



ILO STRATEGY FOR ACTION TOWARDS MAKING DECENT WORK A REALITY FOR DOMESTIC WORKERS WORLDWIDE

This Strategy for action was prepared as a follow-up to the Resolution concerning efforts to make decent work a reality for domestic workers worldwide adopted by the International Labour Conference in June 2011 in connection with the Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011. The Strategy has been discussed by the Governing Body at its 312th Session (November 2011) to guide future action by the International Labour Office to support efforts by ILO constituents in this area. The present note contains the Strategy set out in Part II of document GB.312/INS/3, as supplemented in the light of the Governing Body's discussion.

BACKGROUND

1. At its 100th Session (2011), the International Labour Conference adopted the Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011. This is the first time that the ILO has adopted international labour standards to this particular group of workers. The Convention and Recommendation recognize that, while domestic workers make important contributions to the well-being and functioning of families, labour markets and economies, they experience huge decent work deficits owing to serious legal and policy gaps. The new instruments lay down basic principles and minimum labour standards for domestic work, while recognizing its specific nature, the varied employment arrangements in which domestic workers are employed, and the differing legal regimes and socio-economic circumstances of member States.

2. Making decent work a reality for domestic workers requires a combination of policy interventions whose content, sequencing and timing would vary from country to country, according to national priorities, contexts and possibilities, as reflected, among others, in Decent Work Country Programmes. Regardless of these differences, action in four core areas will be considered across countries. These are: (i) promoting the ratification and implementation of the Convention No. 189 and the implementation of Recommendation No. 201; (ii) providing assistance to countries for building and strengthening institutions and, when required, adopting effective policy and legislative reforms; (iii) facilitating the organization and representation of domestic workers and their employers; and (iv) awareness raising and advocacy. In addition, activities at country level will benefit from applied research, tools development as well as direct exchanges of experiences and best practices between countries.

3. A number of member States in the past years have embarked on initiatives to establish laws and policies aimed at improving the social and labour protection of domestic workers, sometimes with the ILO's technical and financial

support. Several among them have expressed their intention to ratify the Convention, while others are considering such a possibility. Some member States, although not contemplating ratifying the Convention in the short run, have expressed a commitment to improve the working conditions of domestic workers in the light of relevant provisions of the new ILO standards.

4. The next four years will be critical. A rapid entry into force of the Convention, which requires two ratifications, will be important to maintain the tremendous interest and momentum that its adoption has generated. This initial period is also crucial for promoting national assessments and action plans on decent work for domestic workers at country level. Experience and lessons from this initial period in turn, are expected to encourage the design of better-targeted initiatives that may result in widespread ratification and implementation in the longer term.

5. For these reasons, and without prejudice to on-going or planned initiatives related to domestic work, it is suggested that in the next two to four years the Office combine and coordinate its efforts in a systematic manner in ten to fifteen countries¹.

6. While ILO support at national level will be concentrated in a limited number of countries as result of resource constraints, the Office will support both countries geared towards ratification and countries that are not contemplating ratification at this time. In this sense, it is thus not expected that focus countries will have ratified Convention No. 189 by the end of this four-year period but they all will have advanced in the adoption of policies and legislative reforms to improve the living and working conditions of domestic

¹ The number of countries that will be supported by the Office depends on one hand on the number of demands coming from constituents and, on the other hand, on the availability of resources required to provide an effective support.

workers. Key criteria for choosing countries include the political commitment together with the existence of political processes aimed at improving the legal and policy frameworks on domestic work. The Office will also focus on countries where it could have the most impact in improving working conditions of domestic workers.

1. PROMOTION OF RATIFICATION AND IMPLEMENTATION OF THE NEW CONVENTION

8. Article 19 of the ILO Constitution stipulates that each Member should bring new Conventions and Recommendations before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. In addition, Members that have ratified Convention No.144 have the obligation to undertake consultations with the most representative organisations of employers and workers on the proposals to be made to the competent authority or authorities in connection with the above mentioned submission of Conventions and Recommendations.

9. Action towards the ratification and implementation of Convention No. 189, supplemented by Recommendation No. 201, requires the involvement of all tripartite constituents.

2. BUILDING INSTITUTIONAL CAPACITIES AND SUPPORTING POLICY AND LEGISLATIVE REFORMS AT NATIONAL LEVEL

11. Since 2009, some countries have embarked on initiatives to design new legislation or policies aimed at improving working conditions and social security of domestic workers, e.g. in Argentina, China, India, Indonesia, Jordan, Lebanon, Paraguay, the Philippines, Spain, the United States (State of New York, California) and Zambia.

12. Even prior to the adoption of Convention No. 189 and Recommendation No. 201, the ILO had already provided technical assistance to some countries on policy issues concerning domestic workers in response to requests from national constituents, among them, Brazil, China, Lebanon, India, Paraguay, the Philippines, Uruguay, and Zambia. The Programme and Budget for 2012–13 include a number of country programme outcomes related to domestic work. Based on information received from national constituents and field offices, a number of countries are ready to improve, revise or introduce laws, policies and institutions, building on the standards and guidance contained in the Convention and Recommendation.

13. These countries have different needs and would require different forms of ILO assistance. For example, some are relatively advanced and require legal and policy reviews leading to ratification; some require building institutional capacities and policy advice for implementation of the Convention or some of its provisions; others require, as a first step, wider awareness raising and policy dialogues on domestic work and on the Convention. These specificities will be elaborated through consultations with constituents by field offices in collaboration with the relevant technical departments at headquarters. Support will be provided upon demand and according to nationally defined priorities.

7. In addition to national level support, the Office will develop at regional and global levels several products and activities that may benefit a larger number of countries. These include practical tools dealing with specific policy areas, research, knowledge-sharing forums for exchanges of experiences and best practices, database for easy access to information on laws, etc.

The role of the ILO Office, including the Bureau for Workers' Activities (ACTRAV) and the Bureau for Employers' Activities (ACT/EMP), will be to support social dialogue on decent work for domestic workers and efforts at the national level to study the possibility of ratifying Convention No. 189. In this regard, the Office, upon request, will assist the concerned authorities in the examination of national law and practice in the light of the Convention and the preparation of measures to overcome gaps identified.

10. Because legislative reform can be long and complex, involving not only ILO traditional tripartite partners but also other government ministries, parliamentarians, and organizations of domestic workers and of their employers, the ILO must be ready to engage in this process at country level on a sustained basis for at least three years.

14. Based on demands expressed, ILO technical assistance may cover the following areas:

- labour law reform;
- improvement of data collection and statistics to better capture domestic work;
- social security, including maternity protection;
- employment, social security and immigration regimes governing migrant domestic workers;
- protection against all forms of abuse, harassment and violence;
- occupational safety and health;
- skills development for domestic workers;
- private employment agencies;
- bilateral dialogue and agreement between sending and receiving countries;
- collective bargaining mechanisms;
- recruitment and placement of domestic workers, as well as settlement of disputes; and
- enforcement mechanisms;
- formalization of employment.

15. National capacity building may involve a range of policy actors, governance institutions, workers' and employers' organizations and private employment agencies; and may include knowledge sharing, training, feasibility studies and pilot-testing of new schemes, and development of local experts' support networks.

3. PROMOTING THE ORGANIZATION OF DOMESTIC WORKERS AND THEIR EMPLOYERS

16. The international trade union movement, through the International Trade Union Confederation and its regional affiliates and the Global Union federations, played an active role in the process which led to the adoption of the new standards. It provided, in particular, a platform for domestic workers to voice their own expectations and demands. The international trade union movement is now committed to promoting the ratification of the new Convention, and to encouraging the organization and affiliation of domestic workers in established trade unions.

17. Employers' representatives to the 2011 Conference expressed their readiness to engage in dialogue on improving the working and living conditions of domestic workers. At the country level, there are already examples of national employers' organizations that have started to do so, e.g., in Zambia. In the context of the standard-setting process, the International Organisation of Employers has actively engaged in international discussions concerning private employment agencies, which play an important role in recruiting and placing migrant domestic workers.

18. The Convention and Recommendation explicitly recognize the importance of workers' and employers' organizations, and of engaging them in the implementation of

the new standards. Consultations with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers are specifically envisaged on measures regarding occupational safety and health, social security, and private employment agencies. This is underpinned by provisions on the protection and promotion of freedom of association and the right to collective bargaining in the domestic work sector.

19. In this regard, ILO technical assistance, through ACTRAV and ACT/EMP and upon request by the organizations concerned, will: (i) collaborate with and assist trade unions to develop their capacities to respond to the needs of domestic workers, to organize them and give them voice and representation in the mainstream trade union movement; (ii) collaborate with and assist employers' organizations to address domestic work issues, including the development of programmes to strengthen good practices among private employment agencies that recruit, place and/or hire domestic workers, and to support organizations of employers of domestic workers; and (iii) strengthen the organization and negotiating capacity of domestic workers and of employers of domestic workers.

4. AWARENESS RAISING AND ADVOCACY

20. Awareness-raising and advocacy, conducted by workers' organizations, civil society organizations, governments, tripartite bodies and/or international organizations, have played an important role in the past years in giving greater visibility to the issues and problems of domestic workers, in stimulating positive developments in national law and policy, and in mobilizing support for the adoption of the new Convention and Recommendation. These will continue to play a critical role in bringing about desired changes in laws, policies and institutions in the coming years, not only by generating political support but also by influencing public perceptions and attitudes towards a better recognition of

domestic worker's rights and dignity, and of the economic and social value of the work they perform. Indeed, achieving tangible and sustainable improvements in the working and living conditions of domestic workers involves issues of social cohesion, not only technical considerations.

21. Upon request, the ILO will support efforts of constituents to reach out to the public as well as specialized audiences, including parliamentarians, concerned public officials, workers' and employers' organizations, the media, and civil society.

5. DEVELOPING KNOWLEDGE AND PROMOTING EXCHANGES OF EXPERIENCES AND GOOD PRACTICES

22. Regulating working conditions of domestic workers and extending effective protection to them are relatively new areas of policy and regulation for a great part of the world. In such circumstances, developing a sound knowledge base on domestic work and approaches to regulating is particularly essential to informed, meaningful policy dialogue, awareness raising and action at national, regional and international levels.

23. The ILO's future research and knowledge-sharing strategy on domestic work will build upon the recently developed methodology for estimating the number of domestic workers and coverage of legal protection, and on other studies already undertaken by the Conditions of Work and Employment Branch (TRAVAIL), the International Migration Branch (MIGRANT), the International Programme on the Elimination of Child Labour (IPEC), ACTRAV and ILO field offices (in Beijing, Beirut, Brasilia, Dar es Salaam,

Hanoi, New Delhi and Santiago), and will aim for broader-based quality data and surveys.

24. Future research will have three streams: (i) improving methodologies for monitoring the number of domestic workers and trends in their conditions of work and employment; (ii) a policy thematic stream, aimed at building a critical mass of knowledge on specific policy themes such as remuneration, working time, occupational safety and health, links between immigration and labour policy and regulation, enforcement, collective bargaining; ; and (iii) a country specific stream, aimed at building in-depth understanding of the multiple aspects of domestic work and the relative effects of different policies and regulations. As a cost effective strategy, the ILO will continue to work with the academic community, and will strengthen networks with them through varied modes of partnership.

25. In addition to research, to help sustain future efforts to implement the various provisions of ILO standards on decent work for domestic workers, it is important that the Office provides constituents and partners with the necessary practical “tools”. These “tools” include briefs on good practices and country experiences; information notes on concepts and principles embodied in the new standards; guidelines on approaches to the various areas of regulation considered, for example approaches to regulate working time or remuneration; awareness raising materials for encouraging compliance with national legislation, etc.

26. There is also a considerable demand for direct cross-country, cross-regional sharing of practical knowledge and experiences in addressing domestic work issues. The Office will support direct exchanges of experiences among constituents from several countries notably through regional and inter-regional knowledge sharing forums and others types of events. Governments, workers and employers in member States make up the largest network of expertise in the world of work. A capacity-building process that draws on this huge asset will also pave the way for continued exchange and cooperation among the countries reinforcing South-South and Triangular Cooperation.

6. COOPERATION BETWEEN THE ILO AND OTHER UN AGENCIES ON ISSUES PERTAINING TO DOMESTIC WORK

27. During the standard-setting process which culminated in the adoption of the new instruments on domestic workers, the Office had developed relationships in this area with a number of UN organizations and bodies, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the Office of the High Commissioner for Human Rights, and several UN human rights treaty bodies and special procedures of the Human Rights Council. More recently, contacts have been initiated with the Organization for Security and Co-operation in Europe (OSCE).

28. The new instruments provide the ILO with an opportunity to strengthen its partnership with these organizations and to show leadership and promote the importance and value-added of its tripartite structure. Such a partnership is

essential for: (i) ensuring consistency in terms of messages and approaches towards the effective regulation and enforcement of domestic work; (ii) reaching out to relevant constituencies beyond the ILO's own; and (iii) identifying potential synergies and complementarities, for the sake of greater cost-effectiveness.

29. The new Convention and Recommendation provide the Office with an opportunity to “lead by example” through the development of a code of conduct for its own staff that resort to domestic workers' services, in line with the thrust of these instruments. This would lend further legitimacy and credibility to the ILO's commitment towards making decent work a reality for domestic workers. The ILO, in turn, could offer such a code to UN agencies or other international organizations for their consideration.

7. INSTITUTIONAL FRAMEWORK FOR IMPLEMENTATION

30. Because of the cross-cutting nature of domestic work and the country focus of the proposed action plan, the coordinated efforts of several technical departments at headquarters and the concerned field offices will be required. The following mechanisms will be put in place:

- a) a technical working group at headquarters, consisting of the Labour Protection Department (PROTRAV, including TRAVAIL and MIGRANT), the International Labour Standards Department (NORMES), the Industrial and Employment Relations Department (DIALOGUE), the Labour Administration and Inspection Programme (LAB/ADMIN), GENDER, IPEC, DECLARATION/SAP-FL, SECTOR, ACTRAV and ACTEMP, which will elaborate and assess respective roles and contributions in consultation with the field structure;
- b) one coordinator in each ILO regional office, who will be responsible for mobilizing and coordinating contributions and proper consultation and information flows among different participants, especially the

concerned ILO offices. Considering the wide diversity of situations worldwide, the general strategy presented in this paper will be translated into concrete regional strategies tailored to the specific needs of constituents in each region.

- c) an interregional, knowledge-sharing forum for headquarters and field representatives to be held at the end of 2013 to distil the lessons learned and provide insights for the subsequent stages.

31. The financial resources required for the implementation of this action plan will be raised consistently with the ILO's technical cooperation strategy as adopted by the Governing Body. The resource mobilization and allocation is part of the ILO's overall integrated resource framework, where the Regular Budget, Regular Budget Technical Cooperation, extra-budgetary technical cooperation and Regular Budget Supplementary Account are allocated through the outcome-based workplanning process to priority country programme outcomes and global products, using the resource gaps identified.