

Appendix 1

Domestic Workers (Conditions of Service) bill, 1996

2.1 Chapter I

Definition

The domestic worker is defined in relation

- to the work (cooking, washing, cleaning, marketing, care of members requiring special attention like infants, children, aged, sick, differently abled, etc.);
- to the category – full-time (does all the household work) or part-time (does fixed tasks for a particular period of time);
- to the employer (whoever utilizes the services of the worker who works in several homes).

Taking into account the prevalence of middlemen, it is made clear that those workers employed through a contractor / agency will be deemed to be the employee of the person whose house is the workplace.

2.2 Chapter II

a. Working Hours

Maximum working hours are set at 8 hours /day and 48 hours /week with provision of overtime wages for overtime which is limited to 12 hours / day and 48 hours / week, excluding rest time.

Provision is made for intervals such as for lunch, rest and paid weekly offs, sick leave and casual leave. After completing a year's service, the worker is entitled to 15 days' paid leave.

b. Wages

For the purpose of wages, workers are divided into skilled and unskilled categories. The former has been extended to cover those who use electrical appliances and attend to sophisticated equipment in addition to those traditionally taken as a skill such as cooking, driving, gardening. Unlike other Bills, the latter two types of activities are brought under the definition of domestic workers. Provision is made for enhancement of wages as per the cost of living.

c. Benefits

Domestic workers are entitled to bonus, Provident Fund, Gratuity. A Welfare Fund is to be set up for them by the State Government.

Full-timers will be provided a uniform and accommodation that provides privacy, security and hygiene.

d. Termination

To protect the domestic worker, termination cannot take place without prior notice period to him / her. This is also binding upon the worker, if she chooses to leave the employer. In case of indiscriminate termination

on the part of the employer, the domestic worker is entitled to compensation.

2.3 Chapter III

a. Letter of Employment

The employer has to give a letter of appointment in the format of the registering body and any changes in the letter have to be communicated in writing to the employee.

2.4 Chapter IV

a. Inspectors and Vigilance Body

Inspectors to be appointed to exercise powers under the Act are to work in close co-ordination with unions and NGOs. An advisory board may also be appointed by the state government, which will also act as a Vigilance Body.

2.5 Chapter V

a. Penalties

The contravention of the provisions by employers will attract a fine. Domestic workers have to give written complaints to the Inspectors. If it is not acted upon within a month of registration, the matter can be sent to court. Disputes will be under the jurisdiction of the Labour court, Industrial court and the High courts.

2.6 Chapter VI

a. Agreements

Employees are free to make agreements with the employers that offer more favourable rights and privileges than contained in the provisions.

2.7 Chapter VII

a. In light of the history of legislation for domestic workers being allowed to lapse, the State Government is to notify it within 6 months of the Act coming into being.

3.0 Conclusions

Legislation for domestic workers will have to take into account the daunting range of problems linked to the special characteristics of their employment. For instance, providing maternity leave entitlements, accommodation which allows privacy, autonomy and security of the full-time domestic worker and especially clarify its status during the notice period of termination, wage issues such as gate-pass in housing colonies, travel allowance.

Framing a legislation for domestic workers will have to challenge traditional notions of work, workplaces and workers and how to regulate them (Blackett, ILO, 1998).

Appendix 2

A scheme for Domestic workers' working conditions and benefits in Maharashtra, 2003 – a draft

Name of the scheme:

A scheme for Domestic workers' working conditions and benefits in Maharashtra, 2003.

I. Objectives of the Scheme:

This scheme is intended to benefit insecure and unorganized workers, that is, workers who not been covered by any labour laws and those who do domestic and manual work in the house of others. The scheme aims to determine the working conditions and give the benefits of this scheme to such domestic workers so that the employers of such domestic workers get the services on time satisfactorily. The scheme includes determining proper wages for domestic workers, documentation of domestic workers, giving them access to Provident Fund schemes, as well as including them for protection under similar laws that would cover bonus, goodwill gifts, production incentives and so on.

II. Scope of the Scheme:

This scheme will first be limited to all the Municipalities in Maharashtra. After a year of completion of its implementation, the scheme will be critically reviewed in terms of its results. Then the scheme will be extended to other towns of Maharashtra in stages and gradually the entire state will be covered by the Scheme.

III. Definitions:

1. **Scheme:** Scheme means the scheme that has been prepared for the domestic workers in Maharashtra. It is called: A scheme for Domestic workers' working conditions and benefits in Maharashtra, 2003.
2. **Domestic workers:** Monthly paid workers, howsoever the duration of the month is decided, and workers who do any type of domestic work (for example, washing utensils, clothes, sweeping, swabbing, cooking, taking care of and nursing children or the elderly, and such other work) will be called domestic workers.

However, if this type of work is performed by workers in an establishment that is registered under the Shops and Establishments Act, 1948 or under the Factories' Act, 1948 or under Societies' Act, 1961 or is registered under any other labour law, such workers will not be termed domestic workers.

Those workers who are paid at the end of the month should be termed monthly rated workers. Even if such workers have been working for several months or several years, the period of their payment is a month and that month is as per the English calendar.

3. Contingent workers:

Those workers who are not monthly-rated workers or part-time workers, but who work in the place of monthly rated workers or in the place of part-time workers, when monthly rated workers or part-time workers go on leave, will be called ad hoc or contingent workers. A separate list will be prepared for such workers.

4. Registration:

The minimum age of workers who may be registered should not be less than 14 years.

5. Registered workers:

Those workers who are officially registered in the office of the Board will be called registered workers.

6. Employer:

The person in whose house the domestic worker will actually do domestic work will be termed the Employer.

7. Board:

Board is the body that the State government has created as per its rules and published as a GR. It will be called the Domestic Workers' Board.

8. Voluntary Organizations:

Those organizations that are involved in doing social work or voluntary work on the issues of domestic workers and who are registered with the Domestic Workers' Board, will be termed voluntary organizations.

9. Employers' Organization:

If there is an employers' organization, and if that organization is registered with the Domestic Workers' Board, it will be termed Employers' organization.

10. Levy:

The following types of benefits and services will be provided to domestic workers out of the levy that will be collected by the Board:

1. Provident Fund
2. Paid Leave
3. Gratuity
4. House Rent Allowance
5. Education Allowance
6. Bonus

7. Administrative expenses of the Board

11. Weekly off:

Domestic workers are entitled to a weekly off. If they are not given a weekly off, they should be paid an extra days' wage per week in lieu of the weekly off.

12. President:

President means the President of the Board. No person who is below the post of Assistant Labour Commissioner can be the President of the Board. This scheme will be monitored by the Labour Commissioner.

IV. The structure of the Board:

1. President
2. 3 representative of employer of domestic workers
3. 3 representative of domestic workers
4. 3 representative of voluntary organizations or 3 representative of domestic workers' organizations.
5. 3 representative of employers' organizations
6. 1 representative from the Government
7. Secretary

From the above-mentioned representatives, representation to women will be given as follows:

- Out of the 3 representative of employers, at least 1 should be a woman.
- Out of the 3 representative of domestic workers, at least 1 should be a woman.
- Out of the 3 representative of voluntary organizations, at least 1 should be a woman.
- Out of the 3 representative of workers' organizations, at least 1 should be a woman.

V. Working or the Board:

When any policy decision has to be taken or when the President feels a need to, the President of the Board will call a meeting of the Board and she / he will inform and invite the other members of the Board for the meeting. A notice of 7 days will be given before the meeting. For the quorum to be completed, the presence of one-third members, including the President is necessary; at least one representative from each of the 4 categories has to be present for the quorum to be complete. If the quorum is not complete in a meeting, the meeting may be postponed for half an hour and then the meeting may be conducted. The decisions taken in this meeting are binding on the Board. The Board may take decisions on primarily the following topics:

1. Registration of domestic workers
2. Registration of employers of domestic workers
3. The provision of domestic workers to employers as per their needs

4. Forwarding to the Dispute Resolution Committee, any dispute about work between domestic workers and employers.

While registering the domestic worker, care should be taken to verify that the domestic worker is currently employed with some employer. Every employer will deposit the wages of the domestic worker together with a levy into the Board office and the Board will give the wage to the domestic worker on or before the 7th day of each month. The wages of the domestic workers will be noted in a passbook that each worker will have and the passbook will be in the control of the Board. The amount of levy charged to each employer will depend upon the wage of the worker as noted in the passbook. The employers will herself / himself or through any other person pay the wages by crossed cheque. All the domestic workers will not be able to access any advance payment from the Board. Only those domestic workers who work with their employers for a period of 15 continuous days will be entitled to an advance of an amount equivalent to their 10 days wages. At the end of the month, the Board will deduct the advance amount from the wages of the workers and give the remaining amount to her / him.

VI. Conflict Resolution Committee:

The Conflict Resolution Committee will comprise of the following members: President, Secretary, and one representative each of employers, of workers and of voluntary organizations. The President of the Board will remain the President of the Committee as well. The decision of this Committee is binding on the Board. The conflict may be related to the following issues:

1. Not being punctual in work
2. Not being efficient in work
3. Absenteeism
4. Making the domestic worker do more work than agreed to
5. Termination of employment without giving any notice
6. Deduction in wages
7. Wages not being given on time
8. The Levy not being paid on time
9. If the employer wants to terminate the worker, she / he should be given one months' wage or a notice of one month. Similarly of the worker wants to leave employment, she should give one month's notice to the employer.

(Whatever new issues arise after 6 months of the beginning of the work of the Board will be taken up and included in this list.)

VIII. About depositing money in a nationalized bank:

Whatever money is deposited with the Board, be it the membership dues of the employers or of the workers or the levy or any other money, the safety of such money is responsibility of the Board. Hence, the Board should open an account with a nationalized bank and keep

the monies in that. Before opening the account, one representative of the employers, of the workers, the President of the Board and a social worker should open a joint account and the bank should be given instructions that the account will be operated in a way that every 8 days or so money would be withdrawn from the bank.

IX. Employees of the Board:

The employees of the Board will consist of one President, one Secretary, one accountant, one typist, one stenographer, one peon and one Inspector. Out of these, the President and the Secretary would be from the Labour Commission's Office and hence their salary will be as in the Labour Commission's Office. The Minimum Wages Inspectors in the Labour Commission's Office will be appointed in the Inspector's post on the Board and their salaries will be what they were drawing in their earlier post. The accountant, typist, stenographer and peon will be given a consolidated salary for a period of 3 years. After this period and after reviewing the viability of the Board, their wages will be decided upon.

The Board should, with the help of its employees, look after the day-to-day work and keep the daily accounts.

X. Annual Report:

The Board will give its annual report to the State Government as per the financial year i.e., from the 1st of April to the 31st of March each year. This should be submitted on the 1st of April each year and not after the 31st of October in any case. The wages of the employees of the Board – the accountant, the typist, the stenographer, typist (computer operator) and the peon should be fixed by the Board after the Board reviews its financial position.

XI. Annual Budget:

The president of the Board will prepare the budget for the coming year before the end of February. The President will invite suggestions from the members of the Committee and incorporate the suggestions.

The President of the Board has the right to take disciplinary action against the employees of the Board.

XII. The Primary Decision-making areas of the Board will be:

1. The Board will decide the rate of the levy
2. The Board can constitute a sub-Committee or disband a sub-Committee
3. The Board will prepare the budget estimates.
4. If there is any change needed in the scheme, the Board will decide upon such changes after a consensus in the meetings and inform the State Government.

XIII. Medical Examination:

Every domestic worker who is registered with the Board will have to compulsorily undergo a medical examination from a medical practitioner decided by the Board.

XIV. Registration:

Every worker will have to register her nature of work and her desire to work with the Board. Two photographs will have to be submitted at the time of registration. One photograph will be used for her identity card and one for the sake of office documentation. Thumb impressions of both the thumbs should be recorded in the office. Every worker will have to get the domicile proof of two reputed citizens living in her area (for example, their ration card).

XV. Minimum wage:

Each type of work done by domestic workers needs to be studied and the minimum wage for each hour should be decided. A minimum wage committee should be constituted and every 2 hours this committee should review these rates.

XVI. Registration fees:

Every worker who registers should pay a fee of Rs.20/-. Every employer who registers should pay a fee of Rs. 40/-. The Board will give an identity card to each worker.

XVII. Responsibilities of registered workers:

All registered workers, be they fulltime, half time or contingent, should abide by the rules and regulations of the Board.

XVIII. Responsibilities of registered employers:

Every employer should give the workers their wages on time. They should give a weekly off to their workers. If they do not give them a weekly off, the workers should be paid an extra day's wage in lieu of the weekly off. They must also pay their levy on time to the Board.

Appendix III

THE UNORGANIZED SECTOR WORKERS' BILL, 2004 A BILL

To regulate the employment and conditions of service of unorganized sector workers and to provide for their safety, social security, health and welfare and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth year of the Republic of India as follows:

Chapter 1

1. (1) This Act may be called the Unorganized Sector Workers' Act, 2004.

Short title and (-?) It shall come into force on such date as the Central Government may, commencement by notification in the Official Gazette, appoint.

2. ID this Act, unless the context otherwise requires,- (Definitions).

(i) "appropriate Government" means,-

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(a) in relation to an establishment in respect of which the appropriate Government under Ac Industrial Disputes Ac;. 1947, is the Central Government, the Central Government.

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(b) in relation to any such establishment, being a public sector undertaking, as the Central Government may, by notification in the Official Gazette, specify, which employs workers either directly or through a contractor, the Central Government;

(c) in relation to a self-employed worker or any other establishment which employs workers either directly or thorough a contractor, the Government of the State in which that other establishment is situate;

(n) "Board" means the Unorganized Sector Workers' Welfare Board established under section 3 or section 20;

(iii) "Chairperson" means the Chairperson appointed under section 5;

(iv) "employer" means a person by whom a worker is employed, whether for any remuneration or otherwise,

(v) "establishment" means any office or place where any industry, trade, business or occupation is carried on and includes any technical institution or training centre;

(vi) "family" in relation to a worker, means his or her spouse and dependent children and includes dependent parents;

- (vii) "financial year" means the year commencing on the 1" day of April;
- (viii) "Fund" means the Unorganized Sector Worker's Welfare Fund constituted under section 24;
- (ix) "member" means a member of the Board appointed under section 5;
- (x) "notification" means a notification published in the Official Gazette and the word notified shall be construed accordingly;
- (xi) "prescribed" means prescribed by rules made under this Act;
- (xii) "record" means the records maintained in the form of books or registers or stored in a computer or in such other form as may be specified, by notification, by the appropriate Government;
- (xiii) "Schedule" means the Schedule to the Act;
- (xiv) "Scheduled employment" means an employment in the unorganized sector as specified in the Schedule;
- (xv) "scheme" means a scheme notified under section 23;
- (xvi) "worker" means a person engaged in the Scheduled employment drawing pay/income not exceeding Rs, 5000/- per month.
- (xvii) "Workers' Facilitation Centre" means a unit established under section 21.

Chapter 2

Unorganized Sector Workers' Welfare Board

- (1) With effect from such date as the Central Government may, by notification appoint, there shall be established for the purposes of this Act, Board to be called the Central Unorganized Sector Workers' Welfare Board.
- (2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.
- (3) The office of the Board shall be at Delhi.
- (4) Functions of Board: The Board shall perform the following functions, namely:-
- (i) to advise the Central Government on policy matters relating to employment, social security, safety and welfare

of workers;

(ii) to formulate schemes and review their implementation and recommend to the Central Government, the changes required from time to time in such schemes;

(iii) to create public awareness about schemes available for workers;

(iv) to collect statistics and information of workers engaged in the scheduled employments under the Central Government;

(v) to collect statistics and information of employers who seek to engage workers;

(vi) to guide workers in respect of social security, safety and welfare activities undertaken by the Central Government and non-governmental organizations or associations.

5. (1) The Board shall consist of the following (persons as members) (Composition of Board) namely:-

(a) a Chairperson to be appointed by the Central Government;

(b) the Director General(Labour Welfare), ex-officio member secretary;

(c) five members not below the rank of Joint Secretary to the Government of India, to be appointed by rotation to represent the Central Government and Union territories in such manner, as may be prescribed;

(d) five members to represent the employers of unorganized sector workers of scheduled employments under the Central Government appointed in such manner, as may be prescribed;

(e) five members to represent the unorganized sector workers of scheduler employments under the Central Government appointed in such manner, as may be prescribed;

(f) five members to represent non-governmental organizations or associations which are concerned with or are engaged in the welfare activities of the unorganized sector workers of scheduled employments under the Central Government appointed in such manner, as may be prescribed.

(2) The members shall be appointed by the Central Government by a notification: Provided that an appointment under clause (c) shall be made on the recommendation of the Central Government/ the Union territory concerned, as the case may be.

(3) The terms, conditions and qualifications of the Chairperson, and members shall be such as may be prescribed.

Tenure of members: 6. (1) Every member shall hold office for a term of five years from the date of notification under sub-section (2) of section 5 and shall be eligible for re-appointment: Provided that no person shall held office as a member after he has attained the age of sixty-five years.

(2) Notwithstanding anything contained in sub-section, a member may,-

(a) relinquish his office by giving in writing under his hand to the Central Government a notice of not less than ninety days; or

(b) be removed from his office in accordance with the provisions of section 9, provided that a member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of ninety days from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of term of office, whichever is the earliest.

(3) A casual vacancy of a member in the Board shall be filled in accordance with the provisions of section 5 and the person so appointed shall hold that office only for the remainder of the term for which the member in whose place he was appointed would have held that office.

(4) A member shall receive such allowances as may be prescribed.

7. The Chairperson shall have powers of general superintendence over the affairs of the Board established

Vacation of office by member

8. If a member-

(a) relinquishes his office under clause (a) of sub-section (3) of section 6; or

(b) becomes subject to any of the disqualifications mentioned in section 9; or

(c) is in the opinion of the Board absent, without sufficient excuse, from three consecutive meetings of the Board, his seat shall there upon become vacant.

9. (1) The Central Government may, remove from office, any member
Removal of who-

(a) is adjudged an insolvent; or (b) is of unsound mind and is so declared

by a competent court; or

(c) has become physically incapable of acting as a member; or

(d) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(f) has so abused his position as to render his continuation in-office detrimental to the public interest.

(2) No member shall be removed under clauses (c) to (f) of sub-section (7) unless he has been given a reasonable opportunity of being heard in the matter.

(3) A member who has been removed under this section shall not be eligible for re-appointment

10. (1) The Board shall meet at least once in every six months and shall observe such procedure in regard to transaction of business at its meetings, including quorum at such meeting, as may be prescribed.

(2) If, for any reason the Chairperson is unable to attend a meeting of the Board, any other member chosen by the members present from amongst themselves at the meeting shall preside, at such meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes by the members present and voting, and in the event of an equality of votes, the person presiding at the meeting, may exercise a second or casting vote.

11. No act or proceeding of the Board shall be invalid merely by reason of-(a) any vacancy in, or any defect in the establishment of, the Board; or (b) any defect in the appointment of a person as a member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

12. (1) The Central Government shall provide the Board with such officers and employees as it may deem fit.

(2) The officers and employees of the Board shall discharge their functions under the general superintendence of the Chairperson.

(3) The salaries and allowances and other conditions of service of the officers and other employees of the Board shall be such as may be prescribed.

13. All orders, decisions and other *instruments* issued or made by the Board shall be authenticated by the signature of the Member-Secretary or any other officer of the Board authorized in this behalf.

14. The Board shall furnish, from time to time, to the Central Government, such returns in such form, as may be prescribed.

15. The members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be

public; servants within the meaning of section 21 of the Indian Penal Code.

16. The Board shall, in -each financial year. prepare in such form and at

such time, as may be prescribed, its budget for the next financial year and

forward the same to the appropriate Government at least three months prior to

the commencement of the next financial year.

17. (1) The Board shall maintain proper accounts and other relevant records Accounts

and prepare an annual statement of accounts in such form as may be prescribed in

consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General at such intervals. as may be specified by him. and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board

18. The Board shall prepare, in such form and at such time, for each Annual report, financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

19. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendation contained therein, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

20. (1) A State Government may, by notification, establish for the purposes of this Act, a Board to be called the ——(Name of the State) Unorganized Sector Workers' Welfare Board.

(2) The State Board shall coexist of the Chairperson, Member Secretary and such other members to be appointed by the appropriate State

Government not exceeding twenty representing *State Government concerned, employers of the unorganized workers, the unorganized workers, non-governmental organizations or association which are concerned with or engaged in the welfare activities of the unorganized sector workers of scheduled employments and as may be specified, by notification.*

(3) The terms conditions and qualifications of the Chairperson, Member Secretary and the members shall be such as may be specified, by notification.

21. The state Board shall perform the following functions, namely:-

(i) to advise the State Government on policy matters' relating to employment, social security, health, safety and welfare of workers;

(ii) to formulate schemes and review their implementation and recommend to the State Government, the changes required from time to time in such schemes;

(iii) to create public awareness about schemes available for workers;

(iv) to collect statistics and information of workers engaged in the scheduled employments under the State Government;

(v) to collect statistics and information of employers who seek to engage workers;

(vi) to guide workers in respect of social security, health care, safety and welfare measures undertaken by the State Government and non-governmental organizations or associations.

22. {1) The appropriate Government may, by notification, establish Workers' Facilitation Centre at such places as considered necessary for the purposes of this Act.

(2) A Workers' Facilitation Centre shall consist of,-

(a) an officer not below the rank of Section Officer in the Government of India

(b) such other employees as may be considered necessary, to be appointed by the appropriate Government on such terms as may be prescribed.

(3) The Workers' Facilitation Centre shall be responsible for,

- (a) registration of workers;
- (b) *registration of the employers of the unorganized sector workers;*
- (c) guide the workers in resolution of disputes by conciliation;
- (d) guide the workers about self-help groups;
- (c) guide the workers about the schemes available for their benefits; and
- (f) create awareness about contribution towards Fund.

(4) The Workers' Facilitation Centre shall maintain a register and other records, in such form as may be prescribed, of all workers who have made an application under section 22.

Application
for
registration
and
maintenance
of register of
workers.

23. (1) Every worker shall make an application, in such form and manner as may be prescribed, to the Workers' Facilitation Centre for registration under the provisions of this Act-

(2) Every worker whose name has been entered in the register under the provisions of sub-section (1), shall be provided by the Workers' Facilitation Centre a social security number and identity card in such form and shall be entitled to such benefit, as may be prescribed.

24. The appropriate Government shall, on the recommendations of the ^ Board, by notification, formulate schemes for ensuring safety, social security and welfare of workers employed in scheduled employments or establishment and other schemes providing for-

(a) the welfare of workers;

(b) regulation of the employment in unorganized sector.

(c) health and medical care, employment injury benefit, maternity benefit, *group insurance, housing safety measures and provision and improvement of such other welfare measures:*

(d) frame a pension scheme for the registered workers to be called Unorganized Sector Workers Pension Scheme for the purpose of providing for-

- (i) superannuation pension, retiring pension or permanent total disablement pension. to the registered workers; and
- (ii) widow or widower/s pension, children pension or orphan pension payable to the beneficiaries of such workers.

(e) The manner in which and the persons by whom the cost of operating the schemes is to be defrayed; and

(f) administration of the schemes generally.

CHAPTER III Unorganized Sector Workers' Welfare Fund

25. Constitution of Fund: (1) With a view to providing safety, social security and welfare of workers, the appropriate Government shall constitute a Fund to be called the Unorganized Sector Workers' Welfare Fund and there shall be credited thereto-

(a) all grants or loans made to the Board by the Central Government or any State Government

(b) all sums received by the Board from such other source as may be decided upon by the appropriate Government; and

(c) contributions by the registered employers/establishment and registered worker in such form and in such manner, as may be prescribed.

(2) The Fund shall be applied for meeting-

(a) the salaries, allowances and other remuneration of the members, officers and other employees of the Board;

(b) *the expenses towards schemes formulated under section 23 of the Act for the registered workers*, or such other INSTANCE reasonable cause, as may be prescribed; and

(c) any other expenses of the Board in connection with the discharge of its functions or for the purposes of this Act.

(d) There shall be established as soon as may be after framing the pension scheme, a Pension Fund out of the Unorganized Sector Workers Welfare Fund (e) that all sums received as the contribution of the Central Government shall be credited to the Pension Fund.

(3) No Board shall, in any financial year, incur expenses towards salaries, allowances and other remuneration to its members, officers and for meeting the other administrative expenses exceeding five percent of the contribution received during that financial year.

26. Notwithstanding provisions contained under any other law, the Appropriate Government may merge any existing Welfare Board/Boards and Welfare fund/funds constituted under any other law into the Board and the Fund constituted under Sections (3) and (24) respectively of this Act.

27. (7) *The appropriate Government shall, after due appropriation made by Parliament, or the State legislature, as the case may be, by law in this*

behalf, pay to the Board by way of grants such sums of money as the appropriate Government may think fit for being utilized for the purposes of this Act.

(2) The Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

28. the rate of the contribution shall be-

(a) the contribution of registered worker shall not exceed 5% of the monthly wages.

(b) the employers' contribution @ 5% of the monthly wages of the registered worker.

(c) in case where employers are not identifiable, the appropriate State Government shall make a matching contribution @ the contribution made by the registered worker not exceeding 5% of the monthly wages of the registered worker. ((1) the contribution of the Central Government shall be @ not exceeding 2.5% of the monthly wages of the registered workers in all cases.

29. (1) *When any registered worker has not paid his contribution under section 27 for a continuous period of not less than one year, he shall cease to be a beneficiary of the Fund.*

(2) Where the registered worker is in a position to prove to the satisfaction of the Workers' Facilitation Centre that the reasons for non-payment of contribution were beyond his normal control, he may be allowed to deposit the arrears of contribution and his registration may be restored on such deposit and on making an application in such form as may be prescribed.

30. Any arrears of amount due under the provisions of this Act from the employer, towards contribution to the Fund, shall be recovered as an arrear of land revenue.

Chapter IV: Conditions of Service of Workers

31. No worker shall be required to work for more than eight hours in a day with half an hour break.

Hours of work.

Minimum wages

32. (1) Every worker shall be paid such wages within such time as may be *Wages payable* prescribed but such wages shall in no case be less than the wages fixed under the Minimum Wages Act, 1948.

(2) Where an unorganized worker is required by the employer to work for more than the hours of work fixed, he shall be entitled in respect of each hour or such over-time work to wages at the rate of twice his ordinary rate of wages for one hour

(2a) For the purposes of this section, "ordinary rate of wages" means the basic wages plus such allowances as the unorganized worker is for the time being entitled to but does not include any bonus.(3) No employer shall pay to any worker, remuneration, whether payable in cash or kind, at rate less favourable than those at which remuneration is paid by him to the workers of the opposite sex for performing same work or work of a similar nature.

(33) Every employer of the worker shall be bound to pay to every worker a minimum bonus @ 8.33% of the salary or the wage earned by the worker during the preceding year or Rs. 100 whichever is higher.

(34) For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to a Payment of worker at the rate of fifteen days' wages based on the rate 9^^ of wages last drawn by the worker concerned after completion of the years of the service as prescribed.

(35) A woman worker shall be permitted to be absent from work for a period of 30 days and during this period to ex-gratia payment (Maternity benefit) of minimum wages payable to her in the month immediately preceding the date from which she absents herself on account of the delivery of the child,

36. *If personal injury is caused to a worker by accident arising out of and in course of his employment, the employer shall be liable to pay compensation in accordance with the provisions of the Workmen's Compensation Act, 1923.*

36(a) If five or more unorganized workers employed, the employer shall provide and maintain a room of reasonable dimensions for the use of their children under the age of six years.

36(b) the worker shall be entitled to such basic necessities at workplace like first-aid, drinking water, latrines, urinals and washing facilities and rest rooms.

36(c) The worker shall be entitled to free legal aid in the matters connected with the denial of benefits available under the Act.

37. *Whoever contravenes the provisions of this Act or of any rules made there under shall be punishable with imprisonment for a term, which may extend to three months, or with fine, which may extend to two thousand rupees, or with both*

CHAPTER V

Miscellaneous 38. (1) The Central Government may give directions to State Government or the Board established under sections (3) for carrying out the provisions of this Act.

(2) The State Government may give directions to the State Board for carrying out the provisions of this Act.

39. The appropriate Government may, if it considers necessary, amend, by notification, the Schedule by including therein **or** excluding there from any . -
employment.

40. (7) The appropriate Government may, after previous publication, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(o) the manner in which the members may be appointed under clauses (c), (d), (e) and (f) of sub-section (1) of section 5;

(6) the allowances and remunerations payable to the members under subsection (5) of section 6;

(c) the procedure to be followed in the meetings of the Board under sub-section (/) of section. 10;

(d) the allowances and remunerations payable to the officers and employees of the Board under sub-section (3) of section 12;

(e) the forms of returns to be furnished by the Board under section 14;

(/) the forms and the time of preparation **of** budget of the Board under section !6;

(g) the form of accounts, records and annual statement of accounts to be maintained under sub-section (1) of section 17;

(h) the form and the time of preparation of annual report under section 18,

(0) the allowances and remuneration payable to the members of the Workers Facilitation Centres and other employees under section 21;

(/) the form of application for registration under sub-section (2) of section 22
{k) the form of identity card, social security number and benefits for which a worker may be entitled under sub-section (2) of section 22.

(\) the form and the manner of contribution by the employers and registered worker under section 26;

(3) Every rule made by the appropriate Government under sub-section (/) and every scheme notified under section 23, shall be laid, as soon as may be after it is made, before each House of Parliament, or the State legislature, as the case may be, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses, or the State legislature, as the case may be, agree in making any modification in the rule or scheme, or both Houses, or the State legislature, as the case may be, agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme, as the case may be.

41. Nothing contained in this Act shall affect the operation of any other Act or Acts providing for the regulation of the conditions of service or work, welfare and social security measures which are more beneficial to the workers than those provided for them by or under this Act.

Annexure

Schedule of Employment

Sr.No.	Employment
I.	agriculture and allied activities
2.'	construction and other works under Rural employment
3.	beedi manufacture
4.	brick-kiln work
5.	carpet weaving
6.	cine service
7.	coir processing/manufacture
8.	domestic work
9.	electronics and electrical goods repairs
10.	fire work/crackers production
11.	fishing and allied activities
12.	garment manufacture
13.	gem cutting and gold smithy
14.	glassware manufacturing including bangles making
15.	hair dressing
16.	handloom weaving
17.	hawking and Vending
18.	headload work including coolies/porters
19.	laundry work
20.	leather works
21.	matches manufacture
22.	manufactured of locks/brass ware and other metal works
23.	petrol bunk/pump and allied services J
24.	plantation (other than those covered under Plantations Labour Act, 1951 (Act No. 69 of 1951).
25.	plastic manufacture
26.	pottery
27.	powerloom weaving '
28.	printing press work
29.	rag picking i
30.	rickshaw Pulling
31.	salt pan work-
32.	security services
33. 	shops & establishments service
34.	stone and sand quarries and allied activities
35.	tailoring. 1
36.	timber Industry (furniture manufacturing, etc.)
37	toddy tapping
38.	transport services (driving, conducting, cleaning, etc.)
39.	wayside Mechanics and workshop services
40.	weavers

Appendix IV

Hazards and accidents in domestic work and causes:

Hazards and accidents in domestic work	Causes of hazards and accidents
Air conditioning	Draughts, respiratory infections and allergies
Allergens	By contact, inhalation and ingestion
Animals	Pets and other animals-diseases transferred by animals to humans Insects-bites and diseases
Burns	Hot or burning substances, acids, lyes and electricity
Cans	Cuts while opening
Carbon monoxide	Faulty installation, leakage of gas, inadequate ventilation for example in garages
Carelessness/lack of training	In disposal substances-caustic chemicals, incandescent and burning material, glass-material and sharp tools
Distraction during work	Telephone, TVs, persons, animals and doorbells
Drowning	Swimming pools, bath tubs, open drains
Electricity	Overloaded, misused, incorrectly wired, ungrounded or inappropriate tools, faulty installation, faulty insulation, wet hands, wet floors and contact due to any of above
Ergonomics	Poor design of houses, of tools, machines and appliances, odd positions forced due to work load or faulty tools
Explosion	Combustible material, gas tanks, cooking and heating installations and appliances
Falls	On level while walking, standing or sitting, from a different level-ladders, staircases, caused by unprotected stairs, wet floors
Fire	Smoking, combustible material, paints, solvents, flammable clothes, celluloid toys, gas connections, storage of flammable material near fire places-poorly designed, misused, badly ventilated
Firearms	Ignorance of handling, cleaning and servicing
Food poisoning	Infected or rotten food and beverages served to workers, items served after expiry date of the material
Furniture	Bad design-ergonomic problems, unstable, sharp edges
Gardening	Tools, sprays of chemicals, equipment
Gas	For cooking-irritation of eyes, skin and mucosa
Housing	Bad design for ergonomics and prone to accidents, lack of fire extinguishers and escape routes
Lighting	Insufficient in house or servant's quarters-causing accidents and effects on vision
Meteorological	Heat, cold, snowing, lightening
Noise	Noisy appliances-hearing affected
Overexertion	Improper lifting causing hernia, ruptures, back injuries and backache and other muscular or bone or joints' problems
Stoves	Causing burns and asphyxia gassing due to bad ventilation

Abbreviations

ADWU: Asian Domestic Workers' Union
AIDWA: All India Democratic Women's Association
ASI: Annual Survey of Industries
BGKS: Bangalore Gruha Karnikara Sangh
CASED: Collective for Solidarity Action with Domestic Workers
CBCI: Catholic Bishop's Conference of India
DWM: Domestic Workers' Movement
ECOSOC: United Nations Economic and Social Council
GKS: Gharelu Kamgar Sangh
GNP: Gross National Product
ILO: International Labour Organization
INTUC: Indian Trades Union Congress
MFA: Multi Fibre Agreement
NCL: National Centre for Labour
NCO: National Classification of Occupations
NSSO: National Sample Survey Organization
YUVA: Youth for Unity and Voluntary Action

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