

Decent work for domestic workers: Towards new international labour standards

The work of caring and cleaning in the home for pay is one of the most important occupations for millions of workers, mostly women, around the world. According to a new ILO report prepared for the June 2010 session of the International Labour Conference, domestic work absorbs a significant proportion of the workforce, ranging between 5 and 9 per cent of total employment in developing countries, and making up to 2.5 per cent of total employment in industrialized countries. Manuela Tomei, director of the ILO's Conditions of Work and Employment Programme, looks at the working conditions of this global and growing workforce and ways to improve them.

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GENEVA – Domestic workers may cook, clean, take care of children, the elderly or the disabled, even domestic animals. While they overwhelmingly comprise women, many of them migrant workers, men may be also concerned as gardeners or as guardians in private homes or as family chauffeurs.

Domestic workers may work as wage workers for one or more employers – whether on a full-time or part-time basis. They may also work as self-employed with substantial control over the terms of their work, or may provide services in individual homes while being paid by licensed institutions. Domestic workers, especially full-time migrant domestic workers, may also live in the employer's home.

The composition of the domestic workforce changes by country and over time, but their numbers have been growing everywhere. It has been suggested that the increase of domestic work in industrialized countries is associated with the widening of income inequalities,¹ while in low-income agrarian/informal economies domestic work has acquired further prominence especially in countries ravaged by the HIV/AIDS pandemic.

Changes in the organization of work and the intensification of work, and the marked rise in female labour participation rates which has reduced women's availability for unpaid care work, are responsible for this rise. Besides, the ageing of societies, intensified national and international female migration and the decline in State provisioning of care and social services, have made it increasingly difficult for families to reconcile paid work with family responsibilities. As a result, reliance on domestic work has increased everywhere across the world as a private strategy to counter mounting work–family tensions.

The decent work deficits of domestic work

Despite its growing social and economic significance, domestic work has traditionally been, and still is, one of the most precarious, low-paid, insecure and unprotected forms of employment. Abuse and exploitation are common, especially when children and migrant workers are involved. Because of their young age or nationality, and the fact that they often live in the employer's household, they are particularly vulnerable to verbal and physical violence. There are frequent media reports on such violence, including suicides and homicides in the worst cases.

The serious decent work deficits facing domestic workers are a consequence of their legal and social vulnerability. Domestic workers are excluded either de jure or de facto from the effective protection of national labour law and social security regimes – both in industrialized and developing countries. Domestic workers, for instance, have limited access to the kind of protections that could ensure them safe and healthy pregnancies and births, a replacement income when they are on maternity leave and the right to return to their jobs. In some countries, the law allows the dismissal of domestic workers in case of pregnancy. Elsewhere this practice is unlawful, but anecdotal evidence suggests that pregnancy-based lay-offs still occur and are more frequent among domestic workers than among other categories of workers.

¹ R. Milkman, E. Reese and B. Roth: "The macro-sociology of paid domestic labour", in *Work and Occupations*, Vol. 25, No. 4, pp. 483-507.

Another flagrant case is the exclusion of domestic workers from the scope of occupational safety and health legislation in most countries, as the household is erroneously perceived as safe and non-threatening. Access to social security benefits is more likely to be granted under general social welfare systems that provide universal and egalitarian access to health care and age-based pension entitlements, but unemployment insurance coverage is an entitlement which only a few countries provide to domestic workers.

If decent work is to become a reality for them, their specific features must be acknowledged and understood. It is indeed common for labour and social security legislation of general application to overlook the specific characteristics of the domestic work relationship and to leave them to the individual employer to resolve.

The specificity of domestic work

Domestic work differs from other types of work in many respects.

First, domestic work does not take place in a factory or an office or a street or a farm, but in the home. It therefore escapes the outreach of conventional mechanisms of control such as labour inspection services, which face legal and administrative obstacles to inspecting private premises.

Moreover, it involves a degree of physical proximity with the employer and her family as well as some emotional attachment, especially when childcare or care of elderly people is concerned. While the establishment of ties of mutual trust and affection is rewarding for both the worker and the employer, this may, nonetheless, dilute the boundaries of the employment relationship and may result in arbitrary treatment, especially if specific, adequate regulation is lacking.

Second, domestic work mirrors unpaid work traditionally performed by women without a wage, and is thus perceived as lacking in value and exogenous to the “productive” economy. This explains why domestic workers commonly earn low wages, and are often either underpaid or not paid at regular intervals. Moreover, the fact that domestic workers typically comprise women belonging to disadvantaged groups, with lower than average years of education, keeps a downward pressure on wages.

Third, domestic workers have limited bargaining power as they are an “invisible” (working inside the household, out of public sight) and isolated workforce, with no peer workers to turn to for support or guidance on what is to be considered a reasonable request or unacceptable treatment. When migrant workers are involved their isolation may be even greater, for they often do not master the national or local language and have no family or other supportive networks to rely on.

This, alongside low pay and often unpredictable household demands, makes it challenging for domestic workers to mobilize and organize for better working conditions. At the same time, the home being the worksite, trade unions’ traditional organizing strategies prove inadequate to address the specific circumstances of domestic workers. But even when domestic workers do manage to organize, national law may raise further obstacles to their right to enter into collective agreements on the grounds that, for the purpose of unionization, the employer cannot be considered as an “enterprise”, since domestic work is non-commercial and non-productive.

All these characteristics reinforce the perception of domestic work as not constituting “real” work, thus contributing to its further undervaluation and neglect.

There have been, nonetheless, some encouraging legal and policy developments in a number of countries that have tried to address the distinct circumstances of domestic workers by devising regulations tailored to their specific contexts. For instance, countries such as Belgium and France have sought to ensure payment of minimum wages and to improve the social security entitlements of domestic workers by making it easier and cheaper for employers to comply with the law through simplified payment procedures and fiscal incentives (see relevant article).

Towards international labour standards on domestic work

Internationally, the situation does not differ much. Existing international labour standards do not offer adequate guidance on how to ensure meaningful protection to domestic workers, because they either fail to address the specific context in which domestic work takes place or allow for their explicit exclusion. This has led the ILO Governing Body to agree to include a standard-setting activity on decent work for domestic workers on the agenda of the 99th Session (2010) of the International Labour Conference (ILC). The Conference will deal with this question according to the double discussion procedure. This means that, while in 2010 the ILC will be called to discuss the desirability and form of a possible international instrument on the subject, a final decision in this regard will be taken in June 2011.

A specific international norm for domestic workers, to be effective, would need to reaffirm the protections to which domestic workers are already entitled to under existing ILO standards, while recognizing their special employment relationship and providing for specific standards to make these rights a reality.

The decision to discuss such a norm on decent work for domestic workers reflects the ILO's commitment, as embedded in its Decent Work Agenda, to bring workers once deemed to be outside its constituency into its mainstream work. It recognizes that domestic workers are real workers and takes account of the fact that the overwhelming majority of domestic workers in the globalizing economy are women.