



ILO's WORK IN PROGRESS

Indigenous peoples in domestic work – Facing multiple discrimination and disadvantage

By Martin Oelz and Rishabh Kumar Dhir, Gender, Equality and Diversity Branch (GED)

The inequalities and lack of protection associated with domestic work in many countries exacerbate the scope for exploitation of those who are already in a marginalized position. Forced labour, sexual violence, harassment, low wages, poor working conditions, untimely payment of wages and a dearth of legal recourse to remedy are just some of the examples of what many domestic workers experience at their place of work. Indigenous women are among those suffering the most serious forms of labour exploitation in the context of domestic work. A study concerning the Vedda indigenous community in Sri Lanka, supported by the country's Ministry of Culture and Arts, has found instances of women and children being employed as domestic workers for which they were coerced, procured and trafficked.¹ The United Nations Special Rapporteur on the rights of indigenous peoples in a report² to the UN General Assembly has drawn attention to the precarious situation of numerous indigenous women engaged in domestic work in their home countries or abroad, especially in Latin America and Asia, and has highlighted the importance of the ILO Domestic Workers Convention, 2011 (No. 189) for indigenous women. A forthcoming ILO study³ based on available employment data to examine minimum wage compliance in the domestic work sector in emerging economies has shown high levels of non-compliance faced by women domestic workers from indigenous and other disadvantaged ethnic groups.

Indigenous peoples have historically been at the receiving end of marginalization and continue to be among the most socially as well as economically vulnerable sections of society. It is estimated that although indigenous peoples constitute about 5% of the world's population, they account for 15% of the world's poor.⁴ In recent years, protecting the rights of indigenous peoples has received considerable attention within the international community with the ILO taking a leading role especially through its core labour standards and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). However, the persistence of poverty and inequalities reflects that indigenous peoples still face numerous issues in the world of work. For instance, indigenous peoples continue to face non-recognition of rights,

As the ILO implements its strategy on domestic work, collaborating with national constituents and other stakeholders around the world, the Office has identified many policy questions of concern to constituents. In response, the Office has combined efforts to answer these frequently asked questions, drawing from country level experience, empirical research, and knowledge-sharing. The «work in progress» series will showcase the Office's research work in progress on these policy areas.

Identifying indigenous peoples is a contentious issue in many countries. Convention No. 169 takes a practical and inclusive approach to identifying indigenous peoples:

Article 1(1)

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Article 1(2)

Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

For more details: Understanding the Indigenous and Tribal People Convention, 1989 (No. 169). Handbook for ILO Tripartite Constituents. International Labour Organization, 2013.

loss of traditional lands and culture, livelihood insecurity, discrimination in the labour market, dependence on the informal economy and migration in search of income generating activities, among other issues that exacerbate their vulnerabilities to exploitation.

While still being among the “poorest of the poor”,⁵ indigenous peoples are yet to benefit adequately from the opportunities presented by the modern economy. Their traditional skills are often not recognized. Income generation or employment in the formal economy is severely constrained by factors like low productivity in traditional activities, poor training and education, weak linkages to markets and restricted access to credit. Therefore, be it as entrepreneurs or employees, indigenous peoples have been facing strong barriers to enter the modern

world of work and are increasingly relying on the informal economy to make ends meet. In this light, domestic work has emerged as an important income generating activity for many indigenous peoples, especially women.

Indigenous women face multiple forms of disadvantage and discrimination because of gender and identity, from both within and outside communities. Land alienation and poor income from traditional activities, in addition to the heavy burden of unpaid traditional and household work, push indigenous women to leave their communities in search of economic opportunities in urban areas. Many find employment as domestic workers.⁶ In India, for example, available data⁷ on indigenous women (or Scheduled Tribe women) shows that between 1999–2000 and 2007–08 the migration to urban areas for Scheduled Tribe (ST) women increased at nearly twice the rate as that of men, from 411 to 430 per 1000 persons, compared to 282 to 288 for ST men. Between January and June, 1993 and 2007–08, the number of migrant households among STs in urban areas increased from 29 to 62 per 1000 households. Furthermore, more than three-fourths of the tribal women from the Indian states of Chhattisgarh, Jharkhand and Orissa are working as domestic workers in major cities.⁸ The representation of tribal women in domestic work in India, which is one of the largest sectors of the informal economy of the country, is indicative of the ethnic dimension that shapes patterns of poverty, inequalities and socio-economic vulnerabilities.



ILO's contributions to supporting and protecting indigenous domestic workers

The specific issues surrounding the rights of indigenous peoples and the broader challenges to achieving gender equality closely intersect when focusing on indigenous domestic workers. There is a need to address the structural problems that confine indigenous women to the informal economy; while of equal importance is the urgency to protect those workers who are embroiled in exploitative working conditions. In this regard, three ILO Conventions, namely Convention No. 169, Convention No. 189 and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), are of particular significance for supporting and protecting indigenous domestic workers. Along with other ILO instruments, they form a set of powerful international legal instruments that play a key role in providing guidance in shaping law and policies regarding indigenous domestic workers across numerous countries.

Practical action to address the situation of indigenous domestic workers is severely hampered by a lack of empirical knowledge about the specific socio-economic forces, especially at the country level, that affect them. One key reason behind this knowledge gap is limited availability of disaggregated data on indigenous peoples. The lack of adequate empirical understanding on these issues introduces constraints not only to designing effective policies and interventions, but also to assessing the successes and failures of the measures undertaken.

To reduce this knowledge gap, the ILO is undertaking several country studies to investigate the experiences of indigenous women entering the domestic work sector. Findings will begin to be published in 2016. These studies will attempt to capture numerous aspects related to domestic work which include: the reasons that push indigenous women into domestic work; the circumstances of migration and recruitment; experiences of working conditions; awareness regarding existing institutions, laws and policies; and collective efforts, initiatives or networks by indigenous women to improve their socio-economic situation, among others. These studies also endeavour to open up a space for partnerships and collaboration at the national level with multiple stakeholders like indigenous peoples' organizations or networks as well as the ILO's social partners. In Latin America, the ILO has already been active in documenting the experiences of domestic workers and supporting trade unions in building partnerships and alliances with indigenous peoples' organizations in order to promote decent work, including in the domestic work sector.

Through an approach that focuses on reducing knowledge gaps at the country level, the ILO seeks to identify the specific needs of indigenous women, and to support their skills development and economic activity so as to prevent precarious or exploitative domestic work. Stronger empirical grounding will also serve to strengthen the on-going efforts of promoting decent work for domestic workers and play a crucial role in future policy making. The ILO's mandate, standards and strong commitment to social justice provide a strong basis for its action aimed at ensuring that the right to decent work of indigenous domestic workers, who are among the most marginalized groups, is protected and realized.

Endnotes

¹De Silva, Premakumara, and Asitha G. Punchihewa. *Socio- Anthropological Research Project on Vedda Community in Sri Lanka*. Department of Sociology University of Colombo; Ministry of Culture and the Arts Government of Sri Lanka, 2011.

²Tauli-Corpuz, Victoria. *Report of the Special Rapporteur on the Rights of Indigenous Peoples to General Assembly*. UN General Assembly, August 6, 2014. <http://unsr.vtaulicorpuz.org/site/index.php/en/documents/annual-reports/35-report-ga-2014>.

³Martin Oelz and Uma Rani Amara. *Domestic work, wages, and gender equality: lessons from developing countries*, forthcoming 2015.

⁴*Implementation of Operational Directive 4.20 on Indigenous Peoples: An Independent Desk Review*. OEDCR, World Bank, January 10, 2003.

⁵*Still among the Poorest of the Poor*. Indigenous Peoples Policy Brief. The World Bank, 2011.

⁶Vinding, Diana, and Ellen-Rose Kampbel. *Indigenous Women Workers: With Case Studies from Bangladesh, Nepal and the Americas*. Working Paper 1. International Labour Office; ILO's International Labour Standards Department (PRO 169); ILO Bureau for Gender Equality, 2012.

⁷*Statistical Profile of Scheduled Tribes in India*. Ministry of Tribal Affairs, Statistics Division, Government of India, 2013

⁸*Migration of Tribal Women: Its Socio-economic Effects - An in-depth Study of Chhatisgarh, Jharkhand, M.P and Orissa*. Society for Regional Research and Analysis, October 2010.