

Behind Closed Doors: Exploring the Plight of Domestic Workers and the Inadequacies of Legal Protection in Bangladesh

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Abstract: ‘Domestic work’ as an occupation is widely prevalent in Bangladesh, and is one of the oldest and most important occupations for millions of workers. This sector is overwhelmingly occupied by women and children, especially girls. Although there are millions of domestic workers in Bangladesh, their contribution and toil is not recognized and this occupation is treated as an ‘informal sector’, having no official recognition, which ultimately deny their human dignity and self-esteem as a worker. Domestic work is not even treated as a Job in Bangladesh rather it is treated as a means of living for lower class people of the society. Taking advantage of such social discrimination and lack of legal recognition the so-called employers (head of the household) of domestic workers exploit indiscriminately by paying inadequate wages, mistreat and maltreat them, and sometimes even torture them to death. Serious discrepancy in the appointment process, i.e., informal engagement and lack of work specification are seriously contributing to the increasing the number of violence of different nature on them. Apart from that, the wrongdoers are hardly punished as the victims are so vulnerable and marginalized that they are not able to report the crimes committed on them. This article identifies the definition of domestic work and domestic worker, lays down the constitutional and legal rights of domestic workers. Apart from that, the aim of the article is to portray the practical scenario of the domestic workers in Bangladesh and to analyze the existing laws, policy and practice on domestic worker. Specific recommendations have been made to chalk out an outline as to how this informal sector can be formalized by removing the obstacles and making specific laws securing their rights as workers and human beings.

Keywords: Domestic Workers, Human Rights, Legal Protection

1. Introduction

Domestic work is considered as one of the ancient and essential occupation millions of women around the world. It is as old as the history of slavery, colonialism and

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other forms of serfdom.¹ With time, the value and role of domestic workers have been diversified their significance increased with the development, urbanization and industrialization of the world.² Among all kinds of labour, domestic work is an informal and unrecognized sector. An extensive range of tasks and services that vary from country to country is covered by the term ‘Domestic Work.’ Despite development in many sectors, the condition of domestic workers haven’t improved. Though they play a cardinal role in our daily life, we hardly care for them. Generally, a domestic worker means any worker who renders services in the home of a third party. As the working hours are predominantly undetermined, they are employed without any time restriction unlike other professionals/workers. There is no leisure/interval/break for them. They are often identified as one of the most disadvantaged people in Bangladesh. Neither the *Bangladesh Labour Act 2006* recognizes them as ‘Worker’ within the meaning of section 2(65) of the Act, nor there is any special law for the protection of their rights and interests. Section 1(4)(O) of *Bangladesh Labour Act 2006* clearly specifies that the law is not applicable for Domestic Servants. This not inclusion and lack of definition as ‘worker’ has allowed the employers of domestic workers a serious opportunity of discrimination and mistreatment. Although it has been a common practice, and they have become silent, almost.³ Exploitation is a very common fact in the case of domestic workers. They are often exploited and are deprived of their rights in many ways. The employers usually dominate the workers and make them do more work than agreed work and pay them less than the agreed amount of wages. Sometimes they are not even paid at all. Most of the activities that the domestic workers have to do are very risky, dangerous and unsafe, which affects his/her mental and physical health. They are made to work for excessively long hours irrespective of their physical ability. The employers behave very harshly with them and treat them inhumanely. Their fundamental rights are denied and are not taken into consideration at all.⁴ Therefore, this article will identify the current situation of domestic workers in Bangladesh, the legal fallacy and lacunae of existing laws and some recommendations to improve their status and condition.

2.1 What is Domestic Work?

Domestic works are those works that are done as household works, such as cleaning, cooking, child/elder care, gardening, etc., in the home of a third person. According to Article 1 of the *International Convention No. 189 of the International Labour Conference 2011* the term ‘domestic work’ means work performed in or for a

¹ International Labour Conference, 99th Session, Report IV(1), [https://webapps.ilo.org/public/libdoc/ilo/2009/109B09_24_engl.pdf, last visited on 10.06.2026]

² Lalu Husni and Ani Suryani, ‘Legal Protection for Women Domestic Workers Based on International Convention’, *Journal of Legal, Ethical, and Regulatory Issues*, Vol. 21(February 2018), p.1.

³ Dr. Naim Ahmed, ‘Safeguarding the Rights of Domestic Workers: The Existing Laws and Ways to Move Forward’, *Bangladesh Journal of Law*, Vol.12, No. 1 & 2 (June 2012), p.30.

⁴ Dr. Mizanur Rahman, ‘Child Labour and Human Rights: Bangladesh perspective’, *Journal of The Dhaka University Studies*, Vol.1 (June 1994), p. 1

household or households.⁵ According to Paragraph 5.1 of the *Domestic Worker Protection and Welfare Policy 2015*, domestic work means any work related to cooking or helping in other work related to cooking, shopping, and cleaning inside and outside the house and doing other work that is connected with household matters. Beside this, domestic work also means washing clothes, taking care of children and sick members of the employer's family and also of aged persons.

2.2. Who is a Domestic Worker?

The term 'domestic worker' has not been defined properly in any Act. According to Section 2 of *Domestic Servants Registration Ordinance, 1961*, every person who renders domestic services is included as a domestic servant (i.e., services which are related to household chores) to the employer for wages or any other consideration.⁶ In this definition the word 'servant' is a derogatory word and people should avoid to use this term to refer persons who are employed to do domestic services as it is contradictory to the present social values. According to paragraph 5.2 of *Domestic Worker Protection and Welfare Policy 2015*, domestic worker is a person who does domestic work, being appointed orally or by written document as a fulltime or part-time worker in the employer's residence. This definition allows the employers to appoint the domestic workers orally, and in most of the cases they are appointed by the employer orally. Therefore, the employers compel the domestic workers to do excessive work even without rest and exploit them in many ways. The employers do not follow any terms and conditions in most of the cases.

3. Statistical Status and the Real Scenario of the Domestic Workers in Bangladesh:

According to the Bangladesh Free Trade Union Congress (BFTUC), the total number of Domestic Workers (DWs) in Bangladesh is 10.5 million, Child Domestic Workers is 420,000 (around 90% of the said number are women, and most of them are adolescent and children).⁷ Their contribution is not calculated separately in the GDP. A recent study on decent work for domestic workers, conducted by BILS (Bangladesh Institute of Labour Studies), has revealed that 84% of domestic workers are below the poverty line based on current purchasing power parity (PPP). Moreover, most of the live-out domestic workers reside in slum areas and among them 75% possess only one room for the whole family. The statistics also show that they have a very low average income per month, i.e., BDT 5311. Apart from that 31% of them can afford 3 meals a day. Their appointment is informal having no letter

⁵ The International Labor Convention 189 on Domestic Workers 2011 (Adopted on 16 June 2011, entered into force on 5 September 2013), Article. 1.

⁶ *Domestic Servant's Registration Ordinance, 1961*, Section. 2(a).

⁷ Pulak Ranjan Dhar Third Regional Workshop on Knowledge Sharing of Good and Promising Practices to Promote Decent Work for Domestic Worker and to eliminate Child Labour in Domestic Work, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/presentation/wcms_617648.pdf, last visited on 18.07.2025].

of appointment. The statistics also show that about 60% can't avail leave and 76% are not given any social security support by their employers.⁸

According to BILS (Bangladesh Institute of Labour Studies), about 87% of domestic workers are not allowed to avail weekend. However, a small portion of them, i.e., 1.5% are provided with earned leave, about only 3% gets maternity leave and 6% gets unpaid maternity leave. About 99% of domestic workers surveyed on skill development did not receive any training related to skill development which is a major setback for domestic workers. However, about 85% of employers expressed that skill development training would increase their rights awareness and job recognition. About 99% of them does not get any type of occupational hazard or hazard protection equipment, exposing them to accident in workplace. Apart from that, in the survey, it is also identified that the domestic workers never get different kinds of social security which are provided to other type of workers, especially in the formal sector like Garments, Medicine and other industries. They are deprived of severance pay, provident fund, gratuity, pension, accident benefits, medical allowance, etc. Besides, no domestic worker get a formal written employment contract.⁹

In Bangladesh, the most unprivileged, poverty-stricken and deprived sector is the domestic workers. They are often mistreated, tortured and abused through various unfair conducts. In Bangladesh, the legitimacy of such practices has been condemned by the court in the case of *the Government of Bangladesh v Bangladesh National Women Lawyers Association (BWLA)*, which is also the first judicial pronouncement to with regard to domestic workers.¹⁰

The aforesaid writ petition was a Public Interest Litigation (PIL) on the abuse of domestic workers. The petitioner submitted that as the domestic workers, especially the women and children, live far away from their rural home, they fall into circumstances of helplessness in times of abuse and ill treatment. They do not even have anyone to ask for help when they are mistreated. The family members and relatives of the domestic workers are most of the time even unable to find their whereabouts, as no one maintains any accounts of them. The domestic workers are brought from their rural homes far from their families. They are kept under the full domination of their masters or employers. As a result, they are deprived of their fundamental rights and activities, as they remain invisible and concealed from the

⁸ Md Yousuf Al-Mamun, How Far are we Ensuring Decent Working Conditions for Domestic Workers? [<https://www.tbsnews.net/thoughts/how-far-are-we-ensuring-decent-working-conditions-domestic-workers>, last visited on 24.-7.2025].

⁹ Study: 87% of domestic workers don't get any weekend off, Dhaka Tribune, published on 12.02.2023 [<https://www.dhakatribune.com/bangladesh/304771/study-87%25-of-domestic-workers-don-t-get-any>, last visited on 18.07.2025]

¹⁰ *The Government of Bangladesh vs. Bangladesh National Women Lawyers Association (BWLA)*, 31 BLD (2011) 265.

public authorities. They don't remain protected from abuses like mental and physical torture and sexual harassment.¹¹

The worst aspect of domestic work is that they have to work for 24 hours as there are no specified hours of tasks allocated to domestic workers. No matter whether it is day or night, they are bound by their employer's instructions for work. This rigorous forceful nature of their job may fall within the definition of forced labour which is prohibited under Article 34 of the Constitution of People's Republic of Bangladesh,¹² as well as Article 2(1) of *Forced Labour Convention, 1930* (ILO Convention No 29).

Although the domestic workers do not get proper insurance for social security and get poor salaries, they still have to work for excessively long hours. Long working hours is one of the major indicators for the worst form of domestic labour. In their serving houses, their activities and treatment received from their employers remain concealed, and as a result, their susceptibility and aloofness become more complicated.

In Bangladesh, Domestic workers frequently face systemic exploitation and a lack of basic rights within society. They are often excluded from the recognition of their work as a profession and are denied opportunities for entertainment, education, and personal development. Many are confined to their employers' homes, enduring long hours, hazardous work, and insufficient food and rest, regardless of their age or health. Their situation is further compounded by low wages, potential lack of pay, and the risk of physical, sexual, and verbal abuse.¹³ They forbear this abuse and continue their work. They remain unable reach the law and where legal safeguards do exist, they are often little known and poorly executed.¹⁴

The promising thing is that it has been found that in many cases, the domestic workers are inclined to attend school and continue their studies, but unable to do so due to the employers' unwillingness to allow them. Every sector of workers gets a full day off in a week except the domestic workers. Even a very short time for rest and that is not fixed. That's why domestic work is called modern slavery for its nature of inconspicuousness and abusive situation.¹⁵ The relationship between them is of master and servant in which the employer always executes his authoritative will.¹⁶ For ensuring decent work for domestic workers and eliminating the worst forms of domestic work collaboration between the Government and Non-government

¹¹ Ibid

¹² Emdadul Islam, Khaled Mahmud and Naziza Rahman, Situation of Child Domestic Workers in Bangladesh' Global Journals Inc, vol.13, No.7 (January 2013) p.3.

¹³ M. Rezaul Islam, 'Brighter Future of Child Domestic Workers in Bangladesh: Government Initiatives and Challenges', Elixir International Journal, vol.60. (July 2013), p. 3.

¹⁴ Ibid.

¹⁵ Kamal Siddique, *Better Days ,Better Lives* (Dhaka: the University Press Limited, 2001), p. 12

¹⁶ Md. Raisul Islam Sourav, 'In Quest of a Legal Framework for Domestic Workers in Bangladesh,' [available at: <https://www.academia.edu/>, accessed on 01 December 2014]

organizations is highly required.¹⁷ In the case of *BNWLA v Cabinet Division, Secretariat, Dhaka and Others*, it was held that inclusion of the domestic workers within the definition of worker in the Labour Act will ensure that the workers in the domestic sectors enjoy all the benefits within the labour laws. Only then the mandate of the constitution will be fulfilled.¹⁸

4. International Laws Safeguarding the Rights of Domestic Workers

Exploitation is common in every country towards the domestic workers, and many countries are aware of this matter. There are several international conventions and standards that apply to the protection of domestic workers' rights and can indirectly impact their situation. The following are a few of the most significant:

4.1. International Labour Organization (ILO) Conventions

4.1.1 Domestic Workers Convention, 2011 (No. 189)

Article 3 of Domestic Workers Convention, 2011 (No. 189) and Recommendation No. 201 Concerning Decent Work for Domestic Workers, 2011, sets out some measures regarding effective promotion and protection of the human rights of all domestic workers. It also emphasizes fundamental rights of domestic workers. The convention focuses on minimum age, provides for some steps for their protection against all forms of abuse, harassment and violence, signifies fair terms of employment and better working conditions, emphasizes on written terms and conditions if possible in accordance of national laws. The Convention also puts that they shall be paid directly in cash at regular intervals at least once a month. It also emphasizes on the occupational safety and health of domestic workers and also requires that they will enjoy benefits/ facilities that are not less favorable than those applicable to workers generally in the formal sector in respect of social security protection, including the maternity benefit.¹⁹

4.1.2 The International Labour Convention 190 Concerning the Elimination of Violence and Harassment in the World of Work

The International Labour Conference, in June 2019, adopted Convention 190 which is concerning the Elimination of Violence and Harassment in the World of Work. This international convention addresses every sector whether public or private, rural or urban, formal or informal. The convention is adopted to protect all workers irrespective of status or nature of their employment contract. On 25 June 2021, it entered into force upon ratification of Fiji and Uruguay. Bangladesh is yet to ratify the Convention. The government has to come forward to implement ratify the Convention for the protection of this marginal sector, for which there is a need to sit

¹⁷ Emdadul Islam, Khaled Mahmud and Naziza Rahman, *ibid*, p.11.

¹⁸ Writ Petition No.3598 of 2010, 31 BL D (HCD) 2011. p. 265,

¹⁹ Articles 3, 4, 5, 6, 7, 12, 13, 14 of The International Labour Organization Convention No. 189 on Decent Work for Domestic Workers 2011 (Adopted on 16 June 2011, entered into force on 5 September 2013).

together with the ILO, trade unions, and civil society.²⁰ The Convention enunciates numerous obligations for ratifying states. The obligations include respect, promotion and realization of fundamental rights and other principles at work which will help in addressing violence and harassment in workplace effectively, adoption of legislation defining and prohibiting violence and harassment at workplace, ensuring right to equality and non-discrimination in work and occupation.²¹

4.1.3 The International Labour Convention No. 182

The Worst Forms of Child Labour 1999 is adopted considering the plight and suffering of about more than 250 million children between the ages of 5 and 14 who are forced to work for their survival. More than 70% of the aforesaid child workers are compelled to work in dangerous conditions.²² The Convention emphasizes on immediate steps to eradicate these worst forms of child labor.²³ The convention defines worst forms of child labour which includes slavery and forced labour, including child trafficking and forced recruitment to armed conflict, child prostitution and pornography, production and trafficking of drugs and any other work which is likely to affect the health, safety or morals of children.²⁴

4.1.4 The Minimum Age Convention, (1973 ILO Convention No. 138)

This convention establishes the minimum age for employing a person in work. The member states are to enact national laws in conformity with the Convention as to minimum age.²⁵ The Convention was held to regulate and eliminate child labour by establishing a minimum age for employing a person in work/job. The Convention entered into force on 19 June, 1976. The Convention sets the minimum working age at 15 years (13 years for light work). It requires that for admission to employment in

²⁰ The International Labour organization Convention no. 190 on the Elimination of Violence and Harassment in the World of Work 2019 (Adopted on 21 June 2019, entered into force on 25 June in 2021)

²¹ ILO Convention No. 190: A Monumental Development to Address Violence and Harassment at Workplace, The Daily Star, published on 18.05.2022,

[<https://www.thedailystar.net/law-our-rights/news/ilo-convention-no-190-monumental-development-address-violence-and-harassment-workplace-3018186>, last visited on 18.05.2025]

²² [<https://www.humanium.org/en/child-labour-convention/>, last visited on 24.05.2025]

²³ International Labour Organization (ILO) Convention No.182 on Worst Forms of Child Labour 1999 (Adopted on 17 June 1999, entered into force on 19 November 2000), Article 3.

²⁴ Yoshie Noguchi, ILO Convention No. 182 on the Worst Forms of Child Labour and the Convention on the Rights of the Child, the International Journal of Children's Rights 10: 355–369, 2002, The International Journal of Children's Rights 10: 355–369, 2002, Kluwer Law International, Printed in the Netherlands, p. 356; [file:///C:/Users/HP/Downloads/_journals_chil_10_4_article-p355_3-preview.pdf, last visited on 24.05.2025].

²⁵ International Labour Organization (ILO) Convention No.138 on Minimum Age for Admission to Employment 1973 (Adopted on 26 June 1973, entered into force on 19 June 1976) Article 2-3.

dangerous work, the minimum age of employment must be 18 years (16 years under certain conditions).²⁶

5. Protection of Domestic Workers in the existing Legal Framework of Bangladesh

Although Bangladesh has ratified a number of Conventions and other international instruments relating to workers, it has yet to fulfil its obligations. It has ratified *the Minimum Age Convention, 1973 (No. 138)* and *the Worst Forms of Child Labour Convention, 1999 (No. 182)* but it is not at par with the compliance of obligations under the said instruments. Albeit the signing and ratification of significant number of labour related international instruments, domestic workers remain excluded from the scope of the *Bangladesh Labour Act, 2006*. In the absence of comprehensive legal framework governing domestic labour, their protection largely depends on constitutional safeguards, general criminal laws and policy measures. In this regard, *the Domestic Workers Protection and Welfare Policy, 2015*, a non-binding legal instrument, is an important measure for recognizing and safeguarding the rights of domestic workers which may serve as a foundation for future legislative reform. Some of the laws and policies including the Constitution of People's Republic of Bangladesh are discussed below:

5.1. Constitution of People's Republic of Bangladesh

As already stated, there is no special legislation for the protection and preservation of rights and safety of workers, the Constitution may be a ray of light at the end of the tunnel for the domestic workers. Some of the Fundamental Principles of State Policy under part II of the Constitution are particularly relevant in this regard. Article 11 guarantees respect for human dignity and fundamental rights, whereas Article 14 imposes a duty to emancipate workers and other disadvantaged groups from all forms of exploitation. Articles 15, 17, and 20 requires the state to ensure the rights to livelihood, reasonable wages, rest and recreation, social security, education, and dignified work.²⁷ Being part of fundamental principles of state policy, these principles are not directly enforceable in courts, but they are fundamental to the governance of the State and serve as guiding principles for legislation and constitutional interpretation.²⁸

On the other hand, the Fundamental Rights in Part III of the Constitution may provide general protection to domestic workers as like as any other citizen of the Country. Under Article 27 the domestic workers may claim equality before the law and equal protection of the law, while Article 28 debars any kind of discrimination

²⁶ [<https://www.humanium.org/en/minimum-age-convention/>, last visited on 24.05.2025]

²⁷ Dr. Naim Ahmed, *Safeguarding the Rights of the Domestic Workers: Existing Laws and Ways to Move Forward*, Democracy watch and International Labour Organization (2009), available at: <https://www.dwatch-bd.org/ggtp/Research%20Reports/domestic%20worker.pdf>, last visited on 7 July 2025)

²⁸ Mahmudul Islam, *Constitutional Law of Bangladesh*, (2nd ed., Mullick Brothers 2002), pp. 52-53

and allows affirmative steps for women, children, and disadvantaged groups. The most important and specific protection is guaranteed under Article 34, which expressly prohibits all forms of forced labour.²⁹ Since domestic workers are one of the most disadvantaged section of the workforce, these constitutional guarantees may provide them legal protection from exploitation and abuse. Unlike the Fundamental Principles of State Policy, these rights are enforceable through the writ jurisdiction of the Supreme Court.³⁰

5.2 Domestic Workers Protection and Welfare Policy 2015

The Government approved *the Domestic Workers Protection and Welfare Policy* in December 2015, which contains 16 provisions that enshrines the obligations of employers, employees, and the government. The policy aims to protect rights of over 2 million people, the majority of whom are women and children.³¹ The Policy of 2015 defines elaborately what is meant by domestic work. It also prohibits employment of children under 12 in domestic work and also bars their engagement in heavy and risky work.³² The policy also requires establishment of a central monitoring cell which is to meet in every six months. Moreover, the Policy also requires the Government to establish Monitoring Cells in City Corporations, Districts and Upazillas.³³ Paragraph 5.2 of the Policy states that a domestic worker is a person who is employed by the employer orally or by written document. Paragraph 7.1 of *Policy of 2015*, requires that the remuneration of the domestic workers will be fixed by both parties through negotiation. In Paragraph 7.4 there are provisions for DW's working hours, holidays, leisure period, and entertainment but there is no specific time schedule.

The policy has been criticized for being incomplete and vague. It lacks mechanisms for redress if directives are violated. Specifically, it doesn't outline compensation for violations, payment methods, leave days, or an appeal process for denied leave. Any provision for mandatory registration, the determination of a minimum wage and fixed working hour are excluded by the DWPWP 2015. In most of the cases there is no written appointment letter, and most of the time the employers take advantage of this. They don't maintain any written document and treat the worker as per their whim. This unprotected situation increases the

²⁹ Dr. Naim Ahmed, *ibid*.

³⁰ Constitution of the People's Republic of Bangladesh, Arts. 27, 28, 34 and 102.

³¹ Assessment of the Implementation Status of the Domestic Workers Protection and Welfare Policy and Way Forward, Bangladesh Institute of Labour Studies- BILS, Securing Rights Project, Dhaka, May, 2021, [<http://bilsbd.org/wp-content/uploads/2021/08/Assessment-of-the-implementation-status-of-the-Domestic-Workers-Protection-and-Welfare-Policy-and-way-forward.pdf>, last visited on 11.06.2025]

³² Legal Protection of Domestic Workers, Editorial published in the Daily Financial Express, 23.09.2023 [<https://today.thefinancialexpress.com.bd/editorial/legal-protection-for-domestic-workers-rights-1695392782>, last visited on 11.06.2025]

³³ Nilima Jahan, Policy Regarding Domestic Workers: Protection remains only on papers, The Daily Star, 01.05.2023, [<https://www.thedailystar.net/news/bangladesh/rights/news/policy-regarding-domestic-workers-protection-remains-only-paper-3308591>, last visited on 11.06.2025.]

vulnerability of the domestic workers and compels them to remain quiet during fixation of remuneration in most of the occasions. *The amended Labour Act, 2013*, has determined the minimum age at 14 years for appointment in word, and in for appointment in hazardous work, a worker must be 18 years. But in *the domestic Workers protection and Welfare Policy 2015*, the age level of light work is 12 years. The employers take advantage of this provision. During employment they promise them to engage in light work, but in many cases even children below 12 years of age are seen to be engaged for hazardous/heavy work due to the lack of monitoring and accountability.³⁴ Moreover, the policy is vague in respect of rest and entertainment. A major lacunae of the policy is that it does not enunciate any provision about formation of trade unions of domestic workers. It has been eight years since the Policy of 2015 was made but due to the government's lack of political will, still no noticeable implementation of the policy is visible, and at the city corporations and district level, no monitoring cell is established.

5.3 The Domestic Servants' Registration Ordinance, 1961

The Domestic Servants' Registration Ordinance, 1961 is the only legislation which was passed specifically for domestic workers in Bangladesh. It uses the term "servant," a term that is inconsistent with contemporary labour rights discourse as well as the social norms and values of the Country.³⁵ The scope of the Ordinance is limited and does not provide substantive protections, welfare measures, or effective remedies to domestic workers. Instead of protecting the rights of domestic workers, it requires the registration of domestic workers with the police. It is pertinent to mention that, the Ordinance was made applicable only to five police station areas within Dhaka Metropolitan City, i.e., Kotwali, Sutrapur, Ramna, Tejgaon, and Lalbagh.

5.4 Criminal laws including the Penal Code, 1860

All crimes are adjudicated by the courts having jurisdiction to determine such matters.³⁶ There is a common phenomenon in our country that domestic workers, especially child workers are abused by the employer. There are several instances of domestic workers beating to death by the employers' wife. There is a recent instance where a fifteen year old maid jumped from the roof of a building of Banani. She was working on the 2nd floor of a nine storied building.³⁷ Same kind of incident happened in Razabazar where a domestic help committed suicide by hanging herself to death.³⁸ In these incidents domestic workers are so repressed or sometimes, it is alleged that

³⁴ *The Domestic Workers Protection and Welfare Policy, 2015*, paragraphs 5 (2), 7(1), 7(3).

³⁵ Md. Raisul Islam Sourav, *ibid*.

³⁶ Alhaj Zahirul Huq, *Penal Code*, (Dhaka: Anupam Gyaner Bhandar, 2010), p.33.

³⁷ Teenage domestic worker dies after falling from roof in Banani, Staff Correspondent, bdnews24.com, 08 March, 2026 [https://bdnews24.com/bangladesh/08de8eea37c8, last visited on 18.05.2026].

³⁸ Domestic Worker Commits Suicide, Dhaka Tribune, 30 June 2014, [https://www.dhakatribune.com/bangladesh/crime/69958/domestic-worker-commits-suicide, last visited on 18.05.2026]

they are framed to show that they committed suicide to suppress the real incident of torture, beating and oppression. In a report published in New Age it was reported that at least 39 domestic workers were tortured across the country during 2023 to March 19, 2024³⁹ which is absolutely alarming and shows the real picture of plight of the domestic workers. A domestic worker can take resort to the Penal Code, 1860 to prosecute the culprits for culpable homicide, murder, hurt, grievous hurt, wrongful restraint, wrongful confinement, assault, kidnapping, abduction, rape, theft etc.⁴⁰ But apart from confirming punishment, these courts cannot give any other relief, such as compensation or replacement in a job. There are no specific provisions for house help or domestic workers under the existing criminal laws. Moreover, as there is no special law or special tribunal, it takes a long time to get relief and is also costly in most cases.

5.4 *Nari O Shishu Nirjatan Daman Ain, 2000*

The present situation of the domestic workers, especially the sufferings of the female house help are describe in previous paragraphs. The female domestic workers may resort to *the Nari O Shishu Nirjatan Daman Ain, 2000* in case crimes are committed against them. The law covers death, attempt to murder, grievous hurt or mutilation by using corrosive, incendiary or poisonous substances (especially throwing of acid), trafficking of women for prostitution and allied matters, trafficking and stealing of children, rape etc.⁴¹ But there is no special provision for domestic workers. Moreover, male domestic workers are not covered by this law. As per section 1 of *Nari O Shishu Nirjatan Daman Ain of 2000*, only women and children are protected under this law. Under this law, special tribunal called *Nari o Shishu Nirjatan Daman Tribunal* has been established in every district court.

6. Recommendations

The condition of domestic workers in Bangladesh reflects the broader realities of the informal economy, where workers remain largely outside the protection of formal legal and institutional frameworks. Despite their significant contribution to households and the national economy, domestic workers continue to face exploitation, economic insecurity, lack of social protection, and limited access to justice. The absence of comprehensive legislation and effective implementation mechanisms has further intensified their vulnerability, particularly in the case of women and child domestic workers. Although *the Constitution of Bangladesh* guarantees fundamental rights and prohibits forced labour, the practical realization of these protections for domestic workers remains inadequate. Existing labour laws and policies have not sufficiently addressed the unique nature of domestic work, as most domestic workers operate within the informal sector and remain excluded from

³⁹ 10 Domestic Workers Commit Suicide, 7 Killed in 14 months, New Age, 24 March, 2024, [<https://www.newagebd.net/article/228666/10-domestic-workers-commit-suicide-7-killed-in-14-months>, last visited on 18.05.2026]

⁴⁰ Raisul Islam Sourav, *ibid.*

⁴¹ Raisul Islam Sourav, *ibid.*

formal labour protections. Poverty, lack of education, weak social safety mechanisms, and public unawareness continue to contribute to the persistence of domestic labour in Bangladesh.

In this context, formalization of domestic work has become an urgent necessity. Formalization not only requires legal recognition of domestic workers as workers, but also demands the establishment of effective mechanisms for registration, regulation, social security, education, skill development, and access to remedies in cases of abuse and exploitation. Moreover, sustainable reform requires active participation from the government, civil society, local communities, and the public at large. Therefore, the following recommendations are proposed with a view to strengthening the legal and institutional framework concerning domestic workers, ensuring protection of their fundamental rights, improving their socio-economic condition, and promoting their inclusion within the formal labour structure of Bangladesh.

6.1 Formalizing the Informal Sector

The sector of economy which consists of business or institutions operating outside legal and regulatory frameworks is called informal sector. According to the International Labour Organization (ILO), this sector can be defined by extreme decent work deficits, poor-quality, unproductive jobs with little or no pay.⁴² These workers lack formal or oral contracts, and hence, they have very meagre legal protection. They are completely cut off from social safety nets like healthcare and pensions. Moreover, they have no formal representation to voice for their grievances and are cruelly excluded from public infrastructure, funds and benefits, leaving them entirely unprotected by the law.⁴³ Therefore, it has become incumbent upon Government as well as other non-government stakeholder to formalize the domestic work converting the words into action. In spite of their substantial contribution to the economy thorough house-hold work, domestic workers stays unrecognized within the formal labour sector. Formalization of domestic workers requires, *inter alia*, their legal recognition as workers, regulation of employment relationships, protection against discrimination in any form whatsoever, include them to minimum wages policy and workplace safety nets, inclusion within social security measures, and recognition of collective worker rights.⁴⁴

⁴² International Labour Organization, Decent Work and the Informal Economy, International Labour Conference, 90th Session (2002), [file:///C:/Users/HP/Downloads/wcms_210442.pdf, last visited on 29.05.2026]

⁴³ Umme Taufika, 'Domestic Workers forming a large part of Informal Economy in Bangladesh: Can formalization of this sector contribute to the development of Bangladesh?' [https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=8880797&fileId=8880799, last visited on 19.07.2025].

⁴⁴ Martha Chen, Rethinking the Informal Economy: Linkages with the Formal Economy and the Formal Regulatory Environment (2007), DESA Working Paper 46, [ST/ESA/2007/DWP/46, July 2007, https://www.un.org/esa/desa/papers/2007/wp46_2007.pdf, last visited on 29.05.2026];

6.2 Enactment of New Laws Covering Protection of Domestic Workers

As there is no special law or Act regulating rights and obligations of domestic workers, it is high time for the government to enact new legislation. As already stated in previous paragraphs, the existing *Domestic Workers Protection and Welfare Policy 2015* has no legal force, but it may be utilized as a basic document which can be a reference for enacting the new law. If no new legislation is enacted, the domestic workers may be included in the definition of worker in the *Bangladesh Labour Act 2006*, which will equally help them to lead life of dignity and recognition.

6.3 Include the issues of Domestic Workers in the Development Planning of the Government

Establishment of Welfare Boards by the Government is highly required. The government should introduce a nationwide skill-training program that can offer an alternative job to domestic workers. Confirming substitute employment would decrease the overflow of domestic workers.

6.4 Increase of Public Awareness

Public awareness regarding the law related to domestic workers is an acknowledged standard. Because until the people are aware of the rights of domestic workers and regarding punishment against the violation of their rights, no initiatives will work properly.

6.5 Education through Alternative Schooling

Right to education is one of the fundamental principles of state policies enshrined in Article 17 of the Constitution of Bangladesh. Although it is not an enforceable right, the government is to implement it through policies to provide free and formal education. But the domestic workers, especially the child and adolescent workers are almost completely deprived of education. Therefore, access to education for them should be ensured through flexible and inclusive educational arrangements. The Bangladesh government should take initiatives for an alternative schooling systems, i.e., part-time classes, evening/night schools, and non-formal education programs which can facilitate working children. These schemes would help domestic workers to continue both work with education, thereby allowing them to build their lives and prevent deprivation of education. Apart from that, incentives like stipends, scholarships, and welfare allowances may also be introduced to further support their education.

6.6 Participation of People

No initiative can be effective without wide public participation. Therefore, to materialize other government initiatives for the welfare of domestic workers,

substantial percentage of people from society must be involved. Otherwise, all the plans and policies will result in vain.

6.7 Emergency Response Mechanism/One Stop Service (OSS)

It has already been discussed that the repression of domestic workers has been increased in recent days. Even suicide among the teenage female domestic workers has been increased in alarming numbers. They are sometimes tortured by the wife of the employers, or raped by the male members of the employers' family. Even sometimes it is reported that the suicidal deaths call for serious suspicion. Therefore, an effective emergency response mechanism is essential for ensuring instant protection for victims of abuse, exploitation, and violence by the employers. Such a system should include emergency hotlines, rapid response teams, and coordination with law enforcement agencies and social welfare institutions.

7. Conclusions

Domestic workers constitute a substantial part of the informal economy in Bangladesh and play a vital role in supporting the socio-economic structure of the country. Despite their significant contribution, they remain one of the most vulnerable categories of workers, often subjected to exploitation, discrimination, violence, and inhuman working conditions without adequate legal protection. Although the *Domestic Workers Protection and Welfare Policy 2015* represents a commendable initiative by the Government, it remains inadequate in several respects and lacks enforceability due to its non-binding nature. The policy does not sufficiently address crucial issues such as fixed working hours, weekly rest, compensation for workplace injuries, social security, and the right to form trade unions. Moreover, the absence of an effective implementation mechanism has further weakened the protection intended under the policy. Bangladesh has also not yet ratified the *International Labour Organization Domestic Workers Convention, 2011* (Convention No. 189), which specifically recognizes domestic work as decent work and seeks to ensure dignity, equality, and labour rights for domestic workers. One of the major reasons behind the non-ratification appears to be the practical and administrative difficulties in regulating domestic work, as most domestic workers are employed within private households and remain outside formal monitoring mechanisms. In addition, the absence of a comprehensive legislative framework and institutional structure for regulating domestic employment has also contributed to the delay in ratification. Nevertheless, ratification of the Convention has become highly necessary for Bangladesh, as it would facilitate the development of a rights-based legal framework consistent with international labour standards and strengthen the protection of domestic workers against abuse and exploitation. Furthermore, the establishment of a separate and specialized court or tribunal for domestic workers is essential to ensure accessible, speedy, and effective remedies for violations of their rights. Due to poverty, illiteracy, social stigma, and procedural complexities, most domestic workers are unable to seek justice through the ordinary judicial system. A specialized forum would therefore play a crucial role in ensuring accountability,

enforcement of labour standards, and protection of the fundamental rights of domestic workers. Accordingly, it is imperative for the Government to enact a comprehensive and legally binding statute in conformity with the provisions of the Constitution of Bangladesh, the *Universal Declaration of Human Rights (UDHR)*, and international labour standards. Formalization of domestic work through effective legislation, proper implementation mechanisms, ratification of *Convention No. 189*, and establishment of a specialized adjudicatory body would ensure dignity, recognition, social security, and legal protection for domestic workers, thereby contributing significantly to the development of a just and equitable labour system in Bangladesh.

