WIEGO
Women in Informal Employment: Globalizing and Organizing

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Domestic Workers and Social Protection in Nagaland

National Domestic Workers Movement (NDWM) Nagaland Region's promotion card for International Domestic Workers Day on June 16. Photo: NDWM

Key Points

1. Nagaland is granted Special Status by Article 371, which means that the laws that govern the rest of India are diluted against the customary laws that govern the Naga tribal population. The complex multi-ethnic, socio-political situation makes it difficult to implement central laws or schemes. Funding is also a problem. Nagaland's special constitutional status means that it is supposed to contribute only 10 per cent to all central schemes and programmes, with 90 per cent coming from the central government.
2. The typical domestic worker in this survey reported earning Rs.750 over a 40-hour work week. This amounts to approximately Rs.150 per day (assuming a 5-day work week), which falls below the national daily minimum wage specified in the 2019 labour codes of Rs.176/day.
3. Just over one-quarter of the workers who reported an illness or injury in the 12 months prior to the survey, reported that this illness or injury was a result of their work. Almost 60 per cent of the workers reporting illness or injury had had to miss a day of work, with just over 50 per cent reporting that they had not been paid for this time.
4. On the last visit to a health care centre, the typical direct cost was Rs.2,200; the equivalent of three weeks of earnings for a typical domestic worker. About 70 per cent of workers reported having to take out a loan to finance their last health visit. The same share of domestic workers reported delaying a health-care visit because of the expense.
5. While a pension scheme exists (Pradhan Mantri Shram Yogi Maan-dhan), a major barrier for poorer domestic workers is that the system is digitized, with the expectation that the worker will have a mobile phone and bank account. As such, registering with the scheme is difficult for most workers, who are also often unable to visit the registration centres on their own, do not have the time, and are sceptical of the digital process for which they are not equipped.
6. Recommendations to the local government include: improving data on domestic workers, including in the schedule of employment, establishing a separate welfare board for domestic workers and opening up cross-sectoral spaces for dialogue.

Nagaland is situated in India's northeastern territories, which are home to almost one-third of the country's tribal communities. These communities constitutes about one-quarter of the population of the region. The region is associated with high levels of urban poverty, with 25 per cent of Nagaland's population falling below the poverty line, in comparison to the Indian average of 21 per cent (Samantroy, 2013). Against this backdrop, this brief aims to provide a descriptive picture of the conditions of work of domestic workers, as well as highlight key policy recommendations. The following information is based on interviews with domestic workers, their organizations and state officials, as well as a survey of 81 domestic workers conducted in 2019.

Domestic Workers in Nagaland

There is a lack of data on the number and types of domestic workers in Nagaland. There are also no clear estimates on the number of domestic workers migrating outside of the state, although the local labour department does believe that such out migration is happening. Live-in domestic workers are often introduced as distant family members who are helping the family, which makes collecting information difficult (Sr. Pramila Lobo, Interview, October 2019). This lack of data is one of the most important barriers to policy change in the interests of domestic workers in the state.

Debates about domestic workers in Nagaland have tended to be dominated by the issue of child labour. It is common practice in Naga culture to bring children from poor relatives to urban areas to work as "domestic help" in exchange for a "better life" for the child, away from poverty (Chubayanger, 2013). However, in recent years the number of adult women domestic workers in the major cities of Dimapur, Kohima and Mokukchung has increased. Most of these workers, especially in Dimapur, are migrants from Assam, Bihar, West Bengal and Jharkhand. While Naga women also work as domestic workers, they are hesitant to identify as such because of the stigma attached to this work in Naga society. The All Nagaland Domestic Workers Union (ANDWU), through which this survey was conducted, therefore comprises mostly migrant women doing part-time domestic work. The survey data revealed that almost 60 per cent of the workers interviewed were born outside of Nagaland, with the greatest number hailing from Assam.

The survey also revealed the following key features of the participating domestic workers:

Individual: Almost 40 per cent of the workers interviewed were women in their 30s, while another 47 per cent were aged between 40 and 70 years of age, with a median (typical) age of 38. Many (41 per cent) of workers had had no formal schooling, while 56 per cent reported having at least some primary education.

Household: Most workers (64 per cent) were married and living with their spouses, while a further 15 per cent identified themselves as widows. Over 40 per cent reported having at least two dependents, and a further 34 per cent had between three and seven dependents. This older cohort of workers meant that most of the mothers among them had older children, with 34 per cent reporting having at least one child aged 7-12 years, compared to only 9 per cent with children under three years old.

Work arrangements: Over 70 per cent of the workers interviewed are employed in live-out, single-employer type arrangements, with just over 20 per cent working in live-out, multiple-employer type arrangements. Only three workers in the sample reported having any form of contract. Most workers (63 per cent) said they had found employment through a third party, with 56 per cent reporting this third party as being a middleman. The majority of those interviewed did not do other work apart from domestic work. The 9 per cent who did report other sources of income mostly relied on home-based industries such as pickle making, washing clothes and giving massages.

Major Work-Related Risks

Nagaland is granted Special Status by Article 371, which means that India's laws are diluted against the Naga tribal population's customary laws. The complex multi-ethnic, socio-political situation makes it difficult to implement central laws or schemes (Interview, Mr. Chubayangar, Labour Department, October 2019). Funding is also a problem. Nagaland's special constitutional status means that it should contribute 10 per cent to all central schemes, with 90 per cent from central government. Yet, the depressed economic situation makes it a challenge for the state to reach even this 10 per cent contribution. As a result, most central schemes and programmes remain underfunded, resulting in low coverage. This makes progress at policy level difficult and domestic workers continue to be excluded from the schedule of employment, meaning that there is no specified minimum wage. Moreover, society in general does not regard them as real workers, which makes the push for more policy change even more challenging. This leaves domestic workers unprotected as workers, with many work-related risks, including:

Low remuneration: The typical domestic worker in this survey reported earning Rs.750[1] for a 40-hour work week. This amounts to approximately Rs.150 per day (assuming a 5-day work week), which falls below the national daily minimum wage of Rs.176/day proposed under the Wage Code (2019). This amounts to a monthly income of Rs.3,250, which falls well below the Rs.10,000 per month that most domestic workers interviewed felt was the minimum necessary income for survival. ANDWU reports that unionized workers have been able to negotiate better wages for themselves. However, this largely relies on individual capacity to negotiate – with no minimum wage notification, it is very difficult for the labour courts to enforce any basic minimum. Workers also complained that they often are asked to do extra work that they are not paid for: "My employer sometimes asks me to go and pick up her son from school or boil the milk, which I have to do but I am not paid for any of this work" (FGD, ANDWU, October 2019).

Lack of paid leave: Paid leave is rare, although some workers have negotiated weekly time off. In the case of leave for longer duration, the custom is for the domestic worker to take it unpaid and to find a replacement for this period. This may mean she ultimately loses her job if her replacement is preferred by her employer. Some workers also mentioned wage cuts when employers go on holiday (FGD, ANDWU, October 2019).

Stigma and discrimination: With the master-servant model still the dominant mode of relating to domestic workers, they regularly face demeaning treatment from their employers. For example, many are denied the use of toilets in their employers' homes, and often they are made to use separate utensils. "They don't think of us as human beings...there is a lot of abusive language... there's no respect for us" (FGD, ANDWU, October 2019).

Occupational safety and health: Occupational safety and health is a concern for many domestic workers. The most frequent reason given by domestic workers for missing work was illness or injury. Just over one-quarter of the workers who reported an illness or injury in the 12 months prior to the survey reported that this illness or injury was as a result of their work. Almost 60 per cent of the workers reporting illness or injury had had to miss a day of work, with just over half reporting that they had not been paid for this time off. However, it should be noted that 47 per cent reported being paid for the time they were unable to work – which is higher than in the other Indian states included in the larger study.

[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

Sexual harassment is also a concern. Women domestic workers are reluctant to share any incidences of sexual harassment they may have faced at work through fear of victim-blaming and loss of earnings that may ensue from such a disclosure. ANDWU members were hesitant to talk about the issue and there was no clarity on the procedure to follow if such an incident did arise. *Sakhi* – one-stop crisis centres – have opened in some of the districts of Nagaland and there is a women's helpline. However, knowledge about these facilities was limited among the domestic workers interviewed in this study. Also, sexual harassment as a policy issue falls under the Department of Women and Children and not the Department of Labour, which shows that women workers as a whole and specific issues related to their gender, such as sexual harassment in the workplace, are not given much importance within the broader mandate of labour and employment.

Access to Social Protection and Social Services

Health care: Access to health care is important for domestic workers, with 75 per cent having visited a health facility in the 12 months prior to the survey. The majority of these visits (69 per cent) were for the domestic workers themselves, while a further 20 per cent related to the health of a child. On their most recent health-care visit, 38 per cent reported visiting a public hospital, 26 per cent a private hospital, 11 per cent a pharmacy and 10 per cent had consulted a private doctor.

Public health-care provision in the northeastern states of India is limited. Despite the fact that Nagaland spends significantly more of its state budget on health than India as a whole, there are major facility and staff shortages, and the accessibility of health services has been termed "pitiable" (Saikia & Das, 2014; Bhattacharjee, 2019). Access to the Pradhan Mantri Jan Arogya Yojana (PMJAY) – a health insurance benefit covering secondary and tertiary care – under Ayushman Bharat is also limited. One of the main problems with the eligibility criteria of this scheme is that only those households covered in the Socio-Eeconomic and Caste Census (SECC), 2011 are automatically covered. Domestic workers are an occupational group technically covered under the PMJAY. However, the domestic workers interviewed in this study said that only a few could enrol because, "our names were not included at the time the Census was being conducted...some of us were out working and hence, sometimes they skip households, names could not be included...it is not easy to enrol otherwise; one has to get a letter from the Chairman of the neighbourhood, which depends on one's relationship with him" (FGD, ANDWU, October2019). In this survey, only one domestic worker reported having access to a health benefit such as that available under PMJAY.

Taken together this means that accessing health care is expensive for domestic workers in the state. On the last visit, the typical direct cost (medicine, tests, consultation fees etc.) was Rs.2,200. This health visit, therefore, cost the equivalent of **three weeks of earnings** for a typical domestic worker. It is not surprising then that almost 71 per cent of workers reported having to take out a loan to finance their last health visit. Almost 70 per cent of workers reported delaying a health-care visit because of the expense. A further 15 per cent reported delaying a health-care visit because of the cost of transport. Over 60 per cent of workers travelled for a hour to reach a health-care facility, and a further 38 per cent had travelled for two hours. Almost 80 per cent of workers had taken time off work for this health-care visit. Of these, 50 per cent had lost income as a result, while 35 per cent reported being paid for this time. The opportunity cost of this visit, based on the typical hourly wage, was Rs.41. In other words, the typical domestic worker had to forgo Rs.41 in lost earnings on their last visit to a health-care facility.

Maternity and child care: As with the concept of paid leave in general, there is no concept of maternity leave. In general, women will leave work for 3-4 months after the birth of a child and look for a new job

when the child is considered old enough. There are two central-level maternity benefit schemes for which domestic workers are eligible (although through poverty rather than work status). However, the Pradhan Mantri Matritva Vandana Yojna (PMMVY), which provides a cash benefit, only covers the first child. Within the group of domestic workers surveyed, there was low uptake of this benefit, with only three respondents reporting access to a state maternity benefit. The other scheme, the Janani Suraksha Yojana, covers institutional delivery with no restriction on the number of births. Ninety-six per cent of domestic workers in the study reported no access to a maternity benefit.

In terms of child care, family is the main source of support, with 64 per cent of respondents with children reporting that they leave their child in the care of a family member while they are at work. Another 14 per cent reported taking their child to work with them.

Pensions: Almost no workers in the study reported having access to a pension, despite the fact that in May 2019 the state introduced the central level pension scheme for Unorganized Sector Workers – the Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM), which covers domestic workers earning less than Rs.15,000 per month. A major barrier to access is that the scheme is digitized and there is an expectation that the worker will have a mobile phone, Aadhar card and a bank account. As such, registering with the scheme is difficult for most workers, who are also often unable to visit the registration centres on their own, do not have the time, and are sceptical of the digital process for which they are not equipped.

> *...it is difficult to think that workers will be able to register under such conditions...One has to travel to the district headquarters in order to register or make a contribution, ending up paying Rs.3,000 to get a benefit of Rs.1,000...These schemes are designed in places like Delhi and are absolutely impossible to implement in a remote area like Nagaland.*
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> Additional District Labour Commissioner, October, 2019.

Other benefits: Forty per cent of domestic workers interviewed had access to a food security ration, while 58 per cent said they did not have access to any other social protection benefits. At least part of the reason for this may be the prohibitive cost of applying for benefits, as suggested by the Additional District Labour Commissioner in the previous section. The complexity of the application process has resulted in the mushrooming of several unregistered groups calling themselves "unions". These groups will help community members with applications for identity documents and so on in return for a one-time fee. The NDWM coordinator in the state reports that many domestic workers use these groups because, between work and care responsibilities, they do not have time to navigate the bureaucracy. However, this can drive up the cost of applying for benefits significantly. The single greatest cost reported by domestic workers when applying for benefits was the middleman fees – the typical payment made was Rs.300. Other large costs paid during the last benefit application included transport (Rs.200) and bribes (Rs.175). The cost for the typical domestic worker who applied for a benefit was Rs.2,050 or the equivalent of **nearly three weeks of earnings.**

COVID-19 Context and Social Protection Responses

Domestic workers were assisted largely through central government schemes in Nagaland when the COVID-19 crisis hit. Food relief for migrant workers was provided and ANDWU submitted 1,600 names, although only 600 workers ultimately received the relief. In addition to this, most domestic workers received the extra food rations provided through the Public Distribution System (PDS), and some received the Rs.500 on offer through the Pradhan Mantri Jan Dhan Yojana (PMJDY). ANDWU played a key role here by helping workers to open the zero balance bank accounts necessary to receive the relief through PMJDY. Others were able to access relief indirectly through their spouses' access to the construction

workers' welfare fund. This state relief was supplemented by additional rations, medical kits and health training provided through the Domestic Workers Welfare Trust, a non-profit organization.

Organizing and Action for Social Protection

The National Domestic Workers Movement has been in operation in Nagaland since 2008. In 2018, ANDWU was registered as a trade union. This registration was an important milestone, particularly because the state government banned the formation of unions in 2014. Four years of sustained advocacy, including regular trips to see government officials in Kohima, resulted in the registration (Interview, Sr. Pramila Lobo, October 2019). ANDWU now has a membership of just under 2,000 workers. Members pay an annual fee of Rs.60 to maintain membership. On the ground, the union operates through neighbourhood committees, where a designated leader shares information, creates awareness and enrols new members.

The NDWM Coordinator in Nagaland, Sr. Pramila Lobo, reports that it was initially difficult for the union to mobilize indigenous Naga domestic workers and the union's members were mostly migrant workers. However, since 2016, there has been an increase in indigenous workers registering with the union, which ANDWU considers a major achievement. This has in part been achieved through the union's work in setting up Aadhar Card enrolment camps. "Domestic workers do not have time to wait in long queues to enroll...For Aadhar enrolment, one has to come twice and if leave has to be taken this results in a salary cut," says Sr. Pramila. For this reason, the union worked with state officials to run special enrolment camps. At the same time, ANDWU used this as an opportunity to enrol new members, at one point reaching an additional 2,500 new members (Interview, Sr. Pramila Lobo, October 2019). The union has acted in a similar way to register members with other social protection schemes, such as the PMJAY. However, the scope of this work is severely limited by resource constraints. A small and over-burdened team runs ANDWU's activities and has found it difficult to move outside of Dimapur to organize workers across the state.

ANDWU also works at the policy level – attempting to push the government to implement measures that will benefit domestic workers. Making this more challenging, however, is the high staff turnover in government departments. The Labour Department, for example, has been overseen by seven different officials in the space of five years (Interview with Mr. Chubayangar, Labour Department, October 2019). This means that the union has to re-develop its relationship with the government frequently, which is time consuming and impedes progress.

ANDWU has also developed a wage card that can be used by domestic workers to negotiate for better wages. The union also engages regularly with the media, which it says is critical to reaching employers as well as workers.

Recommendations for Policy and Practice

The research presented in this brief shows that much work remains to be done to ensure that the rights of domestic workers to social protection are realized in Nagaland. Recommendations include the following:

Improve data on domestic workers: The lack of systematic and accurate data on domestic workers in Nagaland presents a barrier to policy change. The production of data on this group of workers should therefore be a priority, and should follow the standard definitions as laid out by the International Labour Organization (ILO). Moreover, this data should include information on out-migration of domestic workers from the state.

Inclusion in the schedule of employment: This would be a first step to recognition of domestic work as real work, and would provide the basis for a minimum wage and the provision of other work-related benefits,

including social security. This should be accompanied by a policy specifically addressing the situation and needs of migrant domestic workers in the state.

Establishment of a separate welfare board for domestic workers: Such a board has not yet been constituted in Nagaland, and this would be an important step to ensuring better access to social protection.

Open up cross-sectoral spaces for dialogue: ANDWU largely engages with the Ministry of Labour and Employment and the associated Department of Labour around policy change. However, considering the gendered social protection needs of domestic workers, it is also necessary to engage with other ministries and departments, including the Ministry of Women and Child Development and the Department of Health and Family Welfare, through which many of the existing social protection programmes are run. A cross-sectoral dialogue space between the government and domestic workers (as well as other unorganized sector workers) would assist in establishing and strengthening these relationships, potentially improving the implementation of social protection provisions.

Provide skills training to domestic workers: As in many other states of India, many domestic workers in Nagaland have lost employment as a result of the COVID-19 crisis. In this context, the state government should be targeting this group for skills training, which may lead to re-employment in other sectors.

References

Chubayanger, T. (2013). Migrant and Trafficked Children in Hazardous Employment: The Case of Nagaland. *NLI Research Studies Series No. 103/2013*. V.V. Giri National Labour Institute. Available at https://vvgnli.gov.in/sites/default/files/2013-103.pdf

Samantroy, E. (2013). Gender and Social Protection in North East India: Towards a Transformative Approach. *Labour and Development*, 20(2).

Interviews

- Interview with Sr. Pramila Lobo, State Coordinator for NDWM
- Interview with Mr. Chubayanger, Additional Labour Commissioner, Dimapur, Labour Department
- FGD with staff at NDWM
- FGD with the staff at the Labour Commissioner's office in Kohima
- FGD with leaders and member of the All Nagaland Domestic Workers Union (ANDWU)

* This brief was compiled by Laura Alfers from qualitative research conducted by the Institute of Social Studies Trust (ISST) with the support of the National Domestic Workers Movement (NDWM) and survey data produced through the All Nagaland Domestic Workers Union (ANDWU) and the NDWM in collaboration with the IDWF and WIEGO.

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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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