



# Rights of Home-based Workers

Shalini Sinha

NATIONAL HUMAN RIGHTS COMMISSION

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## P r e f a c e

### **Dr. Justice Shivaraj V. Patil**

Acting Chairperson, NHRC

For full development as human beings, exercise and enjoyment of Human Rights by all the people is necessary. Human Rights and fundamental freedoms help us to develop our intrinsic qualities, intelligence, talents and conscience to meet our material and spiritual needs. It is needless to state that without the recognition of the right to education, realization of the right to development of every human being and nation is not possible. Article 26 of the Universal Declaration of the Human Rights (1948) inter alia states that ‘education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedom. It shall promote understanding, tolerance and friendship among all nations, social or religious groups and shall further the activities of the United Nations for the maintenance of peace’. Historically, education is an instrument of development and an important factor for social change. In this view, Human Rights education is / has to be an integral part of the right to education. Of late, it is recognized as a Human Right in itself.

The knowledge of the rights and freedoms, of oneself as much as of the others, is considered as a fundamental tool to guarantee the respect of all human rights for each and every person.

On 10<sup>th</sup> December 2004, the General Assembly of the United Nations proclaimed the World Programme for Human Rights Education (2005-ongoing) to advance the implementation of human rights education programmes in all sectors. Building on the foundation laid during the United Nations Decade for Human Rights Education (1995-2004), the new initiative reflects the international community’s increasing recognition that human rights education produces far-reaching results, by promoting respect for human dignity and equality and participation in democratic decision-making.

Human Rights Education cannot merely be an intellectual exercise. It acts as a linkage between education in the classroom and developments in a society.

Study of Human Rights should be included in the curriculum or syllabus in schools and colleges making it an essential part of the learning process. India has accepted elementary education as one of the basic needs of everyone. The Constitution mandates to provide free education to all children in the age group of 6-14 years. The World Conference on 'Education for All' held in Jomtien, Thailand in 1991 pleaded universal primary education in particular on education for girls and women.

The Karnataka Women's Information and Resource Centre (KWIRC), Bangalore involved various activists, advocates and key persons associated with the movement for the rights of certain vulnerable sections of the society, for developing reference material for human rights education in universities. The dossiers prepared by the experts with commitment along with the National Human Rights Commission are presented here as reference material for university students.

The main objective of these dossiers is to inspire, motivate, cultivate curiosity, shape the opinion and enlighten the university students on issues concerning human rights.

The focus of these dossiers has been on various movements that have taken place at the grass root level rather than on individual entities. These have been written in an interactive style, rather than being narrative.

The overall content of the dossiers consists of milestones at the national and international levels, critical analysis of the situation, role of various stake holders and players, action agenda etc.

Dissemination of knowledge of human rights must aim at bringing about attitudinal change in human behaviour so that human rights for all become the spirit of the very living. The Commission hopes that the educational institutions and students pursuing human rights education and others interested in human rights will be benefited immensely by this series of books.



(Dr. Justice Shivaraj V. Patil)

24 November, 2006

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## A c k n o w l e d g e m e n t s

Promoting Human Rights literacy and awareness is one of the main functions of the NHRC, as per section 12(h) of the Protection of Human Rights Act, 1993. The Commission has been serving this encompassing purpose within its best means.

Since its inception, the Commission has been endeavouring to spread human right education at both school and university levels. Pursuant to Commission's efforts, the UGC introduced human rights education at the university level, which is now being imparted in over 35 Universities/Colleges across the country, besides in the National Law Schools.

It is said that the awareness of human rights is largely limited to the educated sections of society, while ideally it is necessary to create awareness about human rights at all levels. There has been a growing realization that human rights cannot be taught only from formal documents.

For the purpose of developing reference material on human rights education in Indian universities, the Commission endeavoured to request the authors along with the Karnataka Women's Information and Resource Centre, Bangalore.

Each of these dossiers that are listed below have been authored by activists and experts who are deeply involved in, or closely associated with, the relevant movement:

1. Rights of Disabled by Anuradha Mohit, Meera Pillai & Pratiti Rungta
2. The Human Rights to Housing and Land by Miloon Kothari, Sabrina Karmali and Shivani Choudhary
3. Dalit Rights by Martin Macwan
4. Rights of Home Based Workers by Shalini Sinha
5. Women's Right to Health by N. B. Sarojini and others
6. Environment and Human Rights by Ashish Kothari and Anuprita Patel
7. The New Environmentalism – The Struggle in Narmada Valley by Sanjay Sangvai.
8. Coasts, Fish Resources and Human Rights of Fish Workers by Nalini Nayak.
9. Children in India and their Rights by Dr. Savita Bhakhry



A set of nine books is now being published in the series. Two more books on 'Right to Information' and 'Gandhian struggle for Rights such as Bhoodan and Gramdhan' are intended to be published shortly.

The Commission is grateful to the authors of these dossiers.

A handwritten signature in black ink, appearing to read 'Aruna Sharma'.

**(Aruna Sharma)**  
Joint Secretary

## Home-based Workers in India

*I am 18 years old Shakila Bano. I have four sisters and two brothers. My younger sister and I do zardosi embroidery work, while my elder brother works in cycle repair shop. My father used to sell vegetables, but passed away recently. His untimely death worsened our already fragile economic situation. My mother keeps poor health and works in the field sometimes. We have a small plot of land – 2 bighas – but it has never yielded much, since there is not enough water.*

*I get up in the morning at about 4 a.m. and, after finishing some household chores, start work at about 10 a.m. I work till midnight. Working after sunset is very tiring, as lack of inadequate light often makes my eyes ache and water, and I get a headache on almost all days. In addition to that, sitting on the floor and doing intricate work causes cramps in my back and legs.*

*The contractor delivers the raw materials and collects the finished product from my house. We have to maintain good relations with the contractor, because he is our only source of income and we cannot afford to annoy him. When my father died, he had lent us some grains and some money. We are still repaying that loan. On the other hand, he always turns down our requests for better payments, citing some excuse or the other. Neither does he pay us our entire earnings at one go – often retaining or deducting for poor quality of work.*

*I know that he employs other workers too, but I am unaware about the rates he pays them and the rate at which he sells the products embroidered by us. Sometimes, he gets orders from other countries too, at very good rates!<sup>1</sup>*

*The case study of Shakila Bano shows not just the long hours of work that she puts in and its adverse effect on her health, it also starkly highlights the complete lack of any rights in her life. Her dependence on the middleman is complete – for work, for wages, for credit and for protection during crisis. The middleman exploits her by paying poorly and/or deducting from her earnings (in the pretext of poor quality of work) or even by retaining a part of her wages. She is isolated, has no voice to fight for her rights, and not other avenue for work.*

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1. Case study taken from the report of the National Commission of Labour.

## Introduction

‘Home-based worker’ refers to the general category of workers, within the informal or unorganized sector, who carry out remunerative work within their homes or in the surrounding grounds. However, the term ‘home-based work’ encompasses a wide diversity. Home-based workers do piecework for an employer, who can be a subcontractor, agent or a middleman, or they can be self-employed on their own or in family enterprises. They can work in the new economy (assembling micro-electronics) or the old (weaving carpets). Home-based workers are not confined to the developing countries (India and Vietnam) only but are found in developed countries as well (Ireland and the Netherlands). It is estimated that there are over 100 million home-based workers in the world and more than half this number are in South Asia – of whom around 80% are women. Among various segments of the Indian labour force, the home-based women workers living in almost every low-income urban locality in the country, as well as in remote rural areas, are amongst the most exploited group of workers today. They constitute a major segment of labour deployment in the informal sector of the economy. Bulk of these worker producers live and work in ‘on-the-margin’ survival conditions and do a variety of jobs for industry and trade, ranging from sewing garments, assembling electronic components to simple jobs of sorting, packaging and labelling goods. As a workforce, home-based workers have remained largely invisible.

The working and living conditions of home-based worker is perhaps the most vulnerable. As Compared to other sections of the informal sector like street vendors and manual labourers, home-based workers often earn much less. This is despite the fact that many home-based workers, particularly those in sectors like crafts and weaving may be very skilled. Due to the invisibility of their work, the contribution of home-based workers to the economy is ignored, and they are deprived of social benefits and workers rights. Typically, home-based workers are dispersed, illiterate, un-represented and invisible both in the national data or programme. They earn low wages, have little or no legal and social protection, poor working conditions, minimal or no workers benefits.

## Informal Sector in India

It is important to understand home-based workers in the larger context of the informal sector where they form a subset, before we explore the particular nuances of home-based work.

Though not defined precisely, the term ‘informal sector’ broadly refers to *informal arrangements of work* and is mostly used to describe a type of work that is small,

unregistered, uncertain and unprotected. It encompasses a wide range of activities, ranging from street vending to domestic service to home-based work.

Workers in the informal economy are not registered or recorded under the legislation, regulations and statistics of national or local governments and are, therefore, largely 'invisible' and 'unprotected'. They often do not enjoy fundamental workers' rights – with poor working conditions, irregular and often very long working hours, exposure to various forms of insecurity and occupational safety and health hazards. Typically, their productivity is low and earnings are poor.

The main defining characteristic of the informal economy is the precarious nature of the work – employment is not permanent and workers are generally uncovered by adequate social security. It may also imply scattered nature of workplace, acute incidence of underemployment and often working for more than one employer. Most of the times there is no clear employer-employee relationship and there may actually be difficulty in identifying the employer. In most cases, the enterprise is small and unregistered. Women constitute an important section of workers in the informal sector too.

In terms of numbers and statistics, the informal economy is large in India, accounting for 370 million workers in 1999-2000<sup>2</sup> and constituting nearly 93% of the total workforce and 83% of the non-agricultural work force. Women account for 32% of the workforce in the informal economy, including agriculture and 20% of the non-agricultural workforce. 118 million women workers are engaged in the unorganized sector in India, constituting 97% of the total workers in India.

### **Home-based Work – A Global Picture**

A recent study revealed that in seven of the countries, home-based workers represented between 10 to 25 per cent of the non-agricultural workforce: Guatemala (26 per cent), India (16 per cent), Kenya (15 per cent), Mexico (17 per cent), Philippines (14 per cent), Tunisia (11per cent ), and Venezuela (18 per cent)<sup>2</sup>.

Wherever they are found, and regardless of the industry, the vast majority of home-based workers are women. 90% of bidi workers (cigarette rollers) in India are women. 90% of homeworkers in Europe (Germany, Greece, Ireland, Italy and the Netherlands) are women. 85% of Home-based workers in the clothing and footwear industries in Argentina are women. 80% of the 50 million Home-based workers in South Asia are women\*.

*\*Men and Women in Informal Economy, ILO.*

2. Unless otherwise stated, the statistics in this section have been quoted from Unni, 'Gender Informality and Poverty', Seminar, 531 – November 2003.

Informal economy contributes to the national economy too. According to the National Accounts Statistics, the workers in the unorganized sector contribute over 62% to the NDP. The sector also contributes over 50% of the total household savings thus dispelling the myth that poor do not save. A substantial 39.3 per cent (Rs. 46 thousand crores) is the contribution of the informal sector to India's total exports.<sup>3</sup>

### **Types of Home-based Work**

Principally, there are two main types of home-based workers: Piece-rate workers – those working for an employer or intermediary and Own-account workers – those who do their own marketing, and it is important to distinguish between them, both conceptually and statistically. While all those who carry out market work at home or in adjacent grounds or premises, whether as self-employed or as paid workers, are home workers of the piece-rate variety; those home-based workers who carry out paid work for firms/businesses or their intermediaries, typically on a piece-rate basis, constitute piece-rate workers.

Piece-rate workers receive work from subcontractors or intermediaries, an employer, a trader or a firm and are paid a piece rate, according to the items produced. These workers do not have any direct contact with the markets for the goods they produce. Often, they have to buy the raw material from the factories or contractors and also arrange for tools. The cost of electricity, infrastructure, and raw material can cut into their earnings. They can be engaged by international chains of production (garments, footwear, electronics, plastic footballs) or work for national or local markets (garments, bidi, agarbatti, textiles). Certain forms of craft-work, while apparently traditional, are now done on a subcontracted basis (weaving, basket work). This trend is also growing in non-manufacturing areas, such as agri-processing (cashew nut, cotton, horticulture, floriculture and animal husbandry).

Own-account workers are workers who are generally in direct contact with the market and buy their own raw material. They face competition from larger and more powerful corporate houses and often do not have access to credit, except at exorbitant rates of interests. Since they can not buy large quantities of raw materials, the per unit cost of their products is higher. As subsistence agriculture decreases and farming becomes more commercialized, women are increasingly using traditional skills to earn a cash income (embroidery, weaving). Often living in remote rural areas, they generally rely on the agents,

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3. National Accounts Statistics (NAS), 2000, Statement 76.1; Pradhan, Roy and Saluja, The Unorganized Sector in India (NCAER, 2000); Ghatate, The Contribution of the Unorganized Sector in Exports, (National Institute of Foreign Trade (NIFT), 1999).

contractor or the middle persons to sell their goods directly in the markets. In terms of earning and working conditions, they are not much better off than piece-rate workers.

It is often difficult to make a sharp distinction between the two types of home-workers, as many own-account home-workers are economically dependent on outside forces, while many women do both kinds of work depending on what is available. Many work in a 'commercial' arrangement that disguise their dependence. For example, bidi workers in India are required to 'buy' the raw material from the contractor and 'sell' the finished bidis back to the same contractor. The workers absorb the losses, if the raw material is damaged due to natural events such as rains. Also, many own account workers also sell their products and the distinction between home-based work and vending gets blurred in such instances.

Though both men and women work from home, a large number of home-based workers were predominantly women and their numbers continues to rise today. Women turn to home-based work for a number of reasons. Lack of necessary qualifications and formal training, absence of child care support, social & cultural constraints and absence of alternatives, are some of the reasons. Families need cash incomes for their survival. Loss in formal employment and reduced returns from agriculture often result in men migrating to urban centres, leaving behind women and children. With home-based work being the only alternative available to poorest communities, it is not confined only to women but also involves children, especially girls.

There are positive aspects to home-based work also. It gives women the opportunity to combine work with domestic chores, flexible and sometimes better working conditions. While designing strategies to meet the challenges, it is important to retain the positive aspects of home-based work.

Statistics on home-based workers are difficult to come by. In terms of numbers, about 23% of the non agricultural workers are home-based. Among these home-based workers, nearly 38% undertook production under some form of production from an outside agency. An overwhelming 57% of the workforce of home-based workers are women. They can be self-employed Home-based workers or work from home on a subcontract. The estimates by the NSS 55<sup>th</sup> round, on the other hand, indicate that this number in the non-farm informal sector is around 28.7 million. However, unofficial sources indicate that their number may be between 30-50 million or more (Jhabvala, 1996).

In India, amongst the self-employed home-based workers in the non-agricultural sector, 67% were women. From amongst the women home-based workers, 49% of

the women home-based workers were undertaking production under some form of subcontracting. This means that nearly half of the home-based women workers in India are working from home, on a subcontract, for an outside agency. This arrangement is very exploitative and payments are made on a piece rate basis.

### **Impact of Globalization**

Home-based work is not a recent phenomenon. Its historical roots can be traced back to the traditional family-based occupations in rural economies and integrated livelihoods which were land based, cattle-based and home-based. A large number of home-based work, like dairying, basket and mat making, weaving, etc. were undertaken, though much of what was produced was for household consumption or for the local market. In recent years, with the rapid decline of the formal sector, in the urban areas, a large number of workers lost jobs and were pushed into informal work, including home-based.

In the recent years, home-based work is on the rise and has become a vital and a growing part of the modern world economy. The process of liberalization and globalization has caused an increasing inequality in employment opportunities and incomes. Economic opportunities created by liberalization are highly unequal. Those better endowed, with more access to skills, to markets, and with more resources or better links internationally have been able to benefit. For home-based women workers, however, the quality of employment remains poor, without opportunities for skill development and moving up the ladder, and with very low income returns. With the growing globalization and decentralization of production, home-based work has emerged as the final link in a global chain of subcontractors encompassing a wide range of industries and services. Subcontracting in industries such as garments, footwear, toys, plastics and electronics, is taking place on an international scale. Home-based work in traditional craft work or in agriculture is often a consequence of international trends and growing liberalization that affect even the remotest rural areas. Growing competition has seen retailers and suppliers use various cost cutting strategies. The informal nature of home-based work makes it possible for employers to reduce costs by taking advantage of low wages, low overheads and the flexibility of the work force with few rights and a growing need for income.

Today women's vulnerability is more marked when their productive work is frequently insecure, unstable, and subjected to the vagaries of supply and demand in both national and global markets. Given the worldwide trends toward trade liberalization, more and more women have had to eke out a living at home or on the streets rather than in factories, fields, and offices. Workers in

the formal sector, such as in garments firms, are being laid off by the thousands as enterprises close down due to intense competition in both the local and international markets. The increasing lack of formal employment opportunities forces many workers to take up self-employed work, often at or from the home. On the other hand, global contracts is forcing many to cut costs through more flexible work contracts or subcontracting thus leading to the increase in the number of women employed as piece rate workers.

## Defining Home-based Work

There have been several attempts at defining home-based work.

The Conditions of Work Digest of the ILO uses the term home worker as incorporating the following criteria:

Homework implies an *employment relationship*, between the home worker and the employer, subcontractor, agent or middleman. The agreement may be implicit or explicit, verbal or written, as specified in the national legislation.

The *place of work* is outside the premises of the employer. However, not all forms of homework are necessarily 'home-based'. They can be carried out from neighbourhood workstations, workshops or premises which do not belong to the employer. This also implies that there is very little supervision or regulation of methods of work by the employer.

The *form of payment* is usually by the piece or unit of production, but not all piece-rate workers are home workers.

As regards the *supply of materials and tools*, in some cases home workers own their tools, while in others the employer provides the tools on loan or on hire-purchase basis. In a similar way, some workers may buy their raw materials on the market or from the employer or subcontractor and sell the finished or semi-processed products back to him or her.<sup>4</sup>

This definition was further refined and the Convention No 177 of the ILO (1996) defines homework as:

- (a) work carried out by a person, to be referred to as a home worker,
  - (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer;

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4. Conditions of work digest, HOMEWORK, Vol 8, 2/1989, International Labour Office, Geneva, p.4.



- (ii) for remuneration;
  - (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, as long as this person does not have the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;
- (b) the term ‘employer’ means a person, natural or legal, who either directly or through an intermediary, if any, gives out home work in pursuance of his or her business activity.

However, it needs to be noted that the term ‘home work’ defined by the ILO convention above excludes many types of home-based work undertaken in the third world. It refers only to ‘home worker’ – namely, those workers who carry out paid work from their home. Home-based work is a broader term which includes workers like the crafts worker or the potter, who are self employed own account workers. Home work essentially is a sub-set of the broad term home-based work, which includes own account workers who do their own marketing. ‘Home-based workers’ refers to three types of workers who carry out remunerative work with their homes – dependent subcontract workers, independent own account producers, and unpaid workers in family businesses, whereas the term ‘home workers’ refers to the first category only.

The own account worker, equally vulnerable and also without any access to social security nets, as is the piece rate worker, must be included in the definition of the home-based workers, if the process of empowering the vulnerable and powerless is to be at all meaningful.

The Ministry of Labour, Government of India has adopted a broader definition and identified the basic criteria to define home-based workers for the purpose of the national policy framework as:

- Persons working in the unorganized sector irrespective of whether self employed or in piece rate employment
- Location of work being home
- Low income
- Outside the social security net

Throughout the movement for the rights of the home-based worker, there has been a debate on the inclusiveness desirable in the definition. “Arguments

about definition – about instruction-rules describing the identities of home workers – dominated debates around the convention. Employers, unions and home workers advocacy groups had very different understanding of what home workers were. Unions most closely retained the language of Fordism (Fordist categories refer to the classical construction of class in capitalism), portraying home workers as victims of unscrupulous employers. Governments and employers from the South adopted the theme of informal sector and small entrepreneurs being source of national wealth; and the employers from the North had futuristic visions of a new technology-based flexible economy where everyone was a home worker.”<sup>5</sup>

It may be mentioned here that the definition is critical, because they influence the workers’ and their organizations’ right to be registered as a union under the Trade Unions Act. When SEWA, an organization which has been a front runner in the home-based workers movement tried to register itself as trade union, the labour commissioner objected on the ground that because these workers did not have a definite employer, they did not fit the ‘traditional’ definition of a worker. Further, if they unionized, whom would they bargain against? Another objection raised was with regard to their varying occupation. The workers’ right to take up a variety of occupations, simultaneously or consecutively, often goes against them. A typical ‘worker’ had only one permanent occupation, and trade unions were formed by occupation. Also, these ‘workers’ had no fixed place of work, like a factory, and so could not be organized.<sup>6</sup>

The Discussion Paper for the National Consultation on Home-based workers, prepared by the Ministry of Labour in January, 2000, reflects the latest thinking in government on the subject and also indicates the accepted action points for the future. “Theory can, by analyzing causes and making visible consequences, underpin programmes or policies which aim to reduce suffering and hardship and more positively create the possibility of an alternative, more equitable, ordering of social relations. The development of theory can be a very practical activity rather than a self-indulgent picking over of concepts without reference to the realities of social relations these are intended to order and explain.”<sup>7</sup>

Elisabeth Prugl<sup>8</sup> refers to the present day discourse on home-based workers movement as post Fordist in character, Ford being the archetypal capitalist fountainhead of antagonistic categories of labour and capital. The sharp black

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5. Elisabeth Prugl, *The Global Construction of Gender: Home-based Work in the Political Economy of the 20th Century* (Columbia University Press, 1999), p.113.

6. Jhabvala, Renana, *Social Protection and the Unorganised Sector*, a monograph, 2000.

7. Sheila Allen, *The Labour Process and Working at Home* (University of Bradford)

8. Elisabeth Prugl, *The Global Construction of Gender: Home-based Work in the Political Economy of the 20th Century* (Columbia University Press, 1999)

and white of categories gives way to a range of possibilities of own account worker, self-employed but very much part of the proletariat in vulnerability, piece-rate worker with a host of intermediary relations. The deprivation and powerlessness, visible in these categories, in the shape of child labour, lack of minimum wage, no social security, and antagonistic production relations, call for a fresh paradigm to understand and then attempt to change the situation of the home-based worker.

## **Rights of Home-based Workers**

### **Right to Decent Work**

*“Work integral to the human spirit and conditions in which this need and desire can be fulfilled decently and meaningfully, are human rights.”<sup>9</sup>*

– Elaben, Founder-Member, SEWA

These remarks could well be the best starting point for an understanding of the human rights aspirations of home-based workers. A home-based worker is invisible on two counts: one, the non-recognition in statistical terms enables them to be perceived as persons who are ‘housewives’ and who earn only in their ‘leisure’ hours. Infact, as most studies show, home-based workers work as ‘full time’ earners; there is no question of ‘leisure’. Secondly, remaining in the confines of the home, they are further removed from the public gaze, making them even more invisible. Having productive work is a fundamental right, but the trauma, the indignity, and the penury that are the lot of the Home-based worker can be seen in the lives of all these workers.

Home-based work as distinct from work outside the home, is denied recognition as ‘work’. A woman who works over eight hours a day stitching garments or rolling bidis in her home is often not counted as a worker; she is viewed as a house-wife doing a little something in her ‘leisure-time’. The poor, especially women, work all their life. They do many different types of work, work many hours. They see work as their security and are ever afraid of the lack of work. They look forward to the right type of work for themselves-work, which will take them out of poverty and vulnerability, work which will provide them with livelihood.

One of the most disturbing aspects of today’s economy is the extreme poverty and the large and growing inequalities that exist in society. Being poor in our society means meeting ones survival needs through work, which is physically

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9. From an interview with Elaben at her residence in Ahmedabad on 17.5.2000.

hard, demanding, often debilitating and usually underpaid. For the poor, livelihood and work and income are the first and the foremost need, and the right to work is a key requirement. And yet, for home-based worker, their work, simply because it is done from the home, is never recognized. Many types of home-based worker and their work remain unrecognized. Some examples are: agricultural produce processing, fish processing, seed preserving, sorting and processing of minor forest produce, livestock rearing and tending, coir goods making, spice making, leaf plate making, oil extraction, junk and tin smithy, metal work, zari work, carpentry, bangle making, shoe making, papad making, aggarbatti rolling, paper goods making, packing, labeling, etc. For the women, often their work is not even recognized by their family members, the husbands and other male members writing off their work a 'hobby'. In addition, the woman home-based worker performs the triple role of mother, homemaker, and worker and their work remains largely invisible.<sup>10</sup>

The cognition that this is work, is the first step towards human rights for the home-based worker.

The movement for the rights of the home-based worker has also to contend with many myths. The perception that considerations of autonomy have helped women 'choose' home work as an option, has obliterated recognition of their real, vulnerable status. To move ahead with the job of enabling the access to rights for the home workers, these myths must be recognized for what they are.<sup>11</sup>

In its onward march for the rights of the home-based worker, one of the most critical interventions has been the effort to operationalise the right to work. Representing workers for whom the criticality of organizing is not for improving working conditions as much as to have work on a continuing basis, is therefore fundamentally different from the organized workers of the corporate world. The dependency and the absence of dignity in the relations of production in the situation of the home-based piece rate worker make the need for human rights activism self-evident. The move of offering alternative employment through the aegis of the *parishramalaya* (refer text box) has been an invaluable ingredient in the ability to organize. The lobbying with government to operationalise the right to work through a similar instrumentality has to proceed apace.<sup>12</sup>

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10. Organising Home-based Workers by Renana Jhabvala, Secretary SEWA, Report prepared for ILO presented at the GLI-SEWA Seminar, Nov 1987.

11. Six Myths about Homework: Coalition for Fair Wages and Working Conditions for Home Workers (Toronto, 10/92).

12. References: On operationalising the right to work for piece rate workers; parishramalaya

The institution of parishramalaya, set up by SEWA with the help of the labour department, Gujarat, has been able to aid the struggle for rights of the workers, by having an alternative source of work. Started with limited capital, it seeks to give work to those members of the union who have been laid off by the employers because of their vocality in supporting the union, or merely to teach them a lesson. Such an institutional support is vital for the success of the organising effort.

### **Right to Minimum Income**

Not only do the poor need adequate work, they also need adequate and continuous income. This need is more pronounced for the home-based workers. They have no or very little bargaining power, are paid on piece rate, at very low rates, and are often dependent on the middlemen for work and wages. One of the common exploitative practices adopted by the middlemen is to deduct wages for 'rejection'. Many a times, the middlemen withhold partial payment to maintain a hold on the worker and to discourage the worker from going to other middlemen. The strategy of denying work to the meekest and the most vocal leader amongst the workers is often adopted by the traders, as in the case of both the *bidi* and the *chindi* work. The struggle for the right to minimum wage is an integral part of the struggle for right to work.

Once the worker feels reasonably sure about a continuous wage, they can contemplate trying to get out of the exploitative bind of low wage and no social security. Without these rights, home-based worker, particularly the women home-based workers, have no power to purchase their basic minimum needs, and cannot exercise any bargaining strength within the household. Equality within marriage is often contingent upon the wife having a separate income, large enough for her to be economically independent, when the need arises (for example, in cases of wife-battering and other forms of gender-based family violence).

Another important need is for micro credit. Poor home-based workers venturing into self-employment and entrepreneurship need enough financial resources in combination with other inputs, such as technical and marketing assistance (as opposed to micro-credit alone) in order to sustain their initiatives beyond income-generation and livelihood towards a level sufficiently upscale to enable them to break out of the poverty cycle.

The institution of parishramalaya, set up by SEWA with the help of the labour department, Gujarat, has been able to aid the struggle for rights of the workers, by having an alternative source of work. Started with limited capital, it seeks to give work to those members of the union who have been laid off by the employers because of their vocality in supporting the union, or merely to teach them a lesson. Such an institutional support is vital for the success of the organising effort.

## Right to Social Protection

Social Protection should meet all the needs of the individuals that cannot be met by their own efforts or resources. The primary need is for an income, which is adequate to meet the basic needs of the persons.<sup>13</sup> In the case of a person who is able to work, this need can be met by providing him or her with work. In the case of home-based workers who, already have some work but lack assured work, a mechanism to ensure regular income on a continuing basis, can be the first building block of social security concerns.

Besides, steady and regular employment, home-based workers need social security - health, insurance, old age pensions and housing simultaneously. Further, the invisibility and marginalisation inherent in the life of the home-based worker denies her access to any social security.

The ILO, in its recent pronouncements, on *Decent Work*, prioritized the following core labour standards: the right to organize/unionize, the prohibition of forced labour as well child labour, and the elimination of discrimination, as the principal components of decent work, together with social protection and social dialogue. This has resonance in the working lives of home-based workers in areas where unions and other organizations are few or non-existent, in occupations where their children work for a pittance, in hazardous jobs, where their working conditions in terms of occupational health and safety leave much to be desired.

The need most often articulated by the home-based workers themselves is the lack of adequate housing. This is a dual disability, because their house is also the work place. Inadequate housing has a deleterious effect on the work ability, in addition to its being very unhealthy for the family. The other critical need is of health, particularly occupational health and safety. Many home-based workers are overworked, and exposed to dangerous chemicals, poor working conditions and unhealthy postures. Working conditions have to be monitored and improved in accordance with existing labour standards to guarantee this right.

Social protection for the home-based worker is an integrated concept, where economic security and social security are intimately connected. Economic security is the primary means by which people are able to obtain social security. On the other hand, social security is a means to increase and maintain the productivity of the worker, so as to increase his/her economic security. Food security can ensure increased productivity and a decrease in illness. Social security therefore is a means of increasing and maintaining the productivity of the worker, so as

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13. Asian Regional Workshop 20-22 March, 1995.

to increase his/her economic security. The provision of these elements greatly enhances the quality of work and lifestyle of the workers.

Women home-based workers need economic security - a continuous flow of employment through which they can earn enough in terms of cash and kind to meet their needs. In other words, they need full employment. In the informal sector, employment is a combination of self-employment, or own-account work, wage employment, casual work, part-time work and a variety of employment relations. At any one time, a poor person could be undertaking engaged different 'jobs'. For example, a small or marginal farmer would also work as a weaver; or an agricultural labourer would also have her own cattle, or a construction worker would roll bidis (cigarettes) at night. The type of work she does may also be seasonal. A salt worker may be an agricultural worker during the monsoons, or a paper picker may make kites during the kite season.

### **Lijjat Papad**

Shri Mahila Griha Udyog Lijjat Papad is a model attempt to make women economically self-reliant, thus paving the way for their concurrent empowerment in the other facets of their lives. It all began on March 15, 1959, as a united effort by seven women at making papad, on the terrace of their flats in an old, large, residential building, one of the five buildings known as Lohana Niwas in Girgaum, a thickly populated area in south Mumbai. The organization is based on Gandhi's concept of trusteeship, wherein all assets belonged to the society and business was to be nothing but a refined form of service. Ownership of a business devolved on those engaged in its functioning. In other words, there were to be no employers or employees and all members were owners of the institution. As evidenced from its organizational history, it symbolized the beginning of a slow but steady process of women taking an active agency over their lives and that of the society around them.

Empowerment as envisaged by the Shri Mahila Griha Udyog Lijjat Papad, is more than a mere boosting women's earning capabilities. It enables an assertion of all the other rights and to her own personal space in a patriarchal society. The empowerment of women home-based workers went much beyond than an increase in their earning capability. It is also about the individual lives of women affected in terms of their personal equations at home, their reproductive rights as well as the right to education and personal space in a patriarchal society. Lijjat Pappad is a story of the rise and growth of an organisation, resulting from a group of women's practical step to get supplementary earning. It is about empowerment at an organised cooperative level.

Creating employment is, therefore, no longer a matter of creating 'jobs', but of strengthening these workers and producers to overcome structural constraints and enter markets where they would be competitive. Often these markets, which may be labour markets, products markets or financial markets may not exist locally, and need to be built up, or institutions need to be created which would link local markets with the larger markets.

The poor need capital formation at the household level through access to financial services (savings, credit, insurance) to build up and create assets of their own (land, house, workshops, equipment, cattle, bank balance). Asset ownership is the surest weapon to fight the vulnerability of poverty. In addition and simultaneously, the poor need social security, at least healthcare, childcare, shelter and relief, in order to combat the chronic risks faced by them and their families.

Therefore, workers in the informal sector need economic security — a continuous flow of employment, through which they can earn enough in terms of cash and kind to meet their needs — and, simultaneously, social security — at least healthcare, childcare, shelter and relief — to combat the chronic risks faced by them and their families. In addition, they also need collective, organised strength to be able to actively participate in the planning, implementation and monitoring processes of the programmes meant for them.

It should be recognised that the work that these women home-based workers do is very much part of the national economy. Her work contributes not only to her own family but also to the development of their villages and towns and to the country as a whole. Their work contributes to the national income and to economic growth.





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## The Struggle of Home-based Workers

### Milestones at the National Level

The issues and rights of home-based workers have been addressed in a variety of ways in policies and programmes. The National Commissions on labour, set up by the Government of India, and the labour acts have addressed the issue in varying degrees. Besides, over the last few decades, path-breaking efforts have been made by several NGOs and member based organizations, like SEWA, Annapurna Mahila Mandal, Dinesh Beedi Cooperative and Lijjat Pappad in empowering the home-based workers and in highlighting their plight. These organizations have not only organized home-based women workers for more employment opportunities and better conditions but have also evolved a radically new perspective on home-based work from the viewpoint of the workers themselves. SEWA has emerged as the flagship of national and international initiatives towards strengthening the legal status of home-based workers. SEWA was the first to put forward the need for an international standard for this sector, and in getting the international trade union movement to take up the issue. A tracing of the struggle of the home-based workers rights at the national and international arena, therefore, cannot be done without the reference to SEWA, as much of what has been achieved today has been due to the untiring efforts of SEWA. The strategies adopted by SEWA in its struggle for the home-based workers have been presented separately in this document in another section.

### The National Commission of Labour and the Subsequent Acts

The National Commission of Labour appointed by the Government of India in 1966, which submitted its report in 1969, dwelt on the unorganized sector at some length. Within the unorganized sector it mentioned handloom and *bidi* as the two vocations where home-based work is quite widespread.

The three recommendations of the Commission for *bidi* workers were:

- one, they should be organized into a cooperative to give them relief from their oppressive conditions of work;
- two, all workers irrespective of their place of work should be covered by the minimum wage legislation; and
- three, appropriate steps should be taken to safeguard the interests of the workers in cases, where *bidis* are rejected during inspection and the

cost of materials used in the rejected *bidi*s deducted from their wages. The Commission also noted that where the workers have got organized the incidence of deduction as also rejection is lower.

Infact, bidi industry was the first sector to see some dynamic labour laws which have recognized the home-based nature of work prevalent in this sector. By the early sixties, homework was more the rule than the exception in the bidi industry and during those days, the trade unions of the All India Trade Union Congress (AITUC) were active in almost all states where *bidi* was being produced. They agitated many years for a law especially for bidi workers. In 1966 the Bidi and Cigar Workers (Conditions of Employment) Act was passed. The Act, being Centrally legislated, had to be enforced in each State separately. Andhra Pradesh was the first State to enforce the Act by Gazette Notification, and subsequently all other States followed. The validity of this Act was challenged by the employers, but it's validity was upheld by the Supreme Court in the judgment of Mangalore Ganesh Bidi vs. Union of India, 1974. So, it was really only after 1974 that this Act began to be enforced.

This Act is one of the only labour laws (other than the Minimum Wages Act ) to specifically mention home-based workers as a category of workers under the Act. The definition (Sec 2 f), states that : 'employee' means a person employed directly or through any agency, whether for wages or not, in any establishment (or godown) to do any work, skilled, manual or clerical and includes —

- (i) any labour who is given raw material by an employer or a contractor for being made into bidi or cigar or both at home (hereinafter referred to in this act as 'homeworker'), and
- (ii) any person not employed by an employer or contractor but working with the permission of, or under agreement with, the employer or contractor, or both.

No doubt, many of the provisions of this Act are intended for factory workers, or what are called industrial premises. The provisions include sections on cleanliness, ventilation, drinking water, creches, latrines, working hours, etc. however, there are a few provisions which are applicable to home-based workers. Section 39 directs that the Industrial Disputes Act be extended to *bidi* workers and employers. This means that the workers have a mechanism of dispute resolution, regarding wages, raw materials, etc.

Although, the Act is silent on Minimum Wages, in fact, in every State bidi industry has been included under the Minimum Wages Act by notification. Generally, Minimum Wages is fixed on the time rate, a daily rate or monthly rate, which is inapplicable to home-based workers. However, with the passing of the *Bidi* and

Cigar Act, for the first time Minimum Wages was declared on a piece rate. Each State has included *bidi* industry in its schedule of minimum wages and also has declared a piece rate, although the rate varies from state to state.

Although the Bidi and Cigar Act covers the conditions of employment, it does not address the problem of Social Security coverage for the *bidi* workers, especially the home-based workers. To address this problem, two Acts were passed in 1976. They were the Bidi and Cigar Workers (Welfare Fund) Act and the *Bidi* and Cigar Workers (Cess) Act. The reasons for passing of these Acts are clearly laid out in the Statement of Objects and Reasons of the Cess Act. The Statement of Objectives and Reasons is as follows:

*Welfare measures to ameliorate the living conditions of the labour employed in bidi establishments are not satisfactory. The Bidi and Cigar Workers (Conditions of Employment) Act, 1966 has a limited coverage in as much as it does prescribe some measures to improve the working conditions of the bidi and cigar workers in industrial premises only, such as cleanliness, ventilation, first aid, canteen, working hours, weekly holidays, etc. In so far as the field of labour welfare is concerned, the Act does not provide for medical, educational, recreational facilities etc.... In order to provide welfare measures for the persons employed in the bidi establishment, it is proposed to excise on so much of the tobacco as is issued to any person from the warehouse for any purpose in connection with the manufacture of bidi. The rate of duty of excise will be at such rate not exceeding one rupee per kilogram of such tobacco as the Central Government may from time to time fix.*

## **Towards Equality Report – 1975**

In 1975 came the watershed report, *Towards Equality*, of the Committee on the Status of Women in India (CSWI) constituted in 1971 by the Department of Social Welfare at the instance of the United Nations General Assembly. The report recognized:

*"The impact of transition to a modern economy has mean... that a considerable number (of women) continue to participate (in the productive process) for no return and no recognition. The majority of those who do participate fully or on sufferance, without equal treatment, security of employment or humane conditions of work, a very large number of them are subject to exploitation of various kinds with no protection from society or State. Legislative and executive actions initiated in this direction have made some impact in the organized sector, where only 6% of working women are employed, but in the vast unorganized sector, which engages 94% of working women in this country, no impact of these measures have been felt on conditions of work, wages or opportunities."<sup>14</sup>*

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14. Chapter V – Roles, Rights and Opportunities for Economic Participation.

To operationalise the recommendations listed in *Towards Equality*, the Department of Social Welfare formulated a *Blueprint of Action Points for Women and National Plan of Action for Women* in 1976. Chapter III of the blueprint not only recognized 'self-employed' women and organizations working for their benefit but also laid out actions plans on how to encourage women's participation in self-employment activities.

*Towards Equality* led to extensive policy debates. These contributed, in part, to a recognizable shift from viewing women as targets of welfare policies in the social sector to regarding them as critical actors of development. The report influenced the sixth five year plan (1980-85), which contained, for the first time in India's planning history, a chapter<sup>15</sup> on 'women & development' and included therein a sub-section on employment and economic independence.

The late 1970s, witnessed other changes. The post-emergency political economy saw the emergence of a socialist, pro-workers environment that backed the home-based workers movement. At the Centre, SEWA found sympathetic bureaucrats manning the Planning Commission. The Handloom Board gave SEWA trade-by-trade support by giving it funds and supporting brainstorming sessions on the home-based workers' rights. It was also a time when the Gandhi Peace Foundation (GPF), was proactive, driven by the J.P. movement and focused on justice for workers. The GPF was a political institution and provided a political environment to workers' rights. SEWA being a Gandhian movement, found a natural ally in other Gandhian organizations.

By late 1970s, SEWA Bharat had been formed including branches in Lucknow, Jharkand area, Singhbhum, Kanpur and Manipur. It participated in the first government-initiated conference on unorganized workers called by the Ministry of Labour in 1976 in Delhi. Then around the same time, a three-day long workshop was held at Gandhi Smriti, New Delhi, and was attended by different stakeholders involved in ensuring home-based workers' their rights. Top officials from the Planning Commission, the Handloom Board, police, municipal corporation, etc. attended and engaged in a role-playing activity to understand the plight of the home-based workers. The recommendations that emerged were polished in the Planning Commission and contributed to the chapter, 'A Fair Deal for the Self-Employed' in the Sixth Plan.

In 1977, for the first time, SEWA was asked by the government to categorise the various kinds of home-based workers so that future policies could be more focused. At that time, SEWA proposed three broad categories:

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15. Chapter 27, Sixth Five Year Plan (1980-85), Planning Commission, Government of India.

- Home-based producers including the piece-rate workers and the artisans
- Petty vendors and hawkers
- Labourers (later re-named as providers of services)

### **The Dinesh Bidi Cooperative**

“The Dinesh Bidi (bidi is a cigarette rolled in hand) Cooperative started in 1968, in the state of Kerala, India, when the private commercial entrepreneurs left the district in response to the 1966 Bidi and Cigar Workers’ Act. The Act gave bidi homeworkers employment rights on a par with factory workers. The cost of hiring homeworkers rose, and private employers left the business, heralding unemployment for 12,000 home-based workers. The state government responded to that situation by organising workers in a series of producers’ cooperatives and giving loans to workers to buy shares and raw materials. The cooperatives started with 3,000 members in 1968; by 1983, the membership had grown to 30,000. In the cooperatives, workers received fair wages, maternity leave, group insurance and retirement benefits. All in all, they proved an immense success and were viewed as worthy of replication in several parts of India.

“The replication, initiated by governments, however, proved far more difficult. Besides the local characteristics of the workers and the market, the secret of success of the Dinesh bidi cooperatives lay in the strong trade union movement of Kerala. The strict monitoring of the implementation of the Bidi and Cigar Workers’ Act by unions encouraged the private manufacturers to desert the area, leaving the market entirely to the workers. In the non-unionised regions, in contrast, the private sector still functioned, relying on clandestine labour; and thereby undercutting the cooperatives who paid fair wages and the taxes.”

Swasti Mitter, “On Organising Women in Casualised Work: A global overview,” in Rowbotham and Mitter, <http://hei.unige.ch/humanrts/edumat/IHRIP/circle/modules/module10b.htm#16b>

In 1977, also the Government of India extended the provisions of the Employees Provident Fund Act to the bidi workers. This notification was challenged in the Supreme Court by the employers in the case of *M/s P.M. Patel and Sons and others Versus the Union of India and others*. The main challenge was to extension of Provident Fund to home workers.

The Supreme Court stayed the application of the notification till the final hearing. The final judgment in 1986 dismissed the petition and made the Provident Fund Act applicable in retrospect from 1977. In the judgment the judges clearly confirmed the status of a homemaker as an employee, and stated that although

there is no direct supervision by the manufacturer there is a form of supervision and control. The judgment is as follows:

“In the context of the conditions and the circumstances set out earlier in which the home workers of a single manufacturer go about their work, including the receiving of raw material, rolling the bidis at home and delivering them right to the manufacturer subject to the right of rejection there is sufficient evidence of the requisite degree of control and supervision for establishing the relationship of master and servant between the manufacturer and the home worker. It must be remembered that the work of rolling bidis is not of a sophisticated nature, requiring control and supervision at the time when the work is done... In the circumstances the right of rejection can constitute in itself an effective degree of supervision and control.”

### **The Shram Shakti Report**

The *Shram Shakti*<sup>16</sup> report of the National Commission for Self-Employed Women (1987-89) and Women in the Informal Sector, submitted in June 1988, was the second landmark after *Towards Equality* for Home-based workers' rights. Elaben Bhatt, founder members of SEWA was the Chair of the Commission. However, the setting up of the Commission itself was the culmination of a long struggle. In 1984, SEWA annual conference passed a resolution which asked for Commission for the self-employed to study the conditions under which the self employed workers lived and worked and to propose solutions. SEWA took a delegation to the labour Minister in 1985 and subsequently to the Prime Minister in 1986 to press for this resolution. The Commission was setup in 1987.

The Commission adopted an inclusive approach and involved governmental and non-governmental organizations as well as activists in the discussions. For the first time, the report underlined the critical contribution of the marginalized poor women, in both rural and urban areas, to the growth of the formal economy. The recommendations not only pointed to the need for recognition of home-based workers but also called for enlarging the definition of women workers in subsequent data collections efforts. Several suggestions were given on how to improve the living conditions of self-employed women in the informal sector, including home-based workers. *Shram Shakti* strongly advocated ownership and control over productive resources for poor working women because this was a proven formula for a qualitative improvement in the women's living conditions (sections 1.8 & 1.10):

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16. Shram Shakti, A Summary of the Report of the National Commission on Self Employed Women and Women in the Informal Sector, relevant extracts in the dossier.

*“Perhaps, it will be the single most important intervention towards both their empowerment and economic well-being. Some of the assets that women can be given are a plot of land, housing, tree pattas, joint ownership of all assets transferred by the State to the family, animals, licenses, bank accounts, membership of organizations and identity cards.”*

The report further noted (section 1.11):

*“At least one-third of the households are solely supported and another one-third receive at least 50% contribution from women. Therefore, while fixing financial and physical targets and allocating of resources this reality should be kept in view. Such households should be specifically identified at the village level and covered by all programmes.”*

The *Shram Shakti* Report has been used as a tool for expanding home-based workers' movement at all levels. It was following this report that the government initiated several women-focused schemes for those working in the unorganized sector. The report was translated into 14 languages and triggered several follow-up state-level meetings.

The government recognized SEWA's contribution to the issue by appointing Elaben a member in the Planning Commission. She continued her struggle again from within when she was nominated by the President of India to the Rajya Sabha (1986-89) and brought up the issues of the self employed women workers in the parliament.

## **Other Government Interventions**

The National Commission on Rural Labour submitted its report in 1991. The report covers problems of workers in activities like bidi rolling, toddy tapping, leather and handloom. The Commission stressed the importance of recognizing the contribution of such workers, regulation of their working conditions, and introduction of social security measures for them.

The Discussion Paper for the National Consultation on home-based workers, prepared by the Ministry of Labour in January, 2000, reflects the latest thinking in government on the subject and also indicates the accepted action points for the future.

*“Theory can, by analyzing causes and making visible consequences underpin programmes or policies which aim to reduce suffering and hardship and more positively create the possibility of an alternative, more equitable, ordering of social relations. The development of theory can be a very practical activity rather than a rather self*



*indulgent picking over of concepts without reference to the realities of social relations these are intended to order and explain.”<sup>17</sup>*

“Home-working is not an inefficient, outdated mode of domestic production, it illustrates and highlights some of the advantages to capitalist production provided by a highly fragmented labour force, ideologically constructed as not a labour force by both the labour movement and employers’ organizations. This construction is facilitated by the familial and domestic ideologies underlying the sexual division of labour... I conclude that home-working is an integral part of capitalist production in terms of organization and control, and not part of petty commodity production.”<sup>18</sup>

## **Milestones at the International Level**

The presentation of *Towards Equality* coincided with the celebration of the United Nations International Women’s Year in 1975. The world conference of women was held in July 1975 in Mexico and the Mexico Plans of Action emphasized 14 ‘minimum objectives’ that member states, including India, were to achieve within five years. The decade 1975-85 was also declared the UN Decade for Women. The fourth objective centred on women’s employment: “Increased employment opportunities for women, reduction of unemployment and increased efforts to eliminate discrimination in the terms and conditions of employment.”

## **Lead-up to the ILO Convention**

Though the Mexico declaration did not focus directly on home-based women workers, the international environment was becoming more responsive to women’s issues as a whole. SEWA found that following only one strand – either the women’s movement or the labour movement – did not yield the required results. A combination of the two was required. So every platform of women’s issues was used to advocate the cause of the rights of home-based workers. In the mid-1980s, there was a growing interest in the ILO towards the issue of the informal sector, and it had been promoting the idea of recognizing the rights of those who worked in this sector and approached SEWA. On SEWA’s suggestion, ILO focused on home-based workers – on how they can be organized and their legal status. ILO supported documentation of SEWA’s efforts in three areas-*bidi* workers in Madhya Pradesh, readymade garment makers in Gujarat and *zari* & *chikan* workers in Lucknow.

ILO also began for SEWA a process of assessing the legal status of home-based workers. Institutions like Multiple Action Research Group (MARG) and legal

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17. Sheila Allen, *The Labour Process and Working at Home* (University of Bradford)

18. *Ibid*

experts were sent to SEWA by the ILO to undertake studies on legal aspects. These legal studies revealed the future path SEWA was to adopt – the struggle for creating new laws for home-based workers, because the existing laws, even if changed, allowed little space for the inclusion of their rights. The twin issues of legal recognition and legal protection came to the fore through these studies. A committee comprising former government labour officials, legal experts and SEWA representatives was set up to draft a new law for the home-based workers.

When the Delhi office of the ILO took the findings to its headquarters, the process of liberalization had already begun and the ILO at the international level had found that there was more informalisation of labour and home-based work in some of the other countries like in east Europe and the east Asia. Within the ILO bureaucracy, home-based workers issues kept being projected through various studies.

Around this time the ILO also brought out the world employment report on home-based work and a growing concern for the working conditions of the home-based worker became visible in the eighties. After the ILO-SEWA project finished around this time, based on the findings, ILO initiated similar work in south east Asian countries of Philippines, Thailand and Indonesia. This was the beginning of HomeNet, an alliance of SEWA and other organizations working on home-based workers.

In 1988, the International Textile, Garment and Leather Workers' Federation (ITGLWF) had resolved along with its affiliates to call upon their respective governments to effectively regulate and eventually eliminate industrial home-based work. The ICFTU, the most influential union in ILO, passed a resolution at its World Congress in Melbourne in 1988, calling for a census of home-based workers, adoption of international standards and national legislation, guaranteeing their basic rights in terms of working conditions, wages and welfare.<sup>19</sup> The ICFTU came into the picture after the Industrial Union of Food and Allied Workers' Association (IUF) expressed solidarity with women workers in the informal sector and in supporting the efforts of SEWA in organizing home-based workers in the tobacco industry in India.

The IUF also lent its support to SEWA within the ILO forum through its affiliates. The first resolution for the ILO Convention was written by IUF and SEWA and presented and passed at the Melbourne General Body Meeting of the ICFTU with whom IUF had an observer status. On behalf of IUF, SEWA was invited as an observer and Melbourne turned out to be a watershed for SEWA. The IUF could influence voting within the ICFTU, because it had a number of its member unions, such as the Germans, in the ICFTU. "...although the problems of home workers

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19. Ibid, p 24.

are hardly limited to India, India has played an important and leading role in searching for an equitable and fair solution to these problems as well as internationalising the debate.”<sup>20</sup>

The approach of various trade unions to the question of home workers rights has evolved from a position of antagonism, where they demanded a ban on homework through an array of responses on how it needs to be regulated, protected and viewed in the overall economy.

*“Home worker organizations in Asia typically combined union organizing techniques with micro enterprise development to improve the economic position of home-based workers... the combination of union organizing with micro enterprise development denied Fordist constructions of class relations as oppositional, treating self employment and worker status as compatible.”<sup>21</sup>*

The International Confederation of Free Trade Unions (ICFTU) adopted a resolution demanding Convention from the ILO for the protection of home workers.

The tripartite working of the ILO, make the tabling and consideration of a proposal to which all three interest groups are not amenable, very difficult to approve. While trade unions were vociferous in demanding coverage for the home-based workers, employers were equally vociferous in opposing it and governments represented the entire spectrum of opinion, from strong opposition (U.K.) to strong support (Sweden and many others). The passage of the Convention through the first reading, in June 1995 was by a close vote.<sup>22</sup>

Amongst the international trade unions the ICU, the ITGLWF were active supporters of the cause ever since 1976. Prior to 1976, the feeling that home work detracted from the organizing effort of the formal trade unions had carried the day.

In the year 1995-96, between the first and the second reading, there was hectic parleying and lobbying. Workshops were conducted in Delhi, Ahmedabad, Bangkok. Separate workshops for policy makers made for wide ranging debate and thrashing out points of consensus so that the workers group could vote as one and also garner as many government votes as possible.

Before the second reading in June 1996, detailed guidelines were sent out to affiliates by the ITGLWF on what issues need to be strengthened and how the

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20. Ibid, p 25.

21. Elizabeth Prugl, op cit, p. 126

22. For a detailed exposition on the proceedings of the first reading in June 1995, see Renana Jhabvala, in Labour File, vol 2, No4, (April 1996), pp.3-11, also at dossier.

various partner organizations should position themselves. The key points which need to be defended were outlined as:

- broad definition of homework, encompassing telework;
- the reference to intermediaries to be retained so as not to exclude those workers who do not have a clear relationship with their employers;
- concept of joint and several liability to make the intermediary liable where the home worker does not have a relationship with the employer;
- inclusion of home workers in labour statistics, in order to improve visibility and enable governments to develop sound policies;
- need to develop different forms of social security schemes, either through adapting existing schemes or through new schemes;

Further, the key areas to be rejected or reviewed were also pinpointed:

- reference to individual bargaining to be removed;
- reference to deductions for spoilt work to be reviewed as this is a major problem for many home workers.

The union also indicated that it may be useful to stress the following points when petitioning government:

- in most countries, home workers, usually women are the most exploited segment, paid less than the minimum wage and not even recognized as workers;
- homework generally involves child labour and improving conditions of work is more likely to enable children to go to school than any other strategy;
- globalization has made home working an international issue, and therefore international labour standards are needed to protect home workers;
- the proposed Convention is sufficiently broad to leave enough space for governments to craft policies suited to their specific conditions.

The fine tuned response that the trade union movement has sent out, suggests that the international trade union movement was also fully in touch with the situation as obtained at the grass roots.

Amongst international trade unions the ITGLWF, after the adoption of the Convention, gave a list of compelling reasons why governments must ratify the Convention:

*Extending the protection of international labour standards to home workers; making home work visible and thereby bringing them into the mainstream of the labour movement; alleviating poverty and improving the position of women (The protection of home workers is a step towards putting into practice the Copenhagen Declaration and the Beijing Plan of Action signed by all governments) reducing child labour; and promoting efficient and stable systems of production and increasing employment.*<sup>23</sup>

In India, the process to give effect to the Convention in the shape of a Policy for the home-based workers has started. The Ministry of Labour organized a consultation for building a policy and framing legislation.

### **The ILO Convention**

The ILO Convention No. 177 of 1996 represents a watershed in the progress of the movement of home-based workers for recognition and human rights. The ILO Convention supported by a recommendation, can be the most important instrument in pressuring national governments to ratify the Convention, enable visibility, enjoin protective legislation and extend various welfare benefits.<sup>24</sup>

An overview of the evolution of international perspectives on home-based work and the movement can be seen in the note of Andrea Singh.<sup>25</sup>

### **The Home Work Convention (C 177) - excerpts**

The Home Work Convention (C 177) is an international regulatory, comprehensive framework which aims to treat home-based workers equally to other wage earners.

In Article 4 (2) of C 177 the Convention states:

“Equality of treatment shall be promoted, in particular, in relation to:

- a) the homeworkers’ right to establish or join organizations of their own choosing and to participate in the activities of such organizations;
- b) protection against discrimination in employment and occupation;
- c) protection in the field of occupational safety and health;
- d) remuneration;
- e) statutory social security protection;
- f) access to training;
- g) minimum age for admission to employment or work; and
- h) maternity protection.”

ILO Convention No 177, included in the dossier.

23. ITGLWF Newsletter Special Issue on the ILO Homework Convention, also at dossier.

24. ILO Convention NO 177, included in the dossier.

25. International Perspectives on Homebased Workers, Ed B.B.Patel, Gandhi Labour Institute, Ahmedabad 1991, 23-26. (Also in dossier) .

The positions taken by all players in the trade union movement and their evolution can be seen in the above quoted document as well as in the Conditions of Work Digest, referred to elsewhere. Trade Unions had initially opposed the move to recognize home-based workers as workers. The perceived threat to the trade union movement by a host of dispersed and severally placed workers, gave way to an understanding that the path of development in international capital pointed to an increase in home-based work, as a means of reducing costs and meeting competition. home-based work has to be accepted as reality of life and the trade union movement will need to exert itself to build adequate safeguards for this large constituency. The ICFTU, for instance, was very proactive and its women's section organized a number of meetings on the issue to push the agenda for adopting the ILO Convention forward.

The trade union federations and the national trade unions played a stellar role in piloting the proposal and activating local affiliates to lobby at the relevant time and with relevant authority, specifically governments.

However, the process of ratification has shown how difficult it is to convert an international declaration into action which actually benefit the poor. The Convention needs to be ratified by countries who agree with it and, having been ratified, it needs to become a national law. In recent years, the employers in India and worldwide have been uncooperative for the ratification of most Conventions, including the Home Workers Convention. Four European countries have ratified the Home Worker Convention, but in India, due to the lack of support for employers, the government has not been able to proceed with either ratification or promulgation of a law.

### **The Kathmandu Declaration**

In October 2000, Home-based workers and their organizations, South Asia governments' policy-makers and researchers met and formulated the Kathmandu Declaration for the rights of South Asian home-based workers.

The Kathmandu Declaration was presented spells out following major areas:

- Formation of National Policy on Home-based workers by each country.
- Minimum protection, which would include right to organize, minimum remuneration, occupational health and safety, statutory social protection, maternity, childcare, skill development and literacy programmes.
- Access to market and economic resources including raw material, marketing infrastructure, technology, credit and information.

- Setting up social funds for home-based workers, which would provide insurance against risk of illnesses, death, old age, accidents, loss of livelihood assistance and contingencies as locally required.
- Incorporation into official statistics baseline data regarding various categories of workers in the informal sector.
- Urging SAARC to address the issues of home-based workers in the region and take measures to enable them to deal with the risks and opportunities of globalization.

Amongst the questions that still need to be addressed, are to what extent home-based work is an important underpinning of capitalist industrial production because of its flexibility and because of the profit levels unattainable in the formal visible economy; how the conceptualization of the labour process can be made less restrictive to encompass this intricate and efficient system of exploitation; how the methodology of social science research can be developed so that it no longer colludes in making invisible these and other forms of exploitation and subordination.<sup>26</sup>

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26. Sheila Allen op cit.

## SEWA: A Case Study

The movement of home-based workers in India has been led by SEWA and it may be worthwhile to examine the strategies adopted by SEWA in bringing the issues and the rights of the home-based workers centre stage in the ongoing debates and policy advocacy.

The role of Ela Bhatt in responding creatively to the call for help from the *chindi* (*chindi* being waste cloth from textile mills used for making garments and coverlets-*razai khols*) workers and the *bidi* workers can be called the first intimations of organizing the home-based workers and the commencement of journey for recognition. From the first response of the Labour Commissioner that these women were not workers<sup>27</sup> entitled to welfare benefits under the various enactments as they were only working in their spare time and at home, SEWA has emerged at the forefront of home-based workers' fight for rights in part by building alliances with various trade unions. The constant alternation between struggle and development, action and reflection, the Gandhian approach of targeting the most vulnerable and from time to time taking stock whether targeting is on the mark, has led to the stupendous response the organization and trade union has been able to generate, locally, nationally and internationally.

### Building Partnerships

SEWA has encompassed within its fold, linkages with governments, research institutions, and different movements that influence the rights of home-based workers. Thus, the stakeholders with whom SEWA has forged alliances include the national government, the national trade union movement, the women's movement, the cooperative movement, action research institutions and international players in these areas. It is due to the untiring efforts of SEWA that the home workers' struggle has found its core strength as a struggle for the recognition of homework as work of significant economic value for themselves first and foremost and then for the community. For the home-based worker, this has set up a spiral of growth: within themselves, enhancement of self worth by this recognition; with this new found confidence, improving levels of economic performance and economic status; this in turn, serving as a rallying point to negotiate for larger avenue of rights: a struggle within the movement and one with the various institutions of civil society.

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27. References: 25 years of SEWA movement, readymade garment workers, beedi workers, incense stickworkers.



## SEWA –ILO Project and other Partnerships

The SEWA partnerships with other organizations and movements and the constitution of the HomeNet has led to the analysis of issues relevant to home workers, such as provisions for minimum wages and access to welfare benefits and facilities, working conditions and occupational health, legal rights and contractual arrangements; organizing home-based workers in order to increase their bargaining power and visibility; and further, the ability to develop – assisting them in solving their work related problems.<sup>28</sup> Alternative institutions to support the organizing of home-based workers, has made the movement stronger. Sabina and Aabodana are the cooperatives for providing work to *chindi* workers who have been denied in the trade and for upgraded work in block printing making bed sheets and other fabrics. The *parishramalaya* model has been refined so that bargaining capacity has improved, value added has gone up, alternative avenues of employment and higher skill development has been promoted.<sup>29</sup> The ILO-SEWA project 1987-91, the first such joint venture by the ILO proved to be the beginning in a series of collaborations to conduct legal camps, workers' education, regarding minimum wage laws, entitlements to welfare benefits and an overall empowering approach which was replicated in Indonesia, Philippines, and Thailand. The partnership forged thus, it may be said, if a little simplistically, culminated in the ILO Convention 177.

This ILO-SEWA study helped identify three different types of home-based producers among rural women workers:

- 1) own-account workers who are not dependent on a contract system;
- 2) work which has moved from the formal to the informal sector, i.e. from the factory to the home through a subcontracting system; and
- 3) small scale piece rate workers who produce traditional items for middlemen. It is the last category where the maximum exploitation seems to exist.<sup>30</sup> Identification of such categories, further helped strategise for the benefit of each of these groups.

## Bringing Visibility

On another plane altogether, SEWA concentrates on making what was obscure visible, through demonstrations, pamphlets, videos made by the women

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28. Invisible No More: The Story of Home-Based Workers, World Employment Programme, Technical Cooperation Report, (ILO, New Delhi).

29. From Embroidery to Footballs; South Asia Workshop on Home-based work, A HomeNet Report, p.18.

30. Lucita Lazo, Chief Technical Adviser, ILO, The Home Workers' Movement in Asia, Provisional Draft as of 18.3.1995 (Not to be quoted) p2,7-8.

themselves. While mobilising at the grassroots, it acts as a conduit between people who lack power and institutions where laws and policies are made, locally, regionally, nationally, and internationally.<sup>31</sup> The video SEWA, has played a significant role in the emancipation of the women who are organized around it and who have benefited from the ability to see themselves as others see them, as well as objectively for what they are.<sup>32</sup> Further, the very fact of such large numbers of discussions and conferences attended by the entire spectrum of activists, grass root workers and academics and policy planners, itself helps draw attention to the problems besetting the movement.

## Organizing and Building Collective Voice

Organizing as the means to gain recognition, strength, for better conditions of work, and better ability to cope with life has been recognized and reiterated by SEWA in its work at the grassroots as well as in its function as a lead player in prescribing parameters for discussion on policy issues. SEWA has been organizing for a better deal within the system of production as presently organized and secondly to have an alternative, more egalitarian and equitable system of production like a cooperative.<sup>33</sup>

Within the existing structure, the struggle is for better piece rates, fairer prices, benefits like childcare, or provident fund or for facilities like credit and space. In this system of trade union tactics of pressurizing in organizing for gaining more from the existing system of production, the record of SEWA has been very impressive. SEWA has organized<sup>34</sup> home-based workers into unions. To take the *bidi* workers as an example, despite being covered by the Bidi and Cigar Workers (Conditions of Employment) Act, they received Rs. 8 per thousand cigarettes rolled, in 1979, which was roughly half the minimum wage. After ten years of struggle, rallies, sit-ins, and court cases they have finally been able to come to the level of the minimum wage. In the case of garment workers, no legal protection or social security cover was available and the struggle for minimum wage took 5 years.

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31. Sheila Rowbotham, *New Ways of Organising in the Informal Sector: four case studies of trade union activity*, A HomeNet Study pack, October 1999.

32. Video SEWA Media Expressions, Video SEWA, SEWA Reception Centre, Ahmedabad India.

33. Renana Jhabvala, "India Can Take the Lead", *Labour File*, Vol 2, No 4 (April 1996), p.9. Organising the Home-based workers. (Also in the dossier).

34. Renana Jhabvala and Jane Tate, *Out of the Shadows: Home-based Workers Organise for International Recognition*.

## Building Economic Institutions

Because these struggles are so painfully long drawn out and relief takes so long in coming, SEWA decided to shift emphasis to the adoption of alternative economic systems like cooperatives. *Chindi* workers were the first to organize themselves into a cooperative; followed by block printers, bamboo workers, and *bidi* rollers. The cooperatives have then joined to form federations. As Renana Jhabvala says,

*“the change in consciousness from a piece rate worker to a worker-owner is a monumental one in terms of women’s personal and economic empowerment.”*<sup>35</sup>

The approach of building an alternative system of production, involves organizing workers into collectives or cooperatives to handle purchase, production and marketing; and decision-making vests entirely with the workers.<sup>36</sup> The SEWA interpretation of the right to organize and the different dimension to organizing that has been the special contribution of SEWA, can be seen in the multitude of cooperatives set up.<sup>37</sup> The comparative ease with which these new institutions have come up as a response to the articulated needs reflects that the organization had a genuine grass root linkage, responsiveness and sensibility.<sup>38</sup>

SEWA’s programme in the state of Gujarat has led to the setting up of nearly 90 cooperatives covering five main sectors of activity: dairy farming, handicrafts, agricultural production, marketing and community services (crèches, medical dispensaries).<sup>39</sup> In terms of coordinated effort, the setting up of the SEWA bank and the SEWA Academy have been even more ground breaking effort as these institutions have traversed hitherto untraversed territory and enabled the small borrowers to get desired banking services; the tale of the home-based workers to be documented; contributed to the human resource development effort within the movement, and enabled communication with the outer world.

## Action Research & SEWA

SEWA began as a grassroots activist movement, combining the strategies of lobbying, struggle and development to further its ends. Workers usually have hardly anything to do with academics but SEWA soon realised that documentation,

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35. Ibid, p10.

36. Op.cit, n.16.

37. SEWA Annual Report 1999

38. Data sheets on main issues concerning home-workers in four Asian countries

39. Ibid.

action-oriented research and theoretical exercises on issues critical to home-based workers helped in making the movement become stronger. Since the mid-1970s, SEWA movement has leaned on research institutions and independent researchers to bolster their struggle as well as use it as a guidance tool. This is the reason why SEWA Academy today is an integral part of the SEWA movement.

The importance of research lies in the fact that it brought the invisible worker out of the *purdah* as it were, giving the workers a voice. ISST, for instance, did a number of studies on different types of trades that showed how women used their home place for doing productive work. The ILO research project and the subsequent networking with Home-based workers in South East Asia was one of the most significant partnerships for SEWA.

Another significant benefit of research has been that it has given the home-based workers a tangible identity by zeroing in on statistics. These have proved helpful in lobbying with policy makers as well as in linking up with other countries that have a substantial number of home-based workers. Besides, research has helped immensely in raising levels of awareness of different target groups – media, employers and trade unions to name a few.

### **Mahanandaben Narayanbhai**

Fifty-five year old Mahanandaben Narayanbhai was born in Solapur, Maharashtra. Mahanandaben gave up her studies and joined her family in the weaving trade at the age of 10 years. But soon she started suffering from back pain, as a result of which her mother taught her how to roll *bidis*. Mahanandaben soon became an expert in making *bidis* and could roll about 2000 in a day for which she was earning Rs. 5 per 1000 *bidis*.

Thereafter, Mahanandaben entered into matrimony with Narayanbhai. Mahanandaben soon realised that history was repeating itself as her married life became an exact replica of what her mother's had been. Narayanbhai indulged in drinking, gambling and quarrelling with his wife. When he was not able to buy sufficient liquor from his earnings, he started harassing Mahanandaben even more than before demanding a share from her income for buying liquor. Although he earned a substantial salary of Rs. 100 per day by stitching uniforms for policemen, he did not give a penny of his earnings at home and squandered the entire amount to pander to his vices. Mahanandaben thus started rolling *bidis* again to earn a livelihood but could barely send her children to primary school.

Eventually Mahanandaben shifted to Ahmedabad where her brother helped her

to get a small house with wooden walls and a roof made of iron sheets, wherein she generated a small income by making *bidis*. Since the roof would leak during the rains, Mahanandaben would spread a plastic sheet on the bed directly under the roof while rolling *bidis* to prevent them from getting drenched.

Mahanandaben's troubles continued unabated when one day a drunken driver rammed his jeep into her house on the footpath seriously injuring her two sons. Her house was torched by miscreants during the communal riots in 1985 and she and her family had to seek shelter in a nearby school until she moved to a *chawl*. Living in the unhygienic environment of the chawl, her younger son contracted tuberculosis and had to be treated at the Civil Hospital for one year.

It was after the 1985 communal riots that Mahanandaben came into contact with SEWA members. They helped her to secure Rs. 22,000 in cash and some clothes and vessels as compensatory relief for the losses she had suffered during the riots. In 1987, SEWA conducted a survey of 500 *bidi* workers in Ahmedabad to identify those who needed houses. The Ahmedabad Urban Development Authority (AUDA) provided 110 houses for the workers for which SEWA conducted a lucky draw to decide the final allottees. Mahanandaben was fortunate to be in the list of allottees, and the agreement for her house was ready in 1991. But just as she was packing her bags to move into her new house, the Gujarat government played truant and claimed the entire land for building a proposed international airport at Ahmedabad. Mahanandaben joined SEWA workers in protesting against the government's decision and seeking redressal in the form of alternate places to build the affected workers' houses. Eventually, they succeeded in their struggle and the government relented in December 1993.

Mahanandaben claims that ever since she acquired the house by paying a deposit of Rs. 2000 and the first installment of Rs.125, all her sorrows and problems have come to an end. She is presently staying with her elder son, daughter-in-law and a seven-year old grandson in her house.

*"Thanks to SEWA, I have complete peace and relief in my house,"* is Mahanandaben's refrain.

The above case study highlights how much can be achieved by building workers organization and collective voice, in the struggle for basic human rights for home-based workers. It also highlights the critical need of shelter or home for home-based workers.

## Conclusion

The only real way of tracing the history of SEWA and the home-based workers movement seems to be to look through the perspective of the workers themselves. The lives of Mahanandaben, Balaammaben and Karimaben,<sup>40</sup> to name only two, gives an indication of the distance travelled in the lives of these doughty fighters.<sup>41</sup>

Or the story of the trials and tribulations<sup>42</sup> of Hawa Bibi, whose services were terminated because she had dared ask for higher wage for her back breaking work. Years were spent fighting a legal battle for reinstatement and SEWA playing the true trade union, by supporting her in material terms as well as in spirit reveal the true depths of the struggle for survival of a life with human dignity in the face of inhuman odds.

The role SEWA has played is in making the women both leaders and fighters and able to look upon themselves as at the forefront of a struggle and not merely powerless small producers with no bargaining capacity. Mahanandaben & Balaammaben<sup>43</sup> and Karimaben represent icons in the field of *bidi* making and *chindi* workers respectively, who have in a much larger sense contributed to the progression of the dialogic of recognition of the home-based worker and garnering space for her.

### SEWA Milestones

*In respect of the workers' movement, as articulated by SEWA, a chronology of the major milestones in the struggle for rights is given below to acquaint the reader with the specificity of the movement, the bottlenecks and the issues which became the rallying point for the struggle:*

1973: union of 200 *chindi* women workers formed.

1974-5: demand for an increase in the wages of *chindi* workers, from owners.

1976: meeting of SEWA with owners and labour department to press for increase in rates. First ever increase in rates came about in 1977.

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40. From interviews with Balaammaben and Karimaben also at their respective residence in Ahmedabad on 17 and 18 May 2000.

41. Profiles of grass root leaders, in Dossier.

42. From a meeting with leaders, the organisers and the office bearers of SEWA at the SEWA office on 17.5.2000.

43. Profile of Balaammaben, in the Dossier.

1978: public meeting of 500 *bidi* workers in Patan.

1980-83: a union of frock maker women and petticoat makers started. This was followed by a survey of all readymade owners. In 1982 also a public meeting of 5000 *bidi* workers with finance Minister of Gujarat to press for increase in rates and register the problem of sale of raw material and purchase of finished goods as depriving the workers of the benefit of the central legislation.

1983: was witness to a number of important developments: first ever procession of *bidi* workers to the Labour Commissioner by *bidi* workers, a case in the High court and another in the Industrial Court against Jivraj Bidi. Compensation for retrenchment of 200 workers obtained through negotiations from Laxmandas *bidi* and entitlement for provident fund ensured. A *bidi* worker became president of SEWA.

1984: inspection of *chindi* owners contractors premises carried out by labour department with SEWA. Presentation by SEWA before government for decrease in sales tax on ready made garments, after owners had gone on strike to oppose increase. For the first time bonus paid in cash to *bidi* workers. A *bidi* worker elected Director of SEWA Bank.

1985: 300 women workers lost sewing machines in the riots: given sewing machines.

1987: Ready made workers figure on Doordarshan (National TV) demanding wage increase. Covered under Schedule of Minimum Wage. Order for inclusion withdrawn under pressure from the employers union. Intense lobbying with legislative assembly, Municipal Corporation unions to get covered. 2000 workers staged protest in front of chamber of commerce. A project of housing for 110 *bidi* workers started.

1988: Minimum wage restored to ready made workers. A discussion in the legislative assembly on problems of *bidi* workers

1989: Beginning of receiving compensation for retrenchment. Workers get identity cards.

1990: Beginning of agitation for meeting cost of raw material like thread by the employers. Housing cooperative registered for the *bidi* workers.

1991-93: Campaign for equal rates for all *bidi* workers.

1993: Group Insurance Scheme introduced for *bidi* workers.

1996: National level *bidi* workers meeting.

*The above encapsulated history of the movement is to give an indication of the concerns of the movement, how the organization of members has succeeded in addressing some of their basic concerns, and how organization is the key to success in their struggle for rights.*





## Vision for the Future

The globalization process has caused increased marginalisation of the small entrepreneur and the informal sector worker. Such a trend is antithetical to the basic philosophy on which the Indian nation was crafted. Principles like equality before law, equality in matters of public employment, freedom of association, and the right to practice any profession, trade or business, enshrined in the Constitution, are severely compromised. So also, the spirit of Article<sup>44</sup> of the Constitution which among other things lays down that the ownership and control of the material resources of the community are to be distributed in keeping with the common good and also directs the state to ensure that the health and strength of workers, men and women, and the tender age of children, is not abused, and that citizens are not forced by economic necessity to enter avocations unsuitable for their age and strength. The Constitution provides, under Article 42 for just and humane conditions of work and under Article 43, for a living wage and conditions of work ensuring a decent standard of life and full enjoyment of leisure, of social and cultural opportunities as well as the promotion of cottage industries.

### Steps required for fulfillment of potential gains from the issue

Home-based workers and their aspirations for a life of dignity and decent work has been the subject of much reflection, considerable action, and prodigious scholarly research though the reality of home-based workers has still to be viewed seriously by policy makers. Documenting the process of action-reflection-action process of the rights of home-based workers is needed to give both a perspective to the workers' movement and to provide a pointer to the future.

The large population associated with home-based work, necessitates organization of home-based workers, documentation of their status, assessing alternative methods of organizing, and pressing for a better deal in terms of social security nets so that the exploitative home-based production system can be sufficiently humanized.

In conclusion, two actions are imperative if home-based workers are to gain their rights. First is strong organizations of the home-based workers. As seen in

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44. Extracts of the relevant provisions of the Constitution of India are incorporated.

SEWA's success in many home-based sectors, these workers organizations do not merely speak for wage-related issues, but unlike in the case of the organized sector where workers are organized around factories, the unions have to go to the community to organize workers.

The second prerequisite is providing a legislative umbrella through adoption of a comprehensive national policy for home-based workers to protect their labour rights. For home-based workers, the conditions of employment and earnings remain unstable, as is the availability of work. They continue to work under stringent and exploitative conditions without access to their basic rights. This is in spite of the fact that the informal and home-based market is a reality in the country's economy.

One significant requirement in this regard would be an effective labour legislation and welfare system. The future sanctity of this system would now be judged by its ability to include the currently unrecognised workers in its domain.

SEWA in collaboration with the Ministry of Labour, ILO, labour organizations, grass-roots NGOs and Indian industry's representatives have prepared sufficient ground for the development on a unified national policy for home-based and other workers in the informal sector. The key guidelines for developing a national policy for home-based work, which emerge from the current deliberations led by SEWA are: Survey of home-based workers, provision of legislative protection (regulation of working conditions, payment of wages, minimum wages, working hours, right to association and settlement of disputes). For this, suitable provisions in various labour legislations currently in force could be studied and adopted, keeping in mind the constitutional obligations and the provisions in the ILO Convention); *occupational health and safety*; social security (curative health care, disability benefits as workmen's compensation, pension scheme, maternity benefits and group insurance); prevention of child labour and forced labour; access to training; and welfare measures (on the lines of the Beedi Workers Welfare Fund, which would provide health care facilities, educational assistance to children, provision of crèches, housing assistance, sanitation and drinking water facilities) (Raj and Kapoor).

The Ministry of Labour, in view of the ILO convention and the draft bill on home-based workers, has also taken a major initiative towards developing a national policy on home-based workers. The proposed policy envisages improving the working conditions of these workers, providing social welfare measures and developing a legal framework for addressing the problems being faced by them.

### **Ministry of Labour: Basic Issues for the Draft National Policy on Home-based Workers**

Who is a 'home-based worker' in the Indian situation?

- Whether an umbrella legislation is required to protect and regulate the working conditions of these workers? If so, what should it provide for?
- What should be done to improve the quality of their lives? Whether a welfare fund should be constituted for them? If so, what should be its composition and function and what should be the mode of raising a corpus for the fund?
- Whether there is possibility for job security? If so, how? If it is not possible to provide for job security with the same employer, whether it is possible to give market protection to their products by encouraging market co-operatives, marketing boards and export promotion councils at various levels?
- As home-based workers are an important mode of transformation of surplus human resources from primary sector to secondary or tertiary sector (which is an important index of growth with distribution effect), what other actions have to be taken to improve their lot? By developing training facilities, loan facilities for capital, institutions to guide and monitor?
- What should be the Programme of Action in the next two years, the next five years and the next ten years?

Source: Ministry of Labour (2000).

### **Conclusion**

What is evident is that home working is not an old fashioned form of employment that may die out as the economy modernizes. Home work is on the rise around the world. The home worker is often an exploited lot, earning much below the subsistence levels. Additionally, a large number of home-based workers are women—obedient, docile and invisible. However, when home-based workers have organized, improvements in earnings and working conditions have been achieved.

In conclusion, it needs to be noted that the informal economy workers including the home-based workers and the workers of the formal sectors are not two distinct economic sectors without direct links to one another. The reality is more complex. The formal and the informal parts of the economy are often

dynamically linked. For instance, many home-based workers produce for the formal enterprises: through direct transactions or sub-contracting arrangements. Therefore, in conclusion, we can say that the division between workers – formal/informal, organized/unorganized, rural/urban is not watertight. The entire world of work is a continuum, a constant moving link, an interdependent one industry – where all working population contributes to the national economy and, therefore, is rightfully entitled to food security, work security, income security and social security.

## **Check Your Progress**

1. Who are home-based workers? And what are various types of home-based work?
2. What is the role of ILO with regard to home-based workers?
3. Discuss in detail about various rights of home-based workers.
4. What are the major recommendations of the National Labour Commission in improving the work conditions of home-based workers?
5. Discuss briefly the future action points of Ministry of Labour for home-based workers.
6. Write a short note on Kathmandu Declaration.
7. What are the primary requirements for humanizing the conditions of home-based workers?
8. What is the impact of globalisation on home-based industry?



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