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Testimony of a Domestic Worker of Sri Lanka



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1. Introduction

This is the story of a young woman living in an estate in a remote area of the Sri Lankan Plantation Sector. The report is structured according to the guideline provided by Global Net. The name of the estate and the person are changed to secure the confidentiality.

2. Contextualization

Social protection is defined as the set of policies and programs designed to reduce poverty and vulnerability by promoting efficient labor markets, minimizing people's exposure to risks, and enhancing their capacity to protect themselves against hazards and interruption/loss of income. Social Protection also sometimes referred as 'Social safety net' and 'Social Security'. However the term 'Social Protection' has been the more common in international usage¹

The social protection system in Sri Lanka comprises three main components:

- Employment Protection and Promotion
- Social Security/ Insurance programs
- Safety Nets

2.1 Employment Protection and Promotion

The Employment Protection and Promotion system covers basically Labor legislations, Trade union rights, Collective bargaining and the related Institutions and Training/retraining of workers.

Sri Lanka has adopted a number of measures to ensure the effectiveness of the employment protection and promotion. The major ones are;

- ▲ Ratification of ILO conventions on core labor standard namely;
 - Freedom of association and collective bargaining (Convention 87)
 - Elimination of forced and compulsory labor (Convention 29 & 98)
 - Elimination of discrimination in respect of employment and occupation (Convention 100 & 105)
 - Abolition of child labor (Convention 111,138 & 182)
- ▲ Adoption of Tripartite Mechanisms for social dialogue among trade unions, employers and the government enabling an interactive process for collective resolution of critical issues in industrial relations.

¹ SRI LANKA: STRENGTHENING SOCIAL PROTECTION Part I April 2006

However, the major deficits found are; a) the trend of excessive job protection for the formal sector workers through favorable labor market institutions such as pension and wage setting institutions, which is argued that it leads to lower productivity and exclusion of vulnerable workers from formal sector jobs, b) the practice of gender discrimination in wages and c) the problem of child labor in the informal sector.

2.2 The Social Security/ Insurance Programs

The most extensive social security coverage in South Asia is recorded in Sri Lanka. It includes pensions, disability and survivor insurance, coupled with universal health coverage.

The provision of social security is largely applied to those who are attached to the formal sector since 1990s. A new scheme was also introduced to cover a significant number of farmers and fishermen to the effect of providing a package of pensions and disability and survivor insurance.

The major short comings in the social security/insurance programs are given below.

a) The benefits provided under the pension scheme for the civil servants are not extended to workers participating in other retirement schemes. For instance, the package of pension introduced to farmers and fishermen does not include all the benefits available to formal sector workers,

b) The Employees' Provident Fund (EPF) provides insufficient benefits due to low investment returns, a low pensionable age, and the lump sum payout that does not offer longevity insurance (for outliving one's savings).

c) The EPF highly depends on government financial capacity because practically the entire EPF portfolio consists of government paper, despite the fact that it is a defined contribution scheme which is self-financing by definition.

2.3 Social Safety Nets

According to the World Bank,

'Safety nets are formal and informal mechanisms that protect people against adverse outcomes of poverty. The social policy aspect of safety nets is concerned primarily with formal programs meant to provide for or substitute for income. These include cash and in-kind transfer programs, subsidies, and labor-intensive public works programs, among others. Also included are mechanisms to ensure access to essential public services, such as school vouchers or scholarships and fee waivers for health care services or for heating in cold climates'²

Social safety nets are also known as protection of last resort.

Sri Lanka has a record of introducing extensive social safety net system to address chronic poverty³. Its safety net system comprises Samurdhi, a cash transfer program to address chronic poverty;

² World Bank Institute. n.d. Washington, D.C., Background information for Social Safety Nets

³ SRI LANKA: STRENGTHENING SOCIAL PROTECTION Part I April 2006

disability payments; social welfare and care services; and disaster relief to all affected persons on the basis of the impact and injuries suffered; relief programs to assist families cope with income loss associated with drought.

The major short comings of 'Samurthi' Program are; lack of focused design to serve its objectives, lack of efficiency in identifying the poor and inadequate mechanism to help poor escape poverty. The existing social welfare and care services provide limited coverage. The disability program does not reach all poor and disabled people.

2.4 An Invisible Category of Workers.

In general, the first two categories of social protection mentioned above, Employment Protection and Promotion and Social Security/ Insurance programs are meant for the people who are engaged in some sort of employment in the formal or informal sectors. The social safety network, on the contrary, is designed to cover the people who fall outside the above two categories. Nevertheless, there are people who are employed but do not fall into any of these categories are none other than the domestic workers: an invisible category of workers.

Sri Lanka, while being progressive in adopting social protection measures has failed to adequately focus on the social protection of the domestic workers. However, at this juncture, it is important to record the legal arrangement for the domestic workers that existed under the colonial government in Sri Lanka.

The Ordinance of Domestic Servant was enacted by the Colonial Government in year 1871 and was last amended in 1936. According the Ordinance, the employer of the servant was expected to register the name of the servant (domestic worker) at the registrar's office. The registrar issued a pocket diary to the domestic servant to maintain. The Ordinance gave power to the registrar to call applications for domestic servant for registration. Those who wanted to serve as domestic servant were allowed to register themselves at the registrar office (4).

This Ordinance, though could be considered a pioneer in the process of formalizing the domestic workers, has served to maintain a kind of 'job bank' of domestic servants for the convenience of affluent especially the civil servants, rather than protecting the rights of the domestic servants.

3. Case Study: Domestic Worker

The issue of Domestic worker has become universal today. People resort to domestic works for various reasons and under various circumstances. However, the increasing trend of the domestic workers in a country is also an indication of lack of or insufficient or inefficient social protection system.

However, apart from being a source of employment for many people, domestic work is a coping mechanism for facing poverty. The situation of the vulnerable groups in the plantation sector in Sri Lanka is a typical case in point.

The story of Priya and her family reveals the circumstances that pushed them to resort to domestic work in order to ensure a square meal for the family members.

4. An ordinance to provide for the registration of domestic servants Nos. 28 of 1871, 18 of 1936.

3.1 A Child taking care of a Child

Priya is now in her mid twenties but who has the experience of working as a domestic servant from the age of eight years in about fifteen houses; within the plantation towns, in the Colombo city and abroad.



Priya

She was studying in grade three in the school in her estate, Silver Land, when her mother took her out of school and sent to a house somewhere near Kandy; a town in the plantation area in Sri Lanka. She could not remember the name of the place where she worked first.

When her mother Selvam was enquired about what made her eight year old daughter out as a domestic worker, her answer revealed another dimension of the plight of a young mother who had separated from her husband (See Box 1).

Box 1

Plight of a Young Mother who Separated from her Husband.....



Selvam

A day in the late eighties, a pregnant woman in mid twenties and holding her five year old daughter came back to her parents in Silver Land, a tea estate in Sri Lanka, at twilight. The parents who were in their mid sixties and of the opinion that their daughter lead a happy married life in Ambatenna Estate, were shocked to see their daughter standing in the door step in such condition.

It was Selvam; mother of Priya. Selvam was the second daughter of Kandasamy and Valliamma. There was a gap of eight years between Selvam and her sister Pushpam.

Kandasamy and Valliamma were employed in Silver Land Tea Estate and lead a reasonable life in the estate. They gave their elder daughter in marriage to Raja from an estate in Maskeliya region using Kandasamy 's Employment Provident Funds (EPF).

Selvam who was studying in the Silver Land school which had only up to eight standard at that time, was so proud of going to school since her friends could not continue their education after they attended age (puberty).

After some years, Valliamma also retired. Kandasamy took to some odd jobs in the nearby town to earn money to make ends meet. Time passed. Selvam who had passed grade eight, wanted to continue her education in the school in the nearby town, Pussellawa. Although free school text books and uniform were provided, Kandamy who could not afford to meet the expenditure of transport and other items, had to stop Selvam's education. Valliamma, who was suffering for bronchitis passed away before getting her EPF into hands. Kandasamy's high hope in his wife's EPF to spend for his second daughter's marriage, collapsed knowing that getting EPF of a dead person was a herculean task in the estate.

When Selvam was eighteen, her sister brought a proposal to Selvam. Thus Selvam married Rasaiah and went to Ambagamuwa Estate where Rasaiah worked.

Selvam was not recruited in the Ammbatenne estate since she had not worked in Silver Land. Her married life was not as happy as she dreamed it to be. Rasaiah was a to 'Kassippu' (Illicit liquor) addict, and behaved violently. He scolded Selvam for not earning. Rasaiah's step mother, the only relative of Rasaiah who lived in the estate also did not support Selvam owing to some grudge over family matters. Selvam tolerated her husband's ill treatment for years for the sake of her old parents who would be heart broken if they came to know about her plight. The situation became worse that Selvam being seven month pregnant, could bear it no more. One day, she left home with her child when Rasaiah went out to consume Kassippu.

The parental home situation was not receptive to her. Selvam gave birth to another girl child. Her father found it difficult to meet the needs of a lactating mother and two children.

3.1.1 Loss of Childhood

Priya's childhood was not a pleasant one. The only happy memory she had was her Grandma's affection. She remembered her by recollecting the way she fed her and brought sweet meets from the nearby bazaar.

She was sweeping the house, washing dishes, bringing things from nearby shops for the house where she worked first. However, the small children of that house let her join them at play. But the mistress scolded her for playing with her children saying,

“you have come here to work and not to play”

From that day onwards, she used to watch children playing. If the mistress is away from home, she joined them or the children sometimes forced her to join if they lacked a person. However, the mistress came to know about her playing and hit her for disobeying.

One day her mother came to see her. Priya cried and made her mother take her home. Once she came home, she went to the school. Since she was absent from school for only two months, the principal admitted her. She was in grade three. A few months passed.

One afternoon, when she came from school, she saw a woman seated in the verandah. The following morning Priya did not go to school but went to a house in Gampola, another plantation town, with the woman. It was a house where a lot of children were making beedi (Local Cigar) in an adjoining shed. Priya was happy to see those girls and was under the impression that she was also going to join them in beedi wrapping.

But she was sadly mistaken when she ended up helping a woman with cooking, cleaning the house, washing clothes etc. In addition she was asked to massage the legs of an old male relative of the mistress.

Mistress at the beginning, strictly ordered her not to go to the shed. Sometimes she went to the shed without mistress's knowledge and spoke to the girls wrapping beedi. She got caught to the mistress several times and got beaten.

Her mother visited her once a month and got some money from the mistress. She was not allowed to talk to her mother freely. “Madam used to listen to our conversation hiding behind the kitchen door” she said.

One day, when the mistress was not around, the old man, when she was massaging his legs tried to make advances to her. She did not like his behavior and started avoiding him. From that time onwards, he started finding fault with her and complained to mistress. The mistress, believing the old man, scolded and beat her for not obeying. She could not bear it anymore and asked the mistress to take her home. But the mistress did not take any notice.

Priya left the house with the help of a girl who made beedi and reached home. When her mother saw her back home, she scolded her for leaving the house on the sly.

It was more or less six months after she left school. She went to school on the following day. The principal did not admit her this time as her absence from school had been too long. That was the end of her school education.

We asked her mother why she sent such a small girl repeatedly for domestic work. She said,

“Sending my daughter to domestic work ensured that I got a couple of hundred rupees once or twice a month, which helped me to feed my younger one, and also, I did not have to worry about Priya’s food and clothing.

Though I was employed in the estate, I could not go to work regularly since I was very weak and falling sick frequently. I could not stand for long hours in the sun plucking tea with the required speed in order to be eligible for the day’s wage. As a result, I ended up with half pay wage a number of days and also got scolded by the Kangany⁵.

So I received a very limited and irregular income from estate work. I was able to manage somehow till my father was alive. After he passed away..... (She was silent for a few minutes and continued) However, I was so sad whenever I forced Priya to go for work, but on the other hand I made up my mind thinking that at least she could have three meals a day”.

The next house that Priya went to work was in Geli oya, a small town in the plantation area. Here the task given was completely different from the previous ones. She was asked to look after a child of about one and half year old, which included feeding, cleaning, washing napkins, and carrying the child. Reflecting on those days, she had this to say.

“I think, I was only nine year old at that time and very thin. The child was big and I found it difficult to carry him for a long time. The child fell from my hip several times. The madam hit me for that saying “your mother had told me to hit you if you don’t look after the baby properly”. I was so angry with my mother for giving her such advice. Now, I realize that it was a trick that madam used, to justify her hitting me and preventing me from complaining to others”

Whenever the family went out, Priya was told to wait until they returned, to open the door even if it was late in the night. An event she described was;

“One evening, the family left home to attend a function and returned at about 10.00 p.m. I had fallen asleep. The family had come and rung the bell but I did not hear. They must have waited for hours. When I woke up and opened the door, both master and madam hit me very hard. I cried saying that I wanted to go home at once. I was weeping even on the following day without doing any work. Somehow they sent word to my mother and got her down. They scolded my mother saying that giving her money and employing me was a big waste for them and told her to take me immediately. I was so happy to get back home, though my mother was scolding me throughout our journey”

Priya worked in a number of houses in the plantation area both urban rural, and also for families with all three ethnic background; Sinhalese, Tamils and Muslims, until she was thirteen year old.

3.1.2 Attending Age⁴

When she was working in a house in Kandy, she attained age and her madam took her home in her car. At home, after sixteen days, her mother invited the neighbors and performed simple rituals with the money given by madam.

Priya did not go back to work in Kandy. After a few months, the madam came to Priya’s home in Silver Land and took her. She was there for two years.

⁵Puberty

It was an up-stair house. The old mother & father lived in the upper unit and the son and his wife, with two children, lived in the ground unit. Priya was employed by the son.

Priya recollected an incident of harassment that she had to undergo over a blame of theft of a gold bangle.

“The family went in two sets to attend a function in Matale. The old couple, grand children and I went to Matale on the previous day of the function. The son and his wife came on the day of the function.

As soon as my madam reached the hall where the function was arranged, she took me aside and questioned me whether I gave a bangle to my mother because my mother who came to their home the previous day, had given her a gold bangle saying that I had given it to her.

I could not understand what she was talking about. I told her that I did not give any bangle to my mother. She threatened me to tell the truth. I was so upset to hear such an accusation, but I maintained my stand.

They went on searching for the bangle all over the house. Finally, after a week, they found the bangle at my madam’s mother’s house. They did not express any sorrow for their mistake or even inform me about finding the bangle. I got to know about it from their conversation”.

Priya left that house since the bangle issue had disheartened her. She started working in the vegetable garden in her estate.

3.1.3. Taken for Granted...

While she was at home, her uncle came home and asked her mother whether she would like to send her daughter to the house of the Estate Superintendent’s friend who lived in Colombo. Mother agreed and took her to the Superintendent’s bungalow.

Priya went with the family; father, mother and a grown up girl to Colombo. Priya had to do almost all the household chores; cooking, washing, cleaning, ironing etc. She was asked to stay in the kitchen itself during off time, not allowed to watch TV. Only place that they took her to was a Hindu temple.

She had a funny experience in this house. Priya did not have any problem with her menstrual periods from the inception. The madam usually checked with her, because entering into the shrine room during the menstrual period was a taboo according to her custom.

Priya did not get menstruation for three months continuously. Madam who became very upset about it went on asking her if she had misbehaved with any men, especially a boy who stayed next door or the men working in the Silver Land superintendent’s house, because the family visited the superintendent once a month and took Priya also with them.

Once, Priya says that she did not know the implication of not getting menstruation so could not understand why the madam was making such a fuss about it. The madam more or less tortured her to tell the truth, but did not bother to take her to a doctor.

She came home for Deepavali⁶ and did not go back to that house in Colombo. They also did not insist on her return. She said,

“May be it was an opportunity for them to get rid of me because of the menstruation issue. When I told my mother the whole story, she became furious and also started questioning me the way madam did. My mother explained the seriousness of the issue. However, after a

couple of months, I started getting my period. I wanted to inform the madam about this but I did not get an opportunity to meet her thereafter”.

Then, Priya went to work for a family in Peradeniya. The head was a staff in the Peradeniya University. After she worked there a couple of years, they sent her to one of their relatives in Gampaha. There, she had to do all the household chores, including collecting fire wood. She left that house due to heavy work load and returned to the previous family who had shifted to Heerasagala.

3.1.4. Dream of ‘Dubai Job’

Now Priya is 22 years old. When she visited her mother, she saw one of her old friends, Kala, returned from Dubai and was fascinated to see the jewelries she had brought and the way she furnished her house with big a cupboard, table and chairs, TV set, wall clock etc.etc. The idea of going to Dubai grew stronger and stronger when she talked to Kala, but her mother did not like the idea.

Kala introduced Priya to Bala who was an agent for a housemaid recruiting agency in Colombo. He met Priya and agreed to help her to go Dubai. There were three young women including Priya ready to go Dubai with the help of Bala.

At this juncture, Priya was asked why she had not joined the estate employment. She told that working in the field was too difficult for her because one should get trained from an early age to pluck tea leaves properly and speedily and also carry the weight and walk through the tea bushes. In addition, she also mentioned that the estate employment does not pay enough to renovate her house and buy furniture and other things.

3.1.5. Getting ready for Middle East

Bala, the agent took Priya and other women to Colombo to get their Passports. First of all they went to the Agency office. There was an interview. After getting her age and family background she was asked to write a letter to someone in the family as if she was writing from Jordan. Accordingly, she wrote a letter to her mother that she was living happily in Jordan. The letter taken was not returned to her.

Then Bala took the girls to a studio to have them photographed for Passport. They went to the Passport Office and handed over the applications for one day service paying Rs 2500/- each. Bala was making all the payments. The girls were satisfied with the process and had a desire to work in the same house in Dubai.

In the evening, they went to the Passport office and collected their Passport. Bala took their Passports. Finally they returned home by mid night, accompanied by Bala.

She did not return to the Heerasagala house but stayed at home dreaming of the day of going to the Middle East. One day, the madam from Heerasagala came home and took her promising that they would release her when she get the date fixed for the journey.

Three months passed. She got a message from Bala that she had to attend a training program in Kandy for 12 days. She got permission from madam and attended the training.

The Training was given in a house in the Lakeside Road in Kandy. 21 women, both married and unmarried, attended the training. It started at 7.00 am and ended at 5.00 pm.

They were taught spoken Arabic. Other subjects taught were; how to use household electronic appliance, bedding, cleaning and sweeping, child bathing and also how to behave with men in the house where they would be employed etc. A certificate was given at the end of the training.

She went back to Heerasagala house. After few months, Bala took her and the other two girls to Colombo for medical test. All returned to Silver Land with the hope that they might be called to go abroad within a couple of days. Thereafter Priya did not go to the Heerasagala house. Months passed, but no news came from the Agent.

A girl who was working in a house in Colombo came to the estate for Thai Pongal⁵ Festival. She informed Priya that her house people needed another girl and she could fix her. Priya went with her to Colombo to the house where she was working. The salary was fixed as Rs 5000/- per month. She worked for two months.

While she was working, she came to know that one of the two girls got the visa for Qatar. Priya returned home immediately thinking she also might get her visa within a day or two. But nothing happened other than her ending up losing her one month wage.

At last, she got her visa in April, 2008, which is one year from the time they initiated the process. She was happy to that her dream came through, but in the meantime was sad to leave the mother and the sister.

One evening around 6.00 o'clock, Bala came and told her that she got a place in Jordan and the flight was at 9.00 am the next day. There was not much time left for her even to bid good bye to her friends.

She borrowed some money from neighbors and arranged a vehicle to the Airport. Her mother, sister and Bala accompanied her. They reached Colombo Airport by dawn.

She went inside and attended to the formalities as per instruction given by Bala and also with the help of a few women who were also travelling in the same flight. First, she flew to Qatar and then took the Jordan flight, as she was instructed.

As she came out of the Jordan Airport, a man approached her and asked, "Nama makkad da?"⁷ She told her name. He took her to the agency house. She was very tired and thirsty but nothing was provided. However, Priya was not bothered since she was so concerned about the house that she was going to be sent.

Within an hour or so, a family, a middle aged man and a woman with a child of ten year old, came and took her in a car. They reached home by 10.00 pm. There was a Sinhalese girl called Mala.

First of all, she took Priya to the bath room and gave a bottle of lice lotion and told her to apply it in the head thoroughly. Then she told her to remove all her clothes and checked whether she had any skin problems. This was done under the close supervision of the madam.

Then madam gave a dress for her to wear when she came after bath. Mala gave her a kind of 'rotty' with jam and butter and a cup of tea. Once she finished eating Mala showed her a bed to sleep.

Mala had been working there for three years and had decided to leave for home. Mala left after coaching Priya for a week. Priya did all the work that Mala had done except cooking. At the beginning itself she informed the madam that she did not know cooking. Though the madam was disappointed she had no other choice but to keep her.

3.1.6 Work routine

⁶ A Tamil Festival

⁷ What is your name in Sinhals language3

She had to get up by 6.00 am and do her personal work and go to the main house at 8.00 am. The madam who cooked, gave her plain tea and a biscuit.

Priya started cleaning the house; sweeping, mopping etc. until she got the breakfast around 10.00 am. If visitors were there she got her breakfast around 11.00 am. Madam cooked thrice a week, packed cooked food in boxes and stored them in the refrigerator.

Preya continued work after having breakfast and finished one set of work by 2.30 pm. Then she had to attend the children who came from school. She had her lunch usually by 4.00 pm.

She did not eat beef so she was given only rice cooked with oil and salt, which is made only for her. Vegetable was given if that was about to get stale.

After lunch, she washed the dishes and cleaned the kitchen and then ironed the dried cloths etc.

The family normally does not take dinner. She is given dinner (Rotti) by 9.00pm. On festival days she got good food. She was off work by 10.00 or 11.00 in the night.

She was scolded for working slow, wasting things and not attending to heavy works. The family always scolded her for not being efficient as the previous maid.

The madam took her to the agency in Jordan and complained that she was working slow. She suspected that Priya was purposely working slow since the money given was not what was agreed.

However, the agency warned her to do the work as expected otherwise, she had to face the consequences such as salary cuts or sending her home taking penalty. Then, madam took her home.

3.1.7. Sending Money Home

Priya was allowed to dial her mother from the telephone line on the second day of her arrival. She tried but failed to get the connection. She sent four letters but no reply was received. She gave the letter to the master to post it. She was not quite sure whether he did not post the letters or the letters were not delivered to her mother by the estate because 'letters missing' was frequent in the estate. In fact, she was highly worried. Five months passed. One fine day, Priya got a call from her mother and came to know that it was her fourth letter that reached mother. Mother asked her to send money and she sent 300 US\$ through the master.

Priya was disappointed with the recruiting agency for giving false promise of a higher salary. She was told in Sri Lanka, that she would get 15,000/- per month. But she was given only 100 US\$, which was then equal to Sri Lankan Rupees 10,000/-.

Although her salary was given to her by the house owner at the end of the month, she wanted him to keep it for the purpose of safety. The owner marked the amount in a book and got her signature monthly.

Her mother called her once in three months and asked her to send money. When Priya was interrupted by asking whether she was aware of what was happening to the money she sent, she suddenly became gloomy and said,

“Mother used to call me once in three months and ask to send money and I sent 300 US\$ at a time. I told her to use a portion for the family needs and deposit the rest in the bank as a saving. Sometimes, my mother said that she spent the entire money on house repair or settling loans. I did not think of questioning her in detail. However, I was so confident that she would keep some money for me when I returned home”

We could understand her disappointment and the deep sorrow from her eyes that were filled with tears.

3.1.8. Returning Home



Priya's Kitchen

Priya almost completed her three years contract. She started counting the days to return home. She wanted to buy a mobile phone and the master took her to a shopping complex. It cost 100 US\$ so she gave up the idea of buying one.

On the day of leaving, the house owner gave her 500 US\$ and explained the salary particulars and got her signature. The total salary that she had earned for three years was 3600 US\$. The amount sent to her mother was 3000 US\$. 100 US\$ was deducted saying that he had given it to the agency for getting her. In addition, he gave another 500 US\$ for attending to some extra work when the house was renovated. Priya was left with only 1000 US\$.

When she was asked whether she got any extra money or gifts from the other family members, she said giggling,

“The madam gave some old clothes and an old bag. Madam’s mother gave me a broken wall clock but I refused to accept it”

At the Airport she met a few house maids who were returning to Sri Lanka. She did not have any problem to attend the formalities in the Airport. They landed in Sri Lanka at 4.00pm. She bought Toffees for 100 US\$ at the duty free shop. Her mother, sister and a cousin received her at the Airport.

At Silver Land, Priya greeted her friends and relatives who visited her with the toffees, the only thing that she brought from abroad.

She did not divulge to her mother the entire money that she brought. She visited the family in Heerasagala where she worked earlier and got the remaining 900 US\$ changed into Sri Lankan currency and gave them 50,000/- to deposit in the Bank. She does not know in which bank they have deposited the money. However, she thinks it is in the safe hand.

With the balance money, she settled the loans that her mother had borrowed for family needs and the transport cost to Airport trip etc. It did not take much time for her to spend the balance money. The glamour of a Middle East returnee started fading away.

Priya was deeply hurt that her mother did not save any money for her. She had spent three hundred thousand for house repairing, taking electricity connection and buying furniture like cupboard, table, chair and TV.



Priya with her Mother & Sister

Priya now had no other option than going to the vegetable cultivation. A co-worker in the vegetable cultivation helped her get the present job in a idol making enterprise in the town.

Priya is given three thousand a month as a starting salary. The owner has said that he will increase it as she progresses. However, Priya is now left with three alternative options; continuing the present work, joining the estate work when the estate management recruits workers and going again to Middle East as domestic worker. She knew the advantages and disadvantages of each option. She shared her thoughts.

“My mother is insisting me to get married to a young man who is interested in me. He tells me to join the estate work. But I am not interested in marriage until I am prepared for it. I believe a woman should own some jewelries and good clothes in order to have some dignity when she goes to her husband’s house after marriage. I wish I should have these. I very well know the estate employment is not going to pay me enough to meet this expenditure. So my problem is how I am going to convince my mother as well as the person who is interested in me”.

In fact, Priya is in serious dilemma.



The Cane Tea Basket

3.2. Observations

The case of Priya from the social protection point of view consists of mainly three dimensions; child labor, lack of access to Safety Net that government offered and vulnerability of the domestic worker

3.2.1 Child Labor

The ILO conventions on core labor standard, which was rectified by Sri Lanka Includes; Abolition of child labor; the Convention of 111,138 & 182.

The constitutional safeguards to protect the child rights in Sri Lanka are

- The Article 27 (13) Constitution of Sri Lanka, 1978, the State pledges to 'promote with special care the interest of children and youth so as to ensure their full development, physical, mental, moral, religious, and social, and to protect them from exploitation and discrimination'.
- Amendment to the Employment of Women, Young Persons and Children Act (No. 47) 1999, states 14 years as the minimum age for employment of children

The International Program on the Elimination of Child Labour (IPEC) defines the child labor as follows.

The term 'child labor' is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children and which interferes with their schooling by:

- depriving them of the opportunity to attend school;
- obliging them to leave school prematurely; or
- requiring them to attempt to combine school attendance with excessively long and heavy work.

In Priya's case none of the above arrangements came to her rescue. She had been deprived of her childhood by being forced to work as domestic worker from the age of eight; the opportunity to play even in the houses where she worked; living with her parents; getting parental love and care and associating with peers. On the above, she was also subjected to physical violence; mental torture; humiliation; accusation of theft and sexual harassment.

Compulsory education up to primary level is a legal enforcement in Sri Lanka. However, such enactment becomes ineffective when a person like Priya is taken out of school.

The school management is helpless even though it is fully aware of the reasons for removing the children from school. In Sri Lanka, though the free uniform and school text books and mid day meal have been introduced to address the issue of poverty, children like Priya are far below to gain even such safety measures because of the family situation.

3.2.2. Lack of access to Safety Net

The plight of Priya is in fact is rooted in the plight of her mother Selvam.

- It is the vulnerability of a young mother who was estranged with two children that had forced an eight year old Priya to be employed as domestic worker

The above phenomenon reveals the extent of poverty a mother like Selvam experiences in the Sri Lankan Plantations.

The Sri Lankan plantations that thrive based on the higher productivity of women workers for comparatively low cost, hardly ensures a safety net for a woman who becomes a single head of the family.

Although Sri Lanka has a record of introducing extensive social safety net to address chronic poverty, the plantation people have not been adequately covered by those programs.

For instance, the plantation people including the unemployed were exempted from getting Janasaviya program (which was introduced in the mid eighties) on the ground that they are ensured with employment in the plantation industry. The 'Samurthi', the succeeding poverty alleviation program also has a limitation in reaching all the needy people in the plantation.

Plantation community in Sri Lanka is considered to be the major supplier of domestic workers, especially for child workers because opting for domestic work is primarily a coping mechanism rather than an employment to a greater extent.

For instance, the plantation employment system in Sri Lanka is still governed by the system of daily wages. The income of the plantation workers is generally calculated based on the number of days work offered by the estate management and the rate of wage for a day. The statistical analysis on the income of the plantation workers usually gives a colorful picture. But in reality, there are a number of factors both internal and external which come into play to determine the income of the workers.

The main determinant factor is the ability of the workers. In other words, the number of days that a worker is able to work out of the number of days work offered by the management. In fact, the number of days a worker could go for work depends on his/her physical fitness, the climatic conditions, their commitment in the family, social and religious festival obligations and so on.

In addition, the seasonal variations, that affect the growth of tea leaves which causes a fluctuation in the number of days work offered, also come into play in this process. During the low growth season the number of days offered is lesser compared to high growth season. Hence, people are compelled to look for alternative income to cope with such fluctuations, and, in such case, it is the children who get first victimized.

It is worthwhile to note that how far a person like Selvam becomes vulnerable in the above situation. According to her statement, Selvam could not benefit from the total number of days work offered by the estate management during the high growth season because she was physically unfit to go for work every day and also on time since high growth occurs during rainy season. As a result she had to end up with lesser number of days worked even in the peak period, which on the other hand had resulted in low income.

During the low growth season too, Selvam could not benefit from the total number of days offered but for a different reason. During low growth season the women need to cover plucking vast extent of tea field in order to reach the stipulated kilos of green leaves to be eligible for day's wage⁸. In fact, the severity of the hardship is acute during the low growth season. Despite the low number of working days offered, women like Selvam who are unable to cope with the climatic conditions end up with low income which on the other hand, push to them look for alternative to manage the expenditure.

3.2.3 Vulnerability of the Domestic Worker

The women, who opt for domestic work either locally or abroad, hardly get what they have dreamed of. Many of the domestic workers experience exploitation, violence and sexual harassment/ abuse in one form or another.

In the case of remuneration, in Sri Lanka, Priya received regular salary to her hand when she was working in Colombo and Heerasagala only. Prior to that, her mother received the money. In certain places, she even did not know what her salary was.

In Jordan, she believes, she was cheated by the agency. She was not paid what she was promised and the employer also cheated her by deducting the money that he paid to the agency from her salary. So she was doubly taxed. Since she did not have any written document, she could not verify with the agent in the hosting country.

Working hours is another problem that she encountered in all the places. In Sri Lanka, there was no system followed. It was more or less a double day; getting up around five am and going to bed by ten or eleven, depending on the number of the family members and the volume of work that she had to do.

The recruiting agencies keep the passport of the women who have registered with them until they go to the Air Port to fly to the host country. In between the women are not aware what was happening to their passports. When Priya was at the Jordan Immigration, she was asked whether she had travelled to Lebanon by looking at the Passport. She was confused though she denied it. When her passport was examined, there was another country's seal but she could not understand what was the country because it was in Arabic. Though it was not clear in Priya's case, one cannot deny that there is a room for misusing passport.

4. Advocacy Strategies of Trade Unions and Social Movements

Sri Lanka is one of the major suppliers of domestic workers to the Middle East countries. According to a recent data over 1.5 million employees migrated to the Middle East countries and among them 66% were women (10). Apart from migration of domestic workers to Middle East Countries, the local market for domestic workers also had increased in Sri Lanka since the introduction of liberal economy 1978. The middle and lower middle class families are also employing domestic workers in order to cope with the workload of the households and it has become a trend especially after the 1980s.

There are three categories of domestic workers employed in Sri Lanka.

- ▲ In-house domestic workers
- ▲ Day domestic workers
- ▲ Part time domestic workers.

The in-house domestic workers are mainly employed by the affluent families. The day domestic workers and part time domestic workers, mostly employed by middle or lower middle class families. In some cases the middle class families too employ in-house domestic workers, mainly for the purpose of looking after the children.

The in-house domestic workers are mainly from plantation and rural sectors. The part-time and day domestic workers are mainly recruited from the slums in the urban areas. The in-house domestic workers are monthly paid and the part time and day time workers are daily paid. The day workers wage varies from 250 SLR to 300 SLR (per day) while part time workers are paid according to the task. The in-house workers monthly wage varies from SLR 3000 to 6000.

Hitherto, there has hardly any scientific survey been made on domestic workers, except a few studies conducted by NGOs in particular regions or communities. According to the available sources, that altogether about ten thousand domestic workers are employed in the major cities in Sri Lanka.

10. Annual report 2009, foreign Employment bureau

Similar to other countries, in Sri Lanka, the domestic workers are not recognized as workers and they are also not organized. It is an employment where no contractual arrangement between the employer and employee is made and also no adequate legal protection is provided.

With the call of the International Labor Organization (ILO) on convention on domestic workers, the Trade Unions, and NGOs have started a process of concentrating on the issues of domestic workers. The NGOs advocate the issue of the domestic workers by organizing workshops and discussions among the stakeholders. Further, NGOs and Trade Unions jointly held workshops and submitted the recommendation to the proposed ILO convention on domestic workers.

The National Workers Union (NWU) in Sri Lanka is the first organization which proposed a need for an Act for the migrant domestic workers and submitted a Shadow Act to the government of Sri Lanka in 2008. However the government has taken no action on it so far.

The National Workers Congress (NWC) conducted a full day seminar to coincide with the United Nations 'World Day for Decent Work', at Colombo with a large number of domestic workers drawn from various parts of the country. It formulated a draft legislation covering the protection and facilitation of the domestic workers and the draft legislation was submitted to the Labor Department and to the International Labor Organization for consideration and comments¹¹.

However, a few NGOs and Trade Unions organized a number of workshops in response to the call of ILO on the issue of domestic workers. In the year 2009, for instance, the Institute of Social Development (ISD) organized a workshop on the proposed ILO conventions. The workshop was held on 6th August 2009 in Hatton, a hill country city of Sri Lanka. The organized sector plantation trade unions and the NGOs were invited for this workshop and the questionnaire submitted by ILO was taken up for discussion. Finally the questionnaire was administered at the workshop and the outcome was submitted to the ILO.

The Ceylon Plantation Red Flag Union and Red Flag Women Movement organized another workshop on the issues of domestic workers on the same day in Colombo in which the Commissioner of Labor and the Colombo based organized sector trade union leaders participated.

As a follow up, the Institute of Social Development held a number of discussions with the domestic workers in collaboration with the Working Women's Front. It took some advocacy efforts among the trade unions to mainstream the issues of the domestic workers. However, the vital question emerged in this process was defining the domestic works/ workers and the employers. Non-permanency of the employment and the state of confusion in identification of the employer among the family members especially between husband and wife are the major constraints faced in arriving at a universal definition.

Although there was a common understanding on the need for organizing the domestic workers among the stakeholders, different views were put forward regarding the structure of organization that would suit them. Some trade unions were of the opinion that the domestic workers should be mainstreamed under the trade union structure, while others took a decision to mobilize them under an association. The Lanka Jathika Estate Workers Union that belongs to the latter group took a step forward to register an

11. Asian tribune 2008

association in the name of domestic workers. The ISD, one of the pioneers, has already started the process of organizing the domestic workers under the Working Women's Front.

5. Conclusion

Despite the all the constitutional safeguards and ratifications of the conventions with institutional arrangements, there are children without of the ambit of child protection. Children cannot be looked in isolation. They are part of the family and hence measures need to be worked out for ensuring at least the basic rights of the children of the family in extreme poverty.

The vulnerability of women especially when they are to lead the family single handedly compels them to take advantage of their children even at their early childhood. It is natural for a mother to prioritize the survival of the children. While the available safety net provisions extended to the plantation people, the estate management should also be made to adopt workable arrangements for protecting this category of people.

The plight of domestic workers needs to be addressed from the legal point of view by passing legislation to give domestic workers the status of 'real workers' to have lasting solution for which primarily the working conditions, wages, duration, good practice, leave arrangements etc need to be formalized.
