

Domestic Workers and Social Protection in Bihar State



SEWA has found that some domestic workers in Bihar report being on unpaid leave due to hygiene concerns raised by employers who say that domestic workers will transmit COVID-19. Photo credit: IDWF

Key Points

- 1 Bihar included domestic workers in the minimum wage notification in 2009. While many domestic workers note that they earn more than the stipulated minimum wage per month, most noted that the minimum wage was insufficient for their households to survive.
- 2 The main state scheme providing social protection provisions for domestic workers is the Bihar Shatabdi Asangathit Karyakshetra Samajik Suraksha Yojna Board 2011. Under this scheme, all informal workers, including domestic workers, can avail themselves of a social security benefit of up to Rs.100,000 (about US\$1,400) without any registration. The scheme covers accidental death claims, partial disability claims, full disability claims and hospital admission.
- 3 All respondents visited a health-care facility in the last 12 months. On their last health-care visit, the typical direct cost paid by domestic workers was Rs.2,550, which is the equivalent of more than two weeks of earnings for a typical domestic worker.
- 4 Recommendations to the local government include: improving registration of domestic workers, so they can access social security benefits as well as relief efforts during the pandemic; stipulating a living wage for domestic workers; supporting domestic workers during and after the pandemic; paying compensation to domestic workers due to loss during the lockdown periods; and adopting separate legislation for domestic workers that includes social security provisions and that includes inter-state migrant workers.

Introduction

This policy brief aims to provide a descriptive picture of the condition of domestic workers in the city of Patna in Bihar state. The study is based on interviews with domestic workers and their organizations, as well as a survey of 70 domestic workers. Though the research was carried out prior to the COVID-19 pandemic, the findings remain relevant to understand the challenges faced by domestic workers in accessing social protection today. The brief has been updated to reflect emerging policy recommendations for the Bihar state in a pandemic context.

Who Are Domestic Workers in Bihar?

The number of domestic workers in Bihar is unknown. Registration of domestic workers and the deliverance of an identity card by the District Administration was first introduced in the Unorganized Social Security Act 2008, but never applied in Bihar until 2018 following a Supreme Court order. To date, registration has been slow and incomplete with the Labour Department registering 3,500 domestic workers by 2019. The Bihar Domestic Workers Union (BDWU) notes that state registration services are often closed or inaccessible to domestic workers. A year after registration processes started, BDWU procured only 100 identity cards for their members. In an interview with the Labour Superintendent from the Patna Labour Department in 2019, registration was not considered an urgent matter as *“there are not many domestic workers in Bihar as it does not have much popularity”* (Interview with Labour Department, 2019). However, the COVID-19 pandemic has shown how important it is to register informal workers so they can access relief and social protection benefits.

As in other states in India, domestic workers' tasks and employment status continue to be defined by their caste, ethnicity, religion, and migrant status. More domestic workers of Brahmin caste are engaged in cooking while Dalits are primarily employed to do the cleaning. Muslim domestic workers tend to work for Muslim employers. Migrant

domestic workers in Bihar most often come from tribal areas in the neighbouring states of Jharkhand, West Bengal and Assam. Migrant domestic workers are principally employed as live-in domestic workers. In Patna, most domestic workers come from the State itself, particularly from Motihari and Samastipur districts, and are employed as live-out domestic workers.

In the focus group discussions conducted for this study, a domestic worker notes the impact of these prejudices on her own working conditions,

“Dai [domestic worker] will always remain a Dai. She will never be given respect. They keep separate plates and cups for us. In fact, they do not even let us use their toilets. If we have to then we are asked to go down the building, into the toilets which are meant for guards. But these toilets are only used by men and are extremely dirty and unsafe. There is no facility for us.”

(Focus Group Discussion, 2019)

The survey was conducted in Patna primarily with domestic workers from Bihar. Below are some of the key features identified:

Individual: A little over three-quarters of the domestic workers are between 30-40 years old, and close to 15 per cent are in their 50s. More than half (52 per cent) have no schooling and 31 per cent have some primary education. Only five respondents attended secondary school, and one respondent completed secondary school. Half of the respondents have between 16-30 years of experience in domestic work, and nine per cent have worked for over 30 years in the sector. Given most respondents are between 30-40 years old, their low levels of education and extensive number of years in the sector suggests many domestic workers started working as adolescents.

Household: Almost all domestic workers (95 per cent) lived in households with three or more people and 85 per cent have between three and 12 dependents. Forty-four per cent have children younger than six. All respondents are married or have been

married. Seventy-seven per cent live with their spouses, 14 per cent are widowed and nine per cent live separately from their spouses.

Working arrangements: Most respondents are employed in live-out arrangements with 87 per cent working for multiple employers and nine per cent for a single employer. None are employed through an agency..

Work-Related Risks to Income Security

Low remuneration: Bihar included domestic workers in the minimum wage notification in 2009. Domestic work can include cleaning, washing, cooking, child care and elderly care. The rate is set at Rs.765¹ per month for a domestic worker who works for an hour each day for 26 days in a month. The minimum wage notification makes provision for four days of paid leave per month and includes extra payment for overtime work. Remuneration increases according to the number of hours worked. For a full day (eight hours), the rate is set at Rs.6,379 per month. These wages do not come with social security benefits.

Close to 30 per cent of respondents reported earning Rs.500–1,000 rupees per week, while half earned Rs.1,050–Rs.2,000. Only 10 per cent earned over Rs.2,000 per week. Fifty-seven per cent say they work over 40 hours a week. Many domestic workers note that they earn more than the stipulated minimum wage per month. Almost half (44 per cent) estimate they need between Rs.12,000 and Rs.15,000 per month for their households to survive. A further 31 per cent say they need between Rs.15,000 and Rs.20,000 per month. In the focus group discussions, domestic workers noted that many of their husbands spent their earnings on alcohol. The women had to work to cover household expenses. So though most are married and in dual-earner households, domestic workers' income is the main source of stable income for the household.

Low bargaining power: Domestic workers argue that the minimum wage is set too low and puts them at a disadvantage when negotiating with their employers. In cases where they were earning more than the minimum wage, they often do not receive paid leave or extra pay for overtime. Their wages can be cut without any negotiation as the stipulated minimum wage is not applied. BDWU is advocating to raise the fixed minimum wage for domestic workers as this is particularly important for those workers who are new migrants arriving from rural areas and are most vulnerable to exploitation.

Occupational safety and health: In this survey, it was found that the most frequent causes of days of work missed were illness or accident (40 per cent), heavy rains and flooding (21 per cent) and having to care for a sick person at home (14 per cent). Most domestic workers (56 per cent) reported that their last serious illness or injury, in the last 12 months, had happened at work, and 82 per cent took time off. A quarter took between 3-4 days off, 30 per cent needed 1-2 weeks to recover, and another quarter took more than two weeks' leave. Only half of those who took leave were paid.

Violence in the workplace: Women spoke of the sexual harassment they face in their employers' homes. They feel the police do not investigate their claims because of their caste and class. Some employers make false allegations, calling them thieves and they have no recourse to justice. Since joining the union, some domestic workers say they feel more empowered to handle such situations.

Access to Social Protection

Registration of domestic workers by the state, though mandated under the Unorganised Sector Social Security Act, does not lead to any clear benefits. The Labour Department recognizes the lack of a clear social protection policy for domestic workers as more attention is currently given to registration. The new labour and social security code adopted by

¹ The exchange rate when the survey was conducted was approximately INR 1 = USD 0.0136. Available at : <https://www.exchangerates.org.uk/INR-USD-spot-exchange-rates-history-2020.html>

the Central Government in 2020 is now being adapted to state level legislations which may open up new policy opportunities to include domestic workers.

In Bihar, the Labour Superintendent announced that the department had been able to register 3,500 domestic workers in 2019 and had also issued identity cards to them. He accepted that the process had been slow and explained,

'For registration it is required that the domestic worker comes forward to declare that she is a worker. However, in most cases, since majority of them are women, they have no awareness of this. So they don't reach out. It is also very difficult for us to reach out to them as they work in private spaces. Union can help in building this awareness but their reach is also limited. They are in Patna and may be in Darbhanga. We cannot enter every basti² to locate the domestic workers but we are trying to reach out in all districts and registration is taking place across state.'

(Interview with Labour Superintendent, Labour Department Patna, September 2019).

BDWU staff said that, although registration had started in 2018, they had been able to procure only 100 identity cards for their workers. The registration in Patna at the time of fieldwork was closed and, even though the BDWU staff had visited the department repeatedly and met several officers, they had not been able to re-start the process. While the Labour Superintendent treated this as a temporary administrative problem, it also was apparent from discussion with him that he did not think that registration of domestic workers was a vital issue. In his opinion, "there were not many domestic workers in Bihar as it did not have much popularity" (Ibid). Registration has slowed down due to COVID-19.

Currently, the main state scheme providing social protection provisions for domestic

workers is the Bihar Shatabdi Asangathit Karyakshetra Samajik Suraksha Yojna Board 2011. Under this scheme, all informal workers, including domestic workers, can receive a social security benefit of up to one lakh rupees (USD1,401) without any registration. The scheme covers accidental death claims of up to Rs.30,000, partial disability claims of Rs.37,500 and full disability claims of Rs.75,000. For hospital admission Rs.5,000 can be claimed. To receive the benefits, workers must present their identity card and proof of address. The scheme is only available to workers domiciled in Bihar. Workers from other states must rely on a separate Migrant Worker Scheme.

Health care: Access to health care is a serious concern for domestic workers as all respondents visited a health-care facility in the last 12 months – 80 per cent of the visits were to attend to their own health-care needs, and 11 per cent were for their children. On their most recent health-care visit, 46 per cent of domestic workers went to a public hospital, 52 per cent to a public clinic or other public health-care facility. Though most (77 per cent) could access medicine during their last visit, 23 per cent could not. The cost of medication is quite high given domestic workers' weekly earnings – 21 per cent spent between Rs.1,000 and Rs.1,200, 20 per cent spent between Rs.1,500 and Rs.2,000, and 30 per cent spent Rs.3,000 or more.

Close to three-quarters of the domestic workers surveyed spent between Rs.100 and Rs.500 on a consultation, with one-third spending Rs.400–500. Medical tests were also a significant out-of-pocket health-care cost with 45 per cent spending Rs.500–2,300, and 20 per cent spending more than Rs.3,000. On the last health-care visit, the typical direct cost (medicine, tests, consultation fees, etc.) paid by domestic workers was Rs.2,550. The typical domestic worker reported earning Rs.1,283 per week (for a 40-hour week). These health visits, therefore, cost the equivalent of more than two weeks of earnings.

² According to the Encyclopaedia Britannica, basti is a type of shantytown. Available at: <https://bit.ly/3wBcJOW>

There are also significant indirect costs. Close to three-quarters of respondents spent 1-2 hours travelling to the health-care facility and the same time waiting to see a professional. As a result, 93 per cent took time off for their last health-care visit, with 81 per cent taking a whole workday off. Almost all (96 per cent) said they lost more than a day's earnings due to their health-care visit. Only five out of the 70 domestic workers surveyed say they have access to a contributory health-care benefit – 91 per cent do not have access and therefore bear both the direct and indirect costs alone. It is not surprising then that 46 per cent of domestic workers delay seeking health care due to either the cost of the consultation or the medicine, and another 12 per cent due to not being able to afford the transport costs.

Maternity and Child care: The Maternity Benefit for women living below the poverty line is under the Health Department, rather than the Labour Department (Interview with Labour Superintendent, 2019). Women receive Rs.1,400 following the birth of their first child. The Health Department only provided a maternity benefit to construction workers equivalent to three months' wages as per the minimum wage rate. Eighty per cent of the domestic workers surveyed say they do not have access to a maternity benefit, and 56 per cent are not given maternity leave from their employer(s).

Many domestic workers surveyed have children younger than six and must find child care so they can work. Half said they leave their child with a family member at home while they work. Many preferred to work in areas close by so they could come home during the day for their unpaid care responsibilities, including child care. Close to one-third of respondents (27 per cent) took their children to work, 11 per cent left them at a child-care facility and seven per cent left them unattended at home. Child-care costs per week varied with 27 per cent paying Rs.900-1,050 and 19 per cent paying over Rs.2,000. On average, weekly child-care costs are Rs.1,082 or equivalent to nearly a week's average wages (Rs.1,325).

Pensions: The recently launched Maan-DhanYojna is a contributory pension scheme, with workers and government making equal contributions, available to informal workers once they reach 60. The contribution amount is based on a worker's age with contribution levels increasing with age. If a worker dies before drawing on her pension, her family must contribute until the date of her 60th birthday to benefit from the pension. Among those surveyed, none mentioned they had access to an old age pension. A senior member of the All India Trade Union Congress calls these schemes "election gimmicks" that do not lead to real benefits for informal workers (Interview with AITUC, 2019).

Other: Three-quarters of the domestic workers do not have access to any other benefits, though 22 per cent had access to either a food relief benefit or a food security ration prior to the pandemic.

In the case of Bihar, it is important to highlight the cost to workers of accessing the few benefits available to them. Seventy-three per cent spent Rs.100–500 on transport to access their benefit. All respondents paid an intermediary to assist them in applying, with 57 per cent spending Rs.100–200, and 43 per cent spending Rs.300–500. Application costs vary, though 47 per cent spent at least Rs.100 on applications. Three domestic workers reported having to pay bribes to access these benefits. Though these costs taken individually may seem small, they come to an average of Rs.514 or almost half of a week's average earnings.

The high out-of-pocket costs demonstrate that the social protection system in Bihar does not guarantee income security for domestic workers when they encounter births, child care, ill health or accidents, and old age. On the contrary, these life-cycle events are a threat to domestic workers' livelihoods and are likely to deepen their poverty

COVID-19 Social Protection Responses

In April 2020, the Domestic Workers Sector Skill Council conducted a survey of 200 domestic workers across eight states in India, including Bihar, to assess the impacts of COVID-19 on their livelihoods. It found that 85 per cent were not receiving salaries from their employers during the first lockdown (NISARG 2020). Some domestic workers in Bihar noted they were on unpaid leave due to hygiene concerns raised by employers who were afraid domestic workers would transmit the virus (SEWA 2020). Migrant domestic workers in Bihar tended to face fewer job losses as they mainly live in. However, they experience longer working hours and limited time off due to lockdown and travel restrictions. Live-out domestic workers have faced more significant job losses.

Even amid the pandemic, there is limited free health care provided for those who become ill from the virus. Private hospitals charge fees for testing and treatment. Travel time and expenses are key reasons domestic workers delay treatment; an important setback amid a pandemic (SEWA 2020). Since vaccines became available in 2021, many employers insist that domestic workers be vaccinated to continue working. BDWU is calling for domestic workers to be categorized as essential workers, like health-care workers, so they are prioritized in the national vaccination programme. During the second wave in early 2021, relief measures provided by non-governmental organizations were more limited. Available resources were directed mainly towards the purchase of medical equipment and health-care treatments, leaving fewer funds for food relief. As a result, rations distributed by BDWU during the second wave were smaller and reached fewer members. Many domestic workers do not have ration cards and cannot access state-level food relief measures either.

Increased food insecurity and lower incomes among domestic workers' households is impacting their children's education. Unable to pay school fees, domestic workers' children

are dropping out of school. There is growing mental stress and worry among domestic workers that adolescent boys will be more exposed to drugs and crime as a result.

Organizing and Action for Social Protection

National Domestic Workers' Welfare Trust (NDWWT), a non-governmental organization, was established in 1987 to support women and girls engaged in domestic work through awareness building, training and advocacy measures. In 2011, NDWWT registered the Bihar Domestic Workers Union. Currently the union has 5,400 members from Patna, Bhagalpur, Bhojpur and Darbhanga districts in Bihar. Organizing new domestic workers has slowed due to the pandemic, with 2,400 domestic worker members in July 2021. The key objectives BDWU are to raise awareness of domestic workers' labour and social protection rights and build their capacity as union members. Domestic workers attest they feel more confident negotiating with their employers since joining. They enumerated several instances where they came together to recover unpaid wages or fight false allegations made by employers (Focus Group Discussion 2019). The leaders invest as much time in the union meetings as in their paid employment.

The Labour Department draws on the union to assist in the registration of domestic workers and running awareness-raising campaigns. The BDWU gave the department a database of almost 3,000 workers and accompanied workers when they went to register. BDWU also runs training programmes two or three times a month, including on negotiation and communication skills, leadership training, countering domestic violence, and immunization. Union leaders also go out to recruit domestic workers by speaking of the need for recognition, minimum wages, social protection benefits and union membership. In terms of advocacy, the union has also filed several Public Interest Litigation (PIL) for the constitution of the Unorganised Social Security Board and initiating the registration

of domestic workers. BDWU also supported several domestic workers to file cases against exploitative working conditions.

BDWU staff stated that it helped them to liaise with the government as a union rather than an NGO as this brings more visibility to the workers and their labour rights violations (Interview with BDWU 2019). Union members are represented on the Unorganised Workers Social Security Board, constituted in 2016 under the Unorganised Workers Social Security Act 2008, and the Board for the Minimum Wages Act. BDWU is also liaising with larger unions such as the AITUC so as to push them to prioritize domestic workers' issues in their advocacy plans. The BDWU has been part of the National Domestic Workers Federation since 2013 and of the International Domestic Workers Federation since 2014.

In response to the pandemic, BDWU submitted memoranda to the Labour Commissioner to create a social protection scheme specific to domestic workers. As a result, the Minimum Wages Committee has formed a committee of workers, employers and Labour Department officials to review the creation of a possible social security scheme for domestic workers.

Recommendations for Policy and Practice

Registration of Domestic Workers:

Significantly increase efforts by District Authorities to register domestic workers so they receive an identity card and can access social security benefits as well as relief efforts during the pandemic.

Stipulating a living wage for domestic workers:

The state needs to calculate a living wage that is based on the living costs of domestic workers and not a minimum wage calculated with respect to the lowest amount employers can pay. The minimum wage currently is a disadvantage for domestic workers as it is set at a very low scale.

Supporting domestic workers during and after the pandemic: Domestic workers should be paid compensation equivalent to Rs.10,000 due to loss during the lockdown periods. Registration and recognition as essential workers would greatly improve domestic workers' access to vaccines.

Bihar state must develop and adopt separate legislation for domestic workers that includes social security provisions, drawing on the example of Kerala. Any legislation and corresponding social security scheme must include inter-state migrant workers who constitute a large share of live-in domestic workers.

References

NISARG. 2020. Domestic Workers in COVID-19 Disaster: The Deprived and the Better Ones. 27 May 2020 Available at: <http://nisargnationalnetwork.org/domestic-workers-in-covid-19-disaster-the-deprived-and-the-better-ones/>

SEWA (2020) Impact of Coronavirus on the Informal Economy. Available at: <https://www.wiego.org/sites/default/files/resources/file/SEWA-Delhi-Covid-19-Impact.pdf>

Interviews

- Interview with staff of NDWWT
- Focus Group Discussion with domestic workers
- Focus Group Discussion with union leaders of BDWU
- Interview with Senior Member of AITUC
- Interview with Labour Superintendent, Labour Department Patna
- Interview with Senior Lawyer supporting BDWU in filing cases

* This brief was compiled by Rachel Moussié and draws on qualitative research conducted by the Institute of Social Studies Trust with inputs from and survey data produced by Bihar Domestic Workers Union, IDWF and WIEGO.

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Women in Informal Employment: Globalizing and Organizing (WIEGO) is a global network focused on empowering the working poor, especially women, in the informal economy to secure their livelihoods. We believe all workers should have equal economic opportunities, rights, protection and voice. WIEGO promotes change by improving statistics and expanding knowledge on the informal economy, building networks and capacity among informal worker organizations and, jointly with the networks and organizations, influencing local, national and international policies.

Visit www.wiego.org

ABOUT IDWF

The International Domestic Workers Federation is a membership-based global federation of domestic workers. It consists of 76 affiliates in 59 countries representing over 560,000 domestic workers worldwide. Its objective is to protect and advance domestic/household workers' rights everywhere through building a strong, democratic and united global organization. It is affiliated to WIEGO and IUF.

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