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DOMESTIC LABOUR AND GENDER ROLES

By Nagarjun D.N

Abstract:

Any job done in or for a household is considered domestic labour, households within a working relationship and on a professional level Domestic labour demand is likely to increase. increase in response to demographic changes, population ageing population and rising long-term care demands Service providers are becoming more important. Across the industry, the number of digital labour platforms has increased eightfold since 2010, from 28 stations to 2020 will see 224 platforms. Domestic servants are entire. Only 8.3 per cent of people are excluded from coverage. the nations examined, the majority of which are in the Arab world States, as well as throughout Asia and the Pacific. There has been a rising trend of covering domestic workers through both general labour law and specific labour laws or subordinate regulations. Let's look at this in this article.

Keywords:

Labour, [Gender](#), [Women](#), Health, Domestic Workers, Men, Migrant Workers

Introduction:

Domestic workers are people who work in or for a private family or household. They provide direct and indirect care services and hence play an important role in the care economy. Cleaning the house, cooking, washing and ironing clothing, caring for youngsters, elderly or sick family members, gardening, protecting the house, driving for the family, and even caring for household pets are all examples of their duties. A domestic worker may work full-time or part-time; may be engaged by a single family or via or by a service provider; may reside in the employer's household (live-in worker) or may live in his or her own home (live-out). A migrant domestic worker is a domestic worker who works in a country where she or he is not a national.76.2 per

cent of the 75.6 million domestic workers globally are women, implying that males make up one-quarter of the domestic workforce. Domestic labour, however, is a more important source of employment for female employees than for male employees. Domestic employment is a significant source of income jobs, accounting for 2.3 per cent of total global employment. When considering solely employees, this amount almost doubles to 4.4 per cent. The importance of domestic labour as a source of work differs across the world. Domestic work accounts for the majority of employees in Arab countries (14.8 per cent), Latin America and the Caribbean came next. (8.4%), Africa (7.3%), and Asia and the Pacific (7.3%) Pacific (4.6 per cent) (4.6 per cent). Domestic work, on the other, represents barely 1% of the European workforce as well as Central Asia. Domestic labour demand is likely to increase in response to demographic changes, population ageing and growing long-term care requirements. Service providers are becoming more important. The quantity of digital labour platforms in the industry has increased eightfold since 2010, from 28 stations to 2020 will see 224 platforms. The domestic workforce Work is anticipated to be maintained as a result of ongoing economic disparities within and between nations in addition to uneven access to education and care services.¹

Gender roles in domestic labour:

The gendered division of labour, which now sees men as the primary providers of income while women spend their time doing unpaid household duties and relying on their husbands for financial assistance, was anticipated to undergo a radical change as more women entered the workforce. Women's labour force participation continues to rise globally, and the increase in men's share of domestic work and childcare has been modest, staying at about one-third of women's time contribution. Social exchange, bargaining, and contract models predicted that women's greater labour force participation would enable them to negotiate more equal sharing of unpaid work. The division of work is a continuous dialogue in a marriage that can have an impact on how things turn out. Some family models claim that as women's labour force

¹ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_802551.pdf.

involvement rises, marriages become more unstable as women become less dependent on men's economic production or face more rivalry for status in the workplace.²

Women continue to dominate the industry (76.2 per cent), accounting for 4.5 per cent of female employment globally, or 8.8 per cent of female employees. Domestic workers employ one-third of Arab women and 11.3 per cent of Latin American and Caribbean women. These percentages, expressed as a percentage of employees, are 34.6 per cent and 17.8 per cent, respectively. Domestic workers, on the other hand, account for only 1.6 per cent of women employed in Europe and Central Asia.

Men account for almost one-quarter of the sector. Domestic work, on the other hand, accounts for only 0.9 per cent of total employment. of total male employment Among men the greatest category may be found among domestic employees. in Arab countries (23.2%), followed by Southern Asia (21.8%), and Eastern Asia (19.1%). along with Sub-Saharan Africa (14.2 per cent). Men outnumber women in household work in Arab countries (63.4%) and constitute Southern Asia has a nearly equal share (42.6 per cent). The over-representation of domestic workers in upper-middle-income nations is mostly attributable to the major countries in that group, such as Argentina, which has both a high percentage of domestic employees and men make up nearly one-quarter of the sector.³

Opinions around gender roles are shifting. The item that asks if respondents agree or disagree that a man must make money and a woman's job is to look after the house and family is one of the greatest markers of gender role ideology. Secularisation and increasing education are both trying to disrupt conventional gender roles ideas. What is unclear is if and how adjustments in gender role ideology will result in a fairer gender distribution of labour.⁴

Recognizing domestic employees legally:

Domestic workers are increasingly being protected by both general labour law and more specialised labour laws or regulations. Regardless of the strategy used, social dialogue has been

² Esping-Andersen, Gosta. *Incomplete revolution: Adapting welfare states to women's new roles*. Polity, 2009.

³ <https://www.ilo.org/global/topics/domestic-workers/who/lang--en/index.htm>

⁴ Adler, K 2005 Housework Looms for Spanish Men, 17 June 2005.

<https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=50c3a2740ddafdb438df4b920304262533128253>.

effective in achieving such recognition and ensuring that levels of protection are appropriate. This is especially true when employers' and workers' groups, as well as organisations of domestic workers and their employers, are involved.

The Indian government, as well as the country's current laws and legal theories, are unable or unwilling to address the unique characteristics of domestic employees, their workplaces, and their employment relationships. The obscurity and devaluation of care and unpaid domestic work, as well as most of the women's employment in India, are linked in part to the non-recognition of the house as a workplace. The low salaries, lack of legal rights, and invisibility and devaluation of domestic workers are all reinforced by their gender, caste, and other social factors. Simple generalisations are unattainable due to the complexity of their working relationships, which makes the creation of laws much more difficult. These in turn are a part of a political economy that promotes unorganised, low-paying labour, especially for women, as well as unchecked organisations like placement agencies. The distinctive characteristics of domestic employment also prevent group efforts that may help ensure the successful legislative change from occurring. This article argues that legal recognition and protection for paid domestic workers will enable and require a fundamental shift in the recognition, valuation, and practises of care, in gendered divisions of work, and economic and social policy in India. It does this by outlining existing laws that can be modified to regulate domestic work.⁵

A certain amount of legal protection already exists at the federal level, across states. exists, but it's badly put into practice. Children's Labour (Prohibition and Regulation) Act 1986 was revised in 2006 to prohibit the use of youngsters as domestic workers. The Regulation of Employment and Conditions for Inter-State Migrant workers is Another expansive piece of law that allows for the control of Poor rural women and children recruited for work in large cities tribal districts and the hinterlands. The Delhi administration has made an effort to control the installation of the Delhi Shops and Establishments Act of 1954, as well as the agencies covered by these Acts.

In Portugal, domestic workers have the same rights to legal and social protection as other workers. Before the fall of the fascist dictatorship in the late 1960s, social protection for

⁵ Rajni Palriwala and Neetha N., "Paid Care Workers in India: Domestic Workers and Anganwadi Workers" <https://doi.org/10.3138/cjwl.23.1.097>

domestic employees was expanded, and the pertinent labour laws originate in the 1980s and 1990s. The working circumstances that companies must give are outlined in Decree-law 235/92. These requirements include the activities that must be completed, pay, and compensation components such as paid holidays and Christmas bonuses, among others. Furthermore, social security contributions are required, and domestic employees are entitled to the national minimum wage (for more details on legal rights see Suleman, Reference Suleman2015). It is anticipated that the Portuguese Government would put these suggestions into practice as it just adopted ILO Convention 189 (Parliament Resolution 42/2015).

However, domestic workers' and employers' understanding of their legal rights is sometimes limited. Jureidini and Moukarbel emphasize that even when contracts are translated, it is typically into English, and specifics are frequently not understood. Migrants may struggle with language barriers and lack knowledge of the legislation in the host nation. As a result, immigrants are less likely to be aware of and advocate for their legal rights. In actuality, domestic employees, and particularly migrants, are sometimes categorized as contemporary slaves without citizenship or employment rights. The body of research indicates that the danger of abuse is significantly increased by the absence of labour rules protecting domestic employees.

Domestic workers, particularly immigrants, are sometimes described as contemporary slaves with no rights as citizens or employees. The body of research indicates that the danger of abuse is significantly increased by the absence of labour rules protecting domestic employees. Due to their ignorance of the law and their rights, domestic workers are in danger of being exploited and having their freedoms violated (ILO, 2013). Because domestic workers are better protected from the risk of abuse if they are aware of their legal rights, Portuguese organizations have actively worked to create and spread pertinent materials and information surrounding domestic employment.

Violence and harassment:

Workplace violence encompasses a wide range of aggressive actions that harm employees regardless of gender or employment. Many times, the mistreated employees have little control over their working environment and little protection or career options. This is unquestionably

true of domestic work, which is done by non-family members, mostly women and migrants, to take care of home duties like housework and caregiving. As a regular occurrence that is extremely Acts of violence are ingrained in societal norms and violence and abuse against family members both legally and socially responsible and unacceptable. Domestic employees must be protected. By-laws governing labour, social security, and OSHA, as well as Anti-discrimination and equality legislation. These rules must include all types of assault and harassment and the risks domestic employees face in their work environment. The application of relevant guaranteeing access to justice requires:

- (a) increasing institutions' capabilities cases to be prosecuted;
- (b) providing channels for domestic helpers to file grievances and efforts to safeguard them against retaliation;
- (c) permitting human rights organisations and other groups to report instances of abuse and harassment; and
- (d) safeguarding informants.

Domestic workers are sometimes subjected to more severe abuse and harassment. Reports of maltreatment make mention of verbal, psychological, physical, and sexual abuse and harassment, including rape; forced labour; the requirement to reside in the employer's home; confinement in the employer's home; the control of food consumed, in which employers set the quantity and calibre of food accessible for domestic employees; subpar housing in the case of live-in workers; and even death.⁶

There are now several laws that can help safeguard and govern domestic employees. There are sufficient legal remedies for egregious abuses including forced labour, sexual assault, and violence. However, many employees are unable to take use of even these legal protections. Access to justice is hampered by a lack of knowledge, illiteracy, isolation, and social capital. Therefore, institutional and legal frameworks must evolve to give domestic workers better access to governance and judicial systems.⁷

⁶ <https://www.cambridge.org/core/journals/social-policy-and-society/article/workplace-abuse-and-harassment-the-vulnerability-of-informal-and-migrant-domestic-workers-in-portugal/CC575C6DF8EC92728A6CE0D0569DBD65>

⁷ <https://frontierweekly.com/archive/vol-number/vol/vol-43-2010-11/vol-43-17/legal-43-17.pdf>

Other typical 'labour abuses' in Portugal include the non-payment of overtime for live-in employees and the variation of working hours for live-out workers, such that the contractual working hours, and therefore earnings, are lowered at the employer's discretion, depriving these workers of economic stability. Abrantes (Reference Abrantes2012) underlines the infringement of labour rights, namely the failure to pay Christmas and holiday bonuses, provide maternity leave, and cover medical expenses in the event of work-related accidents.

Studies on the Portuguese labour market also point to sporadic or infrequent instances of serious abuse, including psychological coercion, extortion, and document withholding (Pereira and Vasconcelos, Reference Pereira and Vasconcelos2008). However, immigrants are more susceptible than other people to some forms of maltreatment.

Working Time of Domestic Worker:

Domestic workers face excessive and irregular working hours all across the world, but labour law regimes have not sufficiently addressed this issue. The issue of creating working hour legislation that satisfies the interests of all domestic employees and their employers is made more difficult by the fact that the phrases "domestic work" and "domestic worker" encompass a wide variety of labour. Understanding the factors that influence the variety of household labour is necessary for this endeavour. However, some types of household labour, especially those that need some personal care, must unavoidably break free from the constraints of conventional working hours, at least occasionally. The difficulty in regulating domestic labour is balancing the worker's ability to handle unforeseen aspects of his or her family life and other obligations with the employer's demand for the domestic worker's presence in emergencies.

The diverse working arrangements in domestic labour should be taken into account when establishing laws on working hours that are consistent with the appropriate minimum pay. Particularly live-in domestic employees sometimes work longer hours, earn more in-kind compensation, and may not necessarily have the same rights as their live-out counterparts. By creating daily rest intervals, enforcing rules for overtime pay and compensatory rest, and putting a cap on payments in kind, efforts to bridge legal loopholes may therefore target excessive working hours among live-in domestic employees. The freedom to spend rest time in whatever one chooses and the right to leave the home during rest periods must be protected to uphold the

right to rest. Tools and public awareness efforts must be used in conjunction with adequate regulation to make it easier to monitor and enforce working hour laws. Timesheets, work schedules, and payslips are useful in this regard since they enable domestic employees and employers to agree on work schedules, time zone, and salaries paid. They also offer a written record that makes it possible to enforce compliance.⁸

Working hour regulations should be created with consideration for the many policy settings that influence and support them. These policy frameworks may include national policies on the treatment of immigrants, state support for child care and aged care, etc. in addition to the most visible ones on domestic work and social development. It is by the unity concept mentioned above that working time regulations in the area of domestic employment should be developed to complement broad national regulatory measures on working time, even if it is not covered in depth in this study.

The "framing standards" offer a framework that guarantees the flexibility in working hours required for domestic labour while imposing restrictions that are advantageous to the worker.

Working Time Agreement (WTA): Individual domestic workers and their employers are required to sign a Working Time Agreement (WTA) at the beginning of their partnership, which recognises openness in the design of working time arrangements for each party. The main characteristics of the domestic worker's hours, both in terms of length and organisation, are outlined in the WTA. aimed at making it so that employees may readily exercise their legal rights. The WTA outlines the major components of the domestic hours worked by a worker, both in length and organisation. The WTA was created to ensure that employees can easily exercise their legal rights, and it also summarises some elements of the broader labour law system, such as the collective bargaining system as it relates to working time, as well as details that will help employees exercise their legal rights, like access to the labour inspectorate or grievance procedures.

Normal Hour: The understanding that working time must be controlled in some way is a crucial component of ILO working time regulations. Since Convention No. 1, standards have recognised that the length of time required to complete a labour process is not a valid indicator of the length

⁸ https://www.ilo.org/global/topics/domestic-workers/publications/WCMS_802551/lang--en/index.htm

of time that should be required of employees. Instead, accepting time restrictions on the regulated worker's availability of labour for long enough to safeguard his or her health and well-being is necessary for decent employment. Typically, eight hours per day and forty hours per week can be worked before overtime compensation is required. The Uruguayan Act No. 18.065 on domestic labour reflects the daily restriction, which is by early international norms. The Committee of Experts has determined that the weekly limit is the most recent worldwide norm for weekly hours, and it was established from those standards (ILO, 2005).

Overtime Hours: Given the negative effects on one's health and ability to balance work and life, domestic duties should not frequently need overtime. Particularly for work/life balance considerations, an employee has the right to advance notice of any needed overtime and the option to decline, unless there is an immediate and critical need for their services. A daily rest interval and the 48-hour maximum established by the CEACR as an adequate upper limit on overtime are the only restrictions on overtime labour (ILO, 2005). By international norms, overtime pay must be at least 25% of the domestic worker's regular salary.⁹

Occupational health and safety:

Governments should make sure that domestic employees are protected by OSH laws, either by including them in the laws' purview or by enacting particular rules for the industry. Such regulations may require homes or other employers to inform domestic workers about OSH dangers and provide them with PPE. These laws may also be accompanied by guidelines on risks and preventative actions that may be used by public authorities, employers, and domestic workers. By defining the circumstances under which labour inspectors may be permitted entry to residential properties and by strengthening labour inspectorates' ability to conduct awareness-raising campaigns and inspections, these regulations can be enforced. The majority of homemakers (58%) were middle-aged (median age 51 years), female (96%), and members of a racial or ethnic minority (31% Hispanic, 22% Black). They offered their customers a wide range of domestic services, such as cleaning (95%), laundry (95%), grocery buying (87%), meal

⁹ McCann, Deirdre, and Jill Murray. "The legal regulation of working time in domestic work." *International Labour Office Conditions of Work and Employment Series 27* (2010).

<https://deliverypdf.ssrn.com/delivery.php?ID=545088089111023078022121120121091120039012007068065003094083105117029102126100118093035043107025020012109113029012121110115009033055024073042110003082012127088069007023011114119083119125006094065083113109030005116075093000109126122093121011101031022&EXT=pdf&INDEX=TRUE>

preparation (80%), and bathing (50%). In the houses of their clients, 46% of respondents had come across dangers such as vermin (39%), combustible waste heaps (19%), non-electrical safety risks (18%), rubbish (12%), and frayed electrical cords (8%). Eight and five per cent said they have sustained at least one injury at work. 15% of clients reported being verbally or physically abused.

While 26% of homemakers reported musculoskeletal disorders, primarily back problems, significantly more frequently than expected, compared to a comparison group of 52 age-matched women from a socioeconomically and culturally appropriate neighbourhood, homemakers believed their overall health to be good. Homemakers reported skin concerns somewhat more frequently than respiratory issues. The majority of housewives reported being happy with their occupations, although reported and perceived health issues are likely to be less prevalent in this group. For instance, only 8.6% of respondents thought that using typical household items may be dangerous. Numerous of these items, such as drain cleaning and chlorine bleach, insecticides and cleaner, are known to pose risks either alone or in combination. To guarantee that housewives are sufficiently safeguarded against occupational dangers, worker education and employer oversight are required.¹⁰

Conclusion:

Gender biases that lead to poor compensation in domestic labour may be also responsible for low pay in other industries with a high proportion of women workers. Lack of acknowledgement of household labour, both paid and unpaid, may also be a structural component underlying discrimination against women in the workplace. Future studies should look at how women's salaries change in other low-skilled industries in nations that implement a minimum wage setting. It would also be beneficial to investigate further how informality and low pay in other female-dominated industries, including agricultural or home-based labour, may be addressed using the lessons learnt about improving working conditions in domestic work. Therefore, special consideration must be given when determining the sectoral or occupational rates for domestic workers to guarantee that their labour is valued fairly. This may be done by involving

¹⁰ Zechter, Joyce Faith, and Tee L. Guidotti. "Occupational hazards of domestic workers providing home care." *Public health* 101.4 (1987).

<https://www.sciencedirect.com/science/article/abs/pii/S0033350687800793>

both employees and employers in the process of determining the minimum wage. Additionally, it is crucial to take into account the financial status of the houses that are hiring people. In certain circumstances, this might be done by setting various prices depending on the location. Furthermore, a thorough investigation is required to comprehend domestic employees and their gender-based functions.

