

Domestic Workers, Risk and Social Protection in Nepal



Members of the Home Workers Union of Nepal at a 2014 meeting in Kathmandu, where they organized a domestic workers' national dialogue and plan of action. Photo by Fish Ip/IDWF.

Key Points

- 1 It is estimated that three million women are in Nepal's labour market, with 90.5 per cent in informal employment. Survey results show that more than 80 per cent of domestic workers have no written contract. Most are employed in live-out arrangements with multiple employers while others, many of them adolescent girls, live in the home of a single employer. Nepal's minimum wage does not apply to live-in domestic workers.
- 2 Illness and injury picked up in the workplace are a concern for domestic workers, as this can leave them without the ability to earn an income for significant periods. Only one-quarter of surveyed domestic workers claim to have some form of health benefit. Also, the risk of sexual abuse and violence in the workplace is reported to be high among domestic workers.
- 3 Domestic workers in Nepal are not effectively covered under the labour inspection system or the social security system. Most claim they must leave their employment once they are pregnant and find it difficult to return to work after childbirth. Among other points of concern is the lack of access to an old-age pension.
- 4 Recommendations to national and local governments include: Registration of domestic workers with local authorities, which will allow access to relief in crises such as COVID-19 and ensure that employers are liable for making social security contributions, among others; drawing domestic workers into the formal social security system; and labour monitoring to tackle child labour and violence in the work place.

In Nepal, COVID-19 is deeply affecting domestic work, which is an important source of employment for many women. Many domestic workers are losing their jobs and have limited or no access to social protection. This policy brief aims to provide a descriptive picture of the condition of domestic workers in Nepal in regards to their access to health care, child care and social protection benefits. The study is based on interviews with domestic workers from the Home Workers Union of Nepal (HUN), activists from the General Federation of Nepalese Trade Unions (GEFONT), other domestic workers' organizations and relevant government officials. It is complemented by a survey of 70 domestic workers in Kathmandu. Though the research was conducted prior to the pandemic, it has important bearing on domestic workers' livelihoods today and proposes a set of recommendations for extending social protection to domestic workers.

Who are Domestic Workers in Nepal?

Nepal's labour force survey in 2017/18 estimates that there are a little over three million women in the labour market, with 90.5 per cent in informal employment (2019). Though there are two million more women of working age than men in Nepal, the labour force participation rate for women is low at 26.3 per cent as compared to 53.8 per cent for men.

While domestic work is a growing source of informal employment for Nepali women, reliable data on the number of domestic workers is not available. The Central Bureau of Statistics does not recognize domestic workers as an occupational group, and no national level analysis exists. Based on scattered studies, it is estimated that

there are 250,000 domestic workers in Nepal, though this does not capture the many Nepali migrant domestic workers in the Gulf States, Hong Kong, Korea and Lebanon.

In the survey conducted for this study, the following key features were identified:

Individual: Almost half of the domestic workers were between 30 and 60 years old (47 per cent), 17 per cent were in their twenties and the remaining 12 per cent were under 16 years old. The significant number of girls captured in this survey reflects previous efforts by the General Federation of Nepali Trade Unions (GEFONT) to organize child domestic workers. It is a common practice in Nepal among middle-class urban households to employ girls from low-income rural households as live-in domestic workers despite legislation prohibiting child labour. Very low levels of education were apparent as 34 per cent reported receiving no formal education, 42 per cent had attended primary school and only seven had completed secondary school. Respondents are relatively new to domestic work with only 0-5 years of experience (66 per cent) and 6-11 years of experience (17 per cent).

In terms of ethnicity, a GEFONT study found that more than half (55 per cent) of the domestic workers surveyed are from ethnic and indigenous communities, while 11 percent are Brahmin and 13 percent belong to the Chettri community. A smaller proportion belong to the Madhesi community (6 per cent) and the Newar community (2 per cent) (GEFONT 2011).

Household: Most domestic workers surveyed live in households with three or more people (88 per cent). Close to half (45 per cent) have between three

and seven dependants. Fifteen per cent have children under six years old and 30 per cent have children between 7 and 12 years old. The six respondents who have no dependants are between 11 and 14 years old themselves. Close to one-third of domestic workers are unmarried or single, and more than half (55 per cent) are married and living with their spouse.

Working arrangements: Most domestic workers are employed in live-out arrangements with 40 per cent having multiple employers and 24 per cent a single employer. The remaining 31 per cent are live-in domestic workers with a single employer. Of these, 18 out of 21 are young women or adolescent girls. Eighty-two per cent do not have a written contract. Though there are a few cases of formal agency recruitment, most domestic workers are recruited through family members, relatives or acquaintances. There are some recruitment agencies emerging in rural areas.

Work-Related Risks to Income Security

Low remuneration: In Nepal, the minimum wage (set at NPR13,450 (USD116) per month) does not apply to live-in domestic workers whose employers cover their food and other expenses. For live-out domestic workers, employers must pay the minimum wage otherwise a complaint can be filed. The Labour Act (2017) does stipulate that the government can set a separate minimum wage for domestic workers, but to date this has not been done. Survey respondents reported earning between less than NPR500 to over NPR3,000 (USD4-USD25) per week with 80 per cent earning less than NPR3,000 (USD24). Of the 16 who earn either NPR500 per week or less, 17 are girls and young women. Within this group, 13 reported not receiving any earnings over the past week for their work as live-in domestic workers. Most domestic workers (77 per cent) estimate they need more than NPR10,000 (USD86) per month for their households to survive.



IDWF-HUN-GEFONT workshop on domestic workers' rights.
Photo by Fish Ip/IDWF.

Occupational safety and health: Illness and injury picked up in the workplace are a concern for domestic workers, as this can leave them without the ability to earn an income for significant periods. In this survey, it was found that the most frequent cause of days of work missed was due to illness or accident (21 per cent), followed by 13 per cent of workers who reported missing work due to care responsibilities including maternity leave, child care and care for a sick person. Twenty-seven per cent of domestic workers reported that the last time they were seriously ill or injured, in the last 12 months, was due to an injury/illness resulting from their work. Thirty per cent of these workers had to miss work as a result of this injury or illness, with 47 per cent reporting they had to miss two or more weeks of work, and 69 per cent did not receive any payment during their time off.

In discussions with domestic workers, several occupational safety and health concerns emerge, including back pain, rheumatic pain, bladder infections and swelling hands. Dalit domestic workers report not being able to use the toilets in their employers' homes and are forced to use separate makeshift and often unhygienic toilets set up outside. GEFONT organizers working with child domestic workers and live-in domestic workers report burn injuries, accidents and falls as common though underreported.

Violence in the workplace: The risk of sexual abuse and violence in the workplace is reported to be high among domestic workers. HUN is supporting domestic workers through counselling and legal assistance. The Domestic Violence (Offence and Punishment) Act, 2066 (2009) covers a domestic helper living in the same family under the term

“domestic relationship” (ILO 2019). In 2009, the Ministry of Local Development issued a commitment to instruct all Village Development Committees and urban municipalities to start registering domestic workers and their employers in cases of violence against domestic workers. The Sexual Harassment at Workplace (Elimination) Act, 2071 (2014) does not cover domestic workers (ILO 2019). Local administration coverage of domestic workers in cases of sexual harassment is based on humanitarian grounds and general laws.

Migrants: Urban local government authorities are reluctant to recognize domestic workers for two reasons: first, their mandate for labour administration under the Labour Act (2017) regarding domestic workers is not clear. Second, as most domestic workers in urban areas are migrants from rural areas, registering domestic workers would mean urban authorities would have to provide for them. Therefore, advocacy and interactions between local government and trade union centres is necessary to change policies and practices.

Access to Social Protection

The preamble of the 2015 constitution commits to a socialist-oriented state reflected in the fundamental rights and directive principles upholding the right to work and social security for all. In 2017, Nepal promulgated two major legislations related to labour, namely the Labour Act 2017 and the contribution-based Social Security Act 2017. The Labour Act makes specific reference to domestic workers regarding their leave policy and wage deductions. The Act specifies the government can set a separate minimum wage for domestic workers. However, there is no mention of their access to social

protection. The Social Security Act 2017 is focused on the formal sector and is funded through employee and employer contributions towards four schemes: medical treatment, health and maternity protection, accident and disability protection, dependent family protection, and old age protection. Though the Act has a clause to develop a social security system for informal workers, there has been limited progress. Domestic workers are, therefore, not effectively covered under the labour inspection system or the social security system.

Health care: Access to health care is a serious concern for domestic workers, with 61 per cent of domestic workers stating that they visited a health care facility in the last 12 months principally to attend to their own health issues (87 per cent). Only 25 per cent of domestic workers claim to have some form of health benefit, while 40 per cent do not, and 34 per cent do not know.

Nepal's 2015 constitution guarantees the right to health care, including sexual and reproductive health care. In

2017 the government introduced the landmark National Health Insurance Act. All citizens are required to enrol and the government pays the premiums for the poor, disabled, orphans and the elderly (WHO 2018). Basic health services are provided free of charge to all citizens and insurance is expected to cover costs beyond this basic package. Since 2009, the free services include all outpatient, inpatient and emergency services, as well as essential medicines up to the district health facilities. Without access to the contributory social security scheme, domestic workers are either limited to the basic health service package or must pay out-of-pocket for additional health care services in both public and private hospitals.

Eighty-eight per cent of domestic workers who visited a health care facility went to a public hospital or clinic. Almost all (94 per cent) said the medication they required was available; however, 80 per cent paid between NPR200 and NPR1,000 for the medication (USD2–USD9). The typical domestic worker in Nepal reported earning NPR1,500



To mark International Domestic Workers Day, about 40 members of the Home Workers Union of Nepal (HUN) came together to learn about union administration and management and to discuss gender-based violence in the workplace. Photo courtesy of HUN.

per week (for a 40-hour week). On the last visit, the average direct cost (medicine, tests, consultation fees etc.) paid by domestic workers was NPR400 (USD3). This health visit, therefore, cost the equivalent of one-fifth of a week's average earnings for a domestic worker. A significant minority (24 per cent) had to take out a loan to cover their health care expenses.

In addition to the direct costs of health care services and medication, domestic workers bear the indirect costs of travelling and taking time off from work for a health care visit. Though most domestic workers travelled less than 30 minutes to reach a health care facility, over 80 per cent waited between one and two hours for their consultation. Thirty-nine per cent took time off work for their health care visit. Among these domestic workers, more than one-third lost part or all of their earnings for the day.

The opportunity cost of visiting a health care centre is a deterrent for domestic workers to seek health care. Close to half of domestic workers (45 per cent) delayed a health care visit in the month prior to the survey due to the high cost of consultations, while another 20 per cent did not seek medical advice due to long travel and waiting times.

Maternity and child care: Most domestic workers claim they must leave their employment once they are pregnant and find it difficult to return to work after childbirth. Though the new Labour Act provides for maternity leave for both formal and informal sector workers, only full-time live-in domestic workers can benefit from this provision. The Domestic Workers Forum explains that though the law provides domestic workers with paid maternity leave from employers for three months regardless of the number

of days they work, part-time workers are frequently excluded because it is difficult to allocate liability for maternity leave pay to a specific employer. Thus, most domestic workers do not enjoy maternity leave benefits. The survey results confirm this as 68 per cent of domestic workers do not have access to paid maternity leave and only 7 per cent do. The remaining 24 per cent do not know if they could have maternity leave.

Among the domestic workers surveyed, only three had children younger than three years old and another six had children between four and six years old. Most domestic workers did not bring their children to work, instead preferring to leave them at a school or a child care facility (33 per cent), with their husband (13 per cent) or in the care of another family member (27 per cent).

Pensions: Forty per cent of the respondents do not have access to an old-age pension. The only domestic worker with a retirement or old age pension has this through a spouse/family member. Close to 60 per cent of the domestic workers surveyed do not know if they have access to a pension.

Other: More than half of the domestic workers report that they do not have access to any other benefits (52 per cent). Nineteen per cent have access to an education benefit limited to child domestic workers and 13 per cent have access to a food relief or food security ration benefit. Only 1.4 per cent report having access to either child support or a family benefit.

COVID-19 Social Protection Responses

Domestic workers, like other informal workers, have been deeply affected by the pandemic. Numerous domestic workers' organizations in Nepal speak of a significant loss of employment among their members (ILO & WOREC 2020). Domestic workers face discrimination from their employers who regard them as unclean and fear they will spread COVID-19. With lockdown measures, live-out domestic workers with multiple employers could no longer travel between different employers. Those who lost their jobs could not even return to their villages due to the restrictions.

The unexpected and sudden lockdown measures taken by the government left many domestic workers without their salary as they were unable to collect it from their employers prior to the lockdown (ILO & WOREC 2020). As of the second week of the lockdown period, domestic workers' organizations received calls from their members who no longer

had sufficient income to purchase food and other necessities, highlighting their low incomes and lack of savings. Domestic workers say they cannot afford to pay rent or buy the online education materials their children require while schools are closed. Domestic workers fear they are more likely to die from starvation than COVID-19.

In response, the government distributed food rations to informal workers and provided discounts and subsidies on electricity and other basic utilities. There were no emergency cash transfers to cover informal workers' lost income during the lockdown. The domestic workers' organizations and unions led relief efforts for their members during the lockdown but said these measures were inadequate to stave off poverty and extreme hunger. HUN and GEFONT supported their members by distributing food rations but came up against many obstacles. Domestic workers without proof of citizenship and a recommendation from their employer were not immediately able to access



Four hundred HUN members – in particular domestic workers – participated in a HUN-organized rally on the eve of International May Day in 2016. Photo by Sonu Danuwar, HUN General Secretary

food rations provided by municipalities (ILO and WOREC 2020). However, after the first month of lockdown, this citizenship hurdle was overcome. The food relief packages have been distributed in an irregular manner and have been insufficient to meet domestic workers' households needs for more than 15-20 days.

Many domestic workers noted they could not afford the COVID-19 tests and medical treatment. Domestic workers' organizations are calling for their inclusion in the national health insurance scheme so they can receive these health care services for free during the pandemic. They also do not have access to safety guidelines to follow at work in their employers' homes.

As lockdown measures ease, there is little improvement for live-out domestic workers as public transport is not operating. Even if public transport resumes, the fare is expected to double as per government orders, and commuters will face a high risk of infection. Domestic workers cannot afford to pay for private transport to get to work. In response, employer organizations in Nepal note an increase in demand for live-in domestic workers as the COVID-19 reality sets in (ILO & WOREC 2020).

Organizing and Action for Social Protection

Given existing legislation in Nepal, trade unions and domestic workers' organizations see policy space for the extension of labour and social protections to domestic workers; however, a strong movement that can exert political pressure is necessary for the realization of these fundamental rights. In 2007, GEFONT helped

establish the Nepal Independent Domestic Workers Union (NIDWU), which built alliances with the Asian Domestic Workers Network (ADWN) which helped to build the International Domestic Workers Network (IDWN) that later became the International Domestic Workers Federation (IDWF). NIDWU extended its coverage with the merger of four smaller unions to become the Home Workers Union of Nepal (HUN). HUN is the only IDWF affiliate in Nepal.

HUN works closely with GEFONT and the Joint Trade Union Coordination Centre (JTUCC) to take advantage of the political space these larger unions provide for advocacy. For example, the then NIDWU participated in the global 12 by 12 campaign to ratify ILO Convention 189 on domestic work. Campaigns led by the IDWN taken up by HUN have supported local unionization and awareness raising.

On social security, HUN is collaborating with GEFONT and national trade union centres while also developing specific demands for the extension of social protection to domestic workers. HUN members have benefited from training opportunities offered by larger trade unions including GEFONT, JTUCC and the International Trade Union Confederation - Nepal Affiliates Council (ITUC-NAC) on social security policy. Beyond the trade union movement, HUN is also building strategic alliances with other informal workers' organizations and NGOs such as CWISH, Homenet Nepal and Swatantrata Abhiyan, which have strong connections with local government bodies. International alliances with the ILO Nepal office provide additional support to the domestic worker movement.

Major successes of the movement so far include the recognition of domestic work as work in national policy and laws, and the inclusion of domestic workers into national labour legislation mainly as a separate section in Labour Act 2017. Moving forward, advocacy with federal and provincial parliamentarians with a trade union background and other elected local officials will be key in raising the visibility and voice of domestic workers in national and local policy spaces. Pressure on local authorities so they understand the specific risks faced by domestic workers can encourage registration.

Recommendations for Policy and Practice

The survey reaffirms the existing legislative and policy gaps in extending social protection to domestic workers.

Recommendations and demands from HUN to national and local governments:

- Registration of domestic workers in local authorities and the provision of an ID card.
 - Coverage of domestic workers under the minimum wage legislation.
 - Inclusion of domestic workers into the formal social security system and guarantee of the right to health.
 - Labour monitoring through the Labour Inspection System (LIS) is
- Domestic workers should register and provide the name and address of the house owner who employs them.
 - Registration with local authorities will allow domestic workers to access relief quickly in crises such as the COVID-19 pandemic.
 - In the short- to medium-term, a separate social protection fund for informal workers, with emphasis on domestic workers based on registration in rural/urban municipalities.
 - In the long-term, the registration system will be helpful to ensure that they are covered under the formal security system. It would also ensure that the employer is liable for making social security contributions.



Domestic workers' rights and the new Labour Act were topics of discussion at a 2016 IDWF-HUN-GEFONT workshop in Kathmandu. Photo by Fish Ip/IDWF.

almost absent in Nepal and the recently introduced labour audit is limited to industries in the formal sector. The Ministry of Labour, Department of Labour and labour offices at local levels must draw informal workers into the inspection system. This calls for the extension of labour administration in all 753 local bodies. This is a prerequisite to effectively tackling child labour and ensuring contributions by employers to domestic workers' social security.

- COVID-19-specific demands:
 - Create home-based employment opportunities for domestic workers who cannot travel outside of their homes due to the pandemic (ILO & WOREC 2020).
 - Extend health insurance to cover domestic workers during and after this pandemic. Health insurance premiums to be paid by the employer for live-in and full-time domestic workers and partly paid in the case of part-time domestic workers.
 - Corona Insurance of NPR100,000 (USD824) is in the process of implementation in Nepal, where a premium of NPR1,000 (USD8) for an individual and NPR600 (USD5) per member of a family/group is to be paid to insurance companies. A corona-insured person, by submitting a polymerase chain reaction (PCR) report that confirms COVID-19 infection, will receive NPR100,000 (USD824). This insurance should be accessible to domestic workers and local government should make it obligatory for employers to ensure that domestic workers benefit from this insurance.
 - Food assistance through rural/urban municipalities in cooperation with unions and NGOs to domestic workers who have lost employment.
 - For part-time and full-time domestic workers who have lost their jobs, difficulties in paying rent has led to harassment



Members of HUN at a domestic workers' national dialogue in Kathmandu in 2014.
Photo by Fish Ip/IDWF.

and severe anxiety. This must be addressed by local elected representatives in dialogue with property owners.

- Internal migrant domestic workers/ returning migrant domestic workers who have lost their employment or returned home should be included in government's local level 100-day minimum employment provisions.
- The conditions of child domestic workers should be monitored regularly by locally elected officials of rural/urban municipalities.

Recommendations for organizations of domestic workers:

- HUN, with the support of GEFONT and national trade unions, could

develop popular education campaigns for domestic workers on minimum wages and social protection. The survey results show that many domestic workers are unaware that they may have access to social protection benefits.

- Organizing child domestic workers remains an important strategy given their important presence in this sector and the significant human rights violations they face. Trade unions cannot have members under the age of 18 or include children in the unions, but they can monitor their working conditions by mobilizing their local committees in cooperation with elected ward members of municipalities.

* This brief was compiled by Rachel Moussié and draws on qualitative research conducted by Umesh Upadhyay (Tribhuvan University and National Labour Academy) and Monika Banerjee (Institute of Social Studies Trust) and survey data produced by the Home Workers Union of Nepal (HUN), General Federation of Nepalese Trade Unions (GEFONT), IDWF and WIEGO, which was analyzed by Siviwe Mhlana and Michael Rogan.

References

Central Bureau of Statistics (2019). Report on the Nepal Labour Force Survey 2017/18. Kathmandu: Nepal. Accessed on 3rd July 2020 from <https://nada.cbs.gov.np/index.php/catalog/88>

General Federation of Nepalese Trade Unions (GEFONT) (2011). Isolated Within the Walls, A Research report. Kathmandu: Nepal. Accessed on 3rd July 2020 from https://www.gefont.org/assets/upload/downloads/9745_Isolated.pdf

ILO (2019). Brief on Strengthening Action against Violence and Harassment in the World of Work in Nepal. Geneva: ILO.

ILO and Women's Rehabilitation Centre (WOREC) (2020). Webinar: Domestic workers in Nepal and COVID-19. 19 June. Accessed on 14th July 2020 from https://www.ilo.org/kathmandu/whatwedo/eventsandmeetings/WCMS_748322/lang--en/index.htm

WHO (2018). Nepal–WHO Country Cooperation Strategy (CCS), 2018–2022. Accessed on 9th July 2020 from <https://apps.who.int/iris/bitstream/handle/10665/272476/9789290226413-eng.pdf?sequence=1&isAllowed=y>

World Bank (2020). Social Protection and Jobs Responses to COVID-19: A Real-Time Review of Country Measures v.11, 12 June. Washington D.C.: World Bank. Available at: <https://openknowledge.worldbank.org/handle/10986/33635>

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ABOUT IDWF

The International Domestic Workers Federation is a members-based global federation of domestic workers. It consists of 76 affiliates in 59 countries representing over 560,000 domestic workers worldwide. Its objective is to protect and advance domestic/household workers' rights everywhere through building a strong, democratic and united global organization. It is affiliated to WIEGO and IUF. www.idwfed.org

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