

UNPAID CARE WORK AND WOMEN LABOUR: CHALLENGES TO "ENTITLEMENT" DISCOURSE

PANEL DISCUSSION



It is because someone takes care of our home that we are able to face the world outside. But do we give her due credit? Most often, not. Unpaid care and domestic work are essential functions of an efficient labour supply for the market, but the labour in domestic and care work itself is devalued. Can the law do anything about it? How do we recognise and reward this labour? How do we ensure dignity to these workers? We invite you to join us in our quest for answers.

PANELISTS:

1. DR. SONA MITRA, PRINCIPAL ECONOMIST, IWWAGE
2. DR. DIPA SINHA, ASSISTANT PROFESSOR, DR. B.R. AMBEDKAR UNIVERSITY, DELHI
3. DR. ELLINA SAMANTROY, FELLOW, V.V. GIRI NATIONAL LABOUR INSTITUTE, NOIDA
4. MS. VISHISHTA SAM, NATIONAL PROJECT COORDINATOR, CARE ECONOMY AT ILO.

EVENT DETAILS:

Date: Tuesday, 8th May, 2023
Time: 3 PM to 5 PM
Venue: Room No. 406,
National Law University, Delhi.

MODERATOR:

Dr. Sophy K.J.

Associate Professor and Director,
Centre for Labour Law
Research and Advocacy (CLLRA),
National Law University, Delhi.

Artwork Credits: Anujath Sindhu Vinayal

Register Here : Open for All



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PANEL DISCUSSION

ON

**“UNPAID CARE WORK AND WOMEN LABOUR: CHALLENGES TO
'ENTITLEMENT' DISCOURSE”**

Organised by:

CENTRE FOR LABOUR LAW RESEARCH AND ADVOCACY

At:

NATIONAL LAW UNIVERSITY, DELHI

On:

Monday, 8th May, 2023

About the Centre:

Centre for Labour Law Research and Advocacy (CLLRA), at National Law University, Delhi, is established to reinvigorate the constitutional philosophy of ‘decent work for all’ by ensuring dignity at work and enjoyment of equal social, cultural and economic opportunities for workers. We focus on understanding the labour policy paradigm from an interdisciplinary perspective and converse with social realities to undertake meaningful advocacy and outreach initiatives.

With the objective of bringing forth interdisciplinary areas in labour before the students and other interested participants, we organise discussions and debates on various aspects of labour. Under our *Labour Law Discussion Series*, we are organising a **panel discussion on unpaid care work and the various forms of women labour within that, including anganwadi workers**.

About the Panel Discussion:

‘...[I]f a man marries his housekeeper or his cook, the national dividend is diminished’! said welfare economist Pigou, in the 1920s, while highlighting a ‘violent paradox’ in calculating the gross national income of a country. He was referring to the national income that took into account all goods and services that were ‘actually sold for money’; thus, domestic services rendered by women for monetary gains formed part of national income, but the same services performed ‘gratuitously’ for their own families did not.¹ Unfortunately, even a century later, this exposition holds true. In economics as well as in the society and the law, unpaid care and domestic work (UCDW) is an altruistic service and not a ‘work’ with monetary or labour value.

Nevertheless, the struggle for recognition of UCDW as a legitimate economic activity gathered momentum from the second half of the twentieth century (especially in the West). It was picked up by feminist economists in the 1980s who argued for recognition of the pivotal role that UCDW played in sustaining the social reproduction of the labour force. It culminated in its formal recognition at the Fourth World Conference on Women in 1995, that called for assessing the quantitative value of ‘unremunerated work’. The stated objective was to recognise women’s contribution to the economy and highlight the disproportionate burden of such work on women.² This prompted time-labour surveys to account for UCDW around the world. A recent one in India was conducted by our National Statistical Office in 2019 that revealed that women spent 19.5% of their day, on an average, in UCDW, in contrast with men who spent merely 2.5% of their day doing the same.³

The quantitative valuation of UCDW has been a matter of judicial and policy discussions in India as well, most often, in cases of accident insurance. In this context, there was a welcome

¹ Arthur Cecil Pigou, *The Economics of Welfare* (Macmillan & Co., London, 4th edn. 1920) 43-44.

² Beijing Declaration and Platform for Action, Fourth World Conference on Women, Strategic objective H.3, paras 206(f) and 206(g) < <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> > accessed 1st April 2023.

³ ‘Time Use in India-2019’ (Report of the National Statistical Office of the Ministry of Statistics & Programme Implementation, Government of India, 2019) Table O < https://mospi.gov.in/sites/default/files/publication_reports/Report_TUS_2019_0.pdf > accessed 3rd April 2023.

intervention by the Indian Supreme Court recently when it recognised that it was a ‘problematic idea’ to hold that homemakers did not add any economic value.⁴ Yet, it is an irony that till today, the economic and labour value of UCDW is examined in such cases after the woman’s disablement or death! The question of valuation is dodged otherwise.

Until recently, the valuation of care work by a non-earning family member used to be merely one-third of the income of an earning member.⁵ The lack of rationale behind this legal logic was widely acknowledged. There have been other suggestions for valuation, such as the half income rule, the opportunity cost, or the replacement method.⁶ The criteria at the base of such valuation include age of deceased women, number of children, education level, age, services rendered, etc.⁷ Do we need to be vigilant of this evolving framework of care-work valuation? Do we need to assess the differential impact it could have on various women given their different socioeconomic and cultural locations? In other words, how do we make valuation more inclusive?

We need to think beyond valuation as well. Economic expositions do not reveal the entire spectrum of socio-legal dilemmas on care work. For instance, they do not take into account the element of ‘personal and emotional engagement’ involved in care work.⁸ How do we measure that, more so in monetary terms? Moreover, how do we call for rebalancing gender roles in the family while simultaneously arguing for recognition of women’s economic contribution through UCDW? Are we again caught in the classical ‘feminist dilemma’ of equality versus difference? Furthermore, could care work be a responsibility shared between various institutions – the family, market, State? What could be an efficient structural and policy framework for this?

The care economy has a wide ambit generally. Apart from domestic work, it may include care workers for the elderly and children, sex workers, etc. In India, as in various other jurisdictions, the care economy is also intricately linked to child rights. Women providing care to children under six years of age under the Integrated Child Development Services (ASHA *sanginis*) are also not recognised as *workers* and their services are heavily undervalued. As is well-known, this is an extension of the devaluation of unpaid care work at home, performed by women most often. Does the answer to stereotyped gender roles, then, lie in the proper valuation of and ensuring dignity and labour protection to care work?

The Panel Discussion seeks your intellectual engagement with such questions.

⁴ Kirti v. Oriental Insurance Co. Ltd., AIR 2021 SC 353, concurring opinion of Justice N.V. Ramana, para 26

⁵ Motor Vehicles Act, 1988, Sch II (repealed by Motor Vehicle (Amendment) Act, 2019).

⁶ Half income rule – unenumerated work is valued at half the income level of the earning family member; opportunity cost – the opportunity lost for paid work in lieu of unpaid care work is estimated; replacement method – the cost of paid domestic services (if it replaces the unpaid care work in a case) is estimated.

⁷ See, for instance, Lata Wadhwa v. State of Bihar, (2001) 8 SCC 197.

⁸ Nitya Rao, ‘Global Agendas, Local Norms: Mobilizing around Unpaid Care and Domestic Work in Asia’ *Development and Change* (March 2018), 7 < https://www.academia.edu/96413702/Global_Agendas_Local_Norms_Mobilizing_around_Unpaid_Care_and_Domestic_Work_in_Asia > accessed 30th March 2023. See also, Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218, para 26.

Eminent Panelists:

1. Dr. Sona Mitra, Principal Economist, IWWAGE
2. Dr. Dipa Sinha, Assistant Professor, Dr. B.R. Ambedkar University, Delhi
3. Dr. Ellina Samantroy, Fellow, V.V. Giri National Labour Institute, Noida
4. Ms. Vishishta Sam, National Project Coordinator, Care Economy at ILO.

Moderator: Dr. Sophy K.J., Associate Professor and Director, Centre for Labour Law Research and Advocacy (CLLRA), National Law University, Delhi.

Other details:

Date & time: Monday, 8th May, 2023, 3:00 pm to 5:00 pm.

Venue: Room No. 406, Academic Block, National Law University, Delhi.

Registration Link: <https://forms.gle/HbcG27r8h2zci7T97>

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