

MODULE



**Labour inspection in
domestic work**

What this Module is about

This module presents labour inspectors and policy makers with the main challenges that the Labour Inspectorate will encounter when carrying out their work in the domestic work sector. It provides an overview of the provisions of ILO Conventions, of the most common risks of in compliance and a collection of possible ways forward to address the challenges faced.

Objectives

This module aims to make participants familiar with the domestic work sector and help them to design strategies to enforce and promote compliance with the labour regulations.

At the end of this module participants will be able to:

- ✓ Identify the main characteristics of the domestic work sector.
- ✓ Understand main challenges faced by domestic workers and their employers.
- ✓ Examine different good practices to promote compliance that are being applied in different regions.
- ✓ Examine different methods and strategies of labour inspection for the domestic work sector..
- ✓ Identify different promotional activities to include within labour inspection actions.
- ✓ Propose new approaches of collaborations with traditional and non traditional partners.
- ✓ Practice different soft skills that labour inspectors will use in their interactions with domestic workers and their employers.

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1. THE WORLD OF DOMESTIC WORKERS

1.1. WHO ARE THEY?

Domestic workers are not a homogenous group. Their demographic profile differs (age and gender, as well as migration status), but also the nature of their jobs. They perform tasks as varied as cleaning the house, washing and iron laundering, babysitting, taking care of elderly and sick people, gardening, driving the family car or taking care of the family pet. Actually, the specific tasks or services performed by domestic workers vary from country to country and may change over time.

Simply put, domestic workers have the distinctive feature of being employed by and providing services for a private household. They may work full or part-time, live in the house of the employer or commute to and from the house where the work is performed; they can provide their work to a single family or to many, conduct all the usual domestic chores of the household or take care of specific activities according to the demands of the employer. The employer can be a member of the household, an enterprise that renders commercial services to clients in households, a cooperative or even a public service. However, those workers who provide care services in institutions such as orphanages, kindergartens, hospitals and old-age retirement homes cannot be considered domestic workers.

Although about 8.9 million men are employed by private households – typically as gardeners, chauffeurs or security guards – domestic work remains a heavily female-dominated sector: women account for 83 per cent of all domestic workers.

In addition to the gender dimension, domestic work is closely interlinked with international migration. Domestic workers do not only look for work in their own home countries, but frequently move to other countries in search of better employment opportunities often with employment agencies as intermediaries.

Domestic workers are among the most vulnerable workers. Their usual low social-economic status, lack of formal education, ethnic marginalization and the isolated nature of the workplace makes these workers particularly vulnerable to exploitation and adverse working conditions suffering in many cases from:

- Low wages, or pay cuts if they are paid at all;
- Lack of working benefits or social protection;
- Excessive hours of work with heavy workloads;
- Inadequate accommodation with lack of privacy; and
- Exposure to violence at the workplace, particularly women and children and all sorts of psychological and sexual abuse coming from the employer or his/her family or co-workers.

1.1. WHERE ARE THEY? HOW MANY ARE THERE?

According to ILO estimates, at least 52.6 million men and women were employed as domestic workers across the world. To put this into perspective, if all domestic workers worked in one country, this country would be the tenth largest employer worldwide. In the last two decades, due to women's growing inclusion to the labour market and to the aging population, the number of domestic workers has increased in over 20 million people and it is likely to continue to increase in the coming years. Domestic work is therefore an important, if often ignored, source of employment. It accounts for 1.7 per cent of total employment worldwide and some 3.6 per cent of all wage employment.

More than three-quarters of all domestic workers are employed in just two regions: Asia and the Pacific, which is the largest employer of domestic workers with a share of 41 per cent in the global total; and Latin America and the Caribbean (37 per cent). Africa accounts for 10 per cent of all domestic workers, while some 7 per cent work in the developed countries. While domestic work is common in the Middle East, the region's relatively small size means that only 4 per cent of the world's domestic workers are employed there. By contrast, Eastern Europe and the CIS countries have few domestic workers relative to the size of the region, employing only 1 per cent of the global total.

2. INTERNATIONAL LABOUR STANDARDS IN RELATION TO DOMESTIC WORK AND LABOUR INSPECTION

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. They also highlight the importance of measures to ensure compliance with laws and regulations protecting domestic workers, including through labour inspection.

Rights and entitlements of domestic workers as defined by Convention 189

- Protection from all forms of child labour endangering the children's normal physical, psychological and social development;
- Minimum age for employment should be no lower than for other occupations and consistent with the provisions of the Minimum Age Convention, 1973 (No. 138);
- Right to create or join trade unions representing the class, whose members should be free of any kind of pressure and persecution, and with the right to collectively bargain with employers;
- Protection against forced labour, providing to the workers, for instance, the right to keep in their possession travel and identification documents, and to decide whether or not to reside in the household;
- Protection against any kind of abuse, violence, discrimination and harassment, including of sexual nature;
- Entitlement to an equal treatment towards other workers concerning normal working hours, overtime compensation, daily and weekly rest periods, paid annual leave, and minimum wage coverage;

- Entitlement to receive information on the precise terms and conditions of employment in an appropriate, verifiable and easily understandable manner, preferably through a written job offer or contract of employment. Migrant domestic workers should receive this information before crossing national borders;
- Entitlement to regular payment in cash at least once a month or by bank transfer, bank cheque, postal cheque, money order or other lawful mean with the consent of the worker;
- Payment in kind limited to mutual agreement, for the personal use of the worker and provided that the attributed monetary value is fair and reasonable;
- Ability to decide how to spend periods of daily, weekly or annual leave;
- Entitlement to a minimum weekly rest of 24 consecutive hours;
- Consideration as hours of work of all periods during which domestic workers are not free to dispose of their time and remain at the disposal of the household;
- Entitlement to carry out their work in conditions of safety and health, expanded to the living conditions for live-in domestic workers;
- Coverage by social security as any other worker;
- Access to effective complaint mechanisms, including labour inspection, equipped with enforcement capacities and deterrent sanctions.

The Convention is not a standalone instrument and it needs to be implemented and interpreted in line with other international labour standards. In fact, the text of the Convention calls for the use of standards set by other ILO instruments and many of these apply to the sector.

List of conventions of special relevance for the domestic work sector

- Convention No. 29, on Forced labour,
- Convention No. 81, on Labour Inspection in Industry and Commerce,
- Convention No. 87, on Freedom of Association and Protection of the Right to Organize
- Convention No. 97, on Migration for Employment (Revised)
- Convention No. 98, on Right to Organize and Collective Bargaining
- Convention No. 100, on Equal Remuneration
- Convention No. 105, on Abolition of Forced Labour
- Convention No. 111, on Discrimination (Employment and Occupation)
- Convention No. 138, on Minimum Age
- Convention No. 143, on Migrant Workers (Supplementary Provisions)
- Convention No. 181, on Private Employment Agencies
- Convention No. 182, on Worst Forms of Child Labour
- Convention No. 189, on Domestic Work

3. LABOUR INSPECTION AND DOMESTIC WORKERS

According to international standards the functions of labour inspection are multifaceted. On the one hand, labour inspectors monitor compliance and enforce labour law, and on the other hand they carry out advisory activities, providing information, advice and

training and have a role in leading employers and workers to achieve decent working conditions, fairness at work and good governance in the workplace. In addition, labour inspectorates are expected to identify gaps and breaches in laws and regulations and bring it to the attention of the appropriate institutions.

Convention No. 189 and Recommendation No. 201 establish minimum labour standards for domestic workers but also highlight the importance of measures to ensure compliance with laws and regulations protecting them, including through labour inspection measures. Specifically Article 17 of Convention No. 189 provides as follows:

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.
2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.
3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

In addition, the Domestic Workers Recommendation also addresses issues related to compliance and enforcement in the domestic work sector, including freedom of association, discrimination, medical testing, child labour, living conditions, terms and conditions of employment and formalization of contracts, harassment and abuse, hours of work, wages, rest periods and holidays, termination of employment, grievances and occupational safety and health,

The particulars of the sector present bigger challenges for labour inspectors than in other, consisting mainly on the difficulty of gathering information on possible non-compliance, mostly because of the informality of the employment relationship, difficulties of access to the workplace and lack of complaints. Domestic work is a challenging and demanding field for labour inspectors where still few specific inspection policies, strategies, methods and tools are available. Labour inspectors are rarely trained on the specificities of domestic work.

Policy makers, managers and field labour inspector are not aware of best models or recommended practices for intervention in the sector. A good understanding of the characteristics of both employers and workers and of the working conditions in the sector is fundamental to properly plan and conduct labour inspection visits. Labour inspectors will need to know how to identify the problems, which indicators to look for, how to investigate non-compliance and how to communicate with the actors of the domestic work relationship to better ensure effectiveness to labour legislation.

4. LABOUR CONDITIONS OF DOMESTIC WORKERS

As mentioned above, domestic workers constitute one of the most vulnerable categories of workers. Physical violence, child labour and forced labour are among the human rights abuses that often affect domestic workers, particularly women and girls. However, abuses also include long hours of arduous work without rest and unfair pay

practices such as excessive deductions for accommodation and food. Such abusive conditions are widespread and have serious consequences for domestic workers and their families. Indeed, without basic needs and material provisions being met, millions of domestic workers are not able to realise their human rights and live in freedom and dignity.

4.1. FORCED LABOUR

Domestic workers are frequently victims of forced labour often associated with human trafficking. Although they don't necessarily work in remote areas, they are even more invisible than victims of forced labour in plantations, mines or other places hidden from public scrutiny. When restricted on their movement, being forbidden to go out or to attend the door or the phone, forced domestic workers can be completely unknown to other people including neighbours and only the members of the household will be aware of their existence. Particularly when they are migrants, both the workplace and the exterior world can be hostile, as they probably don't know the countries culture, language or even their whereabouts. This places them on a very high scale of vulnerability.

The general assumption that labour inspectorates are uniquely placed to take action against forced labour as they can access workplaces at any hour of the day or night and they can take immediate action may not be so straightforward for domestic work, as this freedom of access is limited.

For Labour Inspectorates to actually take effective action to address forced labour in domestic work they need to:

- Make direct contact with the workers;
- Be able to recognize the indicators of forced labour;
- Involve different institutions dealing with prevention, prosecution and protection (including police and migration authorities);
- Collaborate with employers' and workers' organizations;
- Cooperate with the judiciary as many features of forced labour have the protection of criminal law; and
- Cooperate with other actors, such as non-government organizations or migrant worker associations.

Indicators of forced labour¹

The following list of indicators can help labour inspectors detect if a worker might be a victim of forced labour. Some of the indicators demand for a direct observation of the workplace, while for other is sufficient an interview with the worker. The inspector could gather indicators that do not require inspection visit to the workplace, and if there

¹Adapted from Andrees, Beate (2008), *Forced labour and human trafficking: a handbook for labour inspectors*. International Labour Office, Geneva.

seems to be indications of forced labour then report it to court to justify authorization to access the private household. As most of the countries characterize forced labour abuses as crimes, intervention can be paid with the police and in that case, the role of labour inspectors should be directed at protecting the worker rights, such as wage entitlements for the period of effective work and the correlative social security entitlements.

Physical violence

- Does the worker show any sign of maltreatment, such as bruises?
- Does the worker show signs of anxiety?
- Is there any other sign of mental confusion or traces of violence?
- Does the employer demonstrate violent behaviour?

Restriction of freedom of movement

- Is the worker locked up at the workplace?
- Is the worker forced to sleep at the workplace?
- Are there visible signs that indicate that the worker is not free to leave the workplace or particular areas of the household, such as his or her room?
- Is the worker allowed to make or answer phone calls? Is the worker allowed to answer the door?
- Is the worker entitled to have a mobile phone?
- Does the worker need to obtain authorization from the employer to leave the workplace? Can the worker carry his or her identification documents with him or her?

Threats

- Does the worker make statements that are incoherent or show indoctrination by the employer?
- Does the worker report any threat?
- Is there any sign that the worker is subject to racketeering or blackmailing (with or without the complicity of the employer)?
- Does the worker show anxious behaviour?
- Are workers forced to work excessive (unpaid) overtime or to carry out tasks that they prefer not to do, and are the workers threatened if they refuse?
- Is the worker in an irregular situation (e.g. migrant workers) and threatened with denunciation to the authorities?

Debt and other forms of bondage

- Does the worker have to repay high recruitment or transportation fees? If so, are these deducted from the salary?
- Is the part of remuneration in kind for accommodation, or food excessive?
- Has any loan or advance been paid that make it impossible to leave the employer?
- Are work permits bound to a specific employer? Has there been any complaint about the employer before?

Withholding of wages or no payment of wages

- Does the worker have a regular employment contract? If not, how are wages being paid?
- Is there any illegal wage deduction?
- Has the worker received any wage at all?
- What is the amount of the wage in relation to national statutory requirements?
- Do the workers have access to their earnings?
- Have the workers been deceived about the amount of their wages?
- Are wages paid on a regular basis?

Retention of identity documents

- Are the identity documents of workers in their own possession? If not, are they in possession of the employer? Why?

Some of the indicators can be easier to collect than others. For instance, to check on whether the worker suffers any constraint on his or her freedom of movement, the labour inspector can ask him or her to follow him outside the domains of the employer (out of the building or to the street, for example), possibly without having to enter into the premises. He can also summon the worker to appear in the labour inspectorate with the passport or other identification document. Incoherent or indoctrinated answers from the worker are also observable by using interview techniques consisting on repeating the same question in different wording in several parts of the interview. Soft skills are considered as important tools for labour inspectors and they should be trained on how to use them to obtain as much information as possible and track contradiction in the message through the reading of verbal and non-verbal codes.

4.2. CHILD LABOUR

As a global figure, 10.5 million children are estimated to be involved in child domestic labour, two thirds of which in unacceptable situations, because of their age or because they are working under hazardous conditions or in circumstances similar to slavery. There is evidence that considerable numbers of child domestic workers are in debt bondage in exchange for money for a third party or in repayment of an outstanding debt.

Child domestic workers are a high-risk group because of their possible exposure, among other, to long hours of work, poor food and hazards involved in the tasks they have to carry out such as:

- Physical, psychological or sexual abuse;
- Working with dangerous equipment, machinery and tools, or which involves the manual handling or transport of heavy loads such as the lifting of furniture or carpets, garbage disposal, etc.;
- unsafe operations involving chores like the cleaning of windows, walls and ceilings with a risk of falls from height;
- Contact with biological hazardous by having contact with animals;
- Exposure to electrical risks;
- Working in unhealthy environments with possible exposition to hazardous substances, agents or processes, or to temperatures damaging their health;
- Work under difficult conditions such as long and irregular working periods or during the night or where the worker is unreasonably confined to the premises of the employer;
- Adverse living conditions when they live in the household.

Labour inspectorates should develop specific approaches for child domestic workers involving all relevant stakeholders within the system of labour administration, the education system, NGO, parents associations and other. Preventive measures should

be established like referral mechanisms from schools to the labour inspectorate on cases of early school abandon.

Labour inspection's role should cover:

- Prevention and detection of cases of children engaged in domestic work;
- Intervention to immediate stop the work of children in private households (outside the minimum age and compulsory schooling requirements or exposed to hazardous working conditions);
- Follow up through cooperation with the adequate institutions to tackle the causes behind child domestic work so that appropriate responses at educational and social assistance level could be adapted.

CHILD LABOURERS IN DOMESTIC WORK REGISTRIES

In some countries there are specific requirements to register and to keep records of domestic child labourers. For instance, Colombia, Costa Rica, Ecuador, Honduras, Mexico, Panama, South Africa, Venezuela, and Vietnam require employers of domestic child workers to keep a register with specification of the worker's birth date, tasks assigned, and number of worked hours, wages, and results of health checks. In Ecuador and Finland employers are required to keep other registries like a certification of completion of compulsory schooling. Other countries require the employer to report to the appropriate authority the admission of a child worker (Cambodia, Finland, Portugal, and Venezuela). In Finland, employers are required to keep records of domestic workers under the age of 18. In Paraguay, employers must maintain and provide to CODENI, the Advisory Council for the Rights of Children and Adolescents records with information on the identification of the minor, address, identification of parents, guardian or person responsible for the adolescent and their place of residence, date on which the worker entered service, duties performed, remuneration, work timetable and social security registration number, and educational establishment attended by the worker and class timetable.

Labour inspectors should interact with both the employers and children in a non-confrontational manner. When interviewing children, it is important to establish a physical and psychological climate conducive to mutual trust and respect. Inspectors must create an atmosphere that will make the child want to share information, and trust inspectors with this information. Inspectors must keep in mind that child workers may be in unfamiliar surroundings, likely to be apart from their family and friends, and lack basic education. The privacy of the individual child must be respected and answers cannot be forced. Labour inspectors should explain who they are and why are they there.

It is important to remember that it is not the child who is violating the law, rather, it is the child's employer. The inspector should see her/himself as asking a favour from the child, not the other way around, and the child must therefore be looked upon as a partner exploring a particular situation. In this way the child can perhaps see the benefits of participating in the interview rather than it being the inspector who “demands” cooperation and may intimidate the child labourer. If the child agrees to an interview, s/he is asked to recount aspects of her or his experience – both in the work environment and outside. In that the inspector is asking the child's help in understanding the situation, the interviewer has to be sensitive to the child's emotional

state, aware of the consequences of the questioning and must respect the child's right to speak or to keep silent. For satisfactory results, the interviewer should also create the right physical and psychological climate².

Sample 'Interviewing Children: Ethical Considerations' Checklist³

- The security of the child being interviewed must always be a priority. If there are any doubts that an interview may bring harm to the child, it must be avoided;
- Tell the child being interviewed what you are there for and how the information gathered will be used;
- Be sensitive to where the child is emotionally at any given time before, during, and after the interview;
- Be deeply aware of the consequences of your questioning, be constantly aware of what the child has to go through to give an answer, especially if in the process the child has to relive a painful experience, admit resentment for a person or situation, or accept the utter hopelessness of being caught up in the complexity of poverty and work;
- Respect the child's right to speak (what is said, how it is said, how much is said);
- Most importantly, respect the child's right not to speak, to refuse to answer a question: because s/he cannot or because the answer is too painful to express;
- Take all the time necessary. Interviews with children are likely to take longer than those with adults;
- Small talk, play, recurrent visits, patience and time are some of the major ingredients needed to obtain reliable data from children on delicate issues as family background or illegitimate child labour activities;
- Assurances of confidentiality must be given and observed.

Sample Interviewing Children: Setting the Climate Checklist⁴

Creating a conducive physical climate:

- To the extent possible, conduct interviews in a neutral setting, and preferably in a place where children feel safe and comfortable. Inspectors should ask children where they would prefer to talk and whether they would like anyone else to be present, for example a sibling or a friend;
- Try to conduct the interview out of sight and earshot of the employers, or others who may influence the way in which the child acts and responds to the questions;
- Tell the child that there is no need for him/her to stop working during the interview.
- Be on the same level as the child – if he/she is sitting on the floor, sit down beside him/her;

² Taken from: IPEC & SafeWork (2002) *"Combating Child Labour: A Handbook for Labour Inspectors"* (pp. 29-30), International Labour Organization, Geneva

³ Derrien, J-M, *"Travail des Enfants: Accompagner les Changements – Guide pour la Formation, ILO-IPEC; IPEC (Draft 2004) 'Investigating Child Labour : Guidelines for Rapid Assessment A Field Manual*

⁴ Ibidem.

- If the child moves around whilst working, accompany him/her.

Creating a conducive psychological climate:

- Treat each child as an individual person, with rights to be respected;
- Start the interview with small talk to make the child feel at ease. Starting with conversations about music, films, athletes, and pop stars can help the child to feel relaxed and be more willing to share other information with you;
- Build trust by maintaining a warm, friendly and caring approach;
- Genuinely listen. Listen for the expressed and unexpressed. Listen for meanings behind words. Listen to what is expressed through facial expressions, gestures and attitude;
- Phrase your questions in a simple way that the child will easily be able to understand;
- Encourage the child to talk by asking open-ended questions – do not repeatedly ask questions that the child does not grasp or understand;
- Know when to stop. Change the topic or switch conversation when emotions are too intense and probing further will inflict more pain on the child;
- Resist expressions of shock, sadness, frustration or any other emotions when listening to the information that a child has to offer; and
- Always maintain a positive attitude and a neutral expression when interacting with the child.

If there is enough evidence of involvement in any of the worst forms of child labour, the labour inspector should have the prerogative to put an immediate end to the situation and to refer the case to institutions for protection of children rights, so that the victim can receive all required assistance. Inspectors should understand that, except in situations of extreme hazard, which call for immediate action, the process of removing children from work should always be linked to some process of rehabilitation (education, training, etc.). Solid sanctions should be set both for the violation of legal requirements on minimum age for employment and compulsory schooling as well as the exposure of children to hazardous conditions of work for their normal physical, moral and social development.

Other than labour inspection mechanisms, other measures to ensure protection of child domestic workers need to be put in place, such as maintaining or re-establishing contact between the child and her or his close relatives and encouraging child domestic workers back to education or retaining them in education. This requires the referral to other functions of the system of labour administration and ministries of education and social protection. The judiciary is also to be called to punish the cases of worst abuse.

4.3. DISCRIMINATION

Domestic workers can be exposed to discrimination in many different ways, although one of the major grounds of discrimination is based on sex and gender. Discrimination on access to employment can occur during the selection procedures, by asking the female applicant if she has or intends to have children or if she is pregnant. As usually

there are no records or witnesses of these dialogues, law enforcement results difficult, unless there are mechanisms such as the reversal of the burden of proof, which even so may not provide enough bases for sanctioning purposes. Although many countries provide for maternity leave, pregnancy is still a common direct cause for job loss in the sector, particularly when the employment relationship is informal.

When it comes to access to employment, most of the labour inspectorates, given their limited resources, cannot afford to put their inspectors looking for discriminative ads on a daily basis. Instead, inspectorates can gain in efficiency if they base their analysis on samples. The identification of the channels which tend to adopt discriminatory practices (newspapers, web sites, private employment agencies) helps to target the media and the employer who ordered the publication. Acting on the channel rather than the individual employer, if national law so allows, prevents publication of similar announcements.

Another possible practice of discrimination when the terms of employment are agreed is the differential wage gap between men and women. The elimination of gender discrimination includes wages and all kinds of bonuses and payments. As apparent different occupations rendered at home may have an equal value in terms of the conducted tasks (for instance a gardener and a housemaid, a housemaid and a cook) labour inspectors alone or assisted by specialists need to know how to evaluate the jobs and depending on national legislation, address these possible gender pay gaps. Experiences exist for other sectors where labour inspectors work together with specialists from public employment services to determine the value of each occupation so that an objective remuneration can be set for different jobs of equal value.

As with other fundamental rights, labour inspectors need to be trained on how to recognize discriminative treatment.

4.4. FREEDOM OF ASSOCIATION

Labour inspectorates are essentially monitoring and enforcing actors on the application of laws and regulations establishing collective labour rights. Labour inspection can also monitor and enforce application of collective agreements or parts thereof, promoting compliance with clauses setting rights for the workers such as minimum wages, maximum working periods, occupational safety and health, etc.

In many countries like Ireland, Mali and Canada (Quebec) the labour law directly specifies the right of domestic workers to organize and be represented, but the still weak representation of domestic workers in some regions and countries has not created the impulse of acknowledgeable good practices of labour inspection dealing with industrial relations in the sector.

Social partners in the domestic work sector can be resourceful allies of labour inspection helping to disseminate information to workers and employers on the applicable legislation, identifying legislative gaps to be addressed, and analysing the complex features of the sector so that the action of labour inspectors can be oriented in the most effective manner to the most serious abuses.

4.5. OCCUPATIONAL SAFETY AND HEALTH

Occupational risks faced by domestic workers are more serious than often considered as these workers are exposed to all sorts of occupational hazards in the household. They clean floors, stairs, ceilings, roofs and balconies with the risk of falling from height or at the same level; they wash kitchens, toilets, garages and take care of gardens, being exposed to hazardous substances; they carry heavy weights such as garbage, furniture, ladders and other with a risk of developing muscular disorders; they are deprived of regular sleep and rest periods, eat unfamiliar food and have to face constant demands from the employer and all the members of the household and they are isolated and thus submitted to increasing psychosocial risks. The intimacy of the working environment may be prone to sexual harassment, exposing the worker to a violation of his or her dignity as well as to the risk of infection from sexually transmissible diseases. Young women may be particularly pressured or coerced into providing sexual favours to remain in employment. Additionally, domestic workers may suffer from all kinds of violence– in the form of shouts, insults, threats and slaps- as punishment for accidents in the household like breaking fragile items, leaving the house without permission of the employers or refusing to sexual advances. Another point to take into consideration is that the place where the work takes place is a family home that can be the habitual residence or sporadic, such as a holiday apartment or a hotel. Consequently the hazards that may exist in these different places are also different.

Risks can be even increased because homes are uncontrolled environments that are not primarily designed or regulated as workplaces and don't have to pass through procedures of risk assessment or authorization for operation as it happens with industries.

As the majority of domestic workers are female, maternity protection is one the areas of concern that should be under the focus of risk assessment and approaches of labour inspectorates dealing with occupational safety and health and labour relations. By another instance, the exposure of the worker to hazardous substances, the handling of heavy loads or other demanding chores may produce a risk for the mother or the foetus, which is extensive to male workers when it consists to the exposure to substances with effects on the reproduction.

The principles on prevention of occupational risks are applicable to domestic work as for any other sector. They are based on the identification of hazards in the workplace and the assessment of risks, considering all the material conditions of work and the interaction between these conditions and the individual characteristics of workers. The prevention of occupational injuries or diseases cannot abdicate of the individual, and for this employers will need to be informed of the basics of occupational safety and health for effects of offering suitable workplaces. Providing this information is one the roles of labour inspection but careful attention must be given to the fact that labour inspectors cannot replace employers on their obligation of preventing and controlling the risk, as this is their responsibility.

Employers should be informed of the advantages for them of authorizing the visit of labour inspectors to monitor if domestic workers are protected against occupational hazards, not only for reasons of protecting the integrity of the workers and to elude liability, but also as the workplace is in simultaneous the living place of the employer,

hence being probable that also the employer may be affected by the uncontrolled risks to which domestic workers are exposed. A system of pre-placement visits to the domicile used in some countries, particularly when the domestic worker is a migrant proves to be effective as it provides an occasion for the labour inspector to supervise preventively the conditions of work (and in some cases of living) of these workers.

Domestic workers should be able to present complaints and an appropriate system with the ability to deter incompliant employers of domestic workers should exist covering all the extent of labour rights.

4.6. OTHER WORKING CONDITIONS

Working time is one of the areas in which domestic workers frequently enjoy weaker protection than other workers. More than half of all domestic workers have no limitation on their weekly normal hours of work under national legislation, and approximately 45 per cent have no entitlement to weekly rest periods or paid annual leave.

Domestic workers frequently receive extremely low wages. This can partly be attributed to the fact that the formal skill requirements are relatively low, but also to the fact that many skills required for domestic work are often overlooked and not recognized and that the bargaining position of domestic workers is often weak.

At present, just over half of all domestic workers enjoy minimum wage coverage on an equal basis with other workers, while lower sectorial or occupational minimum wage rates apply to approximately 5.9 per cent of the world's domestic workers. Deductions from wages for food and housing constitute another area of vulnerability. Such partial "in-kind payments" of the minimum wage are common, even where workers are required to live at their employer's premises.

5. CHALLENGES FOR LABOUR INSPECTORS

5.1. Coverage by labour legislation

As mentioned before, a first challenge for labour inspection, is that many legal systems still exclude domestic workers from their scope or provide them a less protective status. In such circumstances, labour inspectors are not legitimated to provide any kind of protection to the workers. Gaps in national legislation are particularly frequent with

regard to the coverage of domestic workers by minimum wages, limitation of working hours, inclusion in social security schemes and measures to ensure occupational safety and health.

Domestic sector covered by labour legislation

Since Convention No. 189 was adopted in 2011, many Member States have initiated legal reforms, even if they haven't still ratified the Convention, providing increased rights and better protection to domestic workers. This is the case of Argentina, Bahrain, Bolivia, Brazil, Chile, China, Costa Rica, Ecuador, Lebanon, India, Indonesia, Jordan, Paraguay, the Philippines, Spain, the United States (State of New York), Thailand, and Zambia. As a result, the rights of domestic workers are progressively being set at the same level as other workers. Minimum wage, for instance, has been established for domestic workers in countries like Bolivia, Brazil, Chile, Czech Republic, Ecuador, Estonia, France, Ireland, Kazakhstan, Moldova, Portugal, and Trinidad and Tobago.

Social partners are also becoming more active in signing collective agreements for the sector, although this is still a minority of situations. This is the case of Italy and France. In the latter, for instance, a collective agreement with force of law has set standards for workers and employers in 1999.

Within the responsibilities of labour inspectors to identify gaps and breaches in laws and regulations and bringing them to the attention of the appropriate institutions, they should:

- Make efforts informing the competent authorities about the need that the rights of domestic workers are equivalent to the rights of other workers, with due consideration to the characteristics of the sector
- That the legislation sets clear rights and obligations,
- That the legislation is easily accessible for domestic workers and employers,
- That the law provides measures to enable compliance by one hand and deterrent sanctions for the possible violations, by another.

5.2. Exclusion from compliance mechanisms

The diversity of national systems of labour inspection may also have a direct influence on their approaches towards sectors and areas of work and the protection of workers' rights. Different challenging situations exist where domestic workers are affected:

- Domestic work is excluded from the mandate of labour inspection or other supervisory institutions;
- Domestic work although not excluded from the mandate, labour inspection only covers part of the legislation regulating working conditions such as occupational safety and health;
- Due to the lack of resources and the reduced number of complaints, domestic work is not perceived as a priority intervention area for labour inspectorates;
- There are no other compliance mechanism available;

- In some cases, there are no mechanisms to address individual labour disputes and access to courts is difficult, lengthy and expensive

Mandates of labour inspection should cover domestic work as any other sector, and the competent institutions should ensure that domestic workers have free access to a compliance mechanism as they are often submitted to various forms of exploitation and alternative mechanisms like the judiciary do not offer adequate flexibility and immediate responses to their problems. At this purpose, Article 3 (1) (a) of Convention No. 81 expresses that the functions of the system of labour inspection should be “to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors.

A traditional challenge of labour inspection is that the human and financial resources available for inspection are insufficient to carry out the functions effectively. The shortage of resources is particularly problematic for sectors as domestic work because labour inspectorates will tend to allocate resources to sectors where they can achieve better results by targeting enterprises where a bigger number of workers can be approached with a single intervention and where the action is easier.

In addition, all terms and conditions of employment should be covered by labour inspection, as this is the sole authority with the social role of ensuring the protection of worker's rights, while at the same time informing employers on how to comply with legislation.

An integrated response to the problems faced by domestic workers should be envisaged through a strong coordination and supervision of the central authority of the labour inspection system, particularly if the mandate to monitor compliance with labour law is attributed to several institutions, most commonly separating occupational safety and health from labour relations.

An effective labour inspection policy for domestic work with a strong high commitment from Governments, translated into an enabling institutional and legislative framework should be defined. Following the precise analysis of the characteristics of the sector in each country, a strategy of labour inspection should be identified and techniques tested and used for a better protection of domestic workers' rights.

Labour inspectors competent to oversee compliance

Trends on the coverage of domestic work under the mandate of labour inspection are difficult to establish by region. In the European Union most labour inspectorates include domestic work within their general mandates (e.g. Bulgaria, Cyprus, Finland, France, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden), but not all working conditions items are addressed by some of them (e.g. United Kingdom). In Arab countries, the Jordan labour inspectorate is addressing domestic work and has started a directorate for protection of domestic workers in the Ministry of Labour which has inspected five homes so far with the consent of the owners. In other, domestic work is out of the remit of labour inspection.

In some countries of South America, Uruguay is addressing all sorts of problems in the sector like wages and registration in social security having formed a specialized section of the labour inspectorate for the sector while others such as Brazil put a special emphasis on practices of slave and forced labour, and yet in other there aren't still specific approaches to domestic work.

5.3. Nature and existence of the labour relationship

The access of domestic workers to the labour market happens through informal arrangements in many countries by direct contact with the household or through middlemen, sometimes relatives, neighbours, friends or informal mediators. Contracts are established verbally especially when the contract is negotiated directly with the household and all the employment relationship is based on informality where the worker is not declared to public authorities or social security. When contracts are established on basis of kinship or social networks the family tends to see the employee as a helper and not under his or her real status of worker.

The informality of these relationships is one of the challenges for labour inspectorates as they give origin to situations where there are no traces on the existence of labour. The informality of employment relationships transforms domestic work into invisible and virtually impossible to detect contractual cases.

When dealing with undeclared work, the action of labour inspectors may face opposition from both the parties of the employment relationship. Both employers and workers are often uncooperative, the latter because of fear of losing the job, or because of the immediate gains with envelope wages or on reason of a legal limitation to undertake the occupation (e.g. lack of minimum age for employment, or illegal status in the country), the employer because of the immediate gains by not paying social contributions, insurances, etc. Some workers also choose to work as domestic helpers when they are receiving unemployment or sick leave benefits and fear losing this advantages if detected by the authorities. Other than avoiding taxes, employers often prefer more contractual flexibility, as dismissal of the worker is facilitated when there is no contractual evidence.

The determination of the employment relationship should be guided by the facts relating to the performance of work notwithstanding how it is characterized in contracts. For this effect, legal presumptions on the existence of a labour contract or indicators to establish the nature of contracts are particularly helpful for labour inspectors. Other facilitating measures for the formalization of the employment relationship include the

establishment of model contracts and registration or declaration of the domestic workers to the ministry of labour or other institution.

Contracts in writing and model contracts

In the Republic of Moldova any contract of employment with the employer must be in writing and contain all the provisions required under the applicable general conditions. The employer has to register the contract of employment at the local public administration, which forwards a copy to the local labour inspection. In South Africa, the employer has to supply the domestic worker with written particulars of employment that both parties must agree and sign. In Mali for contracts exceeding three months of duration or for indefinite period one copy must be filled with the labour inspectorate.

In the Philippines, for instance, the labour contract contains information on where to go in case of conflict. In Ghana, the Labour Inspectorate provides a prototype contract of employment in the form of a checklist with information on the identity of both parties, date of employment, job designation, remuneration and mode of payment, benefits, working hours, holidays, social security, termination notice, disciplinary rules, and procedures for grievances, overtime payment and assignments of the worker.

Labour inspectorates should provide examples of labour contracts, payslips, working time registries and other to help employers and domestic workers to better document the conditions of employment and especially to help workers obtain evidence to use as proof in case of abuse.

5.4. Lack of information and registries

Other bottlenecks exist for labour inspection such as the lack of information on the number of domestic workers, and places where they can be found while engaged in work, particularly if they work informally. In almost all the countries, there are no official registries on the workers and households where they are employed.

As such, the setting of strategies to proactively approach the problems of the sector becomes hindered as there are no indicators upon which to base options and map risks of non-compliance. Inspection planning becomes dependent of inaccurate information with a high potential to cause inefficiency and obtain narrow outcomes. As electronic databases, archives and data crossing with other public organizations are rarely accessible, complaints are few in many regions and countries and the inspection visit to the household is subject to strict conditions, labour inspectorates orient their action towards other priorities where they can better demonstrate results.

As in any other sector, intelligence matching can be useful for mapping targets and collecting evidence of non-compliance. Access to the databases and portals of different institutions can allow inspectors to carry out workplace risk-mapping, and hence better target their inspection visits. It can also help to gather evidence on abuses of the law. Labour inspectors in Belgium, for instance, have access to a comprehensive set of

data that can include information about a worker’s nationality, immigration status and registration for social security and tax purposes.

There are different measures that can be taken or encouraged in order to increase the resources and information relevant to domestic workers that are available to the Labour Inspectorate. Some can include the following:

- Provide that contracts for domestic workers must be authorised by the public authorities.
- Create official registries on the workers and households where they are employed.
- Encourage hiring through employment agencies.
- Create a system that licenses or certifies domestic workers.
- Provide financial incentives for hiring domestic workers to encourage formality.
- Provide financial incentives for declaration of domestic workers to social security.
- Reduce administrative burdens for employers of domestic workers by making declarations to social security easy and encourage their contributions.
- Launch campaigns to increase the number of complaints presented by workers.
- Create different channels to report anonymous complaints.
- Oblige employers to keep documents and report facts and labour conditions to the labour inspectorate.
- Collaborate with other existing registries (social security, migration, taxes, etc.)
- Collaborate with other organisations (public authorities and social partners).
- Establish networks with all the actors with a possible knowledge of the conditions of work of domestic workers, such as trade unions, NGO’s, religious and neighbourhood organizations.

Documentation and registries

In some countries, employers have to deliver pay slips to workers showing the wage-rate, the total number of hours worked, any bonuses or allowances, the corresponding period, value of benefits in kind, the net wage and any discounts to be made (e.g. South Africa, France, Portugal, Zimbabwe). In other such as Jordan, the legislation requires employers of domestic workers to keep evidence of monthly payments. This provides to labour inspectors the tools they need to address individual cases of abuse.

In Finland, the employer must draw up a work schedule and keep a register of any emergency work and overtime which must be kept available for the occupational safety and health authority. On request, the employer must also provide the worker or his or her representative with a written report on these records. The work schedule must indicate the beginning and end of working hours, the break and the daily rest period.

In the Philippines employers are required to register their employees with the Barangay (local district). They are also obliged to keep copies of pay slips for a period of three years. In cases where the employment is facilitated through a private employment agency, the agency will keep a copy of all contracts of domestic workers which shall be made available for inspection by the DOLE (Department of Labour and Employment).

5.5. Access to workplace

Workplaces should be inspected as often and thoroughly as is necessary to ensure the effective application of the relevant legal provisions, but when it comes to domestic work the challenges for the inspection visit are considerable as workplaces are at the same time private households. In fact, in most of the countries, the law requires the consent of the householder or prior judicial authorization to allow access of labour inspectors under provisions protecting the right to privacy, which in most of the cases is guaranteed by the Constitution.

The limit to the inspection visit demands for alternative methods of operation, as the visit is commonly a crucial moment to observe the working conditions and check on possible violations of the law. If compliance with minimum wage requirements can be checked by verifying documents like pay slips when they exist, others like the prevention or investigation of work accidents require observation of the factual conditions of work and the absence of the inspection visit can be a serious bottleneck.

As the householder's consent may not be obtained and cooperation of labour inspection with courts is often weak and complex, visits end up not being conducted or are paid lately and with no real effects for the worker, who in the meantime may already have been dismissed or suffered a serious irreparable abuse.

To overcome this major challenge some countries have developed different methods, but success has been argued and outcomes continue to be limited when dealing with specific issues, particularly undeclared domestic work.

Some of these approaches, which can be used in combination, include:

- Trying to obtain consent from the householder to allow access. This alternative may prove to be especially effective for inspection visits without enforcement purposes, but demands for special soft skills of labour inspectors;
- Maximizing documented evidence and diminishing the need to visit the workplace. Examples include:
 - Requiring the employer to declare the admission of workers to the ministry of labour or other institutions,
 - Requiring the employer to keep documents such as labour contracts, working schedules, payslips, risk assessment reports or even to send it to the labour inspectorate,
 - Summoning the employer for interviews or meetings with the labour inspectors and to demonstrate via the document registries that they complied with the law,
 - Interviewing workers to compare his or her version of the facts with the documents provided by the employer.
- Enhancing of mechanisms of cooperation with the judiciary. Examples include:
 - Legal presumptions in face of indicators of violation of the law presented by the labour inspectorate,
 - Creating urgent judicial procedures for obtaining authorization of access,
 - Using electronic shared platforms for expedite communication between labour inspectorates and courts.

- Organising raids in selected neighbourhoods and randomly trying to identify abuses. It can be useful for mapping possible incompliance and obtain a better knowledge of the sector on basis of which to prepare alternative action. At the same time, it can work as an entry point to reach domestic workers and their employers, building trust on labour inspection. The method requires substantial resources and efficiency it not guaranteed.
- Prior visits to households that will be hiring domestic workers to ensure occupational safety and health minimum standards and acceptable conditions of work adequate, as a pre-condition for employment. This alternative is used in some countries heavily relying on migrant domestic workforce as a requirement to grant authorization for the recruitment of a foreign worker.

Access to the workplace

In South Africa, access to the household is possible under the condition that there is a consent of the owner or occupier, or authorization by the labour court on written application by a labour inspector who states under oath or affirmation the reasons for the need to enter the workplace. An expedite substitute consists on using a calling card system. Letters are distributed in mailboxes seeking permission from the employers to gain access to their households, but the response level is very low. Inspectors also try to secure appointments by carrying door-to-door campaigns. For serious violations constituting criminal offenses like child labour or forced labour access can be gained by the police department irrespective of labour inspection.

In Western Cape Town, labour inspectors summon employers and domestic workers to come to neutral places for interview, mostly when investigating complaints.

In Ireland NERA uses a similar method to invite employers by letter to allow access to their houses. In case of refusal they are required to provide an alternative place for the inspection which will consist then on interviews and documental analysis.

5.6. Nature of workers

Domestic workers are to a large extent migrants, many of whom on an irregular status and particularly vulnerable to abuse and exploitation. This requires targeted approaches from labour inspection and cooperation with organizations specializing in protection and assistance to migrants, still weak in many countries. It also demands for labour inspectors to build trust with the workers and use specific soft skills, giving attention to multiculturalism. In fact, when aware of their rights and possible remedies, domestic workers are often hesitant to lodge complaints because of possible negative impacts on the relation with the employer and fear of retaliation.

MIGRANTS VICTIMS OF FORCED LABOUR

When cases are detected, the role of labour inspectors within the limits imposed by the mandate of labour inspection as defined by Convention No. 81 should be aligned with the recommended principles and guidelines on human rights and human

trafficking of the UN High Commissioner for Human Rights, according to which victims should be fully informed about possible choices of cooperation with authorities, their privacy should be respected and they should be informed about possible compensation such as in-debt wages and other entitlements, as well as how to execute their rights. This practice exists in countries like the USA or Portugal, where immigrant victims of trafficking are eligible for visas if they cooperate with enforcement agencies to assist in the investigation and prosecution of trafficking. In both countries victims of trafficking which receive the visa are qualified to obtain an employment authorization.

Labour migration has been a particular challenge for labour inspectors for many years, as the roles of labour inspection and police or immigration authorities are not always clear. In fact, whenever dealing with migrant domestic workers with irregular entrance or permanence in the country, labour inspectors repeatedly face a dilemma between their mission to protect workers while engaged in work and their quality of civil servants which obliges them to report the cases to the immigration authorities with the consequent possible deportation of the worker.

The establishment of fruitful contact with migrant domestic workers is challenging for many other motives. They tend not present complaints and cases of abuse remain undisclosed. Some are not declared and are part of an invisible workforce for labour inspectorates who do not know who they are, where they work or what kind of working conditions they face.

Labour inspectors need to be able to communicate with migrant workers in their language. It is also important that inspectors are aware and know how to address the cultural differences that exist. Labour inspection experiences to deal with this consist most commonly on:

- Inspectors having different language skills;
- Hiring interpretation services to accompany the labour inspectors whenever contact should be established with the worker;
- Using call centres or online translation tools.

Different prevention actions could include:

- Ensuring that labour inspection action covers all stages of the migratory flow, thus providing information on the labour rights and obligations to migrant domestic workers before departure;
- Establishment of protocols between receiving and sending countries, for instance for share of information and referral of cases when migrant domestic workers need assistance for redressing of their rights or return to the origin country;
- Use of hotlines in several languages to provide information on labour rights and available complaint mechanisms, operational in and out working hours;
- Preliminary contacts with employers, informing about the applicable legislation;
- Organisation of training programmes for employers of domestic workers where , they are trained on the existing labour regulations and exposed to their obligations as employers.
- Establish interview programmes with employers of domestic workers before recruitment to advise them on how to best comply with the labour legislation and avoid any risks of in compliance.

5.7. Lack of complaints presented by domestic workers

In most countries, the number of complaints presented by domestic workers to the labour inspection services is very low. This is due to different reasons including:

- Lack of knowledge of their labour rights;
- Lack of understanding of how the systems or procedures for protection of their rights work;
- Mistrust in public authorities;
- Personal relation of trust between employer and worker;
- Possible negative impact in the relationship with the employer;
- Fear of possible retaliation;
- Cultural challenges in case of migrant workers.

This is a challenge for labour inspection systems, especially in those countries where labour inspection planning is performed mostly based on reactive visits. If there are no complaints presented, abuses are not identified and domestic workers are in practice not included within labour inspectors work plans nor protection.

6. PROMOTING COMPLIANCE AND PREVENTION

Convention No. 81 provides labour inspectors with multifaceted competences. On the one hand, labour inspectors monitor compliance and enforce labour law. On the other hand, they provide advice and have a role in leading employers and workers to achieve decent working conditions, fair competition and good governance in the workplace.

Ensuring compliance goes beyond a reaction by labour inspectors in case of violations of the legislation. It comprises a range of possible measures to ensure respect for the applicable norms. It includes dissemination of information and awareness-raising, as well as assistance to domestic workers and their employers, workers' and employers' organizations, employment agencies and other stakeholders.

6.1. Informing domestic workers and employers on labour legislation

Unawareness of legal obligations and rights is widespread in the domestic work sector particularly considering the low literacy of many of the workers. This is a major cause for incompliance in most countries. Ministries of labour and labour inspectorates can help to make the legal provisions accessible to workers and to employers in a simple

and easily reachable manner. Various channels can be used such as printed resources, web sites, use of mass media and other.

Among the preventive action developed by labour inspectorates, awareness raising campaigns, hotlines, and call centres providing information on legal obligations and workers' rights can help to overcome the serious deficit of information that employers and workers face in most of the countries. Some particulars should be considered when applying these practices to the domestic work sector, such as the levels of illiteracy, language barriers, trust on public services, and access to the media.

Independently on how the worker accesses the job, labour inspectorates should be involved in the provision of information before the worker enters into the employment relationship. Before they accept a position, domestic workers should be informed in a simple manner on the applicable legislation to their individual situation. Labour inspectors could also provide some advice on questions that job seekers should pose their future employer to have an accurate idea about their working conditions.

Informing workers on their rights

Call centres can be effective tools to provide information and have been set up in Austria, Ireland and Jordan, for example. Countries like Brazil have used soap operas to convey diverse information about human rights in an informal and friendly manner that could be adapted to domestic work. Other awareness raising initiatives on domestic workers rights have taken place in many countries. In Uruguay, a campaign to inform on the content of the law was developed. Immediately after entering into force of the law, the national labour inspectorate has visited workplaces with a main goal of informing and regularizing informal domestic workers. In Costa Rica, on 2013, the inspection and labour relation services of the Ministry of Labour and Social Security provided information and advice to hundreds of domestic workers on occasion of the "Fair for the promotion of labour rights of domestic workers" on their rights to a complete weekly day of rest, to the maximum daily eight working hours, to their entitlement to 15 days of vacation every year and others. A special day (The Arawngmga Kasambahay) was instituted in the Philippines for domestic workers. According to the law, the Department of Labour should ensure facilities for one-stop registration of domestic workers during job fairs.

In Argentina the MOL must give domestic workers a copy of all relevant laws in place at the time of the employment. In Jordan, the MoL have to offer guidance and education to domestic workers and their employers

In New York State, United States, The Domestic Workers Bill of Rights, requires the Commissioner of Labour to report to the Governor, Senate and Assembly on measures to provide easily accessible educational and informative material on legislation governing domestic work.

6.2. Other preventive action

Given the specifics of the domestic work sector as we have seen, prevention needs to reach farther than the workplace. Different preventive actions that can tackle some of the challenges that have been reviewed include:

- Informing and educating employers, workers and the civil society on the economic relevance of domestic work as any other sector and the need to attain the same level of respect for worker's rights.

- Wide awareness raise on rights and obligations.
- Increased collaboration with social partners.
- Setting up legal and technical information and advisory services aiming at helping employers meet their legal obligations.
- Encouraging employers of domestic workers to improve compliance with the law through incentives.
- Spreading good practices.
- Creating programmes and campaigns to promote positive attitudes towards good working conditions in domestic sector and a culture of compliance.
- In preventing domestic child labour, for instance, building awareness among families and the community that domestic work is harmful on a long term to the children by keeping them in poverty.
- In preventing forced labour, providing information in origin countries.
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PROMOTING COMPLIANCE

Many labour inspectorates have a consolidated experience on developing awareness raising campaigns for the subjects under their mandate. Information is provided on request or upon the inspection visit, by telephone, by email or indirectly through the websites. Information weeks are organized in many countries, like France, Spain, Lithuania and Romania, India or Vietnam. Special days for occupational safety and health or child labour are equally observed in many countries, such as Bulgaria, Cuba, Morocco, Portugal and Ukraine, as opportunities to raise awareness. Other countries use the media for this purpose. This is the case of China, Cuba, El Salvador, Mauritius, Portugal, Romania, and other.

6.3. Sanctions

Labour inspection sanctions consist in most of the countries of administrative or judicial fines, terms of imprisonment or both. Labour inspectors can also impose notices for improvement or stoppages of work for cases of serious and imminent risk for the health or safety of workers, for hazardous or prohibited child labour and, in some countries like Italy, for undeclared work.

Other sanctions are growingly being used for the sector such as:

- Name and shame penalties consisting on publishing in newspapers or institutional web sites the name of the offenders and the committed offences;
- Deprivation to obtain visas for migrant workers;
- Blockage of bank accounts;

Withdrawal of permits and the suspension or revocation of operating licences (in the case of private employment agencies).

Legislative options such as the reversal of the burden of proof have resulted successful in many countries for questions such as the determination of the nature of contracts, discrimination and harassment. Legal presumptions of minimum periods of employment help labour inspectors to tackle undeclared work and obtain retroactively

contributions for social security and reinstall workers' rights. Schemes of joint or several liabilities have also a capacity to enhance the effectiveness of legislation. In the Philippines, for instance, private employment agencies are jointly and severely liable with the employer of the domestic worker for all the wages and wage related benefits due to the workers.

Other options like the replacement of fines with mandatory training existing, for instance, in Guatemala and the Dominican Republic for low-income employers who committed infractions could be applied to the sector with a double outcome of deterring would-be offenders and educating employers of domestic workers who did not comply with the law.

Independently of their nature, sanctions must be adequate in terms of severity and objectively enforceable by bodies capable of action within a reasonable time, so that the deterrent and punitive effects are not lost by long procedures.

7. WORKING WITH OTHER ACTORS

Labour inspection alone cannot improve the labour conditions of domestic workers, but it can certainly make a very valuable contribution. It is essential to establish good working relations with employers and workers' organizations and others, such as the community, who can assist labour inspectors in carrying out their duties. The importance of cooperation and collaboration has to be emphasized, because it creates an atmosphere where the labour inspectorate is viewed not only as reporting on violations, but as working together with all the actors involved towards improvement of labour conditions.

Government agencies and institutions. In order to be effective labour inspection needs to cooperate with other government agencies that carry out similar or even different activities. This is particularly important in the domestic work sector on cause of the invisibility of many workers. The relevant institutions are many and involve social security, immigration services, civil registration offices, police forces and other.

Examples of cooperation can include:

- Having criminal police directly involved in the worst cases of human rights abuses, such as forced labour.
- Sharing of information with other services such as social security and immigration offices.
- Cooperating with the Foreign Affairs Ministry to prevent abuses against migrant domestic workers, by providing information in origin countries. Similarly cooperate with personnel of embassies, consulates and international organizations and especially with sending country authorities.
- Organising joint interventions with other agencies.

- Combining different databases with a view to discovering infractions at all levels (social security, taxes, and labour law, including occupational safety and health).

Collaborations with institutions

In France, labour inspectors and prosecutors are assisted by the police to conduct joint visits to combat undeclared work and pinpoint forced labour cases, with immediate detention of criminal offenders. Access to the private household on these cases is facilitated as the intervention counts already with the presence of a magistrate.

In Bolivia the labour inspectorate is informed of the facts of cases investigated by other institutions such as the Brigade for the Protection of Women and the Family, the Police Force or the Public Prosecutor’s Office so that wages and social protection are paid during investigation or prosecution.

Concerning the protection of domestic workers, the Philippines law sets that any abused or exploited domestic worker shall be immediately rescued by a municipal or city social welfare officer or social worker of the Department of Social Welfare and Development) in coordination with the district officials.

In Belgium, a sophisticated system of shared databases exists. The Crossroad Bank for Social Security managed by the BCSS (Banque Carrefour de la sécurité sociale), a federal service, provides to labour inspectorates accurate information useful to plan action and investigate cases.

Judiciary. Cooperation with the judiciary assumes a particular interest as this is required to gain access to the private household in most of countries, where articulation is gaining importance.

Examples of collaboration can include:

- Direct involvement of magistrates in the worst cases of human rights abuses.
- Expedite channels to obtain authorization of access.
- Expedite court procedures
- Inform courts after visit

Collaboration with the Judiciary

In Spain, the Law 36/2011, of 10 October, regulating the labour jurisdiction, provided that the Inspectorate General of Labour and Social Security may request judicial authorization to inspect home premises, if the owner opposes or risk of such opposition exists, provided that the inspection is related to administrative procedures that subsequently can be brought to the social jurisdiction, or to enable any other inspections or control related to fundamental rights or freedoms. In Uruguay, Law No. 18.065 sets out that domicile inspections can be conducted in face of a presumption of in compliance of labour or social security law for which a warrant shall be issued by the first instance court. Within 48 hours of intervention a report shall be sent to the court.

Social partners. Collaboration with social partners tends to be weaker than in other sectors, much on cause of the lack of collective representation. In some countries, collaboration at the level of the workplace is also puzzling as trade unions activists do not have access to the household and thus their knowledge of individual conditions of work is scarce. Workers and employer's organizations could be of relevant assistance to labour inspection through joint advocacy efforts and by sharing information on areas of particular concern related to abuses of labour laws regulating domestic work.

Examples of collaboration can include:

- Tripartite consultation on domestic work, and identification of challenges and how to ensure compliance in the sector.
- Improving social partners' knowledge of characteristics of domestic workers and the sector to encourage further action on their part.
- Organizing workshops to identify major risks of incompliances with them.
- Having them participate as receptors of complaints from domestic workers.
- Having them participate in identifying promotional strategies and enforcement mechanisms.
- Celebrating joint advocacy campaigns.
- Asking their support in preparing new tools to conduct and follow up on inspection work.

Collaborations with social partners

In Bolivia, FENATRAHO (National federation of domestic workers) carried out an advocacy campaign, with radio spots in several languages to reach out geographically. Unions and Government jointly implemented a series of domestic work "Sunday fairs". In the Philippines, SUMAPI (Association and Linkage of house helpers) has a network of groups based in parks, schools, churches and other trafficking transit points to alert against the risks of human trafficking. They mobilize domestic workers for an annual celebration taking place in public parks and organize trips to social security registration booths, counselling centres and other government agencies.

In Tanzania, CHODAWU, the Conservation Hotels, Domestic and Allied Workers Union has mobilized their structures as well as other unions to oversee recruitment of domestic workers and initiated cooperation with recruitment agencies that agreed to operate within the law. Also in Tanzania, the International Domestic Workers Network and Conservation, Hotels, Domestic, Social Services and Consultancy Workers Union with the support of the ILO developed a recording working time tool to help count and record time worked and to calculate remuneration.

Employer's organizations can also help by setting codes of conduct for businesses. For example, in Indonesia APPSI (Association of Domestic Workers Suppliers) is applying a policy of non-recruitment of children younger than 15 years even if the biggest demand from clients is for children aged 13 to 16. In Zambia, the Zambia Federation of Employers, the Zambia Congress of Trade Unions, the Federation of Free Trade Unions, the Ministry of Labour and Social Security and the Ministry of

Home Affairs have also prepared a code of conduct to promote decent work in the sector.

Non-traditional partners. Cooperation with non-traditional partners, such as migrant associations, community-based organizations, NGOs or religious organizations would be valuable in reaching out to domestic workers and learning more about this sector, but the experience is still poor on this sense. They have many entry points to contact with workers outside the household, such as parks, markets, shops, places of worship, schools, etc.

Examples of cooperation can include:

- Improving their knowledge of characteristics of domestic workers and the sector so they can support labour inspection services in promoting awareness.
- Seeking their support in identifying where domestic workers are working.
- Seeking their support in identifying possible instances of severe exploitation.
- Holding workshops where they can help to identify specific tendencies and specific challenges.
- Engaging them to participate in advocacy campaigns
- Engaging them in creating focus groups with domestic workers where they can be interviewed, where they can provide their concerns over compliance of working conditions or where they can even report complaints.
- Engage them to help build trust of domestic workers in the public authorities and specially in the labour inspectors so that they report complaints and help in improving their working conditions.

Collaboration with non-traditional partners

In Phnom Penh, Cambodia, VCAO, the Vulnerable Children Assistance Organization report to government institutions all cases of child domestic workers at risk of abuse they come across on their sensitizing action. In Tanzania, WoteSawa, a youth group of child domestic workers has rescued and counselled abused child domestic workers and engaged with local officials for their protection.

8. SOFT SKILLS REQUIRED

As mentioned above, the problems of domestic workers are diverse, often interconnected and of complex analysis. This multiplicity demands for specialized skills of labour inspectorates, which ask for capacities that some institutions do not possess,

especially because in some countries there isn't a training policy or strategy for labour inspectors, and training needs are not assessed as often as they should be.

Labour inspectors need a detailed knowledge of the law and regulations, technical knowledge in specialised areas, and ability to analyse work processes and identify problems. These technical skills need to be accompanied with another set of equally important skills, which are known as soft skills.

When intervening in the domestic work sector, labour inspectors not only need to advise employers and workers on how to best comply with the law, but they find themselves:

- Trying to encourage or convincing of the householder to access the house/workplace.
- Trying to seek cooperation from the employer who doesn't necessarily perceive his/her role as such or is not aware of his/her obligations.
- Trying to persuade workers to be frank and open despite their vulnerability.
- Gaining the confidence of all parties to be able to provide assistance.
- Addressing both parties with equal degree of empathy and understanding.

This means that labour inspectors dealing with domestic work should receive adequate and regular training namely on applicable legislation, the specificities of the sector and on a set of soft skills that are particularly needed when tackling this sector.

Soft skills relate to a person's ability to interact effectively. Those that are specially relevant for labour inspectors include:

- Communication (verbal, nonverbal)
- Empathy
- Intercultural skills
- Emotional intelligence
- Convincing and persuasion
- Problem solving
- Negotiation

EXERCISES

Exercise 1 The World of domestic workers

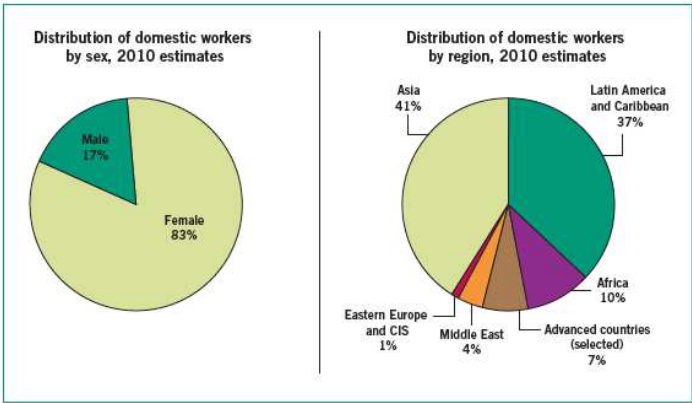
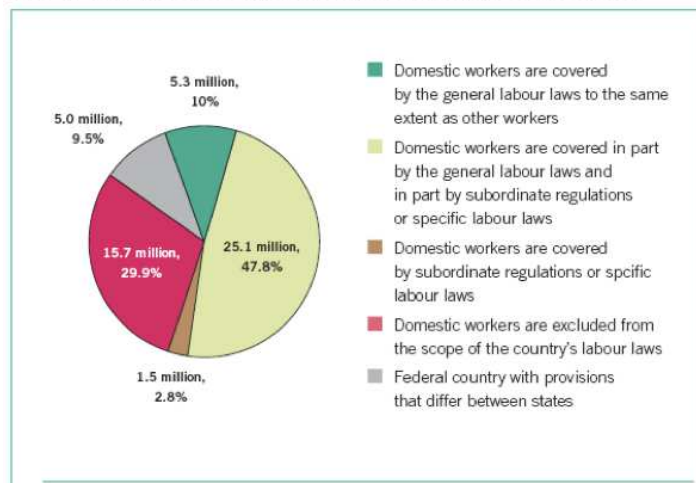
TITLE	The World of domestic workers																																		
AIM	✓ Introduce participants to the concept of domestic workers and their main characteristics. ✓ Increase awareness of the heterogeneity of the group and the complexity of their situation.																																		
TASK	✓ Working group members should look at the graphs presented and discuss the following questions within their groups:  Distribution of domestic workers by sex, 2010 estimates <table border="1"> <thead> <tr> <th>Sex</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>83%</td> </tr> <tr> <td>Male</td> <td>17%</td> </tr> </tbody> </table> Distribution of domestic workers by region, 2010 estimates <table border="1"> <thead> <tr> <th>Region</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Asia</td> <td>41%</td> </tr> <tr> <td>Latin America and Caribbean</td> <td>37%</td> </tr> <tr> <td>Africa</td> <td>10%</td> </tr> <tr> <td>Advanced countries (selected)</td> <td>7%</td> </tr> <tr> <td>Middle East</td> <td>4%</td> </tr> <tr> <td>Eastern Europe and CIS</td> <td>1%</td> </tr> </tbody> </table> ESTIMATED NUMBER OF DOMESTIC WORKERS AND % EXCLUDED FROM LABOUR LEGISLATION  Number of domestic workers <table border="1"> <thead> <tr> <th>Region</th> <th>Number of domestic workers</th> </tr> </thead> <tbody> <tr> <td>Eastern Europe and CIS*</td> <td>595,000</td> </tr> <tr> <td>Middle East</td> <td>2,107,000</td> </tr> <tr> <td>Developed countries</td> <td>3,555,000</td> </tr> <tr> <td>Africa</td> <td>5,236,000</td> </tr> <tr> <td>Latin America and the Caribbean</td> <td>19,593,000</td> </tr> <tr> <td>Asia and the Pacific</td> <td>21,467,000</td> </tr> </tbody> </table> *Commonwealth of Independent States	Sex	Percentage	Female	83%	Male	17%	Region	Percentage	Asia	41%	Latin America and Caribbean	37%	Africa	10%	Advanced countries (selected)	7%	Middle East	4%	Eastern Europe and CIS	1%	Region	Number of domestic workers	Eastern Europe and CIS*	595,000	Middle East	2,107,000	Developed countries	3,555,000	Africa	5,236,000	Latin America and the Caribbean	19,593,000	Asia and the Pacific	21,467,000
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Figure 4.1 Coverage of domestic workers by national labour legislation across the world, 2010



- Could you list the main characteristics of domestic workers in your country? (sex, age, country of origin, nature of their labour relationship [for example if they work for one household, several, through an employment agency, or through informal arrangements)
- Do you know how many domestic workers currently work in your country?
- Are domestic workers covered by the national labour legislation of your country?
- ✓ Each group will appoint one member to take notes of the discussions and to present the conclusions in the plenary session.

TIME

- ✓ 10 minutes for group discussion.
- ✓ 20 minutes for feedback in plenary session.

Handout 1 The World of domestic workers

In your working groups discuss the following questions. Remember to appoint one member to take notes of the discussions and to present the conclusions in the plenary session.

- Could you list the main characteristics of domestic workers in your country? (sex, age, country of origin, nature of their labour relationship [for example if they work for one household, several, through an employment agency, or through informal arrangements)
- Do you know how many domestic workers currently work in your country?
- Are domestic workers covered by the national labour legislation of your country?

Exercise 2 Exclusion from the mandate of labour inspection

TITLE	Exclusion from the mandate of labour inspection
AIM	✓ Explore the current challenges and opportunities that labour inspectors face either to include domestic workers within their strategic plans or when ensuring compliance with national law and regulations on domestic workers.
TASK	✓ Working group members will discuss amongst their groups the following questions: 1. Are labour inspectors competent to verify compliance with national law and regulations on domestic workers? 2. Do labour inspectors currently ensure compliance with national laws and regulations for the protection of domestic workers? 3. If so, what are the main challenges that labour inspectors face when ensuring compliance? 4. If not, what are the main reasons for not including domestic workers within their work plans? 5. Are there complaint mechanisms and means of ensuring compliance? Which ones? ✓ Each group will appoint one member to take notes of the discussions and to present the conclusions in the plenary session.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session.

Handout 2 Exclusion from the mandate of labour inspection

In your working groups discuss the following questions. Remember to appoint one member to take notes of the discussions and to present the conclusions in the plenary session.

1. Are labour inspectors competent to verify compliance with national law and regulations on domestic workers?
2. Do labour inspectors currently ensure compliance with national laws and regulations for the protection of domestic workers?
3. If so, what are the main challenges that labour inspectors face when ensuring compliance?
4. If not, what are the main reasons for not including domestic workers within their work plans?
5. Are there complaint mechanisms and means of ensuring compliance? Which ones?

Exercise 3 Labour inspection and domestic workers

TITLE	Labour inspection and domestic workers
AIM	✓ Increase awareness on the need of including domestic work within the coverage of Labour Inspection services ✓ Discuss challenges encountered within national scenarios
TASK	✓ Working group members will discuss amongst their groups the following questions: 1. Does the labour inspectorate of your country include domestic workers within their compliance strategy? 2. What types of inspection actions are or could be programmed annually? 3. What are the current challenges and opportunities when planning inspection activities in the domestic sector? ✓ The plenary will discuss the main challenges and opportunities that exist.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session for each group.

Handout 3 Labour inspection and domestic workers

In your working groups discuss the following questions. Remember to appoint one member to take notes of the discussions and to present the conclusions in the plenary session.

1. Does the labour inspectorate of your country include domestic workers within their compliance strategy?
2. What types of inspection actions are or could be programmed annually?
3. What are the current challenges and opportunities when planning inspection activities in the domestic sector

CHALLENGES	OPPORTUNITIES

Exercise 4 **Convention No. 189 and national legislation**

TITLE	Convention No. 189 and national legislation
AIM	✓ Convey the basic principles covered by Convention No. 189 ✓ Compare the provisions of the Convention with the existing local legislation. ✓ Familiarise inspectors with Convention No. 189 and national legislation on domestic workers. ✓ Increase awareness on possible gaps of the domestic law.
TASK	✓ Working group members should individually look at the table provided that includes the basic provisions outlined in Convention No. 189. They should answer if they think that their current national legislation covers those principles. ✓ Once they have completed their table, they will discuss as a group their outcomes and verify their answers. ✓ The plenary will discuss the current state of the national legislation covering domestic workers as well as the knowledge of the legislation by participants.
TIME	✓ 10 minutes for individual reflection and answers ✓ 15 minutes for group discussion. ✓ 15 minutes for feedback in plenary session.

Handout 4 Convention No. 189 and national legislation

Take a look at the following table. DO you think that your national legislation covers these principles that are laid out in ILO's Convention No. 189?

Once you have completed the table, discuss as a group your outcomes and verify your answers.

Provision included in Convention No. 189	Yes	No	?
Minimum age to employment			
Right to create or join trade unions representing the class, free of any kind of pressure and persecution, and with the right to collectively bargain			
Protection against forced labour			
Protection against any kind of violence, discrimination and harassment, including of sexual nature			
Entitlement to an equal treatment towards other workers concerning normal working hours, overtime compensation, daily and weekly rest periods, paid annual leave, and minimum wage coverage			
Entitlement to regular payment at least once a month			
Payment in kind limited to mutual agreement, for the personal use of the worker and provided that the attributed monetary value is fair and reasonable			
Entitlement to receive information on the precise terms and conditions of employment in an appropriate, verifiable and easily understandable manner, preferably through a written job offer or contract of employment			
Ability to decide how to spend periods of daily, weekly or annual leave			
Entitlement to a minimum weekly rest of 24 consecutive hours			
Consideration of hours of work of all periods during which domestic workers are not free to dispose of their time and remain at the disposal of the household			
Entitlement to carry out their work in conditions of safety and health, expanded to the living conditions for live-in domestic workers			
Coverage by social security as any other worker			
Access to effective complaint mechanisms, including labour inspection, which is equipped with enforcement capacities and deterrent sanctions			

Exercise 5 Nature and existence of the labour relationship

TITLE	Nature and existence of the domestic labour relationship
AIM	✓ Examine different root causes of informality of domestic workers. ✓ Prioritise possible and probable root causes ✓ Identify possible actions to neutralise each of the probable root causes.
TASK	✓ Working group members will try to find the root causes and possible actions to reduce informality in the sector. ✓ In order to do so, participants will be asked to think of four causes that lead to informality. ✓ Once they have those four general causes, they have to ask themselves “why” each happens. ✓ Under each “why” they must find another “why question”. They will draw up a “Fishbone diagram”. With those causes identified, they must now try to think of actions that could neutralise and that the Labour Inspectorate or the Ministry of Labour could act on to reduce that informality in the sector. ✓ The plenary will discuss the root causes that each group has identified and actions that they have identified.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session.

Handout 5 Nature and existence of the labour relationship

Take a look at the following table. We are going to use it to identify possible root causes of the informality in the domestic work sector and to identify actions that could be taken to reduce the informality rate.

Start off by identifying with your group four general causes of informality. For example: “burdensome regulations” and include them in the table. Then identify possible reasons that could further explain or lead to that general cause, for example: “Complicated procedures”. Once you have completed the first level in the root cause path, try to go a bit deeper into the problem and identify why that happens, why procedures are complicated. Could it be that the public officials who have designed them didn’t do it adequately?

Try to identify 2 “first level whys” to each cause and one “second level why” to each general cause.

Once you have identified your root causes, try to identify actions to overcome those challenges.

CAUSE 1	ROOT CAUSE PATH		ACTION
<i>Burdensome regulations</i>	WHY 1	<i>Complicated procedures</i>	<i>Simplify procedures</i>
	WHY 1.1	<i>Low quality of public service</i>	<i>Provide training</i>
	WHY 2	<i>Strict labour regulations</i>	
	WHY 2.1	...	
CAUSE 2	ROOT CAUSE PATH		ACTION
	WHY 1		
	WHY 1.1		
	WHY 2		
	WHY 2.1		
CAUSE 3	ROOT CAUSE PATH		ACTION
	WHY 1		

	WHY 1.1		
	WHY 2		
	WHY 2.1		
CAUSE 4	ROOT CAUSE PATH		ACTION
	WHY 1		
	WHY 1.1		
	WHY 2		
	WHY 2.1		

Exercise 6 Documentation and registries

TITLE	Documentation and registries
AIM	✓ Generate ideas to identify households where domestic workers could potentially be working.
TASK	✓ Working group members will discuss what activities could they put in place in order to identify where domestic workers are working. - Can you think of ways where collaboration of other actors could be useful? - Can you think of ways where new technologies would be of help? ✓ Each group will appoint one member to take notes of the discussions and to present the conclusions in the plenary session.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session.

Handout 6 Documentation and registries

Discuss within your working group what activities could you put in place in your country in place in order to identify where domestic workers are working. Remember to appoint one member to take notes of the discussions and to present the conclusions in the plenary session.

To open the discussion take a look at the two suggestions below:

- Can you think of ways where collaborations of other actors could be useful?
- Can you think of ways where new technologies would be of help?

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Exercise 7 Access to the workplace

TITLE	Access to the workplace in cases of serious abuse of domestic workers' rights
AIM	✓ Discuss how the law should regulate access to the household by labour inspectors when there is evidence of serious abuses towards domestic workers such as forced labour, child labour or sexual harassment.
TASK	Each participant will receive one of four different coloured cards and will need to choose one. Each card represents a possible option on how the law should allow access to the household to deal with serious abuses. COULOR A: The inspection visit should be allowed exactly like it happens for any possible violation of labour law, such as the lack of payment of wages. COULOR B: The inspection visit should be allowed for these serious violations, provided that the employer was noticed beforehand about the visit and the precise date, hour and objectives. COULOR C: Access to the household should be simpler than for other cases, but always depending on judicial authorization. If following request to the court, a decision wouldn't be made in 24 hours, the labour inspector should be allowed to enter the household. COULOR D: If there were precise indicators of a serious violation, the labour inspector should be allowed access, provided he went with the police and would refer later the results of the visit to the court, in no longer than 24 hours. The cards will be gathered by the trainer who will count them and display the results on a flipchart. Participants will be invited to explain why they chose one of the colours instead of the other.
TIME	✓ 5 minutes for individual decision. ✓ 20 minutes for feedback and discussion in plenary.

Handout 7 Access to the workplace

Discuss how the law should regulate access to the household by labour inspectors when there is evidence of serious abuses towards domestic workers such as forced labour, child labour or sexual harassment.

1.

2.

3.

4.

Exercise 8 Verifying working conditions in the workplace

TITLE	Verifying working conditions in the workplace
AIM	✓ Discuss possible differences between an inspection visit to a household versus a traditional workstation.
TASK	✓ Working group members will discuss the following questions: 1. How would you carry out an inspection visit in a household? 2. What techniques would you use? 3. What results could you obtain in identifying the most serious problems? Each group will appoint one member to take notes of the discussions and to present the conclusions in the plenary session.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session for each group.

Handout 8 Verifying working conditions in the workplace

In your working groups discuss the following questions. Remember to appoint one member to take notes of the discussions and to present the conclusions in the plenary session.

- How would you carry out an inspection visit in a household?
- What techniques would you use?
- What results could you obtain in identifying the most serious problems?

Exercise 9 Forced labour and domestic workers

TITLE	Forced labour and domestic workers
AIM	✓ Discuss different indicators to be able to identify if domestic workers could find themselves in a situation of forced labour. ✓ Start creating awareness on the fact that other inspection methods could be used to identify key indicators of non-compliance.
TASK	✓ Working group members will come up with a list of possible indicators that could serve to identify if domestic workers were under a forced labour exploitation. ✓ Have the groups write their indicators on flip chart paper and then hang them around the room. ✓ After all groups have finalised, allow participants to walk around to see what other groups have identified. ✓ Have them come back into their groups and see if they would like to include any further indicators in their list. ✓ If time allows, ask participants to determine how many of these indicators would be essential to verify through a workplace visit or which ones could be verified through other channels.
TIME	✓ 10 minutes for group discussion. ✓ 5 minutes verifying what other groups have identified. ✓ 10 minutes for group discussion on alternatives verification of indicators. ✓ 10 minutes for feedback in plenary session.

Handout 9 Forced labour and domestic workers

Come up with a list of indicators that would help you identify with a domestic worker found him or herself in a forced labour exploitation.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

How many of these indicators would be essential to verify through a workplace visit and which ones could be verified through other channels?

Exercise 10 Child domestic labour

TITLE	Child domestic labour
AIM	✓ Discuss how to create the right physical and psychological climate when interviewing child workers. ✓ Consider what kind of questions to ask to children in domestic work and how to go about asking such questions.
TASK	✓ Participants will each take 5 cards and write in each one a question that they would ask to a child working in a household in order to build trust and obtain enough indicators to understand the working conditions that the child faces and if there are indication of exploitation or incompliances with the law and regulations. ✓ Once they have individually written their cards, they should group their questions in classifications that they will agree to within their groups and create a chart with different subject areas depending on the questions: household, tasks, family, attitudes towards work, school. ✓ The plenary will discuss the questions that they have included and the main factors that would contribute to a conducive physical and psychological interview climate.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session.

Handout 10 Child domestic labor

Think of questions that you would ask a child working in a household in order to:

- Build trust
- Obtain enough indicators to understand the working conditions that the child faces, and
- To know if there are indication of exploitation or incompliances with the law and regulations.

1.

2.

3.

4.

5.

Exercise 11 Discrimination of domestic workers

TITLE	Discrimination of domestic workers
AIM	✓ Analyse how workers could be discriminated in domestic work based on different grounds.
TASK	✓ Participants will be asked to individually determine which of the following situations they think could be illegitimate forms of discrimination: - A domestic worker asked in the work interview how she was going to manage taking care of her children if she were to take work in the house. - A worker asked to not wear a headscarf inside the house. - A worker fired after telling her employer that she cannot perform night work in the house any longer because of her pregnancy. - An ad that reads “We are looking for a young woman between the ages of 18-25 to look after our children. Please contact us if interested”. - Another ad that reads: “We are looking for an experienced national citizen to take care of a senior individual for 8 hours a day”. ✓ Once they have been given 5 minutes to think of each case, they will discuss within their working groups. ✓ Cases will be reviewed in plenary.
TIME	✓ 5 minutes individual work ✓ 10 minutes for group discussion. ✓ 15 minutes for feedback in plenary session.

Handout 11 Discrimination of domestic workers

Discuss with your working groups if these constitute illegitimate forms of discrimination.

1. A domestic worker asked in the work interview how she was going to manage taking care of her children if she were to take work in the house.
2. A worker asked to not wear a headscarf inside the house.
3. A worker fired after telling her employer that she cannot perform night work in the house any longer because of her pregnancy.
4. An ad that reads “We are looking for a young woman between the ages of 18-25 to look after our children. Please contact us if interested”.
5. Another ad that reads: “We are looking for an experienced national citizen to take care of a senior individual for 8 hours a day”.

Exercise 12 Freedom of Association and domestic workers

TITLE	Freedom of association and domestic workers
AIM	✓ Recognize the importance of freedom of association rights in domestic sector. ✓ Identify actions to promote freedom of association in the domestic sector.
TASK	✓ Working group members will discuss amongst their groups the following questions: - What measures could the Labour Inspectorate initiate to encourage domestic workers to exercise their freedom of association rights? or - How could you help unions to become more interested to support and defend domestic workers rights? ✓ The plenary will discuss the outcomes of the discussion.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session.

What measures could the Labour Inspectorate initiate to encourage domestic workers to exercise their freedom of association rights?

How could you help unions to become more interested to support and defend domestic workers rights?

Handout 12 Freedom of Association and domestic workers

In your working groups discuss the following questions. Remember to appoint one member to take notes of the discussions and to present the conclusions in the plenary session.

1. What measures could the Labour Inspectorate initiate to encourage domestic workers to exercise their freedom of association rights?
2. How could you help unions become more interested to support and defend domestic workers rights?

Exercise 13 Occupational Safety and Health in domestic work

TITLE	Occupational safety and health in domestic work
AIM	✓ Identify the hazards that domestic workers are exposed to in their daily tasks. ✓ Discuss measures that can be taken in a household to minimise existing risks.
TASK	✓ Working group members will discuss amongst their groups the following questions: 1. Take a look at the following table and make a list of the series of tasks that domestic workers can carry out during a normal day. Then identify the risks/hazards that domestic workers are exposed to while carrying out the tasks. Include the potential injuries/ health problems that are associated with the hazard. Finally rate the hazard with its severity and probability. 2. What measures could the employer take to prevent and control the risk? ✓ Take a couple of minutes to discuss the most severe and probable risks that have been identified by the groups, sharing the measures that could be taken to minimise them.
TIME	✓ 20 minutes for group discussion. ✓ 20 minutes for feedback in plenary session.

Handout 13 Occupational Safety and Health in domestic work

Take a look at the following table and make a list of the series of tasks that domestic workers can carry out during a normal day. Then identify the risks/hazards that domestic workers are exposed to while carrying out the tasks. Include the potential injuries/ health problems that are associated with the hazard. Finally rate the hazard with its severity and probability.

TASK	HAZARD	POTENTIAL HARM/INJURY	SEVERITY	PROBABILITY

Severity Rating of Hazard Value

1. Catastrophic – imminent danger exists, hazard capable of causing death and illness on a wide scale
2. Critical – hazard can result in serious illness, severe injury, property and equipment damage
3. Marginal – hazard can cause illness, injury or equipment damage, but the results would not be expected to be serious

Probability Rating of Hazard Value

1. Probable – likely to occur immediately or shortly
2. Reasonable probable – probably will occur in time
3. Remote – may occur in time
4. Extremely remote – unlikely to occur

Then consider what measures the employer could take to prevent and control the risk.

Exercise 14 Other working conditions

TITLE	Other working conditions
AIM	✓ Acknowledge the tasks and skills needed to carry out domestic work. ✓ Value skills needed, effort to carry out the tasks and the responsibility over people or resources.
TASK	✓ Working group members will discuss amongst their groups the following questions: 1. What should be the minimum wage for domestic workers in your country? 2. Make a list of tasks that domestic workers carry out during the day. (If the previous activity on OSH has been completed, the list of tasks should be the same). 3. Add the skills required to carry them out –both technical skills and soft skills. Grade also from 1 to 5 the effort and responsibility that the task is to entail, where 1 is low and 5 is very high. 4. Are those skills, effort and responsibility being valued and recognised in the salary? ✓ The plenary will discuss the importance of ensuring that workers' wages are above legal requirements and that they are based on objective criteria including skills, effort responsibility and working conditions.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session.

Handout 14 Other working conditions

Take a look at the following table. Include in the first column a list of the series of tasks that domestic workers can carry out during a normal day. Then, detail the skills that are required to carry them out. Remember to include both technical skills and soft skills. Grade also from 1 to 5 the effort and responsibility that the task is to entail, where 1 is low and 5 is very high.

Now, do you know the minimum wage applicable to domestic workers in your country? Do you think that those skills, effort and responsibility are being valued and recognized in the salary?

Tasks	Skills needed to perform it	Effort	Responsibility

Exercise 15 Nature of workers in the domestic work sector

TITLE	Nature of workers in the domestic work sector
AIM	✓ Increase awareness on the cultural differences and importance of managing well the situation where different cultures are present. ✓ Share experiences of complicated scenarios. ✓ Identify ways to improve communication skills.
TASK	✓ Ask working group members to share experiences that have happened to them where they have been confronted with a difficult situation as inspectors where workers of different nationalities have been involved. ✓ Once they have shared different stories, ask them to choose one to play out as a role-play in plenary. Role-plays should last no more than 3 minutes. ✓ Have the groups act out their role-play to the plenary. ✓ Questions to guide the plenary discussion: - What went wrong in this situation? - What was done to address the issue? - Was there something unresolvable? - How did the situation end? - How could the conversation been more fruitful?
TIME	✓ 10 minutes for group discussion and decision of a role play. ✓ 10 minutes to prepare the role play. ✓ 3 minutes for each role play ✓ 20 minutes for feedback in plenary session.

Handout 15 Nature of workers in the domestic work sector

Share with your group a couple of experiences where you have been confronted with a difficult situation as a labour inspector where workers of different nationalities have been involved.

Amongst the ones share, choose one that you would like to represent to the plenary.

Cameras, lights, action!

Exercise 16 Complaints

TITLE	Complaints in the domestic work sector
AIM	✓ List and reflect over the causes of domestic workers not using the complaint mechanisms in place. ✓ Propose different actions and measures that could be taken to increase the numbers of complaints received.
TASK	✓ Working group members will discuss amongst their groups the main causes for the low number of complaints presented by domestic workers. ✓ Once they have agreed on a list of possible causes, they should identify possible ways to overcome those causes to encourage an increase of the number of complaints presented. Some questions that could be launched to the groups to help in the discussion could be: - Can complaints be received or collected through different channels? - Could different actors be involved? - Could new technologies offer solutions? ✓ The plenary will discuss the ideas presented by each group to increase the number of complaints. ✓ Plenary participants will be asked if they can think of further ideas to promote the presentation of complaints.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session for each group.

Handout 16 Complaints

Identify within your working group the main causes for the low number of complaints presented by domestic workers to the labour inspectorate.

Once you have agreed on a list of possible causes, identify possible ways to overcome those causes to encourage an increase the number of complaints presented.

If you need some ideas to generate you own, maybe these can be of help:

- Can complaints be received or collected through different channels?
- Could different actors be involved?
- Could new technologies offer solutions?

Reasons why workers do not present complaints to the LI	Actions that LI can take to encourage workers to present complaints

Exercise 17 Promoting compliance in the domestic work sector

TITLE	Promoting compliance in the domestic work sector
AIM	✓ Practice creating key messages on domestic work for different audiences ✓ Design activities that could be used when promoting compliance in the sector.
TASK	✓ Working group members will be discussing how they currently promote compliance with standards and raise awareness on domestic workers situation. ✓ Provide each working group with one target group: - HOUSEHOLD EMPLOYERS - DOMESTIC WORKERS - UNIONS - EMPLOYERS ASSOCIATIONS ✓ Ask working group members to imagine they have been asked to talk to their target group on domestic work and they need to inspire meaningful action to improve domestic workers conditions. ✓ Think of the following: - What will your key messages be? (What information, ideas, data will you give them) - What key activities would you propose? (What will you do so the message gets across) - What challenges do you anticipate? (What problems do you think you will face?) ✓ Prepare a speech (maximum one page) and ask a group member to read it to the plenary. ✓ The plenary will discuss the main outcomes of the discussion.
TIME	✓ 20 minutes for group discussion and preparation of speech. ✓ 15 minutes for addressing the plenary. ✓ 15 minutes for feedback in plenary session.

Exercise 17 Promoting compliance in the domestic work sector

Imagine they have been asked to talk to employers, domestic workers, unions or employers' associations (your facilitator will let you know which one of these) on domestic work and you need to inspire meaningful action to improve domestic workers conditions.

What messages would you include in your speech? (For example, what information, ideas, and data will you give them)

What activities would you carry out so the message gets across?

What challenges do you think you would face?

Exercise 18 Collaboration

TITLE	Collaboration with other actors
AIM	✓ Identify current ways that collaboration takes place ✓ Explore further ways of collaboration
TASK	✓ Working group members will be discussing how they currently collaborate with (1) public institutions, (2) social partners, (3) the judiciary and (4) other non-traditional partners on domestic work issues. - Divide the class in 4 working groups. Assign each target audience to one group. - Ask each group to take coloured A post its and write a way that they currently collaborate with their assigned target audience. For each post it, write only one collaboration technique. Write as many post it as necessary. - Ask each group to take coloured B post its and write an idea for a different possible collaboration/ coordination/ cooperation. One idea per post it. Write as many post it as possible. - Locate in the class different space in the wall where the post its can be hung and are clearly visible. - Ask the groups to share with the plenary the ideas they have come up with. - Ask participants to think, with the person they have to their right on 2 more possible cooperation ideas for each of the target groups.
TIME	✓ 15 minutes for group discussion. ✓ 20 minutes for feedback in plenary session for each group.

Exercise 18 Collaboration

Discuss with your working group how the Labour Inspectorate currently collaborates with the following stakeholders

STAKEHOLDER	CURRENT COLLABORATION	POSSIBLE FUTURE COLLABORATION
Public institutions		
Social partners		
The judiciary		
Other non-traditional partners		

Exercise 19 Soft skills

TITLE	Soft skills
AIM	✓ Practice interviewing employers ✓ Explore and identify alternatives to household visits if access is denied.
TASK	✓ Divide participants in groups of 3 (if they are uneven then there will be groups of 4 or two and the facilitator will be the “third”). Each person will take turns representing the following roles: - 1 inspector - 1 employer/interviewee - 1 evaluator Based on the cases presented in the next pages, the inspector will ask questions to the interviewee trying to achieve his/her objective. The interviewee will answer the questions asked and play his/her role. The evaluator will grade the inspector as per his/her skills and on the fact that they achieved their objective. Once the groups have finalized their 3 role-plays, give them 10 minutes to read and discuss the evaluations within their groups. ✓ The plenary will discuss the main challenges and opportunities that exist. Then, as a plenary discuss how each felt, their strengths, their weaknesses, where they think they could have done better and how to improve.
TIME	✓ 10 minutes for each case study (5 minutes for preparation and 5 for execution). ✓ 10 minutes for review of evaluations and share experiences ✓ 15 minutes for general plenary session to discuss experiences and learning points.

ROLE PLAY 1

LABOUR INSPECTOR:

You are a labour inspector and you have been informed by an NGO that works with migrant workers that in the neighbourhood X there are different houses where migrants are working as domestic help and many of them under exploitive conditions, including not receiving minimum wage, working more than 15 hours each day, with no time off, and in some cases suffering sexual harassment.

You want to visit the area and investigate the situation of these workers. You have just arrived to the neighbourhood and knock on the first door.

Decide:

- Do you want to access the workplace? If so, try to gain access.
- Do you want to interview the employer? If so, prepare your interview.

EMPLOYER

You hired Sarah a couple months ago to carry out all domestic work. You met Sarah through your next door neighbour who told you that she had hired a worker from (X country) and that she was great. She said that there was a large community of migrant workers looking for work and they were very cheap and would work as many hours as you needed.

You consider yourself a respectful employer. You pay Sarah what she asked for although you know it's below the minimum wage. You always pay her on time and give her Sundays off. You haven't gone to the authorities to register her and you really didn't have the intention of doing it as you don't want to pay any additional contributions and you think it is a hassle. You have no idea if there are certain safety and health conditions that the house should have in place.

You have never seen a labour inspector in your life. You are at home alone and you are not willing to let anyone in the house when you are alone. You would be willing to speak in the street.

EVALUATOR

You are the supervisor of the labour inspector but you have the superpowers of being invisible ☺. You will be evaluating how well the labour inspector performs his/her tasks.

You will not interfere in the situation, you will only observe and assess. Please be as honest as you can.

- What was the objective of the inspector?
- Did the inspector achieve his/her objective?
- How would you rate the inspector on the following skills?

	Needs improvement	Good	Very good
Verbal communication			
Nonverbal communication			
Negotiation skills			
Interviewing skills			
Conflict management			

- By the work performed by the inspector, would you say there were indicators of infractions?

ROLE PLAY 2

LABOUR INSPECTOR:

You are a labour inspector and you have been informed by an NGO that works with migrant workers that in the neighbourhood X there are different houses where migrants are working as domestic help and many of them under exploitive conditions, including not paying them minimum wage, working more than 15 hours, with no time off, and in some cases suffer sexual harassment.

You want to visit the area and investigate the situation of these workers. You have just arrived to the neighbourhood and knock on the first door.

Decide:

- Do you want to access the workplace? If so, try to gain access.
- Do you want to interview the employer? If so, prepare your interview.

EMPLOYER

Myriam has been working for you for 10 years now. You are quite happy about how she takes care of the children but you dislike how she does other tasks around the house. You only keep her because your children love her. She lives with you and also accompanies your family on vacations. She constantly breaks things and you have been deducting from her wages all the money she is costing you. You think she is too outspoken and sometimes even disrespectful. On top of it all she never has meals ready on time and says that she gets more work than she can do in a day. You constantly tell her that you are going to fire her, but even with the threats she doesn't change her behaviour.

A labour inspector calls on your door. You start getting really nervous because you know that there are things that you might be doing wrong with Myriam, but all in all it's no one's business but your own. There is no need to get public authorities involved in family affairs. You suddenly recall that Myriam always complains how damp it is in her room and that she is cold at night.

You don't want to talk to the labour inspector and you don't want him to talk to Myriam either.

EVALUATOR

You are the supervisor of the labour inspector but you have the superpowers of being invisible ☺. You will be evaluating how well the labour inspector performs his/her tasks.

You will not interfere in the situation, you will only observe and assess. Please be as honest as you can.

- What was the objective of the inspector?
- Did the inspector achieve his/her objective?

- How would you rate the inspector on the following skills?

	Needs improvement	Good	Very good
Verbal communication			
Nonverbal communication			
Negotiation skills			
Interviewing skills			
Conflict management			

- By the work performed by the inspector, would you say there were indicators of infractions?

ROLE PLAY 3

LABOUR INSPECTOR:

You are labour inspector and you have been informed by an NGO that works with migrant workers that in the neighbourhood X there are different houses where migrants are working as domestic help and many of them under exploitive conditions, including not paying them minimum wage, working more than 15 hours, with no time off, and in some cases suffer sexual harassment.

You want to visit the area and investigate the situation of these workers. You have just arrived to the neighbourhood and knock on the first door.

Decide:

- Do you want to access the workplace? If so, try to gain access.
- Do you want to interview the employer? If so, prepare your interview.

EMPLOYER

Your wife hired Lucy when she was 16. She was so beautiful. She has now been working for you for 3 years. You have constantly offered Lucy some pocket money if she spent some time with you, but she has always rejected your approaches. It's your wife who deals with the domestic help in the house and you are never involved with it.

An inspector knocks on your door. You get a bit annoyed that anyone would disturb you in your home. You are though a bit scared that Lucy talks to the inspector or to your wife about your approaches.

You know that there are other migrant workers employed in the neighbourhood and you know some of your neighbours have frequent relationships with the domestic help. You would do anything to make sure that the labour inspector is out of your life.

EVALUATOR

You are the supervisor of the labour inspector but you have the superpowers of being invisible ☺. You will be evaluating how well the labour inspector performs his/her tasks.

You will not interfere in the situation, you will only observe and assess. Please be as honest as you can.

- What was the objective of the inspector?
- Did the inspector achieve his/her objective?
- How would you rate the inspector on the following skills?

	Needs improvement	Good	Very good
Verbal communication			
Nonverbal communication			

Negotiation skills			
Interviewing skills			
Conflict management			

- By the work performed by the inspector, would you say there were indicators of infractions?

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ILO DATABASES AND TOOLS

- ILO global web portal on domestic workers
- www.ilo.org/domesticworkers
- ILO, Policy Briefs on Domestic Work, available at: http://www.ilo.org/travail/info/WCMS_155773/lang-es/index.htm
- ILO labour administration and labour inspection programme website
- www.ilo.org/labadmin

WEBSITES

- Domestic Workers United
- www.domesticworkersunited.org/
- Organisation for Economic Co-operation and Development
- www.oecd.org
- United States Department of Labour
- <http://www.dol.gov/ilab/>

WORKSHOPS

- ILO Regional knowledge-sharing forum on labour inspection and domestic work, organized in Lisbon, on 11-12 October 2012. Report available at: http://www.ilo.org/labadmin/info/WCMS_202400/lang-en/index.htm
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