



International  
Labour  
Organization

## **An Assessment on extension of social security to Domestic workers**

### **ILO Country Office for Sri Lanka & Maldives**

#### **Terms of Reference**

##### **1.0.**

##### **BACKGROUND:**

Domestic work remains virtually an invisible form of employment and continues to be performed mainly by women from marginalized and disadvantaged backgrounds. Domestic workers are also discriminated against in respect of conditions of employment such as equal pay for equal work, access to trade unions and collective bargaining, stipulation of normal working hours, overtime payments, and holidays. Rights in employment as well as conditions of labour of domestic workers are also non-compliant with a number of international conventions ratified by Sri Lanka. It is also noteworthy that the legal framework on employment and labour intentionally and specifically excludes domestic workers from coverage, and therefore these weaknesses will have to be rectified through legislative amendments. In particular, domestic workers are outside the scope of any form of legally mandated social security provisions which leaves them vulnerable in times of crisis. Unemployment, or after the end of their working lives.

COVID 19 has further exacerbated these vulnerabilities, and as per the International Labour Organization, nearly three-quarters of domestic workers across the world, have either lost their employment, or have a high risk of losing their jobs and income due to lockdowns and lack of effective social security coverage. The vast majority of these domestic workers are women and in countries with strict lockdowns, domestic workers, both live-in as well as live-out workers, have been unable to go to work, or have been told by their employers to keep away. With no access to social security or other means to supplement incomes, these vulnerable workers have been pushed further into precarious conditions and further into poverty.

As a result of these vulnerabilities being highlighted in research and in media reports, combined with pressure from external agencies as well as intense lobbying by domestic workers unions and civil society organizations, the Government of Sri Lanka has now committed to extend coverage of labour laws to domestic workers, including laws relating to social security.

To address vulnerabilities such as these, in 2011, the ILO adopted the Domestic Workers Convention No. 189. Among its provisions, C189 calls on ratifying member states to “take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers **enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.** (Art 13).

## **2.0. OBJECTIVE OF THE ASSESSMENT AND RELATED ACTIVITIES**

In the above context, the International Labour Organization (ILO) in Sri Lanka wishes to conduct a rapid assessment of the existing situation of domestic workers in relation to social security and provide recommendations on different modalities of ensuring that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

The objective of the research is to answer the following questions:

- What, if any, are the legal impediments for covering domestic workers?
- What are the impediments to accessing social security rights in practice, including in terms of registration, qualifying conditions, eligibility criteria, calculation of benefits, financing, awareness, information, discrimination, monitoring mechanisms etc.?

Findings of the assessment will be disseminated through a stakeholder consultation, in order to validate the findings and the recommendations, so that policy makers will benefit from a range of options for extending social security to domestic workers.

## **3.0 SPECIFIC TASKS**

a) Review and if necessary complement the legal gap analysis (provided by the ILO) to identify the legal barriers to social security coverage for domestic workers. The analysis should include mention of the extent to which domestic workers enjoy rights equal to those of other workers with respect to social security laws, including maternity protection (with reference to C189); and a paragraph evaluating the extent to which existing social security mechanisms in Sri Lanka are in line with C102.

b) Conduct a review of the normative and social environment and provide an analysis of legal and practical impediments to accessing social security for domestic workers, in terms of

- registration procedures
- qualifying conditions
- eligibility criteria, and
- the calculation of benefits
- "Financing mechanisms" (including funding of maternity benefits as provided under C 183)
- Awareness raising and information dissemination mechanisms
- Monitoring and compliance mechanisms

c) Identify social security mechanisms provided for domestic workers in comparable national jurisdictions (countries to be identified in consultation with the ILO Technical Team), identifying the extent of legal coverage as compared to other workers, the way in which they are legally covered, and any qualifying conditions, eligibility criteria, calculation of benefits, and registration and contribution procedures.

d) Based on the above, propose different modalities of extending social security laws and mechanisms to domestic workers, taking into consideration the constraints and challenges in Sri Lanka. Recommendations should also be made as to the mechanisms that should be in place to:

- Facilitate registration and contribution procedures,
- Remove other possible administrative barriers, and
- Promote compliance

taking into account the needs and capacities of domestic workers and their employers (whether households or service providers).

## 4.0 METHODOLOGY

The rapid assessment will be based on desk research leading to a comprehensive literature survey, consisting of both published and unpublished research material, and of existing international practices of coverage of social security to DWs and how similar models may be adapted for Sri Lanka; supplemented by a limited number of interviews with key resource persons identified in consultation with the ILO, including the Department of Labour, the EPF Department, the ETF Department, the Central Bank of Sri Lanka, as well as the domestic workers' union and/or domestic workers and their employers.

## 5.0 DELIVERABLES

a] Final draft report of the assessment in English (revised, if necessary based on comments from the ILO Technical Team on a draft report)

b)] Presentation of the findings to a stakeholder consultation, to be facilitated by the ILO, and incorporation of any relevant inputs into the Final report

## 6.0 DURATION

5 weeks from the date of signing the contract

Activity	Date	Deliverable
Draft outline of Report		Soft copy to ILO
Key person interviews		Meeting notes to be maintained by consultant for review if needed
Draft 1 of the report		Soft copy to ILO
Final draft of the report		Soft copy to ILO
Presentation to stakeholders		Power point presentation (20 minutes) via zoom
Final report		Soft copy to ILO

## 7.0 QUALIFICATIONS & EXPERIENCE REQUIRED

A national consultant with the following qualifications are required;

- Graduate or postgraduate qualifications in law, sociology, economics
- A strong and previously demonstrated understanding of the legal framework applicable to domestic workers, social security and employment in Sri Lanka
- Prior experience in the preparation of analytical reports on related subjects; prior publication of analytical reports and graphical content would be an advantage.
- Strong analytical and communication skills (both written and spoken) in English, and at least one other national language.

Familiarity with relevant ILO Conventions and Recommendations would be an advantage

## 8.0 DURATION:

The assignment shall be completed over 5 weeks from signing of the contract between 22 November 2021 and 28th December 2021. A detailed draft outline of the report will be submitted

for consideration by the ILO within 5 days of appointment. A draft report will be submitted no later than 15 days after commencement of the work.

#### **9.0 DEADLINE FOR PROPOSALS AND QUOTATIONS**

**Interested consultants/companies are requested to submit a technical proposal (including timelines based on 6.0 above ) along with the financial budget to the Senior Programme Assistant, ILO Country Office for Sri Lanka and Maldives, 202-204, Bauddhaloka Mawatha, Colombo 07, email: pramo@ilo.org on or before 17<sup>th</sup> November 2021.**

*For any further queries, kindly contact Ms. Pramodini Weerasekera, Country Office for Sri Lanka, at the above e-mail address*

