

POLICY BRIEF: ASSESSMENT OF THE IMPLEMENTATION STATUS OF THE DOMESTIC WORKERS PROTECTION AND WELFARE POLICY AND WAY FORWARD

This brief aims to describe the deficits and implementation status of the Domestic Workers Protection and Welfare Policy-2015, including such key issues e.g. the right to minimum wage, allowances, fixed working hours, leave time, bonuses, a weekly day for rest, maternity leave, benefits, protection from workplace violence and harassments.

CURRENT SITUATION OF DOMESTIC WORKS: FAR FROM WHAT THE POLICY RECOMMENDS

In our country the income of domestic workers is not included in Gross Domestic Product (GDP). In domestic worker protection system, there is no authority to monitor their situation. The nature of their work requiring them to have workplace in the boundary of private sphere, also far from their families and communities, keeps them outside of public view. Apart from that the scope for lodging of complaint by the domestic workers is very limited or nonfunctional. Besides, as the majority of the DWs are women, they are always vulnerable to various forms of sexual abuse which they do not like to report due to social stigma. Moreover, the workers engaged in different formal sectors are within the purview of welfare fund but there is no such dedicated fund for domestic workers. Absence of trade union is also strong predicaments to ensure welfare of the DWs.

Informal recruitment starts the challenges.

According to the study's findings, the majority of live-out DWs (43.4 percent) were hired by another domestic worker, while the majority of live-in DWs were hired by their relatives (51.3 percent). Overall, the majority of workers were hired through another domestic worker (37.3 percent), relatives (35.7 percent), or the homeowners themselves (17.1 percent). Study findings also shows most of the live in DWs are got recruited by their relatives and most of the live out DWs recruited through other domestic workers. None of them have any written agreement of their employers and the DWPWP also left the room for informal recruitment process by recognizing the verbal discussion as one of the option for recruitment. Though the Policy recommends that “Both sides shall be obliged to abide by the conditions set forth in the appointment letter or contract or understanding or agreement, but it is to be ensured that the conditions set forth are not contrary to laws and policies of the country” but due to non-obligation of the Policy these options are hardly practiced by the employers household.

Figure i: Key shortcoming of DWPWP-2015



No Declaration of minimum



The absence of a domestic



Lack of Provision of forming Union or Association



No clear instruction on basic education and socialization

Violence and Abuses

The Study also revealed that female domestic workers face many challenges in the workplace. There are many DW who work part-time, they don't always arrive at their workplace on time when working from three to four houses. In this case, employers shout at them. If someone is absent for a day, she has to work twice as much the next day. Sometimes employers deduct money from the salary due to absences from work. They have accepted that they have to accept all these abuses and exploitations because they think they have no choice but to earn money. Many domestic workers in the country frequently experience torture and exploitation. One of the DWs said she thought employers should try to understand that DWs are doing a lot to make their lives easier and that they should be treated nicely. They should also consider that the prices of essential commodities are getting higher every day and the wages of domestic workers need to be increased accordingly.

Figure ii: Major Findings from the Study

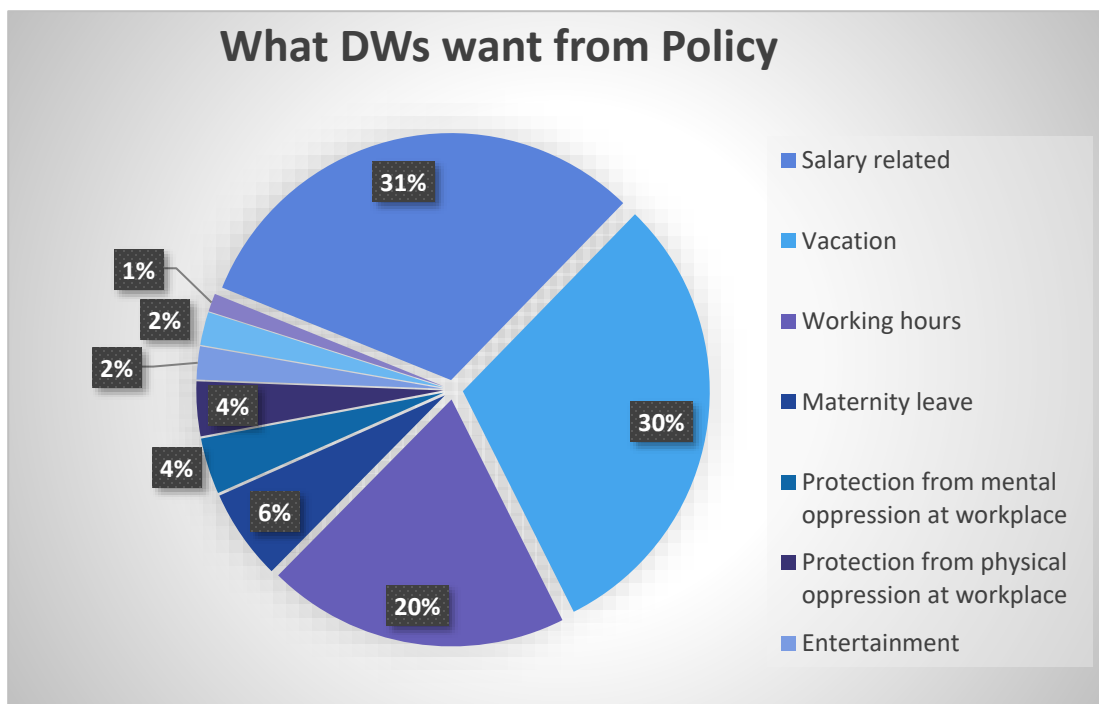


Low remuneration and Lack of leave provision

The Policy also proposed to fix type of employment, date of employment, wages, time of leisure and rests, type of work, lodging facility and food availability of the domestic worker, apparels and physical cleanliness of the domestic worker and obligations of the domestic workers. Of the 287 DWs, all of them reported varying level of monthly wages. Their wages vary from different aspects like both live-in (42.4 per cent) and live-out (92.4 per cent) DWs reported their salary was being fixed based on the type of work and the overall minimum monthly salary of a DW worker was BDT 500 and maximum salary was BDT 20,000. However, seventy per cent of live-out workers earned 7000-9000 BDT per month whereas only 30 per cent live-in workers earned the same. Though, 55 per cent live-in workers earned 1000 BDT monthly which was the lowest wages.

However, while talking about their holidays at work, a slightly higher than the half of the total respondents said they enjoy vacation from their employers, but very few respondents claimed of enjoying yearly 90 days of leave. They were being asked why they have chosen this profession

and one-fourth of the respondents replied this is the only earning source for them because they have not enough education to get any formal job. While they were asked for which reason, they want to switch their profession majority of DWs (30.7 per cent) replied due to the low salary.



RECOMMENDATIONS FOR POLICY AND PRACTICE

It is clear from the research findings brief that much work remains to be done. This section provides recommendations for policy makers, trade unions and organizations of domestic workers to further the extension of social protection to this vulnerable group of workers. These recommendations include consideration of the COVID-19 crisis and its impact on domestic workers.

Recommendations for Policy makers and government

Formalize the Domestic Works and Protecting Rights of DW

- Domestic work should be formally recognized as a profession as soon as possible and to formalize this sector dedicated cell/ organization under ministry of labor needs to be established.
- Written contract needs to be an obligation between DW and employers. Additional benefits or penalty from law enforcement can encourage written contract.
- Since the policy is not legally binding laws should be formulated so that the rights of DWs can be protected legally. If the existing policy does not become law the violence and mistreatment against VAW cannot be stopped. Also apart from awareness building, there should be a good management system to protect the rights of DWs at the local government level.

Effective monitoring of the status of DW through E- database

Govt. should have effective monitoring and follow-up mechanism to have the latest information on the situation of DWs. In this case, Govt./ service provider can know the situation of DWs from their friend and neighbors.

For this E-database mechanism should be introduced on DWs where all the information regarding their status and employers' details will be found and the information should be collected at the union/thana level, which will allow Govt. to have detailed statistics on DWs, their internal and international migration, and status.

Recently Bangladesh police have collected data from every households form that survey the statistics of DWs can be collated which will help to reach out to the DW and concerned organization can take initiative to collect those information and document it properly.

Support victims of harassments and motivation on reporting harassment and torture

One-Stop-Service and a complaint center for DWs should be started in each ward/union level. It will be effective to reduce the incident of harassment of DWs and immediate step against any incidents of harassment or violations can be taken.

Female police should be recruited so that they can work directly for DW victims. Special attention should be given to the security of female DWs of the 12-14 age group.

Strict policies need to be created and it is need to be ensured that domestic workers are being well treated. In that case organizations like Sheba XYZ can be a role model. Sheba XYZ ensure that their workers can get their remuneration without any hassle

Wages and benefits

To ensure domestic worker friendly policy need to implement health insurance policy, minimum wage right, digitized money transactions. Needy families/people should be selected as the beneficiaries of the Government's safety net program. The safety net should be provided to the ultra-poor family at the local govt. level.

DWs should be provided with not only formal, education, and social security but also area-wise arrangement of the dormitory, ambulance, and hospital facilities. A pregnant woman should be given at least 3-4 months of leave and half of their salary to be paid during and post pregnancy period; some recommended having the full salary from their employers. Employers should provide DWs with flexibility during work hours so that DWs can breastfeed their children.

Though Govt. had made primary education compulsory for all. It is not implemented in the case of children from the ultra-poor family. Attention should be given so that all can take the benefits of this policy.

Based on the type and nature of the work, the minimum wage for DWs should be fixed by Government. Allowance or other facilities should be provided to senior and elderly DWs by Govt. DWs' salary should be increased and provided with the festival bonuses and the bonus amounting to 50 percent of their salary two to three times a year.

Money Distribution of Labor Welfare Foundation need to be transparent.

During a disaster or crisis period like Covid 19, to ensure their financial security/protection DWs should be paid at least 50% of their salary by employers to protect their families from hunger and miseries during the crisis period.

Skill development of the DWs

- Government has the most vital role to play in enhancing the skill of DWs. Besides, different NGOs can do the same. Employers, along with Govt. and NGOs, can work as well in this regard. The government should open domestic workers development institutions as like Department of Youth Development can play a vital role to develop domestic workers as qualified human resource.
- Need of receiving one-time help/allowance from the Govt. under the social safety net program. There should be a provision through which they will be able to receive some one-time help after working as DWs for at least five years as usually they don't get any financial supports after becoming jobless.
- Train and certify the DW through National Skill Development Authority and recognized the RPL certificate for the DW so that DWs can use the certificate internationally. It will increase DW's job security and DWs will get proper respect at their work place.

RECOMMENDATIONS FOR GRASSROOTS ORGANIZATIONS/ NGOS AND ALLIANCES

Awareness building and motivation on reporting harassment and torture

Motivation should be provided to DWs to use the helpline numbers since most of them do not know the helpline number. Even if they do, they are afraid of using this number for help. Attention should be given to stop the misuse of the helpline. NGOs need to coordinate more with Govt. on this. Employers who torture their DWs should be brought under the law. DWs should be made aware of how to use the helpline.

Both DWs and employers should be made aware through different awareness and courtyard meetings. Knowledge and awareness of using helpline numbers should be given to DWs and different organization and alliance can work on this activity.

Different organizations need to come forward and work under same roof and need to share available data that like around 7 lacks MSME workers are working at different sectors that can help to build trust and activates can be run smoothly.

Media campaign to promote the DW policy so that both employers and domestic workers can get aware about their actions

Recommendations for trade unions:

and rights. Also can disseminate Flyer written in Bangali to increase awareness.

It is necessary to aware the employers to treat their house help well in order to aware them a proper listing is needed on the employers specifically. Which will help to connect with them and aware them about the DW laws and policies. Also it will help to implement law properly in this process grassroots level NGOs can provide support.

Role of NGOs in skill development

DWs need formal training to increase their skill and bargaining power in their workplace. For example, if they would be trained to operate electronic machines available in the market as well as in their employers' houses their work would have been much easier and faster and efficient. It would also help them not be misbehaved with as much. Moreover, they could get more respect and values in their workplace if they had the skill of this type.

DWs need to get proper training and certification for that. Training can be facilitated by impact-oriented organization can come forward. They should be provided with training or capacity-building opportunity on personal hygiene, equipment uses, and soft skill.

- The trade union is dominated by the interest of local leaders. Therefore, it should be effective if steps can be taken at the Upazila level to ensure the rights of DWs. In that case trade union of DWs should be allowed and supported by legal regime, thus DWs themselves can work their rights and articulate their demands and interest to act against violence.
- There can be an agreement between trade unions and recruitment agencies, where the DW's rights like fair wages, decent work conditions, and other benefits should be mentioned.
- Trade unions can play an important role in supporting domestic workers. Trade unions in Bangladesh are represented in the national Tripartite Consultative Council and could use this space to advocate for greater expenditure on social protection. Global trade union federations have an important role to play in working with international institutions, such as the ILO, to place pressure on the Government of Bangladesh to ratify key international legal instruments, such as Conventions 189 and 102.
- Need to give emphasized on fund for DWs so that when they get terminated for their work or do not have work can get support from the dedicated fund also a pension system can be introduced for the elderly DWs.