

The Daily Star

December 30, 2015

Policy for domestic workers - Welcome beginning to a long journey

Md. Rizwanul Islam

Every worker in the formally recognised workforce is entitled to at least some degree of legal protection (of course that is not to say that the rights on paper are always translated into rights in practice). In particular, they are legally entitled to some form of holidays and leave, but hundreds of thousands workers who relentlessly render their service to hundreds of thousands of households in this country, often working from dawn to midnight, were not recognised as workers with defined rights in any law (except for a law titled Domestic Servants Registration Ordinance, 1961, which was only to provide for the registration of domestic workers in Dhaka Metropolitan area and had nothing to do with rights of workers) or official policy instrument of the government of this country. It is not only that they were not treated as workers in official instruments; the same psyche of non-recognition of their work as work is prevalent almost throughout the entire community.

To take an example, almost all employees in the formal sector would complain about the denial of their legal rights if their prayed leave application is rejected or official holidays are curtailed; but it would, in all, probability be very difficult to find anyone among these employees who would even think that the persons working in their homes are entitled to paid leave and holidays as well. Last week's decision of the government to adopt a formal policy for the protection of domestic workers has finally recognised them as workers and vowed to offer them many of the rights which are applicable to millions of workers in the formally recognised sectors already.

Media reports say that the government is also planning to enact a law for the protection of the rights of domestic workers. The draft version of this recently adopted policy was in existence as early as in 2010 and the High Court Division of the Supreme Court in February 2011, in *BNWLA v Cabinet Division* (2012) 17 MLR (HCD) 121, directed the government to adopt the beneficial provisions of this draft policy which took more than four years to be implemented. Hopefully, a similarly long time will not be taken in enacting the proposed law on this issue.

The rights of domestic workers as recognised by the policy is somewhat detailed and their analysis is beyond the scope of this brief essay. But the fundamental concern about the

implementation of the lofty objectives of the policy (or even the proposed law) is that domestic workers work in an environment which is basically inaccessible to not just the public officers or representatives of NGOs but generally even to their relatives (assuming that they have someone who cares enough about them). Regarding the situation of many child domestic workers, the HCD in a Bangladesh National Women's Lawyers Association case commented that they “are taken away from their home, from the protection of their family and from the loving surroundings of their kith and kin and placed in a situation where they are confined effectively in servitude.”

On the other hand, the working condition of workers in formal sectors are all open, albeit in varying degrees, to the public eye and more often than not they work as a part of a group of co-workers which gives them at least some form of cushion against abuse. However, these are not applicable to domestic workers. For this reason, the public bodies as well as NGOs working on workers' rights must be proactive in helping domestic workers enjoy their rights. According to the Labour Force Survey by Bangladesh Bureau of Statistics, more people work as domestic workers in rural areas than in urban areas. Hence, the ambit of the work on protection of domestic workers should be across Bangladesh and should not be confined to urban areas, where most egregious forms of abuse of domestic workers are typically reported in the media.

Despite any limitation of this recently adopted policy, its adoption should be hailed as the first official step for the protection of rights of domestic workers. This is just the beginning of a very long journey in the quest for recognition and enforcement of basic rights of domestic workers. That being said, when there is a legally recognised set of rights, at least any departure from them stands a chance to be remedied. Another, and probably much more formidable, hope for the protection of the rights of domestic workers is the reduction of extreme poverty. Many of us could, and still can, easily subject domestic workers to subhuman treatment simply because extreme poverty has meant that for far too many Bangladeshis, there was (and often still is) simply no alternative other than digesting the indigent. The gradual rate of reduction of poverty and the generation of alternative employment options are already making having a domestic worker an unaffordable luxury for many. We hope that this would continue to be even more so in the years to come.

The writer is an Associate Professor at the School of Law, BRAC University.