity for contemporary workers.

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Notes
2. For example, Garelu Kamgar Sangathan-Gurgaon (GKS-Gurgaon), a domestic workers’ union established in 2012, is affiliated to the NGO Nari Shakti Manj (NSM). Similarly, Domestic Workers’ Forum (DWF), which is trying to form its own union, formed in 2003 as part of Chetanayla, an NGO affiliated to the Delhi Archdiocese Catholic Church.
3. Interview, January 10, 2015.
5. Interview with Chaitali Halder Jagori.
6. Interview with members of DWF.
7. Interview with members of DGKS.
8. Interview with member of DWF.
9. Interview with Chaitali Halder, Jagori; Interview with Anita Kapoor, DMKS.
10. Interview with member of DWF and members of GKS-Gurgaon.
14. Interview, January 13, 2017
16. In Maharashtra, if 25% of a ward’s women vote against alcohol, the ward’s beer bars and wine shops must close. This succeeded in 13 wards in Kolhapur: AITUC interview, December 10, 2015.
17. The exceptions were cooperative placement agencies, such as SEWA and Nirmala Niketan, that engage employers in a business relationship.
References


