



PROMISING PRACTICES IN LABOUR INSPECTION IN THE CONTEXT OF DOMESTIC WORK IN ASEAN

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**Spotlight
Initiative**
*To eliminate violence
against women and girls*



**International
Labour
Organization**

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Promising practices in labour inspection in the context of domestic work in ASEAN

This paper highlights promising practices in labour inspection in the context of domestic work, considering the role of gender-responsive policies in responding to the short- and longer-term impact of the COVID-19 crisis shared during the webinar. The data collection method used for this paper involved a review of existing literature and policies, as well as knowledge shared from experts in the field during the online webinar organized by Safe and Fair on labour inspection in the context of domestic work in ASEAN.

Furthermore, the paper provides useful inputs for strengthening the enforcement of labour laws beyond labour inspection itself for domestic workers, based on the analysis, recommendations can be made for strengthening labour inspection policies and institutions, including the development of necessary legal frameworks, institutional

capacity-building, and the use of innovative technologies and tools to enhance labour inspection effectiveness.

Panelists from the International Labour Organization (ILO) Regional Office for Asia and the Pacific, the Bureau of Working Conditions (BWC), the Department of Labour and Employment (DOLE), Philippines, the Indonesian Employers Association (APINDO), and the International Domestic Workers Federation (IDFW), shared information and knowledge on labour inspection in the domestic work sector. The presentations and discussion covered statistics on domestic workers in the region, the main issues migrant domestic workers face, coverage of the mandate of labour inspectors and challenges for labour inspectors in the domestic work sector together with good practices on labour inspection.



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Background

Under the Domestic Workers Convention, 2011 (No. 189), domestic workers are those workers who perform their duties in or for a private household or households. They provide both direct and indirect care services, playing a vital role in the care economy. Migrant domestic workers are those workers engaged in domestic work who have migrated internally or across borders.

Domestic workers constitute one of the most at-risk categories of workers due to the location and nature of their work. Physical violence, child labour and forced labour are among the human rights abuses that often affect these workers, particularly women and girls. However, abuses also include long working hours without rest and unfair pay practices such as excessive deductions for accommodation and food. Furthermore, the COVID-19 pandemic has highlighted the enormous contribution to societies by domestic workers and migrant domestic workers, who provide essential care at both home and institutional settings, as well as the systemic inequalities they face and the urgent need for greater protection and support.

The ILO estimates there are 75.6 million domestic workers worldwide above the age of 15 and 76.2 per cent of these are women.¹ In addition to the gender dimension, domestic work is closely connected with international migration. Domestic workers do not look for work only in their countries of origin but frequently migrate to other countries in search of better employment opportunities.

The large majority of domestic workers working in informal employment face serious decent work deficits. These include a lack of access to social protection, poor working and living conditions, poverty, and social exclusion, which render them particularly vulnerable.

Domestic workers often face significant challenges in accessing both de facto and de jure labour protections. While there may be legal provisions in place to protect domestic workers' rights, the actual implementation and enforcement of these protections may be lacking. For instance, domestic workers are frequently excluded from minimum wage protection, leaving them vulnerable to receiving inadequate wages or experiencing unlawful salary deductions. In many cases, migrant domestic workers

¹ ILO (2021). "Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189)". https://www.ilo.org/global/publications/books/WCMS_802551/lang-en/index.htm

face additional challenges in recovering any unpaid wages they are owed, as language barriers and difficulties navigating different legal systems can hinder their ability to seek redress.² Domestic workers may also lack access to social security, including health care and income security. According to the ILO, less than two out of every ten domestic workers are covered by social protection in practice.³ Many domestic workers are not provided a day off and may face excessive working hours.⁴

Domestic workers are also at risk of sexual abuse and harassment, as well as debt bondage, contract substitution, overcharging, immigration issues such as document retention and undocumented status, trafficking, forced labour, and a lack of access to reporting and support services. Additionally, domestic workers may face limitations on their freedom of movement and association, which can further exacerbate their vulnerability.

More than 27 million domestic workers around the world are excluded from the scope of the country's national labour law coverages.⁵ While this number has improved over time, and fewer countries explicitly exclude domestic workers from labour protections, the majority of domestic workers in Asia and the Pacific (61.5 per cent) remain fully excluded from coverage under national labour laws.⁶ Moreover, simply having labour protections for domestic workers in writing does not automatically translate into effective and realized protections.

The importance of labour inspection in promoting decent work has been recognized since the ILO's creation. Both at the global level and among ASEAN Member States, the ILO works to strengthen labour inspection systems to ensure labour law compliance through the promotion of relevant international labour standards, and technical advisory services and projects.

ILO principles on labour inspection

Labour inspection is one of the most important instruments of State presence and intervention in the world of work, the ILO has made labour inspection one of its priorities since its inception. The importance of labour inspection was recognized under Part XIII of the Treaty of Versailles, which established the ILO. This section stipulated that "Each State should make provision for a system of inspection, in which women will take part, to ensure the enforcement of laws and regulations for the protection of the employed." The Treaty also highlighted ILO's obligation to assist Member States in strengthening their labour inspection systems.

The Labour Inspection Convention, 1947 (No. 81) and the Domestic Workers Convention, 2011 (No. 189) are key references for inspection when it comes to domestic work. As of 2023, only four (Indonesia, Malaysia, Singapore and Viet Nam) of the 10 ASEAN Member States have ratified C.81 and only the Philippines has ratified C.189. However,

2 ILO (2023). "Guidance Note on wage protection for migrant workers" https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_878456.pdf

3 ILO (2022). "Making the right to social security a reality for domestic workers: A global review of policy trends, statistics and extension strategies" https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_848280.pdf

4 ILO (2015). "The right to rest for domestic workers - setting a floor" https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_364744.pdf

5 ILO (2021). "Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189)".

6 Ibidem



not ratifying does not prevent Member States from pursuing inspection policies in line with international standards.⁷

The ratification of relevant ILO Conventions would be a big step forward in promoting decent work for all, including migrant domestic workers, in ASEAN and would provide Member States with appropriate, timely guidance on policy and practice on labour inspection.

[C81 - Labour Inspection Convention, 1947 \(No. 81\)](#)

The Labour Inspection Convention, 1947 (No. 81) is an international labour convention adopted by the ILO on February 11, 1947. The ILO Governing Body has designated Convention No. 81 as a governance (or priority) instrument, encouraging Member States to ratify it due to its importance for the functioning of the international labour standards system. Convention No. 81 has become one of the most widely ratified ILO Conventions, with 141 ratifications, and has served as a model for most national laws and regulations relating to modern inspection systems. Convention No. 81 and Labour Inspection Recommendation, 1947 (No. 81) taken together constitute the rules to be applied in the field of labour inspection.

Convention No. 81 defines the functions, duties and responsibilities of labour inspection systems, the requirements for staff recruitment, the actions of inspectors, enforcement powers, and the obligations of inspectors in concerning ethics and reporting of activities. It also provides for the reporting of accidents and diseases. Furthermore, it gives details as to what information should be included in the annual report, so far as it is possible, and contains further guidance for collaboration between inspectors, employers and workers.

The Convention sets out standards for the development and operation of labour inspection systems, which are responsible for enforcing labour laws and regulations.

Some of the key provisions of the Convention include:

1. **Scope of labour inspection:** labour inspection systems should cover all branches of economic activity and have the authority to inspect workplaces and enforce labour laws and regulations.
2. **Powers of labour inspectors:** labour inspectors shall be empowered to enter workplaces, examine records, and interview workers and employers.
3. **Training of labour inspections:** labour inspectors shall be provided with adequate training and resources to effectively carry out their work.

⁷ As explained by René Robert, Specialist in Labour Administration and Labour Inspection, ILO Regional Office for Asia and the Pacific during the webinar.

4. Routine of labour inspections: workplaces shall be inspected as often and as thoroughly as necessary to ensure the effective application of the relevant legal provisions.
5. Cooperation: the competent authority must facilitate cooperation between the inspection services, other government agencies, and public or private institutions involved in similar activities, as well as between labour inspectors, employers, workers, or their organizations.
6. Information sharing: labour inspectors shall supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions.

Under Convention No. 81, there are three main functions of labour inspection:

1. Enforcement
2. Provision of technical information and advice to workers and employers on how to comply with the law
3. Notification to authorities about defects or abuses not covered by the law

Lastly, the Convention mentions that any further duties entrusted to labour inspectors should not interfere with these primary functions.

Relevant powers of inspectors and operational considerations

- To enter freely and without previous notice at any hour of the day or night any workplace liable to inspection⁸
- Inspection/investigation
- Measure to remedy defects

- Discretion to issue warnings, advice, or to initiate prompt legal proceedings

Convention No. 81 provides a crucial guarantee by stipulating that inspectors must treat the source of any complaint as strictly confidential. This protection holds significant relevance across various sectors, but it assumes particular importance for domestic workers who often work in isolated and private environments. Domestic workers face unique challenges as their employers can easily discern their identities. Therefore, ensuring the highest level of confidentiality is of the utmost importance to encourage domestic workers to report grievances to the authorities without fear of reprisal.

Adequate and strong penalties for obstructing labour inspectors may be necessary to ensure that they can perform their duties effectively and protect the rights of workers. Labour inspectors operate within the boundaries of their legal mandate. Therefore, it is essential for labour laws to provide inspectors with the necessary authority, even within the domestic work sector. However, the exclusion of domestic work for labour protections, as specified in certain labour laws or provisions make it impossible for labour inspections to conduct their work. Additionally, regulations pertaining to the right of entry into private households, governed by other laws, may restrict labour inspectors' access to domestic workers.

While workplaces should be inspected as often and thoroughly as necessary, inspection visits are not the only tool that inspectors have at their disposal in the context of domestic work. In addition to inspection visits, labour inspectors may have other tools at their disposal to ensure that employers comply with labour laws and regulations in the context of domestic work such as public awareness campaigns;

⁸ Entering domestic premises may not fit within this for labour inspectors.

education and training; support for workers organizations; and collaboration with other government agencies.

When violations are uncovered, there need to be legal proceedings brought and adequate penalties for violations, for example, the conversion of an undeclared worker into a formal worker, the imposition of a contractual arrangement between the employer and domestic worker, which is a key part of the formalization power and role of inspectors to make sure that the domestic workers are formalized.

C189 - Domestic Workers Convention, 2011 (No. 189)

In 2011 the ILO adopted the Domestic Workers Convention No. 189 and Recommendation No. 201. These instruments lay down the basic principles and minimum labour standards for domestic work. The convention recognizes that domestic work is work and that domestic workers are entitled to the same rights and protections as other workers. It also highlights the importance of measures to ensure compliance with laws and regulations protecting domestic workers, including through labour inspection.

Convention No. 189 is an important step towards ensuring that domestic workers are protected from exploitation and abuse and that they have the same rights and protections as other workers.

Some of the key provisions of the Convention No. 189 include:

1. Definition of domestic work: domestic work is the work performed in or for a household, within an employment relationship and on an occupational basis, including cleaning, cooking, childcare, and other domestic tasks.
2. Protections for domestic workers: domestic workers should be protected

from abuse, harassment, and violence, and they have the right to join unions and engage in collective bargaining.

3. Right to a written contract: domestic workers should be provided with a written contract that outlines the terms and conditions of their employment.
4. Protections for migrant domestic workers: the convention recognizes the particular vulnerabilities of migrant domestic workers, and requires that they are provided with the same protections as other domestic workers.
5. Regulation of recruitment agencies: recruitment agencies that place domestic workers should be regulated and monitored to ensure that they comply with labour laws and do not engage in exploitative practices.

Appropriate consideration should be given to key three points on labour inspection set out in Article 17 of Convention No.189. First, the need for an effective and accessible complaint mechanism as a means to ensure compliance. Secondly, Member States should develop and implement measures for labour inspection, enforcement and penalties. And thirdly, there need to be measures that specify the conditions under which access to household premises can be granted, having due respect for privacy.

Labour inspection guidelines

In March 2022, the Governing Body of the ILO authorized the publication of [Guidelines on general principles of labour inspection](#). The guidelines state that labour inspection should apply to all workers and all workplaces in all sectors, including private and public, rural or urban, or formal and informal workers. The scope is as broad as the worker deserving of protection and this includes domestic work.



The Guidelines are intended to assist Member States in addressing current and emerging trends in labour inspection and promoting modern and effective labour inspection policies and practices.

Some of the key guidelines include:

1. Independence and impartiality: labour inspection systems should be independent of employers and workers, and should be impartial in their enforcement of labour laws and regulations.
2. Adequate resources: labour inspection systems should be provided with adequate resources, including funding, staff, and equipment, to effectively carry out their duties.
3. Risk-based approach: labour inspection systems should use a risk-based approach to target inspections to high-risk workplaces and industries, and to prioritize inspections of employers with a history of labour law violations.
4. Cooperation and coordination: labour inspection systems should work in cooperation with other government agencies, such as law enforcement or social welfare agencies, to ensure that workers are protected from abuse and exploitation.

5. Education and training: labour inspectors should be provided with education and training to ensure that they are equipped with the knowledge and skills to effectively enforce labour laws and regulations.

6. Complaint mechanisms: labour inspection systems should establish complaint mechanisms that allow workers to report labour law violations anonymously and without fear of retaliation.

7. Public awareness: labour inspection systems should engage in public awareness campaigns to educate workers and employers about their rights and responsibilities under labour laws and regulations.

ILO strategic compliance planning for Labour Inspectorates

The ILO developed an approach to strategic compliance planning for labour inspectorates – a six-step exercise to formulate, sequence and operationalize broader thinking and action, that will help labour inspectorates attain the goal of sustained compliance.

The strategic compliance model is an approach to labour inspection that emphasizes the importance of achieving compliance with labour laws and regulations. The model recognizes that labour inspectors have limited resources and must therefore prioritize their efforts to achieve the greatest impact.

While enforcement is an important tool for labour inspectors to ensure compliance with labour laws and regulations, other means of action and power can have a broader and more systemic impact. These may include:

1. Education: Labour inspectors can play a role in educating employers and workers on their rights and responsibilities under labour laws and regulations. This can help to prevent violations before they occur by increasing awareness and understanding.
2. Communication: as a tool to communicate the importance of compliance
3. Political action: labour inspectors may work with policymakers and legislators to promote changes to labour laws and regulations that address the root causes of non-compliance.
4. Systemic actions: labour inspectors may take systemic actions to address the root causes of non-compliance, such as by working with employers to improve working conditions or by promoting the use of collective bargaining agreements. These actions can have a broader systemic impact on compliance by addressing the underlying factors that contribute to violations of labour laws and regulations.

These are some of the strategic compliance planning actions that labour inspectors can consider for domestic work:

- Working to close gaps in domestic worker labour protections: working with the authorities and social partners

to advocate to close those gaps, and strengthen the regulatory framework.

- Make decent work in the domestic work sector a priority for the inspectorate: have key performance indicators in a given year or in a given sector to improve domestic workers' conditions.
- Tackling data deficits: through social dialogue with the partners and through improved coverage of inspection action gather data to get a better picture of the scope of domestic work in a given country.
- Securing effective access to private households: making sure that inspectors can get access either as a regular visit in response to a complaint.
- Focusing on targeted issues and high-risk locations: such as trafficking or forced labour, child labour, violence and harassment at work as well as high risk locations –there may be certain jurisdictions or certain areas of the country where it is known that domestic work is more prevalent and where there are higher risks.
- Awareness raising to workers and employers on labour rights: including model contracts, outreach tools, and complaints channels.
- Consider preventive measures concerning OSH and incentives: to employers of domestic workers to register them for social security, pay their contributions, and ensure they have contracts with workers.
- Having transnational measures for labour inspection cooperation: this can be particularly around specific corridors that are known for domestic work between sending and receiving countries or even transnational beyond ASEAN.
- Monitoring recruitment of domestic workers and private employment

agencies: labour inspectors can help to ensure that workers are not subject to exploitation or abuse during the recruitment process and that employers are complying with relevant labour laws and regulations.

- Training inspectors and having specialized staff.

Challenges for labour inspectors

Labour inspectors are responsible for enforcing labour laws and regulations to ensure that employers comply with national legislation and workers' rights, these challenges are compounded when it comes to ensuring the rights and protections of domestic workers and migrant domestic workers. These are some challenges they face in carrying out their duties effectively:

- Lack of legal protections for domestic workers, particularly those in irregular situation (including protections on general labour standards, social protection and OSH).
- Legal mandate of labour inspection over domestic work: both the formal and informal mandates have to be strong.
- Undeclared (informal) work: leads to lack of protection and knowledge on the part of the inspectors on the circumstances these workers face and where they might be.
- Transnationality: the powers of national labour inspection stop at the border, there are no translational labour inspectors.
- Abusive recruitment process: some labour inspectors may not be mandated to monitor private employment agencies and the recruitment processes of domestic workers.

- Lack of access to private households (further compounded by COVID-19).
- Lack of data and registries on domestic work: on workers, employers, working conditions.
- Lack of strategy to improve working conditions of labour inspectors: there is a notable absence of specific strategies aimed at work inspection.
- Limitation of labour inspectors' resources.
- Lack of interpreters and translators.
- Lack of gender sensitivity trainings and resources.

Promising practices on labour inspection ASEAN

Philippines

The Philippines has a comprehensive labour inspection programme that is designed to ensure a high level of compliance, including sustainable compliance, with labour laws and regulations across all sectors, including domestic work. The programme is led by the Department of Labour and Employment (DOLE), which is responsible for enforcing labour laws and regulations.

Labour inspection in the Philippines derives its power from the Labour Code of the Philippines, which grants the Secretary of the Department of Labour and Employment and its regional directors, including labour inspectors and labour inspection auditors, the authority to enforce labour laws and regulations through visitorial and enforcement powers.

DOLE has recently issued Department Order No. 238, Series of 2023, also known as "DO 238-23." This order is designed to enhance the authority of the Secretary of labour and Employment in enforcing labour standards under Article 128 of the labour Code of the Philippines, as renumbered,



and Republic Act No. 11058. DO 238-23 focuses on strengthening the Secretary's ability to monitor and ensure compliance with general labour standards, occupational safety and health standards, as well as other social legislations across various industries. It replaces Department Order No. 183, Series of 2017 ("DO 183-17"). One of the key objectives of DO 238-23 is to introduce three new approaches for how the Secretary of labour and Employment can conduct inspections at different establishments using their visitorial and enforcement powers as defined in the Philippine labour Code.

The Labour inspection programme in the Philippines has four modalities:

1. **Routine inspection:** the regular inspection programme in the Philippines. In 2022, around 75,000 establishments were targeted to be inspected. A strategic compliance programme was adopted to determine the establishments to be covered by the inspection, identifying priority sectors where previous data showed high violations and high vulnerabilities, such as construction, fishing, mining and agriculture.

2. **Complaint inspection:** whenever there is a complaint, labour inspectors conduct an inspection.
3. **Occupational Safety and Health investigation:** whenever there are accidents in the workplace, or there are risks reported to the Department that would pose risks to the life of workers in a particular workplace.
4. **Technical Safety Inspection:** specialized inspectors conduct technical safety inspections in highly specialized industries and workplaces.

Labour inspection checklist

The Department has developed a comprehensive labour inspection checklist that is used by labour inspectors to assess compliance with labour laws and regulations in workplaces. The checklist covers a range of areas, including employment contracts, working conditions, occupational safety and health, and social welfare benefits.

In 2020, the checklist was expanded to also include compliance with the 'Alien Employment Permit (AEP)'⁹ of the government ensuring that workers from other countries are compliant with existing rules and regulations.

⁹ The Alien Employment Permit (AEP) is a requirement for foreign nationals who wish to work in the Philippines. It is a document issued by DOLE that grants the foreign national the authority to work in the Philippines for a specific employer and for a specific period.

The Department has developed a web-based system to support labour inspectors in their work. Provided with tablets with unlimited data connection, the system allows inspectors to record real-time inspection findings, take photos, and generate reports on their mobile devices, which can then be uploaded to a central database for analysis and action.

During a labour inspection, inspectors gather information and evidence to assess compliance with the law. The investigation process may involve collecting affidavits, interviewing witnesses, reviewing documents, and conducting on-site inspections. The goal of the investigation is to gather sufficient evidence to determine whether there are violations of labour laws and regulations and to take appropriate enforcement action if necessary.

Moreover, the Department partners with other government organizations like the Department of Health, the Mines and Geosciences Bureau, the Bureau of Aquatic Resources, and the Bureau of Fisheries and Aquatic Resources.

The Department also checks union registration before conducting an inspection to find out whether the establishment where inspectors will go is unionized or if there are representatives of their association within the enterprise where the inspectors will go for routine or complaint inspection.

The inspection system also covers the management of compliance as submitted by inspectors during the compliance remediation period, conduct of mandatory conferences to ascertain the validity, the authenticity of submitted documents such as payrolls, pay slips and other employment documents. After all the proceedings are conducted and there are still non-remediated violations, the inspectors and

other members of the inspection team will dispose of the case through the issuance of a compliance order by the Regional Director of DOLE directing the non-compliance establishment to comply with either labour standards or occupational safety and health standards.¹⁰

Labour inspection for domestic work sector

Following the ratification of Convention No. 189 in 2012, the Republic Act No. 10361, or the “Batas Kasambahay” was enacted on January 18, 2013, and took effect on June 4, 2013. This law provides additional protection for domestic workers in the Philippines and establishes standards for working conditions, wages, and benefits.

It is worth noting that with the Philippines being a major country of origin for migrant domestic workers, the government has taken steps to protect the rights of overseas Filipino workers (OFWs) through other mechanisms. The government also maintains labour attachés in embassies in various countries to assist OFWs and address labour-related concerns.

In the Philippines, employers are required to register their employees with the Barangay (local district) as part of their obligations to comply with labour laws and regulations. They are also obliged to keep copies of pay slips for three years. In cases where the employment is facilitated through a private employment agency, such as for domestic workers, the agency is responsible for keeping copies of all contracts and other relevant documents, which must be made available for inspection by the DOLE.

Domestic workers are not included in the inspection framework because there is a limitation in the constitution that respects the privacy of households. To

¹⁰ This information was provided during the webinar by Attorney Alvin Curada, Director IV, Bureau of Working Conditions, DOLE.



ensure compliance of employers with the Domestic Workers' Act, strategies to ensure compliance beyond the inspection system were developed.

The Domestic Workers Act in the Philippines defines domestic workers as any person engaged in domestic work within an employment relationship such as, but not limited to, the following: general house help, nursemaid or “yaya”, cook, gardener, or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis.

The Domestic Workers Act is a landmark decision in the Philippines because it formalizes the employment relationship between the employer and the domestic workers, recognizing the rights of the domestic workers and providing entitlements to labour standards, including social security protection.

In order to overcome these challenges, the Department intensified its advocacy programmes beyond radio and television by using social media channels such as Facebook, Twitter and YouTube to raise awareness and reach a wider audience.

The Department is also trying to expand the complaint mechanism for domestic workers through the Single Entry Approach (SEnA)¹¹ programme. Additionally, the Occupational Safety and Health Centre (OSHC) issued labour advisory Number One Series of 2014 detailing some occupational safety and health tips for domestic workers and previously, the International Wages and Productivity Commission (IWPC) developed a training module for increasing productivity of domestic workers through observance of applicable occupational safety and health standards in their workplaces.

Concerning migrant workers from the Philippines, domestic workers are only permitted to deploy to countries that have bilateral labour agreements with the Philippines to ensure the protection of migrant workers. The Department of Migrant Workers (DMW) is mandated to facilitate the overseas employment and reintegration of Filipino workers and is also tasked with promoting the empowerment and protection of OFWs (including migrant domestic workers) through continuous training and knowledge development. Moreover, there are Philippine labour offices established in the receiving country

¹¹ The Single Entry Approach (SEnA) is an administrative approach used by the Department of Labour and Employment (DOLE) in the Philippines to provide a speedy, impartial, inexpensive, and accessible settlement procedure for all labour issues or conflicts.

to ensure that workers are protected, to negotiate with the labour ministry in the receiving state as well as to file cases in foreign jurisdictions whenever the contracts of migrant workers are violated.

Good practices from ASEAN countries

Cambodia, Indonesia and the Philippines:

The three countries have introduced obligations to inspect migrant recruitment agencies and pre-departure training facilities. The Indonesian government has identified the inspection of labour-sending agencies as a priority to ensure the quality of pre-departure training. The Cambodian government has a separate regulation on the inspection of private recruitment agencies, including pre-departure training facilities. The Philippines Government, through its Overseas Employment Administration, has a particularly experienced and rigorous approach to pre-departure standards and control, inspecting recruitment agencies and establishments suspected of being engaged in illegal recruitment and human trafficking.^{12,13,14}

Malaysia: In 2021, the government launched Working for Workers (WFW), a digital channel for employees in the country, both locals and foreigners, to have access to file

labour complaints online in a confidential manner.¹⁵

Singapore: Officers from the Ministry of Manpower conduct household inspections to check on the living and working conditions of migrant domestic workers. In addition to conducting inspections, the officers also provide information on decent working conditions to both employers and domestic workers. This can help raise awareness about labour laws and regulations and to promote compliance with these standards.¹⁶

Thailand: In 2021, the ILO, through the Safe and Fair Programme, in close collaboration with the Department of Labour Protection and Welfare, Ministry of Labour, the Royal Thai Government, launched the updated Labour Inspection Guidelines with attention to women migrant workers, domestic workers, forced labour, and violence and harassment. Started in 2020, the guidelines have been updated in response to the COVID-19 pandemic. The guidelines are used to provide capacity training of over 300 labour inspectors across all regions of Thailand.¹⁷

Viet Nam: Organizes information weeks related to labour inspection topics. These events serve as opportunities to disseminate valuable information, educate stakeholders about labour laws and regulations, and foster a culture of compliance.¹⁸

12 Eight new prakas, or ministerial regulations, were introduced in September 2013 in Cambodia, which changed the legal requirements for private recruitment agencies, with the aim of increasing protection for migrant workers. The new prakas hold private recruitment agencies accountable for the treatment of migrant workers through routine inspections and a complaints mechanism.

13 In Indonesia, there are several legal instruments that establish the obligations and framework for inspecting recruitment agencies and pre-departure training facilities such as the Law on Protection of Migrant Workers (No. 18/2017), Minister of Manpower Regulation No. 14 of 2017 on the Organization of Pre-Departure Orientation and Guidance and Government Regulation No.18 of 2020 on the Provision of Services for the Placement and Protection of Indonesian Migrant Workers.

14 International Organization for Migration, Labour Inspection for the Protection of the Rights of Migrant Workers, 8th ASEAN Forum on Migrant Labour (AFML), 2015.

15 <https://www.workforworkers.com.my/sapn-portal/index>

16 <https://www.mom.gov.sg/newsroom/press-releases/2021/0426-better-support-for-mdws-and-their-employers-through-more-direct-engagements>

17 Soft launching of the updated labour inspection guidelines in Thailand. https://www.ilo.org/asia/media-centre/news/WCMS_820382/lang-en/index.htm

18 ILO (2022). Curriculum on Building Modern and Effective Labour Inspection Systems. Module 16: Labour inspection in domestic work. https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/genericdocument/wcms_856576.pdf

Good practices from other regions

The subsequent examples illustrate commendable practices implemented by two nations, Portugal in Europe and Uruguay in South America. These countries have adopted a more methodical approach to compliance planning, whereby they have strategically prioritized domestic work as a key area of focus for their labour inspection efforts.

Uruguay

In Uruguay, a specialized inspection team was developed within the General Labour and Social Security Inspectorate (IGTSS in Spanish) to address violations of labour standards in the domestic work sector. The team was established not only to investigate cases of violations with foreign domestic workers but also to ensure that the unique nature of inspection visits and the sensitivities around interviewing were addressed.

Additionally, legal provisions in Uruguay required special judicial approval and an evidentiary basis before visits could be undertaken. Thus, the inspectors needed to be well-trained in seeking a court order to visit a workplace properly.

As a result of these efforts, not only has there been a prioritization of monitoring working conditions in the domestic work sector, but also the development of a core group of inspectors with specialized knowledge and actions to ensure decent working conditions in the sector.

Portugal

In Portugal, it has been acknowledged that relying solely on complaints is not an effective approach. This was evident in 2011 when the Portuguese labour inspectorate received only 20 complaints from domestic workers throughout the year

while responding to almost 1800 inquiries about labour rights, specifically related to domestic work. This disparity suggested an imbalance where there was a high level of interest and need for awareness, but conventional channels for lodging complaints were not being utilized.

Therefore, the Portuguese Inspectorate has taken a data-driven approach to identify households to be inspected, utilizing sources such as employment permits, Social Security records, and collaborating with foreign affairs and diplomatic missions in sending countries. This has enabled them to develop a better understanding of the challenges associated with domestic work and its prevalence throughout various neighbourhoods. They have implemented a targeted approach, conducting surprise visits to households with preventive and enforcement measures, while also engaging with employers and domestic workers in other locations where they congregate, such as churches and communities, to provide alternative means of effective engagement.

Employers' organizations perspective: the use of technology on labour inspection

Key Performance Indicators (KPIs) are crucial not only for workers but also for employers. When labour inspection becomes more effective and efficient, it can provide a platform for workers and employers to voice their complaints or grievances about each other, which can help ensure that both parties are in compliance with labour laws and regulations.

Moreover, the use of technology in labour inspection, including the use of already existing systems such as video conferencing tools to conduct remote labour inspection visits, can help to improve the efficiency and effectiveness of labour inspection processes and can help to ensure that labour laws and regulations are being enforced fairly and consistently.

By using technology to conduct labour inspection visits, physical inspections can focus on bigger, more concerning cases where there may be a higher risk of labour law violations or worker exploitation.

Workers' organizations perspective: challenges and recommendations

Domestic workers face several challenges and risks when it comes to labour inspection:

- **Lack of access to information and to report:** When it comes to the reporting mechanism, most DWs have limited information and access to report which results in a low number of cases reported. In addition, the system set up by the country of destination is not accessible to domestic workers.
- **Language barriers:** Domestic workers, especially migrant domestic workers, who are not fluent in the language spoken in the country where they are working may have difficulty accessing hotlines and services due to the lack of or the low number of interpreters.

- Lack of action from labour inspector officers: Domestic workers who are experiencing abuse, harassment, forced labour, or trafficking may be in urgent need of assistance and protection, and delays in responding to these cases can exacerbate their suffering and put them at greater risk of harm.
- Lack of ratification of Convention No.189 and/or implementation of Convention No. 81: can also be a significant challenge for ensuring that domestic workers are protected and that labour inspection is effective in addressing labour law violations in the domestic work sector.

Recommendations from the International Domestic Workers' Federation (IDWF),¹⁹ representing workers' organizations, to strengthen the labour inspection on domestic work:

- Governments ought to establish laws and regulations to safeguard the rights of domestic workers, including specific regulations that pertain to labour inspection in the domestic sector, while also ensuring respect for workers' privacy.
- Collaboration between labour inspectors, policies, immigration, and other agencies should be strengthened to enhance the effectiveness of labour inspections.
- An effective One Stop Complaint Mechanism must be established for domestic workers who experience abuse, harassment, forced labour, or trafficking cases.
- Governments must allocate more resources and funding to labour protection in the domestic sector.
- The labour inspection process should include the role of workers' unions, and they should be involved in regular evaluations and monitoring.
- Governments should ratify ILO Conventions No. 189 and No. 81 to promote the rights of domestic workers.
- The complaint mechanism should be included in the pre and post-orientation training for domestic workers, and governments should ensure that such training is provided.

¹⁹ The International Domestic Workers Federation is the first membership-based global organization of household and domestic workers. These recommendations were provided during the webinar.

Conclusions

Domestic workers, including migrant domestic workers, provide indispensable services to families throughout the world. Yet, they often face unique challenges and vulnerabilities leading to violation of their human and labour rights. Some of these vulnerabilities include deceptive and coercive recruitment practices, precarious working conditions, exclusion from coverage under labour and social security laws, restrictions on freedom of movement and association, and, in more extreme cases, forced labour and trafficking.

While the legal coverage for domestic workers has improved over the past decade, the actual working conditions of many domestic workers in ASEAN countries still fall short of decent work standards. Despite the existence of labour laws and regulations, many domestic workers continue to face exploitative working conditions, low wages, long working hours, and limited access to social protection, for many, decent work has not yet become a reality.

Labour inspection and enforcement in the context of domestic work in ASEAN is essential for promoting decent work and protecting the rights of domestic workers. Governments and other stakeholders need to take proactive measures to ensure that domestic workers are protected and that labour laws and regulations are effectively enforced. There is also a need for a broader approach to make the realization of decent work for domestic workers effective.

There are several promising practices in ASEAN related to labour inspection and enforcement, including the establishment of mobile labour inspectors' systems, social dialogue mechanisms, capacity building for labour inspectors, public awareness campaigns, and partnerships with civil society organizations. By building on these promising practices and investing in labour inspection and enforcement efforts, governments and other stakeholders can work together to ensure that domestic workers are protected from abuse and exploitation to make decent work a reality for domestic workers.

Resources

ILO (2009) [Report IV\(1\): Decent work for domestic workers](#)

ILO and UN Women (2015) [Women's labour migration in ASEAN](#)

ILO (2015) [Labour inspection and other compliance mechanisms in the domestic work sector: Introductory guide](#)

ILO (2017) [ILO approach to strategic compliance planning for labour inspectorates](#)

ILO (2018) [A Guide on Labour Inspection Intervention in the Informal Economy - A participatory method](#)

ILO (2020) [Guide on Labour Inspection and Social Security](#)

ILO (2021) [Manual for labour inspection during the pandemic](#)

ILO (2021) [Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 \(No. 189\)](#)

ILO (2022) [Labour inspection in domestic work](#)

ILO (2022) [Training for Malaysian inspectors on forced labour, child labour and gender-based discrimination, violence and harassment in the workplace](#)

ILO (2022) [Guidelines on general principles of labour inspection](#)

ILO (2022) [Labour inspection and monitoring of recruitment of migrant workers](#)

ILO (2022) [ILO Curriculum on Building Modern and Effective Labour Inspection Systems](#)

KNOMAD (2022) [The Empowerment of Migrant Workers in A Precarious Situation: Labour Inspection](#)

About Safe and Fair

In September 2022, the *Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region project* organized an online webinar on labour inspection in the context of domestic work in ASEAN. Tripartite stakeholders from all 10 ASEAN countries covered by the Safe and Fair project participated in the webinar providing a space to share knowledge across ASEAN countries covered by the Safe and Fair project, highlighting the importance of labour inspection in the context of the domestic work sector from the perspective of the governments, workers' and employers' organizations.

The Safe and Fair project (SAF) is part of the EU-UN Spotlight Initiative to eliminate violence against women and girls, a global, multi-year initiative between the European Union and United Nations. The programme, implemented through a partnership between the ILO and UN Women, in collaboration with UNODC, aims to strengthen women migrant workers' leadership, voice, and agency through increased engagement with governments, workers and employers' organizations as well as women and migrant networks. The main objective is to ensure that labour migration is safe and fair for all women in the ASEAN region.

Building on the ILO 2015 guide on labour inspections and other compliance mechanisms in the domestic work sector, which contributed to a better understanding of the compliance challenges in the domestic work sector, SAF has supported PERTIMIG (a workers' group of Indonesian migrant domestic workers in Malaysia) and another Indonesian migrant domestic workers in Singapore. SAF supports building the skills

of women migrant worker leaders. It also trains women migrant workers in Indonesia, Malaysia, Singapore, and the Philippines on relevant international labour standards, organizing, violence and harassment at work, networking and trade unionism.

In 2021, the Programme prioritized strengthening cross-border cooperation between workers' associations since cross-border support is essential for migrant populations. In the Philippines, SAF's trade union partners supported the creation of a transnational workers' association for Filipino domestic and care workers, which was registered in 2022.

In Malaysia, SAF supported women migrant domestic workers to engage in policy advocacy for labour reform. The recent amendments to the labour laws in Malaysia are positive steps towards promoting decent work and protecting the rights of domestic workers. These amendments, which include social security benefits for domestic workers, reduced working hours, increased maternity leave, and improved terminology referring to domestic workers as "domestic employees" rather than "domestic servants," can help to improve working conditions and promote the recognition of domestic work as a legitimate form of employment.

In Malaysia and Thailand, SAF has worked with other ILO programmes to develop modules for labour inspector training on domestic work. These training modules can help to build the skills and knowledge of labour inspectors on issues related to domestic work, including violence and harassment at work.

