



THE TAMIL NADU DR. AMBEDKAR
LAW UNIVERSITY



NATIONAL INSTITUTE OF DISASTER MANAGEMENT (NIDM)



TACKLING DISASTERS & PANDEMICS



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UNPAID CARE WORKERS: UNSUNG WARRIORS OF DISASTER MANAGEMENT

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ABSTRACT

In the employment sector women work proportionately higher than men in the informal economy which includes unpaid care work. Women have continued to do such work, putting their health and dignity in peril without getting due recognition. From 2019 the COVID 19 pandemic has worsened the condition of women at home or at work place in the field of care work. Personal protection equipment kit designed and provided to women was found to be deficient both quality and quantity wise. The reasons being, the PPE kit, masks and covers were initially sized using the default size and the need of a man, which were not equipped enough to protect women care workers. This pandemic situation being sudden and catastrophic in nature added to the peril with the problem of understaffed and resource-constrained environments that escalated emotional stress and higher risks of infection and transmission. The lack of recognition of the care work both socially and economically in a society has worsened the condition of women especially, who work as unpaid care workers at home. There is a need to recognise such efforts as 'work' and provide its due dignity. The study is to identify the requisite transformation, and the need of social and legal recognition and quantification of unpaid work as in majority of the cases work rendered by a woman in a family with special regards to the COVID 19 pandemic.

Hence, the study is entitled, 'Unpaid care workers :Unsung Warriors of Disaster Management'

Key Words: Unpaid care worker, Women, Covid-19

INTRODUCTION

The term 'Work' is understood as any form of activity involving mental or physical effort done in order to achieve a purpose or result¹. If it is to be remunerated it comes under the category of job of an individual, for which he/she is paid for. As individuals, there are certain works which are done and no remuneration is paid for the same. The question under the study is that when and how that nature of unpaid care work amounts to exploitation or violation of Human Rights and thereby needs immediate attention of the law makers. According to Organisation for Economic Co-operation and Development (OECD) unpaid care workers are the persons in a family who are involved in voluntarily taking care of the members of that family². Such activities are performed in majority of the cases by a woman at home and it is becoming a cause of discrimination in employability, wages or dignity of labour that justifies the need for it being regulated with dignity. If any such step to be taken by the regulatory authority, the justification for the concerned issue is required to be supported by relevant statistics. It helps the State to identify the exactness of the issue under consideration and thus contributing in the efforts of member States to achieve decent conditions of labour through its regulatory mechanisms. The ILO Bureau of Statistics is undertaking this process of collecting data with the support of its member countries. There are many social and legal impediments in the path of validating the work of all such unsung warriors who are the unpaid care workers of a society. This issue requires immediate attention for being regulated and it is possible only when the people get awareness of the same.

UNPAID WORK

In general, unpaid work is regarded as women's natural work. She performs for the family and also it is not regarded as work which is

contributing to the economy of a society. It is presumed to be unskilled and thus has no social or legal recognition. The basis of the obligations of a person to perform such work is considered as moral duty and love. This idea emanates from the dominant reflection of the patriarchal structure of the society where male is considered to be the bread winner of the family and hence he does the work which are outside the household chores and his service is remunerative. Female being considered as caregiver is confined to her close network of family responsibilities which has the characterisation of being natural and non-remunerative labour.

UNITED NATION-WOMEN

The study undertaken by the UN Women under its agenda "Progress of the World's Women-2000" persuaded for the need of taking a fresh standpoint with the aim of ensuring women's rights, especially with reference to their economic security and its governance in order, to ensure the recognition of their human rights. The report reveals that the enormous amount of such unpaid care work done by the people requires immediate recognition. Such unpaid work is not only taxing the individuals but they spend almost 4.5 hours for care work, more than any other remunerative work. Further, such nature of work is consuming energy of that individual throughout his/her life under the understanding of household production and reproduction duties. This affects such a person's ability to enter and sustain or remain in the labour market of economic value as described by the United Nations System of National Accounts of 1993 (SNA) to be SNA production boundary.

NATIONAL CENSES

The data collected for national census in the year 2001 in India categorised individuals doing work in a family like cooking, washing clothes and ironing, fetching water from community well or river, fire wood collection from forest, bringing up children and taking care of old and sick people at home under the same footing such as prison labour as part of their punishment, beggars, prostitutes and rentiers as non-

concerned is the gender bias against women in the efforts of the women in majority of households in the patriarchal society. This situation obviously raises the question whether the national census definition of "work" reflects the very underlying process of gender discrimination in evaluating its value and undermining process of labour.

JUDICIARY ON UNPAID CARE WORK

The factor of gender based discrimination in the unpaid care work is an essential contributor in the study of regulations effecting labour force participation rates, quality of employment, and wage determination. In United Kingdom, in the case of Mehmet v. Perry⁴, the apex court while deciding about the loss of intangible benefits for loss of wife or mother or father or son under the dependency claim, justified the quantification of loss of future service under the same grounds as in the case of quantifying future financial loss.

In Rajam V. M. Manikya Reddy⁵, Justice M. Jagannadha Rao, in the Andhra Pradesh High Court advocated the need of interpreting the term 'service' as wide as possible, while compensating the dependants. In this case the interpretation of the word service, recognised the economic value of the house hold chores. This development and recognition is very vital to the changes for giving economic value for the work done without gender discrimination in a patriarchal society where the work done by a male and female is unjustifiably pre-determined.

In Rakesh Kumar vs. Prem Lal⁶ the High Court discussed the justification in quantifying the unpaid work of a woman in any family and further as to how the income of the house wife has to be assessed. The Court was in full agreement with the proposition that the children and husband of the deceased are entitled to compensation on the ground of the loss of the services of the deceased, which were no doubt gratuitous, for the reason that the members of the family can replace such gratuitous services only by incurring expenditure.

unpaid care workers value for the work done as unpaid care work and such as wife, daughter or mother in a family cannot be quantified.

In *Sher Singh vs. Radhika Singh* case, the National Commission for High Court reviewed the decision of the husband towards the dependency on the house wife at Rs. 400/- per month. The husband and estimated the Rs. 18,000/- per year. Further the court said that, it is very difficult to understand how the care work of a mother or wife can be calculated in terms of a payment given to a maid if appointed for the same work.

In the *National Insurance Co Ltd v. Dinesh Kumar*, the Division Bench of Madras High Court in a case for the award of compensation, considered its decision as per the International Bill of Rights for women. This bill is also called as "Convention on the Elimination of All Forms of Discrimination Against Women"¹⁰ which insists that, there is immediate need of quantifying the services rendered by women in a family which is understood widely as domestic work integral to the women in any family. Further the said Recommendation no. 17 held that, it needs to be given its due recognition in every nation's GDP.

This case is considered as a landmark case in giving value to the unpaid care workers services with a lot of deliberation undertaken as reflected in the judgement. The Court formulated various methods to calculate the monetary value of the unpaid care work such as to understand the concept as "opportunity cost" equated as the money the person involved in unpaid care work would have earned if employed in a job with economic value. Further, as per "equal economic partnership method" quantification of such work rendered can be calculated in terms of half the value of the husbands earnings. Another method being the "Replacement method" whereby calculating the cost of the service rendered with a paid service of the same nature. The Court also recommended the need for amending the provisions of the Motor Vehicles Act and Matrimonial laws in India in case of compensating the loss of dependency and care due to the death of a woman in a family.

Any such amendment would also be constitutionally viable as per Article 15(1).

Further in *Arun Kumar Agarwal vs. National Insurance Company* case, Supreme Court of India elaborately dealt with the subject giving monetary value to the unpaid work of wife or mother in a family. The court justified calculating *notional income* in awarding such compensation. This change is the need of the time as India has also ratified CEDAW on 9th July 1993 which insists upon the signatory countries to quantify the unpaid work done by women at home.

COVID-19 AND UNPAID CARE WORKERS

The role of unpaid care workers in disaster management can very well be understood with reference to the environment created due to the pandemic Covid-19 has raised this concern specially with reference to the unpaid care workers. As people were confined to the house due to lock downs and its related restrictions. The household work to a large extent is considered to be an integral part of family member's duty and not just to be confined to a particular gender in a family. The effect deepened economic and social stress around the world with restrictions in movement, the physical and social isolation measures. The Household work such as cleaning, washing, cooking, shopping, providing care for elders, infants and children, care for the sick people are an integral part of work in any society which consumes time and energy of the person performing the said work, but are not remunerative in nature that directly contributes to the Nations GDP. The unpaid work that provides for the sanitation, health and hygiene such as cooking and cleaning for everyone in the family irrespective of age and health condition is considered as unpaid care work.

COVID-19 pandemic has affected women and men differently in the world of work. With reference to the Unpaid care work, there are specific challenges faced by women in the family. The reason being that the care work includes taking care of elderly and sick persons at home, along with that they were burdened with regular office work. Further, during

this two years of Covid-19, the frequent restrictions and lockdown has increased the crime rate especially with reference to domestic abuse/ violence. The restricted atmosphere ensued social togetherness 24/7 which led the victim in a domestic violence to be with the abusers at home. The support services were also due inaccessible to lockdown and as such during these two long years, National Crime Records Bureau (NCRB) data proves that domestic violence proportionately increased in the society¹².

HEALTH IMPACT-WHO (2019)

The need for gender equity in health care is justified in the report analysis of data on health impact of COVID 19 undertaken by World Health Organization (WHO) in 104 Countries. It is reported that, women and girls, including those in refugee camps and settlements for internally displaced people (IDPs), as well as in remote and rural communities had very limited access to education and therefore there is resultant low levels of pandemic literacy with drop outs among women and girls. The resultant impact of it is that they are not having access to public health messages in relation to the prevention and medical information on COVID-19. The Health pandemic is reported to be more in case of women and girls. Further the contributing facts being that, the treatment and health services are multiple or intersecting inequalities on the bases of ethnicity, socio economic status, disability, age, race, geographic location and sexual orientation that also influences access to critical health services and its information. There is an additional need for diversion of attention of health care services due to the huge increase in the cases of maternal mortality and morbidity, increased rates of adolescent pregnancies, HIV and sexually transmitted diseases during the pandemic and lockdown. All these facts justify the immediate need to value the work of women in family along with the above factors contributing to their vulnerability.

UNITED NATIONS ORGANISATION-UNPAID CARE WORKERS

The UNO called for immediate need of the policy measures to alleviate the care burden and redistribute it between women and men, and between families and public/ market services. It is basically to consider work into a new, inclusive care economy that works for everyone without any gender discrimination. This will in turn enable women and girls to be at the centre of economies and will fundamentally drive better and more sustainable development outcomes for all, support a more rapid recovery to achieve the Sustainable Development Goals.

CONCLUSION AND SUGGESTIONS

The study of unpaid care workers as the unsung warriors in disaster management identifies the immediate need for recognising their contribution and giving a dignified recognition for their labour. It is possible only with prioritizing investments in and giving access to basic accessible infrastructure and public services. There must be some special exemptions, to treat the unpaid family caregivers as that of any other frontline workers and providing them with the support and equipment necessary to do their jobs safely. There is need for preparing unpaid caregivers and community health workers with information, training, adequate equipment and livelihood support to respond to the COVID-19 pandemic effectively. Thus, State has to expand and provide inclusive social protection for caregivers to mitigate the effects of the overload of unpaid care work by introducing the value based paid family leave and sick leave. It has to ensure that COVID-19 does not reverse the gender equality progress achieved in recent decades, in particular with regard to women's participation in the labor force. Both the immediate response and long term recovery efforts is the need of the time as the unpaid care workers will be the hardest hit by any such pandemic situation and their strength will be the backbone for recovery in communities and thus their voices must be on the front lines and form the base of response in any disaster management and planning.