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Topic of Research: Efficacy of Labour Laws in Unorganized Sector with Special Reference to Female Domestic Workers.

Keywords: Domestic Worker, Unorganized Sector, Labour Laws, Female Domestic Workers, Social Security.

Findings

The research delves into the efficacy of labour laws in India, with special reference to women domestic workers who remain among the most vulnerable and disadvantaged groups in the unorganised sector. Domestic workers, particularly women domestic workers are often subjected to exploitation, unfavourable working conditions and income disparities.

There are several International Conventions and Treaties that are general in nature and impliedly extends their applicability to women domestic workers. Nevertheless, only few of them applies explicitly to the domestic workers, namely, The Convention Decent work for Domestic Workers, 2011 and the Domestic Workers' Recommendation, 2011, the Private Employment Agencies Convention, 1997 and the Private Employment Agencies Recommendations, 1997 and the Social Protection Floors Recommendations, 2012.

In India there is no specific law which deals with the rights of domestic workers. However, there are few legislations which do talk about protection of domestic workers, but practically they remain only on paper. To ensure social security to workers in the unorganized sector, The Unorganized Workers' Social Security Act, 2008, was passed but it fails to provide specific guidelines protecting the rights of domestic workers.

Following the Vishaka judgement, The Sexual Harassment of Women at Workplace (Prevention and Prohibition and Redressal) Act, 2013, was passed to protect women from sexual harassment at workplace in both organised and unorganised sector.

To protect the security of the domestic workers in India, the Government passed a new endeavor The Labour Codes of 2020. The Code on Social Security, 2020, introduces schemes designed for the welfare of the domestic workers which includes provisions regarding leaves, pension, maternity leave and health security. The Code on Occupational Safety, Health and Working Conditions, 2020, guarantees measures for health and safety regulations for domestic workers within private households. The Code on Industrial Relations, 2020, facilitates the establishment of workers' unions and associations of domestic workers to promote their well-being. Lastly, The Code on Wages, 2019, mandates just and equitable wages for domestic workers and obligates employers to ensure timely payment of wages. However, the application of the said Codes for the domestic workers remains a challenge.

An empirical study on the Status of female domestic workers in India reveals valuable findings related to the socio-economic status, working conditions and challenges faced by the women domestic workers. The observations highlight an intricate framework where female domestic workers tackle a variety of economic, social and legal barriers that curtail their basic rights and access to various social securities and welfare benefits.

Thus, this study critically examines the inadequacies of India's labour laws, focusing on the unique gender-based challenges encountered by women domestic workers and advances actionable recommendations for strengthening the legal and policy framework governing domestic work.