

Committee on the Application of Standards

Date: 9 June 2022

▶ **Draft Outcome of the discussion by the Committee on the Application of Standards of the General Survey: Securing decent work for nursing personnel and domestic workers, key actors in the care economy**

1. The Committee approved the outcome of its discussion, which is reproduced below.

Introduction

2. The Committee examined the General Survey carried out by the Committee of Experts on *Securing decent work for nursing personnel and domestic workers: Key actors in the care economy*, which encompassed four instruments relevant to the care economy, notably the Nursing Personnel Convention, 1977 (No. 149); the Domestic Work Convention, 2011 (No. 189); the Nursing Personnel Recommendation, 1977 (No. 157); and the Domestic Work Recommendation, 2011 (No. 201). The Committee noted that the General Survey paid special attention to the devastating impacts of the COVID-19 pandemic on the nursing personnel and domestic workers.
3. The tripartite constituents welcomed the General Survey and underscored that the General Survey was both relevant and extremely timely, given the outbreak of the COVID-19 pandemic in March 2020, which focussed global attention on the vital role played by nursing personnel in combatting the virus and contributing to the health and well-being of the population. The pandemic also increased recognition of the substantial contributions made by domestic workers, as these workers enable both women and men to continue to access the labour market, while making substantive contributions to the well-being of families. The Committee recalled that nurses are frontline workers in the fight against and recovery from the pandemic, often placing their own health and safety at risk.
4. The Committee noted that the majority of care economy workers are women (249 million workers versus 132 million men). Nursing personnel and domestic work are highly feminized sectors: 89 per cent of nurses globally are women, while 76.3 per cent of domestic workers are female. The Committee noted that women workers in the care economy were disproportionately affected by decent work deficits. As recalled in the ILO

Centenary Declaration, it is of importance to address the root causes raised during the discussions, including the gender pay gaps, unpaid work, and violence and harassment in the workplace.

5. The Committee considered the ever-increasing size and importance of the care economy at the global level, noting the growing demand for care services driven by factors such as the aging population, increased numbers of women in the labour market, globalization, climate change, technological innovation and digitalization. Consequently, the care economy represents an important source of employment now and for the future. The Committee noted the potential contribution of technological advances to improve the quality of service, while observing their potential disruptive effect on the working condition of nursing personnel. It was important to view investment in the care economy as a driver of inclusive and sustainable economic growth, as well as an investment in vital care services, rather than as a drain on the country's finances.
6. The Committee recalled the repeated commitment made by the ILO's tripartite constituents in the 2019 Centenary Declaration for the Future of Work and the 2021 Global call to action for a human-centred, inclusive, sustainable and resilient recovery to invest in healthcare and the care economy, addressing understaffing and further improving working conditions. The Committee observed that investing in the care economy contributes to a more gender-equal world of work and supports the Sustainable Development Goals, particularly Goals 3 (health), 4 (education), 5 (gender equality) and 8 (decent work).

The situation and needs of Member States

7. The Committee expressed deep concern at the alarming shortage of nursing personnel around the world, noting that the shortage is expected to double by 2030, resulting in a global shortfall of some 13 million nurses. In this regard, the Committee observed the significant numbers of nursing personnel that have left or are leaving the profession due to retirement or to the difficult working conditions experienced during the pandemic, which may further increase this figure.
8. The Committee noted that the issues leading to the development and adoption of the nursing personnel instruments in 1977 still persist. Despite global recognition of their vital contributions, their difficult working conditions in many countries were significantly exacerbated during the COVID-19 pandemic. The Committee noted that difficult working conditions and low levels of job satisfaction among nurses in certain countries were closely linked to the persistent problem of shortages of nursing personnel. The Committee also noted the unequal distribution of the nursing workforce globally, primarily due to large migration flows of nursing personnel who leave their countries of origin in search of better opportunities and working conditions.
9. The Committee observed that domestic workers in many countries still do not enjoy the same legal rights as other workers. In many countries, this lack of legal protection has severe consequences in practice, which have worsened during the COVID-19 pandemic.

Moreover, the vast majority of domestic workers are in the informal economy (81.2 per cent). As pointed out in the General Survey, informality is one of the main causes of the significant decent work deficits in the sector. The Committee emphasized that addressing informality in the domestic work sector should be a priority and that the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) provided a useful roadmap in this regard.

10. The Committee recognized that domestic workers in many countries are deprived of their fundamental labour rights. They are more exposed to the risk of forced labour and child labour than workers in other sectors. They also face significant discrimination, which is compounded for those domestic workers that belong to more than one disadvantaged group, for example, women who are also migrants or who come from indigenous communities, racial or ethnic minorities. Moreover, while underscoring that freedom of association and the effective recognition of the right to collective bargaining are enabling fundamental rights the Committee expressed concern that many domestic workers, especially migrant domestic workers, do not enjoy these rights due to legislative, administrative and practical obstacles.
11. The Committee noted the heightened vulnerability of live-in migrant domestic workers, who are largely invisible, working in private homes and behind closed doors. It noted with concern that many encountered exploitation and abuse throughout the migration cycle, beginning with some agencies engaging in unethical practices such as misrepresenting working conditions in the destination country and imposing illegal recruitment fees.
12. The Committee emphasized that the effective protection of domestic workers' rights is dependent on strong and comprehensive legal frameworks and effective enforcement and monitoring. It noted, however, that the particular characteristics of domestic work could pose challenges to ensuring that legally recognized rights are effectively implemented. The fact that domestic work is primarily carried out in private households can give rise to conflicts between the need to conduct a labour inspection visit of the workplace with the legal right to privacy of the individual employer or the household. As noted in the General Survey, a number of countries had developed means to reconcile both the privacy rights of the employer and household with the effective protection of domestic workers' rights.
13. In examining the challenges encountered by both nursing personnel and domestic workers, the Committee expressed concern at the high rates of workplace violence, harassment and abuse in these two sectors. This phenomenon only increased during the COVID-19 pandemic. The Committee underscored the need to take urgent measures to address this issue, including the adoption and implementation of law and policy, highlighting that the Violence and Harassment Convention, 2019 (No. 190) and its accompanying Recommendation No. 206 provided useful guidance in this regard.
14. With respect to the issue of social protection and working conditions, the Committee noted that nurses in certain countries were being employed under forms of working arrangements, that in some cases lead to deficits of decent work. In addition, domestic workers in many countries are still excluded from legal coverage under labour legislation and therefore lack access to health care and social security, despite being at-risk frontline

workers. In this context, the Committee recalled that social protection is one of the four pillars of the ILO's Decent Work Agenda, and that nursing personnel and domestic workers are entitled to decent work.

Common commitments

- 15.** The Committee recognized the urgency of addressing the nursing shortages faced by a majority of countries by increasing investment in national health care systems and the nursing workforce and further improving the working conditions of nursing personnel to attract and retain them to the profession. With respect to the impact of migration flows on health systems, members of the Committee from countries of destination recognised the need to take measures to ensure that they reduce overreliance on migrant nursing personnel, while members from countries of origin recognized the need to take measures to improve working conditions for their national nursing personnel to better enable them to attract and retain a qualified nursing workforce.
- 16.** The Committee welcomed the commitment expressed by the tripartite constituents to further improving the working conditions of nursing personnel and domestic workers. In addition to providing for adequate labour protections, the Committee considered that it was essential to develop and maintain compliance procedures and mechanisms to effectively enforce these protections. For domestic workers, this would also entail ensuring that domestic workers are covered under national labour legislation and taking measures ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.
- 17.** In this context, the Committee stressed the fundamental importance of ensuring freedom of association and the effective recognition of the right to collective bargaining, as well as non-discrimination rights for nursing personnel and domestic workers. Nursing personnel should be involved and consulted at all stages of the development, implementation and monitoring of nursing policies. In respect of domestic workers, particularly migrant domestic workers, the practical obstacles to forming and joining unions and bargaining collectively should be addressed.

ILO means of action

- 18.** The Committee called upon the ILO to develop a concrete plan of action identifying certain priority measures to be taken in light of the discussion, including addressing the causes and assessing the impacts of the global nursing shortage on working conditions of nursing personnel and on the quality of nursing care provided. The ILO should examine the measures necessary to ensure adequate training and quality education, training and lifelong learning for nursing personnel, including training on the use of digital devices and new technology, to facilitate access to quality health services. The ILO has an important role to play in this context; moreover, these efforts should be undertaken in collaboration with the WHO.

- 19.** In light of the COVID-19 pandemic the Committee recognized the urgent need to develop and implement, in consultation with nursing personnel and the social partners, comprehensive, long-term and proactive national policies on nursing personnel and nursing services, to promote further improvement of their working conditions. Governments should address, in consultation with the social partners, representatives of nursing personnel and other key stakeholders, workforce planning, qualifications, education and training needed for nursing personnel, both now and, in the future, to ensure that there are the right numbers of nursing personnel in the right places, with the right skills to deliver quality nursing services and ensure the health and well-being of the population.
- 20.** The Committee called for further in-depth tripartite consultations on the increased use of all forms of work in the healthcare sector and their impact on the working conditions of nursing personnel .
- 21.** The Committee highlighted the need to address without delay the decent work deficits that have affected domestic workers, both nationals and migrants. The Committee called on Member States to adopt or amend, as necessary, legislative provisions towards ensuring equal treatment between domestic workers and workers more generally in relation to normal hours of work , overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work. It further called on Member States to urgently adopt and implement proactive measures to combat forced labour and child labour in the domestic work sector.
- 22.** The Committee also called upon the Office to examine the root causes of informality in the domestic work sector, given the strong links between the prevalence of informality in the sector and the decent work deficits encountered by domestic workers, with the aim of identifying incentives to promote and support formalization in line with Recommendation No. 204.
- 23.** The Committee considered that it was essential to promote recognition of domestic workers' freedom of association and collective bargaining rights, irrespective of their employment status or nationality. It emphasised the importance of eliminating administrative, legal and practical barriers to the establishment of organizations of domestic workers and employers, social dialogue and collective bargaining.
- 24.** While noting the high/growing number of migrant nursing personnel and migrant domestic workers, the Committee stressed the need to take measures to provide them with legal and social protection and address abusive practices in line with up-to-date international labour standards.
- 25.** Noting that effective enforcement procedures and mechanisms were required to secure decent work for domestic workers, the Committee underscored the need to strengthen the capacity of national labour inspectorates and the promotion and exchange of good

practices that enable inspectors to balance privacy interests of individuals and households with the effective enforcement of the labour rights of domestic workers.

26. The Committee highlighted the value of technical assistance from the Office to strengthen the capacity of the tripartite constituents to help them develop robust legislative and policy frameworks and strong labour institutions to support the effective implementation of the labour rights of nursing personnel and domestic workers. It also encouraged Member States to consider ratification of Conventions Nos. 149 and 189 and requested the Office to provide technical assistance in this regard.
27. The Committee requested the Office to take into account the *General Survey on Securing Decent Work for Nursing Personnel and Domestic Workers: Key Actors in the Care Economy*, the tripartite discussion that followed and the outcome of its discussion in relevant ILO work. It was hoped that the General Survey could provide useful information and guidance for the General discussion on decent work and the care economy to be held at the 112th Session of the Conference in June 2024.