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"I determined I would leave that day": Exit scenarios among internal-migrant women working as live-in paid domestic workers

In India, as elsewhere, working conditions for paid domestic workers vary widely, from situations that are fair and respectful, to others that are highly exploitative or abusive.[1] Entrapment in hyper-exploitative and/or abusive working arrangements is, however, a real risk for live-in paid domestic workers, even when employment is 'freely' entered into. This briefing presents findings on the exit strategies deployed by migrant paid domestic workers to evade such entrapment. Findings are based on qualitative case histories for 21 migrant women workers, interviewed in rural Odisha. The briefing concludes by considering the potential for interventions to tackle exploitative labour arrangements in the paid domestic work (PDW) sector. The overall aim of this work is to inform policy and programmes to reduce women migrant workers' vulnerability to human trafficking and hyper-exploitation.

BACKGROUND

In recent years, India's rapid economic growth and urbanisation have led to a greater demand for paid domestic workers among the country's growing urban middle class. At the same time, the widespread crisis in rural livelihoods, taking place across India and felt disproportionately by women,[2] has led to a ready supply of cheap, mobile labour[3]. This has resulted in a steady 'migrantisation' of the PDW sector, with internal migrant workers now composing a majority of the workforce for both live-in and live-out arrangements.[4] In Odisha, internal labour migration continues to be overwhelmingly distress-driven:[5] High rates of poverty and landlessness, a largely agrarian economy, infringement of customary land and forest rights, natural hazards and political violence, create compelling reasons to migrate.

While both the live-in and live-out paid domestic workforces draw on internal migrant labour, their labour pools and recruitment processes vary in important ways. This has led to a divergence in the make-up of the live-in and live-out workforces. The live-in workforce is increasingly composed of young, unmarried women and girls recruited from rural areas. The live-out workforce is often older, married women who have migrated with their family and taken up residence in informal slum settlements on the periphery of the formal residential areas that employ them.[6]

BOX 1: Live-in and Live-out paid domestic workers

Live-in workers: Attached to a single employer-household with whom they reside.

Live-out workers: Employed by several different households, while living independently from their employers. The sector's recent growth has been concentrated in the live-out sector.

Working hours: Sometimes live-in work is conflated with full-time work, and live-out with part-time work. This is misleading. Most live-out workers' hours equal or extend beyond a full-time working day, split between two or more employers.

Odisha, together with the neighbouring North-Eastern states of Jharkhand and Chhattisgarh, has emerged as a hub for the recruitment of live-in domestic workers, with the states' *adivasi* ('tribal') women the preferred choice for live-in positions (a preference partly attributable to stereotypes of submissiveness). Existing research has demonstrated that live-in PDW arrangements vary widely, from fair and respectful to extremely exploitative and abusive. While some 'sites of vulnerability' are common to the wider informal economy, certain characteristics specific to PDW exacerbate the scope for exploitation and abuse:[7]

- Highly personalised employment relations, in which the workplace is the private home
- Absence of specific legal provisions to regulate working conditions and entitlements
- Absence or inaccessibility of social welfare entitlements for inter-state migrant workers
- Isolation from trade unions and other forms of solidarity and support networks
- Preference for young, unmarried, socially and economically marginalised workers
- Recruitment pathways characterised by fragmentary and unaccountable networks of labour intermediaries

Our research participants reported working far from their homes in varied PDW positions. Some women discussed situations in which they were well-paid and treated decently. Yet, each woman interviewed described features of their employment that were hyper-exploitative or harmful, such as extremely long working hours (17 to 18 hours per day); no weekly rest day(s); restrictions (often total) on their movement and communications; non-payment of wages or opaque wage deductions; and perpetual delay of leave requests. It was not uncommon for workers to report verbal, physical or sexual abuse. Life histories revealed that experienced workers were not necessarily more insulated from abusive and hyper-exploitative working arrangements, though they were better able to cope with – and better able to escape – them. This briefing describes the various exit scenarios reported by migrant women employed as live-in paid domestic workers.

EXIT SCENARIO TYPOLOGY

Analysis of live-in domestic workers exit scenarios produced the typology shown in Table 1. Each of the five exit scenarios speaks to different aspects of the power asymmetries between workers and employers.

1. Redundancy-induced

The first category (redundancy-induced) differs from the other categories in that it is the employer who severs employment. Employers' ability to unilaterally and immediately withdraw employment underscores the insecurity and vulnerability of live-in paid domestic workers' position. Workers' ability to arrange substitute employment is limited by the immediacy with which employment, and housing, can be revoked. Typically, redundancy results in a long journey home and a spell of unemployment while a new job is organised.

2. Conditional exit

The second category (conditional exit) refers to the sudden introduction of restrictions on exit, usually enforced through the withholding of wages. Conditional exit ties workers for months or years, permitting employers to recoup their upfront recruitment costs and to minimise disruption to household routines. It is notable that conditions on exit are stipulated only when workers attempt to quit.

3. Crisis exit

The third category describes situations in which respondents, too distressed to work, are sent away by employers – often within a few days or weeks of arriving at an employer's home. Crisis exit tends to occur among very young or novice workers, unable or unwilling to adapt to the demands placed on them. Among our sample, crisis exit offered only temporary relief. In the absence of opportunities at home, girls and women who exited in crisis quickly returned to the sector. It should be noted too that high levels of visible distress do not inevitably lead to exit. Abhaya, the only respondent to be deceived into migrating for paid domestic work, was not permitted to leave her employer, despite her extreme, highly visible distress. In Abhaya's case, the same conditions that precipitated crisis exit for others resulted in conditional exit.

"... I cried a lot when I started my work... I felt very sad... I was weeping and weeping and weeping... they [the employers] said I must remain... I must stay there for five years."

ABHAYA, ON HER FIRST OF TWO WORKPLACES; 2006

TABLE 1: Typology of exit scenarios

	Typology	Illustrative example (with participant pseudonym)
1	Redundancy	"... after the old lady's death they told me to go back to my village. That same day I came alone by train..." **Anika, on her third of four workplaces; 2012**
2	Conditional	"... I told them: 'I can't work like this... the pay is too little... I want to go home.' But they told me: 'You have to stay here for one more year. Only then we will allow you to leave.' I worked there for one and a half years [in total]. Only then could I come back to my village." **Gulab, second of three workplaces; 2007**
3	Crisis	"... The madam... burnt my hand badly... I was small and couldn't say anything... I cried until my 'uncle' [the labour intermediary] came to take me from that place..." **Mayura, on her first of eight workplaces; 2009**
4	Tactful	"... that family was not good at all... I [wanted to] leave that place. They wouldn't let me... I was afraid and tactfully left the house by telling them lie that my mother's health condition was very serious [and] I must see her..." **Mayura, on her fifth of eight workplaces; 2012**
5	Candid	"I determined to leave that place... even if I may die... I told them: 'I do all your household works and you don't pay my wages... You think that I am not human. That I am a dog... I thought that I would be paid good money if I went outside Odisha... It is not good what you have done.' I told [them] so many things and left that job." **Kamala, on her first and only workplace; 2015**

4. Tactful exit

Tactful exit is most commonly used by experienced workers. As respondents grew into their roles, they deployed increasingly sophisticated means of leaving while avoiding a confrontation. Tactful exit entails the telling of a lie, such as invoking shared understandings of kin-obligations, to enable employment to be severed discretely and from a distance. Respondent narratives revealed tactful exit to be highly effective, even in cases characterised by abuse and exploitation. It is not unusual for relatives and labour intermediaries to assist workers in these exit scenarios, as described by Kamala.

"I stayed there for a year... My salary was not being paid by them... I was unable to demand my salary... I wanted to go back home but I was not permitted... I requested my 'cousin' [labour intermediary] to help me to leave this place forever... My 'cousin' [mis]informed my employer that I needed to attend my brother's marriage in our village... In this way I got to go back home. After a few days [the employer] contacted me to ask when I would return but I told [her] 'you should not expect my return as you have not paid my dues'."

BISHAKHA ON HER FIRST OF FOUR WORKPLACES; 2008

These types of exit were costly, however. No respondent who left their employment in this way recovered or expected to recover their outstanding wages.

5. Candid exit

Only one respondent, Kamala (see Table 1), described a fully candid exit strategy. Kamala rejected the strategic appeasement involved in tactful exit, refusing to be cooperative and silent in the face of affronts to her dignity, excessive hours and workload, maltreatment and non-payment of wages. Again, exit came at a financial cost. After returning home without the wages that were owed to her, Kamala (unemployed, unmarried and orphaned) became dependent on her brothers' goodwill, which she understood to be finite. While Kamala does not regret leaving her abusive employer, in the absence of alternatives, she is willing to migrate again for paid domestic work.

"I want to go out again for work... otherwise I cannot eat... My brothers will not always feed me at their own family's expense... Regarding marriage, no one can marry a poor disabled* girl. Nowadays even the fittest candidates also struggle."

KAMALA

*Kamala is referring here to the legacy of childhood polio.

Respondents' reliance on these varied forms of exit is illustrative of the limited scope that exists for workers to unilaterally reshape their working arrangements. Domestic workers have little recourse in situations that are abusive other than to quit, and if they do opt to leave, they must generally contemplate whether their resignation is worth the financial losses that are almost inevitable. Exit thus becomes a site of strategy and contestation.

SUMMARY

India's paid domestic work sector has grown rapidly in recent years. This growth has been accompanied by shifts in both the composition of the workforce and employment relations and work conditions. The sector is increasingly reliant on internal migrant workers, as inter-state migrant workers now make up the majority of both live-in and live-out workers. The social organisation of live-in PDW – as a highly personalised service, undertaken in the private sphere of the employer's home and performed by a marginalised, isolated and devalued workforce – increases the scope for workers to become entrapped in hyper-exploitative and abusive working arrangements.

The scope for exploitation and abuse is intensified by the absence of labour laws, social safety nets and trade union-based forms of collective action for the domestic work sector.

Exiting a job is an extreme and unrewarding tactic for women domestic workers, and tends to be a last resort. Women's willingness to resign – even at a financial loss – illustrates both their inability to negotiate with employers over wages, non-wage benefits and conditions and terms of employment, and the power of employers to dictate not only the terms of employment but often also the timing and terms of workers' departure.

RESEARCH METHODS

- Findings[8] are based qualitative fieldwork in Ganjam district of Odisha, which was conducted from December 2015 to February 2016.
- In total, 71 women migrant workers were interviewed.
- Interview participants were purposively selected from 5 of the study's 20 probabilistically sampled villages.
- Findings are based on semi-structured interviews with a sub-sample of 21 women, aged between 18 and 36 years old, who had previously migrated for paid domestic work.
- Field research was led by the Centre for Women's Development (CWDS), Delhi, in collaboration with the London School of Hygiene & Tropical Medicine (LSHTM).

POLICY AND PROGRAMMING RECOMMENDATIONS

- **State legislation** is required, to standardise labour rights and entitlements in the PDW sector. While the presence of such legislation cannot guarantee workers' rights, its absence contributes (symbolically and materially) to the sector's social and economic devaluation.
- **An official employer registration system** should be developed, with registration accompanied by information sessions on workers' rights and the introduction of standardised employment contracts. This would begin to address the isolation and invisibility of workers in the 'private' household realm. Additionally, resources should be allocated for trade union and state-appointed representatives to hold meetings with live-in paid domestic workers at regular intervals, to review and monitor employment conditions.
- **The introduction – or extension – of social welfare programmes** to inter-state migrant workers has important potential for reducing workers' dependency on their employers. Innovative models might be pursued alongside classical welfare programmes, e.g. provision of subsidised housing for migrant workers in areas of high labour demand (providing paid domestic workers with some distance from their workplace if desired). Such programmes can only be effective when combined with measures to enable socially and economically marginalised – and heavily discriminated against – workers to have genuine access.
- **Wide-ranging employment and welfare measures** are needed to reduce chronic poverty in rural Odisha. Workers' weak negotiating position begins at source. In the absence of viable year-round livelihoods, remaining – or returning – home is, for many, a less appealing prospect than remaining in exploitative or abusive employment arrangements.

ENDNOTES

1. Rao, N., (2011) 'Respect, Status and Domestic Work: Female Migrants at Home and Work', *European Journal of Development Research,* 23:758–773.
2. Neeta, N. (2014) 'Crisis in Female Employment: Analysis across Social Groups', *Economic & Political Weekly* XLIX.
3. Neeta, N., Palriwala, R. (2011) 'The absence of State law: Domestic workers in India'. *Canadian Journal of Women & the Law* 23:97–119.
4. Ray, R., Qayum, S. (2009), 'Cultures of Servitude: Modernity, Domesticity, and Class in India'. Stanford: Stanford University Press.
5. Bremen, J. (2016) *On Pauperism in Present and Past.* New Delhi: Oxford University Press.
6. Rao, N. (2011) 'Respect, Status and Domestic Work: Female Migrants at Home and Work', *European Journal of Development Research,* 23:758–773.
7. Idib.
8. Findings are part of the DfID funded Study on Work in Freedom Transnational (SWiFT) Evaluation. A five-year programme of research and evaluation to inform the ILO's Work in Freedom (WiF) programme, which aims to reduce women migrant workers' risk of exploitation and abuse.

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