

Fact sheet: Domestic Workers in China

- There are about 20 million domestic workers and 600,000 domestic service agencies in China. As average income increases, the demand for domestic help continues to increase. Forty percent of urban Chinese families have a demand for domestic help, indicating an additional 15 million potential job opportunities.¹
- Approximately 90% of domestic workers in China are female, and ages range from 16 to 48 with the majority 30-40 years old. These workers are primarily less-educated rural migrants and urban laid-off workers.²
- While the market preference is for mature women, there are a significant number of younger and more vulnerable migrants working in the sector, who are harder to reach through surveys.
- Eighty-three percent of migrant workers have only a primary or middle school education. Domestic service has a low qualification requirement, so migrants with lower education or skills consider it an easier choice. Many of these migrants are unaware of the risks inherent in the domestic service sector. Unprepared and ill-informed migration puts them at risk of being exploited or trafficked.³
- In China there are no legal provisions governing the working conditions of domestic workers. Domestic work is regarded as informal employment and private individuals/families do not fulfill the definition of an “employing unit.”⁴ Without legal employment status, domestic workers cannot be guaranteed their wages, working hours, labour protection or social security.
- Several government agencies share responsibility for overseeing, regulating, and enforcing aspects of domestic work. The Ministry of Human Resources and Social Security (MOHRSS) has responsibility for issuing policies, laws and regulations related to labour relations, employment, and vocational training. The Ministry of Commerce, MOFCOM, is in charge of monitoring domestic service associations at different administrative levels. The State Administration for Industry and Commerce (SAIC) issues business licenses and monitors market activity.
- Many domestic workers endure long working hours. Thirty-five percent of domestic workers in Guangzhou and Beijing work about 10 hours per day; 28% of domestic workers in Chengdu and Guangzhou do not get weekends off. It is also well-known that households will not compensate overtime.
- The rate of contract coverage is low among domestic workers. More than 50% of domestic workers in Guangzhou and Chengdu, and 27% of domestic workers in Beijing did not sign a contract with either

¹ Statistical findings from the Ministry of Human Resources and Social Security (MOHRSS)

² (same source as Table 1 in Situational Analysis)

³ Statistical findings from the Ministry of Education

⁴ Labour Law (Article 2) and Labour Contract Law (Article 2); For more details, see section 5.1 in the Situational Analysis for Domestic Work in China

the domestic service agencies or the household.⁵

- More than 60% of domestic workers in Beijing and Chengdu have not joined any insurance scheme. Those who have are mostly laid-off workers rather than rural migrants.
- Domestic workers are more likely to use formal recruitment services, than workers in other sectors. These services often include training, and are available from labour bureaus, and the All-China Women's Federation. ACWF runs 465 domestic service agencies in 16 provinces and cities, and cooperates with labour bureaus at different levels to provide vocational training and issue certificates to trained domestic workers.
- Training for domestic workers is available from private and public training institutes, and domestic service agencies, at varying costs. The reality is that training varies in quality. Studies show that only a small percentage of domestic workers receive formal skills training before entering the sector. Media has reported accidents in the home that have been linked to workers' lack of training.
- The labour dispatch model describes domestic service agencies that recruit domestic workers as their staff and train them before dispatching them to serve in households. Payments from the household go to the agency and the agency pays wages to the workers, and is responsible for paying social security insurance. The labour dispatch model for domestic service agencies is, however,

rare in China due to the high operating risks.

Minmin's case

Minmin, a 20-year-old female domestic worker, lay in a coma in the hospital. Her nose was shattered, mouth was split open, teeth were missing and her skull was broken. These injuries were suffered at the hands of an abusive employer.

Minmin migrated to Shenzhen from a rural village in Henan when she was only fifteen years old. She tried domestic work at the suggestion of her neighbor, never expecting the nightmare that would come next. In the beginning, her employer, Cai, verbally abused her and beat her occasionally. But the frequency and intensity quickly increased. Cai began to beat Minmin with beer bottles, an electric iron, and whatever else was on hand.

Minmin never dared to tell anyone else about the abuse saying, 'I don't have any friends or relatives here and I don't know who can help me. Cai said that she will kill me and my family if I tell others.' Over time, Minmin gradually became accustomed to this situation and even believed that she must have done something to deserve the punishments.

Cai denied any wrong doing, saying the injuries were as a result of an accident, but was found guilty and sentenced to 12 years in prison for the abuse. With exposure of the scandal, Minmin received assistance from the Women's Federation, lawyers and other concerned parties to sue her employer. However, she never obtained her compensation because her employer did not have adequate finances. Nor could she count on the basic social insurance because, as a domestic worker, Minmin was excluded from the system.

Adapted from a story found in the *Guangzhou Daily*, January 14, 2006 – 'Working toward ensuring domestic workers have access to social security, health and maternity insurance schemes.'

⁵ Survey on the Protection of Domestic Workers' Labor Rights and Interests, (2008) Beijing Legal Aid Center and UNIFEM

- There is a lack of data on domestic workers using informal channels, particularly on their demographic profiles, working conditions, and vulnerabilities to forced labour and other abuses. There have been several severe cases reported in the media on the abuse of domestic workers that fall into the forced labour category. Most of these victims were from rural areas and migrated through informal channels.
- Due to the isolated working environment, sexual harassment among domestic workers is usually invisible to the public. A 2005 survey with a sample of 206 domestic workers found that 6.3% of them had experienced sexual harassment. However, most victims chose to be silent or quit the job. Victims either do not know where to seek support or often consider sexual harassment a private shame because of traditional gender beliefs. Domestic work can degenerate into forced labour when debt bondage or trafficking is involved, or when the worker is physically restrained from leaving the employer's home, or has his or her identity papers withheld.

What can government do?

- Continue discussion toward **improving the legal framework** with the ultimate goal to protect domestic worker's rights. Strengthen law enforcement through a coordinated mechanism addressing aspects of: regulating recruitment agencies, inspection, promoting contract signage, labour protection and training systems.
- Eliminate employment discrimination. Work toward ensuring domestic workers have access to **social security, health and maternity insurance** Especially

recognise the **elevated risks** taken by migrants who enter into domestic work, and provide special attention to the needs of migrant women.

- Take measures to protect domestic workers from personal injury, sexual harassment, and to solve the problem of arrears of wages and overtime work.

What can unions do?

- AFCTU can support unionization. For example, the first Domestic Worker's Union has been set up in Xi'an city and has received support from government and unions. Its practices have proven that domestic workers dispersed in households need trade unions more than workers working in the factories.

What can NGOs do?

- All-China Women's Federation (ACWF), a mass organization, has been active in the domestic service sector, mainly through its efforts to promote women's employment. With 465 domestic service agencies in 16 provinces and cities, ACWF is well positioned to continue its advocacy to safeguard the rights and interests of women in the sector

Research institutes can bring forward relevant studies, particularly relating to vulnerable groups, to inform sound policy making

What can Employers do?

- The China Domestic Work Association can continue to offer sectoral guidance and promote good practices.

ILO's Role

The International Labour Organisation promotes the Agenda on Decent Work for Domestic Workers: Rights, Productive Jobs, Social Protection and Representation in Domestic Services (2006-2015), which addresses the needs and concerns of domestic workers as some of the most vulnerable and least protected workers worldwide. As such, the ILO promotes the adoption of a Convention on Domestic Work.

ILO technical cooperation projects support domestic workers within the framework of regulating labour migration, protecting the rights of migrant workers, and curbing the worst forms of child labour and forced labour.

Project to Promote Equality and Decent Work for Women through Trafficking Prevention, Protection for Domestic Workers, and Gender

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