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# **SILENT VOICES, UNTOLD STORIES**

**Women Domestic Workers in Pakistan  
and their Struggle for Empowerment**

**AYESHA SHAHID**



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# Silent Voices, Untold Stories

Women Domestic Workers in Pakistan  
and their Struggle for Empowerment

Dedicated to my parents

Sarwat Mohsin and Mohsin Ehsan

Thank you

for your unconditional love,  
unflinching encouragement,  
and constant belief in me  
that kept me going over the years.

I am honoured to have you as my parents.

# Table of International Treaties and Conventions

Convention against Trans-national Organized Crime,  
supplemented by the Protocol to Prevent, Suppress and Punish  
Trafficking in Persons, especially Women and Children.  
GA res. 55/25, annex II, 55 UN GAOR Supp. (No. 49) at 60,  
UN Doc. A/45/49 (Vol. I) (2001)

Convention for the Elimination of All Forms of Discrimination  
Against Women, adopted 18 December 1979, 1249 UNTS 13  
(entered into force 3 Sept. 1981)

ILO Declaration on Fundamental Principles and Rights at  
Work, 1998 adopted at 86th Session, Geneva, 19 June 1998

ILO Discrimination Convention, (Employment and Occupation)  
1958 (Number 111) adopted at 42nd Session,  
Geneva, 25 June 1958

ILO Equal Remuneration Convention, 195  
(Number 100) adopted at 34th Session, Geneva, 29 June 1951

ILO Maternity Protection Convention, 1919 (Number 3)  
adopted at 12th Session, Geneva, 28 June 1919

ILO Maternity Protection Convention, 2000 (Number 183)  
adopted at 88th Session, Geneva, 15 June 2000

ILO Night Work Convention, 1919 (Number 4)  
adopted at 12th Session 1919

ILO Right to Organise and Collective Bargaining  
Convention, 1949

ILO Workers with Family Responsibilities Convention, 1981  
(Number 156) adopted at 67th Session, Geneva, 23 June 1981

International Convention on the Protection of the Rights of  
All Migrant Workers and Members of Their Families, 1990.  
GA Res. 45/158, UN GAOR, 45th Sess., Supp. No. 49A, at 261,  
UN Doc. A/45/49 (1990) (entered into force 1 July 2003)

Recommendation 1523 (2001) adopted by the Parliamentary Assembly Committee, European Commission of Human Rights on 26 April 2001

Recommendation No. 1663 (2004), adopted by the Parliamentary Assembly Committee, European Commission on Human Rights on 22 June 2004

Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention 1926 60 LNTS 253, entered into force, 9 March 1927

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices, Similar to Slavery, adopted at a Conference of Plenipotentiaries convened by Economic and Social Council Resolution 608 (XXI) of 30 April 1956 and adopted at Geneva on 7 September 1956 (entered into force 30 April 1957) in accordance with article 13

The Universal Declaration of Human Rights, adopted and proclaimed by General Assembly Resolution 217 A (III) of 10 December 1948

## Table of Statutes

Employees Old Age Benefits Act, 1976

Labour Protection Policy 2005 (First Draft) Ministry of Labour, Manpower and Overseas Pakistanis, Government of Pakistan

Offence of Qazfh (Enforcement of Hadd) (vii of 1979)

Offences against Property (Enforcement of Hudood) Ordinance (vi of 1979)

Prohibition (Enforcement of Hadd) Ordinance (viii of 1979)

Provincial Employees Social Security Ordinance, 1965

The Factories Act, 1938

The Industrial Relations Ordinance, 2002

The Mines (Amendment) Act, 1973

The Mines Maternity Benefit Act, 1941

The Pakistan Penal Code, 1860

The Payment of Wages Act, 1936

The Shops and Establishment Ordinance, 1961

The West Pakistan Family Courts Act, 1964

The West Pakistan Hazardous Occupation Rules, 1963

The West Pakistan Industrial and Commercial Employment (Standing Order) Ordinance, 1964

The West Pakistan Maternity Benefit Ordinance, 1958

The West Pakistan Maternity Benefit Rules, 1961

West Pakistan Industrial and Commercial Employment Ordinance, 1968

Workmen's Compensation Act, 1923



## Table of Case Law

Jibendra Kishore vs. Province of East Pakistan, PLD 1957 SC 9

Naseem Firdous vs. Punjab Small Industries Corporation,  
PLD 1995 Lah. 584

Pakistan International Airlines Corporation through  
Chairman and others vs. Samina Masood and Others,  
PLD 2005 SC 831

Shirin Dokht vs. Government of Pakistan,  
1995 PLC (C.S) 251

Shrin Munir vs. Government of Punjab, PLD 1990 SC 295

## Preface

Domestic work around the globe is considered as an under-valued and underpaid activity performed by the disadvantaged social groups of society. It is perceived as work with low economic value and an extension of unpaid household duties that hardly gets any recognition for the work performed. Traditionally domestic work in others' households has remained a principal way of earning a living for poor women. The vast literature on domestic work demonstrates that across the north-south divide, it is mostly women who are involved in domestic service, and it is this gendered nature of the work, which underestimates domestic service as having any value.<sup>1</sup> It also illustrates the role of gender, class, race, and ethnicity in placing domestic service at the bottom of the employment ladder. Women domestic workers (who migrate to these countries in search of jobs and better living) are employed by not only affluent families in the developed world but are also found working in their home countries in great numbers, particularly in developing countries for the middle class and the upper echelons of society.

It is interesting to note that all studies, irrespective of the country of origin, point to the inadequacy of a simple legal response to address the situation of women domestic workers. This appears to be the case even in the countries where legal systems are much well developed. Hence it can be argued that the problem is socio-legal, therefore all solutions must look beyond black letter law.

Pakistan is amongst those developing countries where most households employ women domestic workers. Domestic service is an unregulated, unorganized, and undervalued form of employment. Domestic workers are not included in the definition of the 'worker' in labour legislation. There is no law to regulate the relationship between employer and the domestic worker in Pakistan, thus a domestic worker does not exist as a person in labour law. As a result, domestic workers have no legal rights to a weekly rest day, maternity leave, and public holidays. In theory, they can bring a civil/criminal action, but in the absence of adequate labour law, they do not engage with the law or with the state on a daily basis in their lives, nor can they think of accessing courts due to their socio-economic situation in the country. In the absence of any labour legislative

framework, women domestic workers are not able to claim any rights against their employers. There is also no specific complaint procedure available under labour law through which a domestic worker facing abuse could lodge a complaint. Domestic workers do not enjoy the same rights as the industrial workers, technical workers, sales persons and others in the informal employment sector, who are given protection under the labour laws of the country. In the absence of any legal framework, there is hardly any case law available specifically on domestic workers in Pakistan. Only recently two cases of abuse of child domestic labour have been reported in the press.<sup>2</sup> In both the cases, two young girls became victims of abuse due to indebtedness of their families to landlords. Only one case has been filed in the Supreme Court of Pakistan with the support of a human rights organization, the other family has not even been able to register a case with the police. These cases highlight the limits of law as a tool for empowerment.

Due to the existence of class hierarchies in the Pakistani society it is extremely difficult to challenge any abuse, more so if both parties are not of the same socio economic status. As employers, in comparison to the women in domestic service, are in a privileged position, they easily flout the law by using their money and social status. This is thus a probable explanation for non-registration at the police station in one of the above cases. Such cases also draw attention to the need for support structures without which it is unlikely that the law alone will provide any protection against exploitative conditions of work.

There are only oral agreements and no written contractual arrangements between the employer and the employee. Domestic service in Pakistan is also associated with bonded labour.<sup>3</sup> Families who have debts to pay to landlords in rural areas are also engaged in domestic service, to pay off their family debts. In this form of service, workers not only surrender their labour but also all control over their lives. It is for the landlord to decide who is going to work for him and he may send the domestic worker to his relatives or to other members of the family. In such situations women domestic workers, especially young girls are in a dangerous situation as they often become victims of sexual abuse.

Jobs are mostly acquired through friends, community, or family members working as domestics in other households. In the case of global/migrant domestic workers there is a network of employment agencies helping women find jobs, thus creating a labour market and some standardization of jobs with respect to wages, working hours, and tasks. In Pakistan any such network of employment agencies is almost non-

existent, therefore domestic workers have to find jobs on their own or depend on friends and kin to find jobs for them.

Domestic service in Pakistan has also got the element of migration. Chronic poverty, landlessness, and natural disasters such as droughts and floods are compelling many rural residents to migrate to the urban areas to seek work. Other push factors include debts payments and a lack of viable livelihood options. When women from such poor households move to urban areas with their male family members they start working as domestic workers in other households as that is the only employment area for which they have some skills.

Women domestic workers are employed as full-time, part-time, and live-in domestic workers. The wage structure varies according to the localities where they work, the economic status of the employer and the nature of jobs they perform. Those who work for upper class families are slightly better paid as compared to those who work for middle-class families. In Pakistan, hiring of women domestic workers also represents the reinforcement and replication of gender inequalities: for instance women domestic workers are given less than half the wages that male workers in the same occupation receive. A male cook, cleaner, or a guard get a higher salary as compared to a woman domestic worker doing the same work. Similarly, a male domestic worker would not do any extra work whereas a woman though hired for a single job, would be expected to undertake additional chores.

As domestic work includes the traditional female roles, it is also not recognized as a 'job'. This gender bias and inequality of treatment has also been discussed by Rollins (1985, p. 23) who argues that 'the personal nature of this relationship partly develops from the fact that the work done by domestic is a work which could otherwise be done by the employer herself.' The responsibilities assigned to domestic workers are always seen as 'women's work' that is passed on from a woman to a waged worker. This relationship between the employers and their working class domestic workers shows how these privileged women exploit their domestic servants. It clearly demonstrates that women from the upper or middle classes turn a blind eye towards a system that creates class hierarchies and reinforces patriarchy. By shifting their responsibilities to other women, they reinforce gender stereotypes of housework and thus escape some of the challenges of patriarchy by using the labour of women who belong to the lowest rungs of society.

It is also interesting to note that domestic service stands at the boundary between the public and private sphere. The public sphere

includes waged work, labour market and the institutions whereas the private consists of the home linked with kin and family. The domestic workers provide waged work but within the context of the household. For them the private territory of the employer counts as public domain. However, one of the reasons why some women prefer to work as domestic workers than in any other employment sector in the public sphere is that a household is considered a more secure place. Similarly, from the employer's point of view most of employers prefer to have women as their domestic workers because Pakistani society is a segregated society where it is not considered appropriate to allow a male outsider into the privacy of the home. This shows the concepts of women's honour, *purdah*, or segregation between men and women, and sanctity of home at play even at the level of running the day-to-day household chores.

As domestics work within the privacy of a home, it has also become an excuse for the state to not interfere in the so-called 'private sphere'. This division between the personal and the public adds to the vulnerability of women domestic workers because their work is a hidden form of employment performed within the four walls of other households, which leads to their isolation and invisibility. This dichotomy further leads to the devaluation of work performed within the private sphere.

In Pakistan there are various social classes and there is much disparity among these classes. The unequal treatment faced by women domestic workers is an outcome of class discrimination and an integral part of the patriarchal structures of the society. These women belong to the lower working class and are looked down upon in the society. They are expected to perform jobs that are considered menial. These workers are expected to work in a certain way and receive a certain type of treatment, which most people think is not wrong. Individually there may be many examples of charitable treatment, such as providing them with enough food or clothing, helping them send their children to schools, and financial help in case of sickness, emergency or mishap. However, when it comes to their well-being in an organized manner (either in the form of formal job contracts or under any law) people are usually sceptical. An obvious reason is that the upper class does not want their workers to be aware of their rights or to be protected by law, because they fear that awareness about their rights and legal cover might encourage their uprising against the rich and the powerful. Secondly, it is a matter of conflict of interest, because if this sector is regularized and legal protection is given to these workers, the upper classes will not be able to use their services by paying meagre

salaries, nor would domestic workers be at the disposal of employers who could throw them out of jobs whenever they want.

Last but not the least there are no organizational support structures available for them and as a result their bargaining abilities are inadequate and they have a very limited or almost no choice but to work according to the terms and conditions laid down by the employers. To empower women domestic workers in Pakistan collective action and more concerted efforts in terms of networking and organizing them are needed. There are women's organizations and unions in other employment sectors including unions of industrial workers, women in fisheries etc, therefore setting up organizations for women in domestic service would not be an exception.<sup>4</sup>

My interest in women and employment issues stems from my experience of carrying out a survey on women in the industrial sector in NWFP.<sup>5</sup> While working in this area I realized that women domestic workers as a group in the informal sector have hardly received any scholarly, governmental or media attention.<sup>6</sup> Despite belonging to the largest employment category, these women continue to work at abysmally low salaries that bear little relation to the nature of their work. The long working hours, absence of off-days and exploitative working conditions of domestic workers have neither been highlighted nor attempts made to address key issues affecting their life and work.

On a more personal note, I want to share my experience with the readers which reflects the stories of thousands of women domestic workers in Pakistan who serve middle-class and upper-class households. Reliance on domestic workers is very much a part of the family setup in Pakistan as most of the families I know have domestic workers. Since my early childhood, our household has employed many domestic workers whose ages range from fifteen to sixty years. These women domestic workers have worked for my family, extended family, my neighbourhood and in my friends' households. They work in different capacities as live-in workers, who spend their entire lives serving their employers, as well as full-time and part-time workers.<sup>7</sup> My childhood memories are filled with the love and care given by our maid, Poshanae. The bond between us grew over the years and developed into an unconditional trust and confidence in each other. After my marriage and with two young children, I was finding it difficult to cope with my professional career as well as responsibilities at home. Poshanae again came to my rescue although she herself did not take up the job this time. It was her daughter and granddaughter who came to work for me as domestic workers, because

on the one hand due to her age Poshanae could no longer undertake household chores, on the other, her daughter and granddaughter needed work to support their families.<sup>8</sup> I must confess here that, despite their valuable services they were not paid according to what would be the minimum wage. There was no formal job contract or fixed working hours. At the same time despite my claim to treat them as family members, both sides have not been able to remove the ever-present barriers of class and somehow these differences continue to exist creating a distance amongst us. By claiming them to be part of the family, we exploited their loyalty and emotional attachment in addition to the physical labour for which we paid them not what they actually deserved. Poshanae's case also shows that domestic work has become an intergenerational form of labour performed by different generations of women of the same family.

Drawing upon the findings of a socio-legal study about women, law and empowerment this monograph attempts to highlight the experiences of women domestic workers like Poshanae in Pakistan. The monograph fills the gap in existing literature by providing information about the profile, nature, working and living conditions of women domestic workers. It provides a starting point towards an understanding of the situation of women in domestic service by listening to their voices and lived experiences. By using feminist legal perspectives, Islamic perspectives on women's work and legal pluralism, the present study questions the efficacy of law as a tool for empowering women domestic workers in their struggle against exploitative treatment in the workplace. It advances the argument that women's lives are shaped by sharp gender and socio-economic disparities leading to unequal power relations vis-à-vis their employers, state and society. Access to justice through formal legal system is very often contingent upon the socio-economic position of the users. Women in domestic service have to negotiate the barriers of poverty and inequality before being able to employ the law as their ally. For an effective implementation of law, it is pertinent to look into non-legal strategies so that access to justice for women domestic workers in Pakistan could be made possible. As a critique of the impact of legality, it raises questions regarding the ways in which legislation can improve the position of women domestic workers. To what extent can formal legal mechanisms provide protection to women domestic workers in Pakistan? What factors are at play that may limit domestic workers' scope for legal action? Considering the law as a discourse, what could be a future strategy for bringing about a social change in the case of women domestic workers in



Pakistan? In light of these questions, the role of the law is re-examined by exploring the relationship between law, gender, and empowerment.

Grounded theory methodology is followed to collect empirical data on domestic service in Pakistan. Semi-structured group and individual interviews have been carried out at four sites in Karachi and Peshawar, Pakistan. A few case studies have also been included to substantiate some of the major themes arising during fieldwork. Listening to voices of women in domestic service has provided an opportunity to uncover the hidden lives of women domestic workers who work in the privacy of homes. It also explores the nature of domestic service, dynamics of employer-employee relations and complexities of class, gender and multiple identities affecting these relationships.

The monograph finally argues that in the presence of plural legal frameworks formal law alone cannot empower women in domestic service. Therefore, for an effective implementation of the law it is equally pertinent to look into non-legal strategies so that access to justice can be made possible for these women.

## NOTES

1. Studies carried out in South Africa, India, Bangladesh, United States of America, United Kingdom, Thailand, Gulf countries to name a few suggest, that in developed and developing countries it is mostly women who are engaged as domestic workers. They work for extremely low wages and in unsafe, exploitative work conditions. Migration of domestic workers from developing countries to developed countries world has gained momentum in the past ten to fifteen years and compared to local workers these are comparatively educated women from urban areas. They are over-qualified as domestic workers.
2. *The News*, 10 November 2006, p. 4, and *Dawn*, 8 November 2006, p. 16.
3. 'Rapid Assessment Studies of Bonded Labour in Pakistan,' 2004. A study conducted by the Bonded Labour Research Forum in collaboration with the Ministry of Labour, Manpower and Overseas Pakistanis Government of Pakistan and International Labour organization.
4. These include All Karachi Labour and Hosiery Garments Labour Association, Working Women Forum and Fisher Folk Forum.
5. In 2001, I carried out a research study on women industrial workers in Peshawar district. The purpose of this study was to examine the extent to which existing employment legislation in Pakistan provides protection to women industrial workers and how far these women workers have been able to access justice. To assess the situation on ground interviews were carried out with women industrial workers, working in various industrial units at Hayatabad industrial estate.
6. For the first time in Pakistan the issue of domestic workers was raised by Ali, S.S. and Khattak, S. in their paper 'Domestic Servants and the Need for Legislation: The Case of the North-West Frontier Province' published in the report on 'The Workshop on Women and Employment Legislation in Pakistan 11-13 February 1993' organized by



the British Council in collaboration with the Ministry of Women Development, 1993. After that, there was a long gap and the issue was not addressed by activists and NGOs in Pakistan. Only recently in 2004 two small studies have been carried out one in Karachi by an NGO called Lawyers for Human Rights Association and another by Working Women Group a Lahore-based NGO.

7. There are three broad categories of women domestic workers (1) live-in workers, (2) full-time workers, i.e. women who work from morning till evening, and (3) part-time workers, i.e. women who work for few hours daily and perform only one or two chores like either dishwashing or cleaning or some of them work on alternate days or once or twice in a week like women who only do the laundry.
8. Domestic work as an intergenerational activity has been discussed in part three of this book.