

THE DOMESTIC WORKERS (REGULATION OF EMPLOYMENT & CONDITIONS AT
WORK) BILL, 2024

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CLAUSES

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Bill No. 247 of 2024

THE DOMESTIC WORKERS (REGULATION OF EMPLOYMENT AND
CONDITIONS AT WORK) BILL, 2024

BY

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A

BILL

*to provide for the welfare, protection and security of domestic workers
and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Seventy-fifth Year of the Republic
of India as follows:-

CHAPTER I
PRELIMINARY

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| 1. (1) This Act may be called the Domestic Workers (Regulation of Work and Social Security) Act, 2024. | Short title extent, application and commencement. |
| (2) It extends to the whole of India | |
| (3) It shall not apply to domestic workers migrating for employment to any other country. | |
| (4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | |

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Appropriate Government" means in the case of a State or a Union Territory having legislature, the concerned State Government or the Union Territory Government, as the case may be, and in all other cases, the Central Government;

(b) "Child" means a person who has not attained eighteen years of age;

(c) "Domestic Work" means work performed in or for a private household(s) and includes cooking, cleaning, housekeeping, driving, gardening, childcare, and old-age care, but does not include work related to businesses run from private households;

(d) "Domestic Worker" means any person engaged in domestic work in exchange of remuneration, whether in cash or in kind, within an employment relationship, either directly or indirectly, through conventional mode or digital medium, irrespective of the period of their employment;

Provided that a domestic worker shall include "Replacement worker" who is working as a replacement for the main workers for a short and specific period of time as agreed with the main Worker and the Employer;

(e) "Discrimination" means any form of differential treatment on the basis of caste, race, region, language, colour, sex, gender, creed and religion, disabilities, nature of work or age, at the place of work;

(f) "Dispute" means any dispute or difference between employer(s) and employer(s), or between employer(s) and domestic worker(s), or between domestic worker(s) and domestic worker(s), or between placement agency or employer, or placement agency or placement agency, or placement agency or domestic worker(s) which is connected with the employment or non-employment or the terms of employment or with the conditions of work under this Act;

(g) "District Board" means the District Domestic Workers Welfare Board established under Section 24 of the Act;

(h) "Employer" means a person living in a private household, who has employed a domestic worker, either directly or otherwise for remuneration for doing domestic work,

(i) "Employment Agreement" means an agreement that lays down terms and conditions of employment, non-employment and conditions of work between the employer and domestic worker and duly agreed upon between the parties, as prescribed therein;

(j) "Forced Labour" includes any or all of the following activities: (i) compelling a person to offer his/ her/ their services as a Domestic Worker against his/ her/ their will or consent; (ii) non-payment of minimum wages by the employer; (iii) compelling a person for domestic work without wages in lieu of repayment of a debt. (iv) Compelling the domestic worker to forgo weekly leaves and public holidays; (v) Compelling the domestic worker to work on public holidays without their consent and adequate compensation as prescribed; (vi) Any other activity as determined by the appropriate government.

(k) "Full Time Worker" means a person who is employed as a domestic worker in a single household for working hours as specified in Section 28 (2) of the Act;

(l) "Fund" means Domestic Workers Social Security Fund established under Chapter IV of the Act;

(m) "Labour Department" means the Labour Department of the Appropriate Government;

(n) "Live-in domestic worker" means a domestic worker employed to perform domestic work by residing in the employer's premises that includes an outhouse, servant quarter or similar space owned or rented by the employer that may or may not be adjacent to the concerned household;

(o) "Notification" means a notification published in the Official Gazette; (p) "Part Time Worker" means a person who is employed as a domestic worker for less than prescribed daily working hours of that of a full-time worker, whether or not employed in single or multiple households;

(q) "Placement Agency" means any agency or bureau or contractor or person(s) or association, whether registered or otherwise, engaged in the placement of domestic workers with prospective employers and includes such agency or person offering such services through any print, electronic or any form of communication;

(r) "Prescribed" means Rules prescribed under the Act by the appropriate government as the case may be;

(s) "Replacement worker" means a domestic worker hired, directly or indirectly, as a replacement of the main worker for a short period of time/ on a temporary basis.

(t) "State Board" means the State Domestic Workers Welfare Board established under Section 19 of this Act;

(u) "Trafficking" means to recruit, transport, transfer, harbour, or receive a person by means of abuse of power or taking advantage of his/ her/ their position of vulnerability by threat or use of force or coercion, abduction, fraud, deception; and includes giving or receiving of payments or benefits to achieve the consent of such person having control over another person. Provided that it can also include deducting any amount or taking commission from the employer, from the salary of the domestic worker without her consent. Further provided that Placement without registration by the placement agencies would amount to Trafficking for the purpose of this Section.

(v) "Workplace" means any household such as house, bungalow, flat, villa, farm house or such other premises or a place including vehicles where a Domestic Worker works as per the terms of the employment agreement.

(w) "Wages" means all remuneration which are earned by an employee while on duty or on leave in accordance with the terms and conditions of his/ her/ their employment and which are paid or are payable to him/her through cash, via bank transfer and includes dearness allowance, but does not include any bonus, commission, house rent allowance, overtime wages and any other allowance.

3. (1) Every domestic worker shall have the right to—
- Rights of Domestic Workers
- (a) work and earn livelihood, free from all forms of forced labour;
 - (b) earn such minimum wages, as may be prescribed, including allowances for overtime;-
 - (c) such decent working and living conditions, as may be prescribed, including reasonable working hours, periods of rest, annual paid leave and maternity leave, as the case may be;
 - (d) access to benefits under social security schemes of the appropriate Government;
 - (e) redressal of grievances through such appropriate mechanism as may be prescribed;
4. (1) No Domestic Worker shall be employed without an agreement in writing entered into between the employer and the worker.
- Prohibition of employment of Domestic Worker without agreement.
- (2) Such an agreement shall follow the minimum labour standards laid down in the Model Employment Agreement prescribed under the Rules.
- (3) The Model Employment Agreement shall specify the name and other particulars, nature of assignment of the employee, hours of work, the wages and other benefits to which the worker is entitled, including the mode of payment of such wages and other contributions.
5. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.
- Act not in derogation of other laws.

CHAPTER II

REGISTRATION

6. (1) Notwithstanding anything contained in any law for the time being in force, all Domestic Workers, employers or placement agencies shall be registered as per procedure herein after prescribed. Provided that only Indian citizens above eighteen years of age shall be allowed to register as domestic workers with the Board.
- Registration of Domestic Workers, Employers and Placement agencies.

(2) An application for registration shall be made in such form, accompanied by such documents together with such fee as may be prescribed, to the District Board on this behalf.

(3) A domestic worker may submit an application for registration to the District Board, accompanied by the prescribed registration fee, and the District Board shall register the applicant if it is satisfied that the applicant has complied with the relevant provisions of the Act.

(4) Any person aggrieved by the District Board's decision may appeal to the State Board within thirty days, with the State Board's decision being final, though it may allow an appeal after the deadline if satisfied that a sufficient cause prevented timely filing.

(5) Registration certificates will be issued to the respective domestic workers, employers and placement agencies.

7. Every placement agency shall, prior to the process of recruitment or engagement of domestic workers at workplace, register themselves with the District Board, through an application along with the prescribed fee, providing such details as prescribed.

Compulsory
Registration of
placement agency.

8. Every employer, within one month of the commencement of the employment of a domestic worker, shall submit to the District Board, an application along with prescribed fee for registration, providing such details as prescribed.

Compulsory
Registration of
Employer.

9. (1) A placement agency engaging a domestic worker shall ensure the worker's registration with the District Board within one month of the commencement of work, submitting an application with the prescribed fee paid by the worker and providing required details.

Compulsory
Registration of
Domestic Worker

(2) An employer directly engaging a domestic worker, or multiple employers for part-time work, shall ensure the worker's registration with the District Board within one month of work commencement, with the prescribed fee paid by the worker; failure to comply shall incur liability on all employers as specified under Chapter VII of the Act.

10. (1) Subject to Section 8 (1), if the employer or placement agency fails to register themselves under the Act and continue to employ or engage domestic worker, then the penalties prescribed under Section 43 (1) of this Act shall apply.

Effect of nonregistration

(2) If the employer or service provides fails in their duty to register domestic worker under this Act and continue to employ unregistered domestic worker, then the penalties under Section 43 (1) shall apply.

11. (1) A registration certificate shall be renewed at an interval of One year, on the payment of fee as may be prescribed.

Renewal of registration certificate.

(2) Renewal of registration shall be carried out by placement agencies, employers and domestic workers, to continue with their status.

12. If the employer or placement agency fails to renew their registration or domestic worker's registration employed under them, penalties prescribed in Section 43 (1) and 43 (3) under this Act shall apply.

Effect of nonrenewal.

13. (1) The employer and the placement agency shall pay a Cess amount as may be prescribed, as annual contribution towards the Fund. This shall be paid at the time of registration and further at renewal of registration annually.

Payment of annual contribution.

(2) The Domestic Worker shall pay a nominal amount as annual contribution as may be prescribed, till she continues to renew her registration or till she retires as Domestic Worker.

14. (1) In case of failure to pay annual contribution to the District Board along with registration or renewal fees, the penalties mentioned under Section 43 (2) and 43 (3) shall apply.

Effect of Nonpayment of annual contribution.

(2) On failure to pay annual contribution by the domestic worker during employment, the worker ceases to be beneficiary of the welfare Fund under the Act. The status of the beneficiary will be restored on the payment of the pending contribution at any time.

15. (1) Subject to the provisions of this Act, every Domestic Worker above the age of eighteen years, registered with the District Board under this Act, shall be entitled to the benefits provided by the District Board from its Domestic Workers' Social Security and Welfare Fund (Fund) under this Act. Beneficiaries of the Fund.

(2) Every Domestic Worker above the age of sixty years shall continue to be beneficiary under this Act, for the purposes of Pension and other welfare benefits.

16. (1) The District Board shall issue an identity card, with the beneficiary's photograph, upon registration and payment of the annual contribution, and the beneficiary shall produce the card upon request by any Government officer, District Board official, employer, or placement agency for inspection. Identity cards.

CHAPTER III

IMPLEMENTING AUTHORITIES UNDER THE ACT

17. (1) The Central Government shall constitute a Committee to be called the Central Committee to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned to it under this Act. Central Committee.

(2) The tenure of the Committee shall be three years and proportionate representation shall be ensured from Government, Civil Society Organizations/Trade Unions, Domestic Workers and employers.

(3) The Central Committee shall consist of such number of members and staff to be appointed by the appropriate Government in such manner as may be prescribed.

(4) The salary and allowances payable to and other terms and conditions of service of members of the Central Committee shall be such as may be prescribed.

(5) The members of the Central Committee shall meet once every six months to review the working of the Act.

18. (1) The Central Committee shall perform the following functions:

Functions of the
Central Committee.

(a) Review and monitor the implementation of the Act and its rules, recommending changes to the Central and State Governments/Union Territories, and prepare an annual report on its administration;

(b) Oversee the implementation of the Act across all States and Union Territories;

(c) Advise State Boards on schemes related to social security, health, education, and welfare for Domestic Workers and their families;

(d) Prescribe minimum standards for decent work conditions, in consultation with State Boards, and recommend strategies for the elimination of trafficking, forced, bonded, and child labor.

19. (1) The State Government shall, with effect from such date as it may, by notification, appoint and constitute a State Board to be known as the State Domestic Workers Welfare Board to exercise the powers conferred on, and perform the functions assigned to it under this Act.

Constitution of State
Domestic Workers
Board.

(2) The State Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Chairperson of the State Board shall be a person appointed by the State Government,

(4) The State Board shall consist of such number of members and staff to be appointed by the appropriate Government in such manner as may be prescribed.

(5) The salary and allowances payable to and other terms and conditions of service of members of the State Board shall be such as may be prescribed.

20. The State Board shall:

Functions of the State Boards.

(1) Make regulations with the prior approval of the State Government, consistent with this Act and the State rules, for matters provided under this Act;

(2) Constitute and administer the Fund as specified in Section 27 of this Act;

(3) Appoint a Secretary, officers, and employees as necessary for efficient discharge of its functions under this Act;

(4) Constitute the District Boards as prescribed in Section 25 of this Act; (5) Facilitate the online presence of the District and State Boards for administrative transparency;

(6) Review and monitor the functioning of District Boards, ensuring proper and effective implementation of the Act;

(7) Frame Social Security and Welfare Schemes for distribution to beneficiaries by the District Boards;

21. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Government for effective implementation of the provisions of this Act.

Central Government to provide adequate funds.

22. The State Board shall prepare, in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the State Government and the Central Government.

Budget

23. (1) Maintain proper accounts and relevant records, preparing an annual statement of accounts in the prescribed form;

Accounts and audit.

(2) Ensure the accounts are audited annually by the Controller and Auditor General of the State Government;

(3) Grant the auditor access to books, records, and documents, and provide explanations or information as required for the audit;

(4) Submit the audited accounts and report to the State Government by the prescribed date;

(5) Comply with any directions issued by the State Government following review of the auditor's report, with audit costs to be borne by the State Board.

(6) The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the State Legislature.

24. (1) The appropriate Government shall, by notification in the Official Gazette, constitute a District Board in each of the districts, to be known as "District Domestic Workers Welfare Board", for carrying out the purposes of this Act:

District Domestic
Workers Welfare
Board

(2) The District Board shall consist of such number of members and staff to be appointed by the appropriate Government in such manner as may be prescribed. Provided that the Board shall include an equal number of members representing the State Government, Civil Society Organisations/ Trade Unions (working on domestic workers)/Domestic Workers and employers and that at least more than two-third members of the Board shall be women.

(3) The salary and allowances payable to and other terms and conditions of service of members and staff of the District Board shall be such as may be prescribed.

(4) The procedure to be followed by the District Board in the discharge of its functions and the manner of filling up of vacancies shall be such as may be prescribed.

25. (1) The District Boards shall perform the following functions:

Functions of the
District Domestic
Workers Welfare
Board.

(a) The Board shall carry out or cause to carry out the registration of domestic workers, employers and placement agencies / placement agency as per the procedure prescribed under the Act, in the name and Account of State Board either directly or through the Workers' Facilitation Centres and maintain records and registration of domestic workers as beneficiaries under the Act;

(b) The District Board shall collect cess in the name and account of the State Board from placement agencies and employers at the time of registration as prescribed;

(c) The District Board shall implement and disburse social security and welfare benefits framed by the State Board under Section 20 of the Act;

(d) The District Board shall undertake the responsibility of Renewal of registration certificate and collection of annual contribution.

(e) The District Board shall issue of identity card for the beneficiary with details of the employer.

(f) The District Board shall authorise the members of the Workers' Facilitation Centre to carry out surprise visits to the working place of the Domestic Workers and check the implementation of the Act.

(g) provide a helpline number for use of domestic workers for registering instance of contraventions of the provisions of this Act.

26. (1) The Appropriate Government may set up such Workers' facilitation centres, subject to such rules and in such specific areas, as may be prescribed, from time to time to perform the following functions, namely:-

(a) Disseminate information on available social security and welfare benefits for domestic workers;

(b) Facilitate the filling, processing, and forwarding of registration applications and annual contributions for employers, placement agencies, and domestic workers;

(c) Assist domestic workers in obtaining registration from the District Board, enrolling in social security schemes, and accessing welfare benefits.

CHAPTER IV ESTABLISHMENT OF FUND

27. (1) There shall be formed a Fund, to be called the Domestic Workers Social Security and Welfare Fund, and credited thereto- Domestic Workers Social Security and Welfare Fund.

(a) 1% of House Tax collected by the local bodies shall be contributed towards Social Security and Welfare benefits of Domestic Workers and credited to Domestic Workers Welfare Fund every year;

(b) Any grants made to the Fund by the appropriate Government or any other person or organisation;

(c) Any income from investments made in or through any Nationalised Bank of the amounts in the Fund

(d) All fines collected under this Act.

(e) All other sums received by the Board from any other sources.

(2) The Fund allocated to the District Board shall be used for:

(a) Expenditures on welfare measures or facilities for the benefit of domestic workers as decided by the State Board;

(b) Sanctioning money for welfare schemes, including family welfare, education, insurance, and other welfare measures;

(c) Meeting costs necessary for promoting social security and welfare of domestic workers.

CHAPTER V REGULATION OF THE WORKING CONDITIONS

28. (1) Every employer and placement agency shall:

(a) ensure registration with the appropriate Government and obtain a registration certificate, in such form as may be prescribed;

(b) provide for the registration of the employment agreement, engaged through the agency, to the appropriate Government, in such form as may be prescribed;

(c) ensure that fees charged on registration, etc. is not deducted from the remuneration of domestic workers; and

Duties of the employer and placement agency.

(d) maintain proper registers and records of domestic workers, placements of domestic workers, payments and terms of employment.

(2) Every employer and placement agency shall:

(a) ensure decent living conditions of the domestic workers;

(b) provide for of such minimum wages, as may be prescribed, including allowances for overtime, to the domestic worker;

(c) engage the domestic worker for such work hours, as may be prescribed;

(d) provide for education of children of resident domestic workers;

(e) provide for payment of compensation for any injury caused to a domestic worker by an accident arising out of and in course of his/her employment; and

(f) provide for registration of the employment agreement with domestic workers engaged directly to the appropriate government in such manner as may be prescribed.

29. (1) No Domestic Worker shall be required or allowed to work in any household for more than nine hours in any day or for more than forty-eight hours in any week; Working hours are to be defined as per the nature of work and taking eight hours as maximum, with sufficient periods of rest and food for full-time workers; provided that the work span should not be more than twelve hours for live-in (with three to four hours of rest in between), and similarly, full-time live-out workers, the work span should not be more than eight hours. Provided that any adult employee may be allowed to work in such household premises for any period in excess of the limit fixed under this section, subject to the payment of overtime wages, if the period of work exceeds forty-eight hours a week and, including overtime work, does not exceed ten hours in any day and, in the aggregate, fifty hours in any week. Working Hours.

(2) Weekly holidays – Every employee irrespective of being a full-time, part-time, live-in, night-shift employee will be entitled to a paid weekly day off.

(3) Restriction on overtime- The total hours of work in any day shall not exceed 10 hours in a day. The overtime work in a week, if any, shall not exceed Twelve hours in the aggregate.

(4) Wages for overtime work – Where a domestic worker works for more than the maximum working hours as prescribed in Section 29(1), s/he shall, in respect of the overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.

(5) Interval for rest – The periods of work of an employee each day shall be so fixed that no period shall exceed five hours and that no employee shall work for more than five hours before he has had an interval for rest of at least half an hour.

30. (1) The appropriate Government shall by notification – Minimum Wages.

(a) fix the minimum rates of wages payable to the Domestic Workers.

(b) Review minimum wages at such intervals as it may think fit. Such intervals shall not exceed five years.

(2) The appropriate Government may fix-

(a) minimum rate of wages for time work (hereinafter referred to as 'a minimum time rate');

(b) a minimum rate of wages for piece work (hereinafter referred to as 'minimum piece rate'); and

(c) Minimum rates of wages may be fixed by any one or more of the following wage- periods, namely:- i. by the hour, or ii. by the day, or iii. by the month;

31. (1) The employer shall directly pay the wages to the bank account of the employee within the first five days of the month; (2) The wage period shall not exceed one month. Payment of Wages.

32. (1) Sick Leave- In addition to the weekly holiday under Section 29 of this Act, every employee shall be entitled to a paid leave on the account of being sick, provided that the number of days for sick leave shall not exceed fifteen days. Leave

(2) Annual Leave - Every employee who has worked for a period of Two hundred and forty days or more in a household shall be entitled to fifteen days of paid leave. This period shall not include the weekly holidays or sick leave.

33. The employer shall provide one month notice to the employee before termination of employment and provide wages worth fifteen days of employment. Termination

34. The employer shall provide the employee with basic amenities like safe drinking water, food, first aid and washrooms. Basic Amenities.

35. The employer shall provide a live-in employee with private and decent accommodations for rest and dressing. Accommodation for live-in workers.

36. No domestic worker shall be subjected to the offence of sexual, physical or verbal assault, violence, trafficking, wrongful confinement and bonded/forced labour by any employer or a member of his household. In case of report of such offences, the police shall take appropriate criminal action under respective penal provisions of the Bharatiya Nyaya Sanhita and other special laws against the employer or placement agency forthwith. Protection against Crimes.

37. (1) No employer registered under this Act shall discriminate on the basis of gender, caste, race, region, language, colour, sex, creed or religion, in matters such as recruitment, conditions of employment, payment of wages etc. No discrimination at place of work.

(2) No voluntary association or agency shall discriminate on the aforesaid grounds in rehabilitation, recruitment and placement and payment on these grounds, nor shall it cause an employer to do so. Explanation- There shall be equal payment for equal work requiring the same amount of work, skill set, and effort.

38. No child shall be employed as a Domestic Worker or for any such incidental or ancillary work which is prohibited under any law for the time being in force. Employment of a child.

CHAPTER VI

GRIEVANCE REDRESSAL MECHANISM AND DISPUTE RESOLUTION

39. (1) The appropriate Government shall constitute Grievance Redressal Committees (GRCs) in the State for addressing grievances of domestic workers, employers, and placement agencies; Grievance Redressal Mechanism and Dispute Resolution

(2) Ensure that each District has one or more GRCs to resolve disputes arising from individual grievances;

(3) Ensure the GRCs work to promote amity and good relations between employers, workers, and placement agencies, and to mediate disputes related to employment, non-employment, and terms of employment of domestic workers;

(4) Ensure that the Chairperson of the GRC is selected on a rotational basis, alternating between the employer and worker each year, with the total number of members not exceeding ten, and ensuring adequate representation of women workers, not less than half of the total members;

(5) Provide for the filing of disputes within one year from the cause of action, with provisions for assistance to workers who cannot file complaints in writing, and for legal heirs or designated persons to file on behalf of incapacitated workers.

40. (1) The appropriate Government may, by notification, appoint such number of persons, as it thinks fit to be conciliation officers, charged with the duty of mediating in and promoting the settlement of disputes. Conciliation Officers

(2) A conciliation officer may be appointed for a specified area and either permanently or for a limited period.

41. The appropriate Government may, by notification, designate/constitute one or more Domestic Workers' Tribunals for the adjudication of disputes and for performing such other functions, following the procedure as prescribed, as may be assigned to them. Domestic Workers' Tribunal.

42. A settlement arrived at by agreement between the employer and worker otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement. A copy of it shall be sent to the appropriate Government.

Bi-partite settlement of disputes.

CHAPTER VII

OFFENCES AND PENALTIES

43. (1) Any unregistered placement agency or employer, or one failing to register a domestic worker or renew the certificate, shall face imprisonment up to three months and a fine of Five thousand rupees; for repeat offences, the penalty may extend to three months' imprisonment and a fine of Twenty thousand rupees, or both.

Offences and Penalties.

(2) Any placement agency or employer who violates the Act or its rules shall be punishable with up to three months' imprisonment and a fine up to Thirty thousand rupees, or both; for ongoing violations, an additional fine of One hundred rupees per day may apply.

(3) A person convicted under (2) for a similar offence shall, on a subsequent conviction, face up to six months' imprisonment and a fine between Forty thousand rupees and Fifty thousand rupees, or both.

(4) Employers who fail to pay a domestic worker or pay below the minimum wage must pay the due amount with interest; they may be punished with up to six months' imprisonment or a fine up to Twenty thousand rupees, or both.

(5) Anyone obstructing an authorised inspector or refusing access for inspection shall face up to three months' imprisonment and a fine up to Twenty thousand rupees, or both.

(6) Anyone who refuses to produce required documents or prevents an inspection shall face up to three months' imprisonment or a fine up to Twenty thousand rupees, or both.

(7) Any person who –

(i) Knowingly sends, directs or takes any girl or woman to any place for immoral purposes or to a place where she is likely to be morally corrupted or,

(ii) In any manner sexually exploits or trafficking of such woman or child or,

(iii) If found ill-treating or discriminating any Domestic Worker on the basis of caste, sex, class, race, physical or mental ability or religion or region or,

(iv) In any manner abuses or illegally confines any domestic worker or,

(v) Compels any person to render any forced labour or,

(vi) Provides any child as Domestic Workers shall be subjected to imprisonment for not less than three years and which may extend up to a period of seven years or fine up to/ Fifty Thousand or both.

44. For the victims of forced labour, sexual exploitation, discrimination, illegal confinement or any kind of abuse, the District Board or placement agency shall provide with emergency aid, medium term assistance and legal aid in conduct of the legal proceedings and admit the victim to rehabilitation homes. Emergency Aid, Medium Term Assistance and Legal Aid.

CHAPTER VIII MISCELLANEOUS

45. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, whether made before or after the commencement of this Act. Effect of laws and agreements inconsistent with the Act.

(2) Nothing contained in this Act shall be construed as precluding any domestic worker of from entering into an agreement with the employer as the case may be, for granting them rights or privileges in respect of any matter which are more favourable to them than those to which they would be entitled under this Act.

46. (1) No suit, prosecution or other legal proceedings shall lie against any member of the District Board or any non-Governmental organization for anything which is in good faith done or intended to be done in pursuance of this Act. Protection of action taken under Act

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

47. (1) The appropriate Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. Power of the appropriate Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provided for all or any of the following matters, namely—

(a) the form and manner of notification of the minimum rate of wages, overtime rate, maximum work hours, periods of work and rest, paid leave and maternity leave applicable to a Domestic Worker;

(b) criteria for determining the amount of compensation for any personal injury caused to a Domestic Worker by accident arising out of and in course of his/her employment;

(c) the form and manner in which wages shall be paid to the Domestic Worker;

(d) establishment and regulation of Workers' Facilitation Centres;

(e) the manner and form of an employment agreement and its verification at the Workers' Facilitation Centres;

(f) the manner and form of registration of a Placement Agency including issuance of registration certificates and renewal of registration;

(g) the powers which may be conferred on the District Board, the Dispute Resolution Council, and the Inspector under the terms of this Act;

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by a State Government or a Union territory Government shall be laid, as soon as may be, after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

There has been insufficient focus on recognizing domestic work as a formal occupational category and acknowledging domestic workers as legitimate employees, despite their collective demands dating back to the 1950s. The increasing demand for domestic employment highlights the growth of this sector and the rising number of women workers. However, the issues of vulnerability, informality, and job precarity remain largely unaddressed, leading to significant challenges in their work-life balance. Domestic workers are advocating for protection against violence, exploitation, and discrimination, as well as for better working conditions, social security, and welfare benefits to ensure a dignified livelihood. The undervaluation of domestic work, often performed by migrant women and girls from marginalized communities, exposes these workers to serious abuses such as trafficking, forced labor, child labor, sexual violence, and even murder. In response, the International Labour Organization adopted the Domestic Workers Convention (No. 189) in 2011 to promote the formal recognition of this workforce, ensuring dignity at work, freedom of association, and the elimination of discrimination, forced labor, and child labor. This Convention calls for standardization of employment contracts for domestic workers. As a founding member of the ILO with a large domestic workforce, India has a responsibility, both internationally and domestically, to address the issues faced by these workers. The lack of legal protections has denied domestic workers fair wages and often forces them to endure excessive working hours. Constitutional provisions, including Articles 39, 41, 42, 43, and 43-A, entitle workers to decent working conditions, a living wage, and protections against unemployment, sickness, old age, maternity, and workplace abuse. The judiciary has repeatedly affirmed the rights to minimum wages, workplace dignity, and protections against exploitative practices, including trafficking and the lack of legal recognition for domestic workers (as seen in cases like *Bachpan Bachao & Ors. vs. Union of India* and *Shramjeevi Mahila Samiti vs. Govt. of NCT & Anr.*). To uphold international standards, constitutional rights, and judicial directives aimed at recognizing and protecting domestic workers, comprehensive legislation tailored to the specific working and living conditions of domestic workers in the country must be enacted to combat their exploitation.

Hence this Bill.

NEW DELHI;

T. SUMATHY(A) THAMIZHACHI THANGAPANDIAN

November 13, 2024.

FINANCIAL MEMORANDUM

Clauses 17, 19, 21 of the Bill provide respectively for constitution of Central Committee, establishment of State Social Security Boards and loans by the Central Government to the State Boards. Clauses 24 and 27 of the Bill provide respectively for establishment of District Domestic Workers Welfare Board, and establishment of Domestic Workers Social Security and Welfare Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is, however, difficult to assess the expenditure, both recurring and non-recurring, that is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 47 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of normal character.

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to provide for the welfare, protection and security of domestic workers and for matters
connected therewith or incidental thereto.

(Dr. T. Sumathy(A) Thamizhachi Thangapandian, M.P.)