

POLICY SUPPORT DOCUMENT FOR HOME-BASED WORKERS, INDIA



HomeNet South Asia Trust (HNSA)

JULY 2021



Network of Home-Based Workers in South Asia



Co-funded by the European Union

Acknowledgement

HNSA is grateful for the co-funding received from the European Union for the report, a part of the Hidden Homeworkers project. HNSA gratefully acknowledges project partners Traidcraft Exchange and Homeworkers Worldwide for providing valuable comments and feedback to enrich the report.

The Hidden Homeworkers Project is an initiative of the following organisations:



Co-funded by the European Union

Table of Contents

1.	Introduction	01
2.	Recognising Home-Based Workers	02
3.	Constitutional Provisions in India	03
4.	A Review of Laws, Policies, and Schemes	04
4.1	Key Areas of Policy Support	05
1.	Statistics and Recognition as Workers	05
2.	Urban Planning and Housing Policies	05
3.	Wages and Remuneration	06
4.	Safe Migration and Decent Working Conditions	07
5.	Right to Collective Bargaining	09
6.	Protection Against Sexual Exploitation and Harassment	09
7.	Creating Security Through Right to Work	10
8.	Creating Security through Right to Food	10
9.	Social Security	11
i.	The Unorganised Workers' Social Security Act (2008)	11
ii.	Employee's State Insurance Act (1948)	12
iii.	Child Care and Protection	12
10.	Occupational Health and Safety	13
11.	Old age and Retirement Plan	14
12.	Skill Upgradation: The National Skills Development Corporation	16
5.	Recommendations	17
6.	Conclusion	20
7.	References	20

1. Introduction

For the last few decades, there has been a continuous and persistent struggle for recognition and visibility of women's economic activity, which includes conceptual clarity to understand the major gaps in the prevailing statistical systems and the lack of data on home-based workers (HBWs). No less, has been the struggle to understand the relation between women's paid and unpaid work and the overwhelming responsibility of social reproduction. Compounded by new and emerging features of inequality and exploitation, women in production are further exposed to increased and multiple vulnerabilities. In this context, it can be said that home-based workers are uniquely exploited and marginalised due to their isolation and invisibility making it difficult to organise and build solidarity. Located in the lowest tiers of any supply value chain, their invisibility ensures poor working conditions, denial of minimum wages, and lack of social security. Women working within homes face additional concerns of simultaneously managing child care and household responsibilities.

Home-based workers are engaged in traditional industries like carpet

weaving, basket making and embroidery, as well as new-age industries like assembling micro-electronics or medical equipment. Home-based workers can be further divided into two categories: a) **Own-account workers or self-employed workers** who are in direct contact with the market. They buy their own raw materials, design their own products and sell them to the market. An example of an own-account worker would be someone who owns a home-based tailoring unit. b) **Piece-rate or sub-contracted workers**, which describes the majority of home-based workers. This means they rely on contractors or intermediaries for work and are paid for each piece they produce. Piece-rate workers, who are also known as homeworkers, can be found across various industries. They are the last rung in global as well as domestic supply chains that are an integral part of many industries, including, garments, footwear, and electronics. They are also an undeniable presence in local markets like in textiles, incense-stick making, and the bidi industry. Packaging and agro-processing also benefit from the presence of homeworkers.¹

The **objective** of this policy research paper is to outline the different

policies, laws and schemes that homeworkers and informal workers in general can access in India. It is a review of existing policies, laws and schemes, regarding home-based workers and informal workers in the country. The paper does not present an in-depth legal analysis of laws governing worker's rights but a comprehensive compilation of existing policies, acts, schemes and programmes aimed at informal workers. The paper will also highlight labour laws that are essential to secure protection of workers from exploitation and reduce vulnerability and those that should be extended to informal workers and specifically to home-based workers. It is also outside the scope of this paper to examine how effectively these laws, policies and schemes are being implemented in actual practice. This examination is, in fact, critical especially in India where implementation of labour and social issues is handled by state governments who often supplement the Central Government provisions with their own resources. This also acquires importance because many of the initiatives described below may not specifically mention that home-based workers are part of their target group, while not consciously debarring them either.



¹ This definition of home-based workers has been taken from HomeNet South Asia's website. Available at <https://hnsa.org.in/>

2. Recognising Home-Based Workers

In recent years, India has seen the ratio of trade to GDP increase; however, informal employment continues to predominate, and gendered occupational segregation has persisted. According to official data for 2017-18, in India, it is estimated that 41.85 million people are engaged in home-based work, that is 9 percent of total workers employed (Govindan 2020). 16.4 percent of the total women employed, and 6.9 percent of total men employed are engaged in home-based work. There has been a significant drop in women employed in home-based work, primarily due to decline of women's participation in home-based agricultural work by 2017-18 (Govindan 2020). The first policy framework for home-based workers in South Asia was the **Kathmandu Declaration**² adopted in October 2000 by Bangladesh, India, Nepal, Pakistan and Sri Lanka. The Kathmandu Declaration highlighted amongst other things, the need for the formation of a National Policy on home-based workers by each country. Though there is a draft National Policy for Home-Based Workers in India, it

is only Pakistan that has Provincial Policies for Home-Based Workers – one for the province of Punjab and one for the province of Sindh. Sindh has even passed the Home-Based Workers Act 2018 and framed rules thereunder. The Kathmandu declaration also highlighted the need for providing minimum protection, which includes the right to organise, minimum remuneration, occupational health and safety, statutory social protection, maternity benefits, childcare and skill development.

At the global level, the tone was set in 1996, by the adoption of **The ILO Convention No 177 on Home Work** – the first comprehensive standard in support of homeworkers. It promotes equal treatment between homeworkers and other wage earners and offers elaborate guidelines for policy. Unfortunately, it is yet to be ratified by India. This Convention sets out minimum standards for pay and working conditions for homeworkers (also known as industrial outworkers or sub-contracted piece-rate workers) that can form the basis of a national

policy. Some of its key points are:

- a) Homeworkers' right to establish or join organisations of their own choosing and to participate in the activities of such organisations;
- 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;
- h) Maternity protection.

At the international level, another policy framework is the **2030 Agenda for Sustainable Development**, the goals of which all member states of the United Nations are committed to achieving. While almost all the Sustainable Development Goals (SDG) are relevant to home-based workers, SDG 8 which aims to “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” is fundamental to their demands.



² Available at: <https://hnsa.org.in/resources/kathmandu-declaration-2000>

3. Constitutional Provisions in India

There are certain provisions in the **Constitution of India** (1950) that provide a strong mandate to address the concerns of home-based workers. These are:

- a. **Article 14** which provides all citizens equality before the law. Thus, all home-based workers must be treated equally with other workers.
- b. **Article 19** which guarantees freedom of speech, expression, association and the right to practice any profession, trade or business.
- c. **Directive Principles of State Policy** which though not justifiable, are fundamental to the governance of the country, and it is the duty of the State to apply these principles in making laws. The following articles included in the Directive Principles of State Policy are of relevance to home-based workers.

(1) **Article 39** directs the State

towards securing policies that ensure i). men and women equally, have the right to an adequate means to livelihood, ii). ownership and control of the material resources of the community are so distributed as best to serve the common good iii). that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment iv). equal pay for equal work for both men and women v). health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength vi). children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral

and material abandonment.

- (2) **Article 41** requires the State to create conditions for the right to work, to education and to public assistance in certain cases, which for home-based workers would imply protection from harassment and exploitation, unfair wage cuts and access to regular work throughout the year.
- (3) **Article 42** which provides for just and humane conditions of work and maternity relief.
- (4) **Article 43** requires the State to endeavour to secure by suitable legislation or economic organisation or any other way, to all workers, agricultural, industrial or otherwise, work, a living wage and conditions of work ensuring citizens a decent standard of life and also to promote cottage industries on an individual or cooperative basis in rural areas.

4. A Review of Laws, Policies, and Schemes

In India, efforts to formulate a separate policy for home-based workers started in 2000. HomeNet South Asia Trust and SEWA engaged with the Ministry of Labour towards constituting a national policy which unfortunately did not materialise. In 2002, The Second National Commission of Labour recommended the ratification of the ILO Convention No-177 and the need to bring home-based workers under legal protection. Though these conversations around home-based workers did not result in the ratification of ILO Convention 177 by India, they did result in recognising home-based workers as workers, to a very limited extent, despite their invisibility. Currently, the Ministry of Labour, Government of India, identifies four basic criteria

to define who a home-based worker is which is useful to frame a national policy (Sinha 2006). They are:

- ▶ Informal economy worker, irrespective of whether self-employed or in piece-rate employment
- ▶ Location of work being home
- ▶ Low income
- ▶ Outside the social security net

HomeNet South Asia took the lead in organising an inclusive consultative process with multiple stakeholders over a period of 14 months and developed a draft 'National Policy for Home-Based Workers in India' in December 2017³. The draft is presently under consideration with the Ministry of Labour and Employment. The draft policy is quite comprehensive

and includes policy prescriptions regarding recognition of HBWs, visibility and statistics, organising, skilling, housing, social security, occupational health and safety, financial and digital inclusion, access to markets and safeguarding the sub-contracted home-workers. It also includes a section on implementation of the policy and a monitoring mechanism.

Most of the labour laws in India are designed for the protection of wages and the working conditions of workers in the organised sector. When the place of work is the home, it is difficult for such laws to offer protection to the workers. They are designed for the 'employee' or for a labour market in which the employer-employee relationship is very clear.



³ Available at <https://hnsa.org.in/resources/draft-national-policy-hbws-india>

4.1 Key Areas of Policy Support:

1. STATISTICS AND RECOGNITION AS WORKERS:

HBWs are invisible and undervalued and thus overlooked by policymakers when they design and implement policies and services. This results in them not being included under most labour laws and those who are self-employed workers are also not covered by commercial laws that regulate contract and transactions. Using a broader employment-based definition of the informal sector would lead to inclusion of all wage workers who work without minimum wage, assured work, or benefits. The National Sample Survey Office (NSSO) 2017-2018 data (drawn from the Periodic Labour Force Survey) includes agricultural home-based workers and following the new standard set by the International Conference of Labour Statisticians in the International Classification of Status in Employment-18 (ICSE-18), family workers are now identified as dependent home-based workers. However, while there has been an interest in sub-contracted homeworkers, it has not translated into inclusion in data and sub-contracted piece-rate workers continue to be misclassified as independent home-based workers (Govindan, 2020).

2. URBAN PLANNING AND HOUSING POLICIES:

HBWs work from home, frequently in slum and semi-slum settlements. They are thus deeply affected by government housing policies, which include slum upgradation and eviction programs. The central government housing schemes which are relevant to home-based workers are as follows:

i. **Pradhan Mantri Awas Yojana (Urban) (PMAY-U)**⁴ intends to provide housing for all in urban areas by the year 2022. The Mission provides Central Assistance to the implementing agencies through States/Union Territories (UTs) and Central Nodal Agencies (CNAs) for providing houses to all eligible families/beneficiaries. PMAY(U) has made a mandatory provision for the female head of the family to be the owner or co-owner of the house under this Mission. This scheme is converged with other schemes to ensure houses have a toilet, Saubhagya Yojana electricity connection, Ujjwala Yojana LPG gas connection, access to drinking water and Jan Dhan banking facilities, etc. Under this scheme four basket options are available

- (a) "In-situ" Slum Redevelopment (ISSR): Central assistance of INR 1 lakh per house is admissible for all houses built for eligible slum dwellers under the component of In-situ Slum Redevelopment (ISSR) using land as Resource with participation of private developers.
- (b) Credit Linked Subsidy Scheme (CLSS): Interest Subsidy is admissible for beneficiaries of Economically Weaker Section (EWS)/Low Income Group (LIG), Middle Income Group (MIG)-I and Middle Income Group (MIG)-II seeking housing loans from banks, housing finance companies and other such institutions for acquiring/constructing houses.
- (c) Affordable Housing in Partnership (AHP): Central Assistance of INR 1.5 lakh per EWS house is provided by the Government of India to projects where at least 35% of the houses in the projects are for the EWS category and a single project has at least 250 houses.
- (d) Beneficiary-led individual house construction/enhancements (BLC): Under this component, central assistance of INR 1.5 lakh is available to individual



⁴ Details available at <https://pmaymis.gov.in/>

eligible families belonging to EWS categories

Under this scheme, because of the COVID-19 pandemic, **Affordable Rental Housing Complexes (ARHCs)** has been launched to provide ease of living to urban migrants/ poor in the industrial sector as well as in non-formal urban economy to get access to dignified affordable rental housing close to their workplace.

- ii. **Pradhan Mantri Gramin Awaas Yojana**⁵ focuses on providing 25 square meter *pucca*⁶ houses with basic amenities to homeless families and will include basic amenities. The criteria for application are a) Families who do not have their own houses or houses that have zero, one, or maximum two rooms with a *kutchra*⁷ wall and roof; b) Households that do not have a literate adult above 25 years of age; c) Households without an adult male member between 16 and 59 years of age; d) Households without any adult member aged between 16 and 59 years; e) Families without any physically disabled members and with a disabled member; f) Landless candidates who are earning income from casual labour; g) Scheduled Caste (SC), Scheduled Tribe (ST), and Minorities.

3. WAGES AND REMUNERATION:

India is in the process of reforming and codifying over 40 labour laws into 4 codes – the Code on Wages 2019 is one of them. It has been passed by both Houses of the Parliament and received the President's assent in August 2019. Once the effective date of the Code on Wages is notified, it shall subsume and repeal the following 4 important labour laws: (i) **The Payment of Wages Act, 1936 (POWA)** (ii) **The Minimum Wages Act, 1948 (MWA)** (iii) **The Payment of Bonus Act, 1965 (POBA)** and (iv) **The Equal Remuneration Act, 1976 (ERA)**

The Code on Wages will regulate wage and bonus payments in all employments and aims at providing equal remuneration to employees performing work of a similar nature in every industry, trade, business, or manufacture. It will apply to employees in the organised and unorganised sectors. So, in theory, it will be applicable to home-based workers as well. The challenge, however, would be to prove the employer-employee relationship. The Code on Wages will come into force once they are notified, after rules in this connection are framed. However, since the Wages Code 2019 has not yet come into force, the legislations it will be repealing

are also being described below:

- (i) **The Minimum Wages Act 1948:**⁸

The original intention was to have a right to a living wage. A living wage is a socially-acceptable level of income that provides adequate coverage for basic necessities such as adequate food, shelter, child services, and healthcare. However, since India was not in a position to fix or enforce a 'living wage' or even a 'fair wage', the concept of a minimum wage came about. The living wage is generally higher than the legally-mandated minimum wage. India introduced the Minimum Wages Act in 1948, giving both the Central government and State governments jurisdiction in fixing wages. The act is legally non-binding, but statutory. Payment of wages below the minimum wage rate amounts to forced labour (cf 1982 Supreme Court Judgement on Forced Labour). Wage boards are set up to review the industry's capacity to pay and fix minimum wages such that they at least cover the requirements for a family of four such as calories, shelter, clothing, education, medical assistance, and entertainment. Under the law, wage rates in scheduled employments differ across states, sectors, skills, regions and occupations owing



⁵ Details available at <https://groww.in/p/savings-schemes/pradhan-mantri-gramin-awaas-yojana/>

⁶ A *pucca* house is made of durable materials such as burnt bricks, stones (packed with lime or cement), cement concrete, timber, etc. These are considered permanent houses.

⁷ A *Kutchra* House is made of unburnt bricks, bamboos, mud, grass, reeds, thatch, loosely packed stones, etc. These are non-permanent houses found mostly in remote villages.

⁸ Available at https://labour.gov.in/sites/default/files/TheMinimumWagesAct1948_0.pdf

to difference in costs of living, regional industries' capacity to pay, consumption patterns, etc. In view of the above, there is no all-India one minimum wage rate for any specific kind of work.

The Minimum Wages Act has been extended to cover some sections of the home-based workers such as the *agarbatti* (incense-stick) workers, garment workers and the *bidi* workers. There is no set national minimum wage and states prescribe different minimum wage rules that varies from unskilled, semi-skilled to skilled workers. In actual practice home-based workers rarely get minimum wages.

(ii) **The Equal Remuneration Act, 1975**⁹ stipulates that no employer shall discriminate between men and women in establishments or in employment for performing the same work of a similar nature. It also stipulates that no discrimination should be made while recruiting men and women workers. For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committee to advise it with regard to the extent to which women may be employed in such establishments or employment

(iii) **Payment of Wages Act, 1936**

Act¹⁰ regulates the payment of wages to certain classes of persons employed in industry and its importance cannot be underestimated. The Act guarantees payment of wages on time and without any deduction except those authorised under the Act. If an employee believes that their employer has made an unlawful deduction from their wages they are entitled to bring a claim to an Employment Tribunal. A claim must be submitted within three months of the date of the deduction in question.

(iv) **Payment of Bonus Act, 1965**¹¹ applies to every factory and every establishment that employs 20 or more persons, and unlike other performance-linked incentives offered by companies; the bonus payable under this law is not linked to the performance of the employee. All employees earning up to the wage threshold (increased to INR 21,000 per annum by the Amendments), and who have worked in the establishment for not less than 30 working days in the year are eligible to receive this statutory bonus.

Technically, informal homeworkers would be covered under all these three Acts. However, the challenge lies in its implementation and proof of the employer-employee relationship.

4. SAFE MIGRATION AND DECENT WORKING CONDITIONS:

Volatility in livelihoods and growing unemployment are compelling an increasing number of women to migrate in search of work. Migrant women (whether migrated as a family or singly) have limited livelihood opportunities and thus they take on piece-rate home-based work. Being a migrant also results in being cut off from traditional sources of support and being crowded into makeshift temporary shelters, often facing issues of unaffordable housing.

i. **The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979**¹² was enacted to regulate the employment of inter-state migrant workmen, prevent their exploitation by contractors, and to ensure fair and decent conditions of employment. It applies to every establishment, and contractor, who employs five or more workers. A pass-book needs to be allocated to every inter-state migrant worker with full details, payment of displacement allowance equivalent to 50% of monthly wages or INR 75/- whichever is higher, payment of journey allowance including payment of wage during of the period of journey, suitable residential accommodation,



⁹ Available at https://labour.gov.in/sites/default/files/equal_remuneration_act_1976_0.pdf

¹⁰ Available at <https://maitri.mahaonline.gov.in/pdf/payment-of-wages-act-1936.pdf>

¹¹ Available at <https://labour.gov.in/sites/default/files/ThePaymentofBonusAct1965.pdf>

¹² Available at <https://clc.gov.in/clc/acts-rules/inter-state-migrant-workmen>

medical facilities and protective clothing, payment of wages, and equal pay for equal work irrespective of sex. The main responsibility for enforcement of the provision of the Act lies with the Central and the State Governments. Implementation of the Act however is a completely different story.

ii. **The Bonded Labour System (Abolition) Act, 1976**¹³ provides for the abolition of the bonded labour system, with a view to preventing the exploitation of vulnerable sections of society. This Act prohibits, criminalises and extinguishes any system of debt bondage, whether by agreement, custom or contract. The aggrieved person or any person on his/her behalf can approach the District Magistrate who is chairman of the Vigilance Committee constituted under the Act and has been entrusted with certain duties and responsibilities for implementing the Act. Matter can also be brought to the notice of the Sub-Divisional Magistrate of the area or any other person

who is a member of the Vigilance Committee of the District or Sub-Division. The bonded labourer is to be immediately released from bondage and liabilities, shall not be evicted from his homesteads or other residential premises, and an amount of INR 20,000/- is to be granted and assistance for his/her rehabilitation provided.

iii. **Prohibition of Child Labour: The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986**¹⁴ provides for complete prohibition in

employment of children under 14 in any establishment whether hazardous or not. A child is permitted to work only to help family, in family enterprise or as child artist after school hours or during vacations. An adolescent has been defined as a person between the ages of 14-18 years and is permitted to be employed with the exception of hazardous processes or occupations. However, only mining, explosives, and occupations mentioned in the Factories Act are now considered as hazardous.



¹³ Available at [https://labour.gov.in/sites/default/files/TheBondedLabourSystem\(Abolition\)Act1976.pdf](https://labour.gov.in/sites/default/files/TheBondedLabourSystem(Abolition)Act1976.pdf)

¹⁴ Available at https://www.indiacode.nic.in/handle/123456789/1848?view_type=browse&sam_handle=123456789/1362

5. RIGHT TO COLLECTIVE BARGAINING:¹⁵

Given the invisibility of home-based workers, the right to collective bargaining should be a strong component of any national policy around home-based workers. There are various forms that these forums for collective bargaining can take including but not limited to trade unions, cooperatives and self-help groups. **The ILO Convention No. 87** on Freedom of Association is one of the eight conventions that form the core of International Labour law, as interpreted by the Declaration on Fundamental Principles and Rights at Work. India has neither ratified ILO convention No 87, nor the Right to Organise and Collective Bargaining Convention (Convention No 98).

i. **The Trade Union Act, 1926**¹⁶ provides for registration of trade unions with a view to render lawful organisation of labour to enable collective bargaining. It also confers on a registered trade union certain protection and privileges. Its amendment in 2001, stipulates that a trade union has to represent at least 100 workers, or 10 per cent of the workforce, which is restrictive to the establishment of free, independent unions,

especially for home-based workers. Also, there is no legal obligation on employers to recognise trade unions or to engage in collective bargaining. Collective bargaining as defined by the Act is as following:

Bipartite agreement: These agreements usually result into voluntary negotiations between the employer and employees and are usually binding per se.

Settlements: Settlements usually arise out of the conciliation process and they are usually tripartite in nature as they involve three parties which are employer, employee and a conciliation officer.

Consent awards: When the parties reach an agreement while the dispute between them is pending before the adjudicatory body. Such agreements are incorporated in authority's award and are binding on the parties under the dispute.

The Self-Employed Women's Association (SEWA) and LEARN are some of the best-known examples of trade unions for informal women workers, including home-based workers.

ii. **National Policy on Cooperatives:** The Government of India enacted the **Multi-State Co-operative Societies Act**¹⁷ and **National Policy**

for Cooperatives¹⁸ was also formulated in 2002 to provide support for promotion and development of cooperatives as autonomous, independent and democratic organisations so that they can play their due role in the socio-economic development of the country. The Policy further aimed at reduction of regional imbalances and strengthening of cooperative education, training and human resource development for professionalisation of cooperative management. Many home-based workers organise themselves into cooperatives.

6. PROTECTION AGAINST SEXUAL EXPLOITATION AND HARASSMENT:

The path breaking **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**¹⁹ is crucial to home-based workers as their workplace is their home. The Act provides protection not only at a formal workplace or any places visited by an employee but also extends to any women employed by an organisation either directly or indirectly whether it's in the organised or unorganised sector. This Act recognises two main types of harassment i). Quid pro Quo and



¹⁵ The Labour Code (2019) includes three codes – on industrial relations (which contains reform proposals including easier hiring and retrenchment freedom for employers and redefining of trade unions' role), social security and operational safety, health & working conditions (QSH) – have been introduced in the past one year in the lower House, though they are yet to be passed.

¹⁶ Available at http://labour.bih.nic.in/Acts/trade_unions_act_1926.pdf

¹⁷ Available at <https://mcs.dac.gov.in/>

¹⁸ Available at <https://mcs.dac.gov.in/Form/NatPolicy02.pdf>

¹⁹ Available at <http://legislative.gov.in/sites/default/files/A2013-14.pdf>

ii). Hostile work environment. Quid Pro Quo includes seeking sexual favours or making sexual advances in exchange for benefits at work. It includes instances when there are implicit or explicit requests or demands for unwelcome sexual activity as a term or condition of employment; consent to or rejection of unwelcome sexually explicit behaviour or speech is made a condition for employment, or refusal to comply with a 'request' is met with retaliatory action such as dismissal, demotion, or difficult work conditions. A hostile work environment involves uninvited and unwelcome conducts or behaviour whether they are physical, verbal, non-verbal or visual forms which create work environment that makes it uncomfortable for a worker to be there. The determination of a working environment as hostile is usually dependent on circumstances, frequency (repetitive misconduct rather than a single episode of misbehaviour), and severity. The Act thus recognises the following as sexual harassment at the workplace:

- ▶ Implied or explicit promise of preferential treatment in employment
- ▶ Implied or explicit threat of detrimental treatment in employment
- ▶ Implied or explicit threat about present or future employment status
- ▶ Interference with work or creating an intimidating or offensive or hostile work

environment

- ▶ Humiliating treatment likely to affect health or safety.

7. CREATING SECURITY THROUGH RIGHT TO WORK:

The right to employment and social protection is essential to home-based workers as their source of livelihood remains erratic and precarious.

- i. The **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)**²⁰ in 2005 was passed to enhance the livelihood security of people in rural areas by guaranteeing 100 days of wage employment in public work projects each financial year to every rural household whose adult members demand work under the scheme.
- ii. The government launched the **Garib Kalyan Rojgar Abhiyaan (GKRA)**²¹ initiative to tackle the impact of COVID-19 on (migrant) workers in India. It is a rural public works scheme which was launched on 20 June, 2020 with an initial funding of INR 50,000 crore and aims to give 125 days of employment to 670,000 migrant workers, approximately two-third of the total migrant labour force that has gone back to rural areas. It is estimated that many of these women migrants are home-based workers. The scheme covers 116 districts in six states,

Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan, Odisha and Jharkhand.

8. CREATING SECURITY THROUGH RIGHT TO FOOD:

- i. The Indian food security system was established by the Government of India, known as **Public Distribution System**²² to distribute food and non-food items to India's poor at subsidised rates. Major commodities distributed include staple food grains, such as wheat, rice, sugar and essential fuels like kerosene, through a network of fair price shops (also known as ration shops) established in several states across the country. Food Corporation of India, a government-owned corporation, procures and maintains the supply side of the public distribution system (PDS).
- ii. The **National Food Security Act, 2013**²³, mandates that two-thirds of the population be given ration cards to access the PDS. Persons entitled to subsidised grain under NFSA are issued either a "priority" (entitled to 5 kg per person per month) or "Antyodaya" (entitled to 35 kg per family per month) ration card. Priority households are households identified by the State Government where as Antyodaya refers to the poorest of the poor who are unable to



²⁰ Further details available at https://www.nrega.nic.in/netnrega/mgnrega_new/Nrega_home.aspx

²¹ Further details available at <https://pib.gov.in/PressReleasePage.aspx?PRID=1632861>

²² <https://www.drishthias.com/to-the-points/paper3/public-distribution-system-1>

²³ Available at http://www.egazette.nic.in/WriteReadData/2013/E_29_2013_429.pdf

afford 2 squares meals per day. Majority of home-based workers mainly belongs to the priority household. Some states extend PDS coverage beyond coverage caps imposed by NFSA, and issue their own non-NFSA ration cards.

iii. **Annapurna Yojna**²⁴ is a centrally-sponsored scheme under which old people who are not getting the National Old Age Pension (NOAPS) but are eligible for it, are provided 10 kilos of foodgrain (6 kg wheat + 4 kg rice) per month free of cost as food security.

iv. **Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY)**²⁵ was a food security welfare scheme announced by the Central Government in March 2020, to tackle the food crisis precipitated by the COVID-19 pandemic. The scheme provided food grain through the Public Distribution System, to all the priority households (ration card holders and those identified by the Antyodaya Anna Yojana scheme) amounting to 5 kg of rice/ wheat per person and 1 kg of dal to each family holding a ration card till the month of November 2020, an extension from an earlier date of June 2020.

9. SOCIAL SECURITY

The Code on Social Security 2019, introduced in the Lok Sabha of the Indian Parliament in 2019 aims to consolidate and rationalise the existing laws relating to social security of the employees. After it is passed, it will repeal the following 9 legislations.

1. The Employees' Compensation Act, 1923;
2. The Employees' State Insurance Act, 1948;
3. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952;
4. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959;
5. The Maternity Benefit Act, 1961;
6. The Payment of Gratuity Act, 1972;
7. The Cine-Workers Welfare Fund Act, 1981;
8. The Building and Other Construction Workers' Welfare Cess Act, 1996;
9. The Unorganised Workers Social Security Act, 2008.

However, till this happens the existing laws will prevail and therefore the ones relevant to home-based workers have been described below.

i. **The Unorganised Workers' Social Security Act (2008)**²⁶

The Act requires the Central and State government to launch welfare schemes for unorganised workers related to life and disability coverage, health and maternity benefits, old age protection, and any other benefits determined by the Central Government. The Act provides for the constitution of National Social Security Board at the Central level which shall recommend formulation of social security schemes. The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to provident fund, employment injury benefit, housing, educational schemes for children, skill upgradation of workers, funeral assistance and old age homes. An unorganised worker who is older than 14 years is eligible for the schemes if registered in the district administration and has a government-issued identification card. The Act recognises home-based workers as a separate category of unorganised sector workers. There are also, already existing, a number of state government schemes that cater to old age, widow pension, children's education, and food security.



²⁴ Further details available at <http://www.fcp.bih.nic.in/Annapurna.htm>

²⁵ Available at <https://dfpd.gov.in/newsdetail.htm?264>

²⁶ Available at <http://legislative.gov.in/sites/default/files/A2008-33.pdf>

ii. Employee's State Insurance Act (1948)²⁷

The Act encompasses certain health related eventualities that the workers are generally or occasionally exposed to; such as sickness, maternity, temporary or permanent disablement, occupational disease or death due to employment injury, resulting in loss of wages or earning capacity-total or partial. The Act applies to every person employed directly or indirectly including contract workers in connection with the work of a factory or establishment. Under the Act, the covered employee is eligible for Sickness Benefit, Accident Benefit, Disablement Benefit, Dependents Benefit, Maternity Benefit and Funeral Benefit. Under Section 73 of the Act termination of a person during period of receipt of sickness benefit is prohibited.



iii. Child Care and Protection:

There is a general misunderstanding that women home-based workers do not need child care. In fact, those who work from home need equal child support as other informal workers. Child care/ Crèches are essential to provide home-based workers children a safe and protective environment, away from toxic and harmful substances if used. Besides they help to ensure

that the home-based worker can work undisturbed and with more focus. Besides, crèches are an excellent preventive measure to eliminate child labour. **Janani Suraksha Yojana (JSY)**²⁸ is a safe motherhood intervention under the National Health Mission. It is being implemented with the objective of reducing maternal and neonatal mortality by promoting institutional delivery among

poor pregnant women. JSY is a centrally sponsored scheme, which integrates cash assistance with delivery and post-delivery care. The Yojana has identified Accredited Social Health Activist (ASHA) as an effective link between the government and pregnant women. All pregnant women delivering in government health centres and Below Poverty Line/Scheduled Caste/Scheduled Tribe women



²⁷ Available at <https://www.esic.nic.in/esi-acts>

²⁸ Available at https://www.nhp.gov.in/janani-suraksha-yojana-jsy-_pg

in accredited private institutions can access the scheme. The financial aid differs depending on rural or urban locations and the nature of the institution and ranges from INR 600 to 1400 at the time of delivery along with antenatal and postnatal services.

10. OCCUPATIONAL HEALTH AND SAFETY:

Home-based workers face occupational health and safety risks which include ergonomic risks emerging from poor posture (sitting on the floor or at low tables), weakening eye sight (embroidering and stitching) and long work hours with limited rest time. They are also exposed to toxic substances (incense stick rollers, shoe makers, metal workers etc).

i. There is a **National Policy on Safety, Health and Environment at Workplace (NPSHEW), 2009**²⁹ which aims to establish a preventive safety and health culture in the country through elimination of the incidents of work-related injuries, diseases, fatalities, disasters and to enhance the well-being of employees in all the sectors of economic activity in the country. This has not been implemented for home-based workers.

ii. **Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB PM-JAY)**³⁰ is part of the Central Government's National Health Policy which aims to provide free health coverage at the secondary and tertiary level to its bottom 40 per cent poor and vulnerable population. Some of its central features are: provision of a cover of INR 5 lakh per family per year for medical treatment in empanelled hospitals, both public and private; cashless and paperless service to its beneficiaries; E-cards are provided to the eligible beneficiaries based on the deprivation and occupational criteria of Socio-Economic Caste Census 2011 (SECC 2011); covers 3 days of hospitalisation and 15 days of post hospitalisation, including diagnostic care and expenses on medicines and provide free testing and treatment of Corona virus.

iii. **Pradhan Mantri Suraksha Bima Yojana**³¹ is a government-backed accident insurance scheme in India and is available to people between 18 and 70 years of age with bank accounts. It has an annual premium of INR 12. In case of unexpected death or full disability, the payment to the nominee will

be INR 2 lakh and in case of partial permanent disability INR 1 lakh. Full disability has been defined as loss of use of both eyes, hands, or feet. Partial permanent disability has been defined as loss of use in one eye, hand or foot. Further, death due to suicide, alcohol, drug abuse, etc. are not covered.

iv. The **Aam Admi Bima Yojana**,³² a social security scheme, administered by Life Insurance Corporation, is a government-run social security scheme aimed at the unorganised sector workers who are between 18 and 59 years old. The scheme offers a cover of INR 30,000 for an annual premium of INR 200 per member, 50 per cent of which is subsidised from the Social Security Fund. The Aam Aadmi Bima Yojana provides coverage to all the eligible members when an unfortunate event like death or disability occurs. Coverage includes: a) Death due to natural causes for which INR 30,000 can be claimed; b) Death due to an accident will attract a claim of INR 75,000; c) For Partial Disability or Permanent Total Disability a claim for INR 37,500 and INR 75,000 respectively can be made. As an add-on benefit, the AABY scheme offers a scholarship of INR 100 per

²⁹ Available at <https://labour.gov.in/policies/safety-health-and-environment-work-place>

³⁰ Available at <https://vikaspedia.in/health/nrhm/national-health-mission/ayushman-bharatpm-jan-arogya-yojana>

³¹ Available at [https://financialservices.gov.in/insurance-divisions/Government-Sponsored-Socially-Oriented-Insurance-Schemes/Pradhan-Mantri-Suraksha-Bima-Yojana\(PMSBY\)](https://financialservices.gov.in/insurance-divisions/Government-Sponsored-Socially-Oriented-Insurance-Schemes/Pradhan-Mantri-Suraksha-Bima-Yojana(PMSBY))

³² Available at <https://vikaspedia.in/social-welfare/unorganised-sector-1/schemes-unorganised-sector/aam-admi-bima-yojana>

month per child studying in class 9-12, for up to two children per subscriber.

- v. **National Family Benefit Scheme:**³³ The scheme aims to provide a lump sum family benefit of INR 20,000 to the bereaved households in case of the death of the primary breadwinner irrespective of the cause of death. The scheme is applicable to people in the age bracket of 18-64 years belonging to below poverty line families. At the district level, the implementation of the scheme has been entrusted to Zila Parishad or its equivalent. At the local level, the Gram Panchayat /Municipality would implement the scheme.

11. OLD AGE AND RETIREMENT PLAN:

- i. **The Provident Fund Act, 1925,**³⁴ stipulates that an employee and their employer have to contribute 12% of their basic income towards the fund every month. After retirement the total amount along with interest is made available as an old age buffer to the worker. As per the 2018-19 Union Budget, new women employees could contribute only 8% (instead

of 12%) towards their EPF account for the first three years of employment while the employers continue to contribute 12%. This scheme is not applicable to many informal workers and home-based workers, primarily because the employer-employee relationship cannot be proved.

- ii. **Welfare Cess and Fund Acts:** There are a number of welfare cesses or funds operating at varying levels of efficiency, in India at present – examples include - covering workers in the *Beedi* Industry, Cine Industry and in Iron Ore, Manganese Ore, Chrome Ore, Limestone, Dolomite and Mica Mines. The objective is to collect a cess and create a fund out of such collections to provide welfare for the respective categories of workers. The Bidi Welfare Fund created under this Act has several advantages. In fact, the tripartite welfare funds have emerged as a unique model for providing social security to other sections of the unorganised labour. First, financing for the funds does not depend on government budgets but relies on the surpluses in the particular sector or trade. It is financed directly from the revenue generated from within the sector. Second, the

benefits of the trade accrue to the workers of the trade. This logic is acceptable to all since it is a method by which growth is shared by the workers. Third, it has strong stakeholder participation. The fund is applied by the Central Government to defray State government expenditures to meet the expenditure incurred in connection with measures and facilities which are necessary or expedient to promote the welfare of persons engaged in beedi establishments, which include but are not limited to the improvement of public health and sanitation, education, housing, family welfare including family planning. The Central Government appoints as many Welfare Commissioners, Welfare Administrators, Inspectors and such other officers and staff as deemed fit to look into the matters of the fund.

- iii. **Atal Pension Yojana, 2015** (or APY, previously known as Swavalamban Yojana)³⁵ is a Government-backed pension scheme in India, primarily targeted at the unorganised sector. The government co-contributes 50% of the total contribution or INR 1,000 per annum, whichever is lower, to each eligible subscriber account,



³³ Available at <https://anand.nic.in/scheme/national-family-benefit-scheme/#:~:text=Brief%20Introduction,age%20group%20of%2018%2D64.>

³⁴ Available at <https://labour.gov.in/sites/default/files/Provident%20Fund%20Act%2C1925.pdf>

³⁵ Available at https://npscra.nsdl.co.in/nsdl/scheme-details/APY_Scheme_Details.pdf

for a period of 5 years. Only subscribers who had enrolled in APY between June 1, 2015, and March 31, 2016, and were not beneficiaries of any other social security schemes, besides not having any taxable income are eligible for this co-contribution. The scheme is also available to the unorganised sector after the date but without government co-contribution. The minimum eligible age for a person joining APY is 18 years and the maximum is 40 years. An enrolled person would start receiving pension on attaining the age of 60 years. Therefore, a minimum period of contribution by the subscriber under APY would be 20 years or more.

- iv. **Pradhan Mantri Jeevan Jyoti Bima**³⁶ is a life insurance scheme in India launched in 2015, and is available to people between 18 and 50 years of age with bank accounts. It has an annual premium of INR 330. The amount will be automatically debited from the accounts of the insured. In case of death due to any cause, the payment to the nominee will be INR 2 lakh.
- v. **Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM)**³⁷ is an old age protection for informal workers. This extends specifically to the informal workers such as

home-based workers, street vendors, mid-day meal workers, head loaders, brick kiln workers, cobblers, rag pickers, domestic workers, washer men, rickshaw pullers, landless labourers, own account workers, agricultural workers, construction workers, beedi workers, handloom workers, leather workers, audio-visual workers and similar other occupations whose monthly income is INR 15,000 or less and belong to the entry age group of 18-40 years. They should not be covered under New Pension Scheme (NPS), Employees' State Insurance Corporation (ESIC) scheme or Employees' Provident Fund Organisation (EPFO). Further, he/she should not be an income tax payer. Each subscriber under the PM-SYM, shall receive minimum assured pension of INR 3000 per month after attaining the age of 60 years. During the receipt of pension, if the subscriber dies, the spouse of the beneficiary shall be entitled to receive 50% of the pension received by the beneficiary as family pension. If a beneficiary has given regular contribution and died due to any cause (before age of 60 years), his/her spouse will be entitled to join and continue the scheme subsequently by payment of regular contribution or exit the scheme as per provisions of exit

and withdrawal. The subscriber will be required to have a mobile phone, savings bank account and Aadhaar number. The monthly payment towards the schemes varies from INR 60 to 200 depending on the age of entry.

- vi. **The National Social Assistance Programme (NSAP)**³⁸ is a Centrally Sponsored Scheme of the Government of India that provides financial assistance to the elderly, widows and persons with disabilities in the form of social pensions. The National Assistance Programme consists of five sub-schemes of which three are listed below. Two sub-schemes **National Family Benefit Scheme (NFBS)** and **Annapurna Scheme** have already been discussed previously. **Indira Gandhi National Old Age Pension Scheme (IGNOAPS)**³⁹ is a non-contributory old age pension scheme that covers Indians who are 60 years and above and live below the poverty line. They can receive a monthly pension of INR 300 (INR 200 by central government and INR 100 by state government). Those who are 80 years and above receive a monthly pension amount of INR 500. **Indira Gandhi National Widow Pension Scheme (IGNWPS)**⁴⁰ is a scheme that

³⁶ Available at [https://financialservices.gov.in/insurance-divisions/Government-Sponsored-Socially-Oriented-Insurance-Schemes/Pradhan-Mantri-Jeevan-Jyoti-Bima-Yojana\(PMJJBYPMJJBY\)](https://financialservices.gov.in/insurance-divisions/Government-Sponsored-Socially-Oriented-Insurance-Schemes/Pradhan-Mantri-Jeevan-Jyoti-Bima-Yojana(PMJJBYPMJJBY))

³⁷ Available at <https://labour.gov.in/sites/default/files/Provident%20Fund%20Act%2C1925.pdf>

³⁸ Available at <http://nsap.nic.in/>

³⁹ Available at <https://vikaspedia.in/schemesall/schemes-for-senior-citizens/indira-gandhi-national-old-age-pension-scheme>

⁴⁰ Available at <http://www.nari.nic.in/schemes/indira-gandhi-national-widow-pension-scheme#:~:text=The%20Indira%20Gandhi%20National%20Widow,500%20per%20month.>

provides BPL (Below Poverty Line) widows in the age group 40 to 79 with a monthly pension of INR 300. **Indira Gandhi National Disability Pension Scheme (IGNDPS)**⁴¹ is a scheme for individuals aged 18 years and above with more than 80% disability and living below the poverty line. The monthly pension is INR 300 and INR 500 for those 80 years and above.

industry-relevant skill training that will help them in securing a better livelihood. Individuals with prior learning experience or skills will also be assessed and certified under Recognition of Prior Learning (RPL). Those who have passed 10th grade, who is a 12th grade dropout or unemployed is eligible to apply for this scheme.

ii. **Pradhan Mantri Kaushal Kendra** is an initiative to increase skill training. Thus the Ministry of Skill Development and Entrepreneurship (MSDE) promotes the establishment of Model Training Centres, in every district for imparting skills trainings. As of January 2020, 812 skill centres have been established.⁴³

12. SKILL UPGRADATION: THE NATIONAL SKILLS DEVELOPMENT CORPORATION⁴²

The National Skills Development Corporation was set up as part of a national skill development mission to fulfil the growing need in India for skilled manpower across sectors and narrow the existing gap between the demand and supply of skills. There are five schemes and initiatives that the NSDC offers which aims to increase the skill set of the people. Two of them that may be relevant to home-based workers and are listed below.

i. **Pradhan Mantri Kaushal Vikas Yojana (PMKVY)** is a Skill Certification Scheme set up to enable a large number of Indian youth (Age 15 to 29) to take up



⁴¹ Available at http://www.nsap.nic.in/Guidelines/english_dps.pdf

⁴² Available at <https://nsdcindia.org/>

⁴³ Available at: <https://economictimes.indiatimes.com/jobs/812-pradhan-mantri-kaushal-kendras-allocated-in-707-districts-across-the-country-junior-skill-development-minister-rk-singh/articleshow/74611452.cms?from=mdr>

5. Recommendations

- ▶ There should be incorporation into official statistics baseline data regarding various categories of workers in the informal sector and in particular home-based workers and their contribution to national economies, such as the Periodic Labour Force Survey conducted quarterly by the National Sample Survey Organisation (NSSO).
- ▶ **Article 19** of the constitution which guarantees freedom of speech, expression, association and the right to practice any profession, trade or business, taken along with the **Trade Unions Act, 1926**, should be pivotal in ensuring the right of those who work from home to form trade unions. **Article 39** of the Directive Principles of State Policy should be extended to home-based workers to ensure that they have equal access to markets, are recognised as workers, receive wages that reflect their labour, and have access to sanitation facilities, clean water, transport subsidies, essential financial services, and subsidised childcare, quality education facilities, and the means to prevent child labour, etc. **Article 41** requires the State to create conditions for the right to work, to education and to public assistance in certain cases which for home-based workers would imply protection from harassment and exploitation, unfair wage cut etc, access to regular work throughout the year. **Article 42** which provides for just and humane conditions of work and maternity relief. For home-based workers, their homes are their workplaces, thus housing policies should be designed to address this need which includes basic infrastructure.
- ▶ The ILO Convention on Home Work (**C-177**) has four main components i) fair remuneration, ii) social protection, including occupational health and safety regulations and maternity benefits iii) the right to organise and iv) freedom from discrimination, which are yet to be realised by the Indian State. Thus, increasing advocacy around C-177 is essential to lobby for ratification, which in turn is essential for recognition of home-based workers and securing their rights.
- ▶ HomeNet South Asia has developed a draft 'National Policy for Home-based Workers in India' which is under consideration with the Ministry of Labour and Employment. A strategy to take this draft policy forward should be developed along with other stakeholders. The Japan-funded ILO initiative "Towards fair and sustainable global supply chains: Promoting decent work for invisible workers in South Asia" has established a national working group which is working towards evolving a common position on a national policy for home-based workers and informal workers in the supply chains. The need to include more central trade unions in consultative processes including participating in the working group that lobbies for a national policy is crucial to its success. The participation of central trade unions also would strengthen unionisation and integrate home-based and informal workers into mainstream trade unions.
- ▶ The Draft Code on Social Security Code, 2019, aims to provide for a national framework for universalisation of social security. However, the draft code neglects rural informal and unorganised/informal workers, for example, agricultural workers have not been defined. As home-based workers constitute a significant proportion of agricultural workers, this omission has serious implications. Secondly, self-employed home-based workers have not been included under the self-employed category. Thirdly, even in terms of representation on the Social Security Board, the numbers are in favour of government representatives. Further, the proposed registration of workers is linked to socio-economic criteria and identity papers such as Aadhar cards which create

conditions of further exclusion. Introducing duration of work for availing maternity benefits, removing nursing breaks and provisions for child care for informal workers further marginalises women workers.

- ▶ Data under Periodic Labour Force Survey conducted quarterly by the National Sample Survey Organisation (NSSO) should be freely and easily available so that relevant advocacy for policy intervention can take place. The transparency of data regarding informal workers in general, and home-based workers specifically, is essential in a context where recognition and visibility comes in the way of effective campaigning for fairer laws, policies and schemes. Data should be timely and freely available for analysis for policy formulation and for monitoring.
- ▶ Every law, policy or scheme is only effective to the point that it is successfully implemented. The main issue with home-based workers is the difficulty in proving the employer-employee relation which makes it difficult to implement any law or to seek redressal for any grievance. In context to laws, policies and schemes that are available, one can argue that home-based workers specifically are not target groups. However, given the expansion of understanding of the informal

economy, which has seen increasing contractualisation of employment processes even within formal firms, and the rapid shrinking of the formal economy, the need to expand employment-centric definitions gain urgency.

- ▶ Some of the Acts that exist should be expanded to include/made relevant to home-based workers: For instance, the **Minimum Wages Act** can be modified to broaden definition of worker to accommodate more categories of informal workers. In the specific case of homeworkers, piece-rates should be included or added to time-rates under the minimum wage. A set of common national minimum wages can be lobbied for along with the appointment and authorisation of designated local civil society organisations in each state to hear and review complaints from workers. Additionally, the minimum wage is the lowest denominator, the long-term goal should be a 'living wage'. For instance, the Asia Floor Wage Alliance⁴⁴ bases its calculations of a living wage on the following assumptions:
 - A worker needs to be able to support themselves and two other "consumption units". (1 consumption unit = 1 adult or 2 children)
 - An adult requires 3,000 calories a day to be able to carry out

physical labour.

- In Asia, food costs account for half of a worker's monthly expenditure; and non-food for the other half.
- ▶ The **Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979**, should be extended to cover workers who have migrated on their own, as in its current stage it only addresses contractor-mobilised migration. The **Child and Adolescent Labour (Prohibition and Regulation) Act, 1986**, should be amended as to the previously stated 83 occupations and labour processes that were deemed hazardous and have now been taken out from the 2016 amended version. The list of hazardous occupations should be restored in the amended version.
- ▶ HBWs work from home and thus they are deeply affected by government housing policies, which include slum upgradation and eviction programs. The relocation of women working as HBWs should take into account basic infrastructure such as availability of water, subsidised electricity as well as zoning regulations. Accessibility and cost of public transport are essential variables to be factored in, especially if they are forced to relocate at great distances from their customers,



⁴⁴ Available at <https://asia.floorwage.org/calculating-a-living-wage/>

markets or contractors. Thus, land use policy and zoning policies should take in various factors such as access to water, sanitation, access to markets, subsidised public transport, etc. Basic infrastructural facilities,

like electric lighting, water, toilets should be seen as support to small businesses as well as informal sector workers.

- ▶ Similar to the **Mahatma Gandhi National Rural Employment**



Guarantee Act (MGNREGA) that was passed to enhance the livelihood security of people in rural areas, a public employment guarantee scheme designed to provide employment and basic income security to the urban working poor is essential to improve livelihoods through the development of durable assets.

- ▶ **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** is very relevant to home-based workers as the workplace is now accepted to be any place where working relationships between employer and employee(s) exist, going beyond the physical boundaries of the primary workplace or office building. The ILO concept of “the world of work” (ILO 2014) to include the broader place of economic activities should be read together with the Act to understand and redress sexual harassment grievances. The concept of the world of work helps capture paid productive work that does not take place within the traditional “public sphere” such as a factory or office, but which is employment such as selling products in the street or artisanal production or piece-rate work at home.

6. Conclusion

The main issue with any law, policy and scheme that is enacted for informal workers lies in its effective implementation. When it comes to home-based workers, it is further compounded by the difficulty in pinpointing the employer-employee relation. Some of the core labour standards as articulated by international groups are the right to organise/

unionise, the prohibition of forced labour as well child labour, and social protection. Unions of home-based workers are few or almost non-existent, and levels of occupational health hazards high and no or minimum social security. The need most often articulated by the home-based workers themselves is the lack of adequate housing. Home-based workers

work long hours, often exposed to dangerous chemicals, poor working conditions, and unhealthy postures. To achieve any standard of decent work, working conditions must be monitored to guarantee labour laws. Thus, minimum wage and social security are essential in a context where home-based workers are located at the lowest ladder of the labour market.

7. References

Raveendran, Govindan. (2020). *Home Based Workers in India: A Statistical Profile*, WIEGO Statistical Brief No 23. <https://www.wiego.org/publications/home-based-workers-india-statistical-profile>

Sinha, Shalini (2006). *Rights of Home-based Workers*, New Delhi: National Human Rights Commission. <http://bhrc.bih.nic.in/Docs/Home-based-Workers.pdf>

ILO, 2014. *The World of Work Report 2014: Developing with Jobs*. International Labour Organization, Geneva. Accessed on November 2020. Available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_243961.pdf

HOMENET SOUTH ASIA TRUST

Registered Office:

C/o Rogers Capital Trustees Services Limited
3rd Floor, Rogers House, No. 5,
President John Kennedy Street,
Port Louis, Mauritius,
T: (230) 203 1100, Fax (230) 203 1150

Liaison Office:

Flat No. 709,
Indraprakash Building,
21, Barakhamba Road,
New Delhi - 110001
T: +91 8130502003



Website: hnsa.org.in



facebook.com/HomeNetSouthAsia



twitter.com/hnsa_2016