

The Role of State Governments in Protecting Domestic Workers and Women's Domestic Workers

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Abstract:

As a direct result of the widespread preference for nuclear families, there is a strong need for domestic labor within the domestic sector. The income that domestic workers received was low, they were exposed to discrimination, and they were exploited to a significant degree while they were working. In addition, companies did not pay extra remuneration for the additional labor that was necessary. Because they lacked a social network and a support system, the domestic workers were unable to fight back against the exploitation they were subjected to. Poverty and unemployment are the factors that have made it feasible for women to enter the informal sector of the economy. All of these factors have contributed to the development of the route. Women who originate from low socioeconomic origins, have a low level of education, and are illiterate are those who are forced to work in domestic labor. This is a job that is imposed upon them. This is due to the fact that they do not have any other employment opportunities open to them. It has been noticed that the number of women finding employment in the unorganized sector is increasing on a daily basis, notably in the sphere of domestic and home labor.

Keywords: Protecting, Domestic, Workers, Governments

INTRODUCTION

Due to the fact that the meaning of the word "domestic work" might change greatly depending on the geographical and cultural surroundings, the International Labour Organization believes it probable that the definition of the term could vary from one country to another. This is because the phrase "domestic work" could signify something different in different countries. Whatever the situation may be, this statement is of the highest relevance for the International Labor Organization (ILO) since it bestows value and dignity onto the activity that takes place in the labor market. Additionally, there are other countries that make use of terminology such as "household worker" or "private home worker," all of which are equally legitimate in accordance with the legal framework of the International Labor Organization (ILO), supposing that they recognize the activity as a job. Contrary to these practices, other countries use terms such as "maid" or "domestic servant," which suggest a type of submission on the part of the worker, while others use terms such as "household helper" or "household aide," whose disadvantage is that they diminish the importance of the concept of worker and consequently tend to devalue the nature of the occupation.

There are some variances in the occupational categories that are included in the definitions of domestic employment, as well as numerous variations in the method in which these categories are presented within the various national laws, as shown by the results of this research. Additionally, there are some discrepancies in the definitions of domestic work.

The Domestic Workers Convention (No. 189) defines domestic labor as "the work performed in or for a household or households³⁴." This definition applies to all types of domestic labor. Article 1(a) of the treaty has this definition, which may be found there. The term "domestic work" encompasses a wide range of responsibilities, including but not limited to the following: cleaning the home, preparing meals, washing and ironing clothing, caring for children, elderly or ill members of the family, tending to the garden, providing security for the house, driving for the family, and even taking care of household pets.

Types of Domestic Workers

The phrase "domestic labourer" refers to those who are engaged by their employer to carry out a variety of obligations and activities related to the home. These responsibilities include, but are not limited to, the following: cooking, laundering, dishwashing, cleaning, obtaining vegetables or other needed things, and providing care for children, the elderly, those with disabilities, or ill members of the employer's family. The work schedules of domestic workers might range from part-time to full-time. It is possible to classify the domestic workers into the following categories, taking into consideration the nature of their employment and the amount of time they spend working:

- 1) Part-time workers are those who work for one or more employers for a certain number of hours each day or who do activities that have been set for each of the many employers on a daily basis.
- 2) People who work for a single employer on a daily basis for a certain number of hours (often a full day's work) and then return to their homes at the end of each day are considered to be full-time workers.
- 3) An person who works full-time for a single employer and also stays on the premises of the employer or in a property that is furnished by the employer (which is situated in close proximity to the employer's house) and who does not return home each day after work is considered to be engaging in the practice of live-in employment.

Additionally, there are many classifications of compensated domestic workers, which is like adding salt to injury. In the field of domestic services, employees who are deemed to be "part-time" or "live-out" are those who put in a certain amount of hours on a daily basis. Maybe they are working in a single house, or maybe they are working in a number of different homes. The individuals who are deemed to be "full-time" or "live-in" domestic workers are the ones who are the ones who dwell with the household. In exchange for their assistance, the family provides them with the opportunity to reside in their house, provide them with nutritional support, and pay them a minimum income. There are a number of notable similarities that exist between them and the independent contractors. Additionally, they are a part of the family and live with them on a full-time basis. On the other hand, they are employed via organizations that provide domestic aid opportunities.

Child Domestic Workers' Classification

In the intention of providing them with a more favourable life and a secure environment in which to raise their children, it is standard practice to move children who are working in domestic labor from their

hometowns to metropolitan regions. This is done in the hope of providing them with a pleasant existence. As a result of the fact that they reside with the employer, the majority of the time, these children do not get any kind of pay. As a substitute, they are provided with food and clothing in return for the contributions they make. Neither holidays nor educational possibilities nor leisure pursuits are available to the employees.

Furthermore, there are those who are employed in the help of homes on a part-time basis. For a monthly pay, these women or children are responsible for cooking, cleaning, and washing once or twice a day. They are also responsible for cleaning. They face obstacles that are equivalent to those that their full-time colleagues face, despite the fact that they are rewarded very well in comparison to their full-time counterparts.

Chance or Choice in Domestic Work

Generally speaking, the majority of women who work in domestic service are engaged in this role because of the financial conditions they are worked in. They were forced to suffer poverty, which is one of the key reasons why many women from low socioeconomic backgrounds, particularly migrant women, chose to work in this sector. This is especially true for women who have been forced to work in this business. Because they do not have any other alternatives open to them, women who have a low level of education or who are illiterate are compelled to pick this line of work because they do not have any other choices available to them.

Women who relocate from rural and tribal communities to metropolitan areas often choose to work in domestic labor in order to fulfil their needs and provide for their family. This is because domestic labor is the only job option available to them. It has been discovered by the National Domestic Workers Movement (NDWM) that the following socio-economic factors are the ones that encourage a person to choose domestic work as their occupation, particularly for women who work in domestic labor. This is especially true for women who work in domestic labor. As a result of interpersonal disputes among their families, poor treatment, and the passing of their parents, they decide to leave their positions as domestic workers. The aforementioned elements are the reasons why they decide to quit their occupations.

Reasons For Starting A Domestic Job

There are a lot of causes that might be responsible for the increased need for domestic workers. These aspects include the instability of the economy and the increasing precariousness of employment that is occurring. There are a lot of different types of servitude that have contributed to the necessity for domestic labor in today's culture. These types of servitude include slavery, colonialism, and other kinds of servitude. It is possible that a number of distinct factors are responsible for the rise in demand for domestic workers that has occurred over the course of the last few years. There are a lot of factors that contribute to this issue, including the increasing number of women who are participating in the labor market, the aging of societies, the intensity of work, the absence of suitable public care facilities, and the absence of regulations that allow for work-family forgiveness.

A social activist with Nirmala Niketan, a non-governmental organization (NGO) that works with domestic workers, Pratchi Talwar, said that "many resort to domestic work because of the decline of

employment opportunities in the agriculture and manufacturing sectors." Nirmala Niketan is an organization that works with domestic workers. Pratchi Talwar supplied DW with this information and notified them of it. Furthermore, she went on to say that domestic workers are deemed to be vulnerable owing to the fact that they do not have any formal protections, such as unions, to protect them from adverse conditions.

OBJECTIVES OF THE STUDY

- 1 The first objective is to investigate the socioeconomic features of domestic workers from both a national and a global perspective.
- 2 To grasp the demand for social security among domestic workers.

The Status of Migrant Women in Domestic Work

Those women who originate from low-income households or communities that are disadvantaged, as well as those who have restricted job possibilities, make up the majority of those who enter the workforce. Their employment opportunities are limited. It is possible that individuals will be exposed to discrimination on the basis of criteria such as their gender, caste or class, colour, or ethnicity. The notion that women are the ones who are responsible for responsibilities like as cleaning, cooking, and providing care for children and the old is widely held and widely acceptable. Because of this, guys in this industry are not very likely to compete for jobs. A restricted number of talents that are marketable and inadequate levels of education are two more variables that contribute to the problem. On the other side, the level of poverty in rural areas has increased in many countries, which has resulted in young women traveling to urban areas in search of employment prospects. As a direct consequence of this, the greater proportion of individuals who are employed in this sector are men. When they are at their places of employment, domestic workers are faced with a wide range of difficulties. These difficulties include, but are not limited to, low salaries, a lack of job security, longer hours of work, the absence of an emergency leave benefit, discrimination based on caste, and untouchability. Many underprivileged women are forced to migrate to metropolitan regions and countries outside of their own in order to improve the financial situation of their family, which is already struggling to make ends meet.

Global Perspective on the Factors Impacting Women Domestic Worker Migration

Enterprises are depending on low-cost, temporary, and flexible labor that is becoming increasingly dominated by women in order to encourage economic development. This labor is not only flexible but also affordable. Gender dynamics are not just transforming a number of different sectors, but they are also the ones that are shaping the workforce. One of the most important changes that women experience is the move from the private sector to the public sector of paid employment. In the decades that followed World War II, there has been an increasing tendency of women crossing beyond national lines and developing transnational networks. This trend has been seen in a number of different countries. When it comes to those who travel globally, women make up the majority, accounting for 63% of all migration. At the beginning, these women relocated to a new area in the hopes of reuniting with their families or spouses.

On the other hand, women are increasingly traveling as individual workers in order to improve not only their own level of living but also the standard of life of their families who have stayed in their place of origin because they have chosen to migrate. Although economists and state governments often fail to

recognize their importance, these female workers are the principal drivers of economic growth not only in their home countries but also in the countries to which they return. This is true not only in the countries in which they return, but also in the countries in which they return. Remittances and cheap labor costs are two factors that allow both the country of origin and the country of destination to gain from female migration. Both countries are able to enjoy the advantages of female migration. Since women are migrants who are participating in the work force, they constitute a heterogeneous group. It is conceivable for people to be skilled or unskilled, documented or undocumented, to work in the official or informal sectors, to come from a range of socioeconomic and cultural backgrounds, and to move for a number of reasons. All of these things are feasible. Despite this, the great majority of women are engaged in the fields of healthcare, manufacturing, the entertainment sector, or domestic labor. In addition, the majority of women are employed in the workforce. In order to obtain work in the informal sectors, a significant number of women go to other nations in search of job opportunities. The informal sector is a significant source of employment for migrant women in developing countries, despite the fact that the variety of jobs that fall under this sector and the composition of those sectors might vary. According to one definition, women who work in the informal sector are regarded to be "self-employed or subcontract workers."

The Working Conditions of Indian Domestic Workers

The vast majority of work that is performed inside the confines of one's own house is regarded as informal, which indicates that it is carried out outside of the regulations governing labor and social protection. To begin, domestic workers are employed in private homes, as opposed to official workplaces such as firms, organizations, or corporations. This represents a significant difference between the two types of workplaces. As a consequence of this, they are made invisible and isolated from the other people who are now operating inside the area. Additionally, the working conditions that they are subjected to are dependent on the employer's attitude toward them, whether it be positive or negative.

Women's Domestic Workers: India's Socioeconomic Situation

One of the most convenient and enjoyable occupations that women may have in today's society is domestic labor, which is often referred to as employment that involves providing care for the house. On account of the fact that the majority of women in this community are either illiterate or have a lesser degree of education in comparison to men, this is the situation. Women who are illiterate often choose to work in the domestic or home care industry as their occupation because of the lack of resources available to them. Because of this work, they are able to earn a fair salary, which they may put toward caring for their family requirements. Domestic workers are vital to the healthy functioning of some households since they are the main source of income for their family.

This is why the income of domestic workers is essential. Specifically, this is due to the fact that domestic workers are the most significant contributors to the family's income. Specifically, women who have migrated for social reasons, such as marriage, choose to participate in these activities as their work and contribute to the well-being of their families by combining their hands with those of their husbands. This is especially true for women who have relocated for social reasons including marriage. In certain situations, a mother who is working as a domestic worker may choose to have her daughter accompany her in order to help her in doing domestic responsibilities. Additionally, she may choose to allow her

daughter to work as a domestic worker. Both of these options are possible. They make it possible for their daughter to visit the residence of the employer in order to do the share of the domestic work that is assigned to her. Taking this step is done with the intention of progressively transforming their daughter into a domestic helper. This is because domestic workers are becoming sicker and older, which is a contributing factor in this trend. The bulk of women who are employed in domestic service are from the states of Jharkhand, West Bengal, and Assam, which are among the states in India that have the least amount of development. As part of their efforts to find work as domestic workers in rich houses, they travel to a variety of destinations and participate in international travel. As a result of the fact that their wages were lower than the minimum wage that the government had imposed, they were often quite near to reaching the age at which they were legally allowed to work. The majority of their employers in India continue to adhere to the traditional division between servants and masters, despite the fact that their employers range from the most skilled to the least skilled in the country. The practice of subjecting female workers to abuse of any type, whether it be mental, physical, or sexual, was commonplace (India Spend, e-paper, July 16, 2017). This abuse might take many forms.

Why Women Pick This Line of Work

The decision to engage in domestic work is one that women go through for a number of reasons. There are two types of disadvantages that female migrants face, according to 48: one is based on their gender, and the other is based on their social status. This is due to the fact that they are compelled to relocate to metropolitan areas in order to get employment opportunities that are feasible. Women in rural regions have been forced to migrate to urban areas as a result of poverty and a reduction in the opportunities available to them for making a living. As a consequence of this, they are not provided with the opportunity to participate in manufacturing occupations that are more automated, which often provide better pay expectations. As a consequence of the gendered division of labor, women have been barred from engaging in various kinds of employment, which has led to a decline in the number of job options that are open to them.

The Socio-political Context of Domestic Worker Employment

The social, economic, political, and cultural components of nation-states have all undergone significant transformations as a result of globalization. These modifications are the result of a procedure that has taken place. In a country like India, the service sector, which was given a great deal of significance, and the revolutionary growth of information technology (IT) were able to manage a workforce that was, to a significant extent, gender neutral. This accomplishment was made possible by the combination of these two factors. The structural transformations that took place after the 1990s, both on a national and international scale, made it simpler for a greater number of women to join the workforce in paid employment. Because of the increasing number of women who are employed in the service sector, there have been a significant number of changes that have taken place in India with regard to the structures of families and the responsibilities that those families play. Due to the fact that they were engaged in paid work and earned the cash that was required to run the family, male members of the family were considered to be engaging in social production in the past. On the other hand, female members of the family were accountable for the duties that were performed around the house and fulfilled their reproductive role. That the work that women conducted in their homes as part of their domestic obligations contributed to the formation of society was never recognized. This was a significant factor in

the development of society. In contrast to men's labor, women's domestic labor was never respected, despite the fact that it was women who liberated men from the shackles of household responsibility by working tirelessly in their homes and providing them with circumstances that were favorable to their participation in wider society production. In other words, women were the ones who freed men from the shackles of household responsibility. On the other hand, despite the fact that women were responsible for carrying the weight of household obligations and completing the role of reproduction, their work was kept hidden, undermined, unappreciated, and underpaid throughout the history of civilizations.

The Role of State Governments in Protecting Domestic Workers

The state governments of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan, and Tamil Nadu have taken a number of steps in order to improve the working conditions of domestic workers and to guarantee that they have access to social security programs. These steps have been taken in order to ensure that domestic workers are treated with dignity and respect. Andhra Pradesh, Bihar, Jharkhand, Karnataka, Kerala, Odisha, and Rajasthan are among the seven states that have enacted minimum pay for domestic workers. Other states that have undertaken this initiative include Rajasthan. Another state that is mentioned on this list is Rajasthan. Moreover, the welfare boards for domestic workers have been created by the state governments of Kerala, Maharashtra, and Tamil Nadu respective to the domestic workers. When domestic workers register with these Boards, they become eligible to collect social benefits and have the opportunity to take use of these advantages. Nevertheless, in spite of these efforts, the great majority of domestic workers continue to be excluded from the regulations that regulate employment even in the current day. This is the case even if these rules have been amended.

As a consequence of their involvement in household tasks, a great number of women have been able to enter the workforce and achieve economic independence. There has been very little progress made toward gender equality despite the fact that this has occurred. Due to the fact that they are expected to do unpaid care tasks and activities around the house, women continue to confront significant barriers that prevent them from participating in the job market. The International Labor Organization (ILO) has, on many occasions, issued a challenge to the notion that the provision of care is a private home job that is reserved only for women.

International Human Rights Documents and the General Rights of Workers

There is a broad variety of rights that are protected for workers under the principles that underpin international human rights legislation. few of the rights that are mentioned in Articles 23 and 24 of the Universal Declaration of Human Rights (UDHR) include the rights to fair and pleasant working conditions, remuneration, freedom to organize and join trade unions, rest, leisure, reasonable limitations on working hours, and periodic vacations. These are only few of the rights that are included in the UDHR. "The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value" is outlined in Article 11(d) of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Additionally, "the right to protection of health and to safety in working conditions" is described in Article 11(f) of the same convention. Both of these rights are outlined in the same convention.

Protections for children who are working are described in the Convention on the Rights of the Child (CRC), as well as in a number of other treaties that have been adopted by the International Labour Organization (ILO). Child rights are recognized by the Child Rights Commission, which states that children have the right "to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development." The Worst Forms of Child Labor Convention of the International Labor Organization mandates the prohibition and elimination of "work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children," as well as work that is considered to be the "worst forms" of child labor, as stated in article 3(d) of the convention. In other words, the convention prohibits and eliminates work that is likely to harm the health, safety, or morals of children. In its Recommendation 190 on the Worst Forms of Child Labour, the International Labour Organisation (ILO) asks states to give special attention to girls who are engaged in hidden employment. This recommendation is part of the ILO's effort to combat the worst forms of child labour. In the International Labor Organization's Recommendation 190, which is titled "Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor," Article 2(c)(iii) is the provision that states that the elimination of child labor should be a priority.

Freedom of Association and Freedom of Movement

Both the right to freedom of movement and the right to freedom of association are protected within the framework of international law. Article thirteen of the Universal Declaration of Human Rights guarantees both the right to freedom of movement and the right to return to one's own country. Both of these rights are given to individuals. In addition to the legal foundation it has under treaty law, an increasing number of nations are coming to recognize the right to return as a norm of international customary law. This is in addition to the principle that it is a legal footing. In Article 20 of the Universal Declaration of Human Rights, the right to freedom of association is discussed in further detail. The Freedom of Association and Protection of the principle to Organise Convention, which was signed in 1948, and the Right to Organise and Collective Bargaining Convention, which was signed in 1949, are two of the most fundamental treaties that the International Labour Organisation (ILO) has ever ratified. Both of these conventions were signed in 1948. Further elaboration on this idea may be found in each of these treaties. The freedom to organize is one of the four basic labor rights that were outlined by the International Labor Organization Declaration on basic Principles and Rights at Work (ILO Declaration).

Absence of Violence

The right to life, the right to security of person, and the right to be free from torture and other forms of cruel, inhuman, and degrading treatment are all legitimate entitlements that are established by international human rights law. These rights are all guaranteed on the basis of international human rights law. Governments have a duty to "prevent, investigate, and, in accordance with national legislation, punish acts of violence against women," as stated in the United Nations Declaration on the Elimination of Violence Against Women. This obligation was mentioned in the document. It makes no difference whether the activities in issue are carried out by private persons or by governments; this requirement is applicable in either case. Whenever a state is unable to meet this pledge on a continuous basis, it becomes a violation of the state's responsibility to guarantee that women are granted equal protection

under the law. This failure equates to men and women being treated in a manner that is unequal and discriminatory.

The reaction of the government and international human rights legislation

The right to life, the right to security of person, and the right to be free from torture and other forms of cruel, inhuman, and degrading treatment are all legitimate entitlements that are established by international human rights law. These rights are all guaranteed on the basis of international human rights law. It is the responsibility of governments to "prevent, investigate, and, in accordance with national legislation, punish acts of violence against women," as stated in the United Nations Declaration on the Elimination of Violence against Women. This responsibility applies regardless of whether the acts in question are committed by private individuals or by states. It makes no difference whether the actions in issue were perpetrated by private persons or by nations; this requirement still applies to both scenarios. It is a violation of the state's promise to guarantee that women are granted equal protection under the law when a state fails to do so on a consistent basis. This failure indicates unequal and discriminatory treatment, and it is a violation of the state's commitment.

CONCLUSION

There are a huge number of children and women in India who take on the role of domestic workers. These individuals do not have any formal education. Not only do they not get the minimum wage, but they are also not entitled for workers' compensation, weekly vacations, or rest periods. The Workmen's Compensation Act of 1926, the Inter-State Migrant Workers Act of 1976, the Payment of Wages Act of 1936, the Maternity Benefit Act of 1961, the Equal Remuneration Act of 1976, the Employee's State Insurance Act, and the Unorganized Workers' Social Security Act of 2008 are examples of pieces of legislation and policies that deal with informal labor. However, these pieces of legislation and policies have not been able to meet the requirements that are necessary to provide domestic workers with adequate protection.

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